

ATTACHMENTS TO COUNCIL BUSINESS PAPER

PART 1 OF 2





18 DECEMBER 2013

ATTACHMENT

6.2.3

DA 0330/2012 Bylong Quarry
- Development Assessment Report



Development Assessment Report

APPLICATION DETAILS:

Application No.	DA 0330/2012
Application is for:	Proposed Extension to the Bylong Quarry and Installation of a Concrete Batch Plant
Owner	Mudgee Dolomite and Lime Pty Ltd.
Applicant	Wells Environmental Services
Lodgement Date	7 May 2012
Land/Address:	Lots 53, 55 and 66 DP 755420 8346 Bylong Valley Way Bylong
Land Zoning:	RU1 Primary Production Mid-Western Regional Local Environmental Plan 2012
Capital Investment Value:	\$ 1,000,000
Current Use and development:	Hard Rock Quarry and agricultural land
Report Author/s	Gary Bruce, Manager - Statutory Planning

EXECUTIVE SUMMARY:

Reason for Consideration by Joint Regional Planning Panel:

The application has been referred to the Joint Regional Planning Panel pursuant to Clause 20 of the SEPP (State and Regional Development) 2011 and schedule 4A of the Environmental Planning and Assessment Act 1979 as the proposal relates to development that is an extractive industry which is designated development.

Brief Description of Proposal:

The development application seeks consent to expand and operate an extractive industry for the extraction of basalt and sandstone on the subject site. The extractive industry will extract up to 199,000 tonnes per year (tpa) (generally 30,000 to 50,000 tonnes per year) for 25 years. In addition, the applicant proposes to set up a small concrete batching plant with a capacity of 30,000 tonnes per year.

The application has been assessed pursuant to the requirements of the Environmental Planning and Assessment Act 1979 and associated Regulations. The s.79C evaluation of the application has demonstrated that the proposed development is satisfactory in terms of the matters for consideration as identified by the legislation.

Compliance with Planning Controls:

The site is zoned RU1 Primary Production pursuant to the Mid-Western Regional Local Environmental Plan 2012. The proposal is defined as an extractive industry as

provided by the LEP. Extractive industries are permissible in the Primary Production Zone.

Consultation:

The application was advertised and notified in accordance with the EP&A Regulations as required for designated development.

The following government agencies made submissions on the proposed development:

- Roads and Maritime Services
- Environment Protection Authority
- Office of Environment and Heritage
- Department of Primary Industries – Catchments and Lands
- Department of Trade and Investment
- NSW Office of Water

No submissions were received from private individuals.

Recommendation:

It is proposed that DA 0330/2012 for the construction of an extractive industry and concrete batching plant at Bylong Valley Way, Bylong be approved in accordance with the Recommendation contained at the end of the report.

1. Proposal

The Western Region Joint Regional Planning Panel has before it for determination an application for an extractive industry and concrete batching plant on a 66 hectare property that is 6 kilometres from the Village of Bylong. The development provides for;

- The extraction of up to 199,000 tonnes per annum (tpa) of basalt and sandstone from the site,
- Expected yield is considered to be 30,000 to 50,000 tpa of basalt and 2,000 tpa of sandstone,
- A small concrete batching plant with capacity of up to 30,000 tpa of ready-mix concrete.

2. Site Description

The location of the site is on the southern side of the Bylong Valley Way approximately 6 kilometres east/north east of Bylong. The land is identified as lots 53, 55 and 66 DP 755420.

The surrounding land uses include working and productive agricultural properties. The character of the area would be described as an open, rural landscape.

Bylong is approximately 80 kilometres north east of Mudgee, 55 kilometres north of Rylstone and 100 kilometres west of Muswellbrook.

There are two proposed coal mines in the vicinity of development that are proposed to be developed by Cockatoo Coal and Cascade Coal; Mt. Penny Coal Mine and Cockatoo Coal Mine.

3. Referrals

The application is integrated development and also designated development as it relates to the expansion of an existing quarry (extractive industry) with a maximum annual capacity of 199,000 tonnes per annum.

The Environmental Planning and Assessment Regulations 2000, Schedule 3 lists those activities that are designated which an extractive industry with an extraction rate of 30,000 cubic metres per year.

Extractive industries

(1) Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):

- (a) that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*
- (b) that disturb or will disturb a total surface area of more than 2 hectares of land by:*
 - (i) clearing or excavating, or*
 - (ii) constructing dams, ponds, drains, roads or conveyors, or*
 - (iii) storing or depositing overburden, extractive material or tailings, or*
- (c) that are located:*
 - (i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or*
 - (ii) within 200 metres of a coastline, or*
 - (iii) in an area of contaminated soil or acid sulphate soil, or*
 - (iv) on land that slopes at more than 18 degrees to the horizontal, or*
 - (v) if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*
 - (vi) within 500 metres of the site of another extractive industry that has operated during the last 5 years.*

The development application is also integrated development as it requires the issuing of an Environmental Protection Licence by the EPA and the site also contains a prescribed watercourse with an activity requiring approval under the Water Management Act 2000.

The advertising requirement for Integrated Development is covered by the advertising and the notification requirements for designated development.

The application was referred to the following government agencies:

- NSW Office of Environment and Heritage
- Environment Protection Authority
- NSW Office of Water
- Office of Resource and Energy, Department of Trade and Investment, and
- Roads and Maritime Services

The following government agencies made submissions on the proposed development:

- Roads and Maritime Services

- Environment Protection Authority,
- Department of Primary Industries – Catchments and Lands
- Trade and Investment
- Office of Environment and Heritage
- NSW Office of Water

Copies of the submissions from the State Government Agencies are attached at Appendix 3.

ROADS AND MARITIME SERVICES

The Roads and Maritime Service require that conditions for the upgrade of the intersection of the internal haul road and the Bylong Valley Way, widening of Bylong Valley Way, improving sight distance and management of dust, dirt and mud and improved signage be imposed on any approval of the quarry expansion.

Comment:

The conditions recommended by the Roads and Maritime Services are designed to improve the safety of truck and vehicular movements along Bylong Valley Way and the internal haulage road. Council supports the imposition of these conditions on any determination of the development application

ENVIRONMENT PROTECTION AUTHORITY

The EPA has advised that it has determined that an environmental protection licence, subject to conditions may be issued for the proposed quarry extension and concrete batching plant.

Comment:

The conditions covered the pollution of waters, disposal of waste, noise limits including controls on blasting, management of dust generation, water and sediment control and monitoring of the site and operation.

DEPARTMENT OF PRIMARY INDUSTRIES, CATCHMENTS AND LANDS

Catchment and Lands had no objections to the proposed quarry expansion provided the site specific impacts are contained within the quarry site. Included in the impacts was consideration of bushfire protection measures required, and the development not relying on the use of crown land to proceed.

Comment

The concerns of Catchment and Lands to ensure that any impacts from the extension of the quarry are recommended to be added as a condition to any determination of the application.

TRADE AND INVESTMENT

The submission from Trade and Investment incorporated comments from its Mineral Resources, Agriculture and Fisheries branches. From investigations carried out by Mineral Resources there appears to be adequate resource of Basalt to support

extraction of 50,000 tpa for 16 years and sufficient sandstone for 2,000 tpa for the same time period. It was recommended that further drilling be undertaken to determine the resource.

Fisheries had no issues. Agriculture recommended that the determining authority consider the relevant agricultural issues as outlined in its publication *Agricultural Issues for Extractive Industries*

Comment

A determination of the quarry expansion should set an annual limit on material able to be removed. Following advice from Mineral Resources the limit should be set at 50,000 tonnes per annum for Basalt and 2,000 tonnes per annum for Sandstone to ensure the life of the quarry reaches 16 years. Further exploration of the resource is likely to be carried out by the owner/operator of the quarry.

As the quarry has been in existence since the construction of the original Sandy Hollow line in the 1920's and 30's, many of the impacts of the activity on the surrounding agricultural land have already occurred. The expansion of the quarry will be subject to noise and dust controls, limits on the use of water and controls on disposal of waste and waste water minimising any additional adverse impacts on agricultural activity.

OFFICE OF ENVIRONMENT AND HERITAGE

The Office of Environment and Heritage has responsibility for a number of Acts being, *National Parks and Wildlife Acts 1974*, *Threatened Species Conservation Act 1995* and *Native Vegetation Act 2003*.

The OEHL has provided advice based on the information included in the EIS:

- Not clear whether design alternatives were considered to further avoid flora and fauna impacts
- EIS does not indicate whether potential indirect impacts on Goulburn River National Park were considered
- the ecological assessment does not expand on potential impacts from quarrying activities on biodiversity values
- the EIS does not propose an offset for the residual biodiversity impacts.
- Depending on extent of indirect impacts suitable areas for establishment of an offsets may occur on the land currently owned by the proponent
- Encourage council to require provision of suitable offsets which meet the OEHL "Principles for the use of Biodiversity offsets in NSW"
- The fencing of sites of cultural heritage recommended in the EIS should ensure the sites are not disturbed.

Comment

The Office of Environment and Heritage encourages Council or the determining authority to require as a condition of consent the provision of Biodiversity offsets, preferable on the land owned by the proponent, at the quarry site. Another condition should be the fencing off of the culturally sensitive sites to ensure that these sites are not disturbed by activities.

The applicant proposes to revegetate land adjoining the riparian corridor as part of the Vegetation Management Plan and this is considered satisfactory as an offset.

NSW OFFICE OF WATER

The NSW Office of Water required the development application to put on hold whilst more information was submitted in how water was treated on the site and how the proposal complied with the Water Management Act.

Information including a controlled activity approval application and a Vegetation Management Plan was provided back to Council and the other Government bodies in March 2013. This information was referred off to the agencies at that time. Council has received advice from all agencies except the Office of Water.

Council is not in a position to determine whether the information is satisfactory and therefore proposes to condition that an activity approval under the Water Management Act 2000 is required.

4. Assessment of the application Section 79 C Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C (1) of the Environmental Planning & Assessment Act 1979 as are of relevance to the development. The following section of this report summarises the relevant matters for consideration and provides a planning response.

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

Although this is the current LEP applying to the Mid-Western LGA, the application was not assessed against this LEP as the principle instrument as it was not in force at the time of lodgement of DA 0330/2012 on 7 May 2012. MWRLEP 2012 came into force on 10 August 2012.

Clause 1.8A of the MWRLEP 2012 states that:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced."

The land is zoned RU1 Primary Production in accordance with the LEP 2012 and extractive industries are permitted within the zone. There are no determining factors in the current LEP that would warrant refusal of the application.

Rylstone Local Environmental Plan 1996 (Rylstone LEP)

The Rylstone Local Environmental Plan 1996 was the applicable LEP at the time of lodgement of DA0330/2012. The site was zoned 1 (a) General Rural.

Zone No 1 (a) (General Rural)

1 Objectives of zone

The objectives of this zone are to promote the proper management and utilisation of resources by:

(a) protecting, enhancing and conserving:

- (i) *agricultural land in a manner which sustains its efficient and effective agricultural production potential,*
 - (ii) *soil stability by controlling and locating development in accordance with soil capability,*
 - (iii) *forests of existing and potential commercial value for timber production,*
 - (iv) *valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure efficient extraction of those deposits,*
 - (v) *trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity, recreation or natural wildlife habitat or is likely to control land degradation,*
 - (vi) *water resources for use in the public interest,*
 - (vii) *places and buildings of archaeological or heritage significance, including Aboriginal relics and places,*
 - (viii) *the rural character and amenity of the zone,*
- (b) *preventing the unjustified development of prime crop and pasture land for purposes other than agriculture, and*
- (c) *facilitating farm adjustments, and*
- (d) *minimising the cost to the community of:*
 - (i) *fragmented and isolated development of rural land, and*
 - (ii) *providing, extending and maintaining public amenities and services, and*
- (e) *providing land for future urban development, for future rural residential development and for future development for other non-agricultural purposes, in accordance with the need for that development, and*
- (f) *encouraging the establishment of rural and rural-related industries.*

The proposed development is considered to be generally consistent with the zone objectives as it seeks to utilise extractive materials whilst carrying out the activity in a manner that is compatible with the surrounding agricultural uses.

The quarry activity is defined as an ‘*Extractive industry*’ under the Environmental Planning and Assessment Model Provision 1980 which were adopted for the Rylstone LEP 1996;

“*extractive industry*” means:

- (a) *the winning of extractive material; or*
- (b) *an undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land;*

Therefore DA0330/2012 for the expansion of the existing quarry and the establishment of a concrete batch plant is permissible with consent.

Draft Mid-Western Regional LEP 2012 (Draft LEP 2012)

At the time of the lodgement of the development application with Council the draft Mid-Western Regional Local Environmental Plan 2012 was nearing completion and therefore the provisions of this plan need to be considered when assessing the application.

Lots 53, 56 and 66 DP 755420 were proposed to be zoned RU1 Primary Production under the draft LEP.

Extractive industries are defined in the draft MWRLEP 2012 as;

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

In accordance with the draft LEP 2012 the expansion of the existing quarry is permissible with consent.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

The application was assessed against the SEPP and the Department of Planning's document 'Applying SEPP 33 (Consultation Draft) July 2008'. The proposal does not fall under any of the categories identified in Appendix 3 of the consultation draft and is not considered potentially hazardous or offensive.

The SEPP is deemed not to apply to this particular development as the consultation draft states the proposed use must fall within the definition of 'industry' adopted by the planning instrument which applies. The definition of 'industry' within the Mid-Western Regional LEP 2012 specifically excludes mining and extractive industries. Conditions are contained within the Environmental Protection Authority's GTA's which will ensure potential issues such as noise and dust are adequately controlled.

State Environmental Planning Policy No 44 – Koala Habitat Protection

The provisions of this SEPP are applicable as the site is located on land to which this SEPP applies and is over 1ha in area. The applicant employed a suitably qualified consultant to undertake an assessment of the site and potential feed trees were identified on the site. However, no evidence of koalas were identified and as such, further assessment did not take place.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

The proposed development is defined as an extractive industry under the SEPP.

Extractive Industries are a land use that is permissible with consent under clause 7 of the SEPP as is ancillary industry such as a concrete batching plant.

Pursuant to the provisions of the SEPP, the consent authority must give consideration to the following matters before determining the development application:

1. *Compatibility of proposed mine, petroleum production or extractive industry with other land uses:*

The site has been used for extractive industry for some period of time. It is considered that the proposed development is compatible with the surrounding land uses.

2. *Compatibility of proposed development with mining, petroleum production or extractive industry:*

The site has been used for extractive industry for some period of time. There are no adjoining uses related to mining, petroleum production or extractive industries and if there were, it is not considered that the development would pose any constraints.

3. *Natural resource management and environmental management:*

This issue has been assessed by both Council and relevant State Government Agencies and it is considered that with the implementation of conditions of consent, the General Terms of Approval, Environmental Protection Licence and compliance with relevant Commonwealth and State legislation, the operation of the proposed extractive industry should be carried out in an appropriate manner.

4. *Resource recovery:*

Topsoil, residual soils and overburden materials are proposed to be retained for rehabilitation purposes.

A rehabilitation plan will be required to be prepared by the applicant.

5. *Transport:*

The proposed development will generate additional heavy vehicle movements in the locality. The road system is of a standard capable of handling the additional vehicle movements subject to the upgrade of the access to the property off the Bylong Valley Way as required by the RMS.

6. *Rehabilitation:*

A rehabilitation plan will be required as a condition of consent.

Section 79C(1)(a)(iia) any planning agreement

None apply.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no matters applicable to this application.

Section 79C(1)(b) the likely impacts of the development

This section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

Access, transport and traffic

Access to the site is from the Bylong Valley Way. The proposal will increase the amount of traffic utilising the road network in the area. A Traffic Study was commissioned by the applicant that recommended that the intersection at the site entrance and Bylong Valley Way would need to be upgraded.

The application was referred to the RTA (now RMS) who recommended that the intersection be upgraded to a BAL/CHR(S) standard.

Heritage

Four sites of Aboriginal heritage were identified within the subject land but are not located within the development footprint.

It is proposed to require these areas to be fenced and signpost these sites to ensure protection and this has been accepted as a suitable practice by the Office of Environment and Heritage.

There are no items of non-Aboriginal heritage located within the vicinity of the development.

Other land resources

The site is surrounded by agricultural land and is unlikely to be affected by the proposed development. The site of the proposed development is unsuitable for agricultural production and therefore is unlikely to reduce agricultural capacity.

Water

There is unlikely to be any impacts on groundwater from the proposed development.

Surface water will be controlled to reduce sediment laden run off and this has been detailed in the Surface water management plan.

All creeks in the proposed extractive industry site are ephemeral in nature and considered to be first and second order streams (three first order and one second order) in accordance with the Strahler system.

Due to the nature of the proposed development, significant areas of land may become highly disturbed which may cause some serious issues regarding surface water runoff. The applicant commissioned a Surface Water Management Plan which was prepared by MineSpex.

The application was referred to the NSW Office of Water and NSW EPA who have issued their General Terms of Approval. The NSW Office of Water have not provided final comment on the additional information supplied and therefore the Recommendation includes a condition requiring an activity approval under the Water Management Act 2000.

It is considered that if the development is carried out in accordance with the GTA's issued by the EPA and conditions of consent; there will be minimal environmental impact on groundwater and surface water.

Soils

The development will disturb a large amount of top soil. This will be managed by the following;

- Erosion and sedimentation control management plan;
- Rehabilitation of the site;
- Installation of pit sumps and sediment retention basins;
- Diversion drains for clean water;
- Stockpiling of top soil;

Air and Microclimate

An air quality assessment was carried out by Todoroski Air Sciences. Quarrying operations have the potential to be a significant source of dust generation from the removal of topsoil and vegetation and the haulage of materials. The site is located approximately 4 kilometres from the nearest residence and is unlikely to have any significant impact.

The report submitted with the application, prepared by Todoroski Air Sciences has been reviewed by the NSW Environmental Protection Authority (EPA) and it is considered that the proposed development will have minimal impact on the area, subject to compliance with the General Terms of Approval (GTA's) provided by the EPA.

Flora & fauna

The flora and fauna assessment was undertaken by Ecobiological. The study found that much of the land has been disturbed by previous land clearing.

The assessment revealed that much of the site is covered by exotic grasses but the assessment also indentified that 6 threatened fauna species, two endangered populations and one threatened ecological community could be impacted upon.

Tests of significance were carried out and this revealed that the development would not significantly impact upon these species.

The assessment also concluded that there will be no significant impact upon the White box – Yellow box – Blakeley's Gum Woodland threatened ecological community given the small amount of removal.

Noise & vibration

The proposal has the potential to generate a significant amount of noise. A Noise Assessment Report was commissioned by the applicant. The report, by Spectrum Acoustics, was prepared in accordance with the NSW Industrial Noise Policy.

The Policy identified two noise criteria, intrusiveness and amenity. The report concluded that there will be no adverse impacts, noting that blasting is only proposed to occur six to eight times a year.

Natural Hazards

The site is not prone to flooding but is mapped as being bush fire prone land. In accordance with s.79BA of the EP & A Act 1979, all development on bush fire prone

land must satisfy the aims and objectives of the NSW Rural Fire Service's document 'Planning for Bush Fire Protection 2006' (PBP 2006).

The mitigation measures described in the EIS adequately address the requirements of PBP 2006.

Social impact in the locality

The proposal is not considered to have any anticipated social impact on the Bylong community, provided the condition of consent contained at the end of this report are complied with.

Economic impact in the locality

The proposed development is anticipated to employ up to seven new staff which would provide a benefit to the region.

The development is anticipated to have a positive economic impact on the wider region subject to the extractive industry operating in accordance with the conditions of consent outlined at the end on this report.

Cumulative Impacts

The assessment has not identified any negative impacts that cannot be successfully mitigated through conditions of consent. Therefore, it is considered that there will not be any cumulative impacts resulting from the approval of the proposed development.

Section 79C(1)(e) the public interest

The proposed development is considered to be in the public interest as it seeks to carry out a development in a responsible manner.

5. Recommendation

The application has been assessed in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2000. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation.

It is recommended that the proposal be approved with the following conditions;

APPROVED PLANS

1. **Development is to be carried out generally in accordance with:**
 - **Environmental Impact Statement by Wells Environmental Services dated April 2012;**
 - **Addendum Letter dated 13 February 2013 from Kleinfelder ecobiological;**
 - **Revised Surface Water Management Assessment Report by Minespex undated Submitted with Addendum letter by Kleinfelder ecobiological;**
 - **Minespex Specified Measures Report of November 2012;**
 - **Minespex CAA Report dated December 2012;**
 - **Insite Civil Engineering Plans issued 7 December 2012**

except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application. In the event of an inconsistency between the conditions of consent and the approved plans and EIS, the conditions of consent will prevail.

- 2. The development shall be carried out in accordance with the General Terms of Approval attached to this consent, issued by the following Approval Bodies:**
 - NSW Environmental Protection Authority, notice no: 1507158, dated 6 July 2012.**
 - Roads and Maritime Services, reference no: SF 2012/013656 and WST 11/00079/02, dated 6 June 2012.**
- 3. A Controlled Activity Approval under Section 91 of the Water Management Act 2000 is required prior to the commencement of any further quarrying activities on the site.**
- 4. Quarry production rates are permitted up to 199,000 tonnes per annum (tpa) subject to an average of 50,000 tpa for Basalt and 2,000 tpa for the life of the quarry.**
- 5. Pre mixed concrete production is limited to 30,000 tpa.**
- 6. This consent is limited to a period of twenty (20) years.**
- 7. A copy of the Annual Return required in the General Terms of Approval from the NSW Environmental Protection Authority shall be provided to Council.**
- 8. Prior to the commencement of operations, the applicant is to obtain a Mining Lease from the relevant State Government Department and is to strictly adhere to the conditions of the lease.**
- 9. The proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Director General of the Department of Trade and Investment NSW. The Rehabilitation Plan must:**
 - a) Be prepared in accordance with the Department of Trade and Investment guidelines and in consultation with relevant agencies and stakeholders.**
 - b) Be submitted and approved by the Director General of the Department of Trade and Investment**
- 10. All activities at the premises may only be carried out between 0700 and 1700 hours Monday to Friday.**
- 11. The four Aboriginal Heritage items identified in the Aboriginal Archaeological and Cultural Significance Assessment prepared by Archaeological Reports and Assessments Pty Ltd are to be protected in accordance with report and are to be a no-go zone with a minimum 20 metre buffer, delineated with high visibility nightline.**

12. **All mitigation measures outlined in the Environmental Impact Statement are to undertaken at full cost to the developer.**
13. **The applicant shall be required to contribute toward the routine maintenance provided by Council on the sections of public road under the control of Mid-Western Regional Council and used by haulage operations relating to the development.**

In accordance with the Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021, a fee of \$0.95 per tonne will be levied. Contributions will be required to be paid on a monthly basis to Council for each tonne of material leaving the site by road transport. This levy applies to both the Basalt and Sandstone materials.

Council may at any time request the production of records from the applicant to verify haulage quantities. The rate of contribution shall be subject to annual adjustment in accordance with the Consumer Price Index. These adjustments will be effective from 1 July each year.

14. **A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.**
15. **A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;**
 - a) **stating that unauthorized 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.**
16. **A Traffic Control Plan (TCP) completed by a “Certified Person” for implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing. Contractor’s insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.**
17. **Should groundwater be intercepted at any stage during mining operation, all works are to cease immediately and the NSW Office of Water is to be notified immediately. No works are permitted to recommence without the written authorisation of the Office of Water.**
18. **All handling, storage and transportation of hazardous materials is to be undertaken in accordance with the relevant Australian Standards including but not limited to AS1940, AS1596, and the Dangerous Goods Code. No explosive materials are to be stored on site without consent and a Materials Safety Data Sheet shall be retained on site at all times.**

Gary Bruce

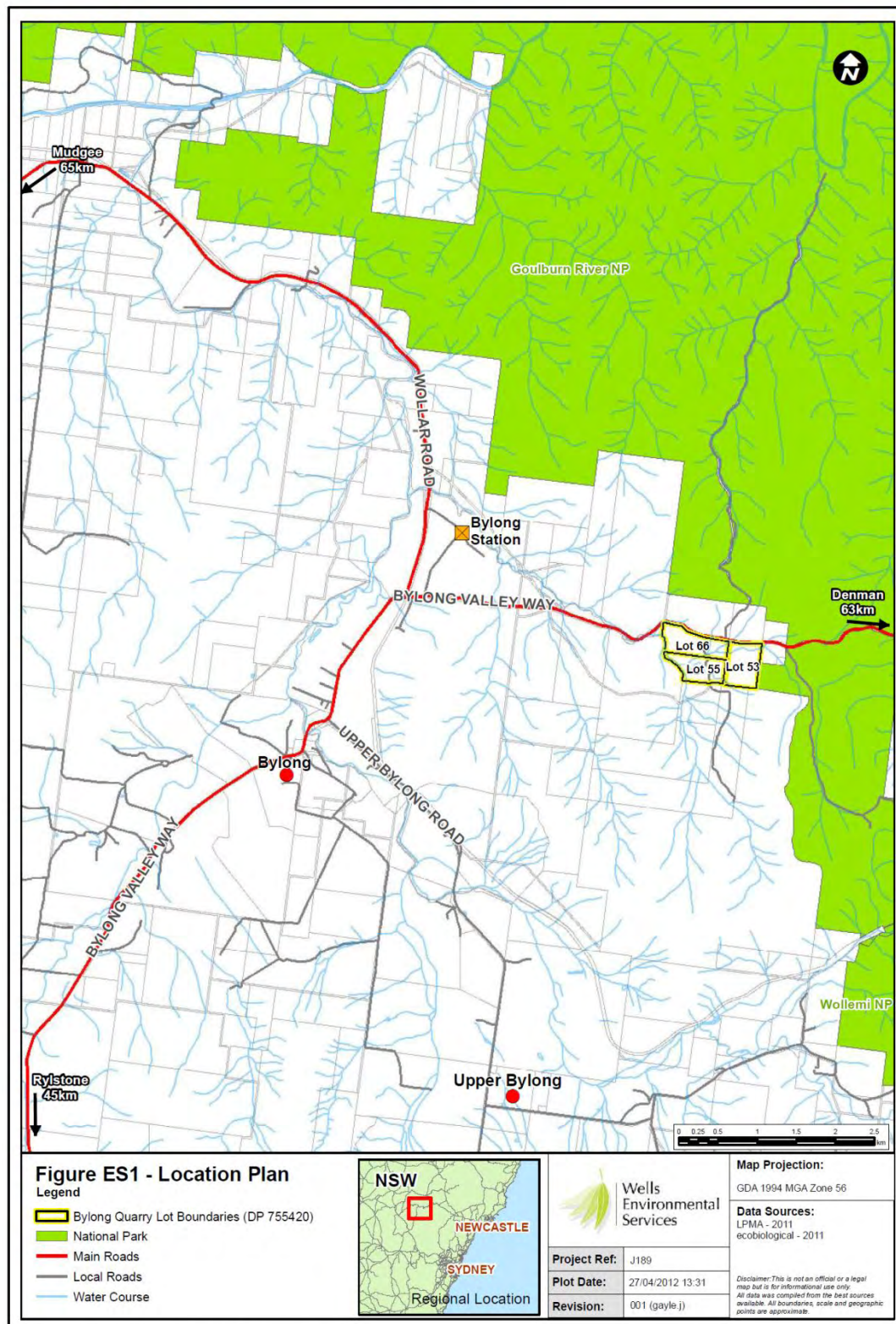
Manager Statutory Planning - Mid-Western Regional Council

6 December 2013

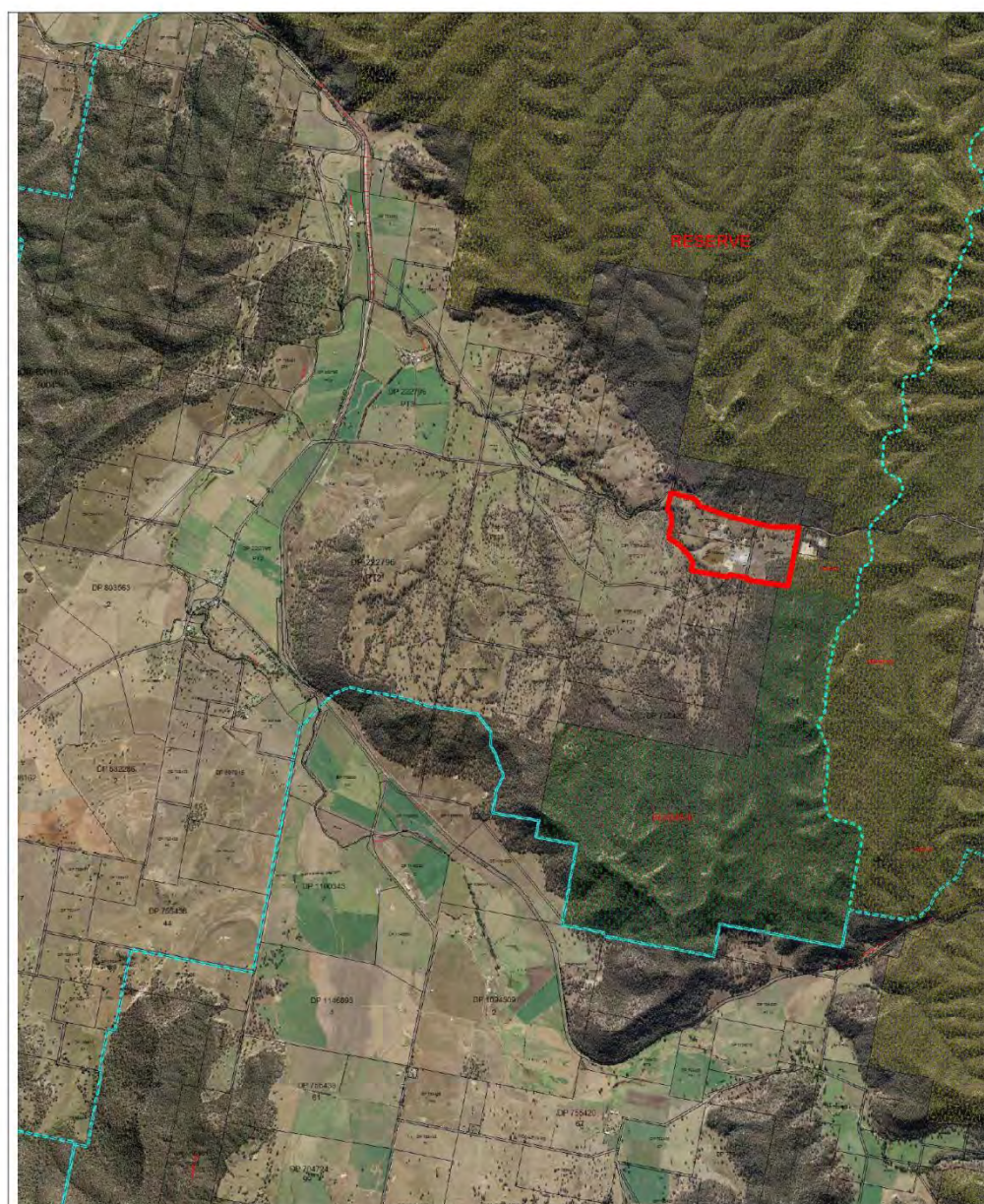
Annexure 1 – Locality Plan

Annexure 2 – Site Plans

Annexure 3 – Government Agency Submissions



L:\GIS FOLDER\CLIENT FILES\145 Wells Environmental Services\J189 - Bylong Quarry\1-1-1 Locality Plan.mxd



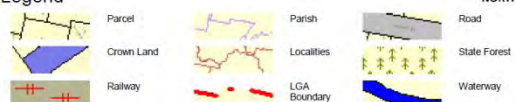
Map Scale: 1:51,200

Disclaimer

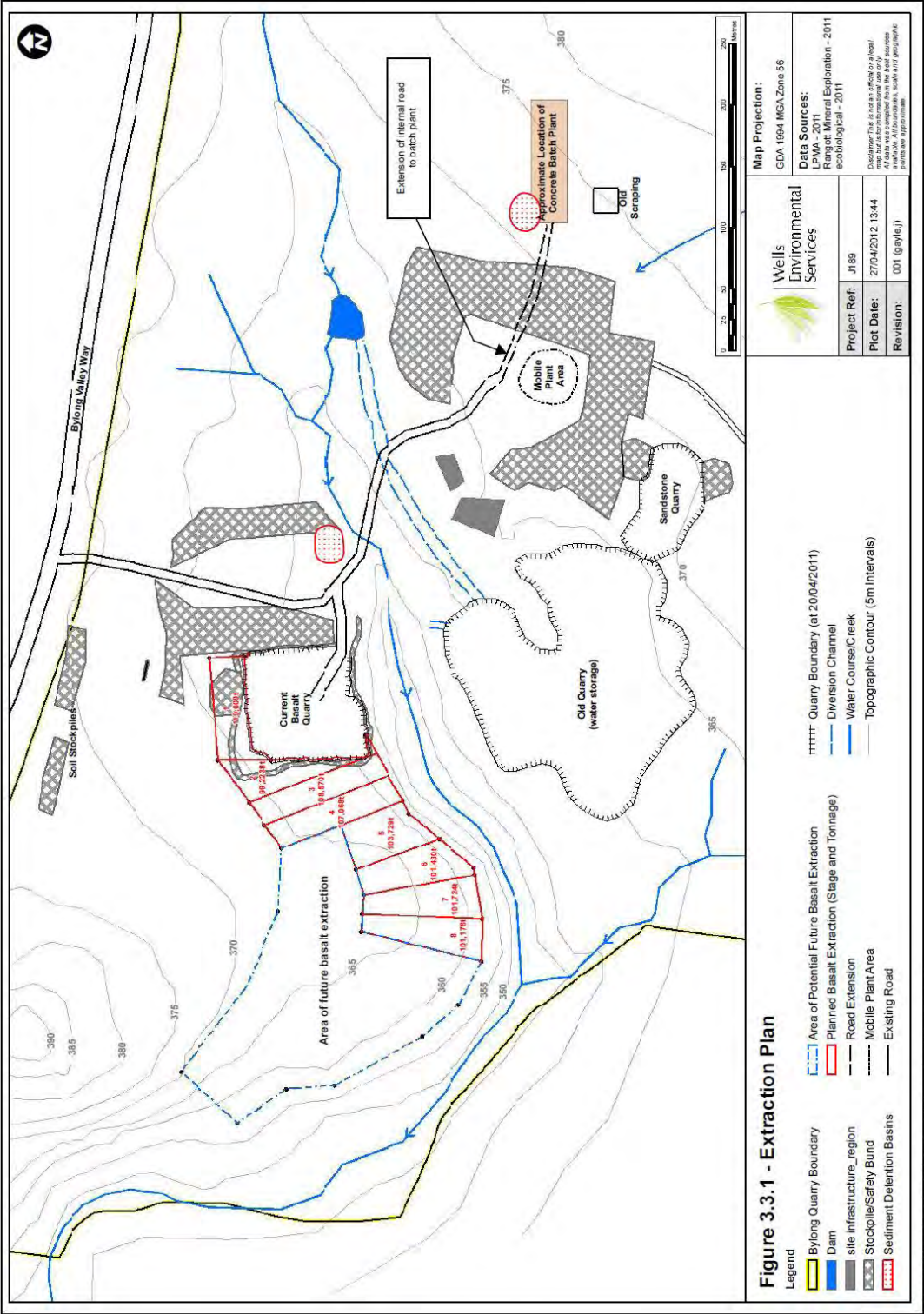
This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

Legend



Printed on Friday, 6 December 2013





**Department of
Primary Industries
Catchments & Lands**

Ref.No: 08/5805

5 June 2012

The General Manager
Mid Western Regional Council
PO Box 156
Mudgee NSW 2850

Attn: Planning & Development Department



Dear Sir/Madam,

Re: Development Application No.DA0330/2012 – Proposed Extension to Bylong Quarry & Concrete Batch Plant, 3846 Bylong Valley Way, Bylong, NSW 2849

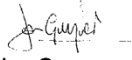
In reference to your letter dated 18/05/2012 concerning the development application mentioned above. It has been identified that the development adjoins Crown land within Reserve 88158 for Rubbish Depot which is under the management of the Mid Western Regional Council. As the Council is the primary trust manager for the Crown land, their concerns as reserve manager should be included in the final determination.

There are also three Crown land parcels on the northern side of Bylong Valley Way opposite the proposed development which are currently under the control of Catchment & Lands, Department of Primary Industries. On the information provided Catchment & Lands has no objections to the proposed quarry extension provided site specific impacts are contained within the development::

- No development drainage, overflow or contaminated waste (contaminated runoff, septic or effluent) to enter or negatively impact on the Crown land.
- There are no negative impacts (e.g. noise, dust, smell) on the use, function and environmental features on any of the identified Crown land.
- All developments should be designed and sites with appropriate setbacks and fire breaks so that they do not impact upon adjoining Crown land in any way. All bush fire protection measures are to be incorporated within the boundaries of the proposed development. The adjoining Crown land is not to be used as an Asset Protection Zone for the development.
- The development does not rely on the adjoining Crown land for the appropriate level of amenity for users with vegetated areas for visual impact relief or open space.
- The proposed development is compatible with the reserve purpose of the adjoining Crown land.
- The proposed development does not rely on buffer zones or infrastructure being provided on the Crown land involving storm water channels and pipes, utilities and services.
- The proposed development should not utilise a Crown road for access without the accepted transfer to local Council control.
- Development adjoining Crown land should not restrict current or future access to the Crown land by the public, Catchment and Lands, emergency services or other Crown land managers.
- The design of the development does not allow any unauthorised use of Crown land for access by way of garage doors, gates.
- Provision of buffer zones along the boundary of the Crown land to minimise the 'edge effect' on the Crown land parcel.

Catchments and Lands - Department of Primary Industries
PO Box 2146 ORANGE NSW 2800
Tel: 02 6391 4300 Fax: 02 63 623896
www.crownland.nsw.gov.au | ABN: 42 860 678 701

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jon Guyver', with a horizontal line drawn underneath it.

Jon Guyver
Natural Resource Management Project Officer

Protection of the Environment Operations Act 1997

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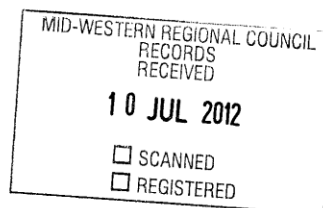


Notice No: 1507158

The General Manager
PO Box 156
MUDGEE NSW 2850

Attention: Sarah Armstrong

Notice Number 1507158
File Number FIL07/5599-06
Date 06-Jul-2012



Re: Bylong Quarry and Concrete Batch Plant (DA0330/2012)

I refer to the Development Application and Environmental Impact Statement (EIS) for the Bylong Quarry and Concrete Batch Plant received by the Environment Protection Authority (EPA) on 18 May 2012

The EPA has reviewed the information provided and has determined that it is able to issue an environment protection licence for the proposal, subject to a number of conditions. The proponent has previously made a separate application to EPA to obtain this licence however; the application could not be approved as the required approval under the *Environment Planning & Assessment Act 1979* had not been obtained.

The General Terms of Approval for this proposal are provided at Attachment A. If Mid-Western Regional Council (Council) grants Development Approval for this proposal these conditions must be incorporated into the consent.

These General Terms of Approval relate to the development as proposed in the documents and information currently provided to the EPA. In the event that the proposal is modified either by the proponent prior to the granting of Development Approval or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with the EPA about the changes before the consent is issued. This will enable the EPA to determine whether its General Terms of Approval need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further, please contact Sheridan Ledger at the Bathurst office of the EPA by telephoning (02) 6332 7608.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matthew Corradin'.

Matthew Corradin
Acting Head Regional Operations Unit
North West - Bathurst

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ATTACHMENT A

Administrative conditions

Information supplied to the EPA

Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA0330/2012 submitted to Mid-Western Regional Council on 7 May 2012; and
- the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012).

Fit and Proper Person

The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

Pollution of waters

Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

Concentration limits

1. For each discharge point or utilisation area specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.
2. Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges.
3. To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

Water and Land

Sediment Detention Basin 1 and Sediment Detention Basin 2 - as shown in Figure 5.4.2 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012)

Pollutant	Units of measure	50% concentration limit	90% concentration limit	3DGM concentration limit	100% concentration limit
pH	pH				6.5-8.5
Total Suspended Solids (TSS)	milligrams per litre				50
Turbidity	nephelometric turbidity units				25

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Oil & grease	milligrams per litre				10
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The TSS and turbidity limits specified in the table above for sediment basins 1 and 2 do not apply when the discharge occurs solely as a result of rainfall at the premises which exceeds a total of 44 millimetres of rainfall over any consecutive 5 day period.

Note: A 44 mm rainfall depth is defined by the publication Managing Urban Stormwater: Soils and Construction (Landcom 2004) as the rainfall depth in millimetres for 95th percentile 5 day rainfall events for the Central Tablelands consistent with the storage capacity (recommended minimum design criteria) for Type D sediment retention basin for mines and quarries (Vol 2E of Landcom 2004).

Waste

1. The licensee must not cause, permit or allow any waste received at the premises, except the wastes expressly referred to in the column titled "waste" and meeting the definition, if any, in the column titled "description" in the table below.
2. Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "activity" in the table below.
3. Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "other limits" in the table below.
4. This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other limits
NA	General or specific exempted waste	Waste that meets all the conditions of the resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2005	As specified in each particular resource recovery exemption	NA

Noise limits

1. Noise from the premises must not exceed an LAeq(15 min) criterion (noise limit) of 35dB(A) at any time.
2. Noise from the premises is to be measured at "Bylong Station" and "Murrumbo" to determine compliance with this condition.
3. The noise limits apply under all meteorological conditions except for the following:
 - a) Wind speeds greater than 3 metres/second at 10 metres above ground level; or
 - b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
 - c) Stability category G temperature inversion conditions.
4. To determine compliance:

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(a) with the Leq(15 minute) noise limits, the noise measurement equipment must be located:

- approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
- within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
- within approximately 50 metres of the boundary of a National Park or a Nature Reserve.

(b) with the noise limits, the noise measurement equipment must be located:

- at the most affected point at a location where there is no dwelling at the location; or
- at the most affected point within an area at a location prescribed by (a) above.

5. A non-compliance with the noise limits will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- at a location other than an area prescribed by conditions (a) and (b) above; and/or
- at a point other than the most affected point at a location.

6. For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Hours of operation

1. Quarrying activities at the premises may only be carried on between 0700 and 1700 hours Monday to Friday and 0700 and 1400 hours on Saturdays. No quarrying activities are to be undertaken at the premises on Sundays and public holidays.
2. The operation of the concrete batching plant and all related activities may only be carried out between 0700 and 1700 hours, 7 days per week.
3. These conditions do not apply to the delivery of material outside the hours of operation permitted by the conditions above, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

Blasting

Blasting limits

1. The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
2. The airblast overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time at any noise sensitive locations. Error margins associated with any monitoring

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equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

3. Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.
4. Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.

Notes: "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.

The airblast overpressure and ground vibration limits do not apply at noise sensitive locations that are owned by the licensee or subject to a private agreement, relating to airblast overpressure and ground vibration levels, between the licensee and land owner.

Time of blasting

1. Blasting at the premises may only take place between 0900 and 1700 hours Monday to Friday. Blasting is not permitted on public holidays.
2. Blasting outside of these hours can only take place with the written approval of the EPA.

Frequency of Blasting

Blasting at the premises is limited to 1 blast per day and one blast per week averaged over a 12 month period.

Operating conditions

Dust

1. Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.
2. All trafficable areas, stockpile areas, storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.
3. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Effluent Application to land

1. Effluent application must not occur in a manner that causes surface runoff.
2. Spray effluent application must not drift beyond the boundary of the premises.
3. The quantity of effluent applied to the utilisation area(s) must not exceed the capacity of the utilisation area(s) to effectively utilise the effluent.

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Note: For the purpose of this condition, "effectively utilise" includes the ability of the soil to absorb the nutrient, salt and hydraulic loads and the applied organic material without causing harm to the environment.

Chemical, fuel and explosives

1. All chemicals, fuels and explosives must be handled and stored in a bunded area which complies with the specifications of the relevant Australian Standard and legislative requirements.
2. Contingency and emergency management plans must be developed and implemented for the spill of any chemicals and fuel.
3. A Blasting/Vibration Management Protocol must be prepared and implemented. The protocol must include, but need not necessarily be limited to the following:
 - compliance standards;
 - mitigation measures;
 - remedial action;
 - monitoring methods and monitoring program;
 - monitoring program for flyrock distribution;
 - notification procedures for neighbours prior to the detonation of each blast.

Erosion and sediment control plan

An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with Landcom's Managing Urban Stormwater: *Soils and Construction* (Vol 1).

Water

1. Sediment Detention Basin 1 and Sediment Detention Basin 2 - as shown in Figure 5.4.2 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012) must be drained or pumped out as necessary to maintain each basins design capacity within 5 days following rainfall.
2. Water discharged to comply with the above condition may only be discharged where the water complies with the concentration limits.
3. The licensee must undertake maintenance as necessary to desilt the sediment detention basins in order to retain each basins design storage capacity.
4. Stormwater drainage from the haul road (both light and heavy vehicle lanes), including the crossing of the water course/creek as shown in figure 3.3.1 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012), is not permitted to be discharged or drain into the water course/creek as shown in figure 3.3.1 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012).

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Monitoring and recording conditions

Monitoring records

1. The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development must be recorded and retained as set out below.
2. All records required to be kept by the licence must be:
 - in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
3. The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
 - the time(s) at which the sample was collected;
 - the point at which the sample was taken; and
 - the name of the person who collected the sample.

Requirement to monitor concentration of pollutants discharged

For each monitoring/ discharge point or utilisation area specified below, the applicant must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The applicant must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Water and Land

Sediment Detention Basin 1 and Sediment Detention Basin 2 - as shown in Figure 5.4.2 of the Bylong Quarry Expansion and Concrete Batching Plant, Bylong Environmental Impact Statement prepared by Wells Environmental Services (April 2012)

Pollutant	Units of measure	Frequency	Sampling Method
pH	pH	Daily during any discharge	Representative sample
Total Suspended Solids	Milligrams per litre	Daily during any discharge	Grab sample
Turbidity	Milligrams per litre	Daily during any discharge	Grab sample
Oil & grease	Milligrams per litre	Daily during any discharge	Grab sample
Electrical Conductivity	Microsiemens per centimetre	Daily during any discharge	Representative sample

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Air

Dust monitoring points - north-western corner of Lot 66 DP755420 and mid point of the eastern boundary of Lot 53 DP755420

Pollutant	Units of measure	Frequency	Sampling Method
Particulates - deposited matter	grams per square metre per month	Monthly	AM-19

Testing methods - concentration limits

1. Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The POEO (Clean Air) Regulation 2010 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

2. Monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with:

- the Approved Methods Publication; or
- if there is no methodology required by the Approved Methods Publication or by the general terms of approval or in the licence under the Protection of the Environment Operations Act 1997 in relation to the development or the relevant load calculation protocol, a method approved by the EPA in writing before any tests are conducted,

unless otherwise expressly provided in the licence.

Blast Monitoring

To determine compliance with the ground vibration and overpressure limits:

(a) Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out on the premises;

- at the nearest residence on the properties "Bylong Station" and "Murrumbo".

(b) Instrumentation used to measure and record the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.

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Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limits at any "noise sensitive locations" other than the locations identified in the above condition.

Reporting conditions

The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

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Attachment B - Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

This licence applies to all other activities carried on at the premises, including:

1. Crushing, grinding or separating - meaning the processing of materials (including sand, gravel, rock or minerals, but not including waste of any description) by crushing, grinding or separating them into different sizes; and
2. Concrete works - meaning the production of pre-mixed concrete or concrete products.

Operating conditions

1. Licensed activities must be carried out in a competent manner.

This includes:

- the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.
2. All plant and equipment installed at the premises or used in connection with the licensed activity:
 - must be maintained in a proper and efficient condition; and
 - must be operated in a proper and efficient manner.

Monitoring and recording conditions

1. The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
2. The record must include details of the following:
 - the date and time of the complaint;
 - the method by which the complaint was made;
 - any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - the nature of the complaint;
 - the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
 - if no action was taken by the licensee, the reasons why no action was taken.
3. The record of a complaint must be kept for at least 4 years after the complaint was made.
4. The record must be produced to any authorised officer of the EPA who asks to see them.

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5. The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
6. The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
7. This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

1. The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - a Statement of Compliance; and
 - a Monitoring and Complaints Summary.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.
2. An Annual Return must be prepared in respect of each reporting, except as provided below.
3. Where this licence is transferred from the licensee to a new licensee,
 - the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
 - the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.
4. Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on
 - in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
 - in relation to the revocation of the licence – the date from which notice revoking the licence operates.
5. The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
6. The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.
7. Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
 - (a) the licence holder; or
 - (b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

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8. A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notes: The term "reporting period" is defined in the dictionary in the licence. Do not complete the Annual Return until after the end of the reporting period.

An application to transfer a licence must be made in the approved form for this purpose.

Notification of environmental harm

1. The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act
2. Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.
3. The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

1. Where an authorised officer of the EPA suspects on reasonable grounds that:
 - (a) where this licence applies to premises, an event has occurred at the premises; or
 - (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.
2. The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
3. The request may require a report which includes any or all of the following information:
 - the cause, time and duration of the event;
 - the type, volume and concentration of every pollutant discharged as a result of the event;
 - the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
 - the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
 - any other relevant matters.
4. The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

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General conditions

1. A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
2. The licence must be produced to any authorised officer of the EPA who asks to see it.
3. The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



Your reference: Nathan Burr: ah P2049061
Our reference: DOC12/28244
Contact: Erica Baigent (02)
68835311
Date: 11 July 2012

Warwick Bennett
General Manager
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Dear Mr Bennett,

Attention: Sarah Armstrong, Acting Manager – Statutory Planning.

**RE Development Application DA 0330/2012 – Proposed extensions to Bylong Quarry
and Concrete Batch Plant Lots 53, 55 and 66, DP 755420, 8346 Bylong Valley Way
Bylong NSW 2849**

I refer to your letter dated 17 May 2012 regarding the above development application. Thank you for providing the Office of Environment and Heritage (OEH) the opportunity to comment on this proposal.

The OEH has responsibilities under the:

- *National Parks and Wildlife Act 1974* - namely the protection and care of Aboriginal objects and places, the protection and care of native flora and fauna and the protection and management of reserves; and the
- *Threatened Species Conservation Act 1995* - which aims to conserve threatened species of flora and fauna, populations and ecological communities to promote their recovery and manage processes that threaten them.
- *Native Vegetation Act 2003* – ensuring compliance with the requirements of this legislation.

The OEH can provide advice on the Environmental Impact Statement (EIS) where the EIS deals with natural and cultural heritage conservation issues. The OEH may also comment on the legitimacy of the conclusions reached regarding the significance of impacts by the proposed development to these components of the environment.

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that the EIS should fully describe the proposal, the existing environment and impacts of the proposal. It is the responsibility of the proponent and consent authority to adequately consider the requirements under the EP&A Act, including flora, fauna, threatened species, populations and ecological communities and their habitats, and cultural heritage.

It is also up to the proponent (and later the consent authority after appropriate consultation) to determine the detail and comprehensiveness of the surveys and level of assessment required to form legally defensible conclusions regarding the impact of the proposal. The scale and intensity of the proposed development should dictate the level of investigation, with all conclusions supported by adequate data.

Flora, Fauna and Threatened Species

Our environmental assessment requirements contained reference to the need to (among others):

- Describe direct and indirect and construction and operation impacts on biodiversity;
- Identify the avoidance, mitigation and management measures that will be put in place to avoid or minimise impacts, including the alternative options considered; and
- Following avoidance and mitigation, offset any residual biodiversity impacts.

Based on a basic review of the EIS, we provide the following advice for Council's consideration.

1. It is not clear whether any design alternatives were considered which would enable further avoidance of flora and fauna impacts.
2. The EIS does not indicate whether the proponent has specifically considered the potential for the proposed expansion to have indirect impacts on the adjoining OEH Estate (Goulburn River National Park). We refer Council to our standard guidance material for developments adjoining OEH Estate. These guidelines can be found at:

<http://www.environment.nsw.gov.au/protectedareas/developmentadjoiningdecc.htm>.

Similarly, the Assessments of Significance for threatened fauna states *'Other impacts that typically result from mining and quarrying activities (ie dust, noise and light pollution) may also have a negative effect on surrounding fauna and flora'*. The Ecological Assessment does not expand on these potential impacts, nor does the EIS relate the noise and dust assessments to surrounding biodiversity values.

3. In relation to offsetting, we note the following statements from the EIS:
 - Regarding the Box-Gum Woodland EEC: *'The remaining area of this TEC on the site can be used as offsets to compensate for removal of this small area of TEC for the proposed development'* (Page 95 of the Ecological Assessment).
 - Within the Assessment of Significance for threatened fauna: *'The extent of clearing is considered to be relatively minor and provided amelioration and offsetting measures are implemented, is unlikely to significantly impact on local populations of these species'*.

Despite these statements the EIS does not propose an offset for the residual biodiversity impacts. We encourage the Council to consider requiring the proponent to provide a suitable offset which meets the OEH *'Principles for the use of Biodiversity offsets in NSW'*, which can be found at:

<http://www.environment.nsw.gov.au/biocertification/offsets.htm>.

Depending on the extent of indirect impacts as a result of the development, suitable areas for establishment of an offset may occur within the parcels of land currently owned by the proponent.

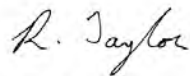
Page 3

Cultural Heritage

The survey undertaken and the predictive methodology used appear sound and the fencing of sites recommended should ensure they are not disturbed.

If additional information relating to the proposal indicates that areas within the OEH's responsibility require further investigation, we may provide future input. Should you require further information please contact Erica Baigent, Conservation Planning Officer on (02) 68835311.

Yours Sincerely,



ROBERT TAYLOR
Manager, Environment and Conservation Programs
Conservation and Regulation Division



Your reference: OUT13/8B7CCEDO
Our reference: DOC13/9695
Contact: Erica Baigent (02) 68835311
Date: 15 April 2013

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

Dear Mr Bennett,

Attention: Gary Bruce, Manager – Statutory Planning.

RE Development Application DA 0330/2012 – Proposed extensions to Bylong Quarry and Concrete Batch Plant Lots 53, 55 and 66, DP 755420, 8346 Bylong Valley Way Bylong NSW 2849

I refer to your letter dated 14 March 2013 regarding the above development application. Thank you for providing the Office of Environment and Heritage (OEH) the opportunity to comment on this proposal.

OEH understands that the proposal will involve impacts to 1.9ha of Box Gum Woodland EEC and derived native grassland. In relation to the comments made by OEH in our letter dated 11 July 2012, the proponent has supplied some additional documentation regarding a proposed offset for the quarry expansion, in the form of a 'Vegetation Management Plan' (VMP). However it appears the primary purpose of this plan is to address matters raised by the NSW Office of Water and to support an application for a Controlled Activity Approval under the *Water Management Act 2000*.

Within the VMP, 'offset areas' to a total of 2,328 square metres (or 0.23ha) are proposed for impacts to the riparian corridor only (although the letter from Mr Freeland of Kleinfelder refers to an area of 2ha). The offset includes some retention of existing vegetation and proposed re-establishment of EEC in exotic grassland, with 2 years of active management only. In contrast, the original EIS indicated the availability of approximately 11ha of EEC on the site (outside the area to be cleared) and stated that 'The remaining area of the TEC on the site can be used as offsets...'. This has not eventuated in the proposed VMP.

The 'Principles for the use of Biodiversity Offsets in NSW' may assist Council in reaching a decision on the adequacy of the offset proposal. These principles can be found at: <http://www.environment.nsw.gov.au/biocertification/offsets.htm>. These principles include a requirement that offsets must result in a net improvement in biodiversity over time and are secured in perpetuity.

OEH has no further comments regarding the proposal at this time. If additional information relating to the proposal indicates that areas within the OEH's responsibility require further investigation, we

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Page 2

may provide future input. Should you require further information please contact Erica Baigent, Conservation Planning Officer on (02) 68835311.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'R. Taylor', written in a cursive style.

ROBERT TAYLOR
Manager, Environment and Conservation Programs
Conservation and Regulation Division

	 Transport Roads & Maritime Services
SF2012/013656; WST11/00079/02	

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

Dear Sir

DA0030/2012 Lot 53, 55 & 66 DP 755420
Proposed extension to Bylong Quarry and Concrete Batch Plant

Thank you for your letter dated 17 May 2012 referring development application DA0330/2012 to Roads and Maritime Services (RMS) for comments.

RMS will not object to the proposal and provides the following submissions:

- The intersection of Bylong Valley Way and the internal haul road must be upgraded to a BAL/CHR(S) standard. The proponent has indicated upgrading the intersection to BAL/AUR. AUR's are no longer used in NSW and the appropriate alternative under the NSW supplement to the Austroads guide is a CHR(S). A copy of the layout is attached for your information. This intersection must be sealed for a minimum distance of 20 m from Bylong Valley Way.
- The formation of Bylong Valley Way at the site will need to be widened and should meet the nominated lane width (3.5 m) and sealed shoulder width (1.5 m) requirements from the Austroads Guide to Road Design, Part 3.
- Truck stopping sight distance (TSSD) in each direction at the intersection of Bylong Valley Way and the internal haul road will need to meet the current Austroads standard of 191 m for a 100 km/h road design speed.
- Additional signage will need to be erected on the internal haul road and on Bylong Valley Way. The additional signage will include:
 - Two "Give Way" [R1-2] signs at the egress point on the internal haul road to control vehicles leaving the site.
 - Two "Trucks Turning" [W5-205] signs with supplementary "300 m" [W8-5] on Bylong Valley Way. These signs will be erected 300 m in each direction from the intersection to warn approaching drivers.
- All signage must meet the relevant Australian Standards and RMS specifications/technical directions.
- All vehicles are to enter and leave the property in a forward direction.
- All loads are to be adequately covered before exiting the quarry.
- Vehicles are not to track dust, dirt or mud onto Bylong Valley Way. A structure (such as a grid) may need to be installed on the internal haul road to make sure that any particles are removed from the wheels of vehicles before they exit the site.

Roads and Maritime Services

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- If a gate, grid or similar structure is constructed on the access it is to provide suitable storage capacity between the grid and the give way line to cater for the maximum length vehicle to access the site (eg 20 metres for single articulated).
- All works associated with the development are to be at no cost to RMS.

Please forward a copy of Council's determination on the development application to RMS at the same time it is sent to the applicant.

Should you require any further information please contact Dave White (02) 6861 1479.

Yours faithfully



Tony Hendry
Road Safety & Traffic Manager
Western

6 JUN 2012

Table 7.1 provides the dimensions of the CHR(S) treatment for various design speeds.

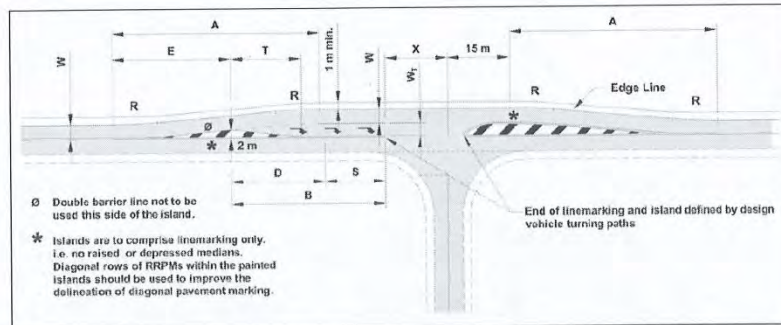
Table 7.1: Dimensions of CHR(S) treatment for various design speeds

Design speed of major road approach (km/h)	Lateral movement length A (m) ¹	Diverge/ deceleration length D (m) ²	Desirable radius R (m)	Taper length T (m) ³
50	40 ⁴	15	110	15
60	50 ⁴	25	175	15
70	60	35	240	20
80	65	45	280	20
90	75	55	350	25
100	85	70	425	30
110	95	85	500	30
120	100	100	600	35

Notes:

1. Based on a diverge rate of 1m/sec and a turn lane width of 3.0 m. Increase lateral movement length if the turn lane width >3 m. If the through road is on a tight horizontal curve (e.g. one with a side friction demand greater than the maximum desirable), the lateral movement length should be increased so that a minimal decrease in speed is required for the through movement.
2. Based on a 20% reduction in through road speed at the start of the taper to a stopped condition using a value of deceleration of 3.5 m/s² (Table 5.2). Adjust for grade using the 'correction to grade' factor in Table 5.3.
3. Based on a turn lane width of 3.0 m.
4. Where Type 2 road trains are required, minimum A = 80 m.

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Note: The dimensions of the treatment are defined below and values of A, D, R and T are shown in Table 7.1:

W = Nominal through lane width (m) (including widening for curves). For a new intersection on an existing road, the width is to be in accordance with the current link strategy.

W_t = Nominal width of turn lane (m), including widening for curves based on the design turning vehicle = 3.0 m minimum.

B = Total length of auxiliary lane including taper, diverge/deceleration and storage (m).

E = Distance from start of taper to 2.0 m width (m) and is given by:

$$E = 2 \left(\frac{A}{W_t} \right)$$

T = Taper length (m) and is given by:

$$T = \frac{0.33 V_X W_t}{3.6}$$

S = Storage length to cater for one design turning vehicle (m).

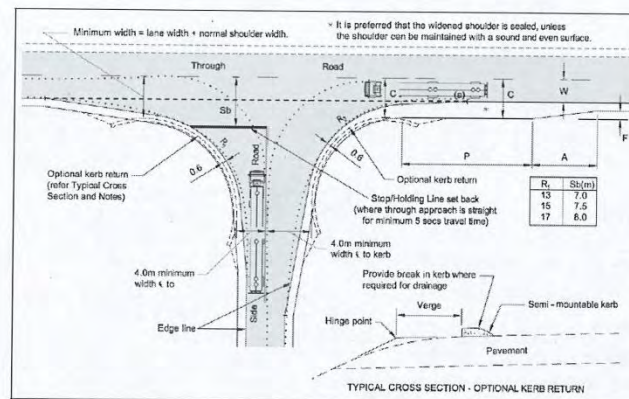
V = Design speed of major road approach (km/h).

X = Distance based on design vehicle turning path, typically 10–15 m.

Source: QDMR (2006).

Figure 7.6: Channelised right-turn treatment with a short turn slot [CHR(S)] two-lane rural road

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Notes:

1. R1 and R2 are determined by the swept path of the design vehicle.

2. The dimensions of the treatment are defined thus:

W = Nominal through lane width (m) (including widening for curves).

C = On straight - 5.0 m minimum.

On curves - 5.0 m plus curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle).

$$A = \frac{0.5VF}{3.6}$$

V = Design speed of major road approach (km/h).

F = Formation/carriageway widening (m).

P = Minimum length of parallel widened shoulder (Table 8.1).

Source: QDMR (2009).

Figure 8.2: Rural basic left-turn treatment (BAL)

Table 8.1: Minimum length of widened parallel shoulder

Design speed of major road approach (km/h)	Minimum length of parallel widened shoulder P (m)
50	0
60	5
70	10
80	15
90	20
100	25
110	35
120	45

Note: Adjust the length for grade using the 'correction to grade' factor in Table 5.3

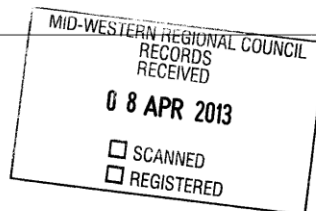
Source: QDMR (2009).



Transport
Roads & Maritime
Services

WST11/00079/03

General Manager
Mid Western Regional Council
PO Box 156
MUDGEE NSW 2850



Dear Sir

**DA0330/2012: Lots 53, 55 & 66 DP 755420; 8346 Bylong Valley Way, Bylong;
Proposed Extensions to Bylong Quarry and Concrete Batch Plant**

Thank you for your letter dated 14 March 2013 referring additional information submitted in support of development application DA0330/2012 to Roads and Maritime Services (RMS).

The information has been reviewed and RMS notes that the additional information has been provided to demonstrate compliance with the Water Management Act 2000 and requirements of NSW Office of Water.

RMS does not object to the proposed development as amended by the additional information provided on 14 March 2013. Please note that comments made in RMS' previous submission in relation to this proposal dated 6 June 2012 still stand and should be considered by Council in the assessment and determination of this application.

Please forward a copy of Council's determination of the development application to RMS at the same time it is sent to the applicant.

Should you require further information please contact Andrew McIntyre on (02) 6861 1453.

Yours faithfully

Tony Hendry 5.4.2013

Tony Hendry
Road Safety & Traffic Manager
Western

Roads and Maritime Services

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Trade & Investment

OUT12/13964

Nathan Burr
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850



Dear Nathan

Re: Development Application DA0330/2012 – Proposed extensions to Bylong quarry and concrete batch plant, Lot 53 DP755420, Lot 66 DP755420, Lot 55 DP 755420, 8346 Bylong Valley Way, Bylong NSW 2849

Thank you for the opportunity to provide advice on this proposal.

This is a response from NSW Trade & Investment, incorporating advice from its Mineral Resources, Agriculture and Fisheries Branches. Please note that other agencies within NSW Trade & Investment may send separate correspondence regarding this matter. There are no specific Fisheries issues arising.

The following comments are made with regards to mineral resources:

- Though only a small number of bore holes have been drilled, the information obtained from them (Figure 4.5.2), coupled with existing quarry exposure and presumably visual inspection, appears to be sufficient to indicate that the anticipated amount of basalt is present for the first 16 years of production at a probable extraction rate of 50,000 tpa. Likewise there appears to be sufficient sandstone to satisfy a production rate of 2,000 tpa for a similar period of time.
- Though not necessary to include in this EIS, it is recommended that further drilling should be undertaken in the "area of future basalt extraction" (Figure 4.5.2) to better define resource tonnage before quarrying operations extend into that area.

The following comments are made with regards to agriculture:

The relevant agricultural issues to consider when preparing and also when assessing extractive industry proposals are set out in the Departments' Guideline: *Agriculture issues for Extractive Industries* available on our website; <http://www.dpi.nsw.gov.au/environment/landuse-planning/agriculture/extractive-industries>. The guideline also documents recommended project design and mitigatory responses.

The guideline is part of a series designed to help consent authorities identify potential agricultural impacts, and assess whether such proposals can avoid conflict with existing agricultural developments; and protect valuable food and fibre production resources. The guidelines can

similarly help consultants and proponents and are available from the Department of Primary Industries land use planning web portal: <http://www.dpi.nsw.gov.au/environment/landuse-planning/agriculture> .

The Department of Primary Industries (part of Trade and Investment NSW) retains a strong interest in strategic land use planning and intensive agricultural developments as well as major projects likely to significantly impact on agricultural resources or agricultural industries.

For further information regarding agriculture issues please contact Mary Kovac, Resource Management Officer, Dubbo office on 6881 1250 (mary.kovac@industry.nsw.gov.au). For mineral resource issues please contact Gary Burton, Senior Geologist, Orange office on 6360 5330 (gary.burton@industry.nsw.gov.au).

Yours faithfully



Cressida Gilmore
Team Leader - Land Use
Minerals & Land Use Assessment
Geological Survey of NSW

21 June 2012



Department of
Primary Industries
Office of Water

The General Manager
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850

Attention: Sarah Armstrong



Contact: Algis Sutas
Phone: 02 4348 5014
Fax:
Email: algis.sutas@water.nsw.gov.au

Our ref: 20 ERM2012/0455
File No:
Your Ref: DA 0330/2012

22 June 2012

Dear Ms Armstrong

**Re: STOP THE CLOCK on development application DA 0330/2012.
Proposed Extensions to Bylong Quarry and Concrete Batch Plant.
8346 Bylong Valley Way, Bylong (Lots 53, 55 & 66 DP 755420).**

Reference is made to your recent letter dated 17 May 2012 regarding the above integrated development proposal. An initial review of the material provided indicates that additional information relevant to issuing the General Terms of Approval is needed in order to complete the assessment.

According to the Environmental Planning and Assessment Regulation 2000, as amended, (the Regulation), any request for further information made within 25 days of receipt is not considered in calculating the period prescribed by clause 70 for notifying the General Terms of Approval. The application was **received** by the Office of Water on **22 May 2012**.

The Office of Water requests that Council **stop the clock as at the date of this letter**.

The Office of Water is currently investigating the site in regards to various alleged breaches of the Water Management Act 2000. The Office of Water have issued Mudgee Dolomite and Lime Pty Ltd a draft Direction under s333(2) of the Water Management Act 2000, and is currently waiting for a response prior to making a final determination. The Environmental Impact Statement provided as part of the development application refers to use and management of water which relates to the current alleged breaches of the Water Management Act 2000. Therefore the applicant must amend the development application and the supporting information to consider the current alleged breaches and to comply with any direction given under the Water Management Act 2000.

Additional information requested:

- The applicant must amend the Environmental Impact Statement and provide additional information to demonstrate that existing and proposed water supply and management is lawful, and to obtain any necessary approvals in accord with the Water Management Act 2000.
- The proposed development includes undertaking a controlled activity upon waterfront land as defined under the Water Management Act 2000. The applicant must provide full details and description of all waterfront land onsite, and clearly indicate the location and nature of all proposed controlled activities. The applicant must demonstrate the consistency of the proposed activity in accord with the Office of Water Guidelines for Controlled Activities. In particular, the following specific information must be provided:
 - A plan or diagram showing the proposed riparian corridor in accord with the Office of Water guidelines.
 - A Vegetation Management Plan for the proposed riparian corridor in accord with the Office of Water guidelines.
 - Full details of all existing and proposed watercourse crossings in accord with the Office of Water guidelines.

2

- The applicant should consider the current draft direction issued by Office of Water dated 21 May 2012, and ensure that the development application is consistent with any future compliance action by Office of Water.
- Council must also provide the Office of Water with a full copy of the development application form lodged by the applicant.

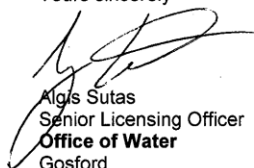
Further information regarding the Water Management Act 2000 and the Office of Water guidelines can be found at www.water.nsw.gov.au.

Clause 67 of the Regulation allows the Office of Water to specify a reasonable period within which the information requested must be provided. In this case, the Office of Water considers **90 days** from the date of this letter as a reasonable period of time within which the requested information must be provided. The Regulation also provides that failure by the applicant, to provide the requested information within the specified period, is to be taken by the Office of Water to mean the information will not be provided. This may result in the Office of Water refusing to grant General Terms of Approval.

The applicant should notify the Office of Water, in writing, of their intent to provide the requested information or to arrange for a suitable period to supply this information.

Please direct any questions or correspondence to Algis Sutas, algis.sutas@water.nsw.gov.au.

Yours sincerely



Algis Sutas
Senior Licensing Officer
Office of Water
Gosford

6.2.4





Planning Proposal

Rezone RU4 Primary Production Small Lots to R2 Low Density Residential

Lot 4 DP1174282

Edgell Lane, Mudgee NSW 2850

for

Mr Rick Turner

Project Ref. – RT091/A52

MINESPEX
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October 2013



Consultation and operational support to the mining industry

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ISSUE AND AMENDMENT CONTROL HISTORY

ISSUE	REVISION	DATE	DESCRIPTION	AUTHOR	QA/QC
1	0	AUG 13	DRAFT FOR CLIENT	EY	RT
2	0	OCT 13	FINAL	EY	EY

OVERVIEW OF PROPOSAL

Minespex was commissioned on behalf of Mr Rick Turner to prepare a Planning Proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* to extend the existing R2 Low Density Residential zone along Ulan Road to Edgell Lane.

This report describes the proposed rezoning, objectives and outcomes, explanation of provisions and justification for the planning proposal.

The proposed Mid-Western Regional Local Environmental Plan 2012 amendment is intended to facilitate the development of residential land, addressing the regions' growth, in a location that has synergy with existing zoned residential land. The planning proposal intends to:

- Align the R2 Low Density Residential zone to correlate to Edgell Lane as the eastern zone boundary.
- Amend the corresponding lot size map for the parcel to align the minimum lot size to the existing minimum of the zone in the location i.e. 4000m².
- Facilitate the development of the locality in accord to a concept plan incorporating the subject land with adjoining R2 zoned land, to create a development that utilises unique aspects of the landscape to create a space with desirable movement corridors (incorporating Edgell Lane).
- Co-ordinate a supply of land to accommodate long term lifestyle land supply in accordance with master planning undertaken to date for 'The Reserve' in the unique 'North Mudgee' setting.

Based on the Local Services Assessment report, the Mid-Western Region will need more than 5000 new lots by 2021 to cope with predicted population growth, representing a significant lot deficiency in the existing zoned land, and shortening the timeframes for medium to longer term supply options in the CLUS. In this environment the consideration of options to maximise the return for infrastructure expenditure is appropriate. Similarly, planning to achieve the most positive community environments is considered a conscientious developer practice, sought by the master planning processes carried out in this location. The planning proposal has included concept plans to highlight the feasibility of future residential development and integration with existing road layouts, drainage, services and existing development.

The planning proposal can be supported by MWRC with consideration of the issues addressed in this report.

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APPENDICES

APPENDIX A – Land Use Conflict Risk Assessment (LUCRA)

APPENDIX B – Wilkinson Murray Noise Assessment

APPENDIX C –Ecological Australia report

APPENDIX D - AHIMS Search results

APPENDIX E – The Vision and Concept Plans prepared by *One Collective Urban Design Studio*

ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
CLUS	Mid-Western Regional Comprehensive Land Use Strategy
DP	Deposited Plan
DP&I	Department of Planning and Infrastructure
EDS	Economic Development Strategy
EP&A Act	Environmental Planning and Assessment Act 1979
LGA	Local Government Area
MWRLEP	Mid-Western Regional Local Environmental Plan 2012
RFS	Rural Fire Service
PBP	Planning For Bushfire Protection 2006
SEPP	State Environmental Planning Policy

Purpose and Objectives of this Planning Report

This planning proposal describes the intended effect and justification for a proposed amendment to *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) for a site specific amendment to the Land Zoning Map and Lot Size Map. The amendment is proposed to extend the R2 Low Density Zone along Ulan Road to correspond with an existing road as the zone boundary.

This planning proposal has been prepared in accordance with Section 55 of the (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) and the following Department of Planning (DoP) guidelines:

- *A guide to preparing planning proposals* (July 2009)
- *A guide to preparing local environmental plans* (October 2012).

PART 1 - OBJECTIVES AND INTENDED OUTCOMES OF THE PROPOSAL

STATEMENT OF INTENDED OUTCOMES

The planning proposal seeks to extend the R2 zone boundary from an arbitrary boundary within the land title (Lot 4 DP1174282) to align with Edgell Lane, Mudgee. This aims to facilitate development of future 'large lot residential' lots under the direction of a master-planned development concept.

The subject land forms part of a parcel, referred to as 'The Reserve' that has been subject to master planning and urban design processes with the aim of providing better community and development outcomes.

The subject strip of land is required to achieve the development concept, not purely for greater lot yield, but to achieve the best transport linkages, and improves future pedestrian and cyclist linkages and provides a more integrated approach to community design and development by properly integrating otherwise limited and potentially sterilised agricultural land. The strip of land is not able to fulfil the objectives of the current RU4 Primary Production Small Lots as buffers required to residential land cannot practically be achieved within the vineyard (NSW Dept Primary Industries – Agriculture recommends a min 30m buffer for chemical spray drift).

The Vision and Concept Plans prepared by *One Collective Urban Design Studio* are provided as **Appendix E**.

Figure 1 below is an excerpt from 'The Vision' provided in the Appendices.

The plan depicts the Community Framework and Character sought through the proposed rezoning and future residential development. Transition zones are provided as lower density areas at the interface with existing rural areas and residential developed land. Access and visual constraints regarding frontage to Ulan Road and has been planned to minimise impacts. Main entries present opportunities for landscape features and gateways to the community. The use of ordered streets to achieve connectivity through the area allows 'green streets' to link main entries with opportunity for landscaped corridors with a focus on pedestrian and cyclist movements with community meeting places. Lower order streets would present a standard street pattern that connects the proposed lots to the central green streets. The Vision presents a site for a future opportunity for a central landmark, meeting place or icon as a central focus.



Figure 1: Excerpt from 'The Vision - The Reserve, Mudgee'

The concept plan provided in **Appendix E** demonstrates how a lot layout can be configured and work independently of the adjoining land parcel to the south whilst still providing convenient access points. Lots adjoining Ulan Road are able to be provided with additional width to accommodate landscape buffering, combined with lower order street frontage to further provide visual buffer to road frontage.

PART 2 - EXPLANATION OF PROVISIONS

It is intended that the objectives and intended outcomes described in Part 1 will be achieved by the following:

1. Amendment to the Mid-Western Regional LEP 2012 Land Zoning Map – Sheet LZN_006F in accordance with the proposed zoning map shown at **Figure 2**.
2. Amendment to the Mid-Western Regional LEP 2012 Lot Size Map – Sheet LSZ_006F where this map depict the subject land, as shown in **Figure 3**.



Figure 2: Proposed amendment to Land Zoning Map



Figure 3: Proposed Amendment to Lot Size Map

PART 3 - JUSTIFICATION

This section sets out the reasoning for the proposed change to the MWRLEP 2012, taking into consideration the intended outcomes and objectives outlined. The following questions are based on requirements contained in DoP's *A guide to preparing planning proposals* (July 2009) and address the need for the planning proposal, relationship to strategic planning framework, environmental, social and economic impacts and its effect on State and Commonwealth interests.

The location in vicinity to Mudgee provides a unique opportunity for supplying country living but with the conveniences of easy access to urban areas.

Alternatives have been considered to achieve the future development of the R2 Low Density Residential land located North of Mudgee (referred to in the Comprehensive Land Use Strategy (CLUS) as Bonnyview and Edgell Lane and Putta Bucca).

The concept presented has taken a more wholistic approach that has not been constrained by landowner's holdings, and has been responsive to achieving a 'community' framework with a focus on achieving a truly integrated community framework based upon best practice urban and community design principles.

SECTION A - NEED FOR THE PLANNING PROPOSAL

Q.1. Is the planning proposal the result of any strategic study or report?

No. The Planning Proposal stems from opportunities leading from adjoining rezoning, identified in the Mid-Western Regional Comprehensive Land Use Strategy for residential development, as well as being aligned with Mid-Western Region Community Plan towards 2030 and Mid-Western Regional Council's Economic Strategy as discussed below. The land fronts Edgell Lane and adjoins the land referred to in the CLUS as 'Bonnyview and Edgell Lane and Putta Bucca' located in North Mudgee. However the subject land was excluded from the mapped land included in the Mudgee Town Structure Plan (CLUS Figure 3-1) and would represent an extension of the supply of residential land north of Mudgee. The boundary of the zone as acknowledged by Council was based on the obstacle limitation surface (OLS) used as a guide to limit the extent of the residential use in the area as a short to medium term supply zoned in the MWRLEP 2012.

Mid-Western Regional Draft Comprehensive Land Use Strategy (CLUS)

The Mid-Western Regional Council has prepared the CLUS, which provides direction for growth for the next 15-20 years. The Strategy has informed the comprehensive MWRLEP and provides a context for future land use and is supported by the Mudgee Town Structure Plan.

The CLUS (section 3.1) referring to residential development states: *'Future residential development in the four towns (i.e. Mudgee, Gulgong, Rylstone & Kandos) may be defined in terms of short (0-5 years), medium (5-15 years) and long-term (15-25 years) timeframes. Those areas determined to be*

short term priorities for development would be included in the LEP.....The residential development will need to be orderly and co-ordinated in accordance with the findings in Section 3.1.4 (of the CLUS).’ Residential land supply was considered in the CLUS. For the medium term (5-15yrs) the current lot availability was considered to be ‘nil – 0 Lots’ in the north. This situation remains, as no new land has been rezoned in the areas since the gazettal of the LEP. The CLUS states: ‘Additional land is required if large lot is allowed to continue to develop north.’ Further with reference to section 3.1.4 of the CLUS as referred above. The following descriptions from the CLUS refer to the subject land (pg 38):

Medium supply options in the CLUS:

- Large lot residential development adjacent to the existing urban area and within the southern investigation zone, Spring Flat and land north of Mudgee opposite the AREC and Airport sites on Ulan Road.

Long term supply options in the CLUS:

- Large lot residential development within the southern Investigation zone and the balance of land opposite AREC/Airport and land on Putta Bucca Road once the WTS has been relocated.

The vision for the future subdivision development associated with the adjoining (already zoned land) relies on the subject land to be rezoned to achieve many positive community outcomes. The subject land therefore in conjunction with the already zoned land, provides a medium to long term supply option.

It is also highlighted, the CLUS was undertaken prior to the full extent of the mining growth was identified/quantified in the Local Service Assessment by Mandis Roberts (2012) and did not take into account the recently evident level of growth. The Mudgee Town Structure Plan is currently under review by MWRC to facilitate identification of future growth areas. It is acknowledged that the current proposal would provide a medium to long term option for extending the limited supply in north Mudgee, rather than addressing short term supply. However, revised supply opportunities will be required to update the CLUS timeframes.

The subject land is adjacent land mapped in the CLUS for large lot residential opportunities subject to environmental assessment for suitability/capability (refer to **Figure 4**). The adjoining land has since been rezoned with the MWRLEP for this purpose. This planning proposal supports the CLUS, and Mudgee Town Structure Plan and the objectives of the zone, as the land will contribute to a planned development continuing to supply Low Density Residential land in the unique North Mudgee backdrop. The demand for housing in this location is NOT interchangeable with similar lots available in South Mudgee (as indicated in the CLUS). The proposal maximises the available land adjacent the existing zone for future residential development.

The subject site at the northern edge is in vicinity to the existing development that has ‘leapfrogged’ the floodplain of the Cudgegong River apart from the main Mudgee township; and mostly comprising larger residential lots of 2ha to 4000m² where town water and sewer are available i.e. in the Putta Bucca and Bombira areas. The south of Mudgee has had tracts of land rezoned for large lot residential use under the MWRLEP, and is constrained by agricultural land and visual intrusion issues. The north western fringe of the urban area known as the ‘Caerleon’ area is able to be serviced and was deemed by MWRC to have appropriate physical attributes to warrant support of

the recent rezoning generally from rural to residential of this land. The framework provided also supports infill residential development within the existing urban areas to utilise existing infrastructure and vacant or underdeveloped sites.

In comparison the highly sought area to the north of Mudgee is unique in setting, lifestyle, and has limited supply. The subject site is ideal for growth accommodation as the land is able to potentially improve the quality of future subdivision design in already zoned land and create master planned community attributes and transport linkages appropriate for a high quality low density living environment.

POLICY CONTEXT

The framework as established within the CLUS, is the basis on which the opportunities for this planning proposal have been explored and policy basis. The CLUS identifies opportunities for expansion of the Mudgee Township, supported by the Structure plan. Opportunities for residential extension in line with adopted Policy to support future growth are discussed below. The population growth in the LGA has triggered the need to identify how to facilitate the supply of residential land as estimated supplies are adjusted. Not only this but how to develop land with appropriate design and constraints assessment.

The subject site has been discussed by MWRC historically during the CLUS preparation process and past submissions to the making of the past and current LEPs. Several issues were raised and recorded by Council during the LEP making consultation process. In correspondence to Mr Turner dated 3 February 2012, MWRC advised that for Council to consider the proposal further a Planning Proposal would be required. Key issues raised include: noise impact assessment, impacts on future growth of the Mudgee Airport, address the consistency with the Comprehensive Land Use Strategy, supply and demand for additional R2 Low Density Residential land and a detailed justification within a Planning Proposal. This Planning Proposal aims to address these issues.

- Obstacle Limitation Surface

In the past Council has acknowledged that the development of the subject land is unlikely to protrude to OLS, and does not disqualify the site from future development. This issue is not addressed in depth in this proposal due to past submissions. Whelans Insites on behalf of Mr Rick Turner, have submitted information to Council as part of a previous submission on the Draft Mid-Western Regional Local Environmental Plan 2011. The ground level of that part of the subject site that is within the non-commercial grass runway flight path is between RL458.2 – RL467.6, being a clearance of between 8.5 – 33.5m. The conclusion drawn is that the operation of the airport would not be compromised by the future development of large lot residential in this location.

- Potential to create ongoing land use conflict, particularly in relation to noise and airport growth.

Preliminary constraints assessment has been undertaken for this proposal, with a Land Use Conflict Risk Assessment (LUCRA) as an evaluation tool used to assess the subject land and implications of the planning proposal (refer to **Appendix A**).

Growth of the airport with potential future ancillary development would not be in the direction of the proposed rezoning. Available land occurs to the north east within existing SP2 Infrastructure (Air Transport Facilities) land. It is noted that industrial developments are not permissible in the SP2 zone. The risk assessment considered the possibility that residential land restricts the future development of the airport land due to inconsistency in noise amenity. Wilkinson Murray Pty Limited (Acoustic Engineers) has performed a recent noise assessment. A 70m separation is considered appropriate between residential and commercial/and or industrial land uses during business hours considering the existing noise environment. Further, based on the Airport Master Plan, aircraft noise levels are not expected to result in a noise impact. (Refer to the Noise Impact Assessment – **Appendix B**).

The scores of the LUCRA process indicate the following potential conflict scenarios are of most influence at the subject site:

- Ulan Road (road corridor) adjoining new residential land - Road traffic noise impacts on residential amenity & increased traffic potentially creates hazard at intersections.
- Airport land and associated industry adjoining new residential land - Potential for aircraft accident in residential land results in loss of property and potential loss of life.

The risk of accident and road traffic noise can be further reduced with engineering measures at the DA design stage of a residential development. Also the risk of an aircraft accident is no higher for the subject parcel than any other existing zoned and developed residential land, infrastructure and educational land in the vicinity of the airport. The consequences however would be far greater than a noise conflict, increasing the risk score.

Further an updated Ecological Assessment was undertaken by EcoLogical Australia in 2013. The LUCRA process indicated an additional potential internal lot conflict scenario. Identified Yellow Box Grassy Woodland may deteriorate with flora fauna disturbance impacts. This would also be able to be addressed through design measures at the DA stage. The use of larger lots retaining larger trees will reduce the risk of loss for the habitat.

Overall, land use conflict scenarios can be addressed with mitigation measures included in the design aspects of the future subdivision.

- Consistency with the Comprehensive Land Use Strategy (CLUS)

As mentioned the Mid-Western Regional LEP 2012 was based on the CLUS. The adjacent land is addressed in the CLUS:

‘North of Mudgee’- “The sites (known as Bonnyview and Edgell Lane and Putta Bucca) collectively contribute approximately 90ha or about 39 years supply of lots (based on 4 lots per annum)”.

The area of additional land rezoned for residential in the Mid-Western Regional LEP 2012, was limited due to the need for environmental assessments. However with the adoption of the CLUS, developers are able to submit planning proposals, in accordance with the CLUS addressing the constraints assessment. Further, the take up of land generally has been at a greater rate than estimated in the CLUS, reducing the number of years supply. The CLUS was undertaken prior to the full extent of the recent growth driven by the mining industry was identified and experienced.

Though that recent growth has slowed, with further planned extensions to mining activity in the area, predictions will have continued effect of reducing the estimated supply under the CLUS. What was included as a longer term option may be more appropriately considered in the medium term.

Now that the LEP is operational, consideration is to be made by Council to consider the opportunities to address growth and revisions of the structure plan are impending. This will result in a CLUS update that will direct future planning proposals. The CLUS acknowledges that the supply 'North of Mudgee' is not interchangeable with similar sized lots elsewhere in Mudgee, and is a unique opportunity for low density residential living. It is considered in the current climate that rezoning of 16ha of additional land adjoining existing zoned land is a reasonable request.

The land adjoins undeveloped zoned R2 land. The inclusion of the land in the current zone will enable the planning of infrastructure such as sewer, water and roads in the most efficient manner. The owner (and applicant) presents the land as an option to amend the CLUS and LEP to extend the unique 'North Mudgee' supply for the longer term. The land is identified as an area for future growth with the ability to be integrated with the design and master planning for the development of the existing zoned land. The demand for such land will determine the release and development of the land.

The proposal is inconsistent with the Mudgee Town Structure Plan within the CLUS. However this planning proposal is aligned with the Policy context:

- *The land has been identified in the CLUS as a medium to long term supply option in the development staging options for residential development (pg. 38).*
- *The subject site adjoins land rezoned for residential land use, and includes agricultural land that value has been impinged upon by the adjoining use.*
- *The development promotes development that will avoid disruption to the rural backdrop and setting of Mudgee, in the unique 'North Mudgee'.*
- *Provides good utilisation of existing infrastructure and servicing.*
- *Provides an opportunity for implementation of best practice urban and landscape design principles through the concept plan, integrating with existing development.*

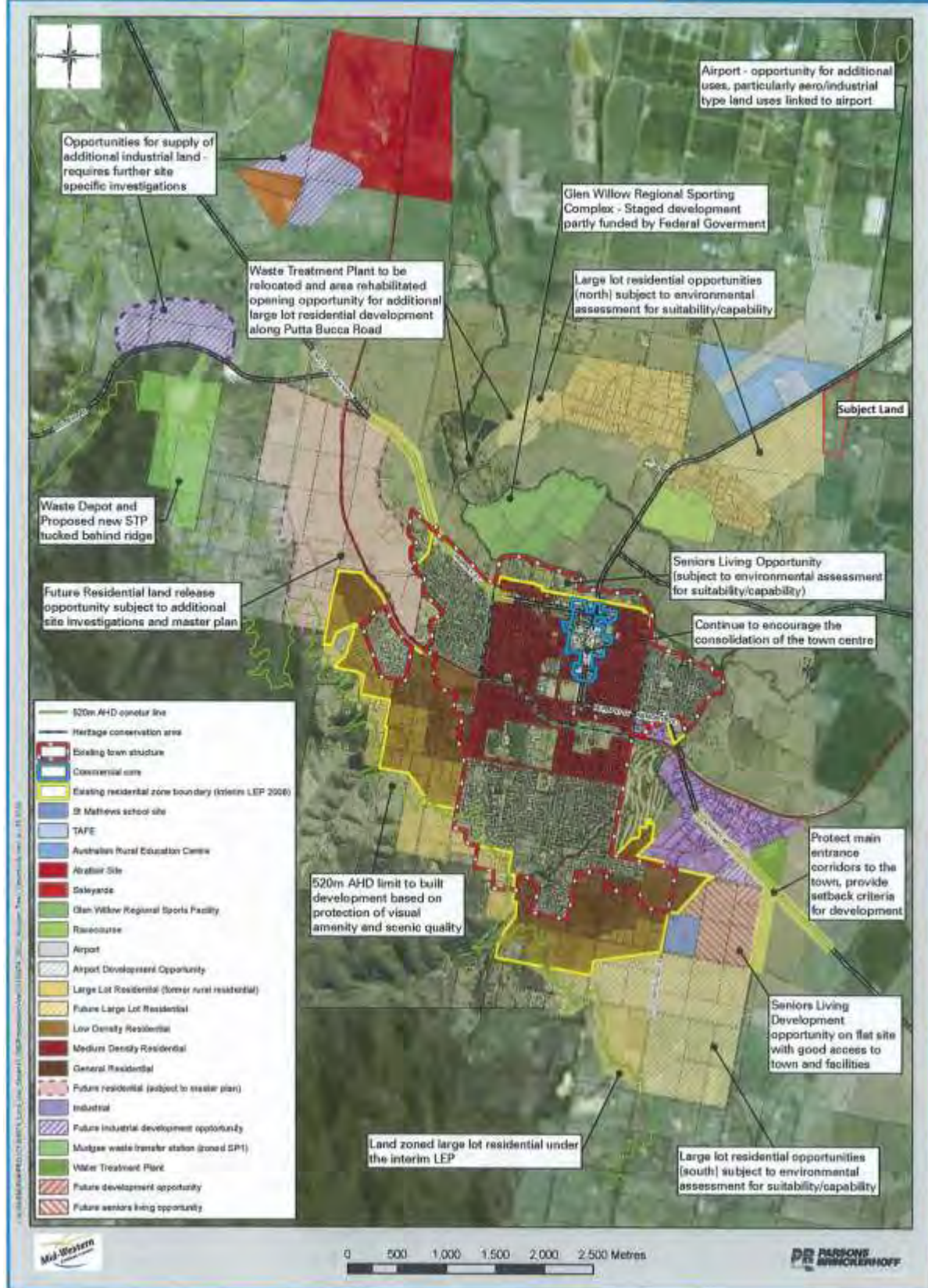


Figure 4: Mudgee Town Structure Plan

Draft Mid-Western Region Towards 2030 Community Plan

Goals of the Community Plan and how the Planning Proposal achieves these, is discussed in the table below correlating to strategies identified in the Plan.

Goal	Strategy From Community Plan	Planning Proposal/Response
Theme 1: Looking after our Community		
2 Vibrant towns and villages	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning.	<i>Effective land use planning includes making the most of available infrastructure. The utilisation of land that has available access & adjoins similar development, and uses otherwise constrained land is effective and efficient planning. The planning proposal will provide a variety of low density lots within the Northern area of Mudgee, which provides a delivery of larger prestige lots and smaller lots promoting a diversity of housing types in the location. Land release would be staged based on demand.</i>
4 Meet the diverse needs of the community and create a sense of belonging	Provide equitable access to a range of places and spaces for all in the community.	<i>The vision and concept plan has included the provision of open space and landscaped areas, to ensure all lots are located within 400m of a local park, playground or passive open space.</i>
Theme 2: Protecting our Natural Environment		
1 Protect and enhance our natural environment	Minimise the impact of mining and other development on the environment both natural and built.	<i>Environmental mitigation measures were included in the concept plan. Scenic and aesthetic impacts along Ulan Road have been particularly highlighted. Surface water management has been considered as well as impact on Biodiversity, with measures to minimise impact inherent in the concept design.</i>
Theme 3: Building a Strong Local Economy		
3 High quality sustainable development	Ensure an adequate supply of available land that supports economic diversity and encourages growth.	<i>The Planning Proposal is in line with actions to increase the availability of residential supply with the emerging short fall in predicted available low density land identified in the CLUS. The proposal extends the long-term supply in the unique 'North Mudgee'</i>

setting which is not interchangeable with other low density sites.

MWRC is to maintain and review the CLUS and LEP to encourage growth under the Plan.

Theme 4: Connecting our Region

1 High quality road network that is safe and efficient.

Develop and enhance walking and cycling networks across the Region.

The concept plan includes opportunities for pathways and cycleway to extend into adjoining undeveloped lands and well as connecting to existing cycle/walking paths. The proposed pathways will provide opportunity to cycle safely to the TAFE and AREC facilities, as well as to the Mudgee Township connecting to existing paths.

Mid-Western Regional Economic Development Strategy (EDS)

Mid-Western Regional Council has prepared an Economic Development Strategy (EDS) outlining a future economic direction for the Region in the next 10 years, to June 2020. The EDS provides a broad framework for the various lead agencies and stakeholders involved in economic development to identify their roles and engage in economic development initiatives for the Region.

In line with the Strategy, provision of adequate infrastructure will support economic activity. Availability of residential land has not been identified as a key principle that will influence economic development in the region for the future. However maintaining adequate residential land supply will support Council in efforts to deliver projects that maximise local opportunities and economic benefits in line with the Economic Development Strategy.

The proposed concept plan with the promotion of the northern area (i.e. Putta Bucca, Bombira to Edgell Lane) will help the region retain and attract new residents. Residential subdivision of high quality design would boost the image of the Mudgee area as an attractive place to live and work.

Further, the capability of Mudgee to adapt to the pressure on housing supply as identified in recent growth modelling, would be benefitted by securing long-term opportunities for future lot yields with land zoned R2 Low Density Residential under the MWRLEP. Especially in cases where land ownership fragmentation is not an issue and rezoning and constraints assessment is developer supported.

State and Regional Policies

There is no specific State or Regional Environmental Plan that addresses the Mid-Western Regional LGA.

Q.2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. It is considered that the Planning Proposal is the best means of achieving the intended outcomes. Two key alternatives are considered:

Alternative 1 - Facilitate residential development through rezoning to R1 General Residential. This zoning would be associated with residential development of greater density. This option however does not support the vision for the area in line with the CLUS and Mudgee Town Structure Plan.

Alternative 2 - Facilitate residential development through rezoning to R5 Large Lot Residential. The objectives of this zone may be applicable to the intended outcomes, however the minimum lot sizes adopted for this zone currently in the LEP, would not support the development in accordance with the vision and master planning undertaken.

The planning proposal is considered the best means of achieving the intended outcomes as:

- The existing adjoining zoning is extended without confusion;
- The objectives of the R2 Low Density Residential zone and clause 4.1 are upheld;
- The concept plan provides opportunity for integration and transition to existing developed areas. The plan:
 - Utilises the existing road reserve as a buffer and minimises the potential for conflict with lots adjacent agricultural uses.
 - The concept plan also integrates well with neighbouring properties to the developed land in Robert Hoddle Grove.
 - Further, density of residential development is afforded with opportunity for appropriate transitioning to rural land through application of mixed lot sizes i.e. larger lots to include aesthetic buffers to Ulan Road and agricultural areas.
- The 'hard edge' to the limit of urban growth of Mudgee is not compromised. Edgell Lane is a logical development boundary along Ulan Road.
- The R2 Low Density zone objectives provide the 'best fit' for the site. Similarly, the current application of the zone to comparable development types in Mudgee supports the application of the R2 zone in this instance, to achieve the intended outcomes.

Q.3. *Is there a net community benefit?*

The proposed low density residential development is considered likely to achieve a net community benefit, as determined by the application of the Net Community Benefit Test adapted from the *Draft Centres Policy: Planning for retail and commercial development* (April 2009), which provides a series of questions to determine the nature of a Planning Proposal, as detailed in **Table 1** below. A net community benefit arises where the sum of all the benefits of rezoning outweigh the sum of all costs.

The assessment evaluates the external costs and benefits of the proposal (i.e. the externalities). The assessment generally assumes that any private costs will be cancelled out by any private benefits. Net Community Benefit Test is not a quantitative test, but useful tool to inform debate and help decision making on planning proposals.

The merits of the rezoning proposal have been considered against the base case, being 'no change' to zoning/retaining the status quo.

Table 1: Net Community Benefit Test

Question	Application to Planning Proposal
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</i>	<p>The NSW Government is currently preparing a draft strategic regional land use plan for the Western region. There is no applicable State or Regional strategic directions for development. However, the development is supportive of development identified in the <i>Mid-Western Regional Comprehensive Land Use Strategy (CLUS)</i>.</p> <p>The Mudgee Town Structure Plan within the CLUS locates the subject land just outside the mapped existing residential zone boundary. Significantly, review of the Structure plan has considered the lot yield based on serviceability of the precinct with lots at 2000m². Though the min lot size is 4000m².</p> <p>This suggests that predicted lot yields for the 'North Mudgee' area are potentially overestimated by Council unless the min lot size is revised or additional land is included in the precinct. The development works with the current minimum of 4000m², supporting additional lot yield though inclusion of an additional 16ha of available land. This is aligned with facilitating growth under a Mudgee Town Structure Plan, which is currently under revision.</p> <p>This planning proposal has considered the Mudgee Airport and future growth. The land identified for future growth for the Airport is located to the north east of the subject land on the opposite side of Ulan Road. The main conflict would be with potential noise amenity. This has been addressed by Wilkinson Murray, adequate separation distances are able to be achieved and it is considered that the development of the airport would not be hindered in the future.</p>
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?</i>	No.
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	No. The planning proposal has been discussed with Council's planning staff. The change will potentially link to further potential lot size amendments for existing residential zoned land also in line with the CLUS and future revised Mudgee Town Structure Plan (partly in response to the findings of the Local Services Assessment Report by Mandis Roberts, 2012). The planning proposal will not set a precedent that is inconsistent with current strategic documents, but provides a real option for consideration in the review of the current Mudgee Town

Question	Application to Planning Proposal
	Structure Plan and LEP.
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i>	<p>The MWRLEP commenced on 10 August 2012. There have been no previous rezoning proposals in the locality under the LEP to date. MWRC has recently refused a proposal though supported by Council Staff in a report to the 1 May 2013 Council meeting, to amend the LEP to facilitate subdivision to a min 2000m² for adjoining land. Policy implications in the Report to Council for that proposal stated- <i>'The planning proposal will reinforce the direction of growth as set through the CLUS and provide certainty in terms of the ongoing supply of residential land in the short term.'</i></p> <p>This supports the assertion that security of supply of residential land in 'North Mudgee' is addressed by the subject planning proposal.</p>
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	The MWRLEP amendment will not facilitate a permanent employment generating activity or result in a loss of employment lands.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	<p>Yes.</p> <p>The use of the site to provide a range of residential densities in the 'North' Mudgee residential locality (Putta Bucca, Bombira, Edgell Lane) will make a more effective use of this land, utilising existing residential zoned land to greater potential, with the subject additional land facilitating buffering and management of fringe impacts, resulting in a better quality development.</p> <p>The proposal uses land where infrastructure and services are currently available. Augmentation of water supply may be needed in the long term. A need for less new infrastructure will have a flow on effect of reduced land supply costs.</p> <p>Low density residential land supply shortage for the medium to longer term for Mudgee may be affected by the planning proposal. The housing market within the region has undergone stress due to the higher demand generated from the mining sector. Though some of this pressure has eased in recent months, the population predictions remain, and in the event of subsequent mining stages commencing the impacts would again be seen in the housing market.</p> <p>The planning proposal seeks to provide for residential uses which retain the unique quality lifestyle concept established in the locality, supporting diverse housing types. The high quality benchmark for residential development associated with the locality is able to be extended into the subject land, improving design options without reducing overall lot yields.</p>
<i>Is the existing public infrastructure (roads, rail,</i>	The site is well serviced by road and other essential services. Access is provided directly to Ulan Road and Edgell Lane. The

Question	Application to Planning Proposal
<p><i>utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</i></p>	<p>site will be serviced by a network of new proposed roads.</p> <p>The existing pedestrian and cycle network is linked to the site in a combination of shared road areas and separate paths. The access point is linked to the open space areas in the concept plan where the cycle path/walkway is extended and linked to existing pathways.</p> <p>Planned future upgrades of Mudgee's water supply system, currently providing potable water to Mudgee township and the upgrade (commenced) of the sewerage augmentation system also servicing Mudgee township will enable capacity to service the proposed development. New sewer pump stations will be required for latter stages of development.</p> <p>Public transport is not currently available to the land. Bus transport is limited to a privately run bus service. A service runs 3 times/day on a 'hail and ride' system (number 563), which currently passes the proposed intersection with Ulan Road to the TAFE site. These services are able to be extended to the site, with bus stopping able to be performed through the road network. The site has capacity for designated bus service stops to be provided in the layout.</p>
<p><i>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i></p>	<p>Yes. The provision of additional local parks and passive open space areas within the with the development site will improve connectivity across North Mudgee to such areas. Further provision of walkways/cycle paths improves connectivity to major sporting fields (such as Glenn Willow) and the CBD. This will reduce car dependency; provide direct walking and cycle access, encouraging an active and healthy community.</p> <p>This will help to reduce greenhouse gas emissions and improve road safety within the residential development.</p>
<p><i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</i></p>	<p>No.</p>
<p><i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</i></p>	<p>The site is not within an identified Flood Planning Area under MWRLEP.</p> <p>The land is mapped as partially impacted by 'high biodiversity sensitivity' on the Sensitivity Biodiversity Map (BIO_006) within MWRLEP. An ecological assessment has been carried out as part of this planning proposal to assess environmental aspects. The future development may need to incorporate larger lots in the vicinity of identified habitat areas.</p>

Question	Application to Planning Proposal
<i>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?</i>	<p>The proposed residential use is not inconsistent with current adjoining zoning or the surrounding land use. The proposed use will not adversely impact on amenity of the existing residential land use, as the concept plan has addressed the integration with existing development and adjoining agricultural areas.</p> <p>Reduction of potential for conflict with adjacent rural land is accounted for through the minimisation of new lots adjacent to agricultural land use.</p> <p>The airport would not be hindered by further development as the noise assessment purports, also with consideration to the OLS considerations.</p>
<i>Will the public domain improve?</i>	<p>N/A</p> <p>It is anticipated that Council's planning instruments will ensure that adequate setbacks for future housing development is provided along the boundaries of the site to ensure safety and amenity is not compromised from the public domain.</p>
<i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	<p>N/A</p>
<i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i>	<p>N/A</p> <p>The MWRLEP amendment would not have the potential to develop into a centre.</p>
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	<p>The MWRLEP amendment is intended to facilitate the development of residential land that is currently zoned in the LEP. This is by extending the area available supporting development potential, improving road access and path linkages, improving buffering and overall making the best use of available land with a master planning concept. The rezoning at this stage provides surety for the developer and community that the development option can proceed in line with the 'vision'.</p> <p>Growth is supported strategically. An existing strategic planning issue being addressed by Council includes a review of the CLUS; in response to current predictions available to Council. The proposal serves to improve the public interest through reducing risk of pressure on future housing stock.</p> <p>Should the planning proposal not proceed, future residential development is likely to hinder use of the subject land for agricultural pursuits (current vineyard) and will further reduce the lot yield for the existing zoned area as buffering is provided to the established agricultural areas.</p> <p>The proposal takes up opportunity to provide greater available</p>

Question	Application to Planning Proposal
	residential lots to the Mudgee district in the medium to longer timeframes, utilising land that would be readily serviced and zoned for the purpose.

SECTION B - RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

Q.4. Is the planning proposal consistent with the applicable regional or sub-regional strategy?

There are no regional strategies in place relevant to the planning proposal.

Q.5. Is the proposal consistent with Council's Community Strategic Plan or other local strategic plan?

Yes. Also refer to PART 1 and Q.1.

The *Rural Residential Industrial and Residential Strategy* was prepared for the Mudgee Shire Council and did not address the full Mid-Western Region. This document has been superseded by the Mid-Western Regional Comprehensive Land Use Strategy prepared by Parsons Brinckerhoff (October 2009) and provides a basis for identifying options for Mid-Western Regional local government area to meet long term urban and rural growth needs. The CLUS provides a context for future land use and informed the preparation of the MWRLEP (gazetted on 10 August 2012).

The Mid-Western Regional – Local Services Assessment Report prepared by Mandis Roberts, addresses the demand and supply of residential land in Mudgee. This report was released by Department of Planning and Infrastructure in August 2012 and provides the latest data in terms of population forecasts. The report reviews residential land supply, and updates the lot requirements based on the revised population growth predictions. This report shows a lot requirement of 5096 by 2021 and a lot deficiency of 3896. The 2021 lot requirement is based on the long term predicted ratio of 0.56 lots for every new resident, derived from the CLUS (Mandis Roberts, 2012 p 40).

Mandis Roberts report considered the coal mining impacts on infrastructure and services in the region. The future of the NSW coal industry is tied to global energy demand, which is predicted to increase by up to 60% over the next 25 years (Mandis Roberts, 2012). Though some predicted local ventures may not commence as described in the Report or within the timeframes, solidifying options for accommodating growth for the region remains a strategic priority.

The existing supply of residential zoned land was not increased with the gazettal of the Mid-Western LEP 2012, as this was based on the CLUS. The Local Services Assessment Report demonstrates the significant potential shortfall in lot provision in the Mid-Western Region and a result of already experienced increased population growth. Mandis and Roberts (2012) report the effects of the shortfall as being seen. The report indicates that housing supply is low, as is rental supply, leading to an increase in property and rental prices. This has the effect of reducing housing affordability in the region. The report has indicated that without significant efforts to increase housing stock the short

term to medium term impacts may potentially price those out of the market that are not directly benefitting from mining activity. This impact has recently decreased in 2013, with residential development projects alongside development stages of coal mining expansions coming to completion. However, future growth is expected for the mining industry, with approval for Moolarben Coal Mine Stage 2, imminent.

Strategic planning for growth of Mudgee also continues with the current revision being undertaken by Council of the Mudgee Town Structure Plan. As indicated, policy implications are minimal as the written text of the CLUS refers to land in the vicinity of the proposal as **'North of Mudgee'**- *"The sites (known as Bonnyview and Edgell Lane and Putta Bucca)"*. Without referring to the Mudgee Town Structure Plan the text of the CLUS implies the inclusion of the subject site.

The proposed amendment presents an option to extend the long-term supply for large lots in this unique North Mudgee location, without reducing the lot size. This supports the assertion that security of supply of residential land in 'North Mudgee' is addressed by the subject planning proposal. Certainty for the ongoing supply of residential land in the long term is provided by the proposal, at the same time reinforcing the direction of growth in the CLUS through creating opportunity to improve the overall quality of future subdivision design.

The planning proposal will have positive consequences, due to:

- The proposal being supported by the most recent data regarding population growth.
- The site's proximity to the adjoining R2 zoned undeveloped land,
- Being within the existing Mudgee town structure and area identified in the CLUS as **'North of Mudgee'**- *"The sites (known as Bonnyview and Edgell Lane and Putta Bucca)"* - meeting public expectations for the future development type.
- Provision of services is achievable with future extension of sewerage and augmentation of reticulated water.
- Transport linkages are supported with tar sealed road access and pathways included.
- Environmental impacts to the surrounding locality are able to be mitigated by design, and
- The proposal provides a net community benefit as described.

State Environmental Planning Policies

Q.6. *Is the planning proposal consistent with applicable state environmental planning policies?*

Yes. The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies as discussed below. Analyses of applicable SEPPs are provided in the table below.

SEPP	Applicable/Consistency
1 – Development Standards	Not relevant to planning proposal.
4 – Development without consent	Not relevant to planning proposal.
6 – Number of Storeys	Not relevant to planning proposal.
10 – Retention of Low Cost Rental Accommodation	Not relevant to planning proposal.
14 – Coastal Wetlands	Not relevant to planning proposal.
19 – Bushland in Urban Areas	Not relevant to planning proposal.
21 – Caravan Parks	Not relevant to planning proposal.
22 – Shops and Commercial Premises	Not relevant to planning proposal.
26 – Littoral Rainforests	Not relevant to planning proposal.
29 – Western Sydney Recreation Area	Not relevant to planning proposal.
30 – Intensive Agriculture	Not relevant to planning proposal.
32 – Urban Consolidation (Redevelopment of Urban Land)	Not relevant to planning proposal.
33 – Hazardous and Offensive Development	Not relevant to planning proposal.
36 – Manufactured Home Estates	Not relevant to planning proposal.
39 – Spit Island Bird Habitat	Not relevant to planning proposal.
41 – Casino Entertainment Complex	Not relevant to planning proposal.
44 – Koala Habitat Protection	Not relevant to planning proposal.
47 – Moore Park Showground	Not relevant to planning proposal.
50 – Canal Estate Development	Not relevant to planning proposal.
52 – Farm Dams and other works in Land and Water Management Plan Areas	Not relevant to planning proposal.
53 – Metropolitan Residential Development	Not relevant to planning proposal.
55 – Remediation of Land	Relevant. <i>See comments below.</i>
59 – Central Western Sydney Economic and Employment Area	Not relevant to planning proposal.
60 – Exempt and Complying Development	Not relevant to planning proposal.
62 – Sustainable Aquaculture	Not relevant to planning proposal.
64 – Advertising and Signage	Not relevant to planning proposal.
65 – Design Quality of Residential Flat Development	Not relevant to planning proposal. Residential flat buildings are prohibited in the zone.
70 – Affordable Housing	Not relevant to planning proposal.
71 – Coastal Protection	Not relevant to planning proposal.
BASIX 2004	Future development for housing will be required to address the provisions of BASIX.
Exempt and Complying Development Codes 2008	Not relevant to planning proposal.
Housing for Seniors or People with a Disability 2009	Future development will be able to deliver accessible housing.
Infrastructure 2007	Not relevant to planning proposal. <i>See comments below.</i>
Kosciusko National Park – Alpine Resorts 2007	Not relevant to planning proposal.
Major Development 2005	Not relevant to planning proposal.
Sydney Region Growth Centres 2006	Not relevant to planning proposal.
Mining and Petroleum Production and Extractive Industries 2007	Not relevant to planning proposal.

SEPP	Applicable/Consistency
Temporary Structures and Places of Public Entertainment 2007	Not relevant to planning proposal.
Rural Lands 2008	The proposal aims to reduce impacts and does not fragment rural land.
Western Sydney Employment Area 2009	Not relevant to planning proposal.
Western Sydney Parklands 2009	Not relevant to planning proposal.
Affordable Rental Housing	Through the provision of a variety of lot sizes, the future housing will potentially cater to a range of income levels. An objective of the planning proposal is to preventing housing affordability issues from escalating as identified in the Local Services Assessment.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the whole of the State of NSW and is required to be considered in a rezoning proposal under Clause 6 of SEPP 55. However given the current use of the site (i.e. organic vineyard) the potential for contaminants should be considered at the development stage. Minespex carried out a Preliminary Site Investigation¹ for the adjoining land where a non-organic vineyard was established (since removed). Agricultural chemicals used within the vineyard were not found to persist in the soil in that case. In comparison the subject site was not managed using such chemicals and no fuel storage has occurred. Based on this similar circumstance it is unlikely that contamination will prevent future development of the land for residential purposes. However, any soil contamination would require remediation before the land can be used for residential development. Should remediation be required, it is anticipated that this can occur at future development application stage. The Planning Proposal is not inconsistent with SEPP 55.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) potentially applies to the site. The site does not contain flood liable land. Hence Clause 15 of the ISEPP referring to development with impacts on flood liable land is not relevant.

Preliminary assessment has been made as to whether *Subdivision 2 Development in or adjacent to road corridors and road reservations* is applicable to future developments. Considerations of guidelines issued are to be included for future subdivision design. Currently guidelines to be considered in the future are *'Development Near Rail Corridors and Busy Roads Interim Guideline*, based on the location of the land and distance to Ulan Road.

With reference to clause 104 Traffic Generating Development, as the proposed subdivision has direct access to a classified road, and the proposed number of allotments in the concept plan, it is

¹ *'Phase One - Preliminary Site Investigation - Investigation of Potential Contamination Future Rezoning for Residential Use, Bombira Estate Vineyard, Lot 1 DP1000182, 220 Ulan Road Mudgee'*, unpublished report prepared by Minespex on behalf of Mr Des Kennedy (April 2010).

likely that the future development would trigger the need for referral to the Road and Maritime Services (RMS) and further consideration under this clause.

Q.7. Is the proposal consistent with applicable Ministerial directions (s.117 directions)?

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. An overview of applicable directions and compliance is included in **Table 2**.

Table 2: Section 117 Ministerial directions

Section 117 Ministerial directions		Compliance of Planning Proposal
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	The objective of this direction is to protect the agricultural production value of rural land. The subject site is of minor significance to the viability of the RU4 zoned land, and is in fact compromised rural land, limited due to the adjoining zoned R2 land.
1.3	Mining, Petroleum Production and Extractive Industries	N/A
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	<p>An objective of this direction is to protect the agricultural production value of rural land. The planning proposal is consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</p> <p>The strip of land 294m wide, was retained with the RU4 zone when the adjoining land was rezoned to R2, i.e. the subject land. The planning proposal has the potential to reduce the conflict between residential land uses and other rural land uses. Future residential development is able to utilise the Edgell Lane reserve as buffer. Natural constraints, such as the biodiversity sensitive areas, are able to be considered in future subdivision design, as this aspect provides constraint to both agriculture and rural living opportunities.</p>
2.1	Environment Protection Zones	N/A
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	No items of European heritage have been identified in the subject site. The adjoining site contains Aboriginal objects that are protected under the National Parks and Wildlife Act 1974. Survey would be carried out prior to any disturbance for future subdivision. The planning proposal adopts measures that facilitate the conservation of environmental heritage. The concept plan is able to adapt and include measures to avoid impact to any sites from future subdivision works.
2.4	Recreation Vehicle Areas	N/A
3.1	Residential Zones	This direction applies to the subject land as a change to the residential zoning and lot size map is proposed. The planning

Section 117 Ministerial directions				Compliance of Planning Proposal
				proposal will make use of the available infrastructure (particularly roads, sewer and water) in the locality. The residential zoning will support development of good design. The provisions of the LEP are to not permit subdivision below 2ha of land until such time as the provision of a reticulated water and sewerage system, in accordance with the direction. The planning proposal will make more efficient use of infrastructure and services by adjoining land of the same zoning that has been included in master planning for future subdivision.
3.2	Caravan Parks and Manufactured Home Estates			N/A
3.3	Home Occupations			The planning proposal is consistent with this Direction, and the capacity for dwellings to accommodate small businesses will not be hindered.
3.4	Integrating Land Use and Transport			The planning proposal and concept plan aids reduction of the dependence of cars, and travel demand through adequate provision of road linkages, separate pathways and cycleway and new open space areas. The proposal has considered the existing infrastructure, residential development patterns, and local transport issues when developing the concept plan for future subdivision. The planning proposal will build upon the existing level of access and public transport met by the adjacent residential areas of the existing developed residential subdivisions.
3.5	Development Near Aerodromes		Licensed	<p>This planning proposal and constraints assessment has taken into consideration the location of Mudgee Airport and flight paths.</p> <p>The adjoining land has previously been identified by Council as land for residential development and zoned as such. The R2 zone extends within the flight path within 220 Ulan Road (i.e. the adjoining land).</p> <p><i>See comments below.</i></p>
3.6	Shooting Ranges			N/A
4.1	Acid Sulfate Soils			N/A
4.2	Mine Subsidence and Unstable Land			N/A
4.3	Flood Prone Land			N/A
4.4	Planning for Bushfire Protection			Mid-Western Regional LGA has a bushfire prone land map prepared under s146 of the <i>Environmental Planning and Assessment Act 1979</i> . The planning proposal is outside of the mapped bushfire prone land. The planning proposal does not hinder adjoining lands from complying with the provisions of <i>Planning for Bushfire Protection 2006</i> . The subject land will be serviced with town water and have future hydrants installed as part of the concept subdivision.
5.1	Implementation of Regional Strategies			N/A
5.2	Sydney Drinking Water Catchment			N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast			N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast			N/A

Section 117 Ministerial directions			Compliance of Planning Proposal
5.8	Second Sydney Airport: Badgerys Creek	N/A	
6.1	Approval and Referral Requirements		This direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal does not include LEP provisions requiring concurrence, consultation or referral.
6.2	Reserving Land for Public Purposes	N/A	
6.3	Site Specific Provisions	N/A	
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N/A	

The Planning Proposal is considered to be consistent with the applicable Ministerial directions as identified above.

Local Planning Direction – 3.5 Development Near Licensed Aerodromes

The objectives of this Direction are:

- to ensure the effective and safe operation of aerodromes, and
- to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
- to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

The proposed rezoning would not compromise the safety of the airport operations. This Planning proposal is considered to be consistent with this Direction, as discussed further below. Council must take into consideration the Obstacle Limitation Surface (OLS). Previous assessment of the OLS with relationship to the subject land was addressed by Whelans Insites in a submission to MWRC Sept 2011.



Figure 7 – Area to be included in Boundary Re-alignment (OLS and Ground Levels)

(Source: Whelans Insites)

As can be seen by the figure above, part of the site is located within the flight path of the Mudgee Airport, grass runway. The OLS height limit set over this area is OLS RL 476-RL491. The ground level of that part of the subject site that is within the flight path is between RL 458.2-RL467.6, being a clearance of between 8.5 – 33.5m on this part of the site (Whelans Insites, 2011). It is justifiable that residential dwellings could be accommodated on this land without constituting an obstruction or hazard to aircraft flying in the vicinity. The OLS in question is not for the commercial runway and is used infrequently. On this basis it is considered that the operation of the Airport would not be compromised by the future development of low density residential in this location. Council will be required to adopt appropriate height development standards in accordance with the Direction.

The direction requires Council to not rezone land for residential purposes, nor increase residential densities in areas where ANEF, exceeds 25. Where the ANEF is between 20 and 25, the Direction requires provisions to ensure that development meets AS2021 regarding interior noise levels.

As part of the constraints assessment for this planning proposal, a 'Residential Zoning Noise Assessment' was performed by Wilkinson Murray (June 2013). ANEF contours do not exist for the Mudgee Airport. However the Mudgee Airport Masterplan (2005) contains Australian Noise Exposure Concept (ANEC) contours for the Airport. Wilkinson Murray have reviewed the ANEC chart and identified that the subject land is outside the 20 ANEF and future dwellings would be considered acceptable in accordance with AS2021 (refer to **Appendix B**).

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q.8. 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 Planning Proposal involves land partially utilised as vineyard. The site has also faced grazing and has been partially cleared of native vegetation. A section of the subject land is mapped with the Mid-Western Regional LEP 2012 as High Biodiversity Sensitivity area under clause 6.5 (refer to **Figure 5**).

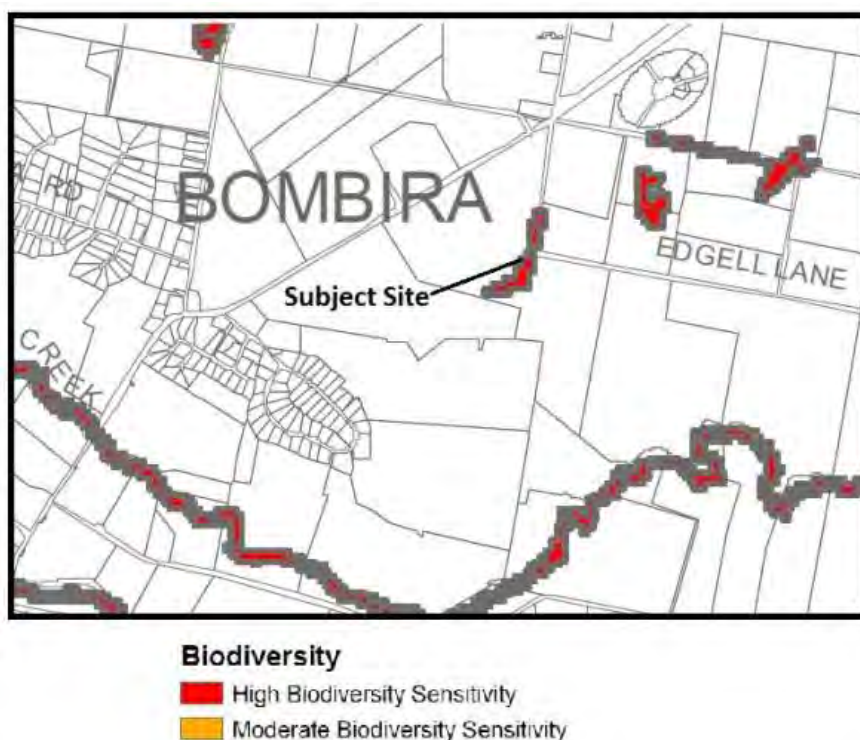


Figure 5: Biodiversity Sensitive Mapping (excerpt MWRLEP 2012 Sensitivity Biodiversity Sheet BIO_006)

This correlates to a pocket of trees providing a corridor linkage to trees area within the Edgell Lane road reserve. EcoLogical Australia (ecologists) was engaged as part of constraints assessment for this planning proposal to review the ecology of the mapped areas and make recommendation in response to the LEP. EcoLogical Australia found that the mapped area contains the vegetation community – Yellow box Grassy Woodland. Yellow box Grassy Woodland forms part the White Box- Yellow Box- Blakely's Red Gum Grassy Woodland and Derived Native Grassland Endangered Ecological Community (EEC) listing under *NSW Threatened Species Conservation Act 1995* (TSC Act) and Critically Endangered Ecological Community (CEEC) listing under the *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The canopy within the site exists entirely of mature *Eucalyptus melliodora* (Yellow Box). There is no shrub layer within the site. Potential koala habitat was not identified. Further description is provided in **Appendix C**. The extent of the Yellow box Grassy Woodland is depicted in the map below.



Figure 2: Yellow Box Grassy Woodland extent within Lot 4 DP1000182

Based on the advice of Ecological Australia (2013), further assessment should be carried out prior to development. Also the following principles should be incorporated into future development to ensure that the biodiversity values of the Biodiversity Sensitive area are protected and maintained:

- a) Building envelopes should be placed outside the mapped area. These areas should include any infrastructure requirements;
- b) Any impacts upon the mapped area will require further threatened species impact assessment;

- c) Maximise the retention of mature canopy and habitat trees within the mapped area;
- d) Protect and enhance habitat for threatened flora and fauna;
- e) Incorporate native species of local provenance within any vegetation plans.

Further assessment would inform any future subdivision layout to reduce potential impact on the habitat value. In conjunction with the above principles and appropriate development design the adverse impacts are able to be avoided.

Q.9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The constraints assessment and Land Use Risk Assessment carried out as part of the planning proposal preparation process has identified known environmental issues. Environmental issues are able to be addressed in greater depth as part of a Development Application process.

With reference to *A Guide to Preparing Planning Proposals*, technical studies to address an identified issue should be undertaken following the initial Gateway determination. Such studies together with community and public authority consultation can explore the mitigation of any potential impacts.

Future traffic impact assessment has been considered as part of the planning proposal due to the location on Ulan Road, and the scale of the future development however such issues can accompany any development application which will consider impacts during construction and operation and address transport/access issues as required.

Constraints Assessment for pt 130 Edgell Lane

Where a constraint has been identified, they are able to be addressed in the concept design and further assessment at the development stage.

Topography and Soils

The site is located in a foot slope, terrace landscape and can generally be described as sloping gently to the south. The site has been described as having unique topography and aspect for the locality, with existing mixed agricultural land use surrounding the site.

The MWREL P has provisions to preserve the visual setting of the Mudgee Township, particularly through Clause 6.10 Visually sensitive land near Mudgee. The land subject of the planning proposal is located outside of the Visually Sensitive Land area identified under the MWRLEP, and future residential subdivision will not compromise the visual setting forming the backdrop of Mudgee. It is considered that the proposed residential zoned land in combination with the topography and agricultural land use form an appropriate boundary to the urban footprint of Mudgee.

The broader regional landform has been identified within the Craigmores Soil Landscape (Murphy and Lawrie 1998). The soil type is located in the vicinity of Mudgee on the eastern and western side of the Cudgegong River described as non-calcareous brown soils. Landscape limitations for the landform are minimal, although Murphy and Lawrie (1998) indicate erosion hazard is significant when soils are

tilled or surface cover low. Limitations of the soils identified by Murphy and Lawrie (1998), indicate a moderate to high fertility; level land; weakly structured surface soils; moderate to high water holding capacity; and moderate to high erosion hazard under cultivation. The urban capability of the Craigmore Soil Landscape is generally considered suitable for urban development, provided account is taken of the moderate shrink-swell potential of many sub-soils and the small areas of salinity (Murphy and Lawrie, 1998). Isolated low levels of salinity occur along some drainage lines and depressions in this soil landscape group.

The soil type and topography have not raised any concerns as to the suitability of the land to handle a greater density of residential development.

Groundwater Vulnerability

Clause 6.4 Groundwater vulnerability of MWRLEP applies to future development of the subject land as the site falls within land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map. The majority of Mudgee urban area falls within the mapped ‘groundwater vulnerable’ area as depicted in the excerpt from the map in **Figure 6** below.

MWRC must consider this clause before determining a development application, and consider relevant issues such as: the likelihood of groundwater contamination caused by development, the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals), and impacts on groundwater dependent ecosystems. This requirement is for the development stage and does not hinder further consideration of the planning proposal, further it is unlikely that the residential use will cause groundwater contamination with reticulated sewer.

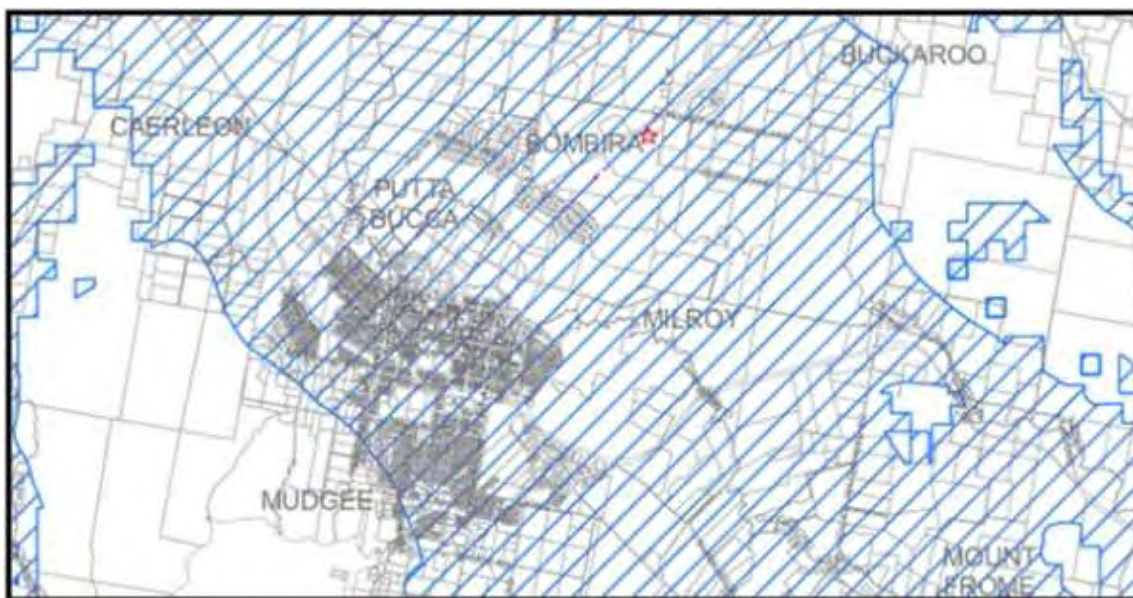


Figure 6: Groundwater Vulnerability (excerpt MWRLEP 2012 Groundwater Vulnerability Map GRV_006)

Salinity

As indicated by Murphy and Lawrie (1998) isolated low levels of salinity occur along some drainage lines and depressions in the Craigmore soil landscape group. This may place focus on land to the south of the subject land. Sites can become saline if salts in subsurface layers of the soil are mobilised and brought to the surface through rising groundwater or development of a perched watertable due to an impediment to water drainage. Site specific drainage measures would need to be addressed in relation to any future subdivision proposals and is premature at this stage.

With reference to previous salinity investigations carried out for the nearby development of the extension of the Robert Hoddle Grove residential site by consultants, Barnson Pty Ltd, as a component of information supporting the aforementioned development for rural residential subdivision; as well as the salinity investigation report prepared by Environmental Earth Sciences for the Comprehensive Land Use Strategy (CLUS), it is understood, salinity potential is inherent to the Mid-Western Regional LGA and the potential susceptibility of future dwellings to salt damage in the subject development site should be acknowledged.

Site specific soil samples have not been collected for this planning proposal. The soil landscape features do not indicate a high risk for salinity to occur. Salt tolerant species, stressed vegetation and areas of scalding were not observed during the site inspection by Minespex or EcoLogical Australia in 2013. Future subdivision developments are able to consider the potential for salinity and supplementary reports can be prepared at that stage.

It is considered appropriate that the provisions of 'Building in Saline Environments' as outlined in the *MWRC Development Control Plan (2013)* be adopted for future development application proposals, without need for additional site specific measures.

Flora and Fauna

The subject site was observed to be cleared of most timber, which had occurred in decades prior based on known site history. The site has been developed as a vineyard (which would be removed prior to development). Yellow box trees that remain in the subject land are described in with reference to Q8 above. Fence lines are centred on the dwelling site and road boundary. Ornamental species have been introduced in these areas. Groundcover was estimated at 95%. Weeds are well controlled on the land.

Fauna surveys have not been carried out at the site. However the site is not likely to represent significant habitat outside areas of native vegetation. The site does not support potential koala habitat. Known habitat features should not constrain residential development in the future, with further specific impact assessment appropriate at the development stage.

Road Network

The site has access to Ulan Road, being the main connector road from the north-east of Mudgee to the CBD. Ulan Road is defined as a sub-arterial road, conveying traffic from areas of development directly from one part of a region to another.

Frontage to the existing road network is adequate and raises no issues regarding opportunity for future residential development in the locality to connect to the road network. Option also exists for Edgell Lane to accommodate traffic flow from the subject site.

The expected traffic increase generated by the future subdivision development would be addressed in a future 'Traffic Analysis' for the proposed concept plan. With reference to a recent Traffic Analysis by Jabek (2013) considering the development of the neighbouring property 220 Ulan Road at a greater density i.e. 2000m² lots; it is expected that the predicted impact of traffic increased on the level of service of the roads, including Ulan Road remains acceptable.

Safety along Ulan Road has been considered, with impact to intersection safety, speed zones, sight distance, and road condition, factored into the preliminary concept planning. It is recommended due to the increase in traffic using Ulan Road/Proposed New Access Road intersection the recommended entry to the development should be an appropriately engineered intersection to ensure safety of the road users.

Essential Services

Sewer, water, power and telecommunication services are all available on the subject land and can be readily extended to service all lots within the development. The planning proposal identifies an area for future growth adjoining land currently zoned for residential development, enabling the planning of infrastructure such as sewer, water and road in the most efficient manner. Services are able to be designed to accommodate the long term development requirements obtaining the most value out of local infrastructure projects.

Drainage and Flooding

The site is located outside of the associated Flood Planning Area identified under MWRLEP. The site is not affected by mapped riparian environments. Topography directs overland flow to the south, which drain to Lawson Creek and ultimately the Cudgegong River.

Heritage

No European heritage items are listed within or in vicinity of the subject land as listed under the MWRLEP.

A search was completed for the site of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) web services. The search, with a buffer of 200m to the site, showed that:

- Zero (0) Aboriginal sites are recorded in or near the above location
- No Aboriginal places have been declared in or near the above location.

The search, with a buffer of 1km to the site, showed that:

- Four (4) Aboriginal sites are recorded in or near the above location
- No Aboriginal places have been declared in or near the above location.

The AHIMS searches are attached at **Appendix D**.

Future aboriginal heritage assessment is appropriate prior to disturbance at the site. Where items are in vicinity of the site the potential for heritage items to occur with the site in similar landscape scenarios is acknowledged. However, the potential occurrence of heritage items within the site does not exclude the future development of the land for residential purposes. A process of due diligence in accordance with the DECCW guidelines should continue to be applied to the assessment of indigenous heritage. At the planning proposal stage, no ground disturbance is proposed, and further heritage assessment is not warranted prior to Gateway determination.

Q.10. How has the planning proposal adequately addressed any social and economic effects?

Demand on Services:

Other potential impacts of the planning proposal and subsequent development of the site include the demand for infrastructure and utility services and demand for community facilities and social services. It is considered that the site can be adequately serviced within the existing infrastructure framework without placing undue demand on services in Mudgee (see Q11 below). Development under the vision and concept plan will improve the access to passive recreation areas for north Mudgee residents.

Affects of land supply shortage:

The proposal addresses the security of long term supply of land in the unique 'North Mudgee' setting. It is well understood locally and supported by the findings of the Local Services Assessment that Mudgee is experiencing housing pressure from demand generated by the mining industry. This has had the impact of reducing the predicted available number of year's supply of lots in the location.

The proposal aims to alleviate situations whereby, pressure on the local housing market to the point where demand for vacant residential land outstrips supply. The inclusion of the additional 16ha will serve to improve the development design options for the current zoned land, as well as address the housing shortage in the region and cater for a wider cross-section of people in the locality in the longer term.

Some areas identified for future development in the Comprehensive Land Use Strategy, have been developed, and further growth areas identified do not meet the lot yield required to achieve the predicted population growth. The report estimates Mid-Western region will need more than 5096 new houses by 2021 to cope within predicted population growth, representing a lot deficiency of 3896. Shortages in short term accommodation are predicted, and have been experienced that have driven housing prices upward. As the majority of population growth is expected to occur in Mudgee, this further supports the need for such a planning proposal.

Further technical investigations to address demand and supply are not warranted at this stage due to the current nature of the Mandis Roberts report of Aug 2012.

Other developments:

With regard to recent planning proposals, such as the Caerleon Residential Area, Saleyards Lane by MWRC and other reports to Council it has been noted that the demand for housing needs to be addressed in the short to medium term. Unlike other proposals, this planning proposal seeks to address the demand for housing in the longer time frame, and provides opportunity in the 'North Mudgee' area, which is unique to other residential release areas. Alternative residential lifestyle opportunities provided by sites in south and west Mudgee are not interchangeable with the development standard and setting of 'North Mudgee'.

The inclusion of the land in the current zone at this stage provides security for longer term supply. Further the alignment of the current zoning to the vision and concept plan provides assurance for future residents of the location that the development would proceed in accordance with the master planning carried out.

SECTION D - STATE AND COMMONWEALTH INTERESTS

Q.11. Is there adequate public infrastructure for the planning proposal?

The Local Services Assessment prepared by Mandis Roberts referred to public infrastructure issues in addition to the land and housing shortage. Key findings of the report indicate that preschools and early childhood centres have capacity constraints. Capacity constraints are likely to be reached in the near future. However, NSW Health reports that the existing system is considered adequate to cope with growth.

Transport pressure on roads is also acknowledged, with those roads servicing the mining sector highlighted. This will include the Ulan Road. Ulan Road forms a road corridor connecting north Mudgee to the Mudgee CBD. An internal road system is proposed to provide one main point of entry/exit to the development site maximising safety for traffic onto Ulan Road. Airport and rail infrastructure is adequate.

With the development of the adjoining land in staged subdivisions, the site would be able to be serviced by town water and sewer and has existing electricity connection. The Local Services Assessment indicated that water infrastructure presents no capacity constraints to limit development. A new sewerage augmentation system to service Mudgee will have capacity to service the proposal. Waste management facilities will face capacity in the medium term.

The Planning Proposal includes available area for recreational (playground) sites within the subdivision with pathway linkages to the road system and the existing pathways in Bombira. This will assist in improving the accessibility of passive recreational areas within vicinity to the developed area and other nearby developed residential sites, as well as the subject land.

Demand on public infrastructure will require consultation with appropriate public authorities; however the current infrastructure is considered sufficient to provide for the future residential development and therefore is considered acceptable for the Planning Proposal.

Q.12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning proposal?

A summary of the views of State and Commonwealth Public Authorities will be provided following gateway determination.

PART 4 - DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

Community consultation for the Planning Proposal would be undertaken in accordance with the consultation requirements set out in *A guide to preparing local environmental plans* (DoP 2012).

The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning and Infrastructure DP&I at the gateway determination.

CONCLUSION

This Planning Proposal relates to an amendment to *Mid-Western Regional Local Environmental Plan 2012* for part of land at Lot 4 DP1174282, 130 Edgell Lane, Mudgee. The aim of this report has been to describe the proposed amendment to extend the R2 zone boundary from an arbitrary boundary within the land title (Lot 4 DP1174282) to align with Edgell Lane, Mudgee. This aims to facilitate development of future low density residential lots under the direction of a master-planned development concept.

The need for mitigation of some environmental aspects has been identified. With continued planning for subdivision development in the location these potential impacts will be able to be addressed so as to not reduce the quality of amenity for residents, or impact on the environment. The summary of master planning carried out to date by One Collective, is provided as an Appendix to this proposal. The vision and key principles established to achieve a responsive design, will continue to be developed in line with the planning framework and further investigations.

The planning proposal seeks to deliver the best community and design outcomes, achieving the objectives of the LEP to ensure the successful future development of the 'North Mudgee' precinct as well as the wider Mudgee community. The rezoning to include the land up to Edgell Lane at this stage of the master planning process provides assurance for future residents of the location that the development would proceed in accordance with the master planning carried out. Also, the inclusion of the land in the current zone at this stage provides security for longer term supply, in the current climate of growth.

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Environmental and Earth Sciences (2004) *Statement of Environmental Effects (including Salinity Investigation) Lot 7 DP842243 and Lot 7 and Lot 8 DP1096571*, (unpublished report for DA0187/2005).

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Mid-Western Regional Council (2010) *Mid-Western Region Economic Development Strategy A 10 Year Plan*.

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NSW Rural Fire Service (December 2006) *Planning for Bushfire Protection*.

One Collective – Development concept plans 2013- & The vision- The Reserve Mudgee.

Parsons Brinckerhoff (October 2009) *Mid-Western Regional Comprehensive Land Use Strategy*.

Submissions and Constraints Assessments for previous rezoning of the subject land and current planning proposal:

Ecological Australia Pty Ltd (April 2013) *'Ulan Road/Edgell lane Biodiversity Sensitivity Review & Recommendations'* unpublished letter report.

Insites (August 2008) *Submission to Mid-Western Regional Council – Mid-Western Regional Comprehensive Land Use Strategy Suitability of Land at Ulan Road, Bombira, for Large Lot Residential Development*.

Insites (December 2009) *Submission to Mid-Western Regional Council - Ulan Road Bombira Tourist and Lifestyle Precinct*.

Insites (June 2011) *Submission to Mid-Western Regional Council Proposal to Re-align Zone Boundary under the Draft Mid-Western Regional Local Environmental Plan 2011*.

Jabek (2013) *Preliminary Traffic Analysis*, unpublished report prepared on behalf of Mr D Kennedy.

Minespex (July 2013) *"Land Use Conflict Risk Assessment (LUCRA) part of Lot 4 DP1174282, Edgell Lane Mudgee"*.

Minespex (April 2010) *Phase One - Preliminary Site Investigation - Investigation of Potential Contamination Future Rezoning for Residential Use, Bombira Estate Vineyard, Lot 1 DP1000182, 220 Ulan Road Mudgee'*, unpublished report prepared by on behalf of Mr Des Kennedy.

Mid-Western Regional Council (Dec 2011) *Draft Mid-Western Local Environmental Plan 2011 Submissions Report*.

Wilkinson Murray (June 2013) *"Residential Zoning Noise Assessment, 130 Edgell Lane Report No. 13098"*, prepared for Mr Rick Turner.

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APPENDIX A – LAND USE CONFLICT RISK ASSESSMENT (LUCRA)

Minespex (July 2013) *“Land Use Conflict Risk Assessment (LUCRA) part of Lot 4 DP1174282, Edgell Lane Mudgee”*.

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Land Use Conflict Risk Assessment (LUCRA)

part of Lot 4 DP1174282, Edgell Lane Mudgee

Introduction

A land use conflict risk assessment (LUCRA) has been performed within the context of the existing land uses and land zoning pursuant to the Mid-Western Regional Local Environmental Plan 2012. The LUCRA has considered the potential conflicts associated with changing the land zoning from RU4 Primary Production Small Lots to R2 Low Density Residential.

Where potential conflicts within the land use context are identified, an unmitigated risk ranking has been applied with reference to the risk ranking matrix in NSW Department of Primary Industries (Oct 2011) *'Land Use Conflict Risk Assessment Guide'*. Risk reduction controls have subsequently been considered and management strategies outlined. This is followed by a revised risk ranking considering the method of control.

The results of the land use conflict risk assessment are to inform the planning proposal and will further influence design of future development. The ranking of risk will aid in developing a priority for upfront environmental assessment and in the development of proposed design and management strategies.

Refer to **Figure 1** for site context. Of relevance, the subject site location is:

- South of the Mudgee Airport.
- To the west of R2 Low Density Residential land currently undeveloped.
- To the east of existing RU4 Primary Production Small Lots currently grazing land.
- Bound on two sides by road frontages, Edgell Lane and Ulan Road.

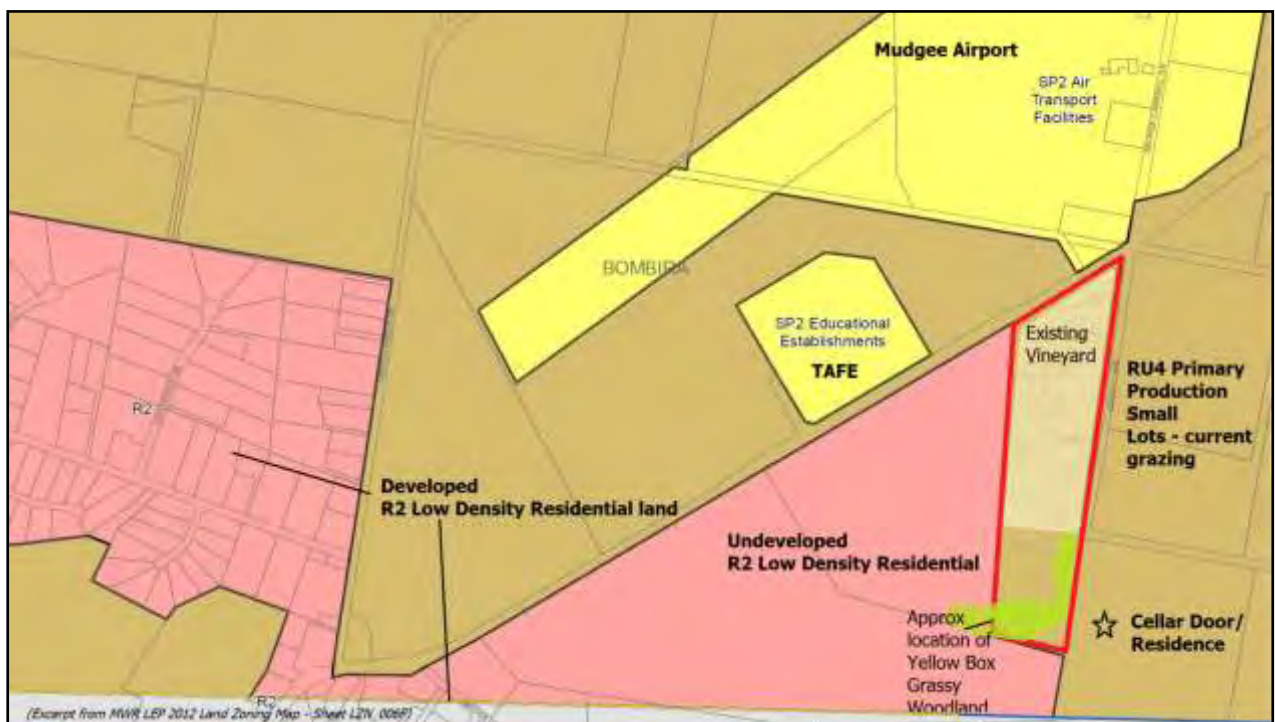


Figure 1: Part of Lot 4 DP1174282 Site Context

Risk Ranking Matrix

The adopted Risk Ranking Matrix is based on the matrix provided in the NSW Department of Primary Industries (Oct 2011) *'Land Use Conflict Risk Assessment Guide'*. A rank of 25 is the highest magnitude of risk; a highly likely, very serious event. A rank of 1 represents the lowest magnitude of risk an almost impossible, very low consequence event. The objective was to apply a Management Strategy or Method of Control that lowered the score to 10 or below (considered acceptable).

Table 3: Probability Table – to score the likelihood of the consequence occurring

Level	Descriptor	Description
A	Almost certain	Common or repeating occurrence
B	Likely	Known to occur, or 'it has happened'
C	Possible	Could occur, or 'I've heard of it happening'
D	Unlikely	Could occur in some circumstances, but not likely to occur
E	Rare	Practically impossible

Table 2: Risk Ranking Matrix –

PROBABILITY Consequence	A	B	C	D	E
1	25	24	22	19	15
2	23	21	18	14	10
3	20	17	13	9	6
4	16	12	8	5	3
5	11	7	4	2	1

Table 4: Measure of Consequence

Level: 1	Descriptor: Severe
Description	<ul style="list-style-type: none"> Severe and/or permanent damage to the environment Irreversible Severe impact on the community Neighbours are in prolonged dispute and legal action involved
Example/ Implication	<ul style="list-style-type: none"> Harm or death to animals, fish, birds or plants Long term damage to soil or water Odours so offensive some people are evacuated or leave voluntarily Many public complaints and serious damage to Council's reputation Contravenes Protection of the Environment & Operations Act and the conditions of Council's licences and permits - Almost certain prosecution under the POEO Act
Level: 2	Descriptor: Major
Description	<ul style="list-style-type: none"> Serious and/or long-term impact to the environment Long-term management implications Serious impact on the community Neighbours are in serious dispute
Example/ Implication	<ul style="list-style-type: none"> Water, soil or air impacted, possibly in the long term Harm to animals, fish or birds or plants Public complaints - Neighbour disputes occur - Impacts pass quickly Contravenes the conditions of Council's licences, permits and the POEO Act Likely prosecution
Level: 3	Descriptor: Moderate
Description	<ul style="list-style-type: none"> Moderate and/or medium-term impact to the environment and community Some ongoing management implications Neighbour disputes occur
Example/ Implication	<ul style="list-style-type: none"> Water, soil or air known to be affected, probably in the short term No serious harm to animals, fish, birds or plants Public largely unaware and few complaints to Council May contravene the conditions of Council's Licences and the POEO Act Unlikely to result in prosecution
Level: 4	Descriptor: Minor
Description	<ul style="list-style-type: none"> Minor and/or short-term impact to the environment and community Can be effectively managed as part of normal operations Infrequent disputes between neighbours
Example/ Implication	<ul style="list-style-type: none"> Theoretically could affect the environment or people but no impacts noticed No complaints to Council Does not affect the legal compliance status of Council
Level: 5	Descriptor: Negligible
Description	<ul style="list-style-type: none"> Very minor impact to the environment and community Can be effectively managed as part of normal operations Neighbour disputes unlikely
Example/ Implication	<ul style="list-style-type: none"> No measurable or identifiable impact on the environment No measurable impact on the community or impact is generally acceptable

Risk Evaluation and Management Strategies

Land Use Context	Potential Conflict	Risk Ranking	Management Strategy (Method of Control)	Revised Risk Ranking
Residential land use adjoining additional residential land	Market value of property is negatively impacted due to development.	8	The impact is hard to argue impact one way or another. The adjoin land is also undeveloped. Compatible land uses are proposed. Master planning process is to be undertaken. The availability of the land to facilitate master planning for development will benefit overall standard of development.	3
	Loss of visual amenity, rural outlook.	4	The adjoining developed residential land has not been developed, and the views will change with the development of the Edgell Lane precinct overall. The use of an overall planning concept would reduce impact, considering the optimisation of views and use of topography in the development of the site as part of a greater development rather than a strip of land in isolation.	2
Existing agricultural land adjoining new residential land	Dust generation due to vehicles and harvesting machinery.	12	Checking wind direction before movements. Responsibility of farmer. Farm management plans implemented.	5
	Noise generation during harvest (no existing vineyard adjacent, however potential for future intensive agriculture).	12	Communication protocol with neighbours. No night time work. Complaint management strategy adopted by farmer.	5
	Chemical spray drift (from future intensive agriculture).	12	Apply buffers with planted trees/shrubs for min 30m. (Currently no intensive pursuit occurs adjacent the subject land, and buffers can be applied with Edgell Lane forming a buffer to the majority of the proposed rezoning).	5
	Pest control methods - Lawful shooting of pests, baiting – noise and safety for domestic animals.	8	Pest management to utilise alternative means. Communication protocol with neighbours.	5

Land Use Context	Potential Conflict	Risk Ranking	Management Strategy (Method of Control)	Revised Risk Ranking
	Visual amenity impacted – visible to residential land – rural sheds etc.	4	Apply provisions of the Mid-Western Regional Council DCP 2013.	2
	Health impacts due to chemical exposure/dust	8	Avoid impact with strategy of correct application of chemical. Apply buffers with planted trees/shrubs for min 30m.	5
	Domestic animals are disturbed by harvest	4	Communication protocol with neighbours.	1
New residential land use adjoining existing agricultural land use	Weed invasion from residential land into Ag land	4	Fence lines maintained. Edgell Lane road reserve forms barrier to most of the site.	1
	Neighbour disputes	2	Communication protocol with neighbours.	1
	Complaints to Council	5	Complaint management strategy adopted by Council.	3
	Security issues arise due to trespass	8	Signage installed on fences warning of safety issues against trespass.	3
	Domestic animals escape to agricultural land	4	Domestic fencing. Signage installed on fences warning of safety issues in accordance with regulations. Communication protocol with neighbours.	1
	Damage to future developer's and Council's reputation through conflicts being realised.	8	Council to undertake due consultation and advertising as part of the planning process. Complaint management strategy.	3
Airport land and associated industry adjoining new residential land	Obstacle Limitation Surface (OLS) height poses development restriction. Flights are affected.	13	Whelans Insites (Sept 2011) have undertaken survey and investigations to ascertain that the height difference at the site between the ground level and the OLS demonstrates that residential dwellings could be accommodated on this land without constituting an obstruction or hazard to aircraft flying in the vicinity. Legal restrictions on development can avoid any impact.	6
	Potential for aircraft accident in residential land results in loss of property and potential loss of life.	22	The flight path associated with the grassed runway, is not commercially used by Mudgee airport traffic. Airport operation procedures, management/communication	15

Land Use Context	Potential Conflict	Risk Ranking	Management Strategy (Method of Control)	Revised Risk Ranking
			measures and aircraft maintenance procedures reduce risk.	
	Noise impacts on residential amenity	13	Wilkinson Murray Pty Limited (Acoustic Engineers) has performed Noise Assessment. Aircraft noise levels are not expected to result in a noise impact.	6
	Residential land restricts the future development of the airport land due to inconsistency in noise amenity.	12	Wilkinson Murray Pty Limited (Acoustic Engineers) has performed Noise Assessment. A 70m separation is considered appropriate between residential and commercial/and or industrial land uses during business hours considering the existing noise environment.	5
Ulan Road (road corridor) adjoining new residential land	Weed invasion from road reserve.	4	Ongoing weed management by Council.	1
	Road traffic noise impacts on residential amenity.	13	Wilkinson Murray Pty Limited (Acoustic Engineers) has performed Noise Assessment. A 50m exclusion zone and a 150m treatment zone, where ventilation design for closed bedroom windows, has been recommended where required to control internal traffic noise levels.	9
	Increased traffic creates hazard at intersections.	13	The speed zone has recently been reduced to 80km/hr. Any required new road treatments can be assessed and engineered as part of subdivision design.	9
Change of land use from Agriculture to Residential (internal lot conflicts)	Identified Yellow Box Grassy Woodland may deteriorate with flora fauna disturbance impacts.	17	Ecological Australia Pty Ltd assessment undertaken. Further threatened species impact assessment to be undertaken as per Part 4 of the EP&A Act at the DA stage. Mitigation through adhering to the following principles: 1. Building envelopes should be placed outside the mapped area. These areas should include any infrastructure requirements;	9

Land Use Context	Potential Conflict	Risk Ranking	Management Strategy (Method of Control)	Revised Risk Ranking
			<p>2. Any impacts upon the mapped area will require further threatened species impact assessment;</p> <p>3. Maximise the retention of mature canopy and habitat trees within the mapped area;</p> <p>4. Protect and enhance habitat for threatened flora and fauna;</p> <p>5. Incorporate native species within any vegetation plans.</p> <p>Construction management plan to be implemented to protect during civil works.</p> <p>If impacts are not avoidable appropriate approvals to be sought under legislation.</p>	
	Established viticulture is removed affecting local industry.	13	Economic benefits support the rezoning for the current owners. The proposal represents a loss of approx 10ha of vineyard. This is not significant for the region or locality. The local industry will not be impacted, further as harvesting has also not been occurring in recent years at this site.	6
	Land contamination exists due to vineyard posing risk to health.	13	<p>Land assessment in accordance with EPA guidelines can be performed and any remediation occur at the DA stage. The actual vineyard has been an organic plot with no known persistent chemicals used historically.</p> <p>Adjoining land in Ulan Road has faced recent contamination investigation and soil analysis post vineyard removal.</p> <p>Comparatively, the site is not likely to be hindered due to this risk as no soil contamination originating from the adjoining past viticulture site was identified and organic farming practices were not employed as at the subject site. No fuel storage has occurred.</p>	6

Limitations and Assumptions

Temporary conflicts due to development of the land have not been considered, such as civil works.

The LUCRA process has been undertaken by Minespex as an evaluation tool. The aim has been to identify and recommend appropriate management of potential sources of conflict. The planning context is within the zonings applied under the MWRLEP 2012.

It is assumed that the existing cellar door and dwelling in Edgell Lane will not conflict with the proposed rezoning for residential use.

Because of the severe consequence of a potential aircraft accident, even if considered a rare (practically impossible) probability, the risk ranking cannot be reduced below a score of 10. Comparatively, the score would rank higher for existing developed residential land within the flight path of the main runway of the Mudgee Airport in the Putta Bucca Road locality.

The Mudgee Airport Master Plan 2005 has been referred to with regard to assessment of noise impacts.

Some interaction impacts between rural land owners and residents, come down to expectations on how the land is used, and appreciation for the wider rural setting and each other's needs. The risk evaluation process will highlight issues that may need management. The potential for impact on amenity is somewhat subjective, as is potential for complaints in some circumstances; these types of conflict may be reduced with prior knowledge of an adjoining activity and personal expectations.

Conclusions and Recommendations

Site analysis and conflict identification will enable future management strategies to be adopted in any future development of the site. The scores of the LUCRA process indicate the following potential conflict scenarios are of most influence at the subject site:

- Ulan Road (road corridor) adjoining new residential land - Road traffic noise impacts on residential amenity & increased traffic potentially creates hazard at intersections.
- Airport land and associated industry adjoining new residential land - Potential for aircraft accident in residential land results in loss of property and potential loss of life.
- Internal lot conflicts - Identified Yellow Box Grassy Woodland may deteriorate with flora fauna disturbance impacts.

Implications of conflict identified do not exclude the site as suitable for residential development. The findings indicate that a master planning process to incorporate design features that reduces the potential for conflict from road noise, rural interactions and environmental impacts.

In summary, the implications of conflict identified in this evaluation, include:

1. Any future subdivision layout, road design and traffic connections to be designed to minimise exposure to road traffic noise and reducing potential traffic hazards. Recommendations of the Noise Assessment performed by Wilkinson and Murray Pty Limited (2013) should be implemented to avoid impact on amenity.

2. Avoidance of impact to identified Yellow Box Grassy Woodland should be aimed in any future subdivision concept. Future subdivision design should only proceed with additional threatened species impact assessment and vegetation management plan. Recommendations of the Biodiversity Sensitivity Review performed by Eco Logical Australia (2013) should be implemented to ensure potential impact is reduced.
3. The future development of the land may require some restrictions to be enforced through legal instruments; such as development height with reference to the Obstacle Limitation Surface (OLS), and protection of any significant flora that is proposed to be retained (including endangered ecological communities (EEC)).
4. If the rezoning does not proceed as considered in this LUCRA, and subject land is retained as a vineyard, the adjoining R2 Low Density Residential Land should plan to include a buffer from the existing agricultural land. Further a property management plan should be adopted that includes a communication protocol with neighbours.

References

Department of Primary Industries (October 2011) *Assessing Intensive Plant Agriculture Developments*.

Department of Primary Industries (October 2011) *Land Use Conflict Risk Assessment Guide*.

Eco Logical Australia (April 2013) *Ulan Road/Edgell Lane Biodiversity Sensitivity Review and Recommendations*.

Mid-Western Regional Council Development Control Plan 2013.

Mid-Western Regional Local Environmental Plan 2012.

Sinclair Knight Merz (August 2005) *Final Report Mudgee Airport Master Plan 2005*.

Whelans Insites (September 2011) *Proposal to Re-align Zone Boundary under the Draft Mid-Western Regional local Environmental Plan 2011, Lots 1 and 2 DP747265 & Lot 1 DP865478, 130 Edgell Lane, Buckaroo NSW 2850*.

Wilkinson Murray Pty limited (June 2013) *130 Edgell Lane Residential Zoning Noise Assessment Report No 13098 Vers B*, prepared for Mr Rick Turner.

APPENDIX B – WILKINSON MURRAY NOISE ASSESSMENT

Wilkinson Murray (June 2013) *“Residential Zoning Noise Assessment, 130 Edgell Lane Report No. 13098”*, prepared for Mr Rick Turner.

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130 EDGELL LANE

RESIDENTIAL ZONING NOISE ASSESSMENT

REPORT NO. 13098
VERSION B

JUNE 2013

PREPARED FOR

RICK TURNER
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DOCUMENT CONTROL

Version	Status	Date	Prepared By	Reviewed By
A	Draft	14 May 2013	Nic Hall	John Wassermann
B	Draft	28 June 2013	Nic Hall	John Wassermann

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Celebrating 50 Years in 2012

Wilkinson Murray is an independent firm established 50 years ago originally as Carr & Wilkinson. In 1976 Barry Murray joined founding partner Roger Wilkinson and the firm adopted the name which remains today. From a successful operation in Australia, Wilkinson Murray expanded its reach into Asia by opening a Hong Kong office early in 2006. 2010 saw the introduction of our Queensland office and 2011 the introduction of our Orange office to service a growing client base in these regions. From these offices, Wilkinson Murray services the entire Asia-Pacific region.



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GLOSSARY OF ACOUSTIC TERMS

Most environments are affected by environmental noise which continuously varies, largely as a result of road traffic. To describe the overall noise environment, a number of noise descriptors have been developed and these involve statistical and other analysis of the varying noise over sampling periods, typically taken as 15 minutes. These descriptors, which are demonstrated in the graph below, are here defined.

Maximum Noise Level (L_{Amax}) – The maximum noise level over a sample period is the maximum level, measured on fast response, during the sample period.

L_{A1} – The L_{A1} level is the noise level which is exceeded for 1% of the sample period. During the sample period, the noise level is below the L_{A1} level for 99% of the time.

L_{A10} – The L_{A10} level is the noise level which is exceeded for 10% of the sample period. During the sample period, the noise level is below the L_{A10} level for 90% of the time. The L_{A10} is a common noise descriptor for environmental noise and road traffic noise.

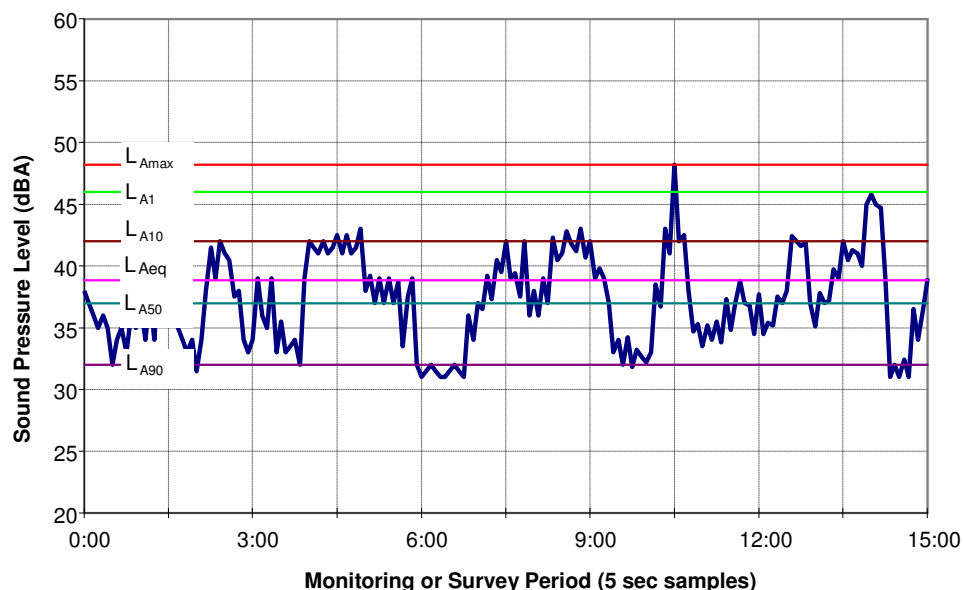
L_{A90} – The L_{A90} level is the noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the L_{A90} level for 10% of the time. This measure is commonly referred to as the background noise level.

L_{Aeq} – The equivalent continuous sound level (L_{Aeq}) is the energy average of the varying noise over the sample period and is equivalent to the level of a constant noise which contains the same energy as the varying noise environment. This measure is also a common measure of environmental noise and road traffic noise.

ABL – The Assessment Background Level is the single figure background level representing each assessment period (daytime, evening and night time) for each day. It is determined by calculating the 10th percentile (lowest 10th percent) background level (L_{A90}) for each period.

RBL – The Rating Background Level for each period is the median value of the ABL values for the period over all of the days measured. There is therefore an RBL value for each period – daytime, evening and night time.

Typical Graph of Sound Pressure Level vs Time



1 INTRODUCTION

This technical report is to support a planning proposal to the Mid-Western Regional Council to re-zone a parcel of land at the corner of Ulan Road and Edgell Lane, Mudgee from RU4 Primary Production Small Lots to R2 Low Density Residential pursuant to the Mid-Western Regional Local Environmental Plan 2012.

This report documents the assessment of industrial, road traffic, and aircraft noise on future residential receivers within the parcel of land.

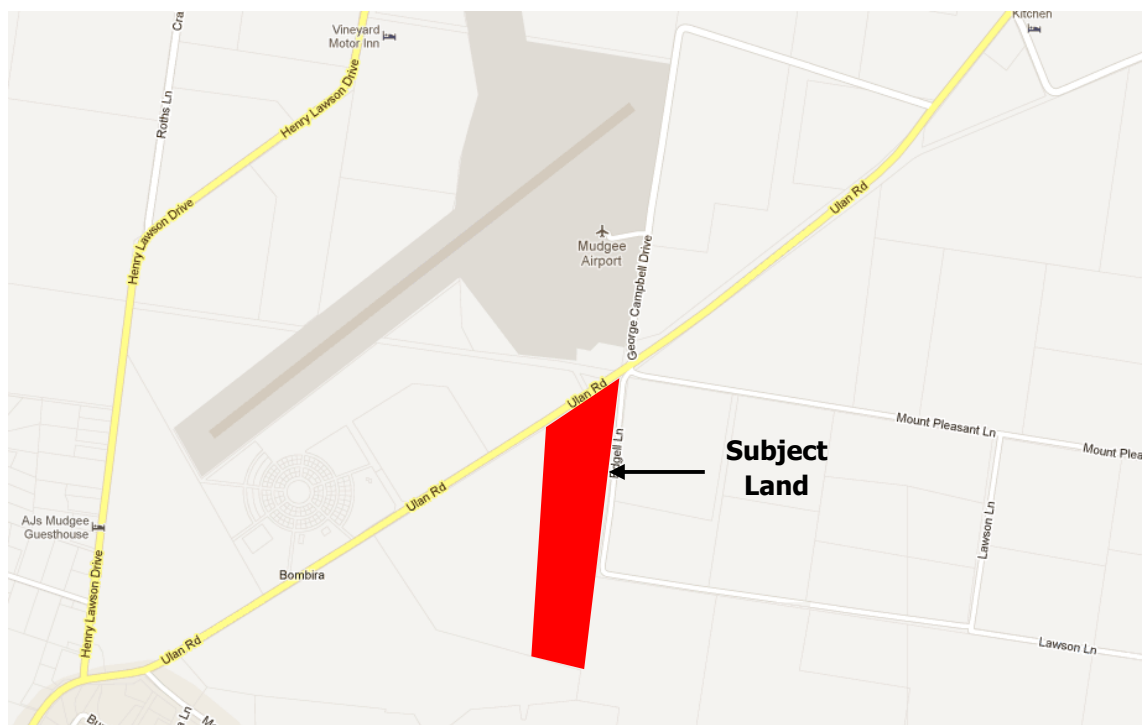
The noise assessments have been carried out in accordance with the following guidelines:

- *NSW Industrial Noise Policy (INP) (EPA, 2000);*
- *NSW Road Noise Policy (RNP) (EPA, 2010); and*
- *AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction (AS, 2000).*

2 SITE DESCRIPTION

The subject land is located at the corner of Ulan Road and Edgell Lane, approximately 3.5 kilometres north east of the Mudgee Township. The site location is shown in Figure 2-1.

Figure 2-1 Site Location



3 NOISE ASSESSMENT

The site adjoins Ulan Road and is immediately opposite the Mudgee Airport. Accordingly, this assessment considers industrial noise from commercial operations associated with the airport, road traffic noise from Ulan Road, and aircraft noise from operations at Mudgee Airport.

3.1 Background Noise Levels

The assessment of industrial noise and road traffic noise require that measurements are taken of the existing noise environment. The assessments require the measurement of existing background noise levels and road traffic noise levels respectively.

Both the RNP and INP suggest that such noise monitoring exercises should be carried out for at least one week.

Accordingly, unattended noise monitoring was conducted on the site between 2 April and 10 April 2013. The monitoring was carried out at a set back of approximately 50 metres from the edge of Ulan Road, in the free field.

The noise monitoring equipment used for these measurements consisted of environmental noise loggers set to A-weighted, fast response, continuously monitoring over 15-minute sampling periods. This equipment is capable of remotely monitoring and storing noise level descriptors for later detailed analysis. The equipment calibration was checked before and after the survey and no significant drift was noted.

The Rating Background Levels (RBLs) for the site are shown in Table 3-1

Table 3-1 Rating Background Levels

Monitoring Location	RBL (dBA)		
	Daytime	Evening	Night Time
	(7.00am-6.00pm)	(6.00pm-10.00pm)	(10.00pm-7.00am)
130 Edgell Lane	37	37	26*

* The INP recommends that where the RBL is found to be less than 30 dBA, then it is set to 30 dBA.

In accordance with the RNP, a 2.5 dBA façade correction should be applied to any measurements taken in free field conditions. The measured traffic noise levels, including a façade correction are shown in Table 3-2

Table 3-2 Measured Traffic Noise Levels – Façade Corrected

Location	Road Traffic Noise Levels – dBA	
	Day (L _{Aeq} , 15 hour)	Night (L _{Aeq} , 9 hour)
130 Ulan Road, 50 metre setback	60	56

Noise logger plots are included in Appendix A.

3.2 Industrial Noise

During the site visit, on 2 April 2013, it was noted that the ambient noise environment on site was dominated by road traffic noise from Ulan Road. There were no audible levels of industrial noise.

Highlighted in the Mudgee Airport Masterplan is the potential to make areas of the airport available for commercial developments. A detailed assessment of any noise impacts that may occur from these future developments has not been carried out. Rather, the appropriate criteria have been established, and an 'in principle' assessment has been conducted to show that the proposed re-zoning does not represent a conflicting land use.

The *NSW Industrial Noise Policy (INP)* recommends two criteria, "Intrusiveness" and "Amenity", both of which are relevant for the assessment of noise. In most situations, one of these is more stringent than the other and dominates the noise assessment. The criteria are based on the L_{Aeq} descriptor, which is explained in the *Glossary of Acoustic Terms* at the beginning of this report.

The intrusiveness criterion requires that the L_{Aeq} noise level from the source being assessed, when measured over 15 minutes, should not exceed the Rating Background Noise Level (RBL) by more than 5dBA. The RBL represents the 'background' noise in the area, and is determined from measurement of L_{A90} noise levels, in the absence of noise from the source. The definition of L_{A90} and the procedure for calculating the RBL is given in the *Glossary of Acoustic Terms*.

Where the noise level from the source varies over time due to changes in operating conditions, meteorological conditions or other factors, the upper 10th percentile of 15 minute L_{Aeq} noise levels can be used for comparison with the criterion.

Table 3-3 shows the intrusiveness criteria for future residential receivers, based on the measured RBLs in Table 3-1.

Table 3-3 Intrusiveness Criteria

Intrusiveness Criteria (dBA - L_{Aeq} , 15 min)		
Daytime (7.00am-6.00pm)	Evening (6.00pm-10.00pm)	Night time (10.00pm-7.00am)
42	42	35*
* The INP recommends that if background noise levels are less than 30 dBA then 30dBA should be used to develop intrusive noise criteria. This results in a 35dBA night time Intrusiveness criterion.		

The amenity criterion sets a limit on the total noise level from *all industrial noise sources* affecting a receiver. Different criteria apply for different types of receiver (e.g. residence, school classroom); different areas (e.g. rural, suburban); and different time periods, namely daytime (7.00am-6.00pm), evening (6.00pm-10.00pm) and night time (10.00pm-7.00am).

The noise level to be compared with this criterion is the L_{Aeq} noise level, measured over the time period in question, due to all industrial noise sources, but excluding non-industrial sources such as transportation.

Where a new noise source is proposed in an area with negligible existing industrial noise, the amenity criterion for that source may be taken as being equal to the overall amenity criterion. However, if there is significant existing industrial noise, the criterion for any new source must be set at a lower value. If existing industrial noise already exceeds the relevant amenity

criterion, noise from any new source must be set well below the overall criterion to ensure that any increase in noise levels is negligible. Methods for determining a source-specific amenity criterion where there is existing industrial noise are set out in the *INP*.

Table 3-4 shows the INP classification for each receiver and the relevant amenity criteria.

Table 3-4 Amenity Criteria

INP Receiver Classification	Amenity Criteria (dBA - L _{Aeq, period})		
	Daytime (7.00am-6.00pm)	Evening (6.00pm-10.00pm)	Night time (10.00pm-7.00am)
Rural Residential	50	45	40

Comparison of the criteria in Table 3-3 and Table 3-4 show that the intrusiveness criteria are more stringent than the amenity criteria during all times of the day.

Review of the site location, and the airport land immediately opposite, suggests that a commercial development could be established approximately 70 metres from the future residents of the re-zoning.

Wilkinson Murray Pty Ltd considers 70 metres to be a reasonable separation between commercial or light industrial developments and nearby residential receivers; considering the existing RBLs in the area under consideration.

This position assumes that the commercial/light industrial operations do not operate into the night time (10.00pm – 7.00am), and that reasonable and feasible measures are taken to control noise emissions from the developments. Examples of such measures include:

- Operate any noisy equipment inside buildings, with doors closed;
- Where workshop doors must remain open, open doors that face away from residential receivers;
- Plan work such that noise intensive activities are spread out over the day, rather than carried out concurrently; and,
- Conduct noisy outdoor activities, such as unloading trucks, as far away as possible from residential receivers and in a location such that nearby buildings block the line of sight to residences.

3.3 Road Traffic Noise

Applicable noise criteria for proposals which have the potential to indefinitely increase traffic on roads are presented in the OEH's *NSW Road Noise Policy* (RNP).

While the proposal under consideration will not cause a significant increase in traffic, the criteria set out in the RNP can provide guidance on the likelihood of future residents being impacted by road traffic noise.

For the purposes of noise assessment, Ulan Road would be considered as a "sub-arterial" road. The applicable new road noise criteria are:

- $L_{Aeq(15\text{hour})}$ 55dB(A) during daytime (7.00am – 10.00pm)
- $L_{Aeq(9\text{hour})}$ 50dB(A) during night time (10.00pm – 7.00am).

Review of the results in Table 3-2 show that the levels of traffic noise at a setback distance of 50 metres from Ulan Road exceed the RNP criteria. Accordingly, any dwellings established on the subject land should not be located any closer than 50 metres to Ulan Road. For established dwellings within 150 metres of Ulan road, the ventilation design of sleeping areas should allow occupants to leave windows closed, if they so choose, while still meeting the ventilation requirements contained in the Building Code of Australia.

The 50 metre exclusion zone and 150 metre treatment zone are both shown in Figure 3-1.

3.4 Aircraft Noise

AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction provides guidance on the siting and construction of buildings in the vicinity of airports.

Aircraft noise assessments under AS 2021 are based on the *Australian Noise Exposure Forecast (ANEF)* system.

ANEF contours do not exist for the Mudgee Airport; however the *Mudgee Airport Masterplan (2005)* contains *Australian Noise Exposure Concept (ANEC)* contours for the airport. The Masterplan states that:

"It is important to note that the ANEC charts have not been endorsed by Airservices Australia and therefore have no legal status as a land use planning guide. Nevertheless, within the constraints of the aircraft movement forecasts contained in Chapter 4, an indication of probable noise intrusion and therefore acceptable land use may be gained by reference to Tables 7.1 and 7.2 above from AS 2021."

AS 2021 recommends that residential dwellings be located in areas of less than 20 ANEF.

Review of the 2014 ANEC chart in the Masterplan shows that the subject land is located outside the 20 ANEF zone.

Accordingly, the locations of future dwellings from the proposal will be considered acceptable, in accordance with AS 2021.

It should be noted that building siting outside the ANEF 20 contour does not infer that aircraft noise will be unnoticeable. Rather, residences located outside the ANEF 20 contour are unlikely to be significantly impacted by noise from aircraft.

Figure 3-1 Exclusion and Treatment Zones



4 CONCLUSION

A noise assessment has been conducted for the proposed residential re-zoning of a parcel of land at the corner of Ulan Road and Edgell Lane, Mudgee.

The assessment has included consideration of future commercial and/or industrial development of airport land, road traffic noise from Ulan Road and aircraft noise from the Mudgee Airport.

A 50 metre exclusion zone, and a 150 metre treatment zone, where ventilation design for closed bedroom windows, has been recommended where required to control internal traffic noise levels.

Considering the existing noise environment, a 70 metre separation is considered appropriate between residential and commercial and/or industrial land uses during normal business hours.

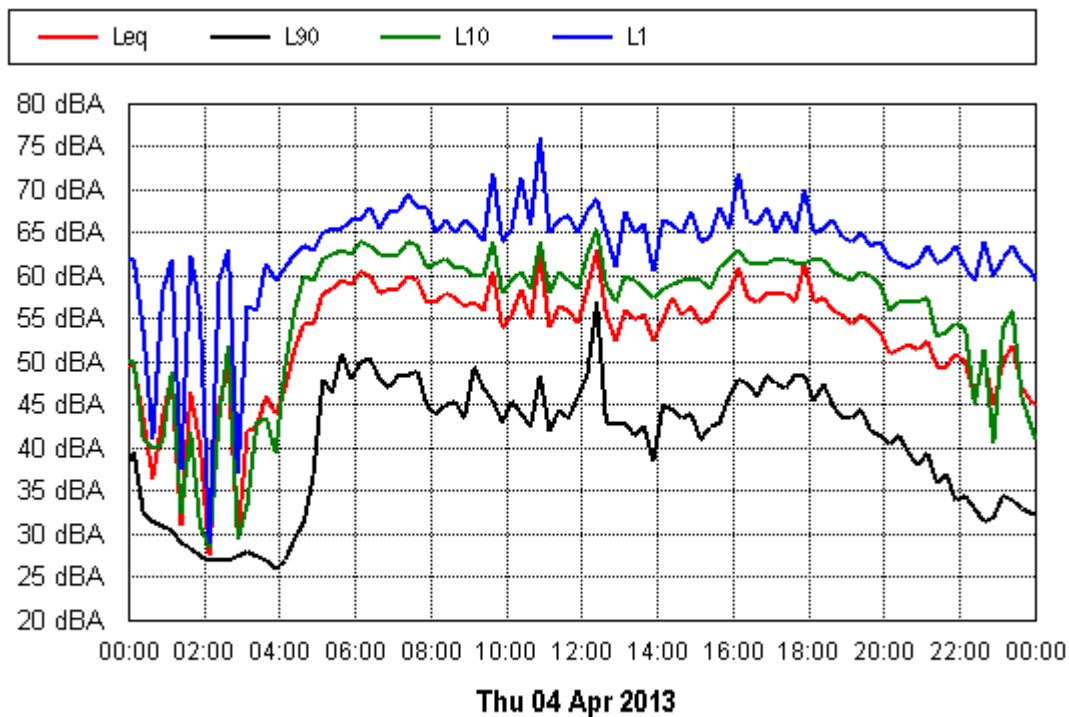
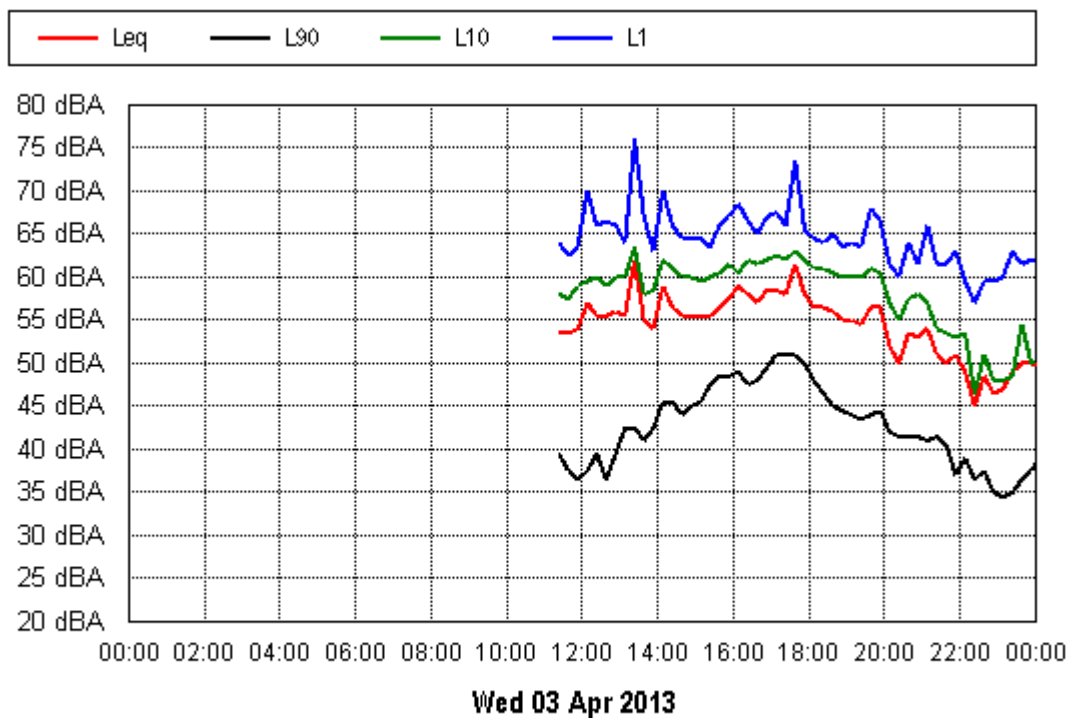
Aircraft noise levels are not expected to result in a noise impact.

Overall, the noise assessment finds that the proposed re-zoning does not present any conflict to future development of the Mudgee Airport, as outlined in the Masterplan.

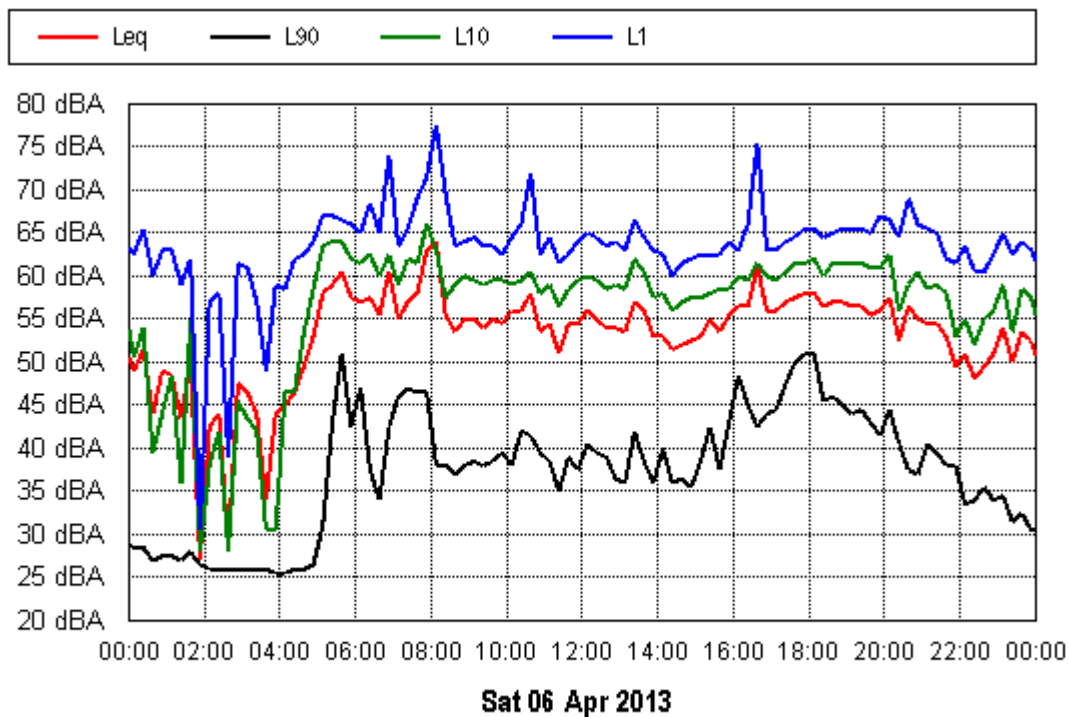
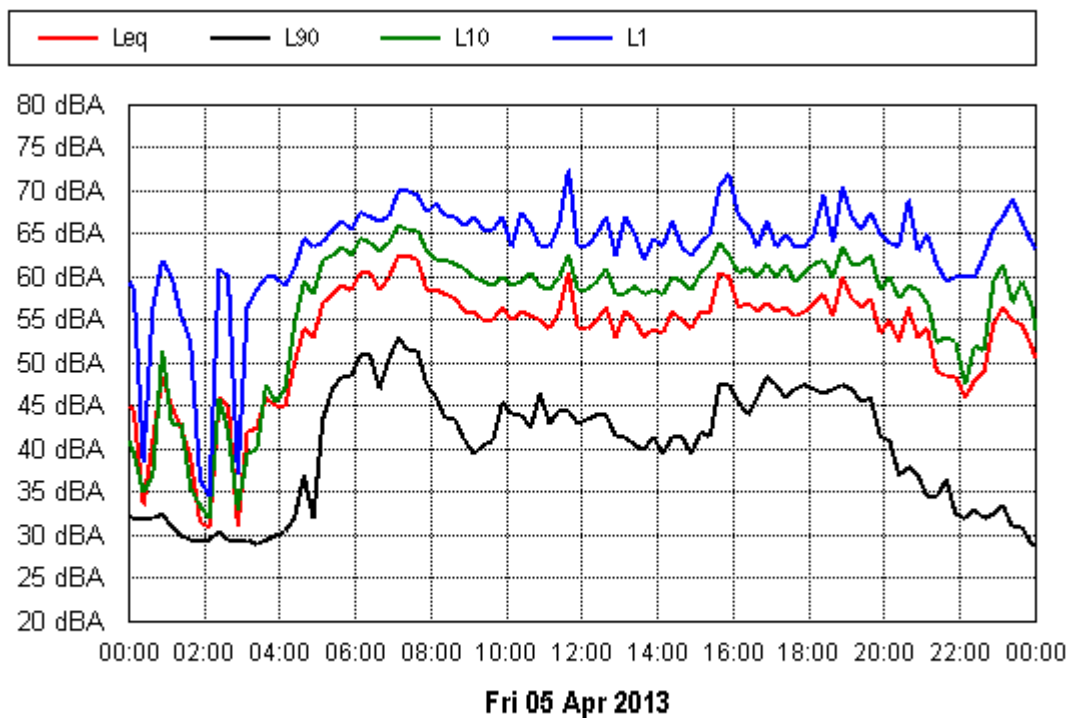
APPENDIX A

NOISE MEASUREMENT RESULTS

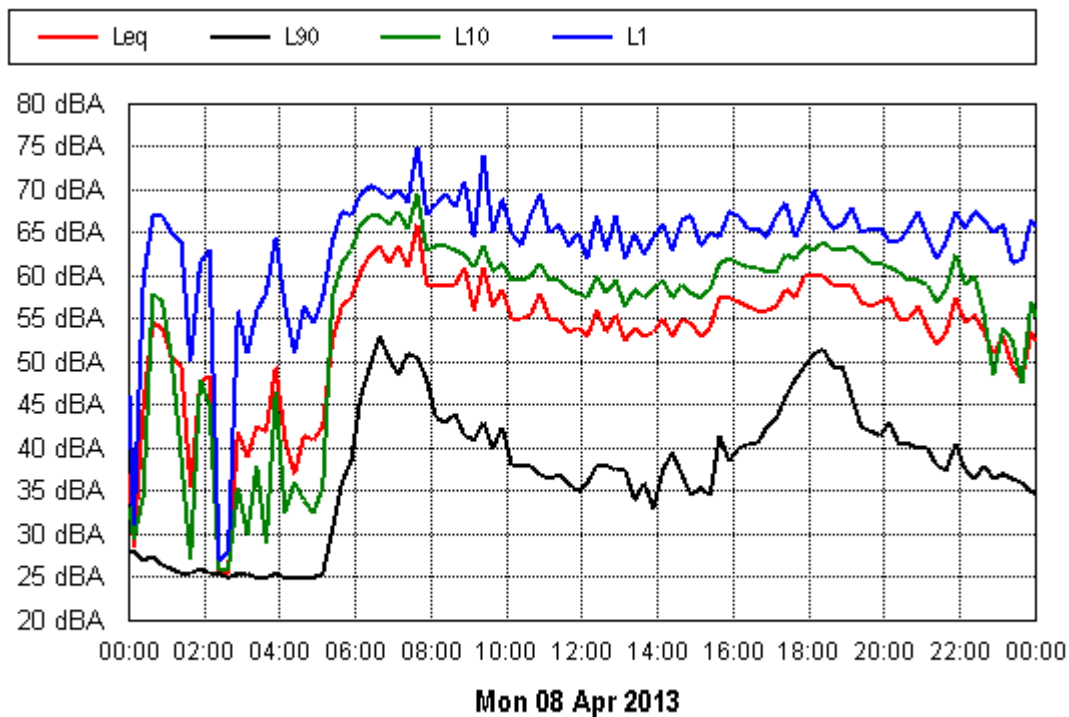
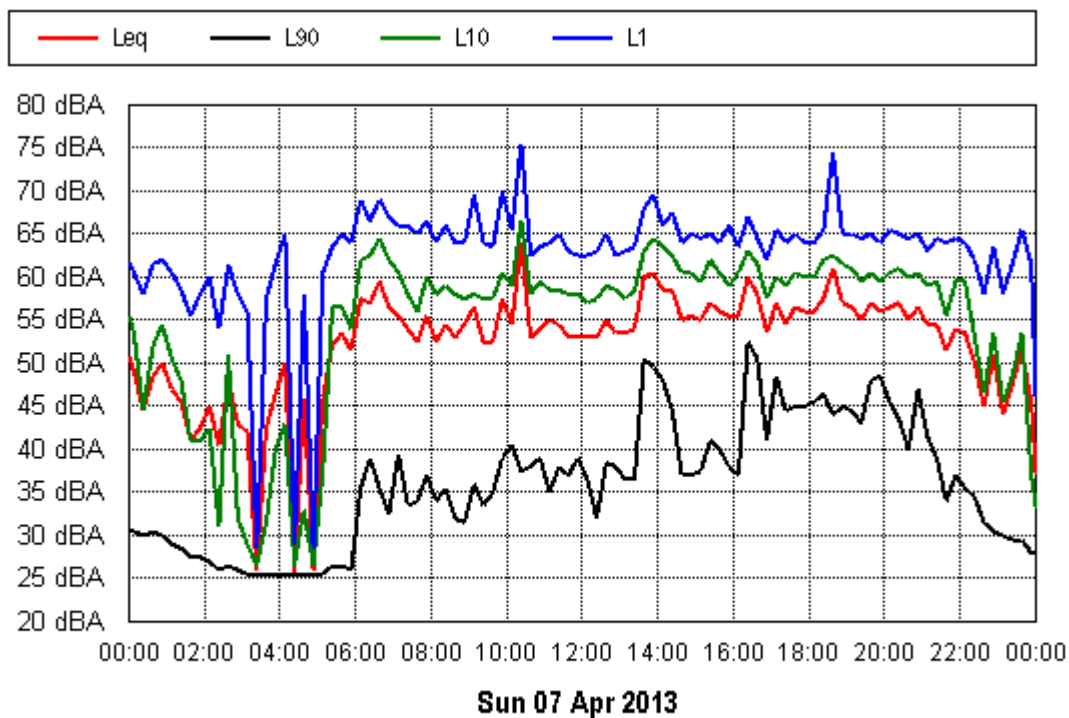
Project: 13098 Edgell Lane Rezoning
Location: Ulan Road



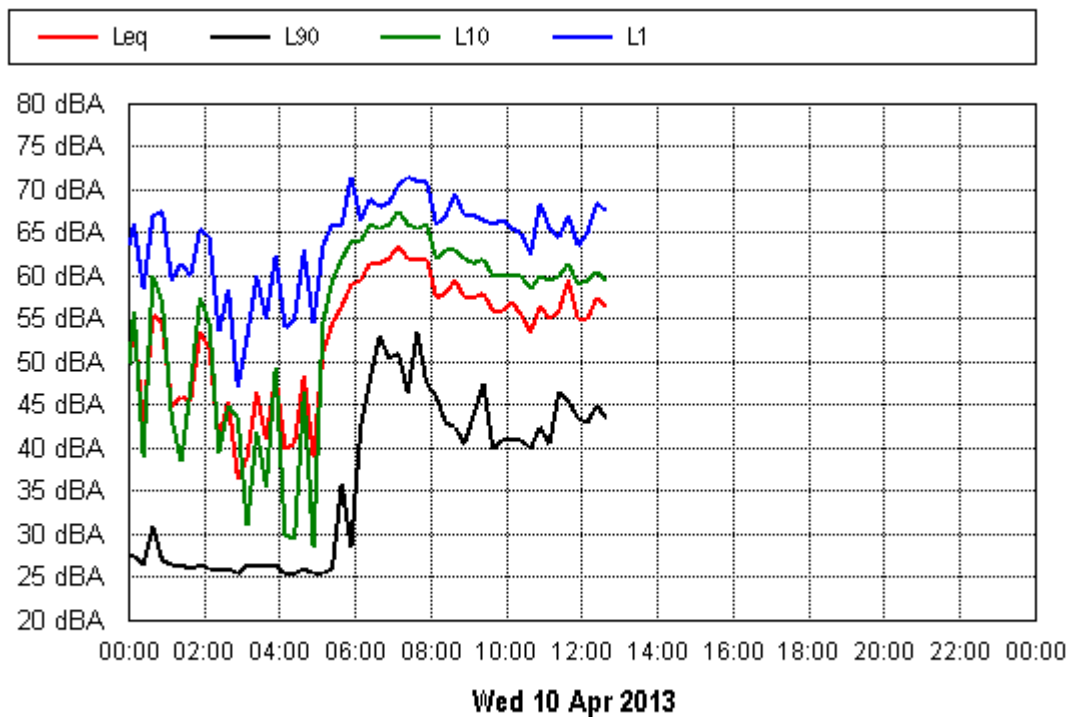
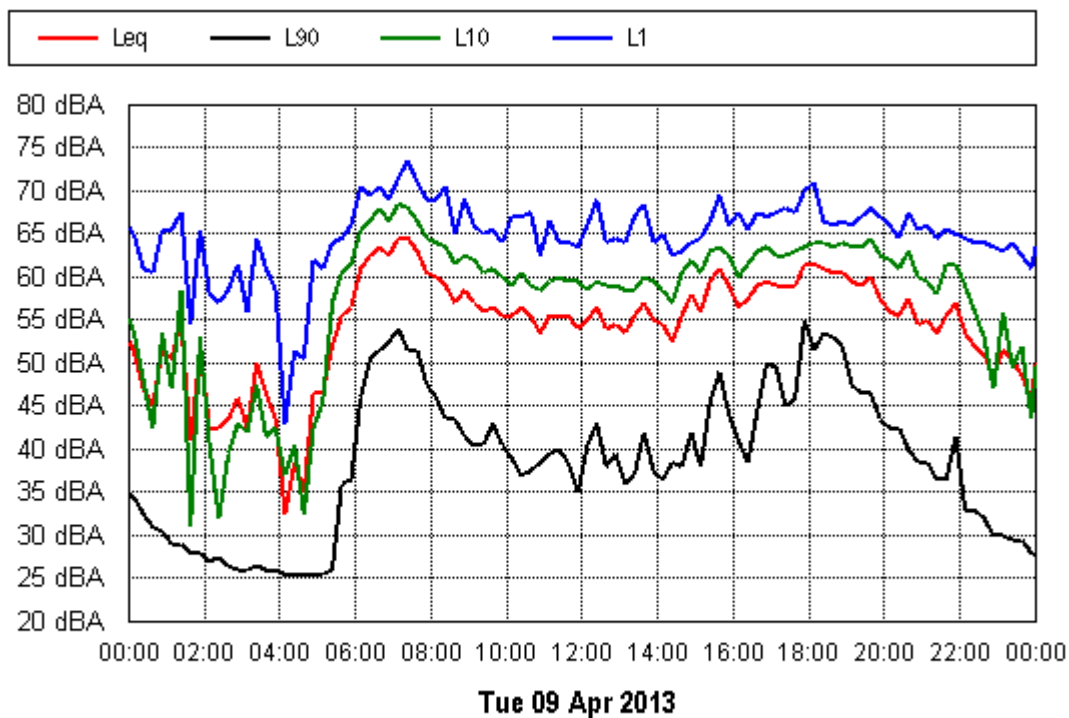
Project: 13098 Edgell Lane Rezoning
Location: Ulan Road



Project: 13098 Edgell Lane Rezoning
Location: Ulan Road



Project: 13098 Edgell Lane Rezoning
Location: Ulan Road



APPENDIX C – ECOLOGICAL AUSTRALIA REPORT

Ecological Australia Pty Ltd (April 2013) '*Ulan Road/Edgell Lane Biodiversity Sensitivity Review & Recommendations*' unpublished letter report.

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Emma Yule
Environmental Scientist
Minespex

ECO LOGICAL AUSTRALIA PTY LTD
ABN 87 096 512 088
www.ecoaus.com.au

Ref/Job No: 13MUDECO-0011

17 April 2013

Dear Emma,

RE: Ulan Road / Edgell Lane Biodiveristy Sensitivity Review & Recommendations

INTRODUCTION

Eco Logical Australia (ELA) was engaged by Minespex Ltd to undertake a review of the Biodiversity Sensitivity areas mapped under the Mid-Western Regional Council Local Environment Plan 2012 (LEP) within Lot 4 DP1000182. This review of the Biodiversity Sensitivity area involved survey of the mapped area and recommendations for any future development in response to the LEP.

The LEP 2012 has mapped part of Lot 4 DP1000182 as High Biodiversity Sensitivity. Areas of High Biodiversity Sensitivity are identified under clause 6.5, Part 6 of the LEP 2012 which states:

- 1) *The objective of this clause is to maintain terrestrial biodiversity by:*
 - a. *protecting native fauna and flora, and*
 - b. *protecting the ecological processes necessary for their continued existence, and*
 - c. *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- 2) *This clause applies to land identified as “Moderate Biodiversity Sensitivity” or “High Biodiversity Sensitivity” on the Sensitivity Biodiversity Map.*
- 3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
 - a. *whether the development is likely to have:*
 - i. *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - ii. *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - iii. *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*

- iv. any adverse impact on the habitat elements providing connectivity on the land, and
 - b. any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- 4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- a. the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - b. if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
 - c. if that impact cannot be minimised—the development will be managed to mitigate that impact.

METHODS

A site inspection of the Biodiversity Sensitivity area within Lot 4 DP1000182 was undertaken by ELA ecologist, David Allworth on the 4th April 2013. The site inspection consisted of traverses of the Biodiversity Sensitivity area and included:

- Validation of vegetation communities and assessment of floristic structure;
- Targeted searches for threatened flora;
- Koala habitat assessment and fauna habitat assessment;
- Opportunistic fauna sightings.

RESULTS

The Biodiversity Sensitivity area within Lot 4 DP1000182 is located upon the Craigmores Soil Landscape, which is an alluvial high terrace of Non-calcic Brown soils with moderate to high fertility (Murphy & Lawrie 1998).

The vegetation community of the site is Yellow Box Grassy Woodland (with characteristics of Biometric Vegetation Types CW112 and CW226). This vegetation community is now very severely depleted and the study area represents a degraded example of this Gum-Box grassy woodland (**Figure 1**). Yellow Box Grassy Woodland forms part of the White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland Endangered Ecological Community (EEC) listing under NSW *Threatened Species Conservation Act 1995* (TSC Act) and Critically Endangered Ecological Community (CEEC) listing under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The canopy within the site exists of entirely mature *Eucalyptus melliodora* (Yellow Box), scattered in a pattern typical of woodland on fertile alluvial soils (**Figure 1**). It is highly likely that clearing of trees has been undertaken, making the area more open than would naturally occur. A few examples of regenerating Yellow Box were seen; probably root suckers, indicating potential for some degree of recovery. There is no shrub layer within the site.

Groundcover was 35% native grasses and herbs, including *Bothriochloa macra* (Red Grass), *Enteropogon acicularis* (Curly Windmill Grass), *Paspalidium spp.*, *Austrostipa spp* (Spear Grass) and *Rytidosperma spp* (Wallaby Grass). The balance of the groundcover consists of exotic species. In particular, species that would be regarded as weeds are very common, including *Lepidium spp* (Peppercress), *Conyza spp* (Fleabane), *Verbena sp* (Purple Top) and *Bidens pilosa* (Cobbler's Pegs).

The fauna habitat elements available within the Yellow Box Grassy Woodland potentially provide sheltering, foraging and roosting habitat for a range of fauna groups, particularly where canopy trees support hollows for arboreal mammals, birds and bats to shelter/roost/breed. Small and medium hollows were observed within the mature Yellow Box, potentially providing habitat for threatened birds and microbats. Intact canopy and derived grassland provide foraging habitat for birds and bats.

Potential Koala habitat under SEPP 44 was not identified, with no tree species listed under schedule 2 of SEPP44 as a Koala feed tree occurring.



Figure 1: Yellow Box Grassy Woodland



Figure 2: Yellow Box Grassy Woodland extent within Lot 4 DP1000182

RECOMMENDATIONS

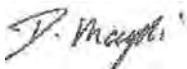
The review of the Biodiversity Sensitivity areas mapped under the Mid-Western Regional Council LEP 2012 within Lot 4 DP1000182 identified that the area mapped meets the objectives of Biodiversity Sensitivity under the LEP. The Yellow Box Grassy Woodland is an EEC under the *TSC Act* or a CEEC under the *EPBC Act*, White Box-Yellow Box-Blakely's Red Gum Woodland.

It is recommended that prior to any development within the area mapped as Biodiversity Sensitive, that a further threatened species impact assessment be undertaken and incorporated into an assessment under Part 4 of the *EP&A Act* (a Statement of Environmental Effects). Furthermore, any subdivision proposal should incorporate, as far as possible, the following principles to ensure that the biodiversity values of the Biodiversity Sensitive area are protected and maintained;

1. Building envelopes should be placed outside the mapped area. These areas should include any infrastructure requirements;
2. Any impacts upon the mapped area will require further threatened species impact assessment;
3. Maximise the retention of mature canopy and habitat trees within the mapped area;
4. Protect and enhance habitat for threatened flora and fauna;
5. Incorporate native species of local provenance within any vegetation plans.

If you wish to discuss any of the above, I can be contacted at the details provided below.

Sincerely



Daniel Magdi

Mudgee Region Manager

Senior Environmental Scientist

APPENDIX D -

AHIMS SEARCH RESULTS

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AHIMS Web Services (AWS) Search Result

Your Ref Number : Turner A52 Lot1 DP865478

Client Service ID : 109180

Minespex Pty Ltd
Units 1 and 2 73 Market Street
Mudgee New South Wales 2850
Attention: Emma Yule
Email: emma.yule@minespex.com.au

Date: 20 August 2013

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP865478 with a Buffer of 200 meters, conducted by Emma Yule on 20 August 2013.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request.

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister.
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings.
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

PO BOX 1967 Hurstville NSW 2220
43 Bridge Street HURSTVILLE NSW 2220
Tel: (02)9585 6345 (02)9585 6471 Fax: (02)9585 6094

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au



AHIMS Web Services (AWS) Search Result

Your Ref Number: Turner A52 Lot 1 DP865478

Client Service ID: 109182

Minespex Pty Ltd
Units 1 and 2 73 Market Street
Mudgee New South Wales 2850
Attention: Emma Yule
Email: emma.yule@minespex.com.au

Date: 20 August 2013

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 1, DP:DP865478 with a Buffer of 1000 meters, conducted by Emma Yule on 20 August 2013.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

4	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
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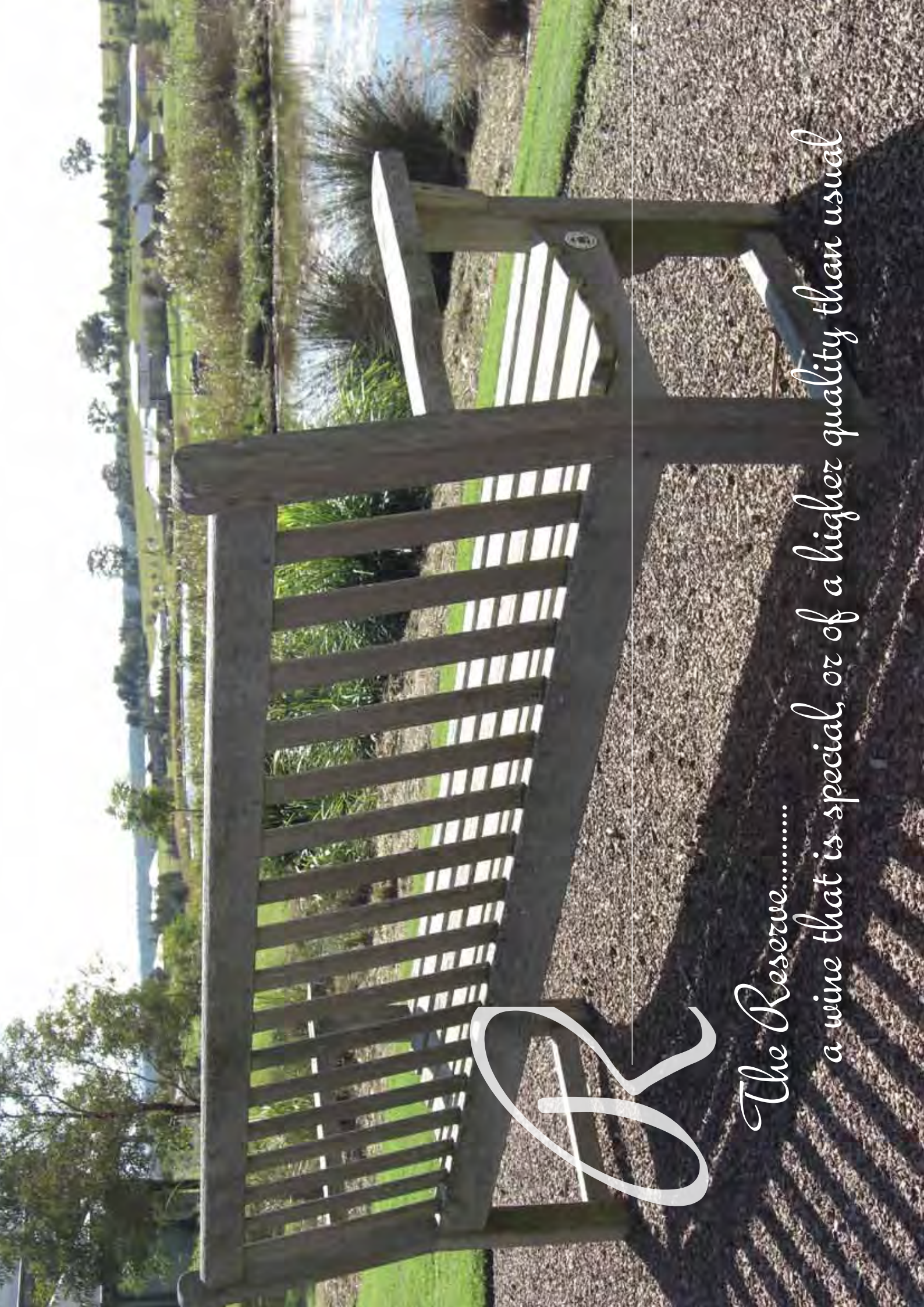
APPENDIX E – THE VISION AND CONCEPT PLANS PREPARED BY *ONE COLLECTIVE URBAN DESIGN STUDIO*

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the reserve | mudgee

THE VISION



*The Reserve.....
a wine that is special, or of a higher quality than usual*



purpose

In 2012 the Mid-Western Regional Council released its Local Environment Plan (LEP) which provides a vision and strategic framework for the future growth and development of Mudgee and the surrounding region. This report focuses on a 200 acre site that has been identified for future residential uses and forms a key part of the LEP. This parcel is under the control of two separate owners who have identified the benefits involved in working together to deliver the best community and design outcomes and have developed an integrated vision and master plan for the site, referred to as The Reserve. The following document is intended to provide a summary of the master planning and urban design process that has been undertaken for the site to date, identifying the vision and key principles that have been established and demonstrating how the plan will achieve the desired outcomes of the LEP to ensure the successful future development of both The Reserve and the wider Mudgee community.



the vision and key principles



the vision



Our vision for The Reserve is to create a new master planned community that offers the best of modern country living.

Combining the space and laid-back character of a country lifestyle with easy access to modern, urban conveniences, The Reserve will set a new benchmark for contemporary country living within within Mudgee and the surrounding region.



Uion Road

The Reserve

1km radius

2km radius

3km radius

MUDGEES TOWN CENTRE

locality

MUDGEES AIRPORT

EDGE LANE

TAFE

AUSTRALIAN RURAL
EDUCATION CENTRE

ULAN ROAD

The Reserve

Future Residential

Existing Low Density Residential

MUDGEES RACECOURSE

To Mudgee

the site





a modern country community

The best of country and urban living

A modern community that combines the space and laid back lifestyle of country living but with easy access to modern, urban conveniences

Promoting sense of community

Providing spaces for residents to meet and interact - a walkable community where the streets are meeting places

Choice and affordability

Providing a variety of lot sizes to cater for different residents, lifestyles and budgets

Character precincts

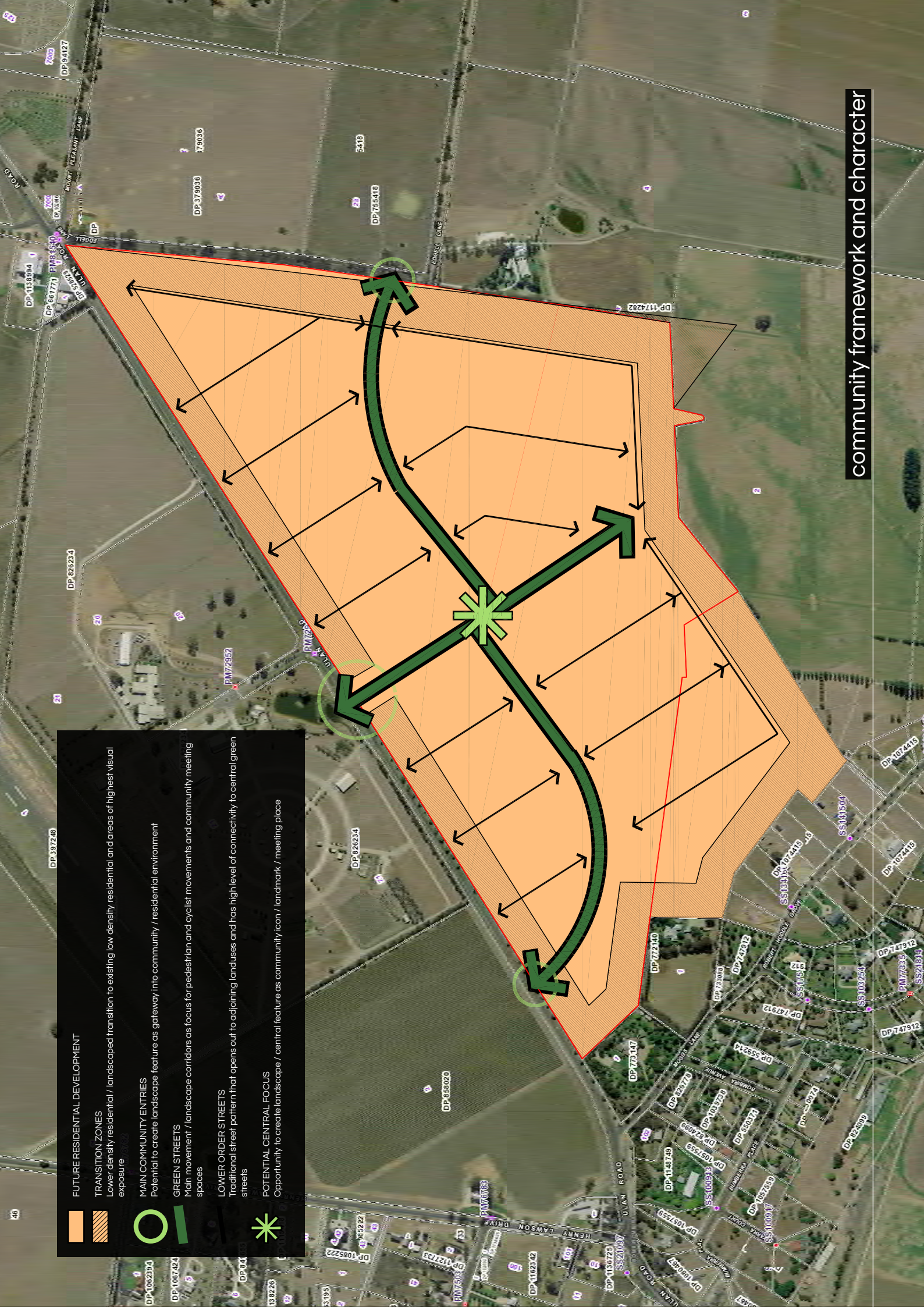
Utilising the site's features, adjoining character areas and changing residential and landscape types to add diversity and create different character precincts and experiences

Traditional community framework

A street and neighbourhood pattern that is regular, can adapt to changing residential and community demands over time and opens out to adjoining land uses

Varying built and landscape forms

Encouraging personal expression and a variety of housing, landscape and streetscape outcomes whilst having the potential to reinforce character, quality and responsive design outcomes through appropriate design controls



FUTURE RESIDENTIAL DEVELOPMENT

TRANSITION ZONES

Lower density residential / landscaped transition to existing low density residential and areas of highest visual exposure

MAIN COMMUNITY ENTRIES

Potential to create landscape feature as gateway into community / residential environment

GREEN STREETS

Main movement / landscape corridors as focus for pedestrian and cyclist movements and community meeting spaces

LOWER ORDER STREETS

Traditional street pattern that opens out to adjoining land uses and has high level of connectivity to central green streets

POTENTIAL CENTRAL FOCUS

Opportunity to create landscape / central feature as community icon / landmark / meeting place

Master planned

The opportunity to design a combined 200acre site as one integrated master planned community to provide better community and development outcomes

Integrated movement network

Providing convenient vehicular linkages to Ulan Road, Edgell Lane and adjoining future development areas to create an integrated vehicular network and hierarchy whilst limiting undesirable through traffic and negative impacts on the quality of the residential environment

Responding to context

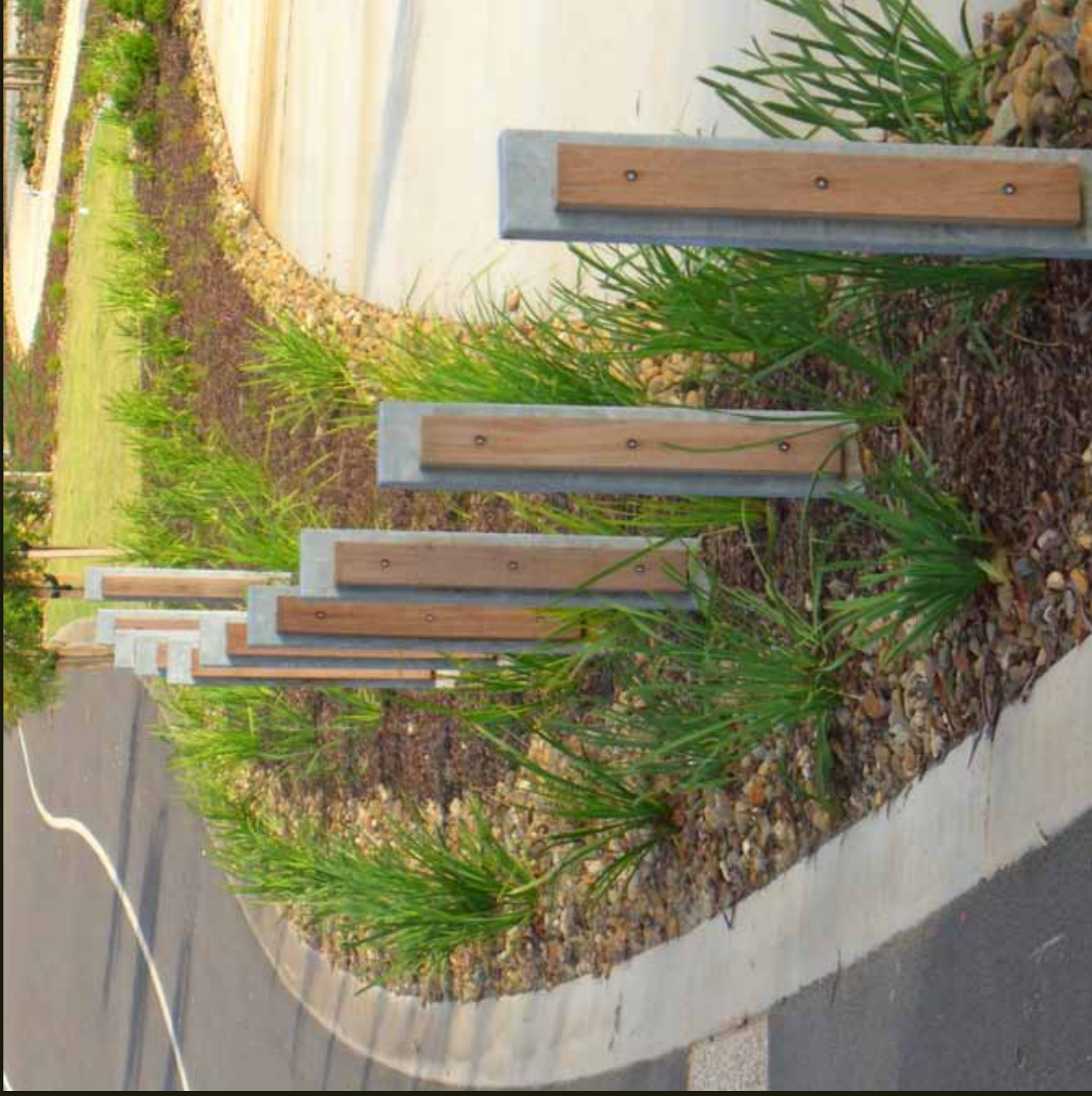
A movement network that responds to and integrates with surrounding land uses and supports the planning and development of the wider community

Integrating with adjoining land uses

Potential to grade lot sizes at edges and create visual and land use buffers to integrate with and transition between different character zones

Alternatives to the car

A movement network that has the potential to cater for future bus routes and promotes walking and cycling as an alternative to vehicular usage



an integrated and accessible community



EDGELL LANE



a green and connected community

A green country setting

Potential to create green corridors through streetscapes and re-establishment of landscape, native plantings and rural character through design guidelines and controls

Green linkages and edges

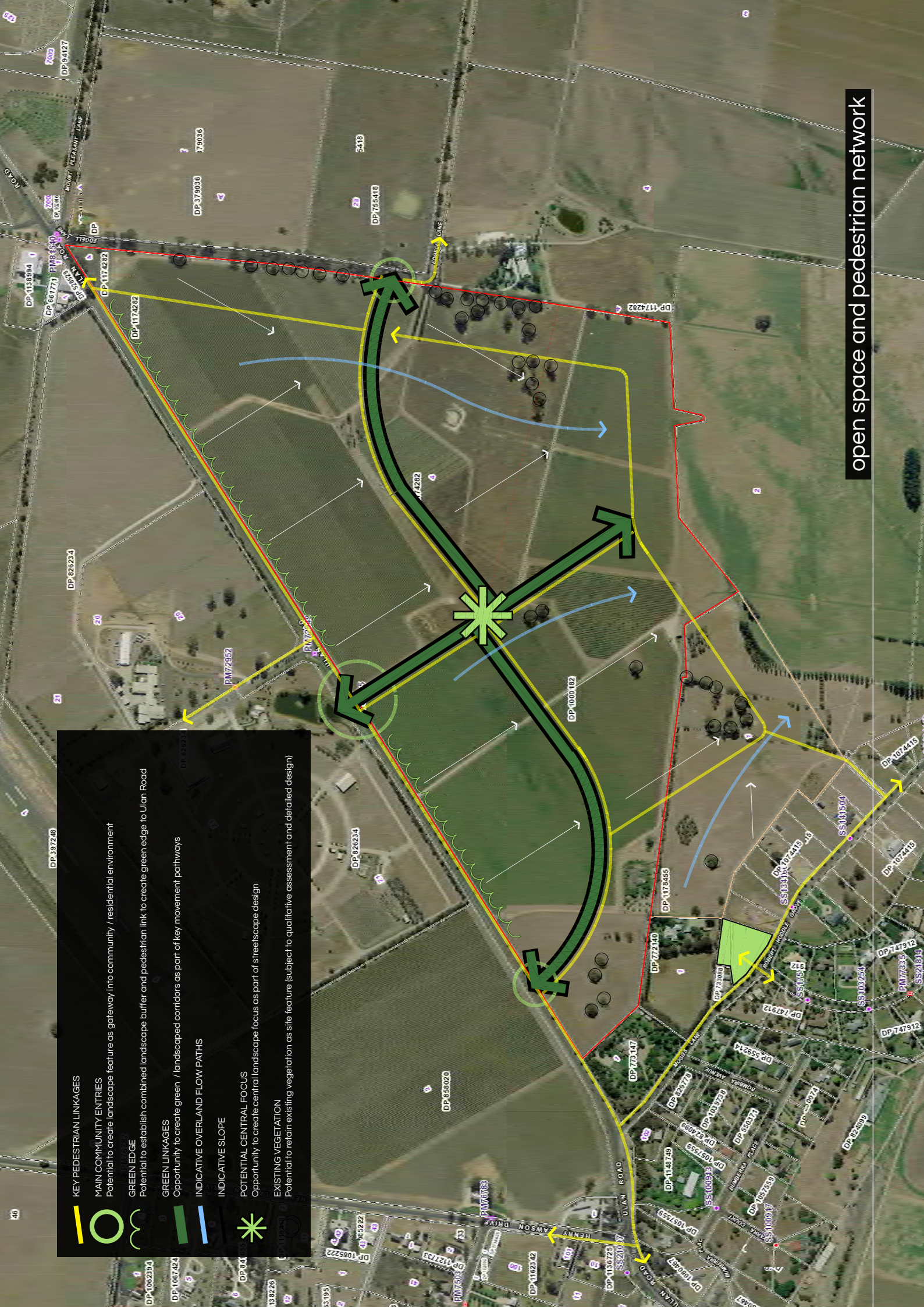
Establishing a series of key linkages that have the potential to form landscape and pedestrian / cyclist corridors that tie the community together and promote walking and cycling as part of a healthy lifestyle

Responsive design

Working with, rather than against the site - street design to aid stormwater and overland flow, potential to integrate Water Sensitive Urban Design (WSUD) systems to support environmental and water quality management objectives

Pedestrian + bike friendly design

Adopting key principles of pedestrian and cyclist friendly design (priority, safety, comfort)



KEY PEDESTRIAN LINKAGES

MAIN COMMUNITY ENTRIES

Potential to create landscape feature as gateway into community / residential environment

GREEN EDGE

Potential to establish combined landscape buffer and pedestrian link to create green edge to Ulan Road

GREEN LINKAGES

Opportunity to create green / landscaped corridors as part of key movement pathways

INDICATIVE OVERLAND FLOW PATHS

INDICATIVE SLOPE

POTENTIAL CENTRAL FOCUS

Opportunity to create central landscape focus as part of streetscape design

EXISTING VEGETATION

Potential to retain existing vegetation as site feature (subject to qualitative assessment and detailed design)

open space and pedestrian network



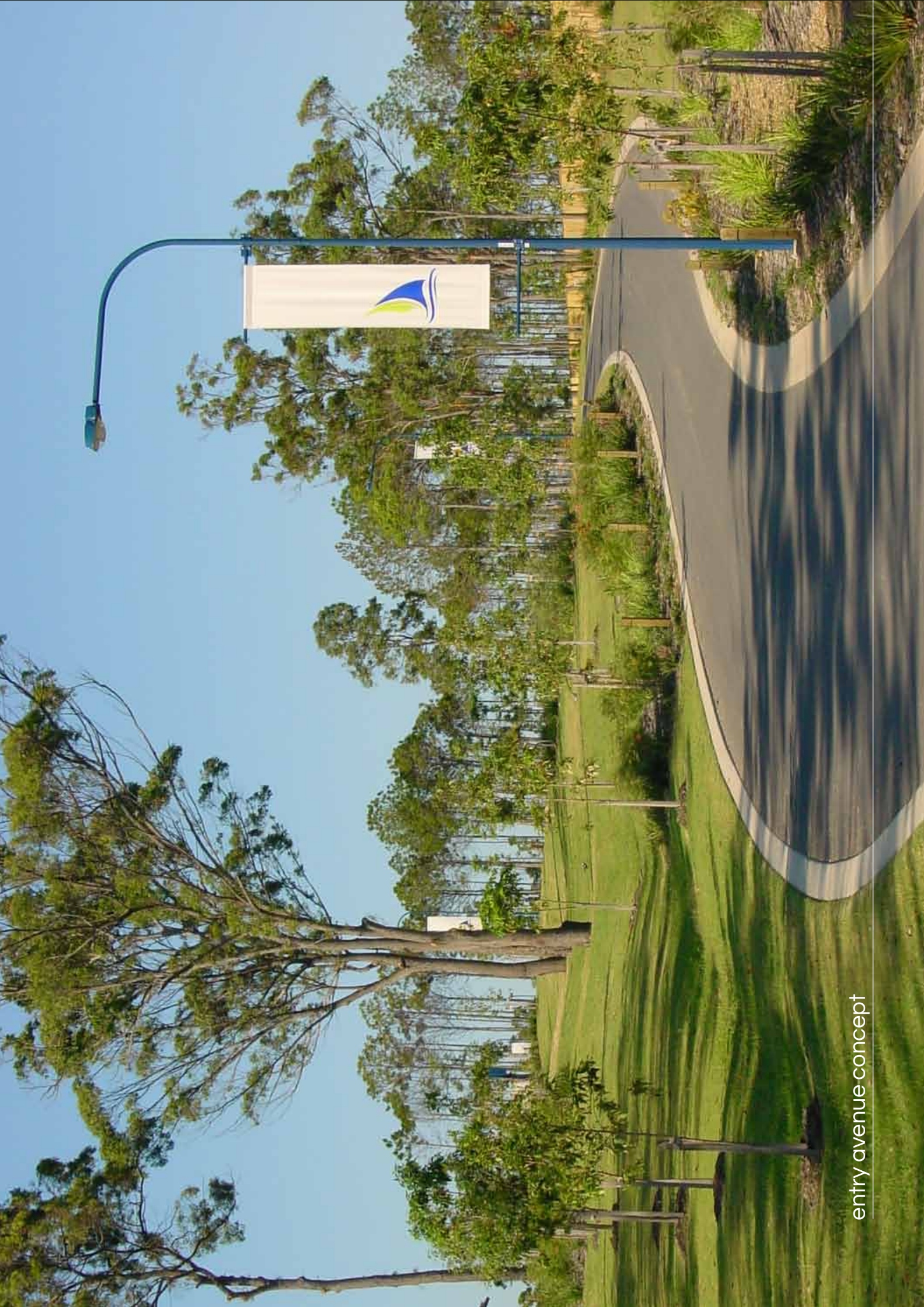
the concept plan



the concept plan

- 1 LOCATION OF SECONDARY ACCESS / ENTRY POINT FROM ULAN ROAD RELOCATED TO IMPROVE SIGHT DISTANCES AND SAFETY WHILST STILL MAINTAINING CENTRAL COLLECTOR ROAD / GREEN STREET CONCEPT
- 2 RECONFIGURATION OF SECONDARY ACCESS CREATES SMALL COURT PRECINCT - LARGER LOTS PROPOSED AT INTERFACE WITH EXISTING RESIDENTIAL
- 3 STREET FRONTAGE PROVIDED TO EXISTING LOT AS OPTION TO AVOID BACK FENCE / REAR ADDRESS AT INTERFACE - LANDSCAPE BUFFER AND STREET TO BE ANGLED AS PART OF DETAILED DESIGN TO AVOID VISUAL IMPACT OF TRAFFIC / HEADLIGHTS
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- 6 LOTS ADJOINING ULAN ROAD PROVIDED WITH ADDITIONAL 5m+ WIDTH TO ACCOMMODATE LANDSCAPE BUFFER - COMBINES WITH LOWER ORDER STREET FRONTAGE TO PROVIDE HIGH AMENITY / VISUAL BUFFER TO ROAD FRONTAGE
- 7 1/4 ACRE BLOCKS PROVIDED IN SELECT LOCATIONS TO PROVIDE INCREASED VARIETY OF LOTS - WIDER LOT FRONTAGES CREATES SENSE THAT LOTS ARE SIMILAR SIZE TO CONVENTIONAL HALF-ACRE BLOCKS



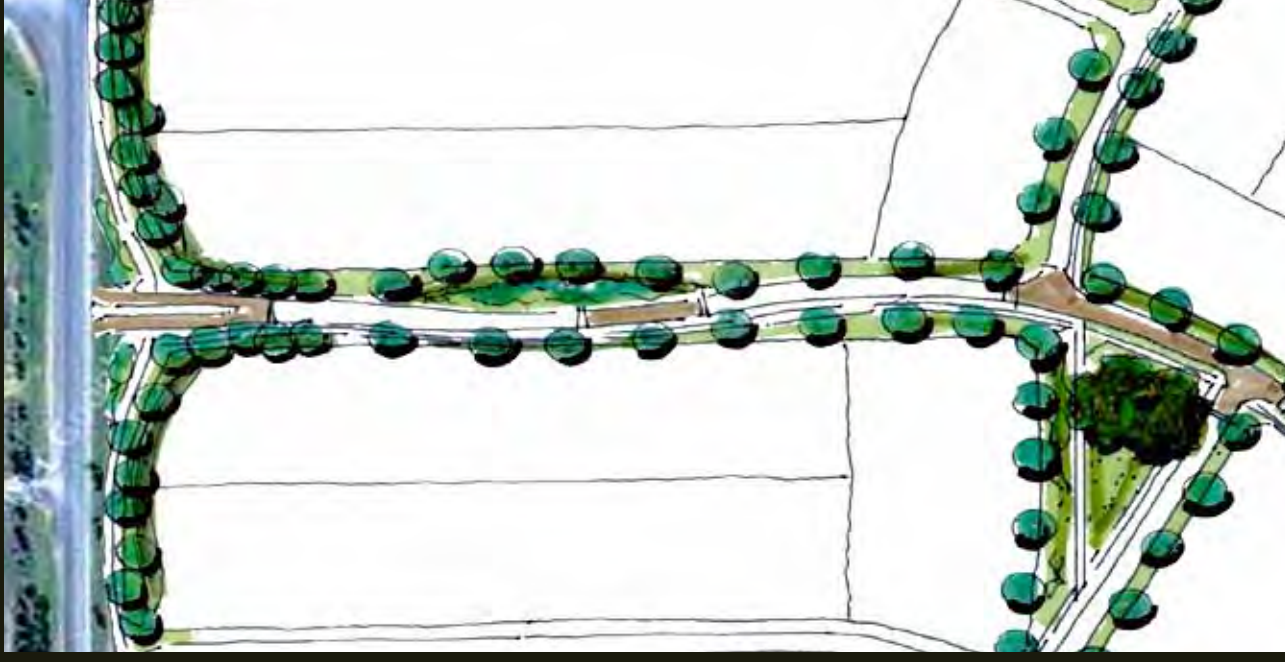


entry avenue concept

Creating a centralised entry avenue which becomes the signature gateway into the community

Potential to create varied street treatments (split road, flush kerb, incorporation of WSUD, and feature landscaping to add diversity and a point of difference to the entry experience and to help establish the character of the community

Maximise views through to distant hills and rural landscape to draw the country and open space character into the residential setting





green streets concept

Green streets to provide key pedestrian and cyclist, landscape and visual linkages that tie the community together

Streets for people - creating a place where pedestrians and cyclists are given a higher priority rather than just focusing on cars

Provide wider verges / nature strips in select locations to create opportunities to introduce feature landscaping, pathway linkages and visual focal points

Opportunity to retain / adapt site features (trees, dams etc) to help create character

Layout of lower order residential streets to provide highly connected and permeable linkages to key green streets

Potential to include pavement changes / landscape treatments in select locations to improve legibility of streets and intersection

Curvilinear form encourages slower vehicular speeds and a more rural character



green streets concept



combined cycle trail and landscape buffer concept

Potential to create combined visual landscape buffer and pedestrian linkage as high amenity and functional interface to Ulan Road

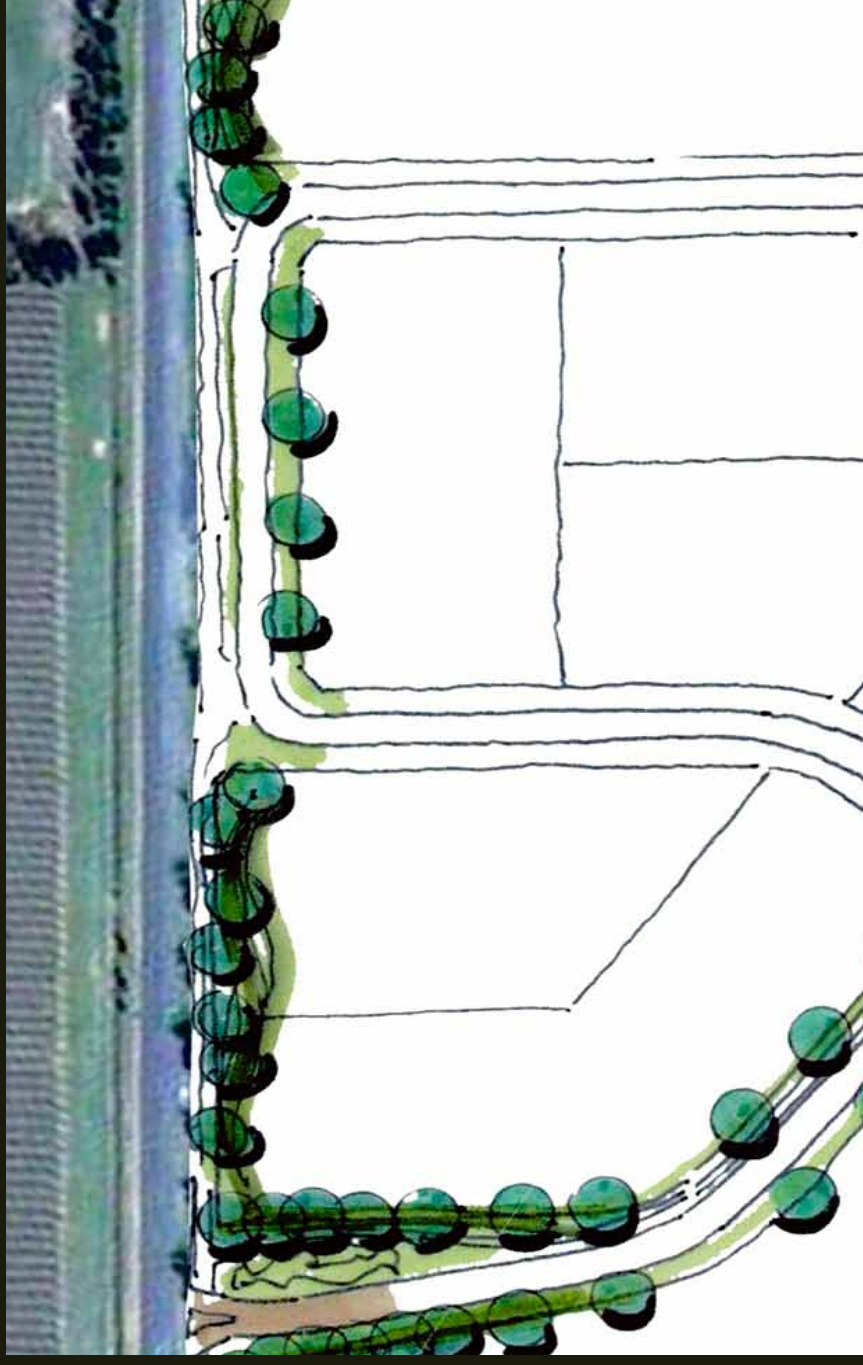
Cyclist / pedestrian pathway supports Council's plan for possible future off-road route / trail from existing path link to town through to TAFE

Internal street network within site provides high level of cyclist and pedestrian connection through to potential trail link

Landscape buffer / interface has potential to be incorporated either partially or in whole within private lots and promote low maintenance outcomes to reduce Council maintenance issues

Buffer may incorporate 5m+ landscape and earth mounding to create green edge and soften housing interface to Ulan Road - has potential to provide visual and acoustic buffer as well as improving cyclist amenity (shade etc)

Esplanade streets designed to create lower speed environment - may be converted to lower order shared drives / pedestrian zones as service only small number of lots - subject to detailed design



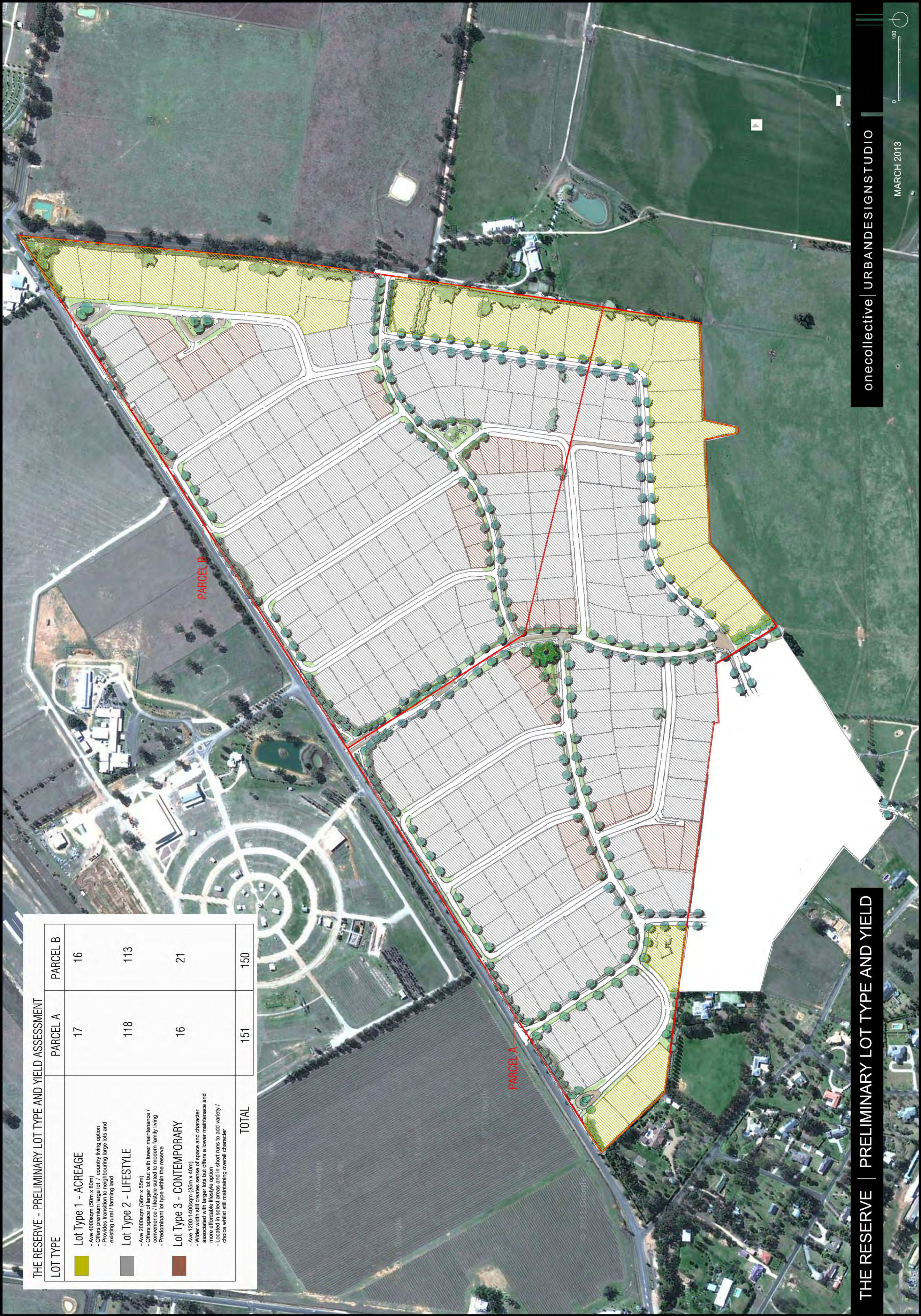
combined cycle trail and landscape buffer concept

onecollective URBANDESIGNSTUDIO
MELBOURNE | GOLD COAST
www.onecollective.com.au

This is a preliminary project visioning and master planning document produced by onecollective on behalf of the developer. It is intended to be used as a summary and discussion document as part of the design and approval process only, and should not be used for general public distribution or marketing purposes. Note: all efforts were made to ensure that the information in this presentation document is true and accurate at the time of printing. However, no responsibility will be taken for any errors or omissions. All photography and associated diagrams have copyright issues and are not to be reproduced without approval by onecollective or prior to appropriate purchasing of stock photography.



-
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THE RESERVE - PRELIMINARY LOT TYPE AND YIELD ASSESSMENT			
LOT TYPE	PARCEL A	PARCEL B	
<div></div> Lot Type 1 - ACREAGE - Ave 4000sqm (50m x 80m) - Offers premium large lot / country living option - Provides transition to neighbouring large lots and existing rural / farming land	17	16	
<div></div> Lot Type 2 - LIFESTYLE - Ave 2000sqm (36m x 55m) - Offers space of larger lot but with lower maintenance / convenience / lifestyle suited to modern family living - Predominant lot type within the reserve	118	113	
<div></div> Lot Type 3 - CONTEMPORARY - Ave 1200-1400sqm (35m x 40m) - Wider width still creates sense of space and character associated with larger lots but offers a lower maintenance and more affordable lifestyle option - Located in select areas and in short runs to add variety / choice whilst still maintaining overall character	16	21	
TOTAL	151	150	



18 DECEMBER 2013

ATTACHMENT
6.2.5

Draft Section 94 Plan





DRAFT

SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN 2005 - 2021

Amendment No 3

This plan applies to commercial/retail/industrial development in the Mudgee Town Centre and subdivision within the Mid-Western Regional Council Local Government Area

ANDREWS NEIL PTY LTD

ARCHITECTURE * PLANNING * LANDSCAPE * ENVIRONMENT * URBAN DESIGN

Adopted 4 July 2007

Commenced 13 July 2007

Amended August 2012

[December 2013](#)

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 - 1.3 Expected Development
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 - 4.2.2 Physical Nexus
 - 4.2.3 Temporal Nexus
 - 4.3 Calculation of Contribution Rates
 - 4.3.1 Roads and Traffic – Urban Areas
 - 4.3.2 Roads and Traffic – Haulage Routes

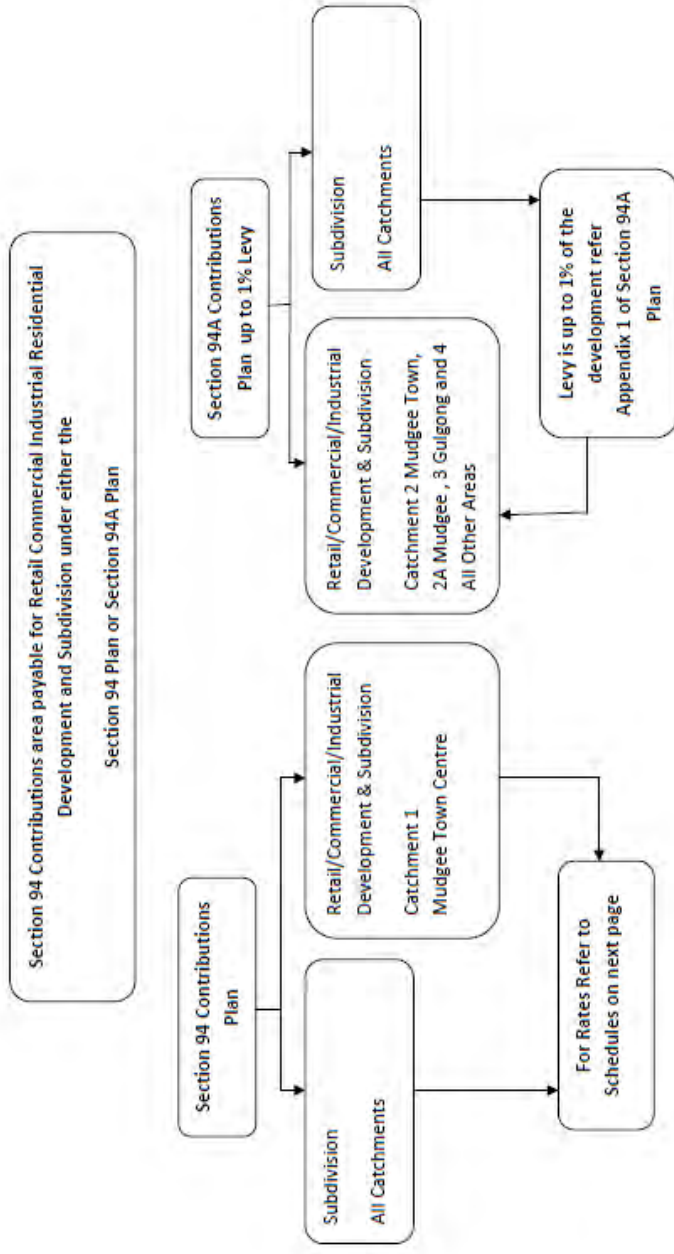
CONTENTS CONT

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 - 5.3.2 Car Parking
 - 6.0 Open Space Facilities
 - 6.1 Facilities Strategy
 - 6.2 Facility Demand Generated by New Development
 - 6.3 Nexus between Development and Demand
 - 6.3.1 Causal Nexus
 - 6.3.2 Physical Nexus
 - 6.3.3 Temporal Nexus
 - 6.4 Calculation of Contribution Rates
 - 6.4.1 Open Space
 - 7.0 Community Facilities
 - 7.1 Facilities Strategy
 - 7.2 Nexus between Development and Demand
 - 7.2.1 Causal Nexus
 - 7.2.2 Physical Nexus
 - 7.2.3 Temporal Nexus
 - 7.3 Calculation of Contribution Rates
 - 7.3.1 Library Resources and Floor Space
 - 8.0 Drainage
 - 8.1 Integrated Catchment Solution
 - 8.2 Nexus between Development and Demand
 - 8.2.1 Causal Nexus
 - 8.2.2 Physical Nexus
 - 8.2.3 Temporal Nexus
 - 8.3 Calculation of Contribution Rates
 - 9.0 Plan Administration
 - 9.1 Facilities Strategy
 - 9.2 Nexus between Development and Demand
 - 9.3 Calculation of Contribution Rates
 - 10.0 Definitions
 - 11.0 References
- Appendix 1 – Works Schedule
Appendix 2 – Detailed Schedule of Works
Appendix 3 – Inventory of Recreation Facilities

Mid-Western Regional Council Section 94 Development Contributions Plan

Issue	Date	Description	By
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A	25/08/05	Draft section 94 Plan issued to Client	VL
B	04/10/05	Revised Draft section 94 Plan to Client	VL
C	13/10/05	Draft section 94 Plan to Client for Council report	VL
D	31/10/05	Inclusion of revised demographic data	VL
E	12/1/06	Inclusion of Schedule of Works Map	ED
F	12/3/07	Revised Work Schedule, updated rates	ED
G	26/7/12	Draft Plan Amended for Drainage	ED
H	5/12/13	Draft Plan Amended for Open Space Schedule	ED



PART A: SUMMARY SCHEDULES (As Amended August 2012)

Schedule 1 - Summary of Applicable Contributions per person by Catchment – Residential					
Program	Catchment				
	1 Mudgee Town Centre	2 Mudgee Residential Area	2A Mudgee Residential South/West	3 Gulgong	4 All other Areas
Transport Management					
Traffic Management	432	432	432	238	238
Open Space					
Local Open Space	678	678	678	678	0
District Open Space	920	920	920	920	920
Community Facilities					
Library Buildings	89	89	89	89	89
Library Resources	106	106	106	106	106
Drainage					
Drainage Works	0	0	1947	0	
Administration					
Plan Administration	207	207	207	207	207
TOTAL per person	2432	2432	2433	2238	1560

Schedule 2 - Summary of Applicable Contributions per dwelling based on dwelling occupancy ration of 2.57 by Catchment – Residential					
Program	Catchment				
	1 Mudgee Town Centre	2 Mudgee Residential Area	2A Mudgee Residential South/West	3 Gulgong	4 All other Areas
Allotment – 2.57 up to 2016	6068.14	6068.14	9068.14	5584.12	3892.95

Schedule 3 - Summary of Applicable Contributions per m2 by Catchment - Non-Residential					
Program	Catchment				
	Mudgee Town Centre			Extractive Industry	
	Commercial	Retail	Industrial		
Transport Management					
Haulage Routes					0.77/tonne
Civic Improvements					
Civic Improvements	170.06	85.03	68.02		0.00
Administration					
Plan Administration	8.98	4.50	3.59		
TOTAL per lot	179.04	89.52	71.62		0.77/tonne
Carparking					
\$ per car space where not provided on site	14245.04	14245.04	14245.04		

Note: Contributions payable with a development application will be rounded to the nearest dollar.

PART B: ADMINISTRATION AND OPERATION OF THE PLAN**1.0 ADMINISTRATION****1.1 Name of the Plan**

This development contributions plan is called the “Mid-Western Regional Council Section 94 Development Contributions Plan 2005 - 2021”. The plan will be reviewed every three years and any amendments will be recorded in the following table:

Table 1 - Amendments

Plan Title	Amendments	Adoption Date	Version Number
Mid-Western Regional Council Section 94 Development Contributions Plan 2005 - 2021	New Plan	Adopted 18/1/06 Commenced 23/1/06	1
Mid-Western Regional Council Section 94 Development Contributions Plan 2005 – 2021 - 2007 Amendment No 1	Update Part A Update Schedule of Works	Adopted 4/7/07 Commenced 13/7/07	2
Mid-Western Regional Council Section 94 Development Contributions Plan 2005 – 2021 - 2007 Amendment No 2	Add Drainage for Catchment 2A	Draft August 2012	
Mid-Western Regional Council Section 94 Development Contributions Plan 2005 – 2021 - 2007 Amendment No 2	Add Drainage for Catchment 2A	Adopted 17/10/12 Commenced 21/11/12	3
Mid-Western Regional Council Section 94 Development Contributions Plan 2005 – 2021 - 2007 Amendment No 2	Amended Schedule of Works for Open Space	Draft Dec 2013	

1.2 Area the Plan Applies

The plan applies to the whole of the Local Government Area of Mid-Western Regional Council. The LGA has been divided into four (4) Catchments as follows:

Table 2 - Catchments

Catchment	Area
1	Mudgee Town Centre
2	Mudgee Residential Area
2A	Mudgee Residential South/West
3	Gulgong
4	All other Areas

The Catchment areas are illustrated in Figures 1 - 5

1.3 Expected Development

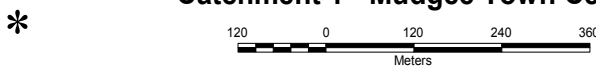
This plan relates to demand for public facilities and services created by commercial/retail/industrial development within Catchment 1 Mudgee Town Centre and subdivision in the Mid-Western Regional Local Government Area.

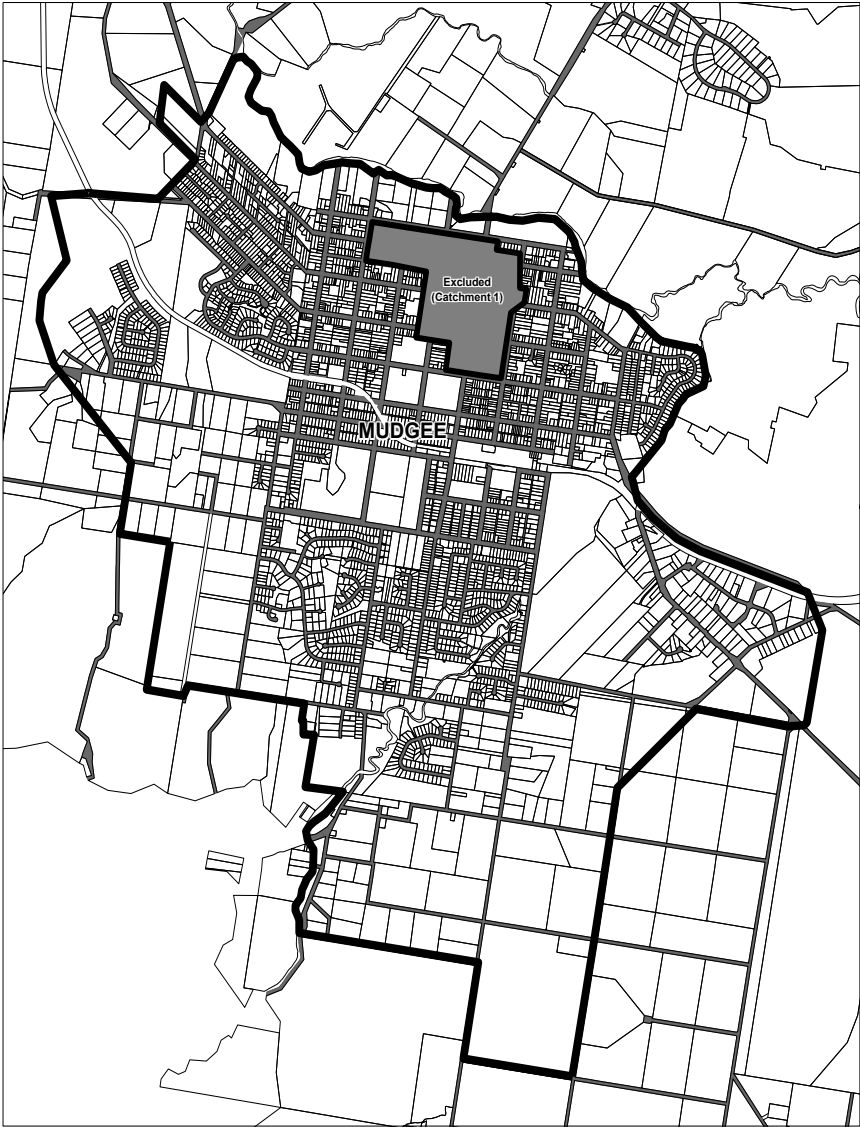
All other types of development may be subject to section 94A levies. Developers are referred to the Mid-Western Regional Council Section 94A Development Contributions Plan 2005 – 2021 which is available at Council's Customer Service Centres.

The types of development to which the plan applies are subject to any exclusions or special requirements that the Minister of Planning may specify pursuant to a Section 94A Direction.



MID-WESTERN REGIONAL COUNCIL
Catchment 1 - Mudgee Town Centre

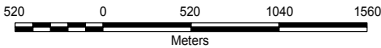


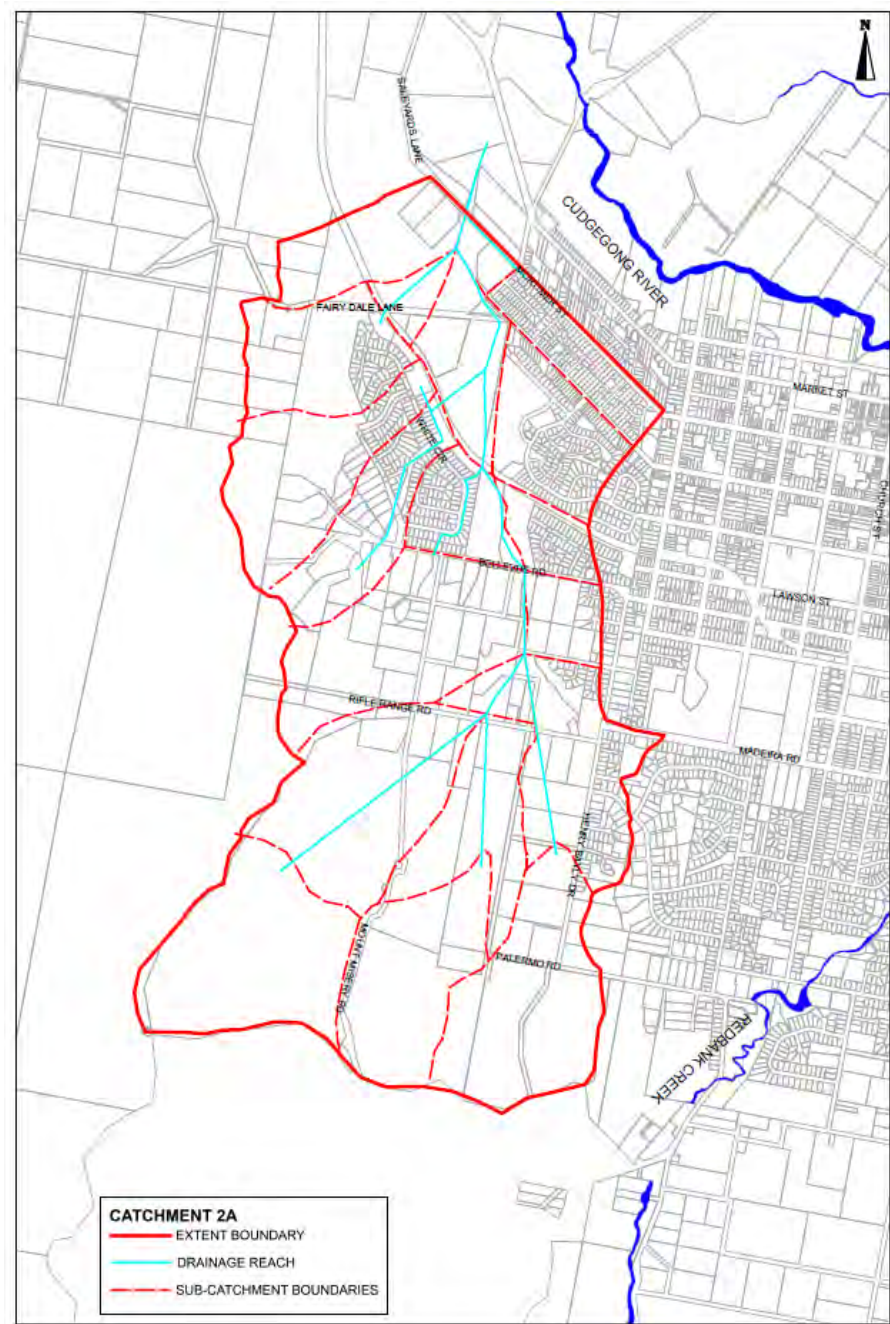


MID-WESTERN REGIONAL COUNCIL

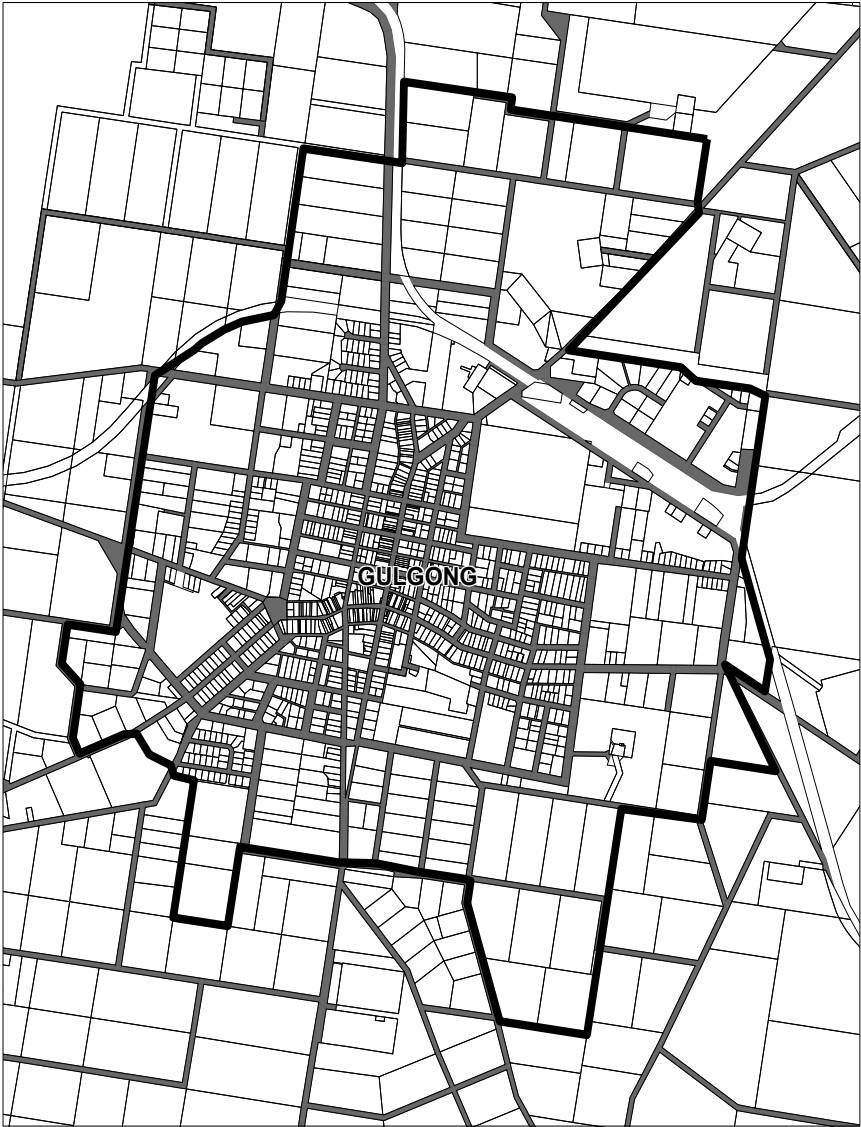
Catchment 2 - Mudgee

*



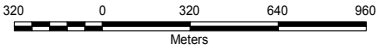


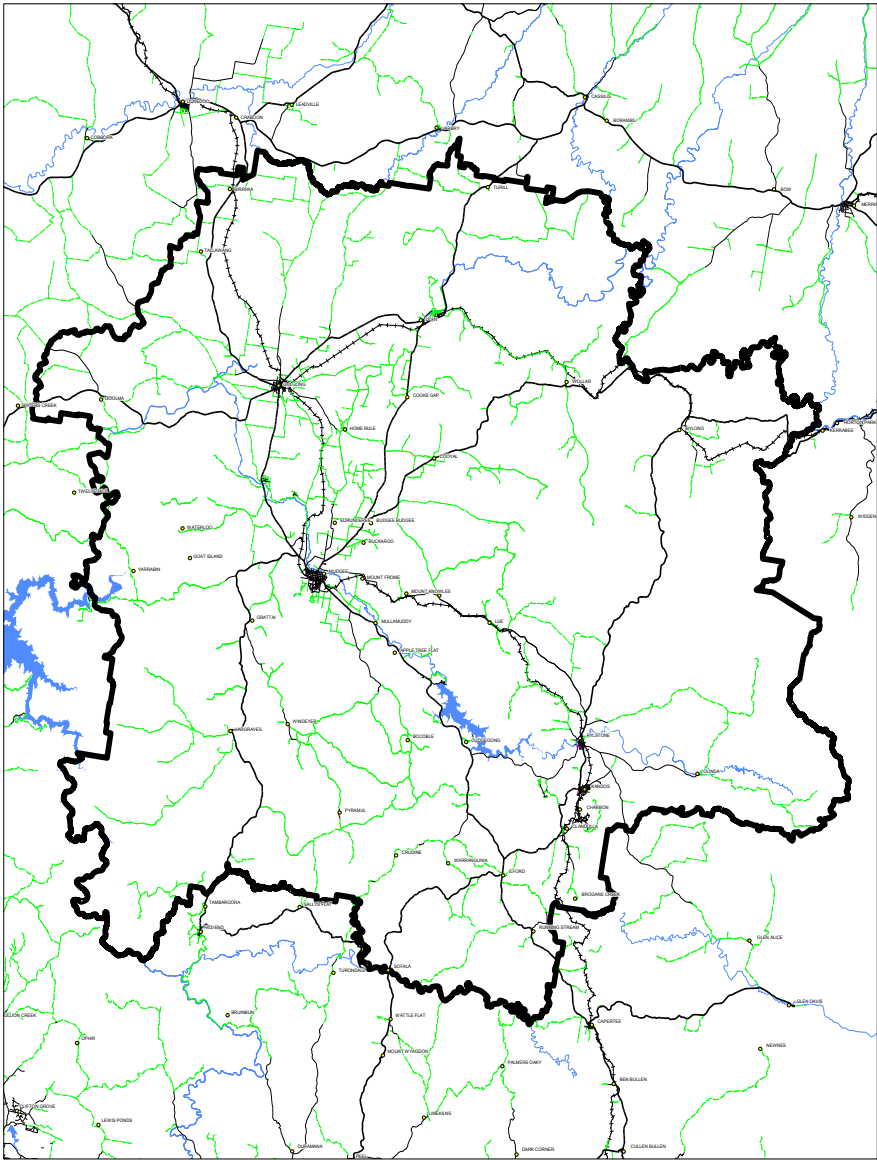
Catchment 2A - Mudgee South West



MID-WESTERN REGIONAL COUNCIL

Catchment 3 - Gulgong





MID-WESTERN REGIONAL COUNCIL
Catchment 4 (Excluding Catchments 1, 2 & 3)
9 0 9 18 27
Kilometers

*

1.4 Purpose of the Plan

The purpose of this plan is to identify requirements for contributions by development, towards the cost of providing public facilities and services funded in whole or in part by Mid-Western Regional Council (Council) and to provide a basis for the management and accounting of such contributions. The specific aims of the plan are to:

- Apply Section 94 contributions in a manner that is fair, reasonable, publicly accountable and equitable;
- Ensure that new residential development contributes to the provision of public facilities and public services the need for which is caused by the development;
- Ensure that the contributing development benefits from the public facilities and services financed from those contributions; and
- Ensure that public facilities and services are appropriate to the needs of those who contribute to their provision and are provided within a reasonable time.

1.5 Commencement of the Plan

This development contributions plan has been prepared pursuant to the provisions of section 94 of the Environment Planning and Assessment ("EP&A") Act 1979 and Part 4 of the EP&A Regulation and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the EP&A Regulation, 2000 that date being 24 January 2006.

1.6 Relationship to Other Plans and Policies

This Plan repeals the following plans:

- Section 94 Contributions Plan No 1 Mudgee Town
- Section 94 Contributions Plan No 2 Gulgong Town
- Section 94 Contributions Plan No 3 Environs of Mudgee
- Section 94 Contributions Plan No 4 Environs of Gulgong
- Section 94 Contributions Plan No 5 Rural Areas
- Rylstone Section 94 Plan

The Plan should be read in conjunction with Mid-Western Regional ~~Interim~~ Local Environmental Plan 2008, ~~Merriwa Local Environmental Plan 2001 and Rylstone Local Environmental Plan 1996 and amendment or superseding local environmental plan~~ 2012 and applicable Development Control Plans.

1.7 When Contributions Are Paid

Unless otherwise agreed by Council, contributions are to be paid as follows:

- In the case of a development involving subdivision, prior to release of the subdivision certificate;
- In the case of a development involving construction, prior to release of the construction certificate;
- In the case of complying development, prior to the release of the complying development certificate; and
- In the case of all other development, prior to release of the development consent.

1.8 Construction Certificates and the obligation of Accredited Certifiers

In accordance with section 94EC of the EP&A Act and Clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

1.9 Complying Development and the obligation of Accredited Certifiers

In accordance with s94EC(1) of the EP&A Act, accredited certifiers must impose a condition requiring monetary contributions in accordance with this development contributions plan.

1.10 Deferred or Periodic Payments

Council may accept the deferred or periodic payment of a contribution if the applicant or any other person entitled to act upon the relevant consent satisfies the Council that:

- a) Compliance with the provisions relating to when contributions are payable is considered unreasonable or unnecessary in the circumstances of the case; and
- b) The deferment of payment or allowing periodic payments does not prejudice the timing or the manner of the provision of the public facility or service for which the contribution was required as outlined in the Capital Works Program, and
- c) The full amount of the contributions being deferred is paid within 2 years.

The decision to accept a deferred or periodic payment is at the sole discretion of Council.

All requests to Council for deferred or periodic payments should be formulated in writing based on consultation with Council and forwarded to Council prior to the determination of a development application by Council.

When Council allows a deferral of contributions, an appropriate bank guarantee shall be secured for the amount of contributions to be deferred. The conditions under which the Council may accept deferred settlement by way of lodgement of a bank guarantee are that:

- The bank guarantee be by an Australian bank the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to twenty five (25) months interest.
- Any charges associated with establishing or operating the bank security are payable by the applicant.

- The bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work.
- The bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development.
- The bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- Where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.
- The bank guarantee is able to be redeemed within 24 hours notice from Council.

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- The instalment be paid before the work commences on the relevant stage of the development;
- The amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, plus CPI if required.

1.11 Works in Kind, Material Public Benefits and Dedication of Land

Council may in certain circumstances accept an offer by the applicant to provide a works in-kind (WIK) contribution (i.e. the applicant completes part or all of works identified in the plan) or through the provision of another material public benefit (MPB) (eg a large subdivision may necessitate a park which was not identified in the plan) in lieu of the applicant satisfying part or all of its obligations under this plan.

An offer to provide WIK, MPB or land dedication is to be made to Council in writing prior to the determination of the development application and should clearly state:

- What MPB, WIK or land dedication is proposed;
- The value of the MPB, WIK or land dedication;
- The timing of the provision of the MPB, WIK or land dedication;
- What cash contributions it is proposed to offset; and
- If the work has not been identified under the plan, why it is of an equivalent or greater benefit to the community compared to what has been identified under the plan.

Council is under no obligation of accept such alternatives, however, may consider doing so in the following circumstances:

- the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- the standard of the works is to Council's full satisfaction; and
- the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

Subject to prior agreement of Council, land may be dedicated in lieu of making a contribution towards the acquisition of land. The land, the subject of the dedication must meet Council's requirements as determined by the plan (eg for the purpose of drainage

or open space). Factors which Council will take into consideration when deciding whether to accept a dedication, in lieu of or as an offset against a monetary contribution, include:

- the ability of the land once dedicated to be used for the purpose for which the contribution was originally sought;
- area, location, configuration and topography of the site;
- environmental considerations, e.g. vegetation cover, soil condition, site contamination, flood liability, fire risk;
- accessibility, previous and current uses and improvements and availability of water supply and other utility services;
- ongoing costs, including maintenance, remedial or other site costs;
- the zoning of the land, and specifically whether it has been identified in any plan as being suitable for open space;
- whether the land is accessible and visible from a street frontage or other public access route;
- whether the land adjoins an existing or proposed area of open space and can readily and desirably be consolidated into that existing or proposed area at a later date;
- whether the land's location allows it to be used by the intended population (e.g. local parks should be within walking access of residences);
- the extent to which any easements (drainage/transmission lines) substantially prejudice the intended purpose/enjoyment of the open space;
- the extent to which the open space area will enjoy casual surveillance where facilities for children are to be supplied;
- the extent to which the recreation activities likely to be carried out on the land is compatible with the private enjoyment of the adjoining properties;
- Council considers the dedication appropriate in the circumstances of the case.

In some circumstances, where the land dedicated exceeds the contribution due for the provision of this type of land, this excess value may (at the sole discretion of Council) be offset against other contributions in a similar manner to works-in-kind.

The value to be attributed to the land dedicated will be the estimated value shown within the plan for that particular parcel of land if relevant, or the Council agreed value of the land determined with the Land Acquisition (Just Terms Compensation) Act 1991.

1.12 Planning Agreements

Council will seek to negotiate planning agreements for major developments in accordance with s93F of the EP&A Act. Major developments can include the following:

- Major Extractive industry;
- Tourism development with a construction value greater than \$10 million;
- Employment generating development that will employ 100 persons after construction;
- Residential development that creates more than 100 lots.

1.13 Exemptions

Exemptions will not be given for any development outlined in the Contributions Plan without an express resolution of Council.

1.14 Review of Contribution Rates

The contribution rates will be indexed annually in accordance with the Consumer Price Index (CPI) or equivalent relevant indices.

1.15 How are contributions adjusted at the time of payment?

The contributions stated in a consent are calculated on the basis of the Section 94 contribution rates determined in accordance with this Plan. If the contributions are not paid within the financial year in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment and adjusted by the Consumer Price Index as published by the Australian Bureau of Statistics All Groups Percentage Changes. Indexation will take place 1 July each year.

The current contributions are published by Council and are available from Council offices.

1.16 Are there allowances for existing development?

Contributions will be levied according to the estimated increase in demand for services and facilities. An amount equivalent to the contribution attributable to any existing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions. In assessing the contribution of existing residential development the following occupancy rates prepared by Ratio Consultants (2005a) will be used. The occupancy rate will be effective from 31 December of the year stated.

Table 3 – Credits – Occupancy Rates

	2001	2006	2011	2016	2021
Dwelling or single allotment	2.69	2.63	2.57	2.54	2.5

Where a development is not a dwelling or a single lot, the Council will determine the credit on the basis of the likely demand that the existing development would create.

1.16 Pooling of Contributions

This plan expressly authorises monetary Section 94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

1.17 Savings and Transitional Arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

PART C: URBAN CHARACTERISTICS AND POPULATION

2.0 URBAN CHARACTERISTICS

2.1 Area

Mid-Western Regional Local Government Area covers an area of approximately 9,000 square kilometres and is located in the Central West region of New South Wales. Major urban centres in the Region include Gulgong, Kandos, Mudgee and Rylstone.

2.2 Population Increase

The population increase anticipated for the Mid-Western LGA between 2005 to 2021 has been determined by Ratio Consultants (2005a). Commercial, retail and industrial development in Catchment 1 has also been determined by Ratio Consultants (2005b). Refer to Tables 4 and 5.

Table 4 – Population Projections for Mid-Western LGA

Catchment	2001	2005*	2006	2021
1 Mudgee Town Centre	2,233	2,324	2,350	3,073
2 Mudgee Residential Area	6,697	6,979	7,050	9,217
3 Gulgong	2,080	2,112	2,120	2,500
4 All other Areas	11,210	11,538	11,620	13,260
TOTAL	22,220	22,953	23,140	28,050

Table 5 – Proposed Worker Population for Catchment 1 Mudgee Town Centre

Type	Proposed Floorspace	Employees/m2	Worker Population
Commercial	5,000m2	1/20m2	250
Retail	39,500m2	1/40m2	987
TOTAL			1,237

The base population for this plan is 23,047 persons. This has been determined using the annual growth rate between 2001 and 2006 from Table 4 to apply for the six months remaining in 2005/06 as part of this plan, as shown in Table 6.

Table 6 – Annual Population Growth 2001-2006

Year	2001	2002	2003	2004	June 2005	Jan 2006	June 2006
Population	22,220	22,401	22,584	22,768	22,953	23,047	23,140

However, it is necessary to further break down the population predictions to apply only to subdivision which is the only residential development that is subject to Section 94 levies. Other residential development may be subject to Section 94A levies. The population growth that is the subject of this plan, i.e. through subdivision has been determined by applying the occupancy rates by the number of lots determined by Ratio Consultants (2005a) and is outlined in Table 7.

Table 7 - Mid-Western Regional Council Estimated Lot Yields

Catchment	2005 Lot Yield	Population @ 2.69 occupancy	2006-11 Lot Yield	Population @ 2.63 occupancy	2011-16 Lot Yield	Population @ 2.57 occupancy	2016-21 Lot Yield	Population @ 2.54 Occupancy
1 Mudgee Town Centre								
2 Mudgee Residential Area 2A South/West	7	18.83	136	357.68	126	323.82	109	276.86
3 Gulgong	1	2.69	17	44.71	17	43.69	9	22.86
4 All Other Areas	5	13.45	67	176.21	76	195.32	84	213.36
TOTAL	13	35	220	579	219	563	202	513

The 2005 lot yield has been estimated from the data supplied by Ratio Consultants (2005a).

The overall anticipated Regional population increase from all residential development (i.e. subdivision, residential flat buildings, dual occupancies, etc) is 5,003 persons between 2005 and 2021. This represents a 21.7% increase in population from 2005 to 2021. The predicted population from residential subdivision is 1,690 persons by 2021. This represents a 7.3% population increase from residential subdivision from 2005 to 2021 based on the lot yields and occupancy ratios as outlined in table 7. This figure (7.3%) will be used where projects are to be apportioned between existing and new development. This reflects that the population is increasing not only by residential subdivision.

The residential subdivision figure of 1,690 persons will be used only where projects are meeting the full demand for additional services and facilities, for example a new release area.

2.3 Occupancy Rates

The occupancy rates that apply to this Section 94 plan have been determined by Ratio Consultants (2005a). The occupancy rate that is applied will be subject to the year of the application as follows:

Table 8 – Occupancy Rates

	2001	2006	2011	2016	2021
Dwelling or single allotment	2.69	2.63	2.57	2.54	2.5

Where it is argued that occupancy rates differ from the above, the applicant will need to demonstrate the demand. Council may consider varying the occupancy rate.

2.4 Meeting Needs of the Population

The incoming population will be distributed across the LGA in the main urban centres and in rural-residential small holding developments. This additional population will create increased demand for a range of services including traffic management works, open space and recreation facilities, library services and administration of the section 94 Plan.

PART D: FACILITY STRATEGY PLANS

3.0 Plan Objectives

The following facilities have been determined to be required to meet the new population to 2021:

Table 9 - Facility Delivery Priority

Facility Category	Facility Delivery Priorities
Traffic and Transport Management	Region-wide
Open Space and Recreation	Region-wide
Library and Community	Region-wide
Civic Improvements	Mudgee Town Centre
Car Parking	Mudgee Town Centre
Plan Management	Region-wide
Drainage	Mudgee Catchment 2A South/West

The following Strategy Plans identify:

- the demand for the facility likely to be required as a result of the urban development and re-development in certain areas of the Mid-Western Regional LGA and in the LGA as a whole;
- the facility which will be required to meet those demands (for which development contributions could reasonably be charged); and
- the reasonable contribution which should be levied on new development to meet those demands.

Contributions are taken to the nearest dollar.

3.1 Nexus

Nexus is one of the key principles which underpin the developer contributions system along with reasonableness, apportionment and accountability. Nexus refers to the relationship between the proposed development and the demand for public facilities and services created by the development. A contribution levied must be for an increased demand for a public facility or service that is caused by the development. There are three aspects to nexus:

- Causal nexus – the proposed development creates a need or increases the demand for a particular public facility or service;
- Spatial or physical nexus – the proposed public facility or service will be located to serve the needs of those who created the demand for it;
- Temporal nexus – the proposed public facility or service will be provided within a reasonable time to benefit those who contributed towards it.

3.2 Apportionment

Apportionment is the “fairness” principle. It means that new development only pays the full cost of a service or facility if it can be shown that it exclusively causes the increased demand. Where the service or facility proposed will benefit both the existing and new population, the cost of provision of that service or facility is apportioned between the existing development being the Council's contribution, and new development.

3.3 Reasonableness

The principle of reasonableness refers to whether the amount levied is a reasonable contribution from the point of view of the industry's ability to pay and any economic development policies Council may have from time to time. All contributions in this plan fully satisfy this principle.

3.4 Accountability

The Council needs to be able to demonstrate that it is accountable for all contributions made under the provisions of section 94 and be transparent in the allocation of those funds in accordance with the Schedule of Works identified in the plan. Development and subsequent population growth rates will be monitored to ensure that the Plan remains relevant and delivery of services and facilities occurs in accordance with the Plan.

4.0 TRAFFIC MANAGEMENT AND ROADS

4.1 Facilities Strategy

4.1.1 Roads and Traffic – All Areas

The Road Network 2004 Strategic Plan outlines the works required to be undertaken to ensure that the road system can cater for the existing and future population ensuring that levels of service are not reduced. The works involved include the following:

- Shoulder sealing program
- Road sealing program
- Kerb and guttering
- Street Lighting

4.1.2 Roads and Traffic – Haulage Routes

Extractive industry will impact upon the existing road network. The haulage routes will need to be maintained to their existing standards. A contribution will be levied on extractive industry to maintain the haulage routes.

4.2 Nexus between Development and Demand

4.2.1 Causal Nexus

Additional traffic generation will result from new residential development. Council's Road Network Strategic Plan is to provide and plan for infrastructure that allows safe, convenient and comfortable vehicular traffic movements to, from and within the Region. The Council's works program includes road and shoulder sealing, paving, kerb and guttering and street lighting.

The impact of heavy haulage created by extractive industries results in the reduction of the expected road life. This necessitates increased construction standards and maintenance work beyond that which could have been previously expected. Further, any increase of heavy vehicles using the road system also has an impact on road safety and amenity, and may require additional works to ensure that such are maintained at an acceptable standard. The calculation of the contribution rate (apportionment) for roads and traffic management facilities required as a result of the impact of heavy haulage from the Region's rural areas has been derived by precedent established by the Land and Environment Court.

The basis for requiring a contribution for these facilities has been established by the Land and Environment Court in a number of judgements. The Court has accepted that Section 94 is an appropriate mechanism for the levying of contributions for the upgrading and reconstruction of the public road system affected by transport generated by extractive industries.

Increased extractive industries within the Region will result in an increased number of heavy vehicles from extractive and other heavy haulage industries use the Regions roads. It is reasonable that extractive and other heavy haulage industries contribute to the maintenance, repair and reconstruction of roads in the Region.

4.2.2 Physical Nexus

The roads and traffic management works will be undertaken throughout the Local Government Area. All residents use the road network to access services and work. Therefore, it is justified that all new residents contribute towards the costs of embellishment of the road network.

Roads will be required to be progressively upgraded to meet the demands generated by heavy haulage vehicles serving the extractive industries in the rural areas. Extractive industry expansion is generally only likely to apply to the rural areas of the Region, however the contribution will apply Region-wide.

4.2.3 Temporal Nexus

The timing of works will be in accordance with the priorities as outlined in the schedule of works.

A preliminary program for the roadworks for extractive industry has been established and is outlined in the schedule of works. However, the works and timetable is subject to change dependent on when details of the haulage routes are known for each of the operations.

4.3 Calculation of Contribution Rates

All rates are determined to the nearest dollar.

4.3.1 Roads and Traffic – Urban Areas

The traffic management and road works will be apportioned to new and existing residents. Certain road works will only meet the demands of Catchments 1 and 2 and therefore these works have been separately levied on these catchments only. The contribution rate is determined as follows:

Regional Works

$$C = TC / (TPop)$$

Where:

C = the contribution rate per person;

TC = the total cost to Mid-Western Regional Council (less any grants or reserves monies);

TPop = the total estimated resident population for the Region as at 2021;

$$\begin{aligned} C &= (TC / TPOP) \\ &= (\$5,627,242 / 28,050) \\ &= \$201 \text{ per person} \end{aligned}$$

Catchments 1 and 2 – Mudgee Town Centre and Mudgee Residential Area

$$C = TC / (CPop)$$

Where:

C = the contribution rate per person;

TC = the total cost to Mid-Western Regional Council (less any grants or reserves monies);

CPop = the total estimated resident population for Catchments 1 and 2 as at 2021;

C = (TC / CPOP)
= (\$1,850,000 / 11,290)
= \$164 per person

4.3.2 Roads and Traffic – Haulage Routes

While each truck movement associated with extractive industries will contribute to the volume of traffic within the public road system actual damage to the road surface and the need to upgrade roads is substantially and directly associated with laden trucks. Accordingly, it has been accepted practice to levy development contributions based directly upon the number and weight of laden truck movements.

Therefore a relationship to the demand for an upgraded road system can be related directly to the volume of material leaving an extractive industry site. This will be the basis upon which contribution levies will be imposed.

Contributions will be required to be paid on a monthly basis to Council based on a fee for each tonne of extractive resource leaving the extractive industry site by road transport. This levy will be calculated as follows:

MCR = TONNES x RATE

Where:

MCR = the monthly contributions required;

TONNES = tonnes of resource removed from site per month by road transport; and

RATE = the rate per tonne.

Council's adopted rate per tonne has been adjusted according to the original decisions handed down by the Land and Environment Court and movements in the CPI. The rate moved from \$0.50 per tonne in 1993 to \$0.77 per tonne in 2005.

RATE = \$0.77 / tonne

5.0 CIVIC IMPROVEMENTS AND CAR PARKING

5.1 Facilities Strategy

A Retail Review was undertaken by Ratio Consultants Pty Ltd in February 2005. It states that *retailing and commercial services are important and growing sectors servicing the townships and rural localities that comprise the Region and surrounding districts.*

It also states that *it is the leading centre for the Region and surrounding districts is the Mudgee Central Business District (CBD). The CBD is the principal retail and commercial services activity centre. It is also the seat of administration, education, professional and medical services, hospitality and entertainment for the Region and surrounding areas. In retailing and service terms, the Mudgee CBD is the principal regional centre for the local region encompassing the Region and surrounding districts. It provides a wide range of stores and services to meet weekly and day-to-day requirements and a high proportion of discretionary purchases.*

5.2 Nexus between Development and Demand

5.2.1 Causal Nexus

Ratio Consultants held a workshop with the Mudgee Business Association at which it was determined that *a clear recognition of the key strengths of the Mudgee CBD included its pedestrian scale and relative compactness, its high level of amenity and attractiveness.* New development will create a further demand on Mudgee Town Centre and therefore a section 94 contribution towards the civic improvements works as outlined in the Works Schedule is reasonable.

Council has met the current demand for car parking within the Mudgee Town Centre. Three new car parks are proposed to meet new demand as follows:

- Mortimer Street Car park
- Byron Place Car park (expansion)

Car parking spaces have been costed at \$13,880 per space. Contribution shall be paid for development within the Mudgee Town Centre that cannot provide all of its required car parking as part of the development.

5.2.2 Physical Nexus

The proposed works are located within the Mudgee Town Centre. Section 94 contributions for civic improvement works will only be applied to development within Catchment 1 Mudgee Town Centre. Civic improvement works will be undertaken in Byron Place and the Mortimer Street Civic Improvements between Church and Perry Streets.

Car parking will only be levied on commercial, industrial and retail development within Catchment 1 Mudgee Town Centre.

5.2.3 Temporal Nexus

The proposed timing for the works is outlined in the Works Schedule.

5.3 Calculation of Contribution Rates

5.3.1 Civic Improvements

$$C = TC / (EMP)$$

Where:

C = the contribution rate per person;

TC = the total cost to Mid-Western Regional Council (less any grants or reserves monies);

EMP = the proposed increase in the worker population for Catchment 1 as at 2021;

$$\begin{aligned} C &= TC / (POP + EMP) \\ &= (\$4,100,000 / 1,237) \\ &= \$3,314 \text{ per person} \end{aligned}$$

The contribution rate of \$3,324 per person can be translated to a square metre rate as follows;

Commercial @ 20m² per employee - \$165.70 per m²
 Retail @ 40m² per employee \$82.85 per m²
 Industrial @ 50m² - \$66.28 per m²

5.3.2 Car Parking

Costs for car parking differ between the chosen sites due to site location and the amount of works to be undertaken. Therefore, the levy of \$13,880 per car space to be applied is an average of the costs (\$1,443,500 divided by 104 car spaces) for the two car parks as follows:

Table 10 – Estimated Car Parking Costs

Carpark	Number of Space	Cost/space	Total \$
Mortimer Street Carpark	74	\$10,000	740,000
Byron Place Carpark	30	\$23,450	703,500
Total	104	\$13,880	\$1,443,500

6.0 OPEN SPACE FACILITIES

6.1 Facilities Strategy

The Mudgee Recreation and Cultural Strategy undertaken in 2003/04 ~~outlines the current trends for open space requirements for Mid-Western Regional Local Government Area as follows: was updated and replaced by the Recreation Strategy 2013. The Strategy identifies the following local trends:~~

Local trends in recreation and participation in sport we collected in a different manner in a survey undertaken by Micromex Research. A full copy of the survey results is in Appendix B of the Recreation Strategy. The key objectives of the survey, which was conducted in August 2012 were:

- Building a profile of the community's recreational behaviour and facility use*
- Measuring community attitudes to the current provision of recreation infrastructure*
- Identifying key areas of opportunity to improve the provision of recreation infrastructure*
- Better understanding the community's expectations with infrastructure provision*
- Identifying opportunities to improve and increase infrastructure usage*

The survey tended to focus on the use and frequency of use of Council managed facilities, however, in terms of participation the top ten physical activities undertaken were:

- Walking*
- Swimming*
- Cycling*
- Jogging*
- Golf*
- Dancing*
- Netball*
- Tennis*
- Rugby league*
- Cricket*
- Horse riding*

By way of comparison to the national trends, excluding Aerobics/fitness, the top five are the same and in the same order.

- ~~Declining levels of participation in traditional organised sports among some age~~*

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groups;

- Declining levels of participation affects both players and volunteers/organisers/coaches;
- Trend away from organised sport for teenagers and adults;
- General increase in interest in physical fitness and healthy living;
- Increasing demands for better facilities and increasing commercialisation of sport;
- Increasing demand for facilities and activities catering for older people;
- Greater recognition that different age groups have different needs and preferences with respect to activities (and associated facility needs);
- There is a need to consider equitable allocation of resources encompassing activities popular among younger girls and women, as well as those popular among males;
- Changing management environment, including a trend away from direct government provision;
- Increase in the level of interest in undertaking recreation in natural areas;
- Recognition in terms of planning for future open space that it is necessary to consider the quality, diversity and distribution as well as the quantity of open space;
- There is a trend away from single purpose facilities, towards shared resources and multi-use facilities;
- Achieving efficiency in terms of management and expenditure will be an important driver of local government's role in facility provision into the future' and
- Increasing recognition of the importance of event-based tourism to local economies.

The following participation data shows that there are a variety of recreational needs required for the area. This justifies Recreation Strategy identifies the need for facilities that can cater for a variety of recreational areas given the cost and availability of land for recreational facilities.

- The 'top five' most popular activities for adults are walking (17.5% participation rate), swimming (14.4%), aerobics/fitness (10.5%), golf (10.2%) and tennis (8%);
- The most popular sports or physical activities varied with age. In the 18-24 year age group, swimming had the most participants, followed by aerobics/fitness and walking. For people age 45 years and over, walking had the most participants, followed by golf and swimming;
- There are more significant differences between the sports and physical activities that male and female children participate in, compared to those that male and female adults participate in;
- In terms of children's participation (aged 5-14 years), the top five most popular female activities are netball (18.2%), swimming (15.8%), tennis (7.7%), basketball (6.3%) and gymnastics (4.3%) and for the boys are soccer (19.6%), swimming (13.1%), Australian Rules Football (12.6%), cricket (9.9%) and tennis (9.2%).

In terms of catering for the range of demographics, most age groups are well catered for in terms of facilities, particularly when consideration is given to privately operated facilities as well as those under the stewardship of Council.

Based on the comparison of facility supply with community needs and demands (including analysis of current trends), the following gaps in supply have been identified:

- Walking/running/cycling – billed as the most popular activity by participation and across a range of age cohorts, these activities, although not necessarily needing specific facilities the continued development of shared pathways provide valuable, alternative and safe opportunities for these activities. In addition they provide a form of access and

transportation for both young people (local trips or travelling to facilities) and tourists/visitors (eg visiting wineries close to towns, cycling as a tourist)

- Swimming – upgrades to the three swimming pools should stimulate use, however, given the popularity of swimming pressure for year round access to a swimming pool will remain constant and should continue to be considered (refer comment in 6.2 above)
- Additional fields/facilities/amenities for sports such as AFL, softball and hockey
- Children’s Play Equipment – upgrades to selected facilities
- Opportunities for recreation on natural areas – particularly close to Mudgee and greater promotion of these areas as providing opportunities for recreation. Support for non-traditional uses such as mountain bikes
- Glen Willow – continued staging and development of Glen Willow as a regional multi-purpose facility and ultimately catering for softball, hockey and cricket.

~~Based on a comparison of the demographic characteristics with current trends and participation characteristics, the key planning implications for Mid Western Region are considered to include:~~

Population and age structure

- ~~The Region’s growth has important implications when planning for future facilities. Unlike many rural and regional areas in Australia, Mid Western Region is experiencing positive growth (mainly in the town of Mudgee). As a result, there is less pressure on Council to rationalise facilities than there would if the area was experiencing negative growth. However, although this requirement is not as pressing as it is in some areas, rationalisation still needs some consideration for reasons of efficiency in terms of funding allocation.~~
- ~~The Region’s age structure is an important consideration in identifying the types of recreation opportunities required in the future. The high proportion of young people mean that the following activities will be important into the future:~~
 - ~~— Organised sport for children in the 5-14 year age group (refer participation data summarised in section 6.2 and Appendix E for an indication for the most popular activities);~~
 - ~~— Opportunities for family oriented informal recreation (including parks with barbeque/picnic areas, natural areas with picnic facilities, and children’s play facilities);~~
 - ~~— Opportunities for informal recreation for young people in the 14-19 year age, including swimming, bicycle facilities, settings for informal, unstructured recreation where they can ‘hang out’ with friends.~~
 - ~~— Opportunities for safe independent (i.e. not relying on parents) transport and access to facilities is also important for the 14-19 year age group. This includes public transport and well linked bicycle and pedestrian paths to major facilities.~~
 - ~~— Important cultural facilities for young people less than 17 years of age include art galleries, theatre and libraries attendance at which is linked with school and family activities as well as going to the movies, which is a popular social/recreation activity.~~
- ~~The proportion of older people (greater than 60 years of age) is likely to continue to increase, meaning that recreation opportunities for this age group will become increasingly important (particularly given that older adults are likely to be fitter and more active than previous generations). This includes:~~
 - ~~— Opportunities for informal recreation and general fitness type activities, including walking trails and pedestrian paths, and swimming for fitness;~~

- Similar to young people, access to public transport becomes increasingly important for older age groups.

Facility supply implications

- The importance of facilities/programs providing opportunities for the most popular activities should be recognised in terms of future management and maintenance priorities. For sport/active recreation, the most popular activities include walking, swimming, aerobics/fitness, golf, tennis, netball, basketball, soccer, football, and cricket.
- Many of the more popular activities for adults are poorly provided for in terms of facilities. It is recognised that recreation activities such as walking, running, fishing and cycling do not necessarily require formal facilities. However, there is a need for some recognition of the popularity of these informal activities in terms of opportunities for future facilities (eg walking/cycling paths, improvements to swimming facilities).
- Popular activities not well provided for (in terms of either the number of dedicated facilities, supporting facilities/amenities and/or organised programs) include netball, other forms of football (eg soccer, touch), basketball and visits to art galleries.
- Popular activities, which, although they are provided with some facilities, may not be able to respond to likely increases in the level of demand, include swimming, visits to the theatres and library.
- To ensure adequate flexibility in the future to cater for changing needs and priorities, it will be necessary to emphasise the provision of a range of facilities at consolidated nodes that accommodate flexible use (i.e. a wide range of needs/different user groups and a variety of activities). Two such nodes should be considered within the town of Mudgee—a node of activity/facilities for organised sport; and a node for cultural activities.
- Traditional 'male sports' (eg cricket, rugby league and union) are well provided for in terms of facilities (although some concerns raised with facility maintenance, management and supporting facilities are noted). The low supply of facilities for popular 'female sports' (mainly netball) appears to represent an existing short fall.

Access and transport

- The centralisation of the Region's facilities in the town of Mudgee is likely to continue in the future. As a result, transport and improved access to these facilities from other areas of the Region needs to be considered.
- The absence of public transport services indicates that transport/mobility could be a concern, particularly for teenagers and the aged located outside the town of Mudgee.
- It is reasonable to assume that the town of Mudgee is likely to experience increased demand for safe access to local sport and recreation facilities, via pedestrian and cycle paths. Linkages between residential areas, schools and sport. Recreation destinations will be a priority for transport and leisure related travel. Limitations on public mobility and access to sport and recreation opportunities could be recognised in future facilities planning.

6.2 Facility Demand Generated by New Development

Contributions for local and district parks (~~excluding~~ ~~including~~ land acquisition) are to be determined on the basis of the level of existing provision within the Region. At this stage, a levy will only be proposed for Local Parks in the towns of Mudgee and Gulgong. The provision of local open space in the remainder of the region is considered adequate. The logic used to determine these contributions is summarised as follows:

- calculate the ratio of existing population to the existing area of open space category (local and district) as follows:

Table 11 – Existing Open Space

Locality	Type of Open Space	Existing Area
Gulgong	Local	2.76 ha
Mudgee	Local	11.69 ha
Total	Local Open Space	14.45 ha
Gulgong	District	38.21 ha
Mudgee	District	56.7 ha
Total	District Open Space	94.91 ha

- use the above ratio together with population projections to determine the area of new open space (local, district and sportsgrounds) required to meet the demand generated by the new population.
- Based on information contained in the ~~Mudgee~~ Recreation ~~and Cultural~~ Strategy, Council will aim to ~~embellish~~ ~~develop~~ local parks, district parks and sportsgrounds at the following rates:
 - Local parks
 - Gulgong 2.76 ha /2112 13 m2 per person
 - Mudgee 11.69 ha /9303 13 m2 per person
 - District parks and Sportsgrounds
 - 94.91 ha/ 19090 49 m2 per person

The open space and recreation facilities required for the projected increase for residential subdivision is calculated in Table 12.

Table 12 - Local Parks and District Parks Requirements

Open space category	Standard of provision (square metres per person)	Additional persons 2005-2021	Additional area required (m2)
Local park			
<i>Mudgee</i>	13	970	12,610
<i>Gulgong</i>	13	114	1,482
District park (Region-wide)	49	1,690	82,810

Table 13 - Unit Cost of Facilities

Open space category	Cost of provision of each (Embellishment costs only) (\$)	Recommended facility size (m ²)	Cost per m ² (\$)
Local park	221,550	5000	44.31
District park	1,000,000	63000	15.87

Based on Table 12, [the equivalent of](#) approximately an additional 2.8 local parks and 1.3 district parks will be [embellished-developed](#) to meet the demands of the new population [and this can be achieved through a combination of embellishment of existing spaces as well as development of new facilities.](#) -

6.3 Nexus between Development and Demand

6.3.1 Causal Nexus

New development will result in additional demands for the provision of a range of Council-provided open space and recreation facilities including local and district parks. Open space can be considered to include those areas which are in public ownership (Council-owned or Crown land) which have been (or is to be) set aside for use for recreation purposes.

It is considered that the new population will require local parks and district facilities to be delivered to a standard at least equal to the level of service currently provided [and consistent with the standard identified in the Development Control Plan of a playground within 400m of a house in a residential zone.](#) Current general standards of provision and a review of expressed contemporary aspirations for the provision of facilities have been used as a basis for developing the Works Schedule to address cumulative future needs contained in this plan.

The overall standard of open space provision (approximately 6.0 hectares per 1,000 residents) contributes to the lifestyle of residents, and this level of provision is to be maintained in the future.

6.3.2 Physical Nexus

A list of local parks and district parks for which Council is responsible is contained in Appendix 3. Where required, these existing open space lands will be augmented to meet the needs of the new population.

Generally, it is Council's preference that the open space needs generated by the new population should be met, where possible, by augmenting the facilities which are available within Council's current portfolio of parks and reserves. Most areas are well supplied with open space, however, the range and quality of facilities within those open spaces will need to be augmented over the coming years to meet future needs. Where future needs cannot be met through the embellishment of existing public land alone, Council will acquire land to meet these needs ~~ds ds~~. This 'qualitative' as opposed to 'quantitative' provision approach is consistent with the recommendations of ~~the Mudgee~~ [the](#) Recreation ~~and Cultural~~ Strategy.

Embellishment works components involving these facility types may include, but are not limited to, earthworks, turfing, drainage, planting, play equipment, sports equipment and installations, picnic facilities, amenities buildings, fencing, lighting, irrigation and bushland regeneration.

Other local and district park facilities are also proposed utilising monies from previous section 94 plans. These works are also outlined in the Works Schedule.

6.3.3 Temporal Nexus

The timing of works will be in accordance with the schedule of works.

6.4 Calculation of Contribution Rates

6.4.1 Open Space

District level open space serves all residents of the Local Government Area.

Table 14 - Contribution Per Person for Embellishment of Local Parks and District Parks/Sportsground

District and category	Standard of provision (square metres per person)	Additional persons 2005-2021	Additional area required (m ²)	Rate per m2	New population contribution (\$)	Contribution per person (\$)
Local park						
<i>Mudgee</i>	13	970	12,610	\$44.10	\$556,101	\$573
<i>Gulgong</i>	13	114	1,482	\$44.10	\$63,356	\$573
District park						
Region-wide	49	1,690	82,810	\$15.87	\$1,314,195	\$778

7.0 COMMUNITY FACILITIES

7.1 Facilities Strategy

Community facilities generally consist of community centres, community halls, libraries, child care centres, bushfire fighting facilities and equipment and the like. Library facilities and bushfire services are provided for the benefit of all residents and community centres and halls are provided in a number of localities accessible to all residents with upgrading of these facilities undertaken on a rolling program. All community facilities are therefore considered as district level facilities serving all residents of the Local Government Area.

In terms of attendance at cultural venues, cinema was by far the most popular cultural venue, with 67% of Australians attending at least once in the 12 month period. The next most popular venues were libraries (38.1%), botanic gardens (36.1%), animal or marine parks (eg zoos) (33.9%), attendance at popular music concerts, and visits to art galleries. Australians went to the cinema or visited a library much more often than they attended other cultural venues or activities.

There are three libraries within the Mid-Western Regional local government area being:

- Mudgee Library
- Gulgong Library
- Kandos Library

7.2 Nexus between Development and Demand

7.2.1 Causal Nexus

The Public Library Guidelines IFLA/UNESCO Guidelines for Development recommends that libraries provide a book collection of between 1.5 and 2.5 books per capita. In addition, these guidelines state that a library requires a range of resources including periodicals, newspapers, online databases, videos, CDs, etc as well as books.

New development will place additional demand on the library resources and therefore it is reasonable for the new development to contribute towards these facilities.

Additional floorspace is required to meet the requirements of the new population. The Mudgee Library will be augmented to meet this demand. The additions to the library will be apportioned between the new and existing population.

Child care facilities works to be carried out will be in accordance with the Works Schedule. These proposed facilities will use existing Section 94 levies collected in previous plans.

7.2.2 Physical Nexus

Additional library floor space will be provided in Mudgee to meet the new population.

7.2.3 Temporal Nexus

Timing of the facilities will be in accordance with the Schedule of Works.

7.3 Calculation of Contribution Rates

7.3.1 Library Resources and Floor Space

Library resources

CR = stock purchases based on 3 items @ \$30/item per person

CR = \$90 per person

Library Building Additions

$$C = TC / (TPop)$$

Where:

C = the contribution rate per person;

TC = the total cost to Mid-Western Regional Council (less any grants or reserves monies);

TPop = the total estimated population for the region as at 2021;

$$\begin{aligned} CR &= TC / (TPOP) \\ &= (\$2,100,000 / 28,050) \\ &= \$75 \text{ per person} \end{aligned}$$

8.0 DRAINAGE

8.1 Integrated Catchment Solution

Council has an established drainage network sufficient to accommodate the existing built area of Mudgee town. To date, development within catchment 2A has been accommodated via the existing drainage network, coupled with on site detention and site works for individual subdivision proposals. While this has been able to accommodate some growth, the development densities now being experienced require a more holistic approach.

In December 2011, Council, in response to an increased pressure on development in the south western fringe of the existing urban area of Mudgee adopted a resolution to support an integrated catchment approach to drainage for the area known as Catchment 2A in this Contributions Plan.

The integrated system relies on Council funding the capital works with recoupment via this contributions plan.

The Schedule of works is itemised in Appendix 4.

8.2 Nexus between Development and Demand

8.2.1 Causal Nexus

Additional development will result in an increase in runoff and demand for drainage infrastructure will be required to meet this demand. The drainage works proposed are to cater for new development over and above the existing serviced area.

8.2.2 Physical Nexus

Additional drainage infrastructure will be provided in Catchment 2A to meet the demands of the new population.

8.2.3 Temporal Nexus

Timing of the facilities will be in accordance with the Schedule of Works (Appendix 4) but will essentially be provided in the short term with Council to recoup the costs over time.

8.3 Calculation of Contribution Rates

8.3.1 Drainage Works

Drainage Works

$$C = TC / (TPop)$$

Where:

C = the contribution rate per person;

TC = the total cost to Mid-Western Regional Council (less any grants or reserves monies);

TPop = the total estimated population for catchment 2A;

$$\begin{aligned}\text{CR} &= \text{TC} / (\text{TPOP}) \\ &= (\$1,316,000 / 676) \\ &= \$1947 \text{ per person}\end{aligned}$$

|

10.0 PLAN ADMINISTRATION

10.1 Facilities Strategy

Administration of the Section 94 Development Contributions Plan is important to ensure that the facilities will meet the demands of the new population that are being levied contributions. This includes a Council officer to administer the plan. Studies have also been included in the administration to ensure that the plan continues to provide the right facilities for the predicted population.

10.2 Nexus between Development and Demand

Development requires additional public facilities to meet the demands of the new population. It is therefore reasonable that contributions are levied on new development for the administration of this S94 Plan.

10.3 Calculation of Contribution Rates

Contributions for the administration of the plan is based the following costs and will be levied 100% on new development.

Item	Annual Costs	Total Costs
Section 94 Officer	\$12,000	\$192,000
Section 94 studies	\$20,000	\$320,000
TOTAL		\$512,000

The plan administration will be fully levied on new development. The contribution rate is determined as follows:

$$C = TC / (POP + EMP)$$

Where:

C = the contribution rate per person;

TC = the total cost to Mid-Western Regional Council (less any grants or reserves monies);

POP = the total estimated population increase between 2005 to 2021;

EMP = the total estimate worker population between 2005 to 2021.

$$\begin{aligned} CR &= TC / (POP + EMP) \\ &= [\$512,000 / (1,690 + 1,237)] \\ &= \$175 \text{ per person} \end{aligned}$$

Commercial @ 20/m² \$8.75

Retail @ 40/m² \$4.38

Industrial @ 50/m² \$3.50

11.0 Definitions

Capital Costs means all of the costs of a one-off nature designed to meet the cost of providing, extending or augmenting infrastructure.

Catchment means a geographic or other defined area to which a contributions plan applies.

Commercial means a building or place used as an office, place of business or other commercial purpose from which an income is derived.

Community Infrastructure means infrastructure of a communal, human or social nature, which caters for the various life-cycle needs of the public including but not limited to childcare facilities, community halls, youth centres, aged persons facilities.

Contributions Plan means a public document prepared by Council pursuant to s94EA of the Environmental Planning and Assessment Act.

Development means:

- The erection of a building on that land
- The carrying out of a work in, on, over or under that land
- The use of that land or of a building or work on that land
- The subdivision of that land.

Developer contribution means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

Extractive Industry means:

- (a) the winning of extractive material; or
- (b) an undertaking, not being a mine, which depends for its operation on the winning of extractive material from the land upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

Material Public Benefit does not include the payment of a monetary contribution or the dedication of land free of cost.

Nexus means the relationship between the expected types of development in the area and the demand for additional public facilities to meet that demand.

Planning agreement means a voluntary agreed referred to in s93F of the Environmental Planning and Assessment Act.

Planning authority means:

- A council, or
- The Minister, or
- The corporation, or
- A development corporation (within the meaning of the Growth Centres (Development Corporations) Act 1974), or
- A public authority declared by the EP&A Regulations to be a planning authority for the purposes of this Division.

Planning benefit means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community.

Planning obligation means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution.

Public includes a section of the public.

Public benefit is the benefit enjoyed by the public as a consequence of a development contribution.

Public facilities means public infrastructure, facilities, amenities and services.

Public purpose is defined in s93F(2) of the Environmental Planning and Assessment Act to include the provision of, or the recoupment of the cost of providing public amenities and public services (as defined in s93C), affordable housing, transport or other infrastructure. It also includes the funding of recurrent expenditure relating to such things, the monitoring of the planning impacts of development and the conservation or enhancement of the natural environment.

Recurrent costs mean any cost which is of a repeated nature that is required for the operation or maintenance of a public facility.

Region means the Mid-Western Regional Council Local Government Area.

Regional infrastructure means facilities which satisfy the demands of a catchment greater than one local government area.

Retail means a building or place used for selling wares to the public.

Thresholds means the level at which the capacity of an infrastructure item is reached or the event which triggers the requirement for provision of a facility.

Utility service means basic engineering services such as power, water, sewerage and telecommunications.

Works-in-Kind means the construction or provision of the whole or part of a public facility that it identified in a works schedule in a contributions plan.

12.0 References

- GHD (2003) *Mid-Western Regional Council (formerly Mudgee Shire Council) Mudgee recreation and cultural strategy final report*. Adopted by Council on 20/10/04 subject to development of a funding and implementation strategy to be considered in the 2005/2006 Management Plan process.
- Mudgee Shire Council (2004) *Road Network 2004 Strategic Plan* March 2004
- Ration Consultants Pty Ltd (2005a) *Mid-Western Regional Council Population Projections Review (2005-2031) Report to Council* October 2005
- Ratio Consultants Pty Ltd (2005b) *Mid-Western Regional Council Retail Review Draft Report* prepared for Mid-Western Regional Council dated 25 February 2005.
- Saur Munchen KG (2001) *The Public Library Service IFLA/UNESCO Guidelines for Development*. Prepared by a working group chaired by Philip Gill on behalf of the Section of Public Libraries

Appendix 1 - Works Schedule

Some capital works in the following works schedule are to be undertaken utilising existing section 94 monies from previous plans. Some of these works do not levy any additional section 94 contributions on new development. However, the projects have been listed to advise the community on where these monies will be expended.

S94 Capital Projects	Source	Catchment	Total Program Estimated Costs	Estimated Costs (2005)	Existing Section 94 monies	Grants	Timetable	Prioritisation
Traffic Management and Roads								
Local Roads - Shoulder sealing / kerb and guttering / minor works			1,074,000				2003/04 - 2013/14	
Market Street - pavement		1		25,000	25,000			completed
Cox Street - pavement		1		43,571	10,000			completed
Mortimer Street - pavement		1		78,571	78,571			completed
Spring Road Kerb and guttering and road pavement		2		18,993	18,993			completed
Putta Bucca pavement extension		2		60,000	25,000			completed
Tallwang Street - pavement		3		11,801	11,801			completed
Coopers Drive Charbon -pavement		4		79,608	79,608			completed
Mt View Road - pavement	Mudgee Shire Council Road Network 2004 Strategic Plan March 2004	4		7,687	7,687			completed
Rylstone Mill Street		4		1,590	1,590			completed
Bylong Valley Way		4		1,590	1,115			completed
Local Roads - Seal extensions			4,214,000				2003/04 - 2013/14	
Mud Hut Creek Road - Gravel sheeting		4		26,000	26,000			completed
Linburn Lane - Gravel sheeting		4		26,000	26,000			completed
Regional Roads - Seal Extensions			672,000					
Black Springs Road - Seal extension				21,393	21,393			completed

S94 Capital Projects	Source	Catchment	Total Program Estimated Costs	Estimated Costs (2005)	Existing Section 94 monies	Grants	Timetable	Prioritisation
Street Lighting			63,208		63,208			
Racecourse pedestrian way/cycleway lighting		1		48,000				1
Gulgong Skate Park Security Lighting		3		15,208				1
Roadworks			2,050,000				2005/06 - 2021	
Roundabout Lewis/Mortimer		1		250,000				1
Railway Overpass - Fairy Dale Lane		1		700,000				4
Roundabout Perry/Gladstone		1		250,000				6
Intersection Upgrade - Madeira / Robertson		1		100,000				7
Roundabout Church/Denison		1		400,000		200,000		2
Intersection Upgrade -- Pitt/Ullan		1		250,000				3
Intersection Upgrade - Inglis/Douro		1		100,000				5
TOTAL			8,073,208	2,515,012	395,966	200,000		
Local Roads Former Rylstone Plan								
Trunson				21,425	21,425			1
Marchant				1,720	1,720			1
Charbon/Coopers Drive				83,600	83,600			1
Charbon Coal/Mt View				8,072	8,072			1
Drainage								
Open drains embellishment		1		28,825	28,825			1*
Open Drains		2		14,507	14,507			1*
Open Drains		3		7,232	7,232			1*
Total				50,564	50,564			

S94 Capital Projects	Source	Catchment	Total Program Estimated Costs	Estimated Costs (2005)	Existing Section 94 monies	Grants	Timetable	Prioritisation
Civic Improvement Works								
Byron Place		1		2,900,000			1	
Mortimer Street		1		1,200,000			2	
Total				4,100,000				
Car Parking								
Mortimer Street Carpark		1		740,000			2	
Byron Place Carpark		1		703,500			3	
Total				1,443,500				

S94 Capital Projects	Source	Catchment	Total Program Estimated Costs	Estimated Costs (2005)	Existing Section 94 monies	Grants	Timetable	Prioritisation
Open Space Facilities								
Local Parklands								
<i>Lawson Park Mudgee</i>				89,000				completed
Robertson Park Playground equipment Mudgee				100,000				Completed
Neighbourhood Park Playground Equipment – Blackman Park				130,000				Completed
Mudgee Neighbourhood Park Playground – Bellevue Hill				130,000				completed
Gulgong ANZAC Park Playground				83,853				completed
<i>Land Acquisition South Mudgee</i>		1		200,000	200,000			
Playground Development South Mudgee		2		200,000	200,000			
Playground Bellevue (Salinity Reserve)		3		200,000	30,000			
Extension of Cycleway		4		300,000				
District Parks / Sportsgrounds								
Glen Willow Number One Stage 1 completed	Recreation Strategy 2013	1		500,000				Stage 1 completed
Stage 2		1		1,625,085				1
Adventure Playground		1		880,000	210,000*			
Total				2,122,939	640,000			

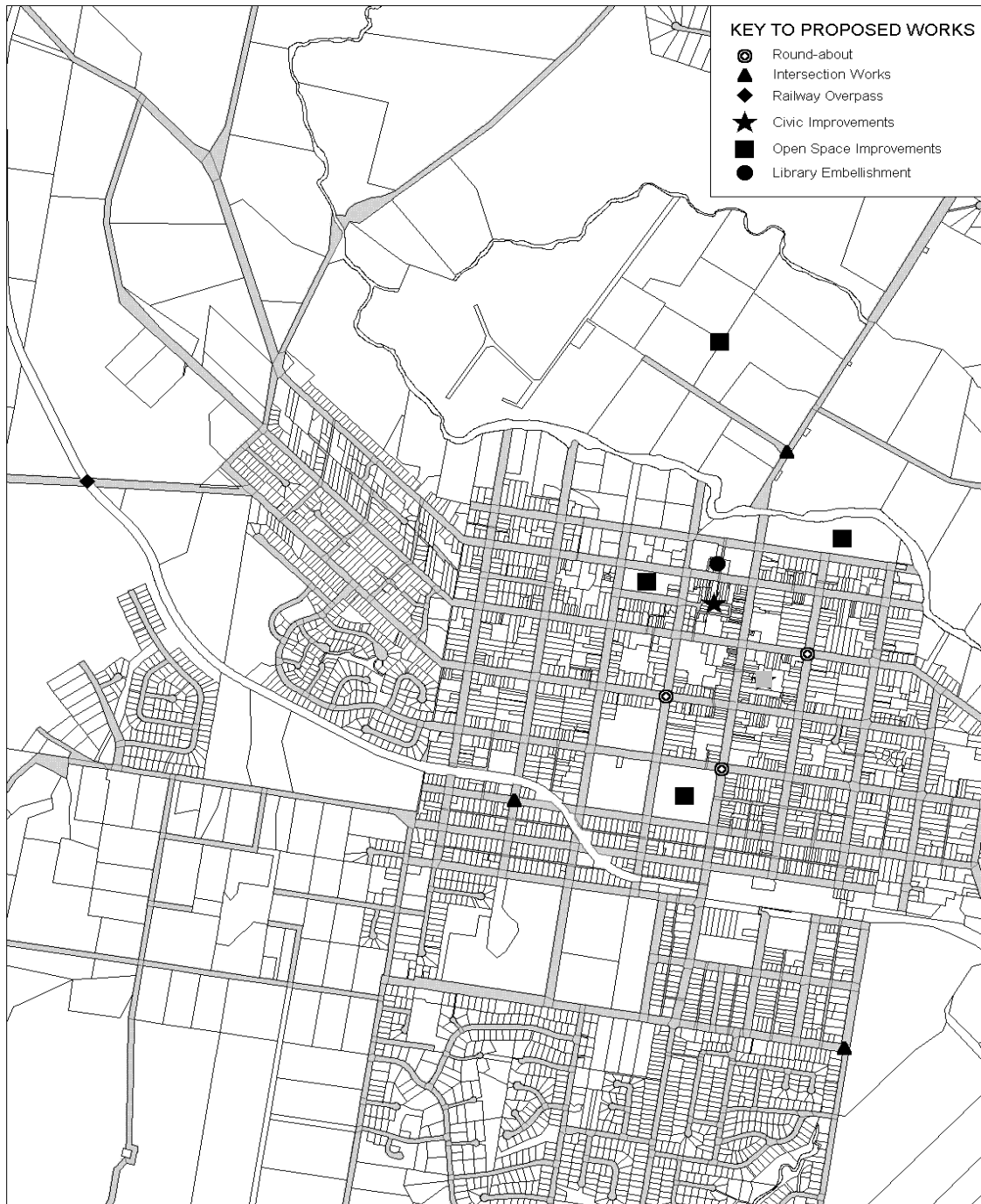
Notes #640,000 available from combined new and old funds uncommitted (December 2013)

* Funds reallocated from ANZAC Park 88,385(completed under capital works) and 120,000 collected under the old fund for Open Space

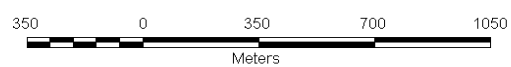
S94 Capital Projects	Source	Catchment	Total Program Estimated Costs	Estimated Costs (2005)	Existing Section 94 monies	Grants	Timetable	Prioritisation
Community Facilities and Services								
Mudgee Library embellishment	Mudgee Recreation and Cultural Strategy 20/10/2004	Region		2,606,523	506,523			3
Childcare Facilities		1		50,900	40,000		2006/2007	1
Library resources - books and IT	Management Plan	Region		152,100				2
Community Facilities – Embellishment of Existing facilities – Former Rylstone Plan								
Community Halls			25,871				2006/07	
Rylstone Hall				6,032	6,032			1
Kandos Hall				12,041	12,041			1
Ilford Hall				6,768	6,768			1
Running Stream Hall				1,030	1,030			1

S94 Capital Projects	Source	Catchment	Total Program Estimated Costs	Estimated Costs (2005)	Existing Section 94 monies	Grants	Timetable	Prioritisation
Rural Fire Fighting – additional resources – former Rylstone Plan								
Rural Fire Brigades	42,625						2006/07	
Bylong				1,554	1,554			1
Ilford				7,451	7,451			1
Bogee				3,221	3,221			1
Lue				856	856			1
Clandulla				6,748	6,748			1
Glen Alice				3,297	3,297			1
Rylstone				18,927	18,927			1
Olinda				1,081	1,081			1
Plan Administration								
s94 Officer		Region		192,000			Annual	
s94 Studies		Region		320,000			Annual	

Notes: Council has determined to pool the contributions funds. Therefore, the monies collected will fund the projects in accordance with the priorities listed in the Works Schedule where 1 is the highest priority.



MID-WESTERN REGIONAL COUNCIL

Schedule of Works - Section 94 Development Contributions Plan

Appendix 2 - Schedule of Works

Roads and Traffic Management

Table 1 - Shoulder Sealing Program

Priority	Road	Cost Estimate (\$)
Year 1	(SR) Perry St – Douro St	15,000
Year 1	Douro St – Perry St	30,000
Year 1	(SR) Church St – Perry St	25,000
Year 2	Perry St – Douro St	30,000
Year 3	Douro St – Perry St	27,500
Year 4		

Open Space

Table 2 – Glen Willow Number One Stage 1

Works	Cost Estimate (\$)	Work Completed (Dec 2013)
Two Additional Playing Fields	365,000	Two Additional Playing Fields
Amenities	100,000	Amenities
Grandstand	186,500	Grandstand
Topsoil and turf establishment – other ovals	100,000	Topsoil and turf establishment – other ovals
Irrigation	146,500	Irrigation
Drainage (subsoil on field)	27,500	Drainage (subsoil on field)
Seating (3 tiered on one side)	51,500	
Carparking	175,000	Carparking
Lighting	125,000	Lighting
Cycleway	40,000	
Playground	90,000	Playground
Project Management 5%	70,350	
Contingency 10%	147,735	
TOTAL	1,625,085	

Open Space

Table 2A – Glen Willow Number One Stage 2 Two Fields & Amenities

Works	Cost Estimate (\$)
Playing Field & lighting & drainage	800,000
Second Field under lights	500,000
Amenities	1,500,000
Carparking & roadworks	700,000
Project Management 5%	162,500
Contingency 10%	350,000
TOTAL	4,012,500

Table 3 - Local Parks – Indicative costing of elements typical in local parks. Final costing for specific park based on work required in the particular instance and final design

Works	Cost
Earthworks	\$30,000
Topsoil	\$10,000
Turfing	\$13,000
Landscape Planting	\$20,000
Playground	\$45,000
Pathways	\$20,000
Mini Cycleway	\$15,000
Picnic Facilities	\$15,000

Drainage works	\$5,000
Fencing	\$10,000
Landscape establishment	\$8,000
Design documentation and approvals	\$20,000
5% Contingency	\$10,550

Table 4 – Childcare Facilities

Works	Cost Estimate (\$)
Family Day Care	
New playground and toy library	25,000
Child Care Centre	
Additional play equipment	10,000
Additional storage	15,000
Bathroom embellishment	900

Appendix 3

**Table A1 – Inventory of Recreation Facilities
Mid-Western Regional Local Government Area**

Type	Facility name	Location/Property Description	Area (ha)	Catchment	Main facilities	Supporting Infrastructure/amenities	Club/main user groups	Comments
Mudgee								
OS	Administration Centre	Market Street	0.60	L	-	-	General recreation	Open space next to Council
PP	Apex park	Winbourne Street	0.12	L	Play equipment	Seating	General recreation/ outdoor play	Play equipment does not meet current AS. Very small area of open space.
R	Balckman Park	Mortimer Street	1.54	D			General recreation	
PP	Camichael Park	McGregor Place	0.22	L			General recreation	
PP	Chapman Park	Caroline Cres	0.11	L			General recreation	Very small area of open space
PP	Collyer Park	Lisbon Road	1.20	L			General recreation	
OS	Dewhurst Reserve	Constantia Road	4.98	L	Shared bike/ pedestrian path		Limited use by local residents	Undeveloped open space, long linear drainage reserve running behind houses.
PP	Donnelly Park	Abemathy Cl	0.36	L			Links to Lions Park	
OS/E	Flirtation Hill	Madeira Road	12.20	D	Viewing point	Parking	Mainly locals, some visitors to Mudgee	
PP	George Campbell Reserve	Moggs Lane	0.07	L			General recreation	Very small area of open space
PP	Gilbey Park	Madeira Road	0.22	L	Play equipment	Seating	General recreation/ outdoor play	Play equipment does not meet current AS
PP	Interact Park	Market Street	0.10	L			General recreation/ outdoor play	Very small area of open space
R	Lawson Park	Short Street	6.06	R	Picnic/BQ facilities, Mudgee pool	Parking, toilet blocks, bins, shelter	Local residents, visitors, general recreation	Can drive through part of parks, play equipment may not meet current AS, lots of mature trees. Attractive, historic, well used part

								next to Cudgegong River.
PP	Lions Park	Trefusis Ave	1.37	L	Play equipment	Seating	Children's play equipment popular with local residents	Includes a small pocket part located on the corner of Trefusis Ave and Robertson St (opp golf course), with remainder forming a linear drainage reserve running behind house along Redbank Creek
PP	Memorial Park	Mortimer Street	0.42	L	Seating		Local residents, visitors, general recreation	Mudgee's first cemetery, gravestones in the corner
PP	Moufarrige Park	Mulgoa Way	0.32	L	Play equipment	Seating	Children's play equipment popular with local residents	Next to river
PP	Mulgoa Park	Mulgoa Way	0.19	L	-		Undeveloped open space	Rarely used – at the end of a long cul de sac
PP	Mulley Park	Lynwood Ave	0.64	L			General recreation	
PP	Redbank Park	Redbank Rd	0.34	L			General recreation	
R	Robertson Park	Market Street	1.44	D	Rotunda, play equipment	Toilet block	Local residents, visitors	Opposite Council close to centre of town. Attractive high quality part, good quality facilities and landscaping, Preschool adjacent.
O	Mudgee Showground	Douro Street	12.56	D	Showrooms, exhibition halls	Amenities blocks, kitchen facilities	Mudgee show, halls used for functions	
PP	Tourist Bay Reserve	Sydney Road	0.33	L			Tourists	
PP	Wells Park	Douro Street	0.10	L		Seating	General recreation	Opposite high school. Very small park.
PP	Weemarin Park	Paterson Street	?	L	Play equipment		General recreation	Main area of open space is located behind houses at

								the end of cul-de-sac. Links to a pocket part on the corner of Dennison St and Lahy Crt.
S	Cahill Park	Nicholson Street	2.10	D	Rugby field, club house	Grandstand, amenities building	Mudgee Junior Rugby league	Opposite hospital and railway, link to open space.
S	Glen Willow	Pitts Lane	4.70	D	Three ovals	Small club house building	Touch football, soccer	Limited development of facilities. Located on the northern side of the river. Opportunities for multi-use and future development.
S	Walkers Oval	Short Street	4.10	D	Oval	Club house, seating	Cricket	Adjoins the river
S	Westend Complex' / Jubilee Oval	Denison Street	8.00	D	Rugby field, netball courts	Club house, seating	Rugby, netball	
S	Victoria Park	Perry Street	4.00	D	Cricket pitch, tennis courts (9) skate facility	Grandstand, new amenities building, children's play equipment tennis club house	Cricket, tennis, skateboarding	
S	Mudgee Golf Club	Robertson Street		D	18 hole golf course	Club building	Golf	Zoned as private recreation
S	Mudgee Bowls Club	Burrandulla Ave		D	Bowling greens	Club building	Bowls	Zoned as private recreation
O	TAFE site	Short Street		D	TAFE buildings		Current TAFE	The TAFE is relocation to the AREC site
S	Mudgee Pool (within Lawson Park)	Short Street		D	50m pool wading/ toddler pool	Kiosk, club building	Swimming club, tri club, lap swimmers, recreational swimming	Pool facility needs upgrading. Need for an indoor pool facility has been discussed.
I	PCYC	Market Street		D	Indoor hall, basketball		PCYC basketball club	Provides sport, recreation and cultural activities for all ages with a focus on youth

S	Mudgee Racecourse	Ulan-Cassilis Road		D	Racetrack, soccer field	Club buildings, horse stabling	Racing, soccer	
O	Australian Rural Education Centre Cooperative (AREC)			D	Fields, function rooms		Mudgee Small Farm Field Days, Garden Expo, short courses	
I	Mudgee Gym			D	Gym, indoor volleyball			Privately run facility
E	Avisford Nature Reserve						Nature based recreation	
E	Munghorn Gap Nature Reserve	Wollar Road					Nature based recreation	
C	Town Hall				Library on ground floor, theatre on top floor		Library is outgrowing capacity of facility	
C/H	The Stables	Market Street			Community hall/s	Toilets, kitchen	Very well used facility, includes 2 halls.	Used for community arts, cultural and meeting space
H	CWA hall	Market Street			Hall		Community use	
H	Anglican Church hall	Church/Short St			Hall		Community use	
H	Catholic Hall	Bayly Street			Hall		Community use	
H	Presbyterian Hall	Market Street			Hall		Community use	
H	Adam Street Hall	Adam Street			Hall		Community use	
	Mudgee town bank hall	Short St (behind Council)			Community hall		Mudgee band	
	Hall	Hospital						
Gulgong								
R	Anzac Park	Medley Street	0.42	L	Bandstand	BBQ facilities, play equipment	Local residents, visitors	
PP	Apex Part	Little Bayly Street	0.16	L			General recreation	
PP	Coronation Part	Mayne Street	0.07	L			General recreation	
OS	Flirtation Hill	Wenonah Street	10.36	D	Lookout		Local residents, visitors	
PP	Frank Halloran Park	Herbert Street	0.54	L			General recreation	
PP	Pearls Park	Scott and Kaylene Street	0.33	L			General recreation	
OS	Peoples Park	Wynella Street	10.53	D	-	Seating	Local residents, dog	Large area of undeveloped open space.

							walking	Recently subject to tree planting
PP	Reserve	Caledonian Street	0.06	L			General recreation	
PP	Reserve	Yarrandoo Street	0.12	L			General recreation	
PP	Rotary Park	Nandoura Street	0.68	L			General recreation	Next to the pool and Billy Dunn park,
PP	Stahl Park	Belmore Street	0.14	L			General recreation	
PP	Triangle	Medley & Herbert St	0.24	L			Undeveloped open space	
S	Bill Dunn Oval	Nandoura Street	12.57	D	Grandstand, fields, seating, basketball court, Mudgee pool	Children's play equipment	Rugby, basketball, cricket	
S	Bowling & Tennis Club	Tallwang Street	0.70	D	Lawn bowl greens, tennis	Parking, club house	Bowling and tennis clubs	
S	Victoria Park	Grevillia Street	4.05	D	Showrooms, exhibition halls, cricket oval		Showgrounds, cricket	
S	Gulgong Pool	Nandoura Street			50 m pool wading / toddler pool			
S	Golf course	Tallawang Street		D	Golf course and club house			
C	Gulgong Library			L				
C	Pioneers Museum	Herbert Street		D	Museum Building			
C	Henry Lawson Centre	Mayne Street		D	Hall			
H	CWA Hall			L	Hall	Stage dressing room, workshop, amenities, display area		
H	Memorial Hall	Herbert Street		D	Community facility			
S	Hargraves recreation ground	Hargraves			Sports field and hall		General sport/recreation use	
S	Lue hall and recreation ground	Lue			Sports field and hall		General sport/recreation use	
S	CWA Hall , Grattai	Grattai			Hall		Community Hall	
H	CWA Hall	Munghorn			Hall		Community	

H	Munghorn Birriwa Recreation Groun Trust	Birriwa			Commun ity Hall		Hall Community Hall	
H	Botobolar Community committee	Botobolar			Commun ity Hall		Community Hall	
H	Cooks Gap Hall	Cooks Gap			Commun ity Hall		Community Hall	
H	Cooyal Hall	Cooyal			Commun ity Hall		Community Hall	
H	Goolma Hall	Goolma			Commun ity Hall		Community Hall	
H	Layeys Creek Hall	Laheys Creek			Commun ity Hall		Community Hall	
H	Meroo Hall	Meroo			Commun ity Hall		Community Hall	
H	Pyramul Hall	Pyramul			Commun ity Hall		Community Hall	
	Windeyer Hall	Windeyer			Commun ity Hall		Community Hall	
	Wollar Hall	Wollar			Commun ity Hall		Community Hall	
	Yarrabin Hall	Yarrabin			Commun ity Hall		Community Hall	

DRAINAGE

Table 1 Catchment A drainage capital works

These works are being undertaken over a number of years, as shown in the program below.

[illegible]