



****CONFIDENTIAL COPY****

Business Papers 2021

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 21 JULY 2021

*A prosperous and progressive
community we proudly call home*





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MUDGEE NSW 2850

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14 July 2021

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
21 JULY 2021
Public Forum at 5.30pm
Council Meeting commencing at conclusion of Public Forum

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

In order to comply with Government guidelines on social distancing, the meeting will be closed to the public to minimise numbers in the Council Chambers. The meeting will be live streamed on Council's website.

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

Yours faithfully

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

BRAD CAM
GENERAL MANAGER

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 16 June 2021

Council Decision:

That the Minutes of the Ordinary Meeting held on 16 June 2021 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

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

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Mudgee 200 Celebration

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 21 JULY 2021 ORDINARY MEETING
GOV400088,

MOTION

That Council:

- 1. support the Mudgee 200 celebration event with traffic and coordination for a parade and markets to help in conjunction with the event; and**
- 2. provide \$3000 financial support from the events assistance fund to the organisers of the event.**

Background

A group of local residents have formed a group to celebrate the event with a parade down Church and Market Streets and market stalls in Robertson Park in conjunction with Mudgee Fine Foods after the parade.

Officer's comments

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

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

- 1. A parade from the railway station to adjacent to the Post Office in Market Street.*
A request should be forwarded to the Local Traffic committee to assess the impact and any conditions required for traffic safety. If the parade proceeds as normal traffic where public travellers may break into the parade under normal road rules. It is anticipated approval will be granted with only minor conditions based on similar events in the past.
However if they wish to have a full road closure for the full or part of the parade considerable traffic control and expense will be required.
- 2. A road closure of Market Street between Perry Street and Douro Street from 8.30am to 3.00pm.*
An application for a road closure has been received. It has not been considered by the Traffic Committee at this stage. It is anticipated an approved Traffic Control Plan will need to be submitted by a qualified person. Closure and opening of Market Street roundabouts at Perry and Douro with a signposted detour route along Perry, Short and Douro Streets. The estimated cost of this work is \$2,500 subject to confirmation of final details.

Typically notification and consultation with affected businesses and residences is the responsibility of the event organisers. Not all affected businesses are known at this time however the Tourist Office, Markets and Country Rail bus stop are some of the businesses which should be consulted and possibly Australia Post.

6.2 Identifying Land for Affordable Housing

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 21 JULY 2021 ORDINARY MEETING
GOV400088,

MOTION

That Council identify land for affordable housing in our Shire.

Background

I have been approached by a number of people looking for a house to rent. After discussion with some real estate agents they have assured me we are about 200 houses short for renting in our shire.

Officer's comments

If this Notice of Motion is supported by Council, a report will be prepared by staff on the matter and then provided to a future Council meeting.

6.3 Old Mudgee Bowling Club Site

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 21 JULY 2021 ORDINARY MEETING
GOV400088,

MOTION

That the old Mudgee Bowling Club site be considered for a housing proposal.

Background

The Council have owned this land for a number of years and with the shortage of land for housing in our shire it should be allowed to be used for building houses.

Officer's comments

If this Notice of Motion is supported by Council, a report will be prepared by staff on the matter and then provided to a future Council meeting.

6.4 Land for Gulgong Retirement Village

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 21 JULY 2021 ORDINARY MEETING
GOV400088,

MOTION

That Council identify land around Gulgong where a retirement village could be built.

Background

I have been approached by people in Gulgong asking if there is any chance of getting a retirement village in Gulgong, so that long standing residents of Gulgong have a place to retire too.

Officer's comments

If this Notice of Motion is supported by Council, a report will be prepared by staff on the matter and then provided to a future Council meeting.

6.5 Kandos Lookout

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 21 JULY 2021 ORDINARY MEETING
GOV400088,

MOTION

That Council do further investigation into the ownership of the site of the lookout at Kandos on the Bylong Valley Way with the possibility of developing it for a lookout again.

Background

Council was informed several years ago that the Kandos lookout was on privately owned land. After discussion with the neighboring owner, he informed me that it is not privately owned land.

Officer's comments

If this Notice of Motion is supported by Council, a report will be prepared by staff on the matter and then provided to a future Council meeting.

Item 7: Office of the General Manager

7.1 2021 Christmas Shut Down

REPORT BY THE DIRECTOR COMMUNITY
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, A0260003

RECOMMENDATION

That Council:

- 1. receive the report by the Director Community on the 2021 Christmas Shut Down; and**
- 2. note that administrative centres, works depots and libraries will close for the Christmas holidays from 12 noon on Thursday 23 December 2021, returning on Wednesday 5 January 2022.**

Executive summary

Council traditionally closes its administrative centres, works depots and libraries for the Christmas Holidays. This report recommends the closure for the 2021 Christmas/New Year period.

Disclosure of Interest

Nil

Detailed report

Past practice has been for Council's workforce to take leave over the Christmas/New Year period. This is traditionally a quieter period for Council services and thus provides a good opportunity for staff to take annual leave and also reduce Council's leave balance. Christmas Day falls on a Saturday, Boxing Day on a Sunday, the Christmas Day Holiday Monday 27 December, Boxing Day Holiday on Tuesday 28 December, New Year's Day on Saturday 1 January and New Years Day Holiday on Monday 3 January. These days are gazetted as public holidays. All other business days (five in total) will be treated as annual leave.

Please note that, as always, skeleton staff crews and on call staff will remain on duty and available during this period to deal with required maintenance or issues that arise.

Community Plan implications

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

Strategic implications

Council Strategies

Under the Local Government Award, appropriate notice needs to be provided to Council employees of any periods of forced leave. The Christmas and New Year period includes five days of regular annual leave for staff in administration centres, works depots and libraries. Some staff will still be available over this period for required or emergency works.

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

SIMON JONES
DIRECTOR COMMUNITY

7 July 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 8: Development

8.1 DA0309/2021 - Proposed Extension to Trading Hours for Existing Drive-thru at McDonalds Restaurant - 91-93 Horatio Street Mudgee

REPORT BY THE TOWN PLANNER
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, DA0309/2021

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0309/2021 - Proposed Extension to Trading Hours for Existing Drive-thru at McDonalds Restaurant - 91-93 Horatio Street Mudgee;
- B. approve DA0309/2021 - Proposed Extension to Trading Hours for Existing Drive-thru at McDonalds Restaurant - 91-93 Horatio Street Mudgee subject to the following conditions:

CONDITIONS

PARAMETERS OF CONSENT

1. This development consent provides approval for the 24 hour operation of the existing drive-thru only. No persons, other than staff are permitted in the restaurant building, outside the regular 6am to 12am trading hours.
2. The development must comply with all previous development consents, except where expressly conditioned by this consent.
3. No customers are permitted to use the drive-thru between the hours of 12am and 6am the following morning, unless they are in a vehicle or on a motorcycle.
4. To limit anti-social behaviour and to reduce impacts to adjoining residential properties, access to the car park is to be restricted between the hours of 12 midnight and 6am - whilst the drive-thru is operational. During this time, the carpark is to be cordoned off with suitable barriers that prevent the public from parking in the car park. No food and/ or drink is to be consumed from within the car park.

Note – Designated waiting bays, where cars can wait while food is cooked/prepared and made available, is permitted. Once meals are received, vehicles are to depart the site.

NOISE CONDITIONS

5. The development must comply with the following controls from the Noise Assessment Report submitted with the application.
 - (a) the mechanical cooling plant is located in the refuse coral of the operation and is blocked to surrounding receivers by the coral wall which extends a height of 2.5m above relative ground level;
 - (b) the existing 2.0m boundary fences are retained;
 - (c) the operation extractor fans are located on the rooftop of the operation and are shielded by the deck parapet which extends 300mm above the top of the highest plant;
 - (d) the Customer Ordering Displays must be set at the lowest volume setting between the hours of 12am and 6am the following morning;
 - (e) the exhaust fans on the rooftop of the operation are serviced, repaired or replaced to ensure they are operating at their specified noise level of 71dBA;
 - (f) signage is to be installed at the collection window of the drive-thru and within the carpark to discourage antisocial behaviour such as shouting, music, alcohol consumption and engine revving;
 - (g) the car park is to be regularly patrolled by the restaurant shift manager to discourage and manage antisocial behaviour.
6. The restaurant shift manager must be available on-site at all times during the night time and early morning trade periods to ensure the development complies with the Crime Prevention Through Environmental Design Statement, Operational Management Plan and mitigation measures contained within the Noise Assessment Report.
7. All loading and unloading of delivery vehicles must be carried out on-site and is not permitted between the hours of 7pm and 6am.

STATEMENT OF REASONS –

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
 - a) Sufficient detail has been provided to enable an assessment of the application.
 - b) The proposed development will not have an adverse noise impact, subject to conditions recommended by the Noise Assessment Report.
 - c) The traffic and parking impacts of the development are acceptable, the development has been conditioned to minimise noise impact.

- d) **The proposed development will not have an adverse impact on the visual amenity of the area.**
- e) **The proposed development will not have an adverse social impact on the amenity of the area, subject to conditions requiring compliance with the Crime Prevention Through Environmental Design Statement, Operational Management Plan and mitigation measures contained within the Noise Assessment Report.**
- f) **The proposed development is suitable for the site.**

Executive summary

OWNER/S	McDonalds Properties Aust Pty Ltd
APPLICANT:	KDC Pty Ltd
PROPERTY DESCRIPTION	91-93 Horatio Street MUDGEES NSW 2850
PROPOSED DEVELOPMENT	Extension to trading hours of the existing drive-thru at the McDonalds Restaurant
ESTIMATED COST OF DEVELOPMENT:	Nil
REASON FOR REPORTING TO COUNCIL:	9 public submissions were received during the assessment period
PUBLIC SUBMISSIONS:	9

Council is in receipt of Development Application DA0309/2021 that seeks approval to extend the trading hours of the existing drive-thru at the McDonalds Restaurant, located at 91-93 Horatio Street Mudgee NSW 2850, Lot 109 DP 861600, received by Council on 22 March 2021.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 21 April 2021. The application was re-notified for another 14 days, at the request of a neighbour, ending 5 May 2021. During the notification period, nine (9) submissions were received from residents and property owners in the surrounding area.

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

The application is recommended for Approval.

BACKGROUND

SUBJECT SITE DESCRIPTION AND LOCALITY

The subject site is located on the corner of Church Street and Horatio Street in Mudgee and is currently occupied by a McDonald's restaurant, associated car park and drive-thru facility. The site totals 2,023m², is located within the SP3 Tourist zone and is adjacent to Mixed Use, Light Industrial, Public Recreation and Medium Density Residential zones.

Diagonally opposite the development site is Victoria Park, bounded by Perry, Denison, Church and Horatio Streets. This area is zoned Public Recreation. Directly opposite the site and fronting Church Street is a variety of commercial business, including a recently established Patisserie, a surveying company and an accounting firm. This area is zoned B4 Mixed Use. Northeast of the site, and fronting Horatio Street are residential dwellings. This area is zoned R3 Medium Density Residential.

Directly east of the development site are residential dwellings, beyond which sits a church. This area is zoned SP3 Tourist.

South of the development site are residential dwellings, a motor bike and lawnmower sales store and a repair workshop. The next block to the south consists of the Mudgee Railway Station. This area is zoned B4 Mixed Use zone.

West of the development site is the Mudgee Fire Station and a second hand furniture store, this area is zoned SP3 Tourist. South of the fire station is a commercial building that includes a beauty salon, hair salon, retail store, dance academy and not-for profit community organisation. This area is zoned B4 Mixed Use.

The surrounding properties are characterised by the following development, with details provided on the zoning relevant to the land.

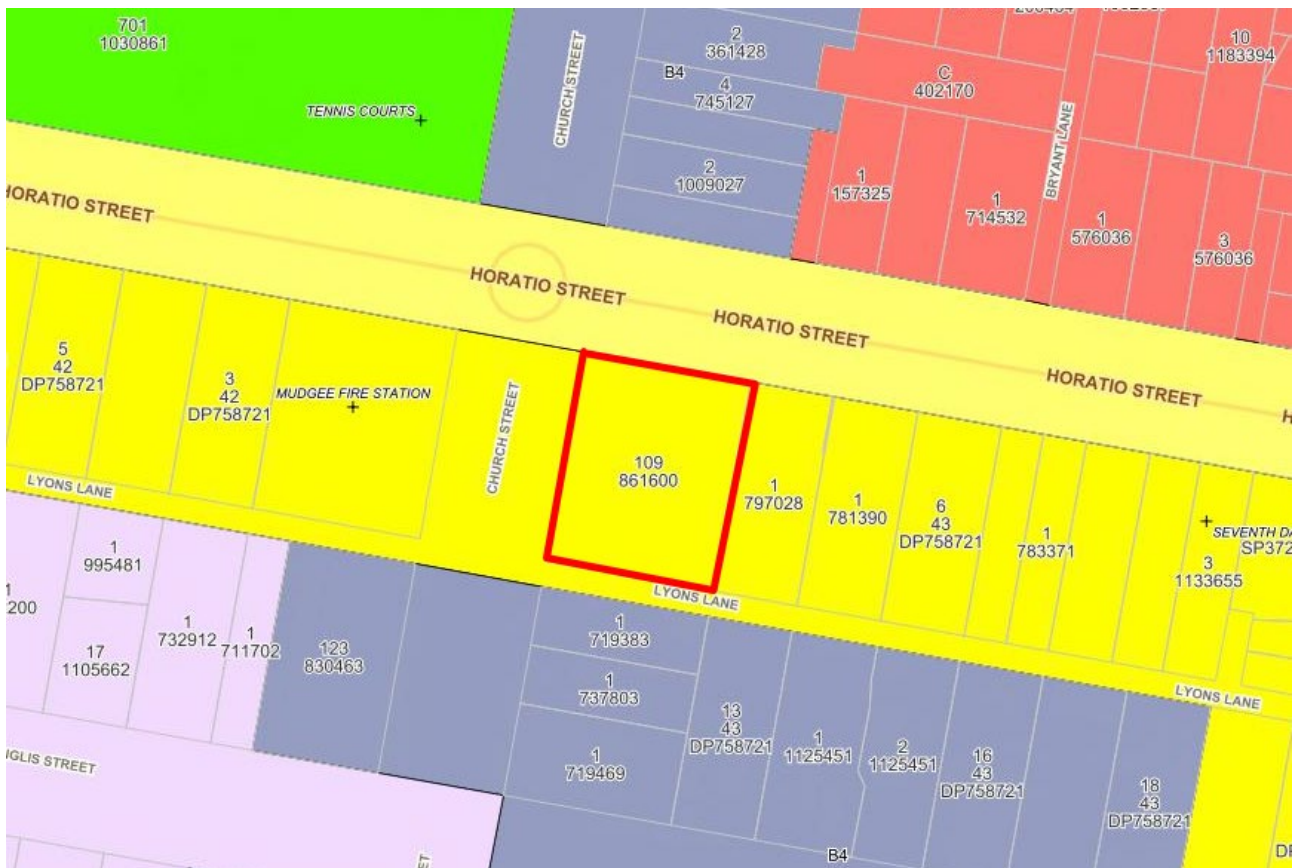


Figure 1: Location/Site Plan

HISTORY OF THE SITE AND PREVIOUS APPROVALS

The land has been zoned SP3 Tourist since the adoption of the Mid-Western Regional Local Environmental Plan in 2012. Prior to this, the development site was zoned Mixed Use under the Mudgee Interim Local Environmental Plan adopted in 2008.

Council granted consent to the construction of a McDonalds Restaurant on 11 October 1994, which commenced trading in 1996. Subsequent amendments and improvements have been granted consent over the years with the most recent approval being the construction of a dual lane-ordering bay for the existing drive-thru in 2020.

The current trading hours permitted by the original development consent are from 6am - 12 midnight, seven days a week (and includes the drive thru).

PROPOSED DEVELOPMENT

The proposed development involves:

- The extension of trading hours for the drive-thru component of the existing McDonalds Restaurant to 24 hour trading, seven days a week.

It is important to note, only those matters directly related to the subject DA for the expanded trading hours of the drive thru (12am-6am) can be considered, and or addressed in the application. General operational matters of the restaurant cannot be re-considered / conditioned as part of this application.

Disclosure of Interest

Nil

Detailed report

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

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

Integrated Development

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

Environmental Planning and Assessment (COVID-19 Development Extended Operation) Order 2020

On 25 March 2020, the NSW Government introduced temporary measures to allow existing approved retail premises to operate trading hours as required. The measures were introduced under the *Environmental Planning and Assessment (COVID-19 Development Extended Operation) Order 2020*. This Order allowed the use of any retail premises to trade at any time – provided a Development Consent was in place. The extension to trading hours is part of the NSW Government's efforts to support the State's economic recovery, protect the health and safety of the community and ensure businesses are able to adapt and respond to changing needs, during COVID. On 25 March 2021, the NSW Government extended the prescribed period for temporary measures until 31 March 2022.

Following the above Order being introduced, McDonald's moved to operate a number of their stores, including Mudgee, beyond their traditional trading hours, allowing people to safely and quickly access food at all hours of the day (i.e. 24hrs trading). The extended trade provided benefits to the broader community, with the public able to access a meal safely as well as pantry staples such as muffins and milk via their no-contact Drive Thru.

Based on the successful operation of the extended 24 hour trading on a Friday and Saturday, permitted under the *Environmental Planning and Assessment (COVID-19 Development - Extended Operation) Order 2020*, the owner of the McDonalds Restaurant Mudgee lodged an application to

extend their current trading hours from 18 hours, seven days a week, to 24 hours, seven days a week. This application relates only to the drive-thru component of the restaurant and **does not** include internal servicing or seating.

SECTION 4.15(1) – MATTERS FOR CONSIDERATION – GENERAL

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

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

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

The following clauses of the *State Environmental Planning Policy (Infrastructure) 2007* have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 101 - Development with frontage to classified road

The subject site is located with frontage to a classified road. Clause 101 of the SEPP states that a consent authority must not grant consent to an application unless it is satisfied in relation to a number of nominated considerations.

The proposed extension to the trading hours for the existing drive-thru at the McDonalds Restaurant does not raise any issues in relation to the considerations under cl.101. The development is not expected to have an impact on the safety, efficiency and ongoing operation of a classified road, as it does not require any change to existing vehicular accesses, and where traffic movements are reduced through the evenings and night-time trade compared to that during the day. Furthermore, it is considered there will be no impact on the road from emissions of smoke or dust, and the proposed development is not sensitive to traffic noise or emissions arising from the classified road.

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

The proposal is for the extension of trading hours to the drive-thru of an existing approved/lawful business defined in accordance with the MWRLEP 2012, as a:

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note—Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

As per the Dictionary, *food and drink premises* are defined as:

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note—Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

Clause 2.2 Zoning of Land to Which Plan Applies

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

Clause 2.3 Zone objectives and Land Use table

The land is zoned SP3 Tourist pursuant to MWRLEP 2012. The proposal, being the extension to the trading hours of the existing drive-thru at the McDonalds Restaurant is permissible with consent in the zone and complies with the relevant objectives.

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

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

Comment: The proposed extension to the trading hours for the existing drive-thru at the McDonalds Restaurant will provide a key service to the community, essential workers and tourists staying in or travelling through the area.

Clause 5.10 Heritage Conservation

The subject site is located within the Heritage Conservation Area of Mudgee. As there are no works proposed by the development, there will be no impact on the heritage significance of the heritage conservation area.

Draft Environmental Planning Instruments

No draft Environmental Planning Instruments apply to the land to which the Development Application relates.

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

Mid-Western Regional Development Control Plan 2013 (DCP)

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

Part 4.4 Signs

No new signage proposed.

Part 5.1 Car Parking

No changes proposed, or deemed necessary, to existing car parking numbers, car park layout, or vehicle movements, as a result of extended trading hours to the drive-thru component.

There are 25 existing off-street car parks and 15 spaces are available within the existing drive-thru lane at a time.

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

No planning agreement applicable.

(d) Regulations – 4.15(1)(a)(iv)

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

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

Context and Setting

The site supports an existing McDonalds Restaurant, associated car park and drive-thru, which commenced trading in 1996, and has operated continuously since that time. No works are proposed as part of the application, and it is expected that the change to business hours, for the drive-thru component of the business only, from 18hrs to 24hrs a day, will not have an impact on the context or setting of the locality.

Access, transport and traffic

No works are proposed as part of the application. The existing access, parking credits, and car parking layout/manoeuvring areas will accommodate the extended trading hours of the drive-thru.

Public domain

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

Utilities

All relevant utilities are already connected to the site.

Heritage

The subject site is located within the Heritage Conservation Area of Mudgee. No works are proposed as part of the application, and for that reason, there will be no impact on the heritage significance of the heritage conservation area.

Other land resources

Not applicable.

Water

No significant impact expected.

Soils

No significant impact expected. The land is not known to be affected by subsidence, slip or mass movement, subject to contamination.

Air and Microclimate

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

Flora & fauna

Not applicable.

Waste

The proposed expanded trading hours (12am-6am) will not give rise to any specific waste matters requiring specific assessment and or conditions. Any waste generated will be disposed and collected as per the existing practices.

Notwithstanding the above, the applicant has submitted a Plan of Management, which has given an undertaking that litter patrols within the development site and around the surrounding land will occur on a regular basis, after sunrise, after breakfast, after lunch and prior to sunset. A patrol of the path directly outside the restaurant and within the development site will occur every 30 minutes to manage litter.

It should be noted, the collection of waste from the development site for disposal at the Mudgee Waste Depot is permitted to occur at any time under the Ministers COVID-19 Order provided they take steps to reduce noise.

Energy

Not applicable.

Noise & vibration

The applicant engaged the services of Muller Acoustic Consulting Pty Ltd (MAC) to complete a Noise Assessment for the proposed extended trading hours.

The assessment was undertaken in accordance with the NSW Environment Protection Authority (EPA); Noise Policy for Industry (NPI) 2017; Australian Standard AS 1055:2018 - Acoustics - Description and measurement of environmental noise - General Procedures; and International Standard ISO 9613:1993 - Acoustics - Attenuation of sound during propagation outdoors.

The Noise Assessment has quantified potential operational noise emissions pertaining to customer vehicles using the drive-thru and carpark, the customer ordering displays (CODs) and mechanical plant to surrounding residential receivers during the night assessment period. Figure 2 below provides the receiver locations and attended monitoring locations in connection with nearby residential dwellings.



Figure 2 – Receiver and site location plan prepared by MAC

The Noise Assessment found that *Attended noise monitoring* was completed during the temporary extension of trading hours under the COVID-19 Health Directive. The results of the attended noise monitoring demonstrated that the night time operation noise emission were above the applicable noise criteria at the monitoring locations. This is consistent with the results of the predictive noise modelling with the site predicted to be audible at several surrounding receivers and also predicted to be above the noise criteria at one receiver.

To ameliorate the noise emissions further predictive modelling was undertaken incorporating two additional noise mitigation measures as outlined...in the Report, and noted below.

- Service, repair or replace the exhaust fans to maintain an operational noise level of 71 dBA; and
- Discourage antisocial behaviour by installing signage and regular patrol by the shift manager.

The results of the additional noise modelling demonstrate that emissions from the operation with the incorporation of the proposed mitigation measures and with additional staff training would satisfy the relevant Project Noise Trigger Levels at all assessed receivers for the proposed extension of operational hours based on the recommended noise measures.

Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are anticipated to remain below the EPA Guideline for maximum noise events trigger levels with the incorporation of proposed mitigation measures.

Conditions will be imposed on the development, as recommended in the Noise Assessment, to ensure compliance. Signage is also to be installed at the collection area of the drive-thru and within the carpark to discourage anti-social behaviour such as shouting, fighting and key banging.

The presence of staff on site due to the extended trading hours, means any anti-social behaviour can now be managed by the shift manager.

Natural Hazards

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

Technological hazards

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

Safety, security and crime prevention

A Crime Prevention Through Environmental Design Statement and a Plan of Management have been prepared by the applicant KDC Pty Ltd to identify and assess the risks associated with the proposed extended trading hours of the drive-thru for the McDonald's Restaurant.

Shift managers will be required to complete thorough training in dispute resolution tactics and understanding how to de-escalate nuisance behaviour. The shift manager will be responsible to ensure compliance of the Crime Prevention Through Environmental Design Statement and Plan of Management. As the application for the extended trading hours pertains solely to the drive-thru, the potential for loitering and anti-social behaviour will be somewhat limited as patrons can only be served in their cars.

In addition, the application was referred to the NSW Police for comment, who provided support for the proposal. Furthermore, it should be noted that checks were carried out with the local police regarding anti-social behaviour on the site. No historical issues were known to have been reported, including the recent periods of 24 hour trading on Friday and Saturday nights.

Social impact in the locality

Development conditioned, requiring that the restaurant shift manager must be available on-site at all times during the night time and early morning trade periods to ensure the development complies with the Crime Prevention Through Environmental Design Statement, Operational Management Plan and mitigation measures contained within the Noise Assessment Report.

Any anti-social behaviour will be dealt with by the shift manager and local police.

Economic impact in the locality

The extended trading hours will increase employment opportunities for the community.

Site design and internal design

No changes to the existing design, no further consideration is required.

Construction

No changes to the existing design, no further consideration is required.

Cumulative Impacts

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

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

Does the proposal fit in the locality

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

Are the site attributes conducive to development

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

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

Public Submissions

The application was notified in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 21 April 2021. The application was re-notified, at the request of neighbours, for another 14 days; ending 5 May 2021. During the notification periods, nine (9) submissions were received from the community, in objection. The location of submissions in relation to the McDonalds Restaurant are identified in Figure 3 below.



Figure 3 showing location of submissions

The issues raised in the submissions, with relevant planning considerations, are summarised and addressed as follows:

Noise

The Noise Assessment Report found that there are no noise related issues that would prevent Council approving the application, once the noise controls/recommendations and mitigation measures provided in the assessment report have been implemented. It should be noted that the results pertaining to the validation attended noise monitoring should be considered worst case as they are situated closer to the McDonald's operation than the surrounding noise sensitive receivers and do not take into account any intervening boundary fences. All noise criteria will be satisfied.

The development has been conditioned to ensure the controls and mitigation measures of the Noise Assessment Report are implemented.

Anti-Social Behaviour

On the basis that the application is for the drive-thru service only, patrons are required to be in their cars in order to be served, therefore, eliminating any on-foot traffic through the drive-thru, from nearby licensed premises.

A condition will be imposed requiring the shift manager is on-site at all times during the late night and early morning trade to enforce compliance of the Operational Management Plan and the Crime Prevention Through Environmental Design Statement submitted to Council with this application. It is expected that any anti-social behaviour that cannot be managed by the shift manager, will be referred to the police.

Pollution

McDonald's Mudgee engages the services of The Super Flue Man to carry out flue and exhaust system cleaning in accordance with the Australia Standards (AS) 1668-1-1998 - The use of Ventilation and Air Conditioning in Buildings. A certificate is provided to McDonalds at the end of the cleaning service with advice of any recommendations in accordance with the AS.

McDonald's will continue to operate in accordance with the Food Standards Code and relevant Australian Standards.

It is not expected that the additional 6 hours trading per day, will cause any additional pollution.

Waste

Concerns were raised regarding the early hours that waste collection vehicles access the site, littering by patrons, and littering by staff using Lyons Lane for meal breaks, with smoke butts, and rubbish being discarded. These existing issues relate to the operation of the restaurant and existing drive-thru, and are not matters for the subject application to re-consider/address.

Notwithstanding the above, compliance action can be taken regarding the collection times of waste vehicles accessing the site, if found to be causing offensive noise, or in contradiction of an existing condition of consent. In this regard, it should be noted, that the collection of waste from the development site for disposal at the Mudgee Waste Depot is permitted to occur at any time under the Ministers COVID-19 Order provided they take steps to reduce noise, and can continue to do so until March 2022.

Regarding littering, the applicant has given an undertaking in the Plan of Management that regular litter patrols will be performed within the development site and surrounding area, as depicted on the Litter Path Patrol map. These will include, after sunrise, after breakfast, after lunch and prior to

sunset. Patrols of the path directly outside the restaurant in Church and Horatio Streets and within the development site will occur every 30 minutes to manage litter.

The disposal of litter in Lyons Lane by staff was also a concern raised in the submissions, but this does not directly relate to, or will not be compounded by the additional 6hrs trading of the Drive-Thru. The laneway is a public road and therefore staff are within their rights to be on the road. Notwithstanding this, Council will write to management advising of adjoining neighbours' concerns to see if internal management practices can be put in place to address this issue.

Parking

Concerns were raised about patrons parking in the car park after obtaining their orders.

In this regard, to limit anti-social behaviour and to reduce impacts to adjoining residential properties, an appropriate condition has been imposed requiring that access to the car park be restricted between the hours of 12 midnight and 6am - whilst the drive-thru is operational. During this time, the carpark is to be cordoned off with suitable barriers that prevent the public from parking in the car park. No food and/ or drink is to be consumed from within the car park. Designated waiting bays, where cars can wait while food is cooked/prepared and made available, will be permitted. Once meals are received, vehicles are to depart the site.

The shift manager will enforce compliance of the Operational Management Plan and the Crime Prevention Through Environmental Design Statement submitted to Council with this application. It is expected that any anti-social behaviour that cannot be managed by the shift manager, will be referred to the police.

The parking of large trucks on Horatio Street is not a matter for consideration for the extended trading hours, as foot traffic will not be served through the drive-thru. The current parking of large trucks on Horatio Street is permissible under the Roads Act 1993 as a public road. The restaurant is providing a key service to truck drivers who drive through the night.

Other concerns

Concerns were raised in the submissions, relating to the original consent/ previous approvals, benefiting the subject site. These matters are not relevant to the assessment of the subject application, and are better dealt with as compliance matters. In considering this, it should be noted that a search of Council's works request system only revealed one report of non-compliance associated with the subject site.

Other concerns raised in the submissions, refuted comments/statements made in the development application and supporting documents. The matters raised, were not considered pertinent to the determination of the development application, and or, are not matters relevant for consideration under Section 4.15 of the EP&A Act 1979, and accordingly have not been considered/addressed.

Submissions from public authorities

The development was notified to the NSW Police for comment. NSW Police did not object to the proposal, provided the approval was for the drive-thru only. The NSW Police submission can be found in the Attachments.

(h) The Public Interest – 4.15(1)(e)

Federal, State and local government interests and community interests

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

CONSULTATIONS

Health & Building

No consultation necessary

Development Engineer

No consultation necessary

Heritage Advisor

No consultation necessary

Access Committee

No consultation necessary

DEVELOPER CONTRIBUTIONS

Section 64 - Water/Sewer Developer Services Charges

Seeking consent for change of business hours only, no charges applicable.

Section 7.11 or 7.12 Developer Charges

Seeking consent for change of business hours only, no charges applicable.

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Contributions Plan 2019
Mid-Western Regional Development Servicing Plan
Mid-Western Community Participation Plan 2019

Council Policies

Not Applicable

Legislation

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

Financial implications

Not Applicable.

Associated Risks

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

KIM ORTH
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

12 July 2021

- Attachments:*
1. DA0309_2021 Statement of Environmental Effects. (separately attached)
 2. DA0309_2021 Plan of Management. (separately attached)
 3. DA0309_2021 Acoustic Report. (separately attached)
 4. DA0309_2021 Crime Risk Assessment. (separately attached)
 5. DA0309_2021 - Police Submissions. (separately attached)
 6. DA0309_2021 - Public Submission Binder. (separately attached)
 7. DA0309_2021 - Environmental Planning and Assessment (COVID-19 Development - Extended Operation) Order 2020. (separately attached)
 8. DA0309_2021 - Litter Patrol Path Map. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 MA0042/2021 - Proposed Modification to DA0428/2013 for Residential Subdivision at 38 Hill End Road, Caerleon (originally Lot 2 DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894)

REPORT BY THE MANAGER, PLANNING AND TOWN PLANNER
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, P1939562

RECOMMENDATION

That Council:

- A. receive the report by the Manager, Planning and Town Planner on the MA0042/2021 - Proposed Modification to DA0428/2013 for Residential Subdivision at 38 Hill End Road, Caerleon (originally Lot 2 DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894);
- B. approve MA0042/2021 - Proposed Modification to DA0428/2013 for Residential Subdivision at 38 Hill End Road, Caerleon (originally Lot 2 DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894) subject to the following conditions and statement of reasons:

Conditions of consent (*AMENDMENTS IN BLUE*)

1. Development is to be carried out generally in accordance with stamped plans :

Masterplan

- [Staging Plan, Proposed Subdivision "Caerleon" - Lot Layout; Job Code 319171_08; Sheet No. TP01 Rev B-3; dated 23/06/2021 and prepared by Premise.](#)

Detailed Stage Plans

- [Stage 4 – Drawing Title - Sale Plan Stage 4, Project No. MX10286.11-SALE, Issue A, dated 28.10.20 and prepared by Triaxial Consulting](#)
- [Stage 5 - Drawing Title - Sale Plan Stage 5, Project No. MX10286.11-SALE5, Issue A, dated 28.10.20 and prepared by Triaxial Consulting](#)
- [Stage 6 - Sheet Name: Sale Plan – Stage 6, Sheet No. TP01, Rev C, Job Code 319171_10, dated 05/03/2021 and prepared by Premise](#)
- [Stage 7A - Sheet Name: Sale Plan – Stage 7A, Sheet No. TP01, Rev D, Job Code 319171_11, dated 18/03/2021 and prepared by Premise](#)
- [Stage 8 Sheet Name: Sale Plan – Stage 8, Sheet No. TP01, Rev D, Job Code 319171_17, dated 27/04/2021 and prepared by Premise](#)
- [Stage 9 – Sheet Name: Sale Plan – Stage 9, Sheet No. TP01, Rev A, Job Code 319171_18, dated 14/04/2021 and prepared by Premise](#)
- [Stage 10 – Sheet Name: Sale Plan – Stage 10, Sheet No. TP01, Rev C Dated 14/05/2021 Job Code 319171_19 and prepared by Premise.](#)
- [Stage 11 – Sheet Name: Sale Plan – Stage 11, Sheet No. TP01, Rev A, Job Code 319171_22, dated 14/05/2021 and prepared by Premise.](#)

Landscaping

- Landscape Masterplan Neighbourhood 1, Site Image Landscape Architects, Plan No SS13-2563 C102, Issue B, Drawn 11/03/2013.
- Supplementary Landscape Report – Caerleon Mudgee, Site Image Landscape Architects, Issue A, Drawn 13/03/2013.

and the Application received by Council on 26/04/2013 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.

(Amended by MA0042/2021)

OPERATIONAL CONDITIONS

2. In accordance with S 93I of the Environmental Planning and Assessment Act 1979 the development is to be undertaken in accordance with the executed Voluntary Planning Agreement.

GENERAL TERMS OF APPROVAL – WATER MANAGEMENT ACT

3. Pursuant to Section 91 A of the Environmental Planning and Assessment Act 1979, the development is to comply with the General Terms of Approval obtained from the NSW Office of Water: 80 ERM2013/0313.

BUSHFIRE SAFETY AUTHORITY CONDITIONS

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

4. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entirety of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of 2m above the ground;
 - tree canopies should be separated by 2 to 5m;
 - preference should be given to smooth barked and evergreen trees;
 - large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover; and
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
 - grass should be kept mown (as a guide grass should be kept to no more than 100mm in

- height); and
- leaves and vegetation debris should be removed.

(Amended by MA0042/2021)

5. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on all land to the south of stage 9 for a distance of 10 metres within Lot 201, DP 1269473 for the purpose of a temporary asset protection zone (APZ) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development over the affected areas. The name of authority empowered to release, vary or modify any instrument shall be Mid-Western Regional Council.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

(Amended by MA0042/2021)

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

6. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
 - all roads are through roads;
 - dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are
 - clearly sign posted as a dead end;
 - non-perimeter roads are a 5.5 metre minimum carriageway width kerb to kerb;
 - perimeter roads are an 8 metre minimum carriageway width kerb to kerb;
 - where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
 - where access/egress can only be achieved through forest, woodland and heath vegetation,

secondary access shall be provided to an alternate point on the existing public road system;

- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where noreticulated supply is available.

(Amended by MA0042/2021)

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

7. The provision of water, electricity and gas must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

(Amended by MA0042/2021)

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- 7a. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from

the building;

- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

(Added by MA0042/2021)

SECT. 138 – ROAD ACT – ROADS & MARITIME SERVICES CONCURRENCE

8. Conditions required by the RMS in their Concurrence dated 01 July 2013 have been incorporated into the general conditions related to roadworks.

LEP AMENDMENT

9. Prior to the release of the subdivision certificate for lots 047-052 inclusive, an amendment rezoning the lots to be completely R1 General Residential (i.e. not split zoned) under the Mid-Western Regional Council Local Environmental Plan 2012 will be approved by relevant bodies.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. Prior to the release of any [Subdivision Works Certificate](#) a detailed contamination investigation will be undertaken in accordance with the recommendations made in Preliminary Contamination Assessment prepared by Envirowest Consulting dated 20 July 2012 Ref:12258c.

(Amended by MA0042/2021)

11. Prior to the release of any [Subdivision Works Certificate](#) a detailed aboriginal cultural investigation will be undertaken in accordance with recommendations of the Aboriginal Heritage Due Diligence Assessment Preliminary Investigations prepared by Kelleher Nightingale Consulting Pty Ltd dated June 2012 Ref: 1120.

Note: If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered.

(Amended by MA0042/2021)

12. The development in general and plans submitted for any [Subdivision Works Certificate](#) shall be designed in accordance with the recommendations made in the Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012.

(Amended by MA0042/2021)

13. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and residential Developments.

Note: Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans.

Note: Council does not permit other bodies to insert new junctions into “live” sewer mains.

14. No construction is to commence before a [Subdivision Works Certificate](#) is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the [Subdivision Works Certificate](#).

Note: The [Subdivision Works Certificate](#) may be issued by Council. Council’s fee for this service is set out in Council’s fees and charges.

(Amended by MA0042/2021)

15. A detailed engineering design with plans, and “AutoCAD compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with [current AUS-SPEC specifications](#) (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a [Subdivision Works Certificate](#).

(Amended by MA0042/2021)

16. A site supervisor is to be nominated by the applicant prior to the issue of the [Subdivision Works Certificate](#).

(Amended by MA0042/2021)

17. A [Traffic Guidance Scheme \(TGS\)](#) completed by the “Certified Person” for implementing during works is to be submitted to Mid-Western Regional Council prior to any work commencing.

(Amended by MA0042/2021)

18. Contractor’s insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party.

19. Existing and proposed contours are to be shown on detailed engineering plans.

20. Prior to the issue of a [Subdivision Works Certificate](#), all details relating to decommissioning the farm dam in preparation for a residential site, including methods, materials and equipment shall be provided to Council.

(Amended by MA0042/2021)

- 20a Prior to the issue of a [Subdivision Works Certificate](#) or any further works relating to Stage 6 or Basin 3 the applicant must provide an amended staging plan showing a corridor that allows for stormwater runoff from proposed Stage 6 to be directed to proposed Basin 3 as shown on “[Dwg 319171_08 TP01 Rev B-3](#)”. The amended plan must be accompanied by detailed calculations for all contributing upstream catchments to ensure the area set aside for the basin can accommodate a basin of sufficient capacity to capture all runoff generated by a fully developed upstream catchment.

(Added by MA0042/2021)

- 20b Prior to the issue of a Subdivision Works Certificate or any further works relating to Stage 6 or Basin 3, the approved landscape plans identified in condition 1 are to be updated to reflect the amended location of Basin 3 identified in the approved staging plan. The amended landscape plan must also provide for open space within the basin in the form of passive recreation and a picnic and BBQ area.

(Added by MA0042/2021)

INFRASTRUCTURE

Stormwater Drainage

21. The applicant is to submit a Drainage Report prepared in accordance with the [current published version of Australian Rainfall and Runoff](#) for approval prior to the release of the [Subdivision Works Certificate](#). The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

(Amended by MA0042/2021)

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

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

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

23. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.
24. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any interallotment drainage.
25. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
26. An Erosion and Sediment Control Plan or the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to :
- drainage reserves are to be turfed;
 - single strip of turf to be laid behind kerb and gutter;
 - saving available topsoil for reuse in the revegetation phase of subdivision;

- using erosion control measure to prevent on-site damage;
- rehabilitating disturbed areas quickly;
- maintenance of erosion and sediment control structures;
- a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.

27. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
28. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that no time will any ponding of stormwater occur on adjoining land as a result of this development.

Roads works

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

30. Internal road reserve and pavement widths are to conform to those shown [on the approved plans](#).

(Amended by MA0042/2021)

- 30a. [Prior to the release of a subdivision certificate for Stage 10, Hosking Street and Knox Crescent is to be constructed and bitumen sealed and formed with kerb and channel from the existing constructed pavement for the full extent of stage 10 of the subdivision.](#)

(Added by MA0042/2021)

31. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the basecourse.
32. The internal road adjacent to the Hill End Rd shall be screened from the Hill End Rd and include physical barriers between the two roads. Details of the proposed screening and barriers are to be provided to Council for approval prior to issue of the [Subdivision Works Certificate](#).

(Amended by MA0042/2021)

33. Internal cross road intersections are to be designed to have
- Give Way signs, and
 - Blisters
- On the lesser priority road for pedestrian and cycle safety in accordance with Figure 2.1(a) of AS1742.2-2009 Manual of uniform traffic control devices, part 2 Traffic control devices for general use.
34. The intersection of the Hill End Road and the proposed Spine Road is to be designed and constructed with the following;

- A Basic Right Turn treatment (BAR) in accordance with Figure 7.5, Austroads Guide to Road Design 2010 – Part 4A: Unsignalised and Signalised Intersections and RMS Supplements
 - A Rural Auxiliary Left Turn treatment – Short Turn Lane (AUL(S)) in accordance with Figure 8.3 of Austroads Guide to Road Design 2010 – Part 4A: Unsignalised and Signalised Intersections and RMS Supplements;
 - The width of the Spine Road at the approach and connection to Hill End Road shall be wide enough to accommodate left and right turning vehicles, side-by-side waiting to enter Hill End Road.
 - The intersection shall be formed as to provide lay-bys on the departure sides for use as a school bus stop shelter, unless a bus stop is constructed by the developer within stage 1 of the subdivision.
35. Prior to the issue of the Subdivision Certificate for the 135th lot, the intersection of the Hill End Road and the Castlereagh Highway is to be designed and constructed to comprise;
- A full length Rural Channelised T-junction – Full length (CHR) is to be provided in accordance with Figure 7.7 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalised and Signalised Intersections and RMS Supplements;
 - A Rural Auxiliary Left Turn Lane Treatment (AUL) on the major road is to be provided in accordance with Figure 8.4 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalised and Signalised Intersections and RMS Supplements;
 - The width of the Hill End Road at the approach and connection to the Castlereagh Highway shall be wide enough to accommodate left and right turning vehicles, side by side waiting to enter the Castlereagh Highway,
 - All existing and proposed utility services shall be located clear of existing road pavements,
 - The developer is required to enter into a formal agreement with the RMS in the form of a Works Authorisation Deed (WAD) prior to works commencing at the intersection,
 - A Road Occupancy License is required prior to any works commencing within 3m of the Castlereagh Highway.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council conditions.

Water and Sewer

37. The developer is to meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
38. ~~Where infrastructure services cross through private land three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.~~
(Amended under MI0017/2016)
- 38(a) Where infrastructure services cross through private land three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage

reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

Notwithstanding the above, two metre wide easements will be permitted adjacent to Public Roads for the 56 lots approved under Construction Certificate 0131/2014, only.

(Amended under MI0017/2016)

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

Note: Council does not permit other bodies to connect into 'live' water mains.

40. Water services are to be located on alternate property boundaries to Telstra/Electricity. The developer will construct the water service to the water meter and then pay the water meter assembly only fee (\$370 in 2013-14 Fees & Charges) for council to supply a meter only for each lot in the subdivision.

Earthworks

41. All finished surface levels shall be shown on the plans submitted for the [Subdivision Works Certificate](#). Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

(Amended by MA0042/2021)

Footpaths and Cycle Ways

- ~~42. Pedestrian and cycle paths are to be designed and constructed with the alignment as shown in Figure 8 of the Caerleon Subdivision Application Neighbourhood 1: Statement of Environmental Effects, dated March 2013. Foot and cycle ways shall be 1.2m and 2.0m widths respectively and be consistent with grades, depths and reinforcement detail as shown in MWRC Access to Properties Policy (Standard Dwg No. M524B). The path is to be completed prior to the issue of a Subdivision Certificate for the first (1st) Stage.~~

~~**(Amended under MI0015/2016)**~~

- 42(a) Pedestrian and cycle paths are to be designed and constructed with the alignment as shown in Figure 8 of the Caerleon Subdivision Application Neighbourhood 1: Statement of Environmental Effects, dated March 2013. Foot and cycle ways shall be 1.2m and 2.0m widths respectively and be consistent with grades, depths and reinforcement detail as shown in MWRC Access to Properties Policy (Standard Dwg No. M524B). The paths are to be completed within 3 months of the completion of the full and final form of the Spine Road.

(Amended under MI0015/2016)

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

43. A restriction prohibiting dual-occupancy development being constructed on all lots greater than 600m², including associated Section 88B instruments, is to be created in favour of Council over the subdivision.
44. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager prior to the release of each stage of the development.

NOTE: Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office. Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

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

A) COVERSHEET

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

B) INDEX

- Section Numbers

C) CONTRACTOR DETAILS

- Contractor Representative
- Contractor Contact Details

D) SCOPE OF WORKS

- Enter description outlining scope of works completed

Records to be included as applicable

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

(Amended by MA0042/2021)

45. If the Subdivision Certificate is not issued, for any reason, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.
46. Prior to issue of the Subdivision Certificate
- (a) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - (b) An agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:
 - i) As to the security to be given to Council that the works will be completed or the contribution paid and
 - ii) As to when the work will be completed or the contribution paid.
47. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council to ensure that any defects in such works are remedied by the developer.
48. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry rectification.
- Note - Any unspent bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.
49. The subdivision works are to be inspected by Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- installation of sediment and erosion control measures;
 - water and sewer line installation prior to backfilling;
 - stormwater pipes installation prior to backfilling;
 - water and sewer lines pressure testing;
 - sewer manholes vacuum testing;
 - establishment of line and level for kerb and gutter replacement;
 - road pavement construction;
 - road pavement compaction testing;
 - road pavement surfacing;
 - practical completion
50. Upon completion of each stage of construction, the Council is also required to ensure that adequate provisions are made for the following
- Sediment and erosion control measures;
 - Traffic control measures;
 - Maintenance of public areas free from unauthorised materials, waster or other obstructions.
51. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey marks that may be distributed by the development or any associated work. Any information regarding location should be supplied to the Land Titles Office and Council.

52. Underground electricity, street lighting and telecommunication are to be supplied to the subdivision. Prior to issue of the Subdivision Certificate, Council is to be supplied with :
 - a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone and internet services to the subdivision that are NBN compliant.
53. The development is to be provided with completed drainage and open space areas as detailed in the approved landscape plans for each stage of the development. Any drainage or open space area within or adjacent to a stage is to be completed prior to the release of the Subdivision certificate for that stage.
54. All roadworks and other associated traffic control measures are to be completed with each stage of the development and prior to the release of the Subdivision Certificate.
55. The applicant shall repair in accordance with Aus-Spec#1 and Council Standard Drawings any part of Council's property damaged during the course of the development.
56. The developer must provide Council and land purchasers with a site classification for each lots within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870-1996. Results are to be submitted to Council prior to the issued of the Subdivision Certificate.

ADVISORY NOTES

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

STATEMENT OF REASONS

1. The proposed modification is substantially the same development as that approved and will have minimal environmental impacts.
2. The issues raised in the submission did not raise any planning issues which necessitated the inclusion of any additional or amended conditions.
3. The proposed modification complies with all the relevant matters required to be taken into consideration in accordance with sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979*.

Executive summary

OWNER/S	Caerleon Mudgee Pty Ltd
APPLICANT:	Caerleon Mudgee Pty Ltd
PROPERTY DESCRIPTION	38 Hill End Road, Caerleon NSW 2850
PROPOSED DEVELOPMENT	Modification Application to approved Subdivision
REASON FOR REPORTING TO COUNCIL:	Original Development Application Determined by Council
PUBLIC SUBMISSIONS:	One

A modification of consent application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* was lodged with Council on 19 April 2021. Development Consent DA0428/2013 relates to residential subdivision at 38 Hill End Road, Caerleon. The proposed modification application seeks to modify the approved lot layout, relocate one of the drainage basins and provide an overall staging for the release of lots within the subdivision. The modified proposal will result in a yield of 241 lots for the subdivision, an overall increase of 9 lots from the current approval.

The modification of consent application is required to be determined by Council as the original development consent was determined by Council.

The application was notified in accordance with the Mid Western Regional Community Participation Plan 2019. During the notification period of the application, two objections were received.

The proposed modifications are recommended for approval.

Disclosure of Interest

Nil

Detailed report

BACKGROUND

Original Approval

The original development consent DA0428/2013 was approved on 9 August 2013 for a staged subdivision comprising 267 residential lots. Condition A of the consent was a deferred commencement condition which required the landowners to enter into a Voluntary Planning Agreement with Council.

Following satisfaction of the deferred commencement condition, an operational development consent was issued on 6 March 2014.

Previous Modifications

The consent was modified under MI0015/2016 on 8 April 2016. The modification amended Condition 42 of the consent and approved minor changes to the timing for the provision of footpaths and cycleways of the development.

The consent was further modified under MI0017/2016 on 24 May 2016. The modification related to a minor change to Condition 38, adding an alternative to the normally required 3m wide easement over sewer and water components to be 2m wide where the easement is adjacent to a public road. The consent was further modified, utilising the provisions of Section 80A(5) [currently s4.17A(5)] of the *Environmental Planning and Assessment Act 1979*, on 25 May 2016. This modification amended the lot layout by removing 59 lots from the Neighbourhood 1 layout and replacing them with four super-lots. One of the super-lots accommodates Oakhill Retirement Village. The modification under s80A(5) was required by Condition 7 of Development Consent DA0253/2016 – a 2 into 3 lot subdivision.

The consent was modified a fourth time under MA0034/2018 on 23 July 2018 which approved an amendment to the configuration of the lots as a result of the prior modification to create four super lots under DA0253/2016.

The subdivision has commenced with Stages 1, 2, 3 and 3A completed and residential lots released and sold to the public. Subdivision Work Certificates have also been issued for Stages 4 and 5 with works currently underway.

Proposed Modification

The current application to modify the development consent was originally submitted to Council on 19 April 2021. Following initial lodgement of the application, it has been modified on a further two occasions. Details of the proposed modification are as follows:

- Overall staging plan for the proposed subdivision, refer to Attachment 1 for a copy of the plan. Detailed stage plans for stages yet to be released have also been included for approval (refer to Attachments 2 to 9).
- Amendment to the subdivision layout within proposed Stage 9 to remove two north-south roads and amend the lot layout. This also results in some minor changes to the layout of Stage 8 (located to the north) and adjustment to the southern neighbourhood boundary line.
- Delete the laneways adjoining approved Lot 187 and Lot 177
- Subdivide approved Lot No. 188 into eight residential lots. The subdivision of this lot is identified as Stage 10.
- Subdivide approved Lot No. 177 into seven residential lots. The subdivision of this lot is identified as Stage 11.
- Relocate the drainage basin from the bottom of Stage 3A and Stage 6 further south.
- Minor changes to the lot layout and consolidation of a “future development lot”, resulting in the loss of three residential lots to the south of Stage 7A.

Figure 1 shows an extract of the current approved plans, highlighting the location of the proposed modifications listed above. Figure 2 shows an extract from the proposed staging plan proposed under this modification indicating the location of the proposed modifications.

Overall the proposed modification will result in a small increase in the total number of lots increasing the overall residential lot yield of the subdivision from 232 to 241.

The application was notified in accordance with Mid-Western Regional Community Participation Plan 2019 for a period of 14 days. The application was re-notified a further two times following amendments made during the assessment period, with the final notification period ending 9 July 2021. During the notification of the application, one objection was received. The objection raised issues in relation to the deletion of the laneway between approved lots 188 and 177.

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

The modification is recommended for approval.

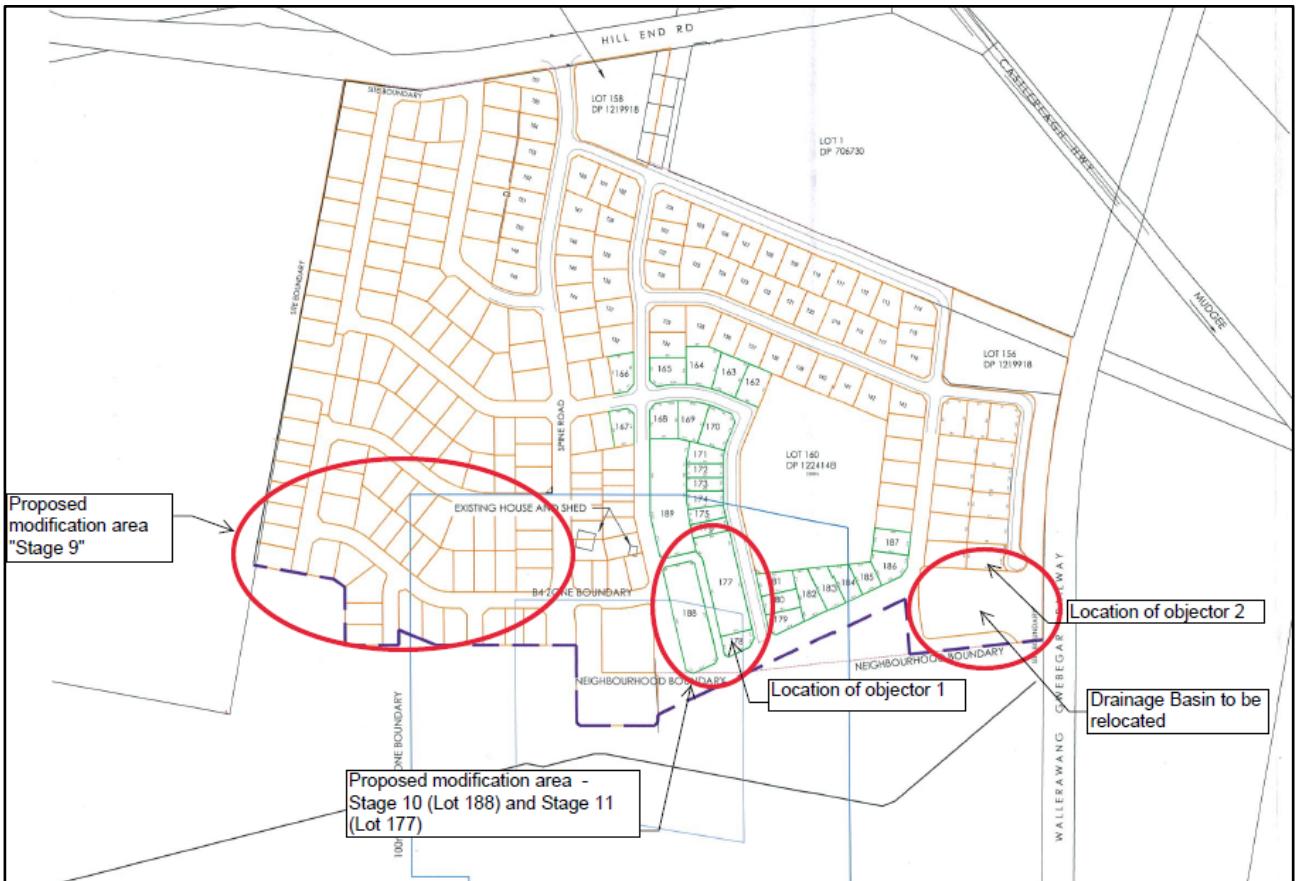


Figure 1: Extract from the approved plan marked to indicate the areas relating to the proposed modification and the location of the objection.

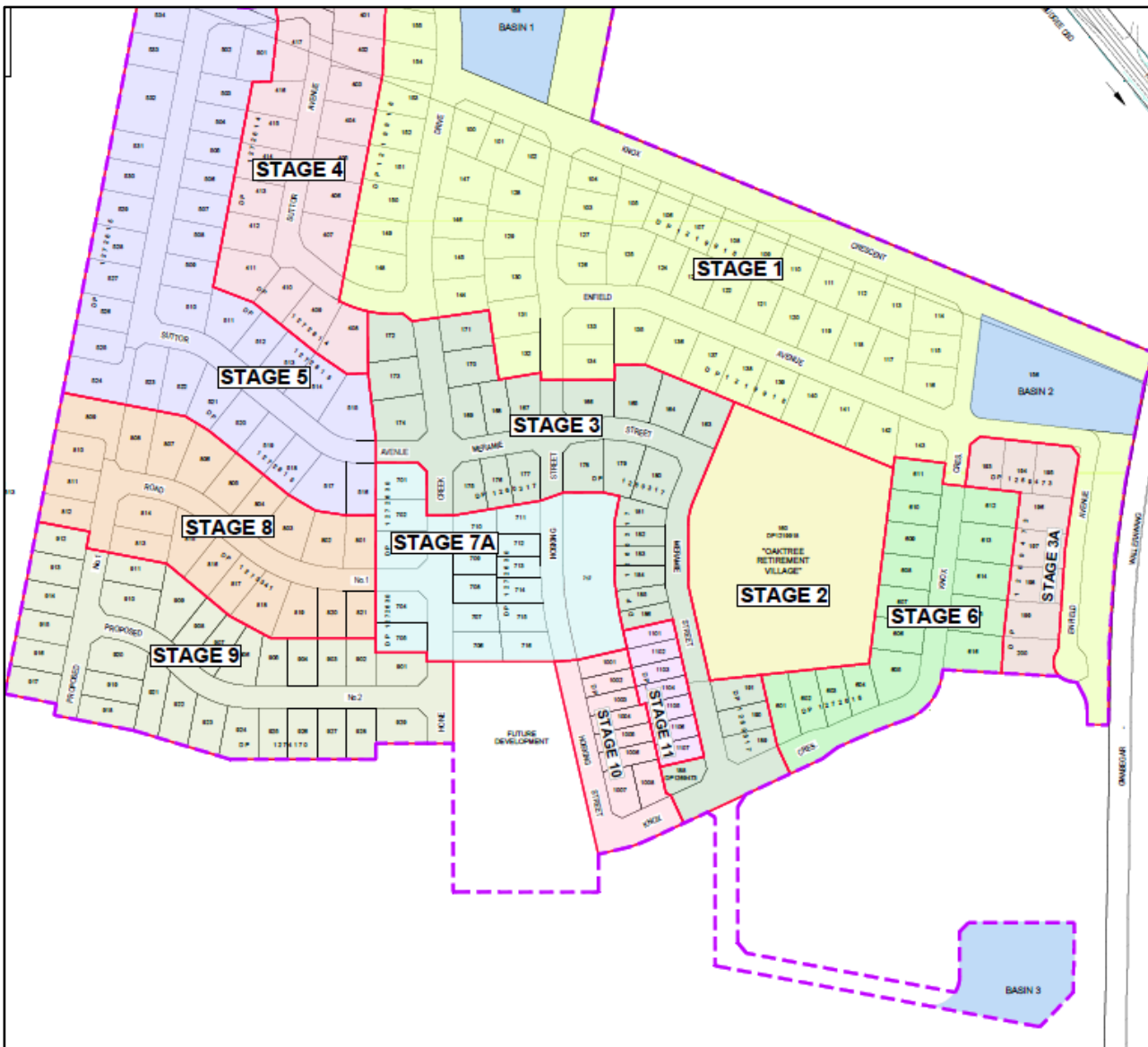


Figure 2 – Extract from proposed Staging Plan.

REQUIREMENTS OF REGULATIONS AND POLICIES

The application has been assessed in accordance with Section 4.15 and 4.55 of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows.

4.55(1A) Modifications involving minimal environmental impact

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment The proposed modification will have 'minimal environmental impact' in comparison to the approved development consent and will have no significant environmental impacts compared to the approved development for the following reasons:

- The modification seeks approval for 241 lots which is an additional 9 lots approved by Council in the most recent modification consent. The lots will generally be within the original development footprint, whilst still totalling less than the 267 residential lots originally approved under the development consent in 2013.
- The relocation of the drainage basin is not expected to have additional impacts from that which was assessed under the original development application.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment The proposed modification is considered to be substantially the same development. The proposal relates primarily to an amendment to the layout of the proposed subdivision with the overall number of lots yielded as a result of the modification (241) being less than that which was originally approved (267 lots) by Council.

(c) it has notified the application in accordance with:
(i) the regulations, if the regulations so require, and
(ii) a development control plan,

Comment The S4.55(1A) Application was advertised in accordance with the Mid-Western Regional Community Participation Plan 2019.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment Four submissions was received during notification of the proposed modification. Two objections were lodged and two submissions from the same party which raised no objections. Consideration of the issues raised in the objections have been detailed in the body of this report.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment All matters under Section 4.15(1) of relevance to the modification have been addressed throughout this report.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment Noted.

4.15(1)(a) Evaluation

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

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

The possibility of contamination was addressed in the original application. Possible contamination was in and around the existing farm sheds and buildings as a result of sheep dip, on-site septic disposal and asbestos. Condition 10 was applied requiring a further contamination report. The proposed modification will not impact on this requirement.

State Environmental Planning Policy (Koala Habitat Protection) 2020

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

However, the ecological report provided with the original application verified that no Koala Feed Trees were recorded within the site. As a result, no part of the site is classified as Potential Koala Habitat and no further provisions of this SEPP apply.

State Environmental Planning Policy (Infrastructure) 2007

Clause 100-104 – Classified road and Traffic Generating Developments

The original application was traffic generating development and involved a new road connected to a classified road. Consequently the concurrence of RMS (now Transport for NSW) was required for the subdivision.

Given the proposed modification does not increase the overall yield of lots from that which was originally approved in 2013 and no changes to the spine road accessing the classified road are proposed, it was not considered necessary to refer the application to Transport for NSW.

Mid-Western Regional Local Environmental Plan 2012

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

Clause 1.2 Aims of Plan

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

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned B4 Mixed Use and R1 General Residential as shown on the image below and is therefore subject to the Plan.

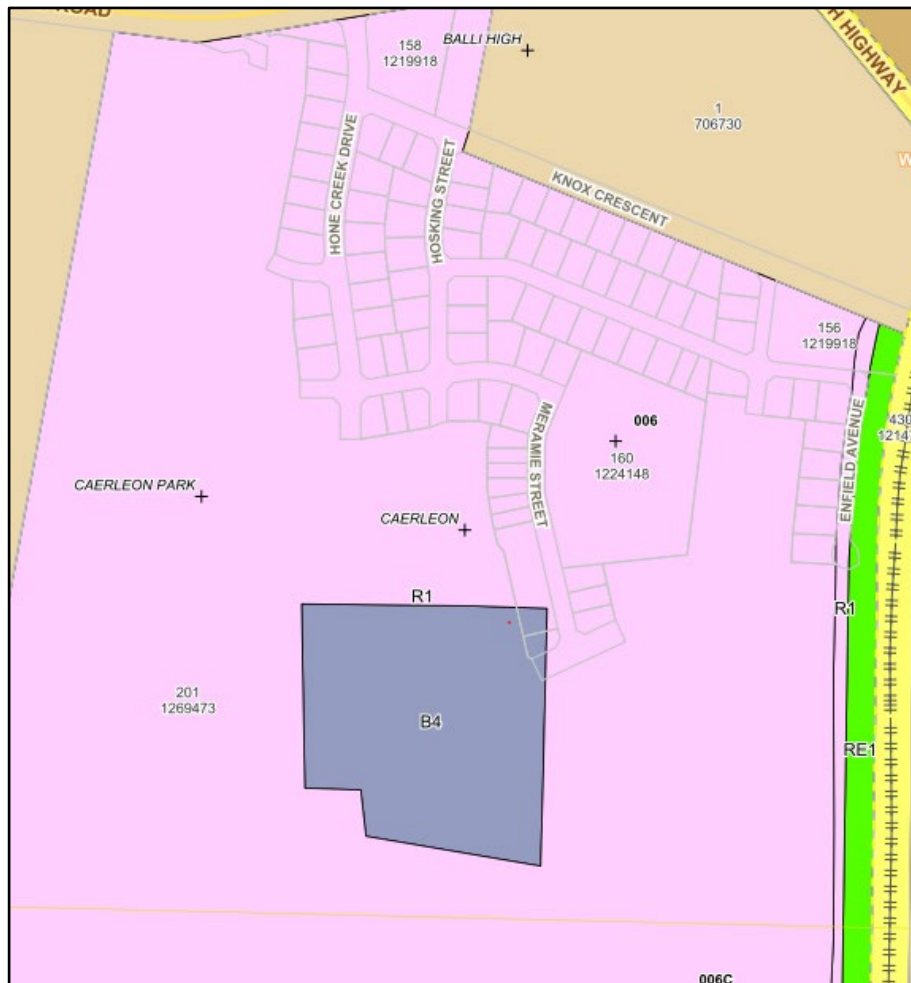


Figure 3 – Zoning Map

Clause 2.3 Zone objectives and Land Use table

The proposed modification is consistent with the objectives of the zone

Clause 2.6 Subdivision – consent requirements

The proposed modification does not change the permissibility of the subdivision under this clause.

Clause 4.1 Minimum subdivision lot size

The lots proposed to be modified are affected by a minimum lot size of 450m² (shown as green and labelled “G” on the plan below). Some of the lots are partially located within the B4 zoned land which is not affected by a minimum lot size.

All proposed lots will have a lot size greater than 450m² and meet the requirements of this clause.

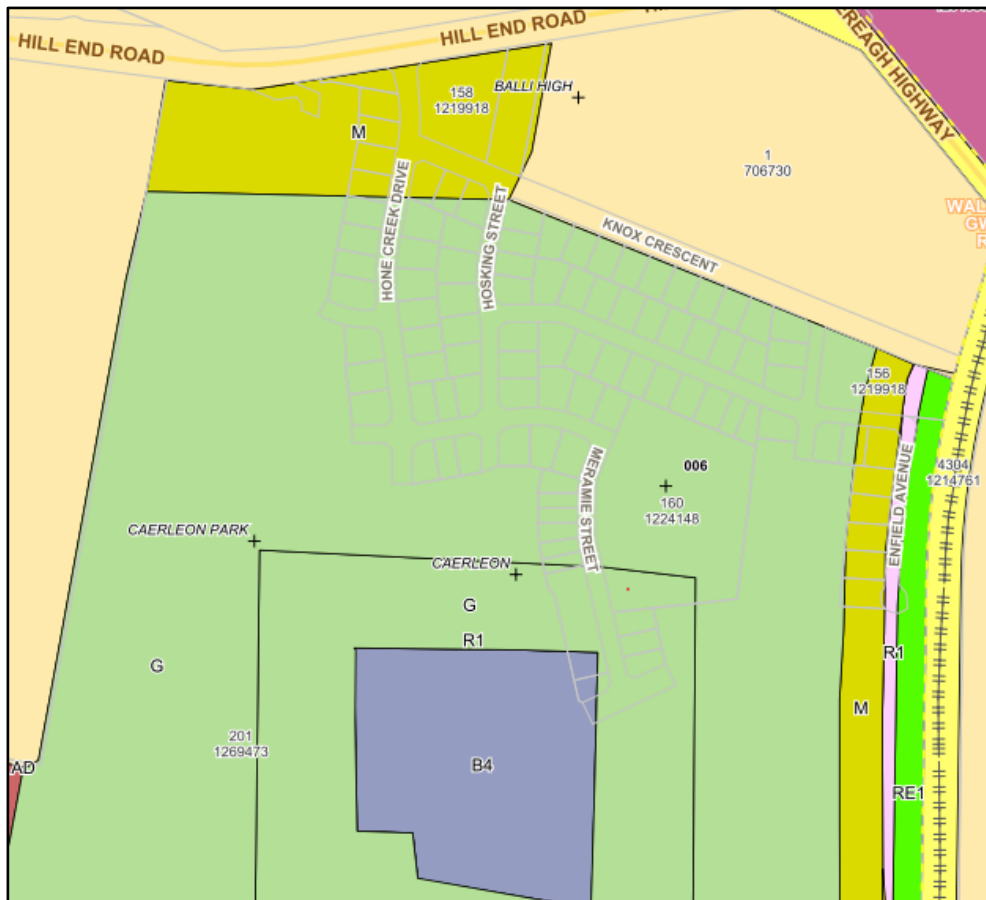


Figure 4 – Minimum Lot Size Map

Clause 4.1 C Exception to minimum lot sizes around Zone B4

Not applicable – this clause allows for no minimum subdivision lot size for residential accommodation if the land is within 100m of Zone B4, however it is not proposed to utilise this clause for the modification.

Clause 4.3 Height of buildings

Not applicable – the proposed modification relates to subdivision only

Clause 5.10 Heritage Conservation

No heritage items are recorded on the site or in the vicinity.

An item of aboriginal significance has been recorded on the site within the northwest corner of the site. Condition 11 of the existing approval required that a detailed aboriginal cultural investigation is undertaken given aboriginal artefacts were located within the subdivision, this condition will be retained. The proposed modifications to the lot boundaries are not located in the vicinity of the identified item of aboriginal significance.

Clause 6.1 Salinity

Complies - the modified proposal does not alter the original consent's compliance with this clause.

Clause 6.2 Flood planning

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

Clause 6.3 Earthworks

The proposed modification does not impact on the original consent's compliance with this clause.

Clause 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. The proposed modification does not change the original consents compliance with this Clause.

Clause 6.5 Terrestrial biodiversity

The site contains areas of moderate terrestrial biodiversity as shown on the image below in orange. The proposed modification may affect some of the areas which are mapped, however this impact was assessed under the original application where a Flora & Fauna Assessment identified that the area is exotic dominated derived grassland of low ecological value, accordingly no further consideration is considered necessary.

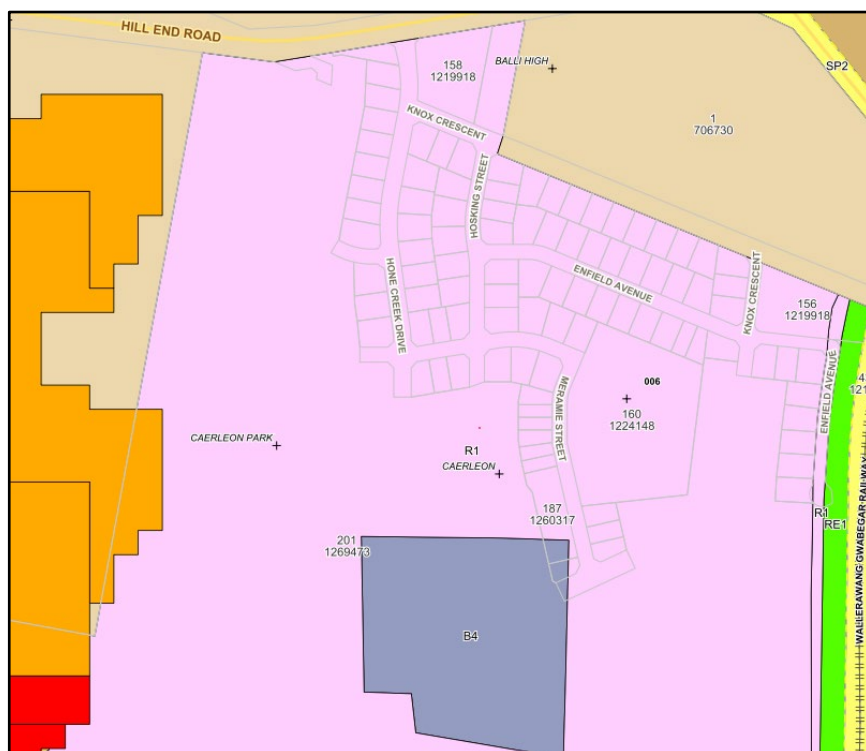


Figure 5 – Terrestrial Biodiversity map

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

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

Clause 6.10 Visually sensitive land near Mudgee

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

(ii) Do any draft environmental planning instruments (EPI) apply to the land to which the Application relates?

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

(iii) Do any development control plans apply to the land to which the Application relates?

Mid Western Regional Development Control Plan 2013

Appendix C: Caerleon Development Control Plan

An assessment is made of Appendix C of the MWRDCP, relating to development controls for the land known as the Caerleon site. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 2.2 Indicative Concept Plan

Development to be undertaken is generally in accordance with Indicative Concept Plan located in Appendix C, Figure 2.

Part 2.3 Character Areas

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES
Neighbourhood Centre Character Area	
Has an urban character.	Not applicable
Provides a community hub with small-scale retail focus.	Not applicable
Located in the norther part of the site within 400m of the majority of houses.	Not applicable
Maximum Building Height: 2 storeys	Not applicable
General Residential Character Area	
Articulated house frontages	Not applicable
High-quality durable fencing materials	Not applicable
Small lot housing from 450m ² to 600m ² .	Complies
Traditional detached dwellings on lots of 600m ² – 800m ² or more.	Complies
Large Lot Residential Character Area	
Larger-style residential development.	Not applicable
Minimum lot size 600m ² on flat areas	Not applicable
On steeper land up to 520m counter line; Minimum lot size 1200m ²	Not applicable
Rural Residential Character Area	

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Residential development permissible only on lots 4,000m ² and above.	Not applicable
One or two storey detached dwellings with generous setbacks	Not applicable
Development above the 520m contour line be sited on the lowest part of a lot.	Not applicable

Part 3.1 Street Network and Design

Not applicable – no new roads are proposed to be created.

Part 3.2 Pedestrian and Cycle Network

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Off-road shared pedestrian and/or cycle paths are to be provided along the railway line corridor and drainage corridor.	Not applicable
Off-road shared pedestrian and/or cycle paths are to be no wider than 2.5m	Not applicable
Path/cycle ways in the drainage corridor should be located in the outer 50 per cent of the corridor.	Not applicable
All footpaths are to be a minimum of 1.2m wide.	Not applicable

Part 4.1 Public Open Space

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Public open space is located within 400m of the majority of housing in the General Residential Character Area	Complies – all lots will be within 400m of public open space areas in accordance with Figure 5 – Indicative Open Space Plan of the DCP. It is noted that that drainage reserve to be relocated is not specified on this figure.
Open space is provided within or adjacent to the Neighbourhood Centre	Not applicable
Open space is highly accessible, co-located with active and link to pedestrian and/or cycle path.	Not applicable to the modification.
Dwellings are oriented towards public open space.	Not applicable
A 40m-wide open space buffer is to be provided along the railway line (can include road reserve, open space, drainage landscaping and underground services.	Complies – the proposed modification will not alter the buffer located adjacent to railway line.
Housing adjacent to the buffer is to be oriented towards the street/buffer, where possible	Not applicable
Drainage corridors provide opportunities for appropriately located pedestrian and cycle paths, walking trails and additional open space.	Not applicable

Part 4.1 Street Trees and Landscaping

Not applicable, the modification does not proposed any changes to existing / proposed street trees.

Part 5.1 Subdivision

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
R1 General Residential Zone	
Minimum lot size is the same as in the MWRLEP.	Complies
Small lot housing to a minimum of 450m ² is to be located adjacent to areas of high amenity.	Complies
If a single lot containing a dual occupancy development or that is proposed to contain a dual occupancy development would be divided into two lots, each of the resulting lots is greater than 600m ² .	Not applicable
B4 Mixed Use Zone	
Subdivisions resulting in lot sizes less than 450m ² are demonstrated to be consistent with objectives of the Neighbourhood Centre Character Areas OR are created in the shared areas in the Indicative Density Allocation Plan.	Not applicable – no lots are proposed to be less than 450m ²
R5 Large Lot Residential Zone	
Buildings are sited in an accessible and practical location suitable for residential building construction.	Not applicable
On sloping sites at or above the 520m contour line, buildings are sited such that they cannot be viewed, or have minimum visibility, from any urban area of Mudgee.	Not applicable
Minimum Lot Width	
Residential lots within the R1 General Residential Zone have a minimum lot width of 12.5m at the building line, and are generally rectangular in shape.	Complies – all lots have a minimum of 13m frontage width
Residential lots in cul-de-sac streets are designed to create as regular a lot shape as possible around the cul-de-sac head.	Not applicable
Residential lots within the R5 Large Lot Residential Zone must have minimum lot with of 25m at the building line.	Not applicable
Subdivision - Earthwork	
Where land forming in association with subdivision works is proposed, it contributes to the overall design quality of the development.	Not applicable

Part 5.2 Building Design

Not applicable

Part 5.3 Additional Controls for Development on Steep Slopes (slopes in excess of 15°)

Not applicable

Part 6.1 Land Use

Not applicable

Part 6.2 Built Form and Streetscape

Not applicable

Part 6.3 Public Domain

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Landscape design is high quality design, including planting, street furniture, and lighting that enhances the character of the area.	Existing landscape design / plan to be retained.
Street tree planting is provided with an appropriate height and permeability to maintain views and establish shade for pedestrians.	Existing landscape design / plan to be retained.
Open space area adjoins the Neighbourhood Centre Character Area in a prominent location, and is designed to accommodate activities such as outdoor eating, pedestrian movement, or seating areas.	Not applicable – this open space area is not included in this application / consent.

Part 6.4 Parking and Access

Not applicable.

Part 7.1 Stormwater Management

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Buffers are provided along the drainage lines in accordance with the Strahler-based methodology.	Not applicable – the modification does not impact on the two watercourses / drainage lines identified.
Stormwater from the site is managed through on-site detention basins in the indicative location.	Complies – stormwater will continue to be managed through on-site drainage basins. Detention Basins provided will be retained in the locations identified on Figure 7.
Principles of Water Sensitive Urban Design (WSUD) are incorporated across the site.	The proposed modification does not impact on the prior assessment of WSUD under the original application.
Development complies with relevant stormwater management objects in the most up to date revision of <i>Managing urban Stormwater: Soils and Construction</i> (NSW Department of Housing).	Existing condition 26 will be retained which requires compliance with this requirement.
Applicant demonstrates that any potential impacts on groundwater and salinity can be managed to mitigate environmental impacts.	Not applicable - This requirement was addressed under the original application, the proposed modification does not substantially change the proposal.

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

Erosion and sediment control measures are implemented and regularly maintained during construction. Sediment trapping devices are located at all points where stormwater runoff may leave the site during construction.	Complies – existing condition to be retained.
Driveways on steep slopes are designed to minimise erosion.	Not applicable.

Part 7.2 Biodiversity

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

Native vegetation and remnant trees in areas of high ecological constraints are retained and protected in large lot lands	Not applicable
Any development within the Large Lot Residential character Area and Rural Residential Character Area are positioned to avoid the removal of remnant trees.	Not applicable
Development that affects areas of high ecological constraint sets out the methods used to encourage natural regeneration.	Not applicable
Dwelling is not within the 40m environmental buffer area along the southern boundary of the land.	Not applicable

Part 7.3 Bushfire

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

If necessary, a Bush Fire Safety Authority is obtained from NSW Rural Fire Service at the subdivision and/or development application stage.	Complies – referral has been sent to RFS
---	--

Part 7.4 Odour

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

There is no development within the 1 odour unit contour shown in the Indicative Odour Plan.	Not applicable – area of proposed modification is not within the area mapped on the indicative odour plan.
---	--

Part 7.5 Contamination

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

Further investigation into contamination at the Machinery Shed and Sheep Dip sites must be undertaken prior to development.	Complies - existing condition number 10 in relation to this requirement will be retained on the consent.
---	--

Part 7.6 Aboriginal Heritage

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

All sites of Aboriginal objects are avoided in development of land unless resolved through the following controls.	Complies – the proposed modification is not in the vicinity of identified aboriginal objects.
--	---

DEVELOPMENT CONTROL REQUIREMENT**COMPLIES**

	Condition 11 of the consent requiring a detailed aboriginal cultural investigation to be undertaken will be retained.
Where an Aboriginal object site cannot be avoided, further investigations have been undertaken and an Aboriginal Heritage Impact Permit has been attained.	Not applicable
Aboriginal Consultation has been undertaken prior to the Subdivision Application process where an AHIP application is required.	Not applicable

Part 8 Utilities**DEVELOPMENT CONTROL REQUIREMENT****COMPLIES**

8.1 Water Supply	
Potable water is supplied from existing water treatment facility in Mudgee or (during initial development stages) from the existing potable water reticulation system located adjacent to the southern boundary of the site.	Complies
8.3 Electricity and Telecommunications	
Primary utilities such as electricity and telecommunications are available to the development.	Complies

Part 9. Torrens, Strata and Community Title Subdivision**DEVELOPMENT CONTROL REQUIREMENT****COMPLIES**

Allotments on land where free standing dwelling houses, dual occupancy dwellings or multiple dwellings (such as terraces that share a boundary wall) are proposed or exist may be Torrens Title.	Not applicable
Where buildings are attached or share common areas, allotments may be Torrens Title or be subdivided under a Community or Strata Scheme.	Not applicable
Proposed Torrens Title allotments that are attached or share common areas provide easements for right of way (where relevant) registered as a right of way on a survey or registered on title.	Not applicable

Mid-Western Regional Contributions Plan 2019 and Water / Sewer Developer Service Plans

Contributions to be paid in accordance with the VPA.

The proposed relocation of the basin will not impact on the requirements of the VPA. Whilst the basin is included in the VPA for stormwater detention there are no open space requirements specified. The proposed basin will be relocated, not removed and the same requirements for the relocated detention basin will apply under the VPA.

IMPACT OF DEVELOPMENT

The proposed modification does not significantly change the impacts of the development from that which was originally approved.

Overall the changes to the lot layout and staging of the development are insignificant from that which were originally approved. The change to the location of the drainage basin will impact on stormwater drainage and a condition of approval has been included in accordance with comments

from Council's Development Engineers to ensure that stormwater drainage from Stage 3A and Stage 6 are adequately addressed. A condition of approval will also be added to ensure that the passive open space and picnic / bbq area currently required to be provided within the basin area will also be incorporated into the relocated basin.

Other than the proposed modifications, the overall staging plan and detailed staging plans provided with the modification application are generally consistent with previously approved plans. Condition 1 will be amended to incorporate these plans into the approval. The servicing plans currently approved under condition 1 are no longer relevant as a result of changes to lot layouts under previous modifications and as such will be deleted. Details of servicing are indicated on the detailed stage plans to be incorporated into the approved plans under Condition 1.

No further issues were identified as a result of the proposed modification.

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality

The proposed modified subdivision is considered to be an appropriate fit to the locality.

Are the site attributes conducive to development

The site attributes are generally conducive to the proposed modified subdivision proposal.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submissions

The application was notified in accordance with Mid-Western Regional Community Participation Plan 2019 for a period of 14 days. The application was re-notified a further two times following amendments to the modification application, with the final notification period ending 9 July 2021. During the notification of the application, four submissions was received. Two submissions raised objections to the proposed modification and the other two submissions (from the same landowner) raised no objections to the proposed modifications.

A copy of the objections are available in Attachment 10 and 11. The issues raised in the submissions are as follows:

- I have designed the garage of my dwelling to utilise access to the laneway between Meramie Street and Hosking Street to be removed. This has meant that the plans I have to redesign my home and the plans are useless.

Officer comment: It is noted that the laneway in question has not been constructed. Vehicular access to the lot is available from either Knox Crescent or Meramie Street of which both are formed roads. Whilst unfortunate that the new dwelling was designed in this way, the laneway does not currently provide any legal means of access to the lot given it has not been formed or released as a "road".

- Devaluation of property as a result of access to three roads and only one adjoining neighbour.

Officer comment: The heads of consideration under the Environmental Planning and Assessment Act 1979 do not include devaluation of a property as a planning consideration.

- We purchased the block with the understanding that the land adjacent would be parklands as per the original masterplan. We have designed our house based on this and are now out of pocket.

Officer comment: The drainage basin has not been created nor released by the developer. It is noted that the land is still owned by the developer and within the residual development lot. Accordingly, the layout may be modified subject to consent. In this case the drainage basin will be relocated to a more suitable location which will benefit the subdivision.

- I strongly believe that keeping these lots as a 'green zone' would benefit the community of Caerleon Estate by giving the children somewhere to run, play and explore with other children.

Officer comment: The proposed change to the location of the basin and open space will not result in any loss of green space to the Caerleon community. The proposed drainage basin will be relocated and a condition of approval will be included to ensure that the relocated basin will contain passive recreation space including a picnic and bbq area (as per the current approval). Existing open space areas in the vicinity of the land will also be retained (located on the opposite side of Enfield Avenue and the corner of Knox Crescent and Enfield Avenue). It is also noted that this open space area is in excess of the open space requirements specified under the Caerleon Development Control Plan.

Submissions from public authorities

NSW Rural Fire Services (RFS)

NSW Rural Fire Service (RFS) responded on 8 July 2021 advising that the General Terms of Approval are now re-issued.

The existing conditions required by the RFS have been deleted and replaced with the amended requirements.

THE PUBLIC INTEREST

Federal, State and local government interests and community interests

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

CONSULTATIONS

Health & Building

No consultation necessary.

Development Engineer

Council's Development Engineer has made comments in relation to the proposed modification. The comments are summarised as follows:

- No objection to the proposed changes to the lot layouts in relation to Stage 9 and changes to the "Neighbourhood Boundary" given the deletion of the proposed future roads does not significantly affect the overall road network.
- No objection to the deletion of the laneways relating to Stages 10 and 11 given the laneways are no longer required as a result of the altered lot layout.
- The proposed relocation of the southern drainage basin further to the south will alter the stormwater drainage arrangements understood from civil design drawings previously submitted in relation to Stage 3A (constructed) and Stage 6. Accordingly, an amended plan will be need to be provided to allow for future stormwater infrastructure from Stage 6 to be connected to Basin 3. Calculations would also be required as a condition of approval to

ensure that the basin is sized to have sufficient capacity to accept runoff from the entire catchment when fully developed.

A relevant condition has been included to require the above.

- The original approval (DA0428/2013) and the subsequent most recently modified approval (MA0034/2018) included a comprehensive suite of conditions that for the most part are still appropriate and applicable. However it is considered that some of the road and footpath construction standards be modified to comply with current and more appropriate standards currently in use. A number of Conditions might need to be amended to reflect current certificate naming conventions, eg. References to “*Subdivision Construction Certificate*” might be changed to “*Subdivision Works Certificate*”.

The updates to the conditions have generally been included as recommended.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

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

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulations 2000
Mid-Western Regional Local Environmental Plan 2012

Other Documents / Agreements

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

Financial implications

Not applicable.

Associated Risks

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

LINDSAY DUNSTAN
MANAGER, PLANNING

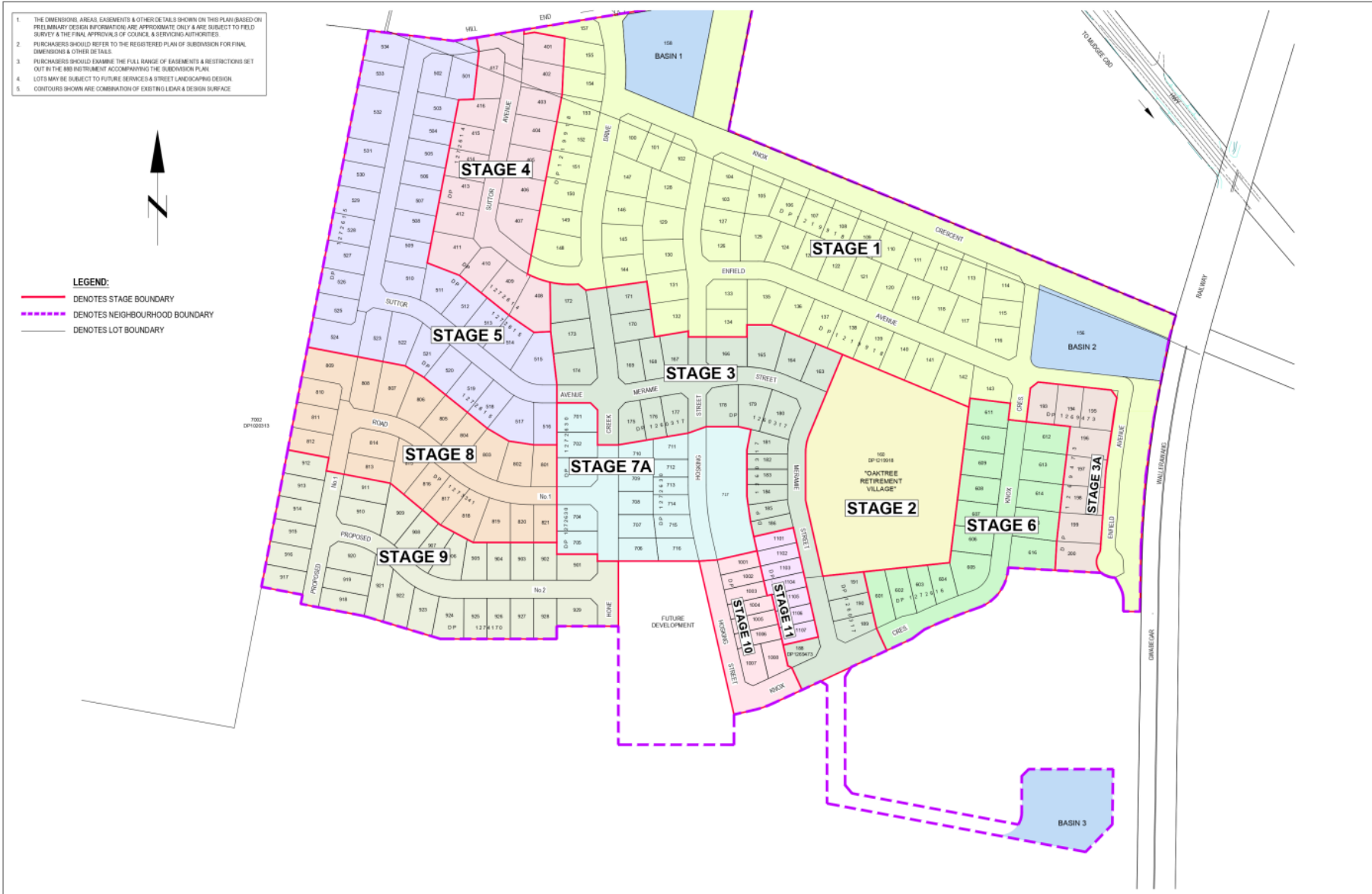
JULIE ROBERTSON
DIRECTOR DEVELOPMENT

25 June 2021

- Attachments:*
1. Staging Plan.
 2. Stage 4 detailed plan.
 3. Stage 5 detailed plan.
 4. Stage 6 detailed plan.
 5. Stage 7A detailed plan.
 6. Stage 9 detailed plan.
 7. Stage 10 detailed plan.
 8. Stage 11 detailed plan.
 9. Stage 8 detailed plan.
 10. Copy of redacted objection.
 11. Copy of redacted objection (2).
 12. RFS Response.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



PRELIMINARY - NOT FOR CONSTRUCTION

DATE	REV	DESCRIPTION	REVISED BY	APP
25/06/2021	B-5	ISSUED FOR APPROVAL - STAGE TO BE REMOVED	PS	GC
18/06/2021	B-2	ISSUED FOR APPROVAL - STAGES 10 & 11 NEIGHBOURHOOD BOUNDARY ADDED	PS	GC
09/06/2021	B	ISSUED FOR REVIEW - REVISE BASIN LOCATION	PS	GC
11/04/2021	A	ISSUED FOR REVIEW - LOT LAYOUT STAGES 1-10	PS	GC

ORAN PARK OFFICE
 SUITE 301, LEVEL 3 ORAN PARK PODIUM
 351 ORAN PARK DRIVE
 ORAN PARK, NSW 2570
 Ph: (02) 4652 6500
 WEB: www.premise.com.au

DESIGNED: P. SITHIRAVONGSA
 DRAWN: W. SALINDERS
 PROJECT MANAGER: M. ZESCHKE
 REGISTERED SURVEYOR

SCALE: 0 30 60 90m
 SCALE 1:2500 (A3)
 ORIGINAL SHEET SIX A1

CLIENT: 'CAERLEON MUDGE' PTY LTD
 PROJECT: PROPOSED SUBDIVISION 'CAERLEON' - LOT LAYOUT
 LOCATION: 'CAERLEON ESTATE'
 SHEET TITLE: STAGING PLAN

ORCODE	319171_08
SHEET NUMBER	TP01
REV	B-3



NOTE:

1. LOT BOUNDARY LOCATIONS AND DIMENSIONS SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO FINAL SUBDIVISION CADASTRAL SURVEY.

2. EASEMENTS:

2.1. LOCATIONS AND DIMENSIONS SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO FINAL SUBDIVISION CADASTRAL SURVEY.

2.2. LOCATIONS SHOWN ARE SUBJECT TO FINAL ENGINEERING PLANS.

LEGEND

SYMBOL	DESCRIPTION
	BOUNDARY
	EXISTING DEVELOPMENT
	SEWER LINE THROUGH EASEMENT
	DRAINAGE LINE THROUGH EASEMENT



SALE PLAN STAGE 4
SCALE 1:500 AT A1



ISSUED FOR INFORMATION 26/10/20 A J.D.
APPROVED DATE ISSUE BY

NOT FOR CONSTRUCTION

CURR
CAERLEON MUDGEES PTY LTD

PROJECT
PROPOSED STAGE 4
SUTOR AVENUE
CAERLEON, NSW, 2850

DESIGNED J.D. DRAWN J.C.H. DATE OCT 20 SIZE A1 CAD FILE MX10286.11.C01



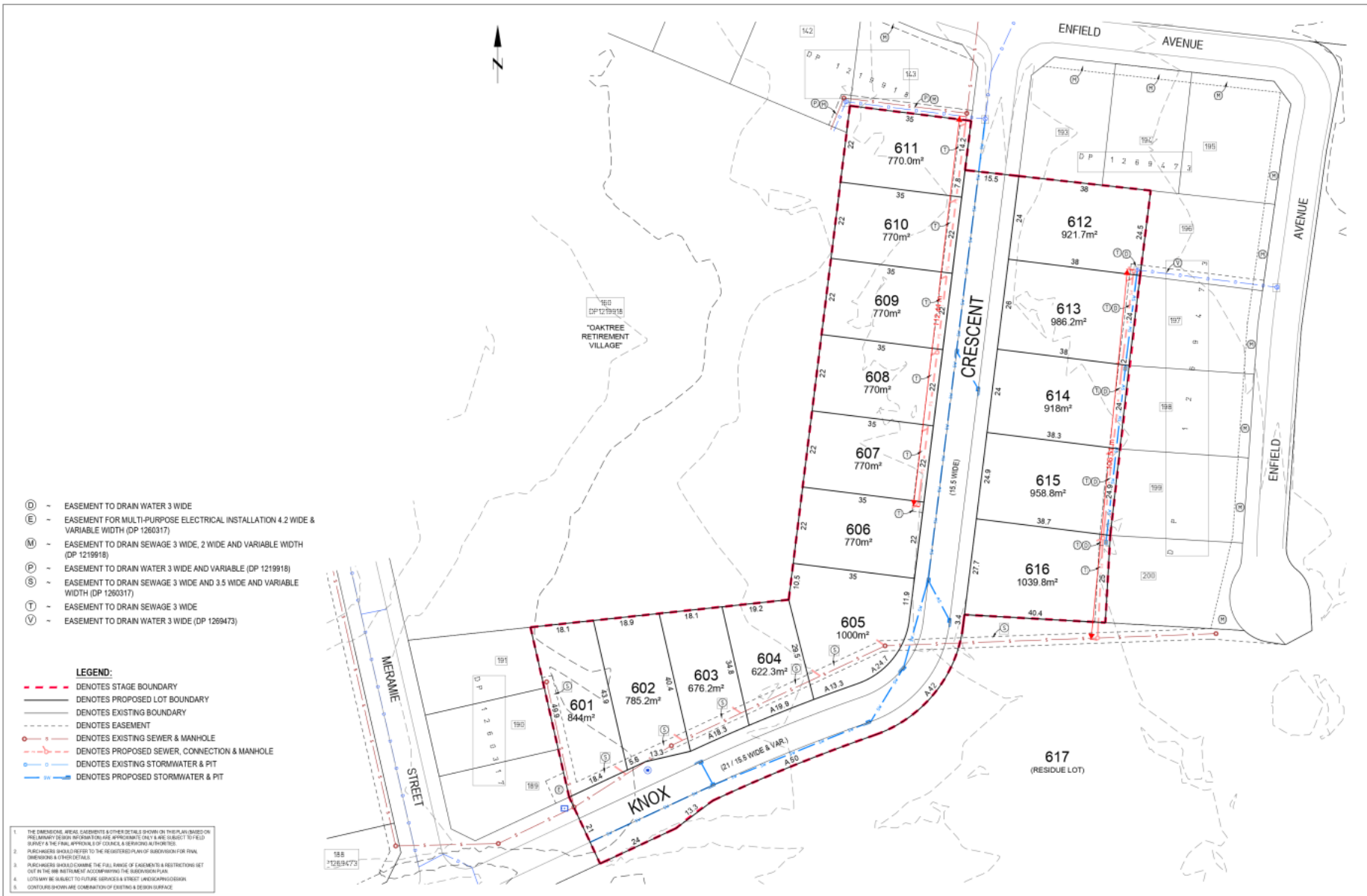
1300 874 294 | TRIAXIAL.COM.AU
44 MARKET STREET, MUDGEES NSW 2850
PO BOX 1075, MUDGEES NSW 2850

TO BE PRINTED IN COLOUR

DRAWING TITLE
SALE PLAN STAGE 4

PROJECT NO. MX10286.11 -SALE DRAWING NO. ISSUE A





- (D) - EASEMENT TO DRAIN WATER 3 WIDE
- (E) - EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE & VARIABLE WIDTH (DP 1260317)
- (M) - EASEMENT TO DRAIN SEWAGE 3 WIDE, 2 WIDE AND VARIABLE WIDTH (DP 1219918)
- (P) - EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE (DP 1219918)
- (S) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND 3.5 WIDE AND VARIABLE WIDTH (DP 1260317)
- (T) - EASEMENT TO DRAIN SEWAGE 3 WIDE
- (V) - EASEMENT TO DRAIN WATER 3 WIDE (DP 1269473)

- LEGEND:**
- - - DENOTES STAGE BOUNDARY
 - - - DENOTES PROPOSED LOT BOUNDARY
 - DENOTES EXISTING BOUNDARY
 - - - DENOTES EASEMENT
 - DENOTES EXISTING SEWER & MANHOLE
 - - - DENOTES PROPOSED SEWER, CONNECTION & MANHOLE
 - DENOTES EXISTING STORMWATER & PIT
 - - - DENOTES PROPOSED STORMWATER & PIT

1. THE DIMENSIONS, AREA, COORDINATES & OTHER DETAILS SHOWN ON THIS PLAN (BASED ON PRELIMINARY DESIGN INFORMATION) ARE APPROXIMATE ONLY & ARE SUBJECT TO FIELD SURVEY & THE FINAL APPROVAL OF COURSE & SURVEY AUTHORITIES.
2. PURCHASERS SHOULD REFER TO THE REGISTERED PLAN OF SUBDIVISION FOR FINAL DIMENSIONS & OTHER DETAILS.
3. PURCHASERS SHOULD CHECK THE FULL RANGE OF EASEMENTS & RESTRICTIONS SET OUT IN THE INSTRUMENT ACCOMPANYING THE SUBDIVISION PLAN.
4. LOTSI MAY BE SUBJECT TO FUTURE SERVICES & STREET WIDENING/PROVISIONS.
5. CONTIGUOUS BOUNDARIES ARE COMPARISON OF EXISTING DESIGN SURFACE.

PRELIMINARY - NOT FOR CONSTRUCTION			
DATE	REV	DESCRIPTION	REVISED BY
20/03/2021	C	ISSUED	PS NS
20/03/2021	B	ISSUED	PS NS
20/03/2021	A	ISSUED FOR REVIEW	PS NS

Premise

ORAN PARK OFFICE
 SUITE 301, LEVEL 3 ORAN PARK PODIUM
 351 ORAN PARK DRIVE
 ORAN PARK, NSW 2570
 PH: (02) 4632 6500
 WEB: www.premise.com.au

DESIGNED: D. SITHIRAVONGSA
 CHECKED: W. SAUNDERS
 PROJECT MANAGER: M. ZESCHKE
 REGISTERED SURVEYOR

SCALE: 0 10 20 30m
 SCALE 1:500 (A1)

ORAN PARK, SHEET 026 A1

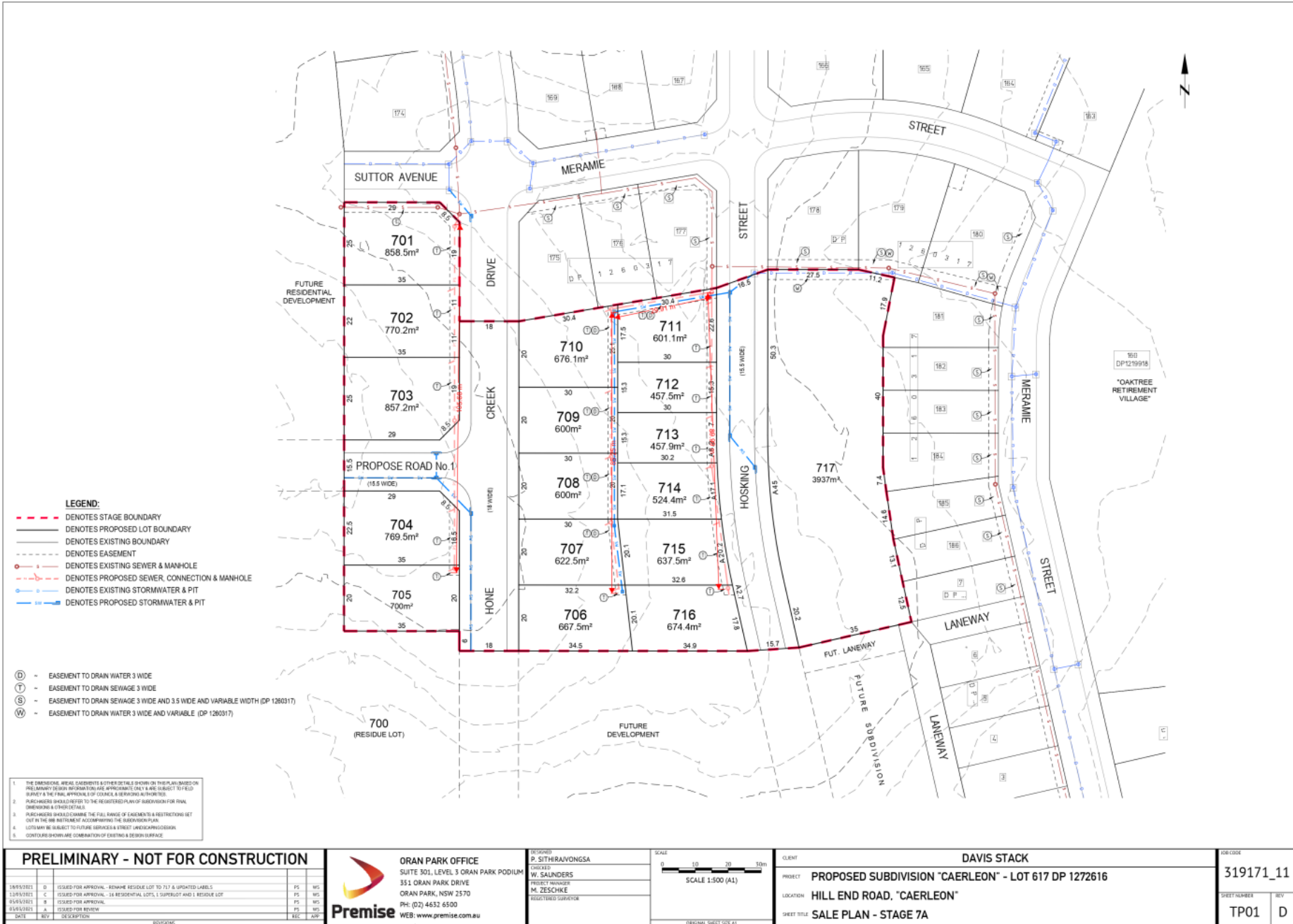
CLIENT: DAVIS STACK

PROJECT: PROPOSED SUBDIVISION "CAERLEON" - STAGE 6

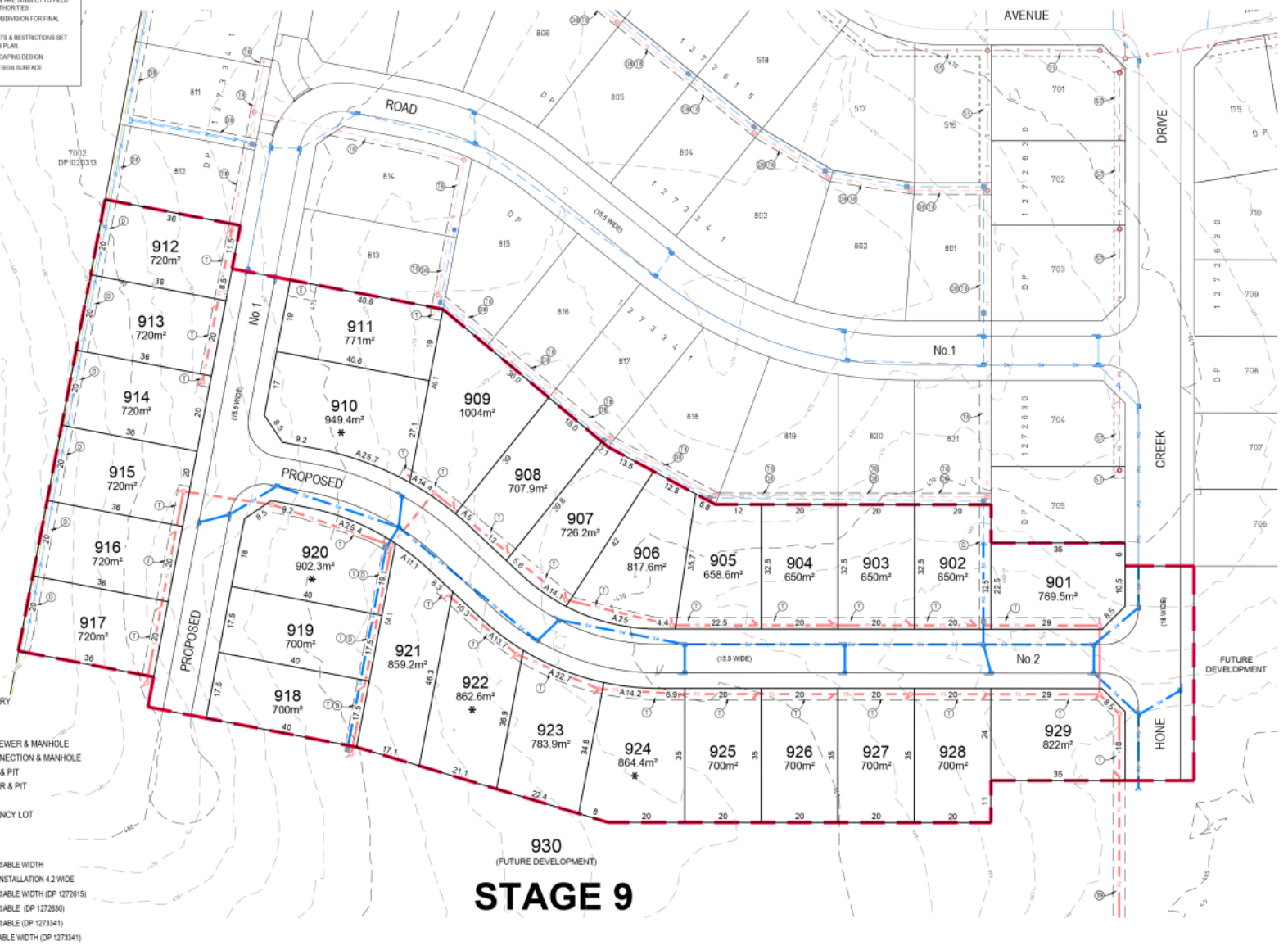
LOCATION: HILL END ROAD, "CAERLEON"

SHEET TITLE: SALE PLAN - STAGE 6

JOB CODE: 319171_10	
SHEET NUMBER: TP01	REV: C



1. THE DIMENSIONS, AREAS, EASEMENTS & OTHER DETAILS SHOWN ON THIS PLAN BASED ON PRELIMINARY DESIGN INFORMATION ARE APPROXIMATE ONLY & ARE SUBJECT TO FIELD SURVEY & THE FINAL APPROVALS OF COUSAL & SERVICES AUTHORITIES.
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3. PURCHASERS SHOULD EXAMINE THE FULL RANGE OF EASEMENTS & RESTRICTIONS SET OUT IN THE INSTRUMENT ACCOMPANYING THE SUBDIVISION PLAN.
4. LOTS MAY BE SUBJECT TO FUTURE SERVICES A STREET LANDSCAPING DESIGN.
5. CONTOURS SHOWN ARE COMBINATION OF EXISTING LIDAR & DESIGN SURFACE.
6. CONTOUR INTERVAL 1m.



- LEGEND:**
- - - DENOTES STAGE BOUNDARY
 - - - DENOTES PROPOSED LOT BOUNDARY
 - - - DENOTES EXISTING BOUNDARY
 - - - DENOTES EASEMENT
 - - - DENOTES EXISTING & ADJOINING SEWER & MANHOLE
 - - - DENOTES PROPOSED SEWER, CONNECTION & MANHOLE
 - - - DENOTES EXISTING STORMWATER & PIT
 - - - DENOTES PROPOSED STORMWATER & PIT
 - - - DENOTES OVERLAND FLOW PATH
 - * DENOTES POSSIBLE DUAL OCCUPANCY LOT

- (D) - EASEMENT TO DRAIN WATER 3 WIDE
- (T) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE WIDTH
- (E) - EASEMENT FOR MULTI PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE
- (S) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE WIDTH (DP 1272815)
- (S*) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE (DP 1272830)
- (S*) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE (DP 1273341)
- (S*) - EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE WIDTH (DP 1273341)

STAGE 9

PRELIMINARY - NOT FOR CONSTRUCTION

DATE	REV	DESCRIPTION	ISSUED FOR REVIEW - PROPOSED 29 RESIDENTIAL LOTS	PS	NO.
				SEC	AGE

Premise

ORAN PARK OFFICE
SUITE 301, LEVEL 3 ORAN PARK PODIUM
351 ORAN PARK DRIVE
ORAN PARK, NSW 2570
PH: (02) 4632 6500
WEB: www.premise.com.au

DESIGNED: D. SITHIRAVONGSA
CHECKED: W. SAUNDERS
PROJECT MANAGER: M. ZESCHKE
REGISTERED SURVEYOR

SCALE: 1:500 (A1)

ORANAM, SHEET 04 OF 40

CLIENT: 'CAERLEON MUDGE' PTY LTD

PROJECT: PROPOSED SUBDIVISION "CAERLEON" - LOT 822 DP 1273341

LOCATION: 'CAERLEON ESTATE'

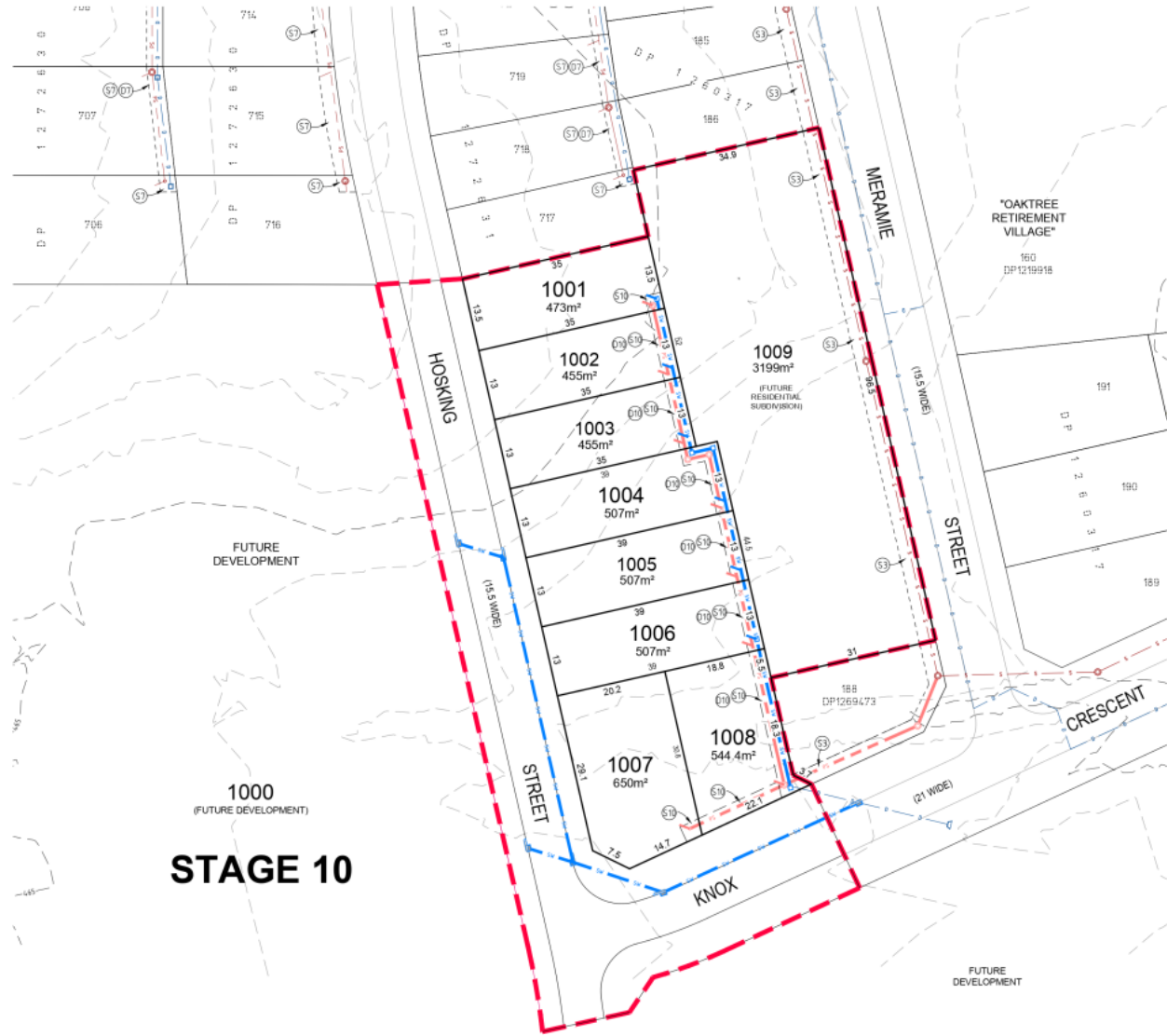
SHEET TITLE: SALE PLAN - STAGE 9

JOB CODE: 319171_18

SHEET NUMBER: TP01

REV: A

- NOTES**
1. THE DIMENSIONS, AREAS, EASEMENTS & OTHER DETAILS SHOWN ON THIS PLAN (BASED ON PRELIMINARY DESIGN INFORMATION) ARE APPROXIMATE ONLY & ARE SUBJECT TO FIELD SURVEY & THE FINAL APPROVALS OF COUNCIL & SERVICES AUTHORITIES.
 2. PURCHASERS SHOULD REFER TO THE REGISTERED PLAN OF SUBDIVISION FOR FINAL DIMENSIONS & OTHER DETAILS.
 3. PURCHASERS SHOULD EXAMINE THE FULL RANGE OF EASEMENTS & RESTRICTIONS SET OUT IN THE INSTRUMENT ACCOMPANYING THE SUBDIVISION PLAN.
 4. LOTS MAY BE SUBJECT TO FUTURE SERVICES & STREET LANDSCAPING DESIGN.
 5. CONTOURS SHOWN ARE COMBINATION OF EXISTING LEAS & DESIGN SURFACE.
 6. CONTOUR INTERVAL 1m.



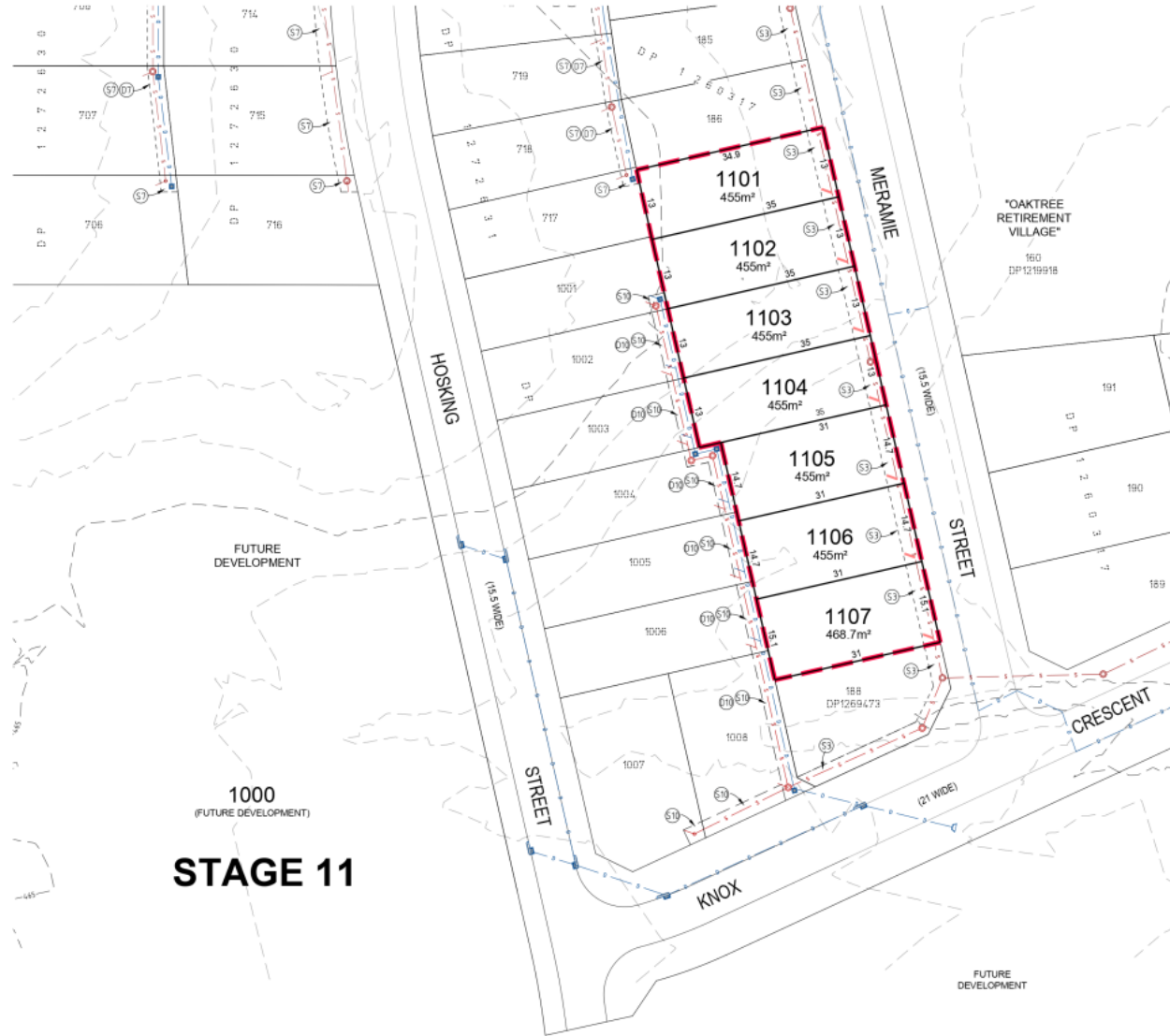
- LEGEND:**
- - - DENOTES STAGE BOUNDARY
 - DENOTES PROPOSED LOT BOUNDARY
 - DENOTES EXISTING BOUNDARY
 - - - DENOTES EASEMENT
 - DENOTES EXISTING & ADJOINING SEWER & MANHOLE
 - DENOTES PROPOSED SEWER, CONNECTION & MANHOLE
 - DENOTES EXISTING STORMWATER & PIT
 - DENOTES PROPOSED STORMWATER & PIT

- 51 - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE WIDTH
- 52 - EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE WIDTH
- 53 - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE (DP 1260317)
- 54 - EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE WIDTH (DP 1272630 / DP 1272631)
- 55 - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE (DP 1272630 / DP 1272631)

STAGE 10

PRELIMINARY - NOT FOR CONSTRUCTION		<p>ORAN PARK OFFICE SUITE 301, LEVEL 3 ORAN PARK PODIUM 351 ORAN PARK DRIVE ORAN PARK, NSW 2570 PH: (02) 4632 6500 WEB: www.premise.com.au</p>	<p>DESIGNED: P. SITHIRAVONGSA</p> <p>CHECKED: W. SAUNDERS / G. CUNEO</p> <p>PROJECT MANAGER: M. ZEISCHKE</p> <p>REGISTERED SURVEYOR: <i>M. Saunders</i></p>	<p>SCALE 0 8 16 24m SCALE 1:400 (A1)</p>	<p>CLIENT 'CAERLEON MUDGE' PTY LTD</p> <p>PROJECT PROPOSED SUBDIVISION 'CAERLEON' - LOT 930 DP1274170 & LOT 187 DP1260617</p> <p>LOCATION 'CAERLEON ESTATE'</p> <p>SHEET TITLE SALE PLAN - STAGE 10</p>	<p>JOB CODE 319171_19</p> <p>SHEET NUMBER TP01</p> <p>REV C</p>																			
<table border="1"> <thead> <tr> <th>DATE</th> <th>REV</th> <th>DESCRIPTION</th> <th>REV</th> <th>APP</th> </tr> </thead> <tbody> <tr> <td>14/06/2021</td> <td>C</td> <td>ISSUED FOR APPROVAL - PROPOSED 8 RESIDENTIAL LOTS & RESERVE LOT 1009</td> <td>PS</td> <td>MS</td> </tr> <tr> <td>14/06/2021</td> <td>B</td> <td>ISSUED FOR APPROVAL - REVISED EASEMENT TO DRAIN SEWER</td> <td>PS</td> <td>MS</td> </tr> <tr> <td>14/06/2021</td> <td>A</td> <td>ISSUED FOR REVIEW - PROPOSED 7 RESIDENTIAL LOTS</td> <td>PS</td> <td>MS</td> </tr> </tbody> </table>	DATE						REV	DESCRIPTION	REV	APP	14/06/2021	C	ISSUED FOR APPROVAL - PROPOSED 8 RESIDENTIAL LOTS & RESERVE LOT 1009	PS	MS	14/06/2021	B	ISSUED FOR APPROVAL - REVISED EASEMENT TO DRAIN SEWER	PS	MS	14/06/2021	A	ISSUED FOR REVIEW - PROPOSED 7 RESIDENTIAL LOTS	PS	MS
DATE	REV	DESCRIPTION	REV	APP																					
14/06/2021	C	ISSUED FOR APPROVAL - PROPOSED 8 RESIDENTIAL LOTS & RESERVE LOT 1009	PS	MS																					
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14/06/2021	A	ISSUED FOR REVIEW - PROPOSED 7 RESIDENTIAL LOTS	PS	MS																					

- NOTES**
1. THE DIMENSIONS, AREAS, EASEMENTS & OTHER DETAILS SHOWN ON THIS PLAN (BASED ON PRELIMINARY DESIGN INFORMATION) ARE APPROXIMATE ONLY & ARE SUBJECT TO FIELD SURVEY & THE FINAL APPROVALS OF COURSE & SERVICES AUTHORITIES.
 2. PURCHASERS SHOULD REFER TO THE REGISTERED PLAN OF SUBDIVISION FOR FINAL DIMENSIONS & OTHER DETAILS.
 3. PURCHASERS SHOULD EXAMINE THE FULL RANGE OF EASEMENTS & RESTRICTIONS SET OUT BY THE INSTRUMENT ACCOMPANYING THE SUBDIVISION PLAN.
 4. LOTS MAY BE SUBJECT TO FUTURE SERVICES AS STREET LANDSCAPING DESIGN.
 5. CONTOURS SHOWN ARE COMBINATION OF EXISTING LEAR & DESIGN SURFACE.
 6. CONTOUR INTERVAL: 1m.



STAGE 11

PRELIMINARY - NOT FOR CONSTRUCTION

DATE	REV	DESCRIPTION	ISSUED FOR APPROVAL - PROPOSED 7 RESIDENTIAL LOTS	PS	NO.
				SEC	APP

Premise

ORAN PARK OFFICE
SUITE 301, LEVEL 3 ORAN PARK PODIUM
351 ORAN PARK DRIVE
ORAN PARK, NSW 2570
PH: (02) 4632 6500
WEB: www.premise.com.au

DESIGNED: D. SITHIRAVONGSA
CHECKED: W. SALUNDERS / G. CUNEO
PROJECT MANAGER: M. ZESCHKE
REGISTERED SURVEYOR

SCALE: 0 8 16 24m
SCALE 1:400 (A1)

ORAN PARK SHEET 04/3

CLIENT: 'CAERLEON MUDGEE' PTY LTD

PROJECT: PROPOSED SUBDIVISION "CAERLEON" - LOT 1009 DP

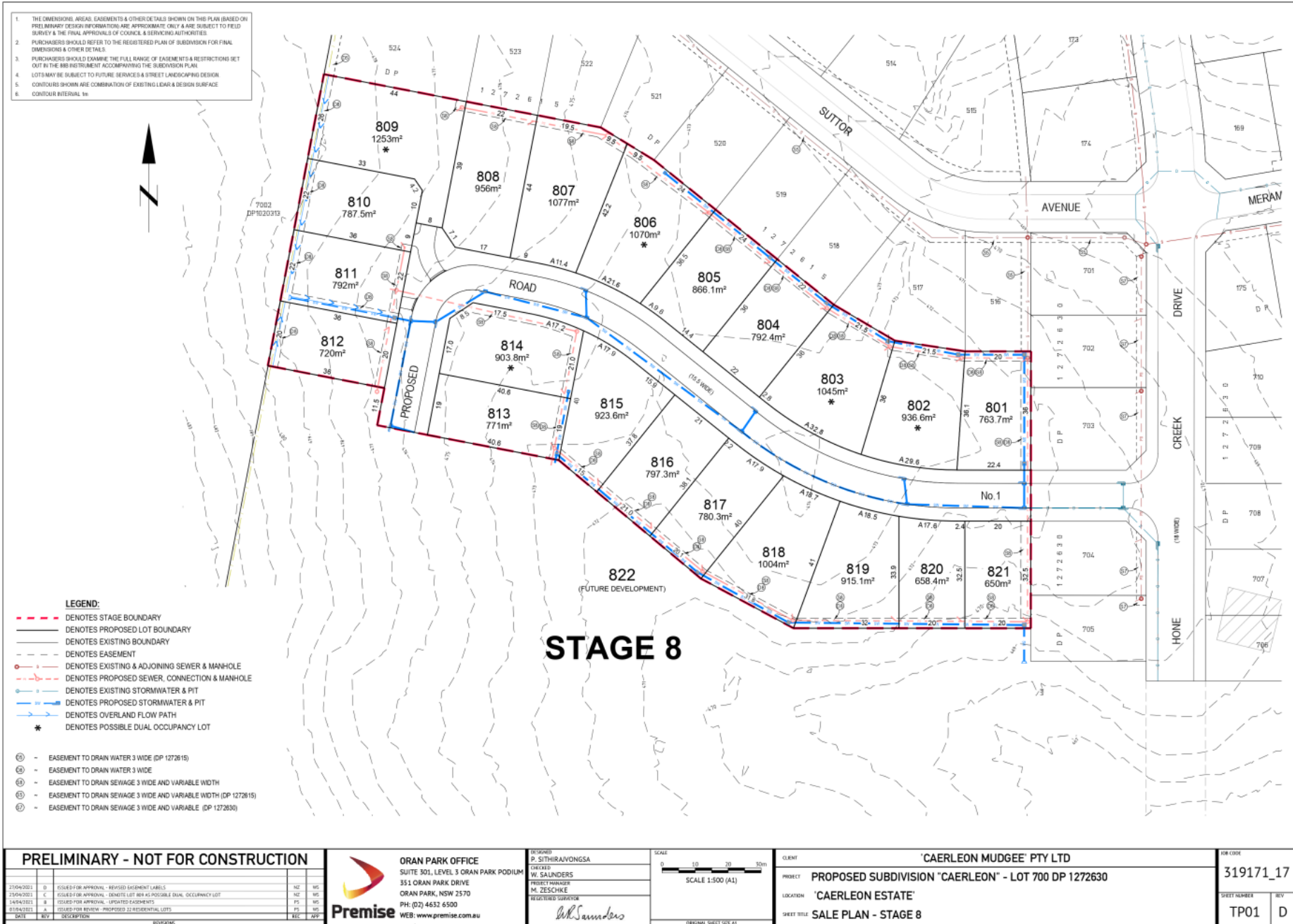
LOCATION: 'CAERLEON ESTATE'

SHEET TITLE: SALE PLAN - STAGE 11

JOB CODE: 319171_22

SHEET NUMBER: TP01

REV: A



To: [REDACTED] [Council](#)
Subject: PROPOSED DEVELOPMENT: Proposed Modification to Subdivision-Torrens Title - Amend Layout Stage 9 & include subdivision of Lot 188 as Stage 10
Date: Thursday, 10 June 2021 4:40:41 PM

To whom it may concern,

I write to object to the above development application. I am the owner of [REDACTED] and I strongly believe I have been left hard done by when Carleon decided to remove the laneway between Meramie St and Hosking St.

When purchasing the block I was under the impression that the land would face on to 3 roads, and I designed my prospective house with this information. As my driveway/garage were to face onto the removed laneway, the plans for construction of my house are essentially useless and I will have to start from scratch.

I also believe this will devalue my land as I have lost the appeal of only having one neighbour as well as access to 3 separate roads.

I strongly ask council to consider rejecting this proposal on the above grounds.

Thank you,

Liam Oliver

[REDACTED]

From: [REDACTED]
To: [Council](#)
Subject: MA0042/2021 - Proposed Modification to Subdivision - Torrens Title @ Caerleon Estate Development Block
26 Hone Creek Drive CAERLEON NSW 2850
Date: Thursday, 8 July 2021 2:04:20 PM

Dear Sarah,

We purchased a block of land, Lot 200 in Caerleon Estate earlier this year with the understanding that the land next to our block would remain a 'green zone' (parklands) as per original masterplan.

We have designed our house accordingly. Now with the proposal of having this land become Torrens title, not only is this 'not appealing' for our requirements, our plans are essentially useless. Therefore delaying construction, and putting us out of pocket to the value of \$1575 to have the house plans changed.

I strongly believe that keeping these lots as a 'green zone' would benefit the community of Caerleon Estate by giving the children somewhere to run, play and explore with other children.

--
[REDACTED]



NSW RURAL FIRE SERVICE

Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Your reference: DA0428/2013
Our reference: DA-2013-01177-S4.55-1

ATTENTION: Planning

Date: Thursday 8 July 2021

Dear Sir/Madam,

Integrated Development Application
s100B - Subdivision - Torrens Title Subdivision
26 Hone Creek Drive Caerleon NSW 2850, 192//DP1260317, 192//DP1260317

I refer to your correspondence dated 11/05/2021 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entirety of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed

2. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on all land to the south of stage 9 for a distance of 10 metres within Lot 201, DP 1269473 for the purpose of a temporary asset protection zone (APZ) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development over the affected areas. The name of authority empowered to release, vary or modify any instrument shall be Mid-Western Regional Council.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are
- clearly sign posted as a dead end;
- non-perimeter roads are a 5.5 metre minimum carriageway width kerb to kerb;
- perimeter roads are an 8 metre minimum carriageway width kerb to kerb;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.



- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

4. The provision of water, electricity and gas must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

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

General Advice – Consent Authority to Note

This advice is in response to additional information submitted and supersedes our previous advice dated 4 July 2013.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .

For any queries regarding this correspondence, please contact Marc Ellwood on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
**Supervisor Development Assessment & Plan
 Built & Natural Environment**





NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
26 Hone Creek Drive Caerleon NSW 2850, 192//DP1260317, 192//DP1260317
RFS Reference: DA-2013-01177-S4.55-1
Your Reference: DA0428/2013

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority (none) issued on and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

Kalpana Varghese

Supervisor Development Assessment & Plan
Built & Natural Environment

Thursday 8 July 2021

8.3 Voluntary Planning Agreement - Novation Deed (Transfer of Agreement to New Landowner) - 40 Norman Road, Mudgee

REPORT BY THE PLANNING COORDINATOR
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, P13384

RECOMMENDATION

That Council:

1. **receive the report by the Planning Coordinator on the Voluntary Planning Agreement - Deed of Novation (Transfer of Agreement to New Landowner) for 40 Norman Road, Mudgee; and**
2. **authorise the Mayor and the General Manager to execute the Voluntary Planning Agreement - Deed of Novation (Transfer of Agreement to New Landowner) applying to the subject site.**

Executive Summary

The purpose of this report is to enable a Voluntary Planning Agreement (VPA) – Novation Deed relating to the subdivision of 40 Norman Road, Mudgee (DA0009/2010) to be formally executed by Council.

Background

On the 9 March 2012 the DA0009/2010 for 40 Norman Road was determined by Council for the subdivision of the land into 14 lots over 3 stages. A condition was imposed requiring the payment of drainage contributions prior to the release of each stage of the subdivision (Condition 22).

On the 10 October 2012 the Applicant entered into a VPA with Council to comply with Condition 22 of the consent. The VPA required payment of a contribution being \$5,000 per lot + GST and CPI (total of \$65,000+GST and CPI).

The Agreement relates to monetary contributions provided to Council for drainage improvement works within 'Catchment A' (covering developments within Richard Street, Bellevue Road, Rifle Range Road, and Norman Road) rather than the developer providing onsite detention for stormwater as a result of the approved subdivisions in this area. A report to Council including draft VPAs' specifically for 'Catchment A Voluntary Planning Agreements' occurred on 26 September 2012 with Minute Number 7.2.7 providing authority to the Mayor and General Manager to execute the VPA relating to DA009/2010 Norman Road. Execution of the VPA was undertaken on the 10 October 2012 by the General Manager.

Since this time, a Construction Certificate has been issued for sewer extensions. A Subdivision Certificate has been issued recently – 9 April 2021.

Report

DA009/2010 (MA0012/2015) has commenced with a Subdivision Certificate issued for 1 into 2 lots (separating the existing dwelling at 40 Norman Road from the residual land) and a contribution paid in accordance with the executed VPA (condition 18 of the modified consent). Further works are however required to enable the release of the remaining residential lots.

As the residual parcel of land is being sold, the original developer, in accordance with clause 14 of the Original VPA, seeks to assign all dealings and obligations under the VPA to the new land owner. Consequently, a Novation Deed has been prepared at the full cost to the developer. A copy of the Novation Deed, including the Original Agreement is included as **Attachment A** of this report.

Once the Novation Deed is executed, all requirements of the VPA including the payment of the monetary contributions will continue to be required in accordance with the conditions of the development consent.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Plans and Strategies

Mid-Western Towards 2030 Community Plan
Section 94 Developer Contributions Plan (now superseded)
Mid-Western Regional Developer Contributions Plan 2019

Legislation

Environmental Planning and Assessment Act 1979

Financial implications

The VPA will continue to apply to the subject site and relates to the development (subdivision of land), whereby Council is to required to capture this amount from the developer in accordance with the approved condition of consent (total of \$65,000 + GST and CPI from 2012). In this case, the VPA relates to drainage improvements already funded by Council.

Associated Risks

There are no known risks associated with the Deed of Novation as Council will continue to collect developer contributions relating to the approved development at 40 Norman Road, Mudgee.

KAYLA ROBSON
PLANNING COORDINATOR

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

2 July 2021

Attachments: 1. Novation Deed - 5 July 2021. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Acceptance of Grant Funding - NSW Government Regional Sports Facility Fund and Commonwealth Government Driver Reviver Site Upgrades Program

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, GRA600044

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Acceptance of Grant Funding - NSW Government Regional Sports Facility Fund and Commonwealth Government Driver Reviver Site Upgrades Program;**
2. **accept \$350,000 in grant funding from the NSW Government Regional Sport Facility Fund 2020/21;**
3. **accept \$150,000 in grant funding from the Commonwealth Government Driver Reviver Site Upgrades Program - Round Two;**
4. **amend the 2021/22 Budget by allocating a Project Budget of \$350,000 to Glen Willow Stormwater Recirculation System, to be funded by Grants and note that a Project Budget of \$150,000 for Percy Nott Rest Area Upgrades has already been approved in the Operational Plan; and**
5. **authorise the General Manager to finalise and sign the funding agreements with the NSW Government and Commonwealth Government.**

Executive summary

Council has been successful in an application to the NSW Government Regional Sport Facility Fund for \$350,000 towards the installation of underground water storage tanks at Mudgee's Glen Willow Regional Sporting Complex which will capture and store stormwater runoff, and recirculate the water onto the Complex's playing fields including the Stadium field. The project will help secure water supply in future dry and drought periods, and increase accessibility and sporting participation at the Complex.

Council has also been successful in an application to the Commonwealth Government's Driver Reviver Site Upgrades Program for \$150,000 to upgrade and improve Percy Nott Rest Area, Mudgee.

Disclosure of Interest

Nil

Detailed report

The Glen Willow Stormwater Recirculation System will see the installation and operation of 30 x 5,000 litres water storage tanks installed at Glen Willow Regional Sporting Complex for the

recirculation of ground and stormwater as part of the maintenance of the facility. The construction of this asset which captures and stores stormwater runoff for future use at the Complex in dry times, is crucial to maintain the quality of the community sporting facility and increasing public accessibility to the Complex playing fields for sporting participation.

The Percy Nott Rest Area is highly utilised by a wide range of vehicle types at a consistent rate in peak and off-peak holiday times. The high volume of use is having an impact on the condition of the carpark and during times of moderate rain, also impacting the drainage surrounding the toilet block. The condition of the bollards and picnic tables have deteriorated and require replacement and the playground equipment requires consideration. The proposed project includes:

- Rehabilitate the carpark (approximately 1500m²) to be more suitable for the volume and frequency of parked vehicles.
- Install kerb and gutter, and appropriate drainage pipework to create a barrier to the grassed area and clearly delineate the vehicle area from the pedestrian area. This will also redirect rainwater away from the toilet block and ensure accessibility in all weather conditions.
- Audit the condition of the existing sheltered picnic tables and install additional seating.
- Install suitable playground equipment.

It is recommended that Council accepts the grant funding, authorises the General Manager to sign the funding agreements and amend Council’s Budget for 2021/22, by allocating a Project Budget of \$350,000 to Glen Willow Stormwater Recirculation System, to be funded by Grants.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

Strategic implications

Council Strategies

Improving Rest Stop facilities in the Region, such as Percy Nott, form part of Council’s strategy to promote the Region as a great place to live, work, invest and visit.

Installing water storage facilities and capturing storm water runoff supports Council’s strategy to protect our natural environment, in particular, to identify and implement innovative water conservation and sustainable water usage management practices.

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

These two identified projects are fully-funded by grants. The Glen Willow Stormwater Recirculation System will ultimately save Council money in the long term through the re-use of water and less reliance on finding new water sources, in particular during drought periods. The Percy Nott Rest Area Upgrade will reduce ongoing maintenance costs currently experienced during periods of rain.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	-	X
Future Years	-	-	X

Associated Risks

Nil

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

23 June 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 Acceptance of Grant Funding - NSW Government (Resources for Regions, Stronger Country Communities, Crown Reserves)

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, GRA600044

RECOMMENDATION

That Council:

1. receive the report by the Manager Economic Development on the Acceptance of Grant Funding - NSW Government (Resources for Regions, Stronger Country Communities, Crown Reserves);
2. if successful, accept the following grant funding from the below NSW Government grant funding bodies:

Grant Fund	Project	Amount
Stronger Country Communities Round 4	Rugby Union Scoreboard	\$348,116
Stronger Country Communities Round 4	Recreation Parks and Paths Upgrades	\$566,000
Resources for Regions	Vehicle & Pedestrian Bridge to Putta Bucca Road	\$3,108,000
Resources for Regions	Training Camp Facility – Stage 1	\$1,046,288
Crown Reserves Improvement Fund	Cudgegong Waters Toilet Block	\$380,000

3. amend the 2021/22, 2022/23 and 2023/24 Budgets in accordance with the adjustments listed in the Financial Implications section of this report; and
4. if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW Government.

Executive summary

Council has applied to a number of funding bodies for a range of projects identified in the Operational Plan and those that will support the overall goals of the Community Plan.

The three NSW Government funding bodies identified in this report are:

- Stronger Country Communities
- Resources for Regions
- Crown Reserves Improvement Fund

It is recommended, if successful in any of the above applications for funding, that Council accepts the grant funding, authorises the General Manager to sign the funding agreements and amends Council's Budget for 2021/22, 2022/23 and 2023/24.

Disclosure of Interest

Nil

Detailed report

Stronger Country Communities

The total funding available for projects in the Mid-Western Regional Local Government Area (LGA) is \$914,116. Funding will be allocated to projects that meet the program assessment criteria which includes community support, and viability and alignment to the program objectives. It is strongly encouraged that applications totalling up to fifty percent of the funding allocation for each LGA are for projects that increase female participation in sport and enhance female sporting facilities. The following projects were identified as relevant and meeting the criteria of the grant fund.

Rugby Union Scoreboard	\$348,116
Mid-Western Region Recreation Parks upgrades, made up of the following:	\$566,000
<i>Replacement of bridge and steps at Rylstone Common</i>	\$40,000
<i>Kandos & Rylstone dog parks upgrades</i>	\$90,000
<i>Redhill pathway and landscaping</i>	\$40,000
<i>Gulgong pool carpark</i>	\$30,000
<i>Coronation Park irrigation upgrade</i>	\$30,000
<i>Victoria Park (Gulgong) upgrades</i>	\$20,000
<i>Victoria Park (Mudgee) sight screen and fencing replacement</i>	\$130,000
<i>Mudgee Common carpark</i>	\$50,000
<i>Passive Parks tree planting – Mudgee River Walk</i>	\$60,000
<i>Public Seating along pathways – Glen Willow to Lawson Park Loop Walk</i>	\$40,000
<i>Memorial Park Mudgee – pathway replacement</i>	\$32,000
<i>Signage installation in Region's passive parks</i>	\$21,000

Resources for Regions (Round 8)

The total funding available for projects in the Mid-Western Regional Local Government Area (LGA) is \$4,154,288. The Resources for Regions program has run since 2012, providing support to communities across regional NSW impacted by mining. The program will fund infrastructure projects and community programs that help address unique and diverse needs. Projects must be for infrastructure or community programs that support the ongoing prosperity of mining communities by providing economic opportunities, improved amenity and positive social outcomes. The following projects were identified as relevant and meeting the criteria of the grant fund.

Vehicle and Pedestrian Bridge to Putta Bucca Road	\$3,108,000
Training Camp Facility - Stage 1	\$1,046,288

Crown Reserves Improvement Fund

The Crown Reserves Improvement Fund Program (CRIF) provides financial support for the development, maintenance and protection of Crown reserves. One of the key objectives of the program is to maintain and develop recreational and tourism facilities on public reserves for community use and enjoyment, and support new tourism opportunities. The following project was identified as relevant and meeting the criteria of the grant fund.

Cudgegong Waters – New Amenity Block	\$380,000
--------------------------------------	-----------

It is recommended, if Council is successful in its application for any of the above grant funding, that it accepts the grant funding, authorises the General Manager to sign the funding agreement and amends Council’s Budget for 2021/22, 2022/23 and 2023/24 by amounts noted.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Promote the Region as a great place to live, work, invest and visit

Strategic implications

Council Strategies

The identified projects support a number of Council strategies as identified in the Community Plan including the effective and efficient delivery of infrastructure. Further, projects above support Council’s strategy to enhance walking and cycling networks across the Region. In receiving grant funding for these projects, the goal of an effective and efficient organisation is also supported.

Council Policies

Nil

Legislation

Nil

Financial implications

The following adjustments are required to the 2021/22, 2022/23 and 2023/24 Budgets.

<p>Rugby Union Scoreboard In 2021/22, set an expenditure budget of \$348,116, to be funded by grants.</p>
<p>Replacement of bridge and steps at Rylstone Common In 2021/22 budget there is an expenditure budget of \$40,000, to be funded by \$20,000 Asset Replacement Reserve and \$20,000 by grants. This is to be updated to: In 2021/22 \$40,000 to be fully funded by grants</p>
<p>Kandos & Rylstone dog parks upgrades In 2021/22 budget there is an expenditure budget of \$25,000, to be funded by Community Plan Reserve. In 2022/23 budget there is an expenditure budget of \$25,000, to be funded by Community Plan Reserve. This is to be updated to: In 2021/22 set an expenditure budget of \$90,000 to be fully-funded by grants. In 2022/23 remove the budget allocation.</p>
<p>Redhill pathway and landscaping In 2021/22 budget there is an expenditure budget of \$40,000, to be funded by \$20,000 Community Plan Reserve and \$20,000 by grants. This is to be updated to: In 2021/22 \$40,000 to be fully funded by grants.</p>
<p>Gulgong Pool carpark In 2021/22 budget there is an expenditure budget of \$30,000, to be funded by Community Plan Reserve. This is to be updated to: In 2021/22 \$30,000 to be fully funded by grants.</p>
<p>Coronation Park irrigation upgrade In 2021/22 budget there is an expenditure budget of \$30,000, to be funded by Asset Replacement Reserve. This is to be updated to: In 2021/22 \$30,000 be fully funded by grants</p>
<p>Victoria Park -Gulgong upgrades In 2021/22 budget there is an expenditure budget of \$20,000, to be funded by Asset Replacement Reserve. This is to be updated to: In 2021/22 \$20,000 to be fully funded by grants.</p>
<p>Victoria Park - Mudgee sight screen, and fencing replacement In 2021/22 budget there is an expenditure budget of \$70,000 to be funded from Community Plan Reserve. In 2022/23 budget there is an expenditure budget of \$60,000 to be funded from Community Plan Reserve. This is to be updated to: In 2021/22 expenditure budget of \$130,000, to be fully funded by grants. In 2022/23 remove budget allocation.</p>
<p>Mudgee Common carpark In 2021/22 budget there is an expenditure budget of \$50,000, to be funded by Community Plan Reserve. This is to be updated to: In 2021/22 \$50,000 to be fully funded by grants.</p>
<p>Passive Parks Tree Planting – Mudgee River Walk In 2021/22 budget there is an expenditure budget of \$25,000 to be funded from Community Plan</p>

<p>Reserve. In 2022/23 budget there is an expenditure budget of \$25,000 to be funded from Community Plan Reserve. In 2023/24 budget there is an expenditure budget of \$70,000 to be funded from Community Plan Reserve. This is to be updated to: In 2021/22 set an expenditure budget of \$60,000, to be fully funded by grants. In 2022/23 remove budget allocation. In 2023/24 reduce expenditure budget to \$15,000 to be funded from Community Plan Reserve.</p>
<p>Public Seating along pathways – Glen Willow – Lawson Park Loop Walk In 2021/22 budget there is an expenditure budget of \$40,000, to be funded by Developer Contributions. This is to be updated to: In 2021/22 \$40,000 to be fully funded by grants.</p>
<p>Memorial Park Mudgee – Pathway Replacement In 2021/22 budget there is an expenditure budget of \$32,000, to be funded by Community Plan Reserve. This is to be updated to: In 2021/22 \$32,000 to be fully funded by grants.</p>
<p>Signage installation in Region’s Passive Parks In 2021/22 budget there is an expenditure budget of \$7,000 to be funded from Unrestricted Cash. In 2022/23 budget there is an expenditure budget of \$7,000 to be funded from Unrestricted Cash. In 2023/24 budget there is an expenditure budget of \$7,000 to be funded from Unrestricted Cash. This is to be updated to: In 2021/22 set an expenditure budget of \$21,000, to be fully-funded by grants. In 2022/23 remove budget allocation. In 2023/24 remove budget allocation.</p>
<p>Cudgegong Waters Toilet Block In 2021/22 set an expenditure budget of \$380,000 to be funded by grants.</p>
<p>Vehicle and Pedestrian Bridge to Putta Bucca Road In 2021/22 set an expenditure budget of \$3,108,000 to be funded by grants.</p>
<p>Training Camp Facility – Stage 1 In 2021/22 set an expenditure budget of \$100,000 to be funded by grants. In 2022/23 set an expenditure budget of \$946,288 to be funded by grants. <i>* See below for more information on the staging of this project in Associated Risks.</i></p>

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	✘	✔
Future Years	✘	✘	✘

Operating Performance Ratio

Increased expenditure on new capital infrastructure does not impact operating performance ratios in the current budget year, but will increase depreciation expenditure in future years, which has a negative impact on the Operating Performance Ratio. Any anticipated income will offset this impact, but at this stage, no income budget variations are recommended.

Own Source Revenue

Acceptance of external funding such as grants will cause this ratio to decline.

Building and Infrastructure Renewals

Introducing new budgets to construct new infrastructure such as the Rugby Union Scoreboard, Cudgegong Waters Toilet Block and Training Camp Facility – Stage 1 will increase asset depreciation in future years causing this ratio to decline.

Associated Risks

TRAINING CAMP FACILITY – STAGE 1

It should be noted in this report, that this budget allocation is for Stage 1 of this project, and future funds will have to be allocated for the full completion of this project. In order to accept grant funding, an approved budget has to be in place. This report seeks that budget allocation for acceptance of funding purposes.

A further report will be brought to Council detailing the business case for this project to proceed, and the full budget required, including whole of life costs and revenue streams.

There is a risk that the feasibility of this project will not be proven and funding for this project will require reallocation to a different project. Management currently assess this risk as low, but will not be able to advise on feasibility until the Business Case is complete.

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

23 June 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.6 Events Assistance - Late Applications for Period 1, 2021-2022

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, ECO800009

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Events Assistance - Late Applications for Period 1, 2021-2022;**
2. **provide in-kind Events Assistance to NSW Combined Independent Schools of \$2,500 to host the NSW PSSA Boys Rugby Union Championships; and**
3. **provide in-kind and cash Events Assistance to Gulgong Polocrosse of \$1,000 per annum to host the Gulgong Polocrosse Carnival in 2021, 2022 and 2023.**

Executive summary

This report considers two late applications for Events Assistance under Council's Events Assistance Policy. It relates to period 1 of 2021/22, between 1 July and 30 Decemeber 2022. The first application is in regard to waiving field hire costs of Glen Willow Regional Sports Complex to host the NSW PSSA Boys Rugby Union Championships.

The second application is in regard to waiving bin hire costs and providing cash assistance towards hosting the Gulgong Polocrosse Carnival for 2021, 2022 and 2023.

Disclosure of Interest

Nil

Detailed report

Council's Events Assistance Program is designed to assist local community events that benefit the local economy and attract visitors to the Region.

A maximum of \$2,500 per event per year is recommended. Under this program, the highest priority should be for events which:

- Attract the largest number of visitors to the Region; and
- Extend the duration of visitation to the Region (i.e. occur over a number of days).

A summary of requests and scoring and the full applications can be found in the attachments.

NSWPSSA Boys Rugby Union Championships

The NSWPSSA Boys Rugby Union Championships, held from 17 August to 19 August 2021, involves 13 Primary School Association Teams from across Metropolitan and Country NSW.

The Teams will play in a Tournament conducted across 3 days in a round robin pool format followed by cross-overs, into Finals. The elite players from this Championship will be named as part of a NSW Merit Team.

The event will include 300 players, along with their families, staying for a minimum of 3-nights in the traditionally quiet period of August. The cost of field and amenity hire is \$6,638. If Council wishes to support the event, the recommended amount of funding based on the scoring scale is \$2,500 of in-kind support.

Gulgong Polocross Carnival

The Gulgong Polocrosse Carnival is a competition horse sport played across all grades A to E in Open, Women's, Junior (under 16) and Sub Junior (under 12) divisions.

It is held in conjunction with a specific family competition where by the entire team is of some relation, with the highlight being the three generation competition where teams have a player from three generations playing together. There are 350 expected attendees in the event. Event organisers have requested multiyear funding for 2021, 2022 and 2023 of \$1,986 in Events Assistance, including \$486 of in-kind assistance towards waste hire and \$1,500 towards prizes for the event.

If Council wishes to support the event, the recommended amount of funding based on the scoring scale is \$1,000 of in-kind and cash support for 2021, 2022, 2023.

The Events Assistance scoring system below was used to score applications against set criteria.

LOCAL COMMUNITY/VOLUNTEER PARTICIPATION IN EVENT

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	Unsatisfactory	No or limited local community/volunteer participation or impact (<500 residents)
1	Poor	Community/volunteer participation or local benefits impacting (500 to 1,000 residents)
2	Satisfactory	Community/volunteer participation or local benefits impacting between (1,000 to 2,000 residents)
3	Good	Direct community/volunteer involvement or local benefits impacting (>2,000 residents)

CAPACITY TO ENSURE EVENT CONTINUES AND DEVELOPS IN THE FUTURE

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	Unsatisfactory	First time event being held, no plans outlined in application, unclear capacity to deliver event
1	Poor	Limited event history (year one), limited plans outlined in application
2	Satisfactory	Event is at least two years old, appropriate planning
3	Good	Well-established event with detailed planning for the future outlined

ECONOMIC ACTIVITY GENERATED FROM EVENT

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	\$0-\$25K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
2	\$25K-\$50K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
4	\$50K-\$100K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
6	\$100K-\$150K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
8	\$150k-\$200K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
10	\$200K-\$250K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
12	\$250K-\$300K	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)
14	\$300K+	Number of visitors to the region x \$373 (if multi-day event) or \$107 (if single day)

ADDITIONAL POINTS IN-KIND REQUESTS

SCORE	VALUE JUDGEMENT
10	All events requesting 100% in-kind assistance receive 10 bonus points. Noting only up to cost of in-kind services will be funded

Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Promote the Region as a great place to live, work, invest and visit

Strategic implications

Council Strategies

Applications for Events Assistance are required to have clear linkages to the Community Plan Towards 2030 outcomes. This includes promoting the region as a great place to live, work, invest and visit. By supporting events that provide opportunities for local and visitor attendance, this increases visitation to the region and provides social and economic benefits to the region.

Council Policies

Events Assistance Policy – applicants are required to meet the eligibility criteria of the policy including attracting visitors the region.

Legislation

The Local Government Act 1993, Section 356, states: (1) a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions

Financial implications

Funding of \$45,000 was budgeted for the 2021/22 year for Events Assistance. Based on the scoring system above, the recommendation of staff is to provide \$3,500 in Events Assistance.

\$28,556 has been allocated to previous event applications for this period.

A budget of \$12,944 remains under the Events Assistance program for 2021/22.

Associated Risks

It is important for Council to provide support to these types of planned events in order to help encourage visitors back to the Region and help stimulate the tourism economy following the recent challenging times of the COVID-19 pandemic. If Council does not support events such as these, there is a risk that they may not go ahead in the future or that they are held at another location and therefore, there is the potential of further lost economic benefits to the Mid-Western Region.

There is also a risk that an applicant provides false or fraudulent information in order to benefit from the program. This risk is minimised by the clear and transparent policy, process for approval, and feedback requirements of the program.

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

25 June 2021

Attachments: 1. Event Assistance Applications.
2. Summary of Events Assistance Applications.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Events Assistance Funding Application 2021 / 2022

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, June 16, 2021 6:44:48 PM
Last Modified: Wednesday, June 16, 2021 10:19:46 PM
Time Spent: 03:34:57
IP Address: 203.40.144.44

Page 2: CONTACT DETAILS

Q1

Period 1 - Events held between July 1 2021 - Dec 31 2021

Which period of Events Assistance are you applying for?

Q2

Please enter your contact details below:

Name: Chris Ohlback
Organisation: NSW Combined Independent Schools
Address: Wotso Building, 5 George Street
Suburb: North Strathfield
State: NSW
Post Code: 2137
Email Address: [REDACTED]
Phone Number: [REDACTED]

Q3

Bank Details for cash component of grant

Account Name: NSW CISSC
BSB: 082057
Account Number: 882551241

Q4

Which of the below apply to your organisation?

Are you registered for GST? **Yes**
Is your organisation incorporated? **Yes**
Is your organisation not-for-profit? **Yes**

Events Assistance Funding Application 2021 / 2022

Q5

Events MUST have insurance current at time of the event, to be eligible to receive funding. Please upload a copy of your current Certificate of Currency. If this will expire before your event date, an updated version will be required before funding is released.

2021 Certificate of Currency.pdf (104.2KB)

Q6

Respondent skipped this question

Please upload high resolution images in relation to your event (Maximum file size 16MB)

Q7

Please provide website details and social media handles

Website: <https://app.education.nsw.gov.au/sport/NSWPSSA>

Facebook Page: <https://www.facebook.com/nswpssa/>

Other: <https://www.facebook.com/nswcis/>

Page 3: EVENT INFORMATION

Q8

Name of event:

NSWPSSA Boys Rugby Championships

Q9

Date / Time

17/08/2021 09:00

What is the event start date?

Q10

Number of days event is held:

Three (3)

Q11

Event location:

Glen Willow Regional Sports Stadium

Q12

Yes

Is the event being held on Council land or venue?

Page 4

Events Assistance Funding Application 2021 / 2022

Q13 **Yes**

Has a booking form been completed or a request to book been made?

Q14 **Yes**

Does the booking relate to Glen Willow?

Page 5

Q15 **Main stadium (inclusive of all facilities),**

Please select all areas of the facility you wish to use in your booking?

Field 2

Q16 **Respondent skipped this question**

What year was the event established?

Q17 **Annual**

How often is the event held?

Q18 **Yes,**
If yes, please list year(s) of funding and amount(s) received::
I think this Event has received Funding before, however not sure when this may have been.

Has your event previously received funding from Council?

Q19 **No**

Do you wish to apply for multi-year funding?

Page 6

Q20 **Respondent skipped this question**

Please select the years you are applying for funding for -

Q21

Event description:

The NSWPSA Boys Rugby Union Championships involves 13 Primary School Association Teams from across Metropolitan and Country NSW.

The Teams will play in a Tournament conducted across 3 days in a round robin pool format followed by cross-overs, into Finals.

The elite players from this Championship will be named as part of a NSW Merit Team.

Events Assistance Funding Application 2021 / 2022

Q22

Event aims and objectives:

The Event is the states pinnacle primary school boys rugby event. It provides an opportunity for the best primary boys rugby students to compete against one another in a Championship format.

It enables the students to not only compete against each other, but also make lifelong friendships and memories.

Th event also enables the sport to be taken to regional areas and showcase parts of NSW which otherwise may not be visited by those competing in this Championship.

Q23

Desired outcomes of event:

The desired outcomes of the event are as follows:

- * Provide a successful Representative School Pathway for those Primary Students who participate in Rugby Union;
 - * Help inject some Tourism dollars into Mudgee through accommodation and hospitality;
 - * Help promote the sport of Rugby Union and the town of Mudgee;
-

Q24

Less than 500 residents

Local Community members or Volunteers participating in the event

Q25

Number of visitors to the region for this event?

Overnight visitors

300 - Adults & Children (minimum 3 night stay)

Q26

Ticket sales / Entries

What methods do you use to collect data on attendance and visitor numbers?

Q27

How do you plan to promote or market the event?

Social media,
Print advertising ,
Other (please specify):
Schod Newsletters/Publications

Events Assistance Funding Application 2021 / 2022

Q28

Please provide details of your event income:

Events Assistance Funding Requested:	\$1000 - \$2000
Expected Sales Revenue (including entry/ticket sales):	\$0.00
Contribution from your Organisation/Club:	\$0.00
Sponsorship:	\$0.00
Stallholder Fees:	\$0.00
Other Grant funding received:	\$0.00
Other 1:	Player Levy's - Amount unknown
Total Income:	Cost Neutral

Q29

Please provide details of your event expenditure:

Marketing:	\$0.00
Venue Hire:	To Be Confirmed
Event Infrastructure:	To Be Confirmed
Waste Management:	\$0,00
Traffic Control:	\$0.00
Staff Costs:	Flights, Accommodation and Meals - To Be Confirmed
Other 1:	Championship Dinner - \$3500.00
Other 2:	First Aid - \$1200,00
Other 3:	Match Officials - To Be Confirmed

Q30

Total Surplus/Deficit:

\$ Cost Neutral

Q31

If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

If there is a surplus (not expected) then it will be used to off-set other costs within the sport of Primary Rugby for the following season.

Q32

How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

The Event has always been user pays, with the selected Students charged a Levy to off-set the costs of the Championships and this will continue moving forward

Events Assistance Funding Application 2021 / 2022

Q33

Please provide details of IN-KIND support requested AND value of support (dollar amounts): All events requesting 100% in-kind assistance receive 10 bonus points. Towards scoring of application(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges (click here) for amounts.

Venue Hire Fee	100%
Total:	100%

Q34

Please provide details of CASH support requested AND dollar amounts:For any cash funding received, copies of invoices may be required as evidence along with an invoice.

Total:	0%
--------	-----------

Page 9: AUTHORISATION OF APPLICANT

Q35

Authorisation of Applicant:

Name:	Chris Ohlback
Position	Acting Chief Executive Officer
Date:	16th June 2021

Q36

I confirm:

that the information contained in the application form and within the attachments are true and correct.

,

that this application has been submitted with the full knowledge and support of the applicant.

,

a copy of the event COVIDSafe plan will be provided before funding is received

,

a copy of current insurance in relation to the event date, will be provided before funding is received

Events Assistance Funding Application 2021 / 2022

#14

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, June 25, 2021 10:30:02 AM
Last Modified: Friday, June 25, 2021 11:21:55 AM
Time Spent: 00:51:53
IP Address: 144.139.169.39

Page 2: CONTACT DETAILS

Q1

Period 1 - Events held between July 1 2021 - Dec 31 2021

Which period of Events Assistance are you applying for?

Q2

Please enter your contact details below:

Name: **Skye Anderson**
Organisation: **Gulgong Polocrosse Club**
Address: **Barneys Reef Road**
Suburb: **Gulgong**
State: **NSW**
Post Code: **2852**
Email Address: **[REDACTED]**
Phone Number: **[REDACTED]**

Q3

Bank Details for cash component of grant

Account Name: **Gulgong Polocrosse**
BSB: **062549**
Account Number: **00901008**

Q4

Which of the below apply to your organisation?

Are you registered for GST? **No**
Is your organisation incorporated? **No**
Is your organisation not-for-profit? **Yes**

Q5

Events MUST have insurance current at time of the event, to be eligible to receive funding. Please upload a copy of your current Certificate of Currency. If this will expire before your event date, an updated version will be required before funding is released.

20-21 Certificate of Currency.pdf (74.6KB)

Q6

Respondent skipped this question

Please upload high resolution images in relation to your event (Maximum file size 16MB)

Q7

Please provide website details and social media handles

Facebook Page:

Gulgong Polocrosse Club

Page 3: EVENT INFORMATION

Q8

Name of event:

Gulgong Polocrosse Carnival

Q9

Date / Time

21/08/2021 08:00

What is the event start date?

Q10

Number of days event is held:

2

Q11

Event location:

Polocrosse/Pony Club Grounds Barneys Reef Road Gulgong

Q12

No

Is the event being held on Council land or venue?

Page 4

Q13

Respondent skipped this question

Has a booking form been completed or a request to book been made?

Events Assistance Funding Application 2021 / 2022

Q14

Respondent skipped this question

Does the booking relate to Glen Willow?

Page 5

Q15

Respondent skipped this question

Please select all areas of the facility you wish to use in your booking?

Q16

Date

01/01/1972

What year was the event established?

Q17

Annual

How often is the event held?

Q18

Yes,

Has your event previously received funding from Council?

If yes, please list year(s) of funding and amount(s) received::

2019 \$600 cash and Waste Management in Kind

Q19

Yes

Do you wish to apply for multi-year funding?

Page 6

Q20

2021,

Please select the years you are applying for funding for -

2022,

2023

Q21

Event description:

Competition horse sport played across all grades A to E in Open, Women's, Junior(under 16) Sub Junior(under 12) divisions. Held in conjunction with a specific family competition where by the entire team is of some relation, with the highlight being the three generation competition where teams have a player from three generations playing together, with the inaugural competition held in 2019 being a great success unfortunately unable to run in 2020 per COVID restrictions we are planning this to be an ongoing draw3 card to our competition as it is the only one of its kind in Australia at the moment.

Q22

Event aims and objectives:

To provide a family friendly horse event that focuses on promoting junior and women's polocrosse development by providing a safe competition with modified rules though our 'Family Fun' division.

Q23

Desired outcomes of event:

Provide a social event that is family friendly and promotes physical activity through sport.

Q24

Less than 500 residents

Local Community members or Volunteers participating in the event

Q25

Number of visitors to the region for this event?

Single day visitors	50+/-
Overnight visitors	300+/-

Q26

What methods do you use to collect data on attendance and visitor numbers?

Other (please specify):
Team Entries and Covid Check in

Q27

How do you plan to promote or market the event?

Social media,
Print advertising ,
Radio Advertising

Page 7: PROJECT BUDGET AND FINANCIAL DETAILS

Q28

Please provide details of your event income:

Events Assistance Funding Requested:	\$2000
Expected Sales Revenue (including entry/ticket sales):	\$ 1500
Contribution from your Organisation/Club:	\$2000
Sponsorship:	\$1500

Events Assistance Funding Application 2021 / 2022

Q29

Please provide details of your event expenditure:

Marketing:	Free social Media and Supported by NSW polocrosse
Venue Hire:	Crown Lands - no \$ value
Event Infrastructure:	Portable Toilets \$2000
Waste Management:	Approx \$400
Traffic Control:	Nil
Staff Costs:	Volunteer
Other 1:	Competition Prizes \$3000

Q30

Total Surplus/Deficit:

\$	+/--\$1000 surplus on average from our carnival (dependant on number of teams attending)
----	---

Q31

If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

Usually any surplus is retained in the club for running of the following years carnival, we also use these funds for ground and player development through provision of coaching and maintenance activities.

Q32

How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

We are constantly chasing funding through grants programs and have completed some major developments to our grounds using this funding, our club also attended fundraisers to assist with ensuring that we have adequate funding to run our annual carnival as well as shares our home ground with other users to assist with further developments.

Page 8: FUNDING REQUESTED - MUST NOT EXCEED \$2,500

Q33

Please provide details of IN-KIND support requested AND value of support (dollar amounts): All events requesting 100% in-kind assistance receive 10 bonus points. Towards scoring of application(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges (click here) for amounts.

Waste Management	Unable to open fees and charges have previously had 15 Bins delivered and disposed of which was of great help.
------------------	---

Q34

Please provide details of CASH support requested AND dollar amounts: For any cash funding received, copies of invoices may be required as evidence along with an invoice.

Prizes **\$1500**

Page 9: AUTHORISATION OF APPLICANT

Q35

Authorisation of Applicant:

Name: **Skye**
Position **Anderson**
Date: **25/6/2021**

Q36

I confirm:

that the information contained in the application form and within the attachments are true and correct.

,

that this application has been submitted with the full knowledge and support of the applicant.

,

a copy of the event COVIDSafe plan will be provided before funding is received

,

a copy of current insurance in relation to the event date, will be provided before funding is received

Summary of Events Assistance Applications

Organisation	Event Start Date	Description	Requested Amount Cash	Requested Amount In kind	Request for Multi-Year Funding	Local Community /Volunteer Participation	Capacity to ensure event continues and develops in the future	Economic Activity Generated from event	Bonus Points	Total Score
NSWPSSA Rugby Championships	17.08.21	The NSWPSSA Boys Rugby Union Championships involves 13 Primary School Association Teams from across Metropolitan and Country NSW. The Teams will play in a Tournament conducted across 3 days in a round robin pool format followed by cross overs, into Finals. The elite players from this Championship will be named as part of a NSW Merit Team. Events Assistance Funding Requested In kind hire fees.		\$1000 - \$2000	No	1	3	6	10	20
Gulgong Polocrosse Club	21.08.21	Competition horse sport played across all grades A to E in Open, Women's, Junior (under 16) Sub Junior (under 12) divisions. Held in conjunction with a specific family competition where by the entire team is of some relation, with the highlight being the three generation competition where teams have a player from three generations playing together, with the inaugural competition held in 2019 being a great success unfortunately unable to run in 2020 per COVID restrictions we are planning this to be an ongoing draw3 card to our competition as it is the only one of its kind in Australia at the moment.	\$1,500	\$479.00	Yes	1	2	6	0	9

8.7 Land & Housing Supply Monitor 1 January 2021 - 30 June 2021

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, LAN900042

RECOMMENDATION

That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 January 2021 - 30 June 2021.

Executive summary

The Land and Housing Supply Monitor was developed as part of the Urban Release Strategy process in 2014. This Monitor is presented to Council every 6 months and provides the latest development activity data for the preceding six month period. In addition, the attached Monitor details land supply within the R1 General Residential and R2 Low Density Residential zones. The Monitor is attached to this report.

Disclosure of Interest

Nil

Detailed report

The following is detailed in the attached Monitor:

- Recent development activity for the most recent six month period ending 30 June 2021.
- Land supply within the R1 General Residential and R2 Low Density Residential zones, detailing how many years supply this represents.
- Current population growth and forecast.

The Monitor focuses on the R1 General Residential and R2 Low Density Residential zonings in Mudgee as this is the area experiencing the greatest growth in the region. Over time this Monitor will be expanded to include other land supply around the region.

It is important for Council to maintain this Monitor to ensure an adequate land supply is maintained. Further, the Monitor assists in the consideration of land zoning decisions and providing advice to community members in relation to rezoning enquiries.

Community Plan implications

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

Strategic implications

Council Strategies

The preparation of this report and Monitor is an outcome of the Mid-Western Regional Urban Release Strategy December 2014.

Council Policies

Not applicable.

Legislation

Not applicable.

Financial implications

Not applicable.

Associated Risks

Not applicable.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

5 July 2021

Attachments: 1. Land and Housing Supply Monitor.

APPROVED FOR SUBMISSION:

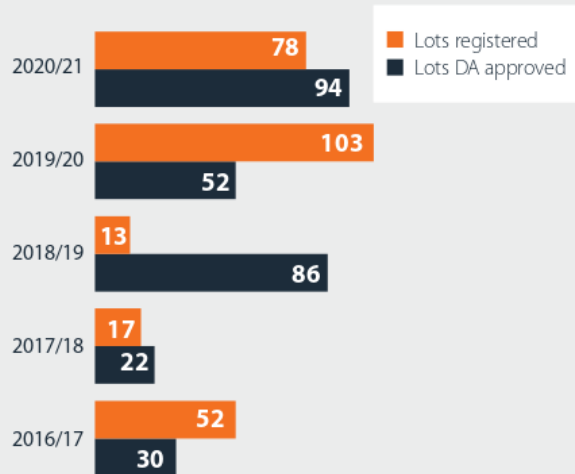
BRAD CAM
GENERAL MANAGER

LAND AND HOUSING SUPPLY MONITOR

1. Recent development activity across the region

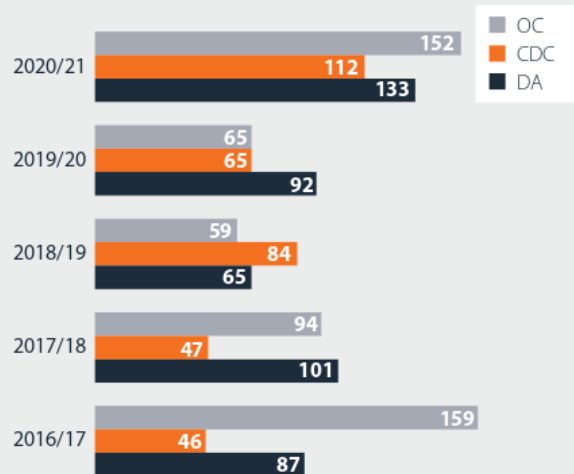
Residential lots approved and released

(including land zoned R1, R2, and R5 with minimum of 2 hectares)



Dwellings and medium density housing

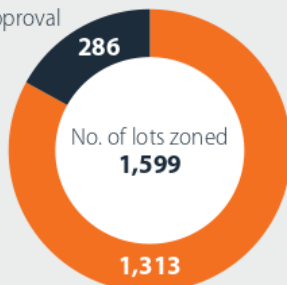
Development Applications, Complying Development Applications and Occupation Certificates



2. Land supply within Mudgee urban release areas

R1 (450–1999m²)

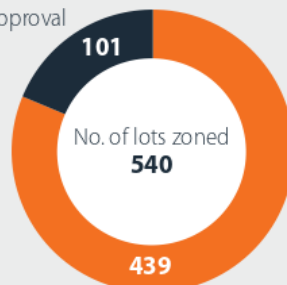
Lots with subdivision approval



Lots without subdivision approval

R2 (2000m²)

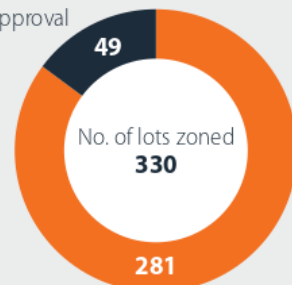
Lots with subdivision approval



Lots without subdivision approval

R2 (4000m²)

Lots with subdivision approval



Lots without subdivision approval

Years of land supply

(Years supply is based on the average number of lots registered per year over the past five years)



* Note: Minimal development in URS areas to date

Minimum target = 20 years

3. Population growth and forecast



8.8 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT
TO 14 JULY 2021 ORDINARY MEETING
GOV400088, A0420109

RECOMMENDATION

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

Executive summary

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

Disclosure of Interest

Nil

Detailed report

Included in this report is an update for the month of June 2021 Development Applications determined and Development Applications processing. The report will detail:

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

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

01 July 2021

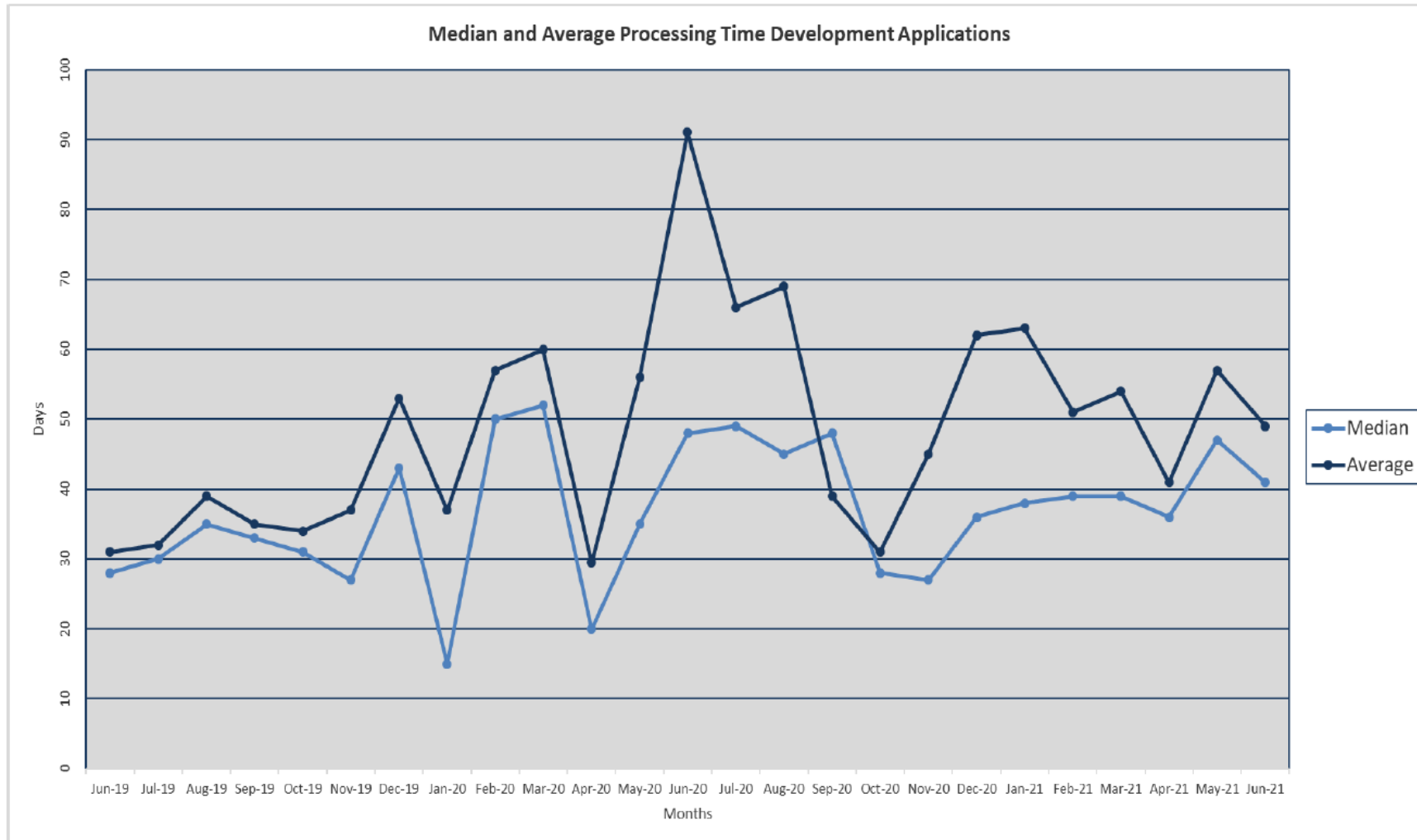
Attachments: 1. Monthly Development Application Processing and Determined - June 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

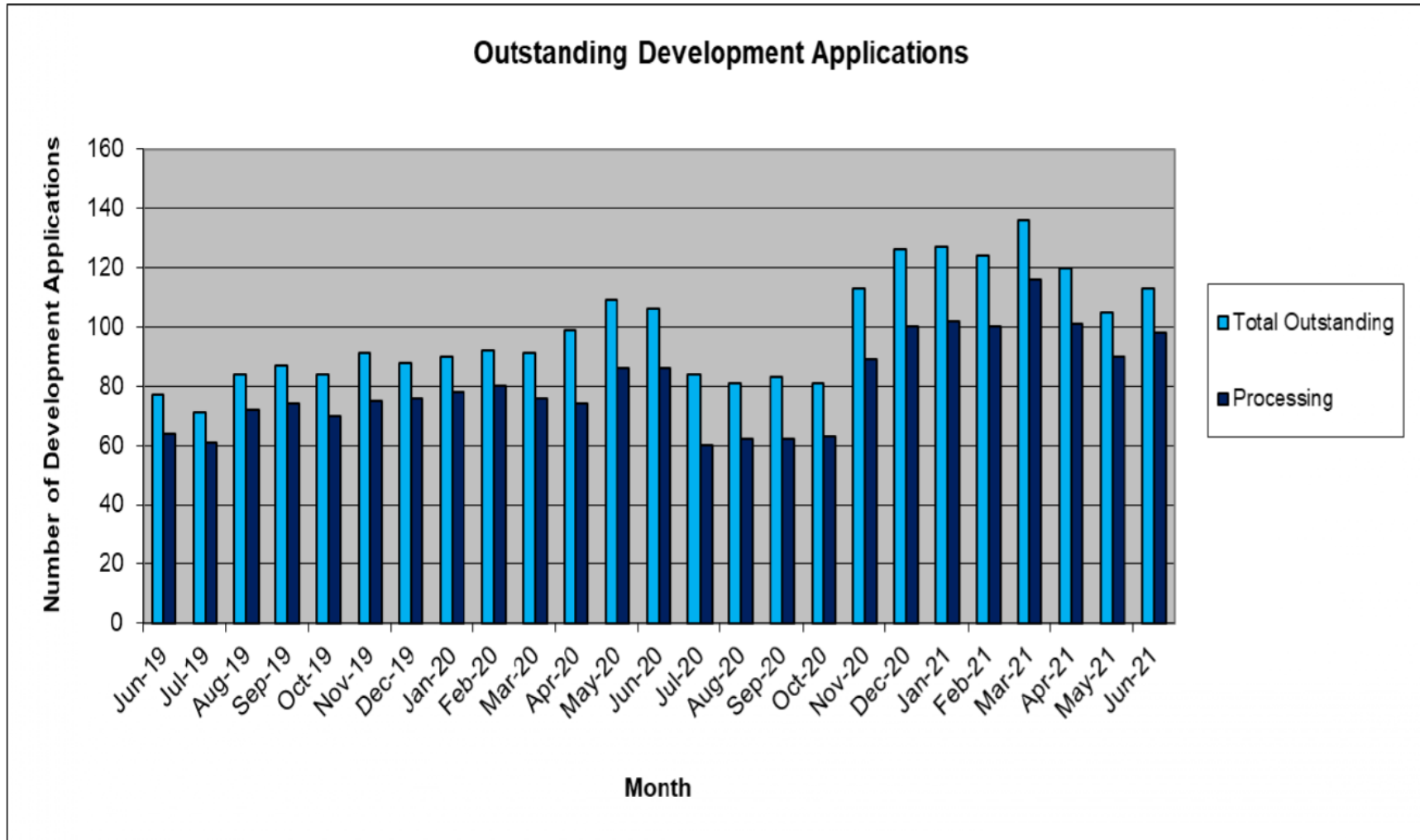
Monthly Development Application Processing Report – June 2021

This report covers the period for the month of June 2021. Graph 1 indicates the processing times up to 30 June 2021 with the month of June having an average of 49 days and a median time of 41 days.



Monthly Development Application Processing Report – June 2021

Graph 2 indicates the total number of outstanding applications, the number currently being processed and the number on “stop clock”.



Monthly Development Application Processing Report – June 2021

The Planning and Development Department determined 26 Development Applications either by Council or under delegation during June 2021.

Development Applications Determined – June 2021

App/Proc ID	Description	House No	Street Name	Locality
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGEE
DA0086/2020	Subdivision - Torrens Title	50	Broadhead Road	MUDGEE
DA0147/2021	Subdivision - Torrens Title	13	Belmore Street	GULGONG
DA0155/2021	Dwelling House	663	Castlereah Highway	BURRUNDULLA
DA0191/2021	Subdivision – Torrens Title	209	Robertson Road	SPRING FLAT
DA0204/2021	Function centre	345	Spring Flat Road	SPRING FLAT
DA0215/2021	Residential Shed	42	Court Street	MUDGEE
DA0262/2021	Subdivision - Torrens Title	174	Beechworth Road	HARGRAVES
DA0331/2021	Industrial Building	35	Depot Road	MUDGEE
DA0342/2021	Dual Occupancy	8	Grant Bruce Court	MUDGEE
DA0344/2021	Commercial Alterations/Additions	37	Racecourse Road	GULGONG
DA0345/2021	Dual Occupancy	29	Ilford Road	RYLSTONE
DA0350/2021	Residential Shed	188	Church Street	MUDGEE
DA0353/2021	Garage	262	Mount Vincent Road	RUNNING STREAM
DA0355/2021	Dwelling House	44	Salesyards Lane	MUDGEE
DA0356/2021	Dwelling House	172	Springwood Park Road	COPE
DA0360/2021	Alterations & Additions	98	Denison Street	MUDGEE
DA0362/2021	Dual Occupancy	3	Woodside Close	MUDGEE
DA0364/2021	Secondary dwelling	35	Court Street	MUDGEE
DA0370/2021	Alterations & Additions	276	Perseverance Lane	GULGONG
DA0371/2021	Dual Occupancy	21	Markell Circuit	MUDGEE
DA0372/2021	Dwelling House	8	Consadine Grove	SPRING FLAT
DA0380/2021	Subdivision - Torrens Title	18	Alexander Dawson Court	MUDGEE
DA0382/2021	Alterations & Additions	1167	Mount Vincent Road	ILFORD
DA0387/2021	Dwelling House	87	Bellevue Road	MUDGEE
DA0394/2021	Residential Shed	37	Common Road	MUDGEE

*NOTE – three Development Applications were approved with a variation to the DCP as listed below:

DA number	Number of DCP variation(s)	Level of variation
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Monthly Development Application Processing Report – June 2021

DA0147/2021	1	Non-numerical (lot shape)
DA0191/2021	2	>10% (Cul-de-sac length); >10% (Road connection)
DA0362/2021	1	Non-numerical (private open space location)

Monthly Development Application Processing Report – June 2021

Development Applications currently being processed – June 2021

Appl/Proc ID	Description	House No	Street Name	Locality
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0214/2018	Camping ground	2970	Lue Road	LUE
DA0089/2019	Change of use - shed to dwelling	2037	Coxs Creek Road	RYLSTONE
DA0123/2021	Industrial Building	9	Sydney Road	MUDGEE
DA0157/2021	Farm stay accommodation	1307	Castlereagh Highway	APPLE TREE FLAT
DA0161/2021	Subdivision - Torrens Title	230	Reedy Creek Road	RYLSTONE
DA0191/2021	Subdivision - Torrens Title	209	Robertson Road	SPRING FLAT
DA0199/2021	Change of use	1	Sydney Road	MUDGEE
DA0211/2021	Eco-tourist facility	1245	Coxs Creek Road	COXS CREEK
DA0232/2021	Tourist and visitor accommodation	2976	Goolma Road	GOOLMA
DA0251/2021	Change of use	18	Sydney Road	MUDGEE
DA0266/2021	Change of use - Mechanic to Gym	11	Wilkins Crescent	MUDGEE
DA0283/2021	Commercial Premises	3	Sydney Road	BURRUNDULLA
DA0299/2021	Function centre	833	Goolma Road	GUNTAWANG
DA0302/2021	Cafe	24	Cox Street	LUE
DA0303/2021	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0322/2021	Commercial Alterations/Additions	433	Ulan Road	EURUNDEREE
DA0324/2021	Commercial Alterations/Additions	548	Hill End Road	ERUDGERE
DA0334/2021	Shed >150m2	166	Lesters Lane	PIAMBONG
DA0341/2021	Subdivision - Torrens Title	85	Rocky Waterhole Road	MOUNT FROME
DA0352/2021	Subdivision - Torrens Title	71	Fairydale Lane	MUDGEE
DA0358/2021	Subdivision - Torrens Title	174	Beechworth Road	HARGRAVES
DA0359/2021	Serviced apartment	1807	Ulan Road	FROG ROCK
DA0361/2021	Residential Shed	9	Durack Court	MUDGEE
DA0366/2021	Pergola	252	Burrundulla Road	BURRUNDULLA
DA0367/2021	Residential Shed	145	Bruce Road	MUDGEE
DA0374/2021	Residential Shed	15	Butler Circle	BOMBIRA
DA0375/2021	Residential Shed	8	Old Mill Road	GULGONG

Monthly Development Application Processing Report – June 2021

DA0376/2021	Shed >150m2	842	Ridge Road	COOKS GAP
DA0377/2021	Swimming Pool	53	Thompsons Lane	GULGONG
DA0378/2021	Change of use - shed to dwelling	143	Cypress Drive	YARRAWONGA
DA0383/2021	Child Care Centre	5	Knox Crescent	CAERLEON
DA0389/2021	Shed >150m2	303	Stoney Creek Road	STONY CREEK
DA0393/2021	Dwelling House	35	Beryl Road	GULGONG
DA0395/2021	Serviced apartment	22	Rheinburger Avenue	MUDGEE
DA0396/2021	Child Care Centre	26	Melton Road	MUDGEE
DA0399/2021	Alterations & Additions	10	Mulgoa Way	MUDGEE
DA0404/2021	Tourist and visitor accommodation	239	Gladstone Street	MUDGEE
DA0405/2021	Residential Shed	126	Market Street	MUDGEE
DA0403/2021	Dwelling House	563	Burrundulla Road	BURRUNDULLA
DA0406/2021	Dwelling House	787	Ridge Road	COOKS GAP
DA0407/2021	Secondary dwelling	54	Rodgers Street	KANDOS
DA0410/2021	Multi dwelling housing	26	Saleyards Lane	MUDGEE
DA0411/2021	Residential Shed	52	Norlenbah Lane	ST FILLANS
DA0412/2021	Other (DA)	38	Spring Flat Road	SPRING FLAT
DA0413/2021	Secondary dwelling	290	Riverlea Road	RIVERLEA
DA0414/2021	Residential Shed	3	Enfield Avenue	CAERLEON
DA0416/2021	Dwelling House	4	Grant Bruce Court	MUDGEE
DA0417/2021	Dual Occupancy	26	Enfield Avenue	CAERLEON
DA0418/2021	Dwelling House	361	Ilford Hall Road	ILFORD
DA0419/2021	Dual Occupancy	690	Wollar Road	CROSS ROADS
DA0422/2021	Temporary structure	17	Kellett Drive	MUDGEE
DA0423/2021	Dwelling House	11	Tongbong Street	RYLSTONE
DA0424/2021	Residential Shed	3	Rodgers Street	KANDOS
DA0430/2021	Dual Occupancy	6	Brian Hever Grove	MUDGEE
DA0431/2021	Secondary dwelling	222	Mount Pleasant Lane	BUCKAROO
DA0432/2021	Moveable dwelling	542	Spring Flat Road	SPRING FLAT
DA0433/2021	Recreation facility (indoor)	86	Depot Road	MUDGEE
DA0434/2021	Subdivision - Torrens Title	2	Stewart Street	KANDOS
DA0346/2021	Subdivision - Torrens Title	17	Harvey Street	BOMBIRA
DA0125/2021	Subdivision - Torrens Title	18	Marshfield Lane	MUDGEE

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DA0166/2021	Water storage facility	51	Oaklands Road	MOUNT FROME
DA0231/2021	Residential Shed	35	Redbank Road	MUDGEE
DA0381/2021	Secondary dwelling	387	Cypress Drive	YARRAWONGA
DA0398/2021	Dwelling House	106	Spring Flat South Lane	SPRING FLAT
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0228/2019	Recreation facility (outdoor)	103	Wattlegrove Lane	LINBURN
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG
DA0282/2020	Boundary Adjustment	470	Castlereagh Highway	BURRUNDULLA
DA0024/2021	Subdivision - Community Title	20	Sydney Road	MUDGEE
DA0025/2021	Caravan Park	196	Rocky Waterhole Road	MOUNT FROME
DA0053/2021	Change of use - concrete workshop to fabrication workshop	22	Industrial Avenue	MUDGEE
DA0087/2021	Carport	63	Court Street	MUDGEE

Monthly Development Application Processing Report – June 2021

Heritage Development Applications currently being processed – June 2021.

App/Proc ID	Description	House No	Street Name	Locality
DA0188/2021	Multi dwelling housing	47	Lewis Street	MUDGEES
DA0198/2021	Change of use - residential flat building to serviced apartment	110	Church Street	MUDGEES
DA0246/2021	Dual Occupancy	90	Louee Street	RYLSTONE
DA0347/2021	Commercial Alterations/Additions	42	Court Street	MUDGEES
DA0354/2021	Carport	151	Market Street	MUDGEES
DA0369/2021	Alterations & Additions	22	Queen Street	GULGONG
DA0373/2021	Dwelling House	87	Belmore Street	GULGONG
DA0379/2021	Commercial Alterations/Additions	28	Market Street	MUDGEES
DA0384/2021	Residential Shed	42	Mudgee Street	RYLSTONE
DA0386/2021	Residential Shed	11	Lynne Street	GULGONG
DA0392/2021	Demolition	40	Inglis Street	MUDGEES
DA0397/2021	Demolition	22	Lawson Street	MUDGEES
DA0400/2021	Alterations & Additions	5	Court Street	MUDGEES
DA0401/2021	Subdivision - Torrens Title	8	Wattle Lane	GULGONG
DA0408/2021	Dwelling House	153	Market Street	MUDGEES
DA0409/2021	Commercial Alterations/Additions	104	Church Street	MUDGEES
DA0415/2021	Mixed use development	23	Lewis Street	MUDGEES
DA0425/2021	Alterations & Additions	109	Louee Street	RYLSTONE
DA0427/2021	Dual Occupancy	7	Loy Avenue	MUDGEES
DA0428/2021	Signage	90	Market Street	MUDGEES
DA0066/2021	Commercial Alterations/Additions	77	Medley Street	GULGONG
DA0159/2021	Information and education facility	49	White Street	GULGONG
DA0309/2021	Restaurant	91	Horatio Street	MUDGEES
DA0385/2021	Dwelling House	43	Denison Street	MUDGEES
DA0388/2021	Secondary dwelling	118	Medley Street	GULGONG
DA0390/2021	Secondary dwelling	130	Mortimer Street	MUDGEES
DA0391/2021	Residential Shed	2	Inglis Street	MUDGEES
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEES
DA0300/2019	Demolition	80	Madeira Road	MUDGEES
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE

Monthly Development Application Processing Report – June 2021

DA0296/2021	Dual Occupancy	61	Denison Street	MUDGEE
DA0420/2021	Dwelling House	296	Laheys Creek Road	BERYL
DA0421/2021	Alterations & Additions	39	Mulgoa Way	MUDGEE
DA0426/2021	Change of use - shed to agricultural produce industry	269	Henry Lawson Drive	EURUNDEREE
DA0429/2021	Dual Occupancy	182	Cudgegong Road	RYLSTONE

Item 9: Finance

9.1 Minor Locality Boundary Adjustment between Spring Flat & Burrundulla Localities

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, R0790121 P19766

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on a minor locality boundary adjustment between Spring Flat & Burrundulla localities; and**
2. **approve the locality boundary adjustment, to enable Lots 3 and 4 DP 1069441 to be located entirely in the Burrundulla locality.**

Executive summary

A minor locality boundary adjustment is required between the localities of Spring Flat and Burrundulla to avoid future issues with addressing for the land in the subdivision occurring over Lots 3 and 4 DP 1069441 (DA0154/2020), and to ensure quick identification of the properties for emergency services responses.

Disclosure of Interest

Nil

Detailed report

Lots 3 DP 10609441 is located within the locality of Spring Flat and Lot 4 DP 10609441 is located within the locality of Burrundulla. The boundary between the two localities runs parallel to Spring Flat Road along the boundary between Lots 3 and 4.

These two land parcels are included in a subdivision with proposed new lots facing Spring Flat Road and additional new lots accessed from two new streets off Spring Flat Road. Under the current conditions the land parcels fronting Spring Flat Road will be allocated Spring Flat Road SPRING FLAT NSW 2850 addressing, while the land behind them, accessed via the new streets, will have BURRUNDULLA NSW 2850 addressing. This may cause issue with mail and parcel delivery and also quick identification of the properties for emergency services responses.

Moving the locality boundary into natural alignment with the eastern side of Spring Flat Road will ensure all of the land will be located within the locality of Burrundulla and will remove any confusion in relation to future addressing.

Should this matter be approved by Council, staff will then write to the Geographical Names Board to officially request the minor locality boundary adjustment on behalf of Council and the affected property owner.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Geographical Names Act, 1996.

Financial implications

Not applicable

Associated Risks

Nil

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

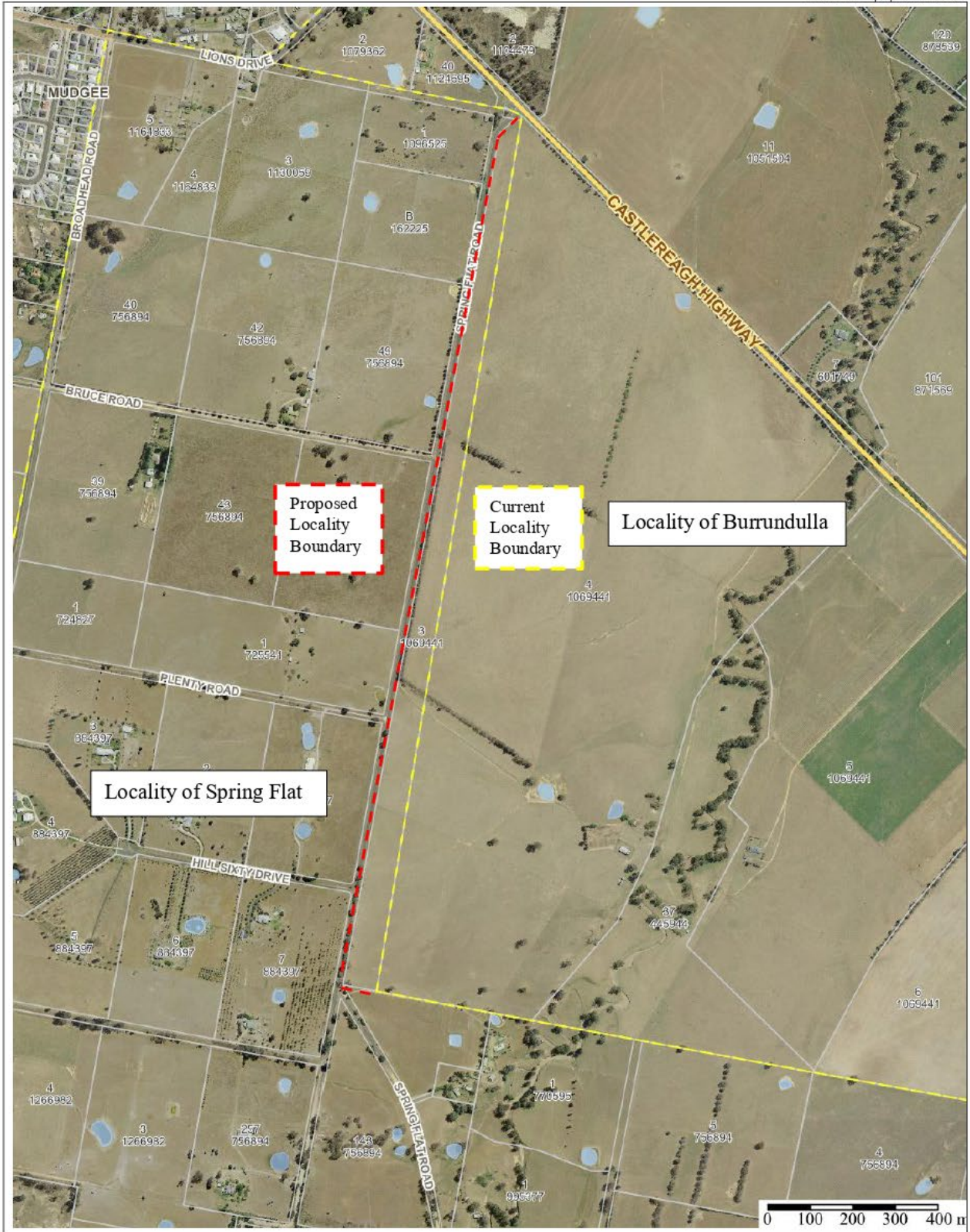
17 June 2021


Attachments: 1. Map of current and proposed boundaries.
2. Map of affected land in relation to DA0154/2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER


Created on 17/06/2021 12:02 PM





Mid-Western Regional Council
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 Mudgee NSW 2850
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Affected parts of DA0154/2020

9.2 Classification of Land for Infrastructure - Lot 112 DP616484 at 412 Henry Lawson Drive, Eurunderee

REPORT BY THE PROPERTY OFFICER
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, GOV400088, P24361

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Acquisition and Classification of Land for Infrastructure - Lot 112 DP616484 at 412 Henry Lawson Drive, Eurunderee;
2. note the acquisition of Lot 112 DP616484 under the reasons and circumstances as outlined in this Report;
3. authorise the General Manager and the Mayor, where additionally required to do so, to sign all documentation necessary in relation to the execution of the Deed of Agreement for Water Supply;
4. authorise the Common Seal of Council to be affixed, where necessary, in relation to the execution of the Deed of Agreement for Water Supply; and
5. notify the public of its intention to classify Lot 112 DP 616484 as Operational land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 by exhibiting the proposal for 28 days and should there be no submissions from the public, the land be so classified as Operational.

Executive summary

This report seeks to commence the process for classification of Lot 112 DP616484 (the Land) located at 412 Henry Lawson Drive EURUNDEREE as *Operational land*.

Disclosure of Interest

Nil

Detailed report

On 22 June 2021 Council purchased Lot 63 DP618063 located at 55 George Campbell Drive, Bombira for purposes of future development and, Water Access Licence 28696. A share of the Land was also acquired in the same transaction at no cost to Council. A map of the Land is appended as attachment 1 to this Report.

The Land is 3540 m² in area and is co-owned with private landowners. A co-owned bore and water pumping equipment are located on the Land. The water pumping infrastructure facilitates irrigation to the benefit of Lot 63 DP618063 (Council owned) and other independent surrounding land parcels that are referenced in the *Deed of Agreement for Water Supply* (the Deed). A copy of the existing Deed is appended in the Confidential section of the Business Paper.

An execution version of the Deed is to be provided to Council in due course and will require Council's endorsement.

It is recommended that Council note the acquisition of the Land under the reasons and circumstances as outlined in this Report and authorise the General Manager to endorse all documentation necessary in relation to the Deed of Agreement for Water Supply.

Classification of the Land

The Act allows Council to classify acquired land within 3 months of such acquisition.

31 Classification of land acquired after 1 July 1993

(2) Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land.

In accordance with the Local Government Act 1993 (LGA), all public land must be classified as either *Community* or *Operational* land. The purpose of classification is to identify clearly that land which should be kept for use by the general public (*Community* land) and that land which need not (*Operational* land).

Community land would ordinarily incorporate land such as a public park, reserve or sporting grounds. The use and management of *Community* Land is to be regulated by a Plan of Management.

Community land must not be sold (except in limited circumstances referred to in the Act). *Community* land must not be leased or licenced for more than 21 years and may only be leased / licensed for more than 5 years if public notice of the proposed lease or licence is given. In the event that an objection is made to the proposed lease/licence, the Minister's consent is required. These restrictions do not apply to *Operational* Land.

Operational Land would ordinarily comprise land held as an asset, land which facilitates a Council to carry out its functions or is land that may not be open to the public.

It should be noted that any land acquired by a Council that is not classified or resolved under the Act S31, by Council at the end of 3 months, is taken to have been classified as *Community* land.

Given that the use of the Land accommodates operational infrastructure, it is therefore recommended to commence the classification process, with Council resolving its intentions to classify the Land as *Operational* land. Council's intention must be advertised for a period of 28 days during which time written submissions to the proposed classification will be accepted from the public.

Should there be no submissions from the public, it is advocated that the land be so classified as *Operational* land

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Strategic implications

Council Strategies

Nil

Council Policies

Not Applicable

Legislation

Chapter 6, Part 2, Division 1 of the Local Government Act 1993, directs that all public land must be classified as either Community or Operational

Financial implications

Not applicable

Associated Risks

Any land acquired by a Council that is not classified under the Act i.e. resolved by Council at the end of 3 months, is taken to have been classified as *Community* land.

Council purchased the land on 22 June 2021. As such, it will be classified as *Operational* land within the stipulated time-frame.

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

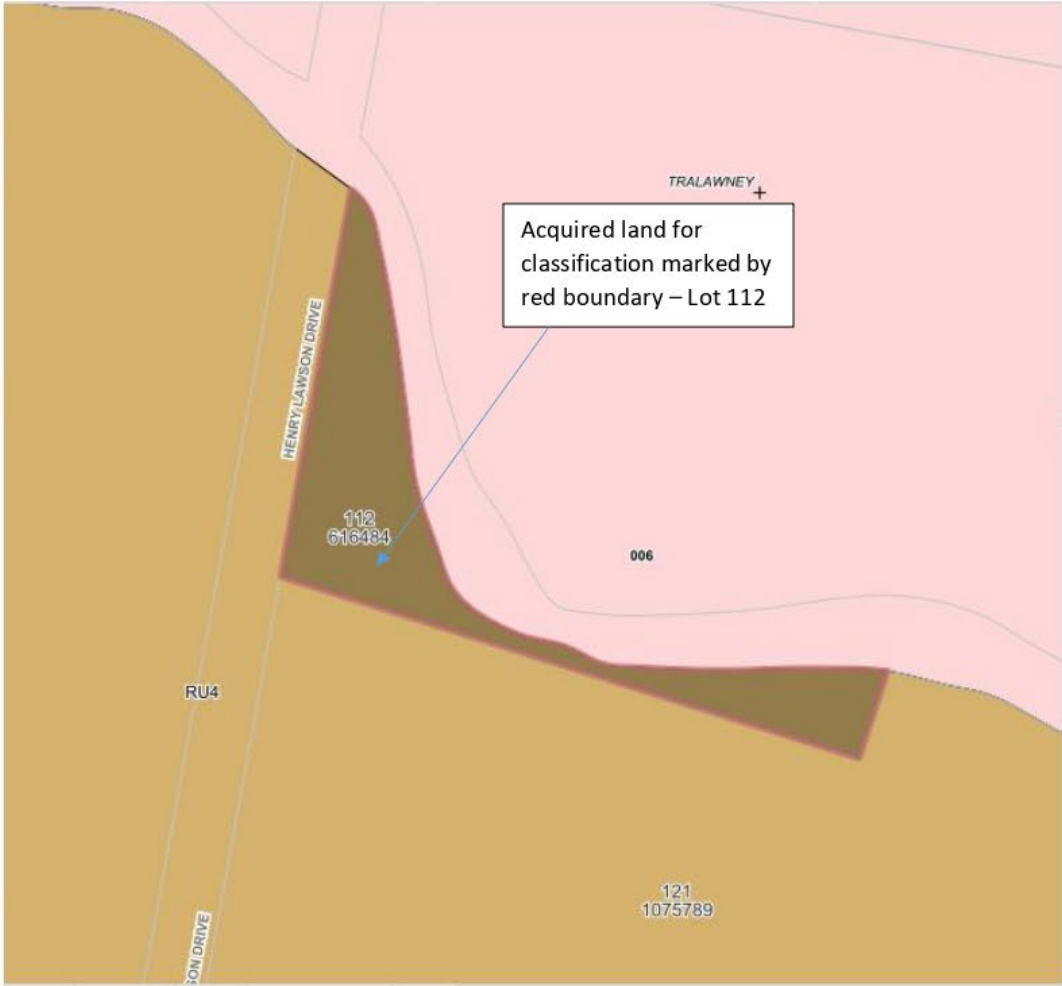
LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

6 July 2021

Attachments: 1. Map of Acquired Land - Lot 112 DP616484.
2. Deed of Agreement Dated 12 February 2018. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Acquired land for classification marked by red boundary – Lot 112

9.3 Community Grants Program - July 2021

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, FIN3000159

RECOMMENDATION

That Council:

1. **receive the report by the Manager Finance on the Community Grants Program - July 2021;**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy; and**

Kandos Rylstone Community Radio Inc.	\$6,000
The Business Concierge LTD	\$1,875
Western Region Academy of Sport Inc (WRAS)	\$751
Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc	\$5,000
Little Wings	\$1,200
Cementa Inc	\$12,500

3. **decline to provide financial assistance to the following applicants, for the reasons provided in the report;**
 - **Mudgee 200 Years**

Executive summary

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

Provision is made in Council's Community Grants Program Policy to provide financial assistance to not-for-profit community-based organisations, groups and individuals that offer a significant contribution to community outcomes and goals as provided in the Towards 2030 Community Plan.

All applications were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

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

Even though an application meets the criteria it may be judged that there is not a significant enough benefit to the community in order to fund or fully fund the request. A summary of each application is shown below, together with panel recommendations.

Applicant	Project/Activity	Funding Request \$	Total Score out of 10	Recommended Amount \$
Kandos Rylstone Community Radio Inc.	Rylstone-Kandos District Newsletter-Community Capers	12,000	6	6,000
The Business Concierge LTD	Survivor Life Skills	2,500	7	1,875
Western Region Academy of Sport Inc (WRAS)	Annual operation of the Western Region Academy of Sport	1,502	6	751
Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc	Mudgee Showground Carols	7,000	9	5,000
Mudgee 200 Years	Mudgee 200 Years	5,000	5	-
Cementa Inc	WAYOUT Artspace (purchase of building)	90,000	6	12,500
Little Wings	Community Services Flights - Airway Refund	1,200	8	1,200
Total				27,326

Disclosure of Interest

Nil

Detailed report

The information provided below gives more detail on each application and the scoring against the policy criteria. Copies of all applications are provided as attachments to the report.

Kandos Rylstone Community Radio Inc.

Kandos Rylstone Community Radio Inc. requests \$12,000 for Rylstone-Kandos District Newsletter-Community Capers. Publish and Distribute monthly community newsletter, Community Capers across the region.

Link to Community Plan: 1.4.1 Support programs which strengthen the relationships between the range of community groups

COMMUNITY GRANT CATEGORY

Community Grants Category - Specific Program/ Project: Cap \$10,000

RECOMMENDATION:

\$ 6,000

The Panel scored the application as a 6, therefore we recommend providing 50% of the requested funding.

The Business Concierge LTD

The Business Concierge LTD requests \$2,500 for Survivor Life Skills. The applicant provide programs to High Schools and Primary School in order to teach Finance Literacy Skills, Interview and Employment and other Life Skills not covered in the School curriculum. There are 60 subjects

Schools can choose from based on the needs of the School and students. The program for Schools has been run in the Mudgee Region for 13 years.

Link to Community Plan: 3.3.2 Build strong linkages with institutions providing education, training and employment pathways in the Region 3.1.2 Encourage the development of a skilled and flexible workforce to satisfy local industry and business requirements

COMMUNITY GRANT CATEGORY

Community Grants Category - Specific Program/ Project: Cap \$10,000

RECOMMENDATION:

\$ 1,875

The Panel scored the application as a 7, therefore it is recommend to provide 75% of the requested funding.

Western Region Academy of Sport Inc (WRAS)

Western Region Academy of Sport Inc (WRAS) requests \$1,502 for Annual operation of the Western Region Academy of Sport. Council's contribution will be used to support Mid-Western Regional athletes selected in WRAS programs. WRAS (a non-profit association) uses funding to reduce the financial burden families face when their children become involved in higher level sport. WRAS eliminates some of the disadvantages that regional athletes face in comparison to their city counterparts.

Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 1.1.4 Work with key partners and the community to reduce crime, anti-social behaviour and improve community safety

COMMUNITY GRANT CATEGORY

Community Grants Category - Specific Program/ Project: Cap \$10,000

RECOMMENDATION:

\$ 751

The Panel scored the application as a 6, therefore it is recommend to provide 50% of the requested funding.

Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc

Rotary Club of Mudgee Inc and Rotary Club of Mudgee Sunrise Inc requests \$7,000 for Mudgee Showground Carols. Project/activity is annual celebration of Christmas for Mudgee community. The event gives Mudgee families and others the opportunity to come together to celebrate Christmas in an alcohol-free family environment. Santa lands on Showground in a Commercial Helicopter sponsored helicopter. The event comes to a conclusion with a fantastic fireworks spectacular.

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

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 5,000

The amount requested was above the policy's Cap and therefore the cap amount of \$5,000 is recommended.

Mudgee 200 Years

Mudgee 200 Years requests \$5,000 for Mudgee 200 Years. This will be an event to acknowledge the 200 years of Mudgee that will incorporate a street parade as well as historical displays, First Nation cultural displays and markets at Robertson Park and Market St

Link to Community Plan: 1.4.1 Support programs which strengthen the relationships between the range of community groups 1.2.1 Respect and enhance the historic character of our Region and heritage value of our towns

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 0

There does not appear to be significant benefits linked with the objectives of Councils Community Plan. Council recognises celebrating the bicentenary in 2038 when Mudgee was gazetted.

Cementa Inc

Cementa Inc requests \$90,000 for WAYOUT Artspace (purchase of building). To support our purchase of 71 Angus Avenue, Kandos to enable a permanent and year-round space and facilities for activities such as workshops, group activities, exhibitions and events.

Link to Community Plan: 1.4.2 Support arts and cultural development across the Region 3.1.1 Support the attraction and retention of a diverse range of businesses and industries

COMMUNITY GRANT CATEGORY

Capital Grants Category: Cap \$25,000

RECOMMENDATION:

\$ 12,500

The purchase of the building provides a pathway for the growth and development of this project to attract visitors to the region and promote arts and culture. It is recommended to provide 50% of the category cap.

Little Wings

Little Wings requests \$1,200 for Community Services Flights - Airway Refund. Little Wings provide free air and ground transport for chronically ill and seriously injured children and their family that live in rural and regional NSW, ensuring consistent and long-term access to life saving medical treatment that is only available in city based hospitals. Little Wings is a 89% volunteer led organisation and supports approximately 6 families in the Mudgee region.

Link to Community Plan: 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

COMMUNITY GRANT CATEGORY

Community Grants Category - Specific Program/ Project: Cap \$10,000

RECOMMENDATION:

\$ 1,200

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Recommendations are made under the Community Grants Program Policy.

Legislation

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

Financial implications

Funding of \$110,000 is provided in the Operational Plan for financial assistance. \$0 has already been allocated, leaving a balance of \$110,000. Based on the scoring system above, the recommendation of staff is to provide \$27,326 in financial assistance. Should Council approve the recommendations in the report, a balance of \$82,674 will remain.

Associated Risks

Not applicable.

AMANDA COVER
ACCOUNTANT REPORTING & ANALYSIS

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

5 July 2021

Attachments: 1. Community Grant Applications. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.4 Monthly Statement of Investments as at 30 June 2021

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, FIN300053

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 30 June 2021; and
2. note the certification of the Responsible Accounting Officer.

Executive summary

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

Disclosure of Interest

Nil

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 30 June 2021.

It is also noted that at the time of publication of this report the monthly statement balances for TCorp's Funds were not finalised. These balances may be subject to change and final balances will be reported to the next Council meeting.

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Strategic implications

Council Strategies

Not applicable.

Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

Legislation

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

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

Financial implications

Not applicable.

Associated Risks

Not applicable.

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

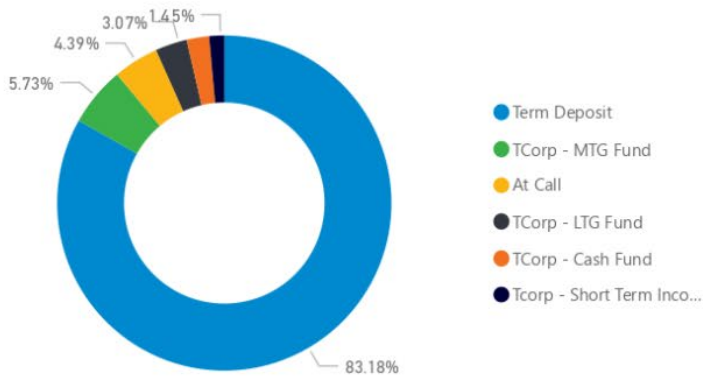
7 July 2021

Attachments: 1. Investment Report 30 June 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Investments by Type

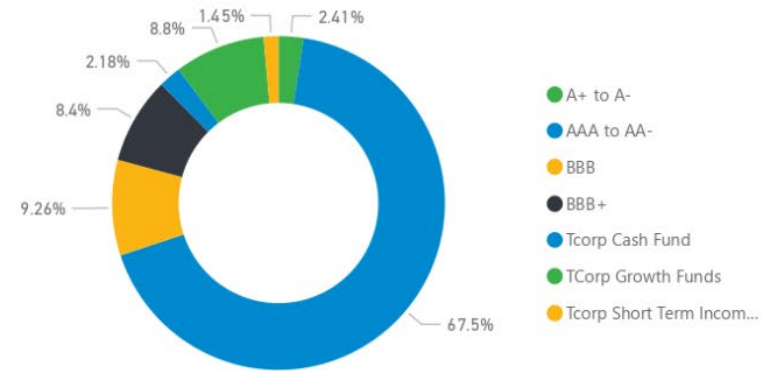


Mid-Western Regional Council Cash and Investments as at 30 June 2021

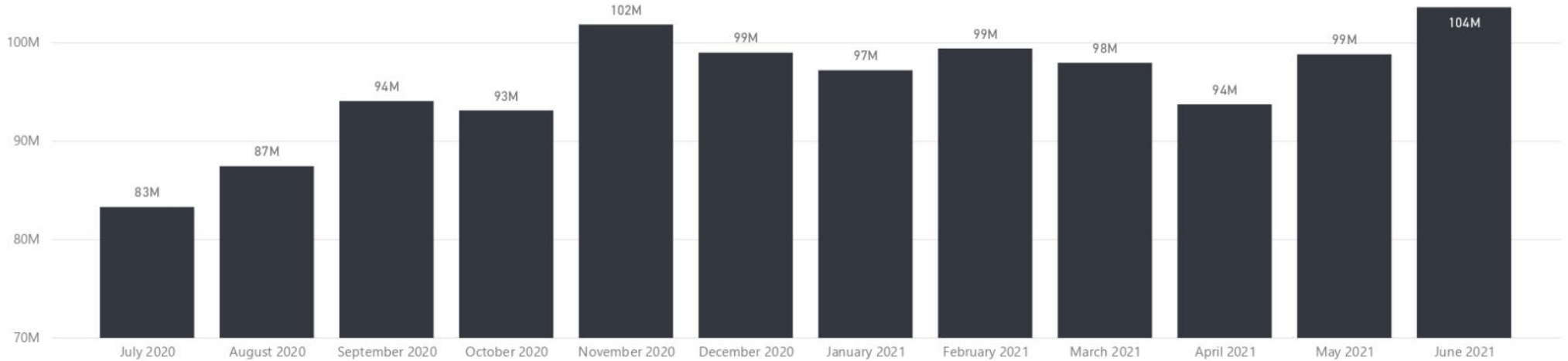
Total Investment Portfolio

103.63M

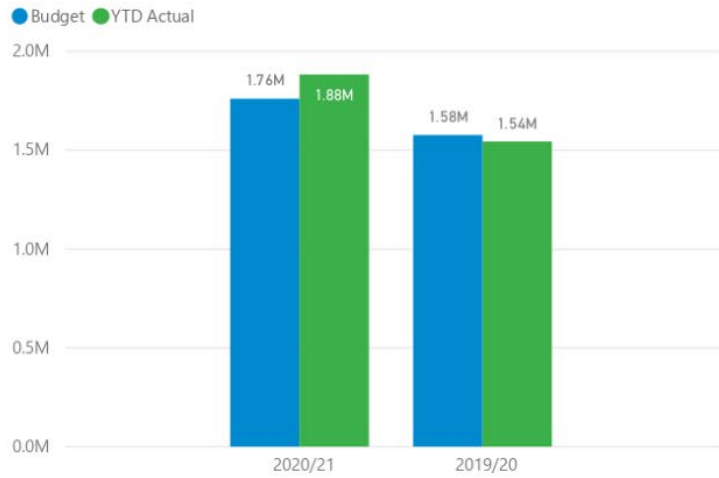
Investments by Long Term Rating



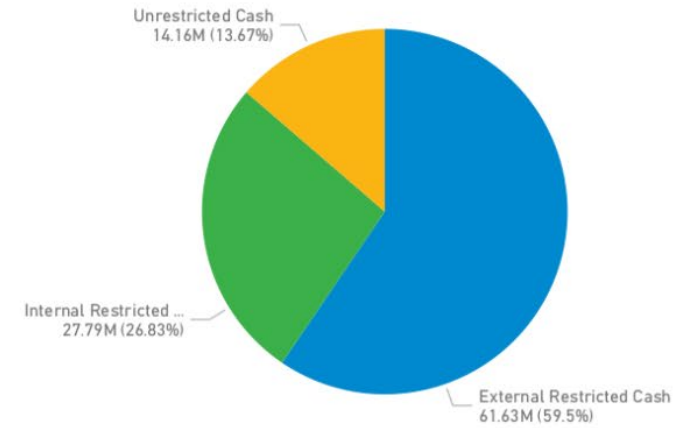
Portfolio Balance at End of Month



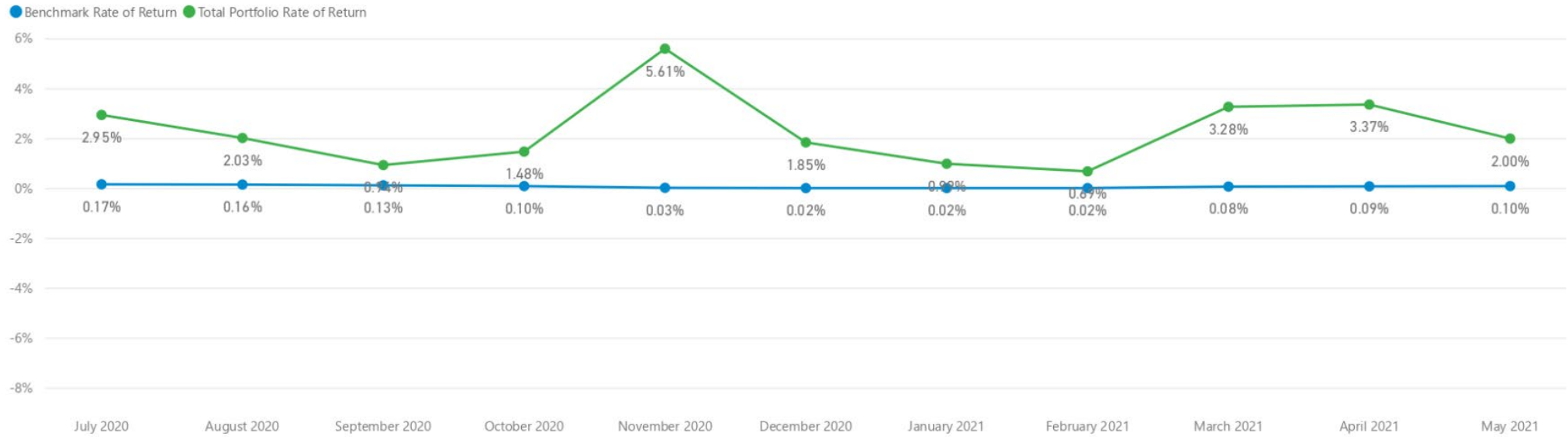
Income from Investments



Balance by Cash Category



Investment Performance



At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal Amount
NAB	0.50%	0	4,551,089.90
TCorp - Cash Fund	0.50%	1	2,258,868.07
TCorp - Long Term Growth Fund	0.50%	5	3,177,651.12
TCorp - Medium Term Growth Fund	0.50%	5	5,937,921.49
TCorp - Short Term Income Fund	0.50%	5	1,500,150.35
Total			17,425,680.93

Current Term Deposits

Institution	Yield	Term to Maturity	Principal Amount
AMP	0.75%	161	2,000,000
AMP	0.75%	217	1,500,000
Bank Of Queensland	1.65%	133	2,500,000
Bank Of Queensland	1.60%	231	1,500,000
Bank Of Queensland	1.45%	245	1,000,000
Bank Of Queensland	0.90%	455	1,500,000
Bank Of Queensland	0.50%	392	2,200,000
CBA	0.70%	105	1,500,000
CBA	0.68%	147	1,800,000
CBA	0.55%	112	1,200,000
CBA	0.53%	203	2,000,000
CBA	0.53%	217	2,000,000
CBA	0.53%	259	2,000,000
CBA	0.44%	301	2,500,000
CBA	0.43%	287	1,500,000
CBA	0.46%	329	1,500,000
CBA	0.42%	343	1,000,000
CBA	0.42%	357	2,000,000
CBA	0.41%	343	1,000,000
CBA	0.46%	399	1,500,000
CBA	0.46%	385	1,700,000
CBA	0.72%	1071	2,000,000
CBA	0.47%	427	1,500,000
CBA	0.50%	483	1,500,000
ING	1.13%	315	1,500,000
Macquarie	1.40%	609	1,000,000
MyState Bank	0.75%	119	2,600,000
MyState Bank	0.52%	371	1,000,000
MyState Bank	0.52%	364	1,500,000
MyState Bank	0.52%	385	1,000,000
NAB	1.00%	7	1,800,000
NAB	0.85%	21	2,200,000
NAB	0.81%	14	1,500,000
NAB	0.80%	49	1,500,000
NAB	0.87%	413	2,000,000
NAB	0.81%	56	2,000,000
NAB	0.75%	84	2,500,000
NAB	0.75%	91	1,000,000
NAB	0.79%	441	1,500,000
NAB	0.70%	469	1,000,000
NAB	0.61%	175	1,500,000
NAB	0.57%	266	2,000,000
NAB	0.48%	273	2,500,000
NAB	0.57%	609	1,700,000
NAB	0.65%	728	2,000,000
St George	0.60%	189	1,500,000
St George	0.60%	203	1,500,000
Westpac	1.54%	35	1,500,000
Westpac	0.85%	401	2,000,000
Westpac	0.80%	63	1,000,000
Westpac	0.80%	77	1,500,000
Westpac	0.62%	161	1,500,000
Total			86,200,000

Investment Portfolio Summary

Term to Maturity	Amount \$'000	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	32,925,681	32%	32%	20%	OK
Between 3 months and	45,600,000	44%	76%	40%	OK
Between 1 year and 2	23,100,000	22%	98%	50%	OK
Between 2 years and 4	2,000,000	2%	100%	85%	OK
More than 5 years	-	0%	100%	0%	OK
Total	103,625,681				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	27%	28,200,000
	NAB	40%	OK	30%	31,251,090
	St George	40%	OK	3%	3,000,000
	Westpac	40%	OK	7%	7,500,000
A+	Macquarie	20%	OK	1%	1,000,000
A	ING	20%	OK	1%	1,500,000
BBB+	Bank Of Queensland	10%	OK	8%	8,700,000
BBB	AMP	5%	OK	3%	3,500,000
	MyState Bank	5%	Over Limit	6%	6,100,000
Tcorp Cash Fund	TCorp - Cash Fund	30%	OK	2%	2,258,868
	TCorp - Long Term Growth Funds	15%	OK	3%	3,177,651
TCorp Growth Funds	TCorp - Medium Term Growth Fund	15%	OK	6%	5,937,921
	TCorp - Short Term Income Fund	15%	OK	1%	1,500,150
	Tcorp Short Term Inc Fund	15%	OK	1%	1,500,150
Grand Total				100%	103,625,681

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	68%	69,951,090
A+ to A-	50%	OK	2%	2,500,000
BBB+	20%	OK	8%	8,700,000
BBB	10%	OK	9%	9,600,000
Tcorp Cash Fund	30%	OK	2%	2,258,868
TCorp Growth Funds	15%	OK	9%	9,115,573
Tcorp Short Term Inc	15%	OK	1%	1,500,150
Grand Total			100%	103,625,681

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	6,122,085		4,551,090
TCorp - Cash Fund	2,258,706		2,258,868
TCorp - Long Term Growth Fund	3,101,875		3,177,651
TCorp - Medium Term Growth Fund	5,854,864		5,937,921
Tcorp - Short Term Income Fund	1,499,070		1,500,150
Total	18,836,599	-	17,425,681

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
St George	1.15%	9/06/2021	2,000,000	23,819
St George	1.15%	23/06/2021	3,000,000	36,390
Total			5,000,000	60,210

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
CBA	0.41%	8/06/2022	1,000,000	4,167
CBA	0.46%	3/08/2022	1,500,000	7,940
CBA	0.46%	20/07/2022	1,700,000	8,698
CBA	0.72%	5/06/2024	2,000,000	43,082
CBA	0.47%	31/08/2022	1,500,000	8,267
CBA	0.50%	26/10/2022	1,500,000	9,945

Item 10: Operations

10.1 High Pedestrian Activity Area - Mudgee CBD

REPORT BY THE MANAGER - INFRASTRUCTURE PLANNING
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, R0790087

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Infrastructure Planning on the High Pedestrian Activity Area - Mudgee CBD;**
2. **resolve to implement the High Pedestrian Activity Area - Mudgee CBD;**
3. **authorise the General Manager to:**
 - a) **accept funding from Transport for NSW (note works are fully funded by Transport for NSW);**
 - b) **negotiate, sign and finalise funding agreement to progress the works; and**
4. **amend the 2021/22 budget to include expenditure of \$70,000 fully funded by Transport for NSW.**

Executive summary

Five crashes involving pedestrians have occurred in the Mudgee CBD in the last five years resulting in one fatality and four people injured.

With Mudgee's increasing population and tourist visitations there is consistent concern arising from the community about the growth of the town centre and its impacts on residents, businesses and visitors.

Works are currently underway to improve lighting at pedestrian crossings and line mark car parking bays, forming part of a viable answer to address this concern. To augment and increase the effectiveness of this package of works, it is recommended a High Pedestrian Activity Area (HPAA) be implemented in select locations of the Mudgee CBD. When instigated the effect will be a permanent change in speed limit from 50km/h to 40km/h in select locations on Market Street, Mortimer Street, Church Street and Perry Street. The school zone on Lewis Street and part of Mortimer Street will remain operating at 40km/h during school hours of 8-9:30am and 2:30-4pm and 50km/h at other times.

This proposal is supported by Transport for NSW and NSW Police and has been discussed the Local Traffic Committee.

A budget of \$70,000 for the works is to be allowed. Transport for NSW will fully fund the project.

Disclosure of Interest

Nil

Detailed report

Since 1991 High Pedestrian Activity Areas (HPAA) have been applied in 174 locations across NSW.

At Council's ordinary meeting 18 November 2020 it was resolved "*That Council endorse in principle the installation of a High Pedestrian Activity Area in Mudgee CBD as outlined in the body of the report*". This allowed staff to undertake more detailed consultation which included;

- Discussion with property owners adjacent to proposed new signage in Mortimer Street and adjust the proposed locations of signage based on feedback to minimise impact
- Discussion with St Matthew's School regarding adjustment to School zone signage in Mortimer Street.
- A letter box drop to property owners adjacent to other proposed signage
- A survey via "yoursay" through Council's website
- Media release and follow up interviews regarding the above survey

The result of the consultation reflected neither strong opposition or support for the proposal. A summary of responses to the on-line survey are attached for information.

139 responses were received. Overwhelmingly, the 'yes' respondents agreed with the safety improvements of the proposal. The 'no' respondents referred to the following items the most:

1. Not possible to reach a speed of 50km/h anyway
2. Concerned about congestion
3. Pedestrians don't cross the roads appropriately
4. Would like to see improvements to pedestrian crossings
5. Unnecessary / no accidents involving pedestrians.

Now the survey respondents did not have access to the statistics or scientific research. The following information is submitted for consideration.

- 1 fatality & 4 injuries have resulted from crashes involving pedestrians in the Mudgee CBD in the last 5 years.
- 2016 Census statistics has Mudgee's population standing at 10,966. Population projections for Mid-Western Regional Local Government Area, 2005-2031, prepared by Ratio Consultants forecasts a Mudgee population of 14,070 in 2031.
- The Mudgee region is currently receiving 13,300 tourists each week. This number may increase as the region gains popularity.
- There has been consistent community concern about the growth of the town centre and its impacts on residents, businesses and visitors.
- Managing speed is key to pedestrian safety. Pedestrians hit by a car at 40km/h have twice the chance of surviving than if hit at 50km/h.
- Centre for Road Safety crash analyses show statistically significant reductions in crashes and casualty crashes on the HPAA zone roads after the HPAA zones had been implemented.
- Centre for Road Safety crash analyses show statistically significant reductions in crashes and casualty crashes on the HPAA zone roads after the HPAA zones have been implemented.

The Centre for Road Safety has shown the benefits of a HPAA to be:

- Improved road safety
- Reduced crash incidents
- Safe access and enjoyment of the urban village atmosphere of the local restaurants, cafes and the many shopping experiences
- Improved safety for vulnerable groups such as the mobility impaired, older road users and children
- Improve mobility within the CBD, encouraging cycling & walking

The location of the proposed HPAA covers the areas of high pedestrian activity within Mudgee CBD and is detailed on the plan attached to this report. Following consultation at Council's 16 June 2021 workshop the HPAA is now planned to extend to the area between Market Street and Mortimer Street.

The installation of signage at the entry and exit to the HPAA zone will mainly be installed on existing blisters at roundabouts. Additional small islands are proposed to be installed in Mortimer Street west of Lewis Street, Church Street just south of Clarke Street and Market Street west of Post Office Drive. 40km/h speed zone will also be line marked on road pavement at entry points. It is proposed to introduce marked angle parking in conjunction with installation of HPAA to ensure there is no overall loss of parking.

The School Zone signage on Mortimer Street will be upgraded to solar powered flashing 40km/hr as currently exists on the Lewis Street legs.

No financial contribution is to be made by Council as the project will be 100% funded by the NSW State Government. It is appropriate Council accept this funding and progress the works.

Community Plan implications

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

Strategic implications

Council Strategies

HPAA has been discussed at Local Traffic Committee and is fully supported by Police.

Council Policies

Not applicable

Legislation

Road Rules 2014

Financial implications

Funding is being offered from the NSW State Government and will be administered through Transport for NSW. The associated costs are estimated at \$70,000. No contributions are to be made by Council as this project is 100% State Government funded.

Receiving external grant funding deteriorates our Own Source Revenue ratio.
Building new infrastructure will increase depreciation in future years, hence has a negative impact on the Building & Infrastructure Renewal ratio.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	X	-
Future Years	-	X	X

Associated Risks

Council Staff will manage project risk such as program and cost.

RAY KEARNS
MANAGER - INFRASTRUCTURE PLANNING

GARRY HEMSWORTH
DIRECTOR OPERATIONS

30 June 2021

Attachments: 1. High Pedestrian Activity Area - Mudgee CBD Plan & Survey Results.
(separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Riverside Caravan Park Fire Services

REPORT BY THE BUILDING SERVICES COORDINATOR
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, COR400360

RECOMMENDATION

That Council:

1. **receive the report by the Building Services Coordinator on the Riverside Caravan Park Fire Services;**
2. **increase the current unspent budget of \$75,615 by \$20,000 bringing the total budget for the 2021/2022 financial year to \$95,615 and the total project cost over 2020/2021 and 2021/2022 financial years to \$122,757; and**
3. **acknowledge the unspent 2020/2021 budget of \$75,615 will be included in the revote report to August Council meeting.**

Executive summary

Council is requested to endorse an amendment to the allocated capital budget for the upgrade of Riverside Caravan Park fire services for the 2021/2022 financial year. The original budget was allocated as part of the 2020/2021 Capital Works Program for the design and installation of fire services throughout Riverside Caravan Park. Request for Quote processes were undertaken and it was deemed the existing budget does not meet current market requirements for this project to be completed in accordance with the approved design.

Disclosure of Interest

Nil

Detailed report

Capital budget was allocated to this project in the 2020/2021 capital works program for the design and installation of fire services at Riverside Caravan Park in accordance with Australian Standards. The project includes design and installation of fire hydrants and fire hose reels in accordance with Australian Standards. The facility currently does not have fire hydrants installed throughout the park, additional budget is required to allow for the project to go ahead to ensure legislative requirements can be met.

Some initial works and design of the fire hydrant system has been completed, due to the current market and availability of consultants and qualified service providers the design process was delayed significantly throughout the consultation process. This resulted in a delay in processing of the required approvals and a delay in procurement processes being undertaken for the water

upgrade works. As procurement processes were carried out and the response for the Request for Quote were seen to adequately test the market, it became apparent that additional budget would be required to complete the works to the desired quality in accordance with the approved design.

The current total project budget allocated to date is \$102,757. Investigation, design and initial works commenced in 2020 with a total expenditure of \$27,142 spent in the 2020/2021 financial year. The remaining amount of the original allocated budget is \$75,615. It is requested that the existing remaining amount of \$75,615 is increased by \$20,000 resulting in a total budget of \$95,615 being allocated to this project for the 2021/2022 financial year.

The unspent budget from the 2020/2021 financial year of \$75,615 will be included in the revote report going to the August Council meeting. The total allocated budget for the project after allocation of the additional \$20,000 including the already spent budget of \$27,142 will be \$122,757.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

An additional budget allocation of \$20,000 from general fund is required for the Riverside Caravan Park fire services capital budget. Because it is capital, it will not impact the operating performance ratio for this financial year, but will increase future depreciation.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	-	-	-
Future Years	X	-	X

Associated Risks

Nil

KARLI ANSHAW
BUILDING SERVICES COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

7 July 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Gulgong Sports Council Meeting Minutes - 13 April 2021 and 18 May 2021

REPORT BY THE MANAGER - RECREATION SERVICES
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, A0360003

RECOMMENDATION

That Council:

1. receive the report by the Manager - Recreation Services on the Gulgong Sports Council Meeting Minutes - 13 April 2021 and 18 May 2021; and
2. note the minutes for the Gulgong Sports Council Meeting held 13 April 2021 and 18 May 2021.

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council meetings held on 13 April 2021 and 18 May 2021.

Disclosure of Interest

Nil

Detailed report

The Gulgong Sports Council receives and updated works request and matters in progress report together with updated financial details each month prior to their meetings.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

The Gulgong Sports Council is operating under section 355 of the Local Government Act (1993), which allows it to exercise a function of Council.

Financial implications

Not applicable

Associated Risks

Nil

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

10 June 2021

Attachments: 1. Gulgong Sports Council Minutes 13.4.2021.
2. Gulgong Sports Council Minutes 18.5.2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

P & G

**GULGONG SPORTS COUNCIL
Monthly Meeting
Monday 13th April, 2021 @ Gulgong Bowling Club.**

MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED
25 MAY 2021
 SCANNED
 REGISTERED

Meeting Opened; 6.00pm

Apologies; B & C.Rae, S.Palmer, M.Gaudry, S.Ellis, T.Papworth.

Moved; M.Freestone 2nd C.Forrester Carried

Present; B.Gudgeon GDCA, C.Holden Sports Council, M.Freestone Touch Football, Peter Raines MWRC, C. Forrester Gulgong Dogs, P Thompson MWRC, D.Thompson, T.Bromley Soccer, P Doran & A Doran Gulgong Dogs.

Minutes; Minutes from December, 2020 Meeting to be accepted.

Moved M.Freestone 2nd Carried T.Bromley Carried

Council Business;

1. Water is entering the storage facilities at Victoria Park Gulgong, Works Request to be raised.
2. Gulgong Sports Council works sheet has been updated. Please refer to sheet.
3. Proposed meeting to be held at Billy Dunn Oval for extension of amenities to grandstand.

Finance;

Expenditure; Nil

Balance; \$5991.98

Motion that Finance Report be accepted also expenditure to be paid.

Moved C.Holden 2nd P.Thompson Carried

MID-WESTERN REGIONAL COUNCIL
Customer Services
RECEIVED
25 MAY 2021
 SCANNED

General Business;

1. New shirts for Gulgong sports Council to be discussed at next meeting.
2. Inspections of amenities to be organised of sporting ovals.
3. Line marking of grounds to be discussed at next meeting.
4. Sign at front entrance of Victoria Park to be updated.

Next Meeting; 13th April, 2021 Gulgong Bowling Club.

President Craig Holden.



Gulgong Sports Council Works Required Sporting Grounds						
Date 18th May, 2021.						
Project Description	Location	Works Required	Completed Y/N	Priority Rating	Comments	
Road Seal	Victoria Park	Bitumen Seal			Capital Item	
Fencing	Victoria Park	Gates Extra access			Works Request (works in progress awaiting quotes)	
Fencing	Billy Dunn Oval	Gates Extra access			Works Request (works in progress awaiting quotes)	
Grandstand	Victoria Park	Posts replacement			Engineer assessment required (unsafe)	
New Amenities Block	Billy Dunn Oval	Women's Change Room			Tender required (cost to build) @ MWRC Meeting for approval of tenders.	
Road	Billy Dunn Oval	Construction			Completion 4 to 6 weeks.	
Car Park	Billy Dunn Oval	Construction			Completion 4 to 6 weeks.	
Seating	Tennis Courts	Installation New			Works in progress \$1000.00 donated to project by Gulgong Sports Council.	
Shot Put and Discus	Victoria Park	Update New Slabs			Next Budget	
Garbage Bins	Billy Dunn Oval	New Purchase 10			Peter Raines to check. 10 second hand bins to be installed at oval.	
Playing Field	Billy Dunn Oval	Drainage (Main Oval)			Suveyer to carry out levels also checking of water carry off for drainage. (end of season works.)	
Cricket Kiosk	Billy Dunn Oval	Repairs Vandalism	Yes			
New Shed	Victoria Park	Cricket			Under Sub-mission (grant and price required)	
Security Cameras	Victoria Park	Amenities			Under Sub-mission (grant may be required)	
Security Cameras	Billy Dunn Oval	Amenities			Under Sub-mission (grant may be required)	
Lighting	Victoria Park	Amenities			Existing security lighting not working needs checking.	
Cricket Nets	Victoria Park	Update and Trees			Tree removal and synthetic replacement. Next Budget.	
Lighting	Tennis Courts	Update			To be checked and updated to proper playing specs.	
Grandstand Ammenities	Billy Dunn Oval	Update and extension.			Improvements to be carried out, plus extension on back of grandstand. (new project)	

GULGONG SPORTS COUNCIL
Monthly Meeting
Monday 18th May, 2021 @ Gulgong Bowling Club.



Meeting Opened; 6.00pm

Apologies; S.Palmer, A. Doran.

Moved; M.Freestone 2nd P.Doran **Carried**

Present; B.Gudgeon GDCA, C.Holden Sports Council, M.Freestone Touch Football, Peter Raines MWRC, C. Forrester Gulgong Dogs, P Thompson MWRC, T.Bromley Soccer, P Doran Gulgong Dogs, T.Papworth Athletics, G.German Gulgong Bowling Club, M.Gaudry Tennis.

Minutes; Minutes from December, 2020 Meeting to be accepted.

Moved P.Doran 2nd **Carried** T.Bromley **Carried**

Council Business;

1. Water is entering the storage facilities at Victoria Park Gulgong, Area is being checked for drainage..
2. Gulgong Sports Council works sheet has been updated. Please refer to sheet.
3. Proposed meeting to be held at Billy Dunn Oval for extension of amenities to grandstand. C.Holden to put in place with club notification.
4. Gates at Victoria Park to signed No Parking for Emergency Vehicles. **(Signs Needed)**.
5. Request of half courts for basketball, locations, costings and plans to be drawn up for project. One of the two netball courts to be converted to new swing netball and basketball rings costing of rings to be actioned. This will determine usage to see if the project is required at both grounds.
6. Request from Sports Council Treasurer that income from sporting groups be mentioned on MWRC Sports Council Finance Statement so we know who has paid their fees as the system does not give us the information to maintain our finance records correctly.

Finance;

Expenditure;

Craig Holden \$71.00 Reimbursement for Sports Council Award.

Gulgong Timber & H'ware \$173.75 Purchases for sporting grounds.

Balance; \$5991.98

Motion that Finance Report be accepted also expenditure to be paid.

Moved B.Gudgeon 2nd P.Thompson **Carried**

General Business;

1. New shirts for Gulgong sports Council to be purchased.
Moved P.Thompson 2nd M.Freestone Carried.
2. Inspections of amenities to be organised of sporting ovals, electrical and health from mouse plague.
3. Line marking of grounds to be discussed at next meeting regarding athletics carnival from schools. It is up to the schools to line mark their own grounds for this event not MWRC or Sports Council this has been the practise for many years as the schools have installed their own line marking for the last 25 years.
4. Sign at front entrance of Victoria Park to be updated. Works has been authorised to be carried out by committee, C.Holden to organise.

Next Meeting; 20th July, 2021 Gulgong Bowling Club.

President Craig Holden.



Gulgong Sports Council Works Required Sporting Grounds

Date 18th May, 2021. **Update**

Project Description	Location	Works Required	Completed Y/N	Priority Rating	Comments
Road Seal	Victoria Park	Bitumen Seal			Capital Item
Fencing	Victoria Park	Gates Extra access			Works Request (works in progress awaiting quotes)
Fencing	Billy Dunn Oval	Gates Extra access			Works Request (works in progress awaiting quotes)
Grandstand	Victoria Park	Posts replacement			Engineer assessment required (unsafe) New Budget 2021 - 2022
New Amenities Block	Billy Dunn Oval	Women's Change Room			Tender required (cost to build) @ MWRC Meeting for approval of tenders. TENDER APPROVED
Road and Car Park	Billy Dunn Oval	Construction			Completion End of June 2021.
Seating	Tennis Courts	Installation New			Works in progress \$1000.00 donated to project by Gulgong Sports Council. Seating being purchased.
Shot Put and Discus	Victoria Park	Update New Slabs			Next Budget 2021
Garbage Bins	Billy Dunn Oval	New Purchase 10			Peter Raines to check. 10 second hand bins to be installed at oval.
Playing Field	Billy Dunn Oval	Drainage (Main Oval)			Suveyer to carry out levels also checking of water carry off for drainage. Mid June 2021
New Shed	Victoria Park	Cricket			Under Sub-mission (grant and price required)
Security Cameras	Victoria Park	Amenities			Under Sub-mission (grant may be required)
Security Cameras	Billy Dunn Oval	Amenities			Under Sub-mission (grant may be required)
Lighting	Victoria Park	Amenities			Existing security lighting not working needs checking. In Progress
Cricket Nets	Victoria Park	Update and Trees			Tree removal 2021 - Synthetic replacement 2023
Lighting	Tennis Courts	Update			To be checked and updated to proper playing specs.
Grandstand Amenities	Billy Dunn Oval	Update and extension.			Improvements to be carried out, plus extension on back of grandstand. Onsite meeting.
Basket Ball Half Courts	Both Ovals	New Purchase Posts			Ground work to be done, one existing net ball court conversion with goal posts for trial.

12.2 Mudgee Sports Council Meeting Minutes - 24 May 2021

REPORT BY THE MANAGER - RECREATION SERVICES
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, A360013

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Recreation Services on the Mudgee Sports Council Meeting Minutes - 24 May 2021; and**
2. **note the minutes for the Sports Council Meeting 24 May 2021.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meeting held 24 May 2021.

Disclosure of Interest

Nil

Detailed report

The Mudgee Sports Council receives updated financial details each month prior to their meetings.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

The Mudgee Sports Council is operating under Section 355 of the Local Government Act (1993), which allows it to exercise a function of Council.

Financial implications

Not applicable

Associated Risks

Nil

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

17 June 2021

Attachments: 1. Mudgee Sports Council Meeting Minutes 24.5.2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mudgee Sports Council.

Mudgee Netball Clubhouse

24-05-2021 1800

Present: P. Mitchell, J. Martin (MWRC staff), A. Whale (Jnr Cricket), K. Bennetts (Little Athletics), P. Scott (Mudgee Wolves), J. McCarney (Jnr Rugby League), L. Garland (Mudgee Wolves), P. Lawson (Touch), K. Marshall (Netball), P. Raines (MWRC staff), S. Palmer (MWRC staff), K. Lang (League Snr), R. Smith (Rugby) & J. Johnson.

Apologies: N. Cavanagh (Jnr Cricket), G. Robinson, J. O’Neill (Councillor MWRC), S. Jones (MWRC staff), L. Humphries (Rugby), J. Fleming (Lions Soccer), Moved K. Bennetts, seconded P. Lawson, apologies are accepted.

Business Arising from previous Meeting:

1. Amendments required for previous minutes, date, and add J. McCarney Jnr League. Moved P. Lawson, seconded P. Scotti.

Treasurers Report:

1. At time of meeting Mudgee Sports council has funds of \$99397.22 as presented from Council financials.
2. Could we get clarification from MWRC which club has paid \$7000?
3. Line Marker monies still to be taken out. Moved accepted A. Whale seconded K. Lang carried.

Secretary Report:

1. Application for funding received from Mollie Blackman a member of Mudgee Little Athletics who attended Little Athletics National titles held at Olympic Park Sydney 12-19th April, she was selected to represent NSW at National titles in Hammer Throw obtaining a personnel best, **MOTION: that Mollie Blackman be funded as per Mudgee Sports Council guidelines the sum of \$500**, Moved K. Bennetts, seconded P. Lawson, motion carried, awaiting bank account details.
2. Emails received from Geoff Robinson re support for indoor stadium, and Josh Fleming about glass on Glen Willow held to general business (added to the end of these minutes).

Works Request Updates:

1. Bollards to entrance of pathway at Walkers Oval installed.
2. Air conditioner leak Netball clubhouse appears fixed.

New Works Requests:

- 1.** Bubblers for Netball, Touch, looking at fill stations.
- 2.** Seating for Netball.

3. Signage on Pedestrian crossing, at Glen Willow, signs will be installed in the future, a consultant to come in to review traffic flow, as well as the loop road, Traffic management review to take place.
4. Glen Willow field damage from birds.
5. Walkers Oval Discus cage damage.

General Business:

1. Letter received from Geoff Robinson re the possibility of an indoor stadium to house Basketball, Indoor Netball, Indoor Hockey and other sports, asking for support from Sports Council, could be part of stage 3 in conjunction with an indoor swimming pool, all clubs asked to read email and bring thoughts to next meeting. Please find email attached to minutes.
2. Glen Willow issue with glass on grounds: Email received from J. Fleming after witnessing alcohol being drunk from glass bottles at the soccer, as well as dogs on grounds, soccer representatives will investigate and bring a response to next meeting, perhaps larger signage required re: Dogs and Glass on activity grounds, Council staff will forward fines to sporting bodies if breaches occur. Reminder to all sporting bodies re usage of grounds.
3. Sports Awards: Criteria needs to be changed, possibly have a school award separate to a Saturday sport award. The school award is usually for the most nominated school, Geoff in conjunction with MWRC are putting nomination forms on line, Kylie to speak with Geoff about awards, also need to look at selection panel. Entries will close **31/01/22, award date is 25th February 2022**
4. Parking at Glen Willow: major issue, parking should be in designated areas, no parking on grass verges of road, CLUBS CAN NOTIFY POLICE IF NECESSARY.
5. Loss of Grand Final for Junior Rugby League group 10 due to clash with special event Aus Tag, Glen Willow was booked by Mudgee Dragons Junior League but was over ridden by special events, can Junior League ask for compensation, Aus Tag is only Friday, Saturday, booking not confirmed by council, not sure of Junior League booking. More information to be forwarded to sporting bodies, if booking is contentious then goes to council. **MOTION That Council look into the time frame AUSTAG need grounds, so that Junior League can use Glen Willow, for Group 10 grand finals.** Moved K. Lang seconded J. McCarney carried , Sarah MMWRC will find out more information from AUSTAG, and check with Events so that local sports have a fairer go, AUSTAG is here 03/04 September perhaps they could change their dates.
6. 20/21 Summer sports will be refunded the Sports Council fees due to restrictions from COVID, so if your club has paid your fees for 20/21, you can put a claim into council, this includes Cricket, Little A's and Touch.

Meeting closed 7pm.

Next meeting to be held at Netball clubhouse 6pm 21/07/21

Meeting closed 1850

Sarah Palmer

Subject: FW: Stadium

From: Geoffrey [REDACTED]
Sent: Monday, 24 May 2021 2:58 PM
To: Peter Mitchell [REDACTED]
Subject: Stadium

Good Afternoon Peter,

Firstly my apologies for not being able to attend the meeting tonight.

On behalf of the Mudgee Basketball Association, and, I would think, other potential users, I would like the Sports Council to request the MWRC to fund an indoor sports stadium in the next phase of the development of sporting facilities at Glen Willow.

While a two court stadium would be adequate, a four court stadium should be planned as this would entice State bodies to consider the use of the stadium when staging Country or State championships or as a pre season training facility for NBL, WNBL, State Netball, Super Netball competitions. State Indoor Soccer competitions would also be a consideration.

I would be very confident that with four courts available, and the use of the PCYC and St Matthews stadium, Mudgee Basketball Association would have no trouble in getting one age group or more when venues are allocated for the Country championships in June each year.

Like Rugby League, Rugby and Soccer and even Touch, which regularly bring a financial benefit to the district, an indoor sporting complex with a minimum of four courts would also enhance the districts reputation as the sporting hub of the west, not withstanding Dubbo's attempts to usurp Mudgee from that position.

Dubbo Council, through the University government funding system, is considering plans for a vast indoor sporting area which is likely to be a six court complex.

MWRC would probably have more information on this than me, which has come through Basketball NSW.

I urge the Sports Council to lobby MWRC heavily for this project.

Thank for considering my request.

Geoff Robinson
President
Mudgee Basketball Association
Est.1965

Sent from [Mail](#) for Windows 10

Sarah Palmer

Subject: FW: Sports Council

-----Original Message-----

From: Joshua Fleming [REDACTED]
Sent: Monday, 17 May 2021 3:35 PM
To: Peter Mitchell [REDACTED]
Subject: Sports Council

Peter,

Can you please pass my apologies for the sports council as I will be away for work.

I also have an issue that I would like tables at the meeting.

I attended the Mudgee Wolves football matches on Saturday the 15th May and was very disappointed in what I witnessed.

There was numerous players and spectators who were drinking alcohol in glass bottles and a player who brought their dog into the grounds to watch the Western Premier League game.

One of the Wolves 2nd grade players also entered inside the fenced area of field two with a glass beer bottle.

The Vice-President of Wolves was a ground official for the WPL match and did not take any action to rectify any of these matters even though they occurred directly in front of him.

I think a very strongly worded email needs to be sent on behalf of the Council / Sports Council to Mudgee wolves about this.

Regards,

Joshua Fleming

Sent from my iPhone

12.3 Local Traffic Committee Meeting Minutes - 18 June 2021

REPORT BY THE EXECUTIVE ASSISTANT, OPERATIONS
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, A0100009

RECOMMENDATION

That Council :

1. **receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - 18 June 2021;**
2. **approve the event 'Mudgee High School Rainbow Day';**
3. **approve to extend the High Pedestrian Activity Area to Perry Street between Market Street and Mortimer Street; and**
4. **approve the amended Traffic Control Plans for the Small Farm Field Days.**

Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

Disclosure of Interest

Nil

Detailed report

The Local Traffic Committee meeting was held on Friday 18 June 2021.

One event reports were considered

- Mudgee High School 'Rainbow Day'

Two traffic reports were considered:

- Amended TCP's for the Small Farm Field Days
- Extend the HPAA area to include Perry Street

General Business items included

- Concerns at the intersection of Maderia Rd and Oporto Road
- Suitability of installing 'No Parking' signs on Lisbon Street at the Oporto Road intersection.

Correspondence items included

- Mudgee 200

Full discussion notes are included in the attached report.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Not applicable.

Financial implications

Not applicable

MICHELLE NEILSEN
EXECUTIVE ASSISTANT, OPERATIONS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

7 July 2021

Attachments: 1. Minutes - June 2021 Local Traffic Committee.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Minutes of the Local Traffic Committee

Held at the Council Chambers, 86 Market Street, Mudgee
on 18 June 2021.

Present	Don Cottee (MWRC) Phil Blackman, Cr Alex Karavas, Wayde Hazelton (TfNSW), Mark Fehon (NSW Police), Samantha Cecchini (MWRC) Simon Fogarty (NSW Police)
Apologies	Garry McGovern (NSW Police), Garry Hemsworth (MWRC), Ray Kearns (MWRC)
Secretary	Michelle Neilsen (MWRC)

The LTC meeting commenced at 9:30am.

MINUTES OF PREVIOUS MEETING

MOTION CARRIED: NSW Police Mark Fehon / Alex Karavas

The motion was carried with Committee members voting unanimously.

Recommendation

That the Minutes of the previous Local Traffic Committee held on 21 May 2021 be taken as read and confirmed.

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MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Mudgee Town Pedestrian Crossings	20 Jan LTC Meeting	Council conduct an audit on all crossings, place counts on Market and Church Street and provide a report to the committee with findings and suggestions for improvements	Moving forward. Assets Coordinator is working on this project and it should be finished by July 2021. Follow up required for the July 2021 LTC meeting.
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	Subject to funding. Follow up if there is a budget for this new parking.
Request to review traffic flow of Gulgong CBD	November 2018 February 2019 August 2019	Request a review of the traffic management and parking within the Gulgong CBD Report to be presented recommending 'no parking' signs changed to 'no stopping' in front of IGA Gulgong Investigate alternative crossing options for pedestrians in the CBD of Gulgong and present findings to Traffic Committee	Sam Cecchini will investigate past minutes of the Local Traffic Committee to gauge if there has been previous community consultation
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	Will go to the July 2021 Council meeting for approval. There is an amendment to extend the HPAA further up Perry Street and Gladstone Street Mudgee.
St Matthews Traffic Flow	February 2019	Organise meeting onsite Prue Britt, the safety around schools officer with Council, NSW Police and Principal to discuss options	It appears to be driver behaviour that causes issues. Police will be advising the school at the beginning of every term of the rules. There will be no leniency from the Police but they do want to educate the people of the road usage. Continue discussions with the school will take place with the Police and the Council.
Denison Street and Church Street Intersection	August 2020		Manual traffic counts have been completed. Report to be finalised
Ulan Road and Buckaroo Road	December 2020	Further investigation to take place at this intersection.	Traffic Counts have been done. Report to be finalised.
Mudgee library carpark	February 2021	Further investigation required.	Reed Jackson has been on site to review., Report to be finalised
3T signage on Short Street			Remove the 3T signage. Works request to be raised.

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Rocky Waterhole Road			Further investigation required.
Reedy Creek Rd Bridge	May 2021		Further investigation required.
Henry Lawson Drive and Ulan Road	March 2021	Speed and signage at the intersection.	Traffic counts have been completed. Report to follow.

PAST EVENT DEBRIEF

EVENT	

CALENDAR OF EVENTS

2021		
	DATE	COMMENTS
JANUARY		
Kandos Street Machine and Hot Rod Show	21-24 th January 2021	Approved – Did not go ahead
FEBRUARY		
NRL Charity Shield	27 Feb 2020	Approved
MARCH		
Femta	13 March 2021	Approved
Can Cruises	20 March 202	For LTC information only
APRIL		
NRL Event – Manly vs Titans	17 April 2021	Approved
Wings, Wine and Wheels Air show	18 April 2021	For LTC information only
ANZAC Day Services Mudgee	25 April 2021	Approved
ANZAC Day Services Gulgong	25 April 2021	Approved
MAY		
Mudgee Classic	2 May 2021	Debrief took place
JUNE		
JULY		
Small Farm Field Days	2 nd – 4 th July 2021	
AUGUST		
Outback Classic	August 2021	
Mudgee Running Festival	22 August 2021	
SEPTEMBER		

4

Flavours Of Mudgee Mudgee High School Rainbow Day	18 September 2021 16 August 2021	
OCTOBER	DATE	COMMENTS
Sunset Sounds	31 October 2021	Not a council event but an event in the area
NOVEMBER	DATE	COMMENTS
Mudgee 200	22 November 2021	
DECEMBER	DATE	COMMENTS

Red = Unapproved
 Green = Approved

21/031 MUDGEE HIGH SCHOOL RAINBOW DAY -

RECOMMENDATION

That Council

Approve the event – ‘Mudgee High School Rainbow Day’ Thursday 16th September 2021 – and classify as a Class 2 event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and be approved with the following conditions:

- a. The Event is to be undertaken in accordance with the requirements of the attached Special Events Transport Management Plan (TMP), Risk Assessment and Traffic Control Plans;
- b. The Event is to be undertaken in accordance with the requirements of the NSW Police Force approval documentation
- c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with Council's Law Enforcement Officers' reasonable directives;
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- h. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- i. Maintain a four-metre wide emergency vehicle lane;
- j. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- k. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event.
- l. The event is to be covered under the submitted public liability insurance policy in the amount of at least \$20 million. Council, NSW Police and the Transport for NSW are indemnified against any possible action as the result of the event;
- m. The event is to be undertaken in accordance with the traffic control contingency

- plan, to ensure additional authorised traffic controllers are not required at short notice;
- n. All people interacting with vehicles are to wear reflective high visibility vests.
 - o. The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review
 - p. The organiser is to receive Transport for NSW consent for use of Market Street and Ulan Road

MOTION CARRIED: Councillor Alex Karavas / NSW Police Representative

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

21/032 REVISED TCP'S - SMALL FARM FIELD DAYS

RECOMMENDATION

That Council approve the traffic control plans for the Small Farm Field Days.

Committee Comments

TfNSW – believes 1.2km is too long for 40km zone.

MOTION CARRIED: NSW Police Mark Fehon / Alex Karavas

The motion was carried with Committee members voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

21/033 HIGH PEDESTRIAN ACTIVITY AREA

RECOMMENDATION

That Council approve

1. the proposed high pedestrian areas on Market Street, Mortimer Street and Church Street and Perry Street;
2. extend the high pedestrian activity area to Perry Street between Market Street and Mortimer Street.

Committee Comments

MOTION CARRIED: NSW Police Mark Fehon / Alex Karavas

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 18 JUNE 2021

The motion was carried with Committee members voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

21/034 CORRESPONDENCE

WALK FROM SYDNEY TO DUBBO – REQUEST FOR MAPS AND INFORMATION

Council received a request for assistance from Angela Hill. Angela is raising awareness and funds for mental health. Angela is walking from Sydney to Dubbo, passing through the Mid-Western shire. She has requested maps of back roads for safer passage. (see attached email)

Committee Comments

No action for Local Traffic Committee. Respond to Angela with information as she requested.

MUDGEES 200

The Local Traffic Committee received correspondence in relation to the closure of Market Street from Perry to Douro St(s) from 8.30am to 3pm on 20 November 2021. A committee has been formed to organise commemoration celebration of 200 years of Mudgee. They have asked for the street to be blocked off to allow for car parade. (see attached email)

Committee Comments

Further information to come to the July 2021 meeting

GENERAL BUSINESS

MADERIA RD AND OPORTO ROAD

Councillor Karavas requested a history of complaints at the the Maderia Road and Oporto Road intersection.

OPORTO ROAD AND LISBON ROAD

The issue was raised in relation to the suitability of installing 'No Parking' signs in the first three car spaces of Lisbon Road due to the bend in the road. Further investigation to follow.

CLOSURE

There being no further business the meeting concluded at 10.41am.

12.4 Gulgong Memorial Hall Committee - 13 April and 11 May 2021

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, A0100024

RECOMMENDATION

That Council:

1. receive the report by the Manager, Customer Services & Governance on the Gulgong Memorial Hall Committee - 13 April and 11 May 2021; and
2. note the minutes from the Gulgong Memorial Hall Committee meetings held on 13 April 2021 and 11 May 2021.

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Memorial Hall Committee meetings held on 13 April 2021 and 11 May 2021.

Disclosure of Interest

Nil

Detailed report

The Gulgong Memorial Hall Committee met on 13 April 2021 and 11 May 2021 as part of their ongoing monthly meetings. Note the minutes for current actions and updates provided by the committee.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

The Gulgong Memorial Hall Committee is operating under Section 355 of the Local Government Act 1993, which allows it to exercise a function of Council.

Financial implications

Not Applicable

Associated Risks

Nil

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

7 July 2021

Attachments: 1. Gulgong Memorial Hall Committee Meeting Minutes April 2021.
2. Gulgong Memorial Hall Committee Meeting Minutes May 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Gulgong Memorial Hall Meeting 13/04/2021

Opened: 16.20

Present: Percy Thompson, Richard Cushway (MWRC), Toni Morrison, Chris & Pauline Hannaford

Guest: Karli Anshaw (MWRC)

Apologises: Nil

Minutes of last meeting read accepted as correct moved Percy Thompson, seconded Pauline Hannaford.

A letter from Bill Clifford resigning from the committee due to moving from the area. He will be sadly missed and we all wish him well. A thankyou in card, note or letter form to be sent on behalf of the committee.

Again Chris H. had to explain to council staff that we are 355 committee (volunteers for MWRC) and we do not provide insurance for events run on behalf of MWRC. Funding for the Christmas in July will go before council Wednesday 21st April, 2021. We are running short of volunteers to run the July event so need to advertise in Gossip or Facebook - Cheryl Vassel has been nominated to start that advertising once we have a result on the funding application. The Christmas poster is beautiful – well down Cheryl- we need to include the chocolate wheel.

The Memorial Hall will be closed from 13th May till and including 17th May for resanding and polishing of the Hall floor. Hand driers have been purchased and to be installed asap. New storage boxes (stainless steel) for under kitchen benches have been purchased. Quotes for a commercial stove for the hall kitchen is to be investigated

Two lots of correspondence given to Richard C for MWRC. 1. Letter to Di Sawyers (property) stating that that the Gulgong Mens Shed accept calculations regard part refund for lease & bank details. 2. Community grant application to Finance claiming back remainder of rent refund.

Next meeting 11/05/2021 4 p.m.

Meeting closed 5.15 p.m.

Person Responsible	Action	Result
Cheryl	Looking for volunteers for July	

Gulgong Memorial Hall Meeting 11th May 2021

Meeting opened: 1605

Present: Pauline & Chris Hannaford, Charlie & Cheryl Vassel, Percy Thompson, Richard Cushway (MWRC), Karli Anshaw (MWRC)

Apologies: Toni Morrison

Minutes of last meeting: Apologies for the way Karli's name was spelt. Moved by Pauline, 2nd Percy.

New Business arising:

Card sent to Bill Clifford to thank him for his contribution to the Memorial Hall Committee.

Confirmation emails received re grant approved \$3000 for Christmas in July, the funds have not been received as yet. Thank you to Council for granting this.

Still running short of volunteers, however there might be some people from Life Skills who may be able to help. Cheryl to put ad in Gossip

Christmas in July posters, all in favour.

Chris is chasing the Jumping Castle.

Need to put ad in Gossip for June issue. Send invoice c/- Men's Shed, Chris Hannaford, put in for half page mono \$165, colour \$220? Will just put in for the July issue, half page colour. Cheryl to organise.

Chocolate wheel – use Men's Shed's

Coconut shy – need to source sand filled soft balls.

Men's Shed will organise food.

Pauline will chase Santa Suit.

Cheryl – contact Simone Kurtz re photos

COVID – rules, registration organised.

Shane Holt will play part of Santa.

General Business:

Tomorrow if anyone is capable, the partitions will be moved out, as floor sanding will be commenced on Thursday, so old partitions will go to tip. The first of the new steel partitions are ready to be welded as of tomorrow. The price of the material from Timber and Hardware is cheaper than Bunnings. The size of the new partitions will be 2.4 x 1.2m. There are mirrors on the partitions, and

a comment made that there shouldn't be any more mirrors put onto the walls. Put the mirrors on the partitions onto the dressing rooms walls, green rooms on the stage.

Hand driers purchased and installed, working well. Need to have one installed into Men's Shed if possible please. Debutante Ball will be held in the Hall in August.

New Island bench with storage underneath has been purchased, the items in the kitchen will be stored in containers under the bench.

Refund for Men's Shed still in progress.

Draft operation community proposal – hand driers approved. Councillors knocked back Men's Shed upgrade, not recommended. Need to put another submission in. The glass has been smashed in the wall and the wall needs to be replaced. Are the grants for external as well as internal? Unknown. Building insured by MWRC, but Men's Shed need own insurance. Seven applications were made for this grant.

Everything on original Upgrade list will be completed e.g. floor, kitchen, doors etc. There will be some money left over after the upgrade is completed, so maybe install vinyl over plywood sheeting? There are two doors off the stage that, one that leads to a steep set of steps that go onto the street. The steps are very steep, so a locked door and maybe a hand rail. Chris to talk to Ben about this. There is approximately slightly under \$10,000 left over.

Letter given to IGA twice, it has been handed to the Owners to consider. If Chris could contact Andrew at IGA next week please about this. Thank you.

Men's Shed, according to their lease need to send a letter to Council stating whether they wish to continue with the lease, and need to give three months' notice of intent. The letter was handed in to Council on 27/4, lease expires on 31st August. As yet there has been no reply.

Cheryl – ad in Gossip re volunteers. Need to state it is a Council Sponsored Event.

Meeting Closed. Next meeting 8th June, 4 pm, Men's Shed.

Action Plan:

Person Responsible	Action	Result
Cheryl	Contact Gossip re putting poster in and requesting Volunteers	Done, message going in What's the Gos.
Chris	Chase up IGA re vouchers	Please ring Andrew at IGA 63741230 on Tuesday.
Pauline	Chase up Santa Suit	
Chris	Talk to Ben re stairs door	
Cheryl	Contact Simone Kurtz re photos	Done, waiting for a response.

12.5 Red Hill Committee Meeting Minutes - 5 May 2021

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, A0190002

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Red Hill Committee Meeting Minutes - 5 May 2021; and**
2. **note the minutes of the Red Hill Committee Meeting held on 5 May 2021.**

Executive summary

This report seeks to inform Council on the progress of the Red Hill site following the Red Hill Committee Meeting held on 5 May 2021.

Disclosure of Interest

Nil

Detailed report

The Gulgong Gold Experience at the Red Hill site has undergone a tourist resurgence in 2021 following the impact of Covid lockdowns early in 2020. Visitation to the site has been strong during 2021 and the relocation of the MRTI Tourist Office has increased visitor numbers.

Note the Aboriginal Land Claim at the Red Hill site was declined by the Crown Lands Office and now there is a standard 4 month appeal period in place which ends in August 2021, and until such time there can be no significant works planned or undertaken at this site. This has placed a hold on the upgrade of the Miner's Cottage.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

Strategic implications

Council Strategies

Community Strategic Plan
Red Hill Master Plan

Council Policies

Not Applicable

Legislation

The Red Hill Committee is operating under Section 355 of the Local Government Act (1993)

Financial implications

Any further capital works at the Red Hill site will require budget approval.

Associated Risks

Nil

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

7 July 2021

Attachments: 1. MINUTES Red Hill Committee Meeting 5 May 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
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MINUTES

RED HILL COMMITTEE MEETING

Meeting commenced at 3.14pm on Wednesday 5th May 2021 at Red Hill School Gulgong

Attendees: Councillor Percy Thompson (Chair), Bill Murphy, Joy Harrison, Tony Harrison, David Wamer, Maurice Gaudry, Chris Pearson, Rebecca Neilsen, Richard Cushway (MWRC Staff).

1. APOLOGIES

None

2. REVIEW OF PREVIOUS MEETING MINUTES

No Comments

Moved: Tony

Seconded: Joy

Carried unanimously

3. GULGONG GOLD EXPERIENCE UPDATE

Joy Harrison (GGE) provided an update on operations and noted the next 6 monthly report is due July 2021. Joy advised it has been a very busy time for the GGE site.

Moved: Joy

Second: Tony

Carried unanimously

4. UPDATE ON ABORIGINAL LAND CLAIM AT RED HILL (2017)

Richard Cushway advised the committee the ALC at Red Hill has been refused by Crown Lands Office. Richard advised there was a standard 4 month appeal period in effect which expires August 2021 and during this appeal period it is recommended no significant works are planned or carried out.

5. MINER'S COTTAGE REFURBISHMENT (BUILDING BETTER REGIONS GRANT)

No progress on the Miner's Cottage Refurbishment due to the ALC appeal period now in effect. To review in August 2021.

6. EOI SUBMISSION – GULGONG GOLD EXPERIENCE WALKWAY

Richard advised that unfortunately the grant submission had been refused however there remained opportunity for Council to provide up to \$20,000 from the 2021/22 proposed

budget, which was to be matched by grant funding or funds from GGE operating revenue. The concept design and location of a new walkway was discussed at length amongst the committee and further consultation on design and location is still required, pending budget approval. It was identified that preferred options for materials to be used in the walkway were timber or crushed granite. Further discussion at next meeting.

7. DISCUSS SECURITY FENCING (FROM RED HILL MASTERPLAN)

Joy Harrison withdrew this agenda item for discussion.

8. RED HILL EEC LANDSCAPING MASTERPLAN UPDATE

It was noted that further grazing has been undertaken and works were in planning to install troughs. The landscaping masterplan was progressing.

9. GENERAL BUSINESS

Derelict Mine Site – there were concerns raised by the committee around the condition of the mine site, especially around the overgrown grasses and vegetation. Following extensive discussion by the committee it was determined for Council to investigate and possibly action the spray and clearing of this site (safely) by the Parks and Gardens team.

MEETING CLOSED 4.12PM

NEXT MEETING (REVISED DATE): 3PM WEDNESDAY 28TH JULY 2021 AT RED HILL SCHOOL

ACTIONS – UPDATED 07/07/21

TASK	WHO	PROGRESS
Red Hill Signage Audit	Red Hill Committee	Will determine any action based on landscaping masterplan.
Panning Troughs near cottage to be reinforced with concrete base or pavers	Joy & Tony Harrison	On hold due to possible relocation
Review process of listing Red Hill Site on State Heritage Register	Richard Cushway	On hold due to Aboriginal Land Claim (ALC) in effect
Consult with NSW Dept of Planning re possible funding for Signage	Richard Cushway	On Hold
Extend GGE MOU to include operations of Visitor Information Centre and Tea Room	MWRC	On Hold until Miner's Cottage opens
Installation of Mullock Heaps around Red Hill site	MWRC	On hold due to Aboriginal Land Claim (ALC) in effect
Spray and Clear Derelict Mine Site	MWRC	Richard to investigate and action with P&G team if safe to do so.
Repair/upgrade of pathway between Cottage and GGE entrance	MWRC	A Community Plan Proposal of \$20k has been lodged and supported by Council. Needs matched funding through approved grant or GGE funds (of \$20k).

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D *GROUNDINGS FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
- (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.
1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
2. (1B) Subsection (1A) does not apply to:
- (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 General Manager's Performance Agreement 2021-2022

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of an individual, namely the performance of the General Manager.

14.2 Mudgee Valley Park Expansion

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial opportunity being considered by Council.

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.

CONFIDENTIAL
SESSION
