



Business Papers 2021

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 15 SEPTEMBER 2021

*A prosperous and progressive
community we proudly call home*





PO BOX 156
MUDGEES NSW 2850

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

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

8 September 2021

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
15 SEPTEMBER 2021
Council Meeting commencing at 5.30pm

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held remotely via 'Zoom' at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

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

As the meeting will be held remotely, the Public Forum will not proceed and those who wish to address Council must do so in writing by post or email to the General Manager's Office no later than 4.00pm on the day preceding the Council Meeting.

Yours faithfully

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

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 4 August 2021

Council Decision:

That the Minutes of the Ordinary Meeting held on 4 August 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 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
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
Purchase of Land Opportunity	Res 126/21 Ordinary Meeting 21/04/2021	That Council 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	Recommend for completion
Environmental Upgrade Agreements	Res 170/21 Ordinary meeting 21/06/2021	That a business plan be completed and a report be brought back to Council to ascertain the cost and benefit of endorsing Environmental Upgrade Agreements.	To be reported to Council at a future meeting
Water Sharing Plan	Res 171/21 Ordinary Meeting 21/06/2021	That Council write to Water NSW (formerly State Water) and formally request that negotiations for a renewed Water Sharing Plan commence immediately.	To be reported to Council at a future meeting
Kandos Lookout	203/21 Ordinary Meeting 21/07/2021	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.	To be reported to Council at a future meeting
Community Grants Program	215/21 Ordinary	That Council investigate the purchase of the Angus Avenue building and	To be reported to Council at a future

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
July 2021	Meeting 21/07/2021	potential long term lease to Cementa, and bring a report back to a future Council meeting.	meeting
Tree Removal – Mortimer Street, Mudgee	231/21 Ordinary Meeting 4/08/2021	That a report be brought back to Council through the Local Traffic Committee in regard to improving the safety, including visual aspects, of the pedestrian crossing in Mortimer Street on the northern side outside Woolworths	To be reported to Council at a future meeting

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

7.1 Election of the Deputy Mayor

REPORT BY THE GOVERNANCE COORDINATOR
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, GOV400087

RECOMMENDATION

That Council:

1. **receive the report by the Governance Coordinator on the Election of the Deputy Mayor;**
2. **determine that the Ballot for the election of the Deputy Mayor be by Open Voting; and**
3. **designate the General Manager as the Returning Officer for the election with the election to be conducted by the General Manager assisted by the Governance coordinator.**

Executive summary

This report provides the necessary steps for election of the Deputy Mayor due to the unusual circumstances arising from the general election of councillors being delayed on 2 occasions, firstly for 12 months to 4 September 2021 and secondly to 4 December 2021. The legislative changes provided for the extension of the term of the Mayor but did not extend the term of the Deputy Mayor.

Council is required to conduct an election of the Deputy Mayor for the remaining term of the Council.

Disclosure of Interest

Nil.

Detailed report

At the September 2020 meeting Council elected the Mayor and Deputy Mayor for a 12 month period ending 4 September 2021. With the council election again being moved out to 4 December 2021 there is a need to conduct an election for the Deputy Mayor for the period ending 4 December 2021.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide accountable and transparent decision making for the community

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act

Financial implications

Not Applicable.

Associated Risks

Legislative compliance obligation.

TIM JOHNSTON
GOVERNANCE COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

16 August 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 8: Development

8.1 DA0125/2021 - 18 Marshfield Lane, Mudgee - Torrens Title Subdivision of Land (1 into 24 Lots)

REPORT BY THE PLANNING COORDINATOR
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, DA0125/2021

RECOMMENDATION**That Council:**

- A. receive the report by the Planning Coordinator on DA0125/2021 - 18 Marshfield Lane, Mudgee - Torrens Title Subdivision of Land (1 into 24 Lots); and
- B. approve DA0125/2021 - 18 Marshfield Lane, Mudgee - Torrens Title Subdivision of Land (1 into 24 Lots), subject to the following conditions and statement of reasons:

APPROVED PLANS

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions herein. Any modification otherwise required to the approved plans will require the submission of a modification application under Section 4.55 of the *Environmental Planning and Assessment Act*.

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Proposed Subdivision	20/422	-	28.05.2021	O'Ryan Geospatial
Concept Landscape Plan	20/422	-	28.05.2021	O'Ryan Geospatial
Subdivision Concept Servicing Plan	TX150100.00 - C6.00	E	01.06.2021	Triaxial Consulting
Stormwater Catchment Plan	TX150100.00 - C6.01	D	01.06.2021	Triaxial Consulting
Concept Cut and Fill Plan	TX150100.00 - C6.02	B	01.06.2021	Triaxial Consulting

GENERAL

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works Certificate has been obtained.

3. No structures or earthworks are permitted to encroach within any easements for the purposes of utility infrastructure as specified in Council's Development Control Plan.
4. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
5. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
6. Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties other than at approved locations and methods of disposal. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.
7. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
8. The only waste derived material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of *Protection of the Environment Operations Act 1997*; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

ROADS AND FOOTPATHS

9. The Developer is required to provide for the construction of road upgrades that includes, but may not be limited to:
 - a) Construction of kerb and channel for the full road abutments of all lots created by this Subdivision,
 - b) The half width pavement construction and bitumen sealing of those parts of Bellevue road and Marshfield Lane that abut the development, and
 - c) The construction of concrete footpaths 1.35 metres wide for the full abutment of Bellevue Road and Marshfield Lane.
10. The new internal road must provide for a trafficable court bowl no less than 10 metres radius. Road pavements must be designed and constructed in accordance with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document and relevant parts of *AUS-SPEC* specifications.
Note: Construction of Marshfield Lane will require alteration to the existing culvert under Marshfield Lane at the intersection of Bellevue Road to ensure sufficient depth of pavement and provide protective cover for the pipe/s.

STORMWATER

11. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development. The extent of stormwater drainage works will include, but is not limited to:
 - construction of a table drain along the southern side of Marshfield Lane to intercept and control surface runoff from upstream catchments and extend from the proposed inlet structure shown on the plans to a point no less than 100 metres beyond the proposed development,
 - alteration and upgrade of the existing culvert under Marshfield Lane at the Bellevue Road intersection such that the required cover for pavement construction is achieved, and
 - extension of the inter-allotment drainage for proposed lots 7 to 12 (inclusive) to provide an inlet for surface runoff from the adjoining property.
12. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with relevant parts of AUS-SPEC specifications. Easements not less than 3 metres wide shall be created over inter-allotment drainage in favour of upstream allotments.

WATER SUPPLY

13. The developer must provide separate water reticulation services to each allotment within the subdivision.
14. The developer is to meet the full cost of water reticulation to service the development. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council and the *National Specification – Water Supply Code of Australia*.
15. The extent of water main extension to provide adequate and satisfactory supply will require a new main constructed from the 100mm diameter main in Bellevue Road, along Marshfield Lane and extending to connect with other 100mm diameter main in the vicinity of the Marshfield and Albens Lane intersection. A mains extension to service lots accessed from the proposed new cu-de-sac will also be required.
16. The developer is to provide a water service and meter for each lot in the subdivision. Where the provision of a service connection for a proposed new lot is undertaken during the installation of new water mains by the Developer, and prior to any 'live' connection, the developer can achieve this by making a payment to Council of \$655.00 per lot as specified in Council's Schedule of Fees and Charges, noting that this amount is indexed to increase each financial year.
Note: Council does not permit other bodies to insert new connections into 'live' water mains. The cost referenced above is for the supply of meter only and is subject to CPI increases.
17. In the case of any lots that will not be serviced by a water main constructed by the developer, a full water service will be required. The developer will be required to pay for full Water Service Connection for a 20 mm water supply, for an amount of \$2,150.00 per lot as specified in Council's Schedule of Fees and Charges, noting that this amount is indexed to increase each financial year.
18. Where necessary the adjustment of existing services, infrastructure or installation of new services and meters, as required, in compliance with *Australian Standard 3500*:

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

SEWERAGE SUPPLY

19. The developer is to extend and meet the full cost of sewer reticulation to service the development plus the cost of connecting to existing services.
20. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act, 1993*) and in accordance with the *National Specification – Sewerage Code of Australia*.
21. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions required to service the proposed lots must be installed by the developer.

PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

22. A Subdivision Works Certificate is required for but not limited to the following civil works;
 - a) Water and sewer main extensions,
 - b) Roads, including concrete kerb, pavement and bitumen seal,
 - c) Stormwater drainage such as inter-allotment drainage, detention basins, culverts, pits and table drains,
 - d) Footpath (concrete paths, 1.35 metres wide and with crossfall and kerb ramps where necessary in accordance with AS1428 and DDA requirements),
 - e) Landscaping of public reserves and nature strips / verges.

No works can commence prior to the issue of the Subdivision Works Certificate.

NOTE: Additional permits and approvals may also be required under other legislation, e.g. Plumbing and Drainage Act 2011, and Plumbing and Drainage Regulation 2017 for water and sewer infrastructure works.

23. Prior to the issue of a Subdivision Works Certificate a detailed engineering design, specifications, supporting documentation / reports and calculations, and schedules are to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document.

Detailed documentation including, but not limited to the following matters, must be submitted with the detailed design. These documents include:

- Runoff calculations.

24. The detailed design plans submitted for the issue of a Subdivision Works Certificate must show all finished surface levels.
25. Prior to the issue of a Subdivision Works Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.

26. The detailed design plans submitted for the issue of a Subdivision Works Certificate must show all finished surface levels. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
27. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authorities standards. Each allotment is to be provided with a service point / connection to an underground electricity supply. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications distribution network design for the Subdivision.
28. Prior to the issue of a Subdivision Works Certificate the Applicant must provide a fully detailed Stormwater Drainage Report and Design for approval by Council that provides for control and treatment of stormwater runoff generated by future residential development of the land. The report must demonstrate that proposed detention arrangements do not increase the rate of discharge of stormwater runoff from the site beyond the existing undeveloped state for a storm event up to and including a 1:100 year ARI event. Methods of stormwater detention must be included in the design to ensure that the rate of stormwater runoff flows from the development do not exceed the volume and rates generated by a 1:5 year ARI storm event from the undeveloped site.
29. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.

PRIOR TO THE COMMENCEMENT OF WORKS

30. Prior to the commencement of construction of infrastructure, the developer must obtain a Subdivision Works Certificate.
31. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
32. Prior to the commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
33. Prior to the commencement of subdivision works, the following actions are to be carried out:
 - a) A site supervisor is to be nominated by the applicant;
 - b) Council is to be provided with two (2) days' notice of works commencing; and

- c) Council is to be notified in writing of any existing damage to Council's infrastructure.

NOTE: Failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.

- 34. Runoff and erosion controls shall be installed prior to clearing and incorporate:
 - a) Diversion of uncontaminated on-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) Sediment control fences on the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water.
 - c) Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.
- 35. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

DURING CONSTRUCTION

- 36. 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:
 - a) Installation of sediment and erosion control measures.
 - b) Water and sewer line installation prior to backfilling.
 - c) Vacuum / pressure testing of all water and sewer mains.
 - d) Stormwater drainage pipe installation prior to backfilling.
 - e) CCTV inspection of all sewer mains and stormwater drainage.
 - f) Proof roll inspection of sub-grade prior to placement and compaction of sub-base.
 - g) Proof roll inspection of sub-base prior to installation of concrete kerb.
 - h) Proof roll inspection of compacted sub-base prior to placement of base course.
 - i) Proof roll inspection of compacted base prior to sealing.
 - j) CCTV inspection of all sewer mains and stormwater drainage once final earthworks have been completed to finished surface levels.
 - k) Practical Completion.
 - l) At completion of the Defects Liability Period a further CCTV inspection of all sewer mains and stormwater drainage is to be undertaken prior to the issue of a certificate of Final Completion and the release of Defects Liability bond monies.

Note: In addition to proof roll inspection compaction testing may also be required.

- 37. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
- 38. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of base course and kerb and channel.

39. The finished surface of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100 mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Certificate of Practical Completion.
40. All works are to be constructed at the full cost of the developer, in a manner consistent with relevant parts of AUS-SPEC specifications and Council's standard drawings.
41. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings.
42. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's / Demolisher's expense.
43. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.
44. The development site is to be managed for the entirety of work in the following manner:
 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
45. The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.
46. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
47. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
48. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
49. Construction work noise that is audible at other premises is to be restricted to the following times:
 - a) Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.

- 50. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.**
- 51. Fill placed in any residential lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.**
- 52. Street trees of a species approved by Council are to be provided at a minimum rate of two trees per allotment, other than proposed Lots 11 and 14 (battle-axe lots).**

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

- 53. An application for a Subdivision Certificate, application fee and the linen plan(s) are to be submitted to Council for approval and endorsement by the General Manager (or their delegate). The application is to be made via the NSW Planning Portal.**
- 54. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council, prior to issue of the Subdivision Certificate, in the following formats:**
 - a) PDF; and**
 - b) Dwg format or “Autocad compatible”**
 - c) Mapinfo**

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

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

- 55. The developer shall provide separate water and sewer services for each allotment within the subdivision, prior to issue of the Subdivision Certificate.**
- 56. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.**
- 57. To ensure that increased runoff from the future development of dwellings does not adversely affect the flood risk to downstream properties, suitably worded Section 88B documentation placing a restrictive covenant on each allotment requiring detention devices to be included for all building works is to be provided to Council, prior to issue of the Subdivision Certificate. Detention devices must provide a minimum 2000 litres detention storage to be discharged to empty after each rain event through an orifice no greater than 19mm diameter. Detention devices are to be maintained by the owner to the satisfaction of Council at all times.**
- 58. Prior to the release of the Subdivision Certificate, a Defects Liability bond in a form acceptable to Council to the value of 5% of the value of all works must be lodged**

with Council to be held for a period of twenty-four (24) months to ensure any defects that become apparent during that time are remedied by the developer.

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

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of Council.

59. The developer is to ensure that any defects in the works that become apparent before and within the succeeding six (6) months after the registration of the subdivision plan, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the six (6) month period, less the cost of any rectification works carried out by Council.

60. The developer shall obtain a *Certificate of Compliance* under the *Water Management Act 2000*, from Council, prior to issue of a Subdivision Certificate.

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

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

Section 7.11 Contributions		
24 lots (minus 1 credit for existing lot)		
<i>Mudgee Catchment</i>	<i>Per Lot</i>	<i>23 Lots</i>
Transport Facilities	\$ 4,379.00	\$ 100,717.00
Recreation and Open Space	\$ 2,199.00	\$ 50,577.00
Community Facilities	\$ 640.00	\$ 14,720.00
Stormwater Management	\$ 462.00	\$ 10,626.00
Plan Administration	\$ 1,003.00	\$ 23,069.00
TOTALS	\$ 8,683.00	\$ 199,709.00

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

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

62. Any unpaid contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.
63. The developer must provide Council and land purchasers with a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of *Australian Standard AS 2870 – 2011: Residential Slabs and Footings*. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
64. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements, prior to issue of the Subdivision Certificate.
65. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.
66. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots.
67. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision in accordance with the relevant authority's standards, prior to issue of the Subdivision Certificate.
68. The proposed Road No.1 within the subdivision shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate. A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*. Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:

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

Section 64 Contributions		
24 Lots (minus credit for 1 Large Residential Lot at 1.5ET Water and 1.05ET Sewer)		
	<i>Charge</i>	<i>23 Lots</i>
Water Headworks	\$8,756.00	\$ 197,010.00
Sewer Headworks	\$3,997.00	\$ 89,932.50
TOTAL HEADWORKS		\$ 286,942.50

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

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. Council has no regulatory authority in regards to dividing fencings under the *Dividing Fences Act 1991* and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.
4. 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.
5. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
6. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.

2. **The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.**
3. **No submissions were received during the public notification period.**

Executive Summary

OWNER/S	Mr and Mrs Fraser
APPLICANT:	Mrs R Aarts
PROPERTY DESCRIPTION	Lot 1 DP 849004 18 Marshfield Lane, Mudgee
PROPOSED DEVELOPMENT	Subdivision of Land (1 into 24 Lots)
ESTIMATED COST OF DEVELOPMENT:	Not applicable
REASON FOR REPORTING TO COUNCIL:	Exceeds 20 Lots
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0125/2021 that seeks approval for the Subdivision of Land - Torrens Title (1 into 24 Lots), proposed at 18 Marshfield Lane MUDGEES NSW 2850, legally described as Lot 1 DP 849004.

The subject site is a corner allotment, zoned R1 General Residential and contains an area of 2.02 Hectares, with frontage to Marshfield Lane and Bellevue Road. The site contains an existing dwelling with sheds on the south-eastern corner of the lot, and limited scattered vegetation throughout.

The proposed subdivision of the land will result in lots sizes ranging from 601m² (proposed lot 24) to a maximum of 1,491m² (proposed 19, which will retain the existing dwelling on the site). Stormwater and road upgrades are proposed along with water and sewer extensions to support the development. Electricity is already located within the subject site however, augmentation will be required to service the development.

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, no submissions were received.

The proposed development has been assessed in accordance with the Mid-Western Regional Development Control Plan 2013 (DCP 2013) Council's DCP and the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012). The proposed development is considered generally consistent with Council's planning controls however, a variation is sought by the applicant in relation to all lots being located within 400 metres of a *local park, playground or passive open space* - 12 of the 24 Lots are proposed between 440 and 475 metres of an existing open space area or playground.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the application is for a subdivision creating more than 20 allotments.

The application is recommended for Approval.

Disclosure of Interest

Nil.

Detailed Report

Development Application DA0125/2021 seeks approval for the Subdivision of Land - Torrens Title (1 into 24 Lots), of 18 Marshfield Lane MUDGEE NSW 2850 (Lot 1 DP 849004), received by Council on 29 October 2020.

Upon receiving the application, a number of concerns were raised with a further information letter issued on 23 November 2020. Initial concerns raised included:

- Site works and stormwater drainage to support the development
- Water servicing of the development
- Sewer servicing of the development
- Compliance with the DCP 2013 including:
 - Cycleway or footpath connections
 - Access to a recreational area or passive open space within 400m of all lots
 - Landscaping of the subdivision

Amended information, included an amended subdivision layout, was provided to Council on 2 June 2021 in order to address the concerns raised.

The proposed subdivision of the land will result in lots sizes ranging from 601m² (proposed lot 24) to a maximum of 1,491m² (proposed 19, which will retain the existing dwelling on the site).

Of the 24 lots proposed, 12 will be accessed via a new cul-de-sac road from Marshfield Lane. Marshfield Lane will also require upgrades to support the proposed development including new sealing and stormwater drainage infrastructure.

Water and sewer extensions will be required to support the development, with electricity already located within the subject site.

The subject site is a corner allotment comprising of 2.02 Hectares with frontage to Marshfield Lane and Bellevue Road. The site is located on the southern fringe of the existing Bellevue residential area. The site contains an existing dwelling with sheds on the south eastern corner of the existing lot. Limited scattered vegetation is also located within the development area which has predominately been planted by landowners.

Figures 1 and 2 below provide the location of the site and the proposed subdivision layout. A copy of the development plans are also located in Attachment 1.

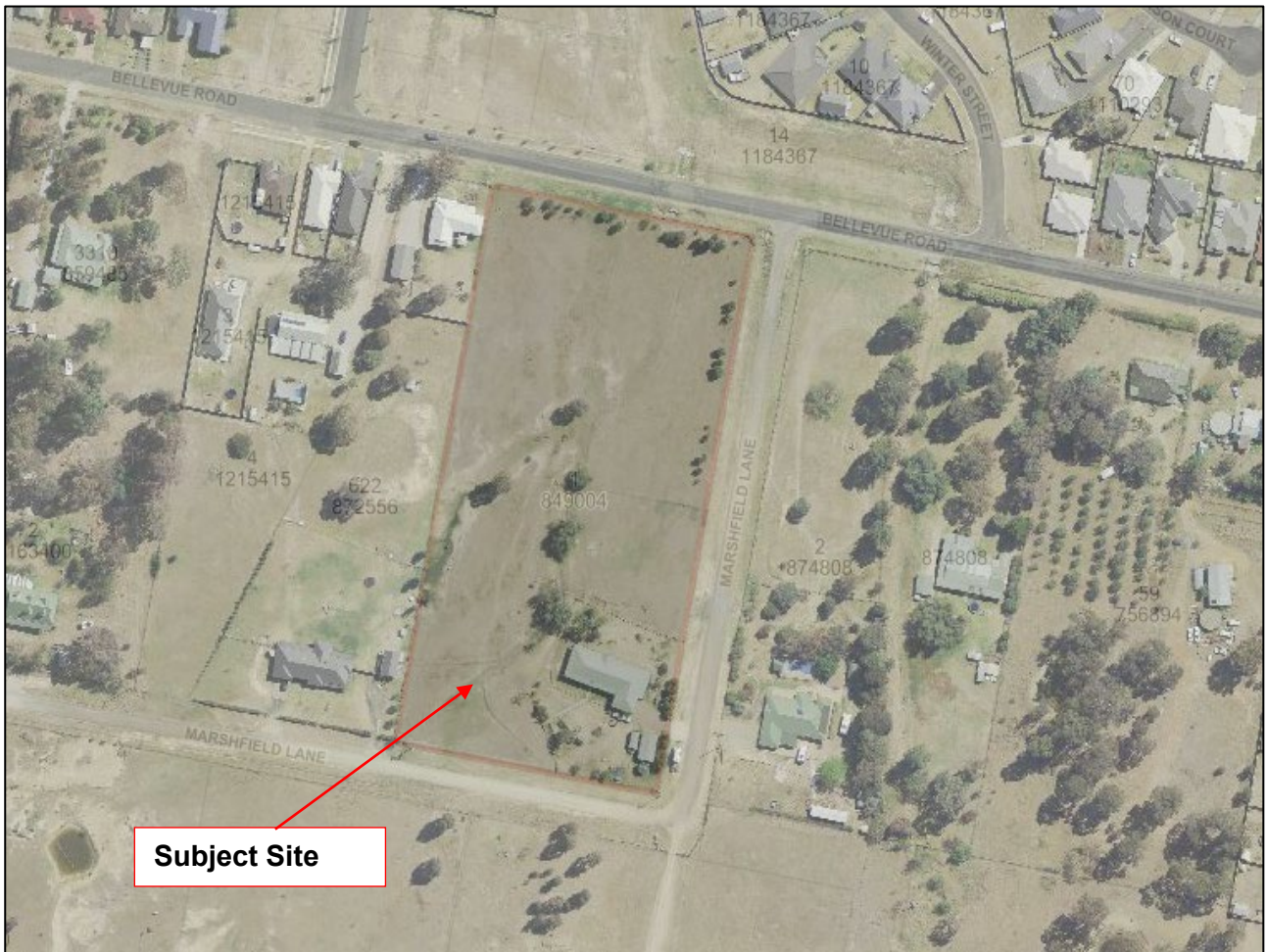


Figure 1: Site Plan

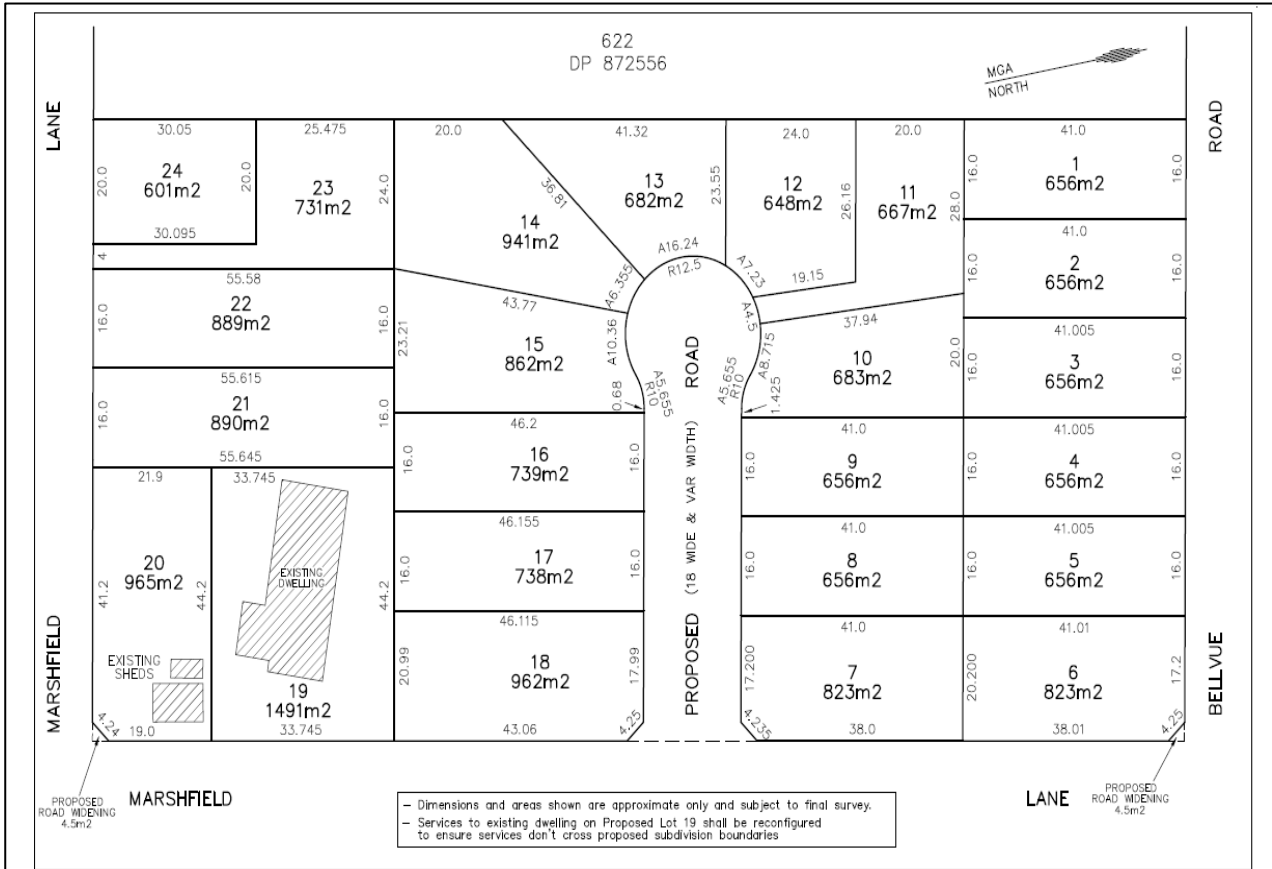


Figure 2: Proposed Subdivision Layout

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 27 November 2020. During the notification period, no submission/s were received.

The proposed development has been assessed in accordance with the Mid-Western Regional Development Control Plan 2013 (DCP 2013) Council’s DCP and the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012). The proposed development is considered generally consistent with Council’s planning controls.

The application has been referred to Council for consideration as it exceeds staff’s *Delegation of Authority*, in that the application is for a subdivision creating more than 20 allotments.

The application is recommended for Approval.

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

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

Integrated Development

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

ASSESSMENT

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Pursuant to section 45 of the SEPP (Infrastructure), the development proposes work within 5 metres of an overhead power line (located on Marshfield Lane road reserve). As a result, referral to Essential Energy commenced with a response provided on the 9 December 2020 with a number of general comments made.

STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

This Policy was gazetted on 25 August 2017 and has been considered in the assessment of the subject application.

Authority to clear vegetation under this Policy is not required. The vegetation to be removed is not declared by a Development Control Plan to be vegetation that Part 3 applies, and the vegetation to be removed does not exceed the biodiversity offsets scheme thresholds.

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 and the *Environmental Planning and Assessment Act* as the:

Subdivision of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected —

- (a) by conveyance, transfer or partition, or
- (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R1 General Residential and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposal, being the subdivision of land is permissible with consent in the zone and complies with the relevant objectives.

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

R1 General Residential

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

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

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

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

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

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

Clause 2.6 Subdivision – consent requirements

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

Clause 2.7 Demolition requires development consent

The application does not propose the demolition of any structures under this application. It is proposed to retain the existing dwelling and sheds which will be located on future Lot 19 and 20.

Clause 4.1 Minimum subdivision lot size

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

The proposed lots have a minimum area of 600m². The minimum lot size pursuant to the mapping is 600m².

Accordingly, the proposal complies with the development standard.

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

Whilst this clause does not apply to the assessment of the proposed development application, it is important to note that there are future development opportunities that apply based on the proposed lot sizes nominated for the development. As the site is currently zoned R1 and has a current area of 2.02Ha, further development of the proposed lots are possible (subject to a separate development consent) for dual occupancies and multi dwelling housing as both options are permissible.

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. No new structures are proposed under this application, however, all future buildings will be subject to the 8.5 metre maximum height in accordance with this section.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

Clause 5.10 Heritage Conservation

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

Clause 5.21 Flood planning

On the 14 July 2021, Clause 6.2 Flood planning of the MWRLEP 2012 was repealed and replaced by Clause 5.21 Flood planning. The new provisions have been introduced in connection with the NSW Government's new 'flood-prone land package' which aims to improve the management of flood risk in light of recent flooding events that have caused significant risk to life and damage to property, including up to and beyond the 1% annual exceedance probability (AEP) flood level.

To achieve this, consent authorities will be able to consider the full range of flood behaviour, including up to the probable maximum flood (PMF) level. The new provision also introduces a requirement for Councils to be satisfied prior to granting consent to development on land within a flood planning area, that the development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.

In this case, the proposed development was lodged prior to gazettal of the new clause and importantly, the subject development was not previously affected by the 'Flood Planning Area' under previous flood mapping contained under the provisions of Clause 6.2 of the MWRLEP 2012.

As a result, Clause 5.21 of the MWRLEP 2012 is not applicable to the planning assessment of the current development application by virtue of Clause 8 of the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument Order):

8 Application of amending orders

(1) The amendments made by an amending order do not apply to or in respect of any development application that was made, but not determined, before the commencement of the amending order.

Notwithstanding the above, it is important to note that Council adopted a new flood study for Mudgee in March 2021 (prior to the adoption of the new 5.21 MWRLEP 2012 clause).

In considering any newly identified flood risks associated with the development, the subject site is identified to have small areas affected by 'Overland Flows' (dark blue area), with additional portions also affected by a Probable Maximum Flood (light blue area) i.e., greater than a 1:100 year ARI (Average Recurrence Interval) storm event in accordance with the Mudgee Flood Study 2021. Refer to the Figure 3 map below. This is based on the current arrangements and natural ground levels found across the site.

A concept cut and fill plan, provided as part of a further information request response, indicates that proposed site works to support the development includes some lot filling up to 650mm, with new stormwater drainage infrastructure proposed to direct stormwater from the site, to the existing large drainage reserve located to the north, off Bellevue Road which has capacity to cater for the proposed development.

The development has also been assessed by Council's Development Engineers which has confirmed that the proposed lot filling and drainage works will provide additional protection to the proposed lots and will formalise and control of surface water runoff in the locality. Conditions of

Clause 6.7 Active street frontages

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

Clause 6.8 Airspace operations – Mudgee Airport

The proposed subdivision of land will not penetrate the relevant height limits for safe operation of the Mudgee Airport. However, it is important to note that the subject site is located at 530.0 metres on the Obstacle Limitation Surface Map. The natural ground level of the site is currently between 476mAHD and 483mAHD. This allows a clearance of up to 47 metres from the OLS mapping and therefore any future buildings that are limited to the 8.5m building height under Clause 4.3 of the MWRLEP 2012 will have no impact on the 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. This will include the need to extend sewer, water and electricity connections to service the development. A concept plan has been provided by the applicant which has been supported by the sewer and water department, along with essential energy.

Clause 6.10 Visually sensitive land near Mudgee

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

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

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

MID-WESTERN REGIONAL DCP 2013

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

Part 5.2 Flooding

As noted within Clause 5.21 Flood planning of the MWRLEP 2012 above, the proposed development is not subject to flood related development controls. The development will however be required to manage stormwater runoff associated with the development which has been considered in the assessment of the application.

Part 5.3 Stormwater Management

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

Part 5.4 Environmental Controls

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

Part 7.1 Urban Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
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Applies to	
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DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential.
Lot size	
Minimum lot size as determined by MWRC LEP 2012	Yes.
All lots have street frontage	All lots have frontage to either Marshfield Lane, Bellevue Road or the proposed "new road".
<p>Lots increase in size relative to slope as follows:</p> <ul style="list-style-type: none"> - 0-10 degrees: 600m² - 10-15 degrees: 700m² - 15-20 degrees: 800m² - >20: subdivision prohibited 	The site is generally flat with minor cut of 500mm and fill up to 650mm is required to support the development.
All lots have 16m width at building line in residential and village zones	All lots have a minimum of 16m width at the building line with a minimum access handle of 4m provided to the two (2) battle-axe handles. Lots are also of ample size and dimension to enable a variety of residential accommodation opportunities.
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Complies. Minimum handle width of 4m is provided for the 2 proposed battle-axe allotments.
Battle-axe handles in R2 and R5 residential zones have width of 6m	Not applicable.
Lot Design	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Yes. Achieves adequate solar access.
For new release subdivision lot orientation maximises solar access by maximising north-south lots	The lots have a mixture of orientation with the majority achieving good solar access. The lots are of a size conducive to erecting a dwelling with good orientation.
For new release subdivision east-west orientated lots have increased width and midpoint	As discussed above.
Lots generally rectangular in shape	The development includes a majority of rectangular lots. The lots are all of sufficient size to accommodate a substantial building envelope.
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Generally achieved.
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Yes.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Street Layout and Design	
Traffic Impact Statement submitted for 5+ lots	Assessment provided by applicant. Discussed elsewhere in report.
Traffic Impact Statement submitted for all subdivisions where new road required	Assessment provided by applicant. Discussed elsewhere in report.
Subdivision integrates with existing residential area	Yes.
New roads must provide “through road” connections to surrounding roads and road heads where they exist in the locality	Yes, provided.
Where cul-de-sac treatment unavoidable, pedestrian linkages between streets provided	Good pedestrian linkages provided.
Multiple cul-de-sacs and “no through roads” discouraged	Not applicable.
Maximum number of lots in cul-de-sac is 12 lots	A maximum of 12 lots are proposed to be accessed via the cul-de-sac.
Subdivision >80 lots should not require backtracking	Not applicable.
Road Standards for New Development	
Urban Road Standards required	Yes.
1 x 1.2m footpath, barrier kerbing	Yes, where appropriate.
Commercial and Industrial Subdivision roads: 22m road reserve, 13m carriageway, 2 x 4.5m nature strip, 1 x 1.2m footpath, barrier / rollover kerbing	Not applicable.
Cycle ways and footpaths	
Cycle ways and pedestrian networks included in new subdivisions	Concrete footpaths will be provided in layout where appropriate.
If subdivision site identified in Council cycle way plan or pedestrian strategy, subdivision needs to respond to strategy	<p>Yes, PAMP has been accounted for noting that Bellevue Road is identified in the PAMP to be a ‘Secondary Route’.</p> <p>Currently, there are adhoc footpath connections along Bellevue Road as a result of new subdivisions to the northern side of the site. In accordance with the DCP and the PAMP (D2 – PAMP project list page 145), there is 788m of 1.2m wide footpath to be installed along Bellevue Road South to Inglis Street noting ‘pathway to be installed as land developed, Council to install remainder’.</p> <p>The development is proposing a new footpath at the full frontage of the development site (i.e. along Marshfield Lane, Bellevue Road and within the cul-de-sac proposed).</p>

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
New subdivisions provide direct, convenient and safe access to major facilities	Yes, subdivision layout will enable future connections to Mudgee to be provided in accordance with the PAMP.
Cul-de-sacs may be required to include 10m wide shared overland flow/pathway	Not applicable.
Developer to provide contribution to Council for installation of cycle ways and footpaths prior to release of subdivision certificate	Developer to construct.
Open Space	
Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space	The proposed development is located on the edge of the existing Bellevue Road South area and the applicant seeks a variation to the open space within 400m of the 24 lots proposed. This is further discussed below including a secondary option to achieve compliance with this requirement.
Where on-site detention basins double as open space, must include raised level area which incorporates playground or fitness equipment etc. and shading landscaping	Not applicable.
Landscaping	
Landscape plan provided, detailing treatment of public domain	Landscape plan required as part of CC application, concept available for DA purposes.
Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years	Not applicable.
Street Trees	
Two (2) street trees provided per lot	2 allotments of the 24 cannot comply with the 2 trees per lot provision due to the cul-de-sac head arrangement of the new road. As a result, this is considered acceptable with suitable spacing of additional trees throughout the estate proposed. Condition to be imposed accordingly.
Developer provides levy to Council to provide these trees after 80% of works carried out	To be conditioned.
Utility Services	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Lots to be connected to reticulated water, sewer, electricity and telecommunications.
Evidence of consultation with relevant authorities submitted with application	Not applicable (small subdivision).

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Drainage

As per Section 5.3 Stormwater and Drainage

Detailed stormwater plan to be lodged at CC stage. Concept plan adequate and considered by the Engineering Department.

Variation Sought to the DCP 2013

The applicant seeks a variation to the DCP 2013 requirements relating to Open Space within 400 metres (Part 7.1 Open Space (a)) which states:

- (a) Subdivision of Greenfield sites where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground or passive open space.

The applicant has provided justification to support the proposed variation to the 400m provision which is provided below:

An assessment of the open space in proximity to the site was undertaken. The DCP does not specify how the proximity to passive open space should be determined. Report 8.3 submitted by the Director of development at the April 2021 Ordinary Meeting has been referenced. The report indicates that Council staff, under the existing provisions, determine whether a development is within 400m of a suitable open space by applying a radius and not the walking distance of the development to a recognised open space. The report recognises open space as including public reserves, detention basins, community gardens, informal lawns, and green walking corridors. Figure 1 shows the proximity of the site to land zoned for recreation, using the prescribed radius approach.

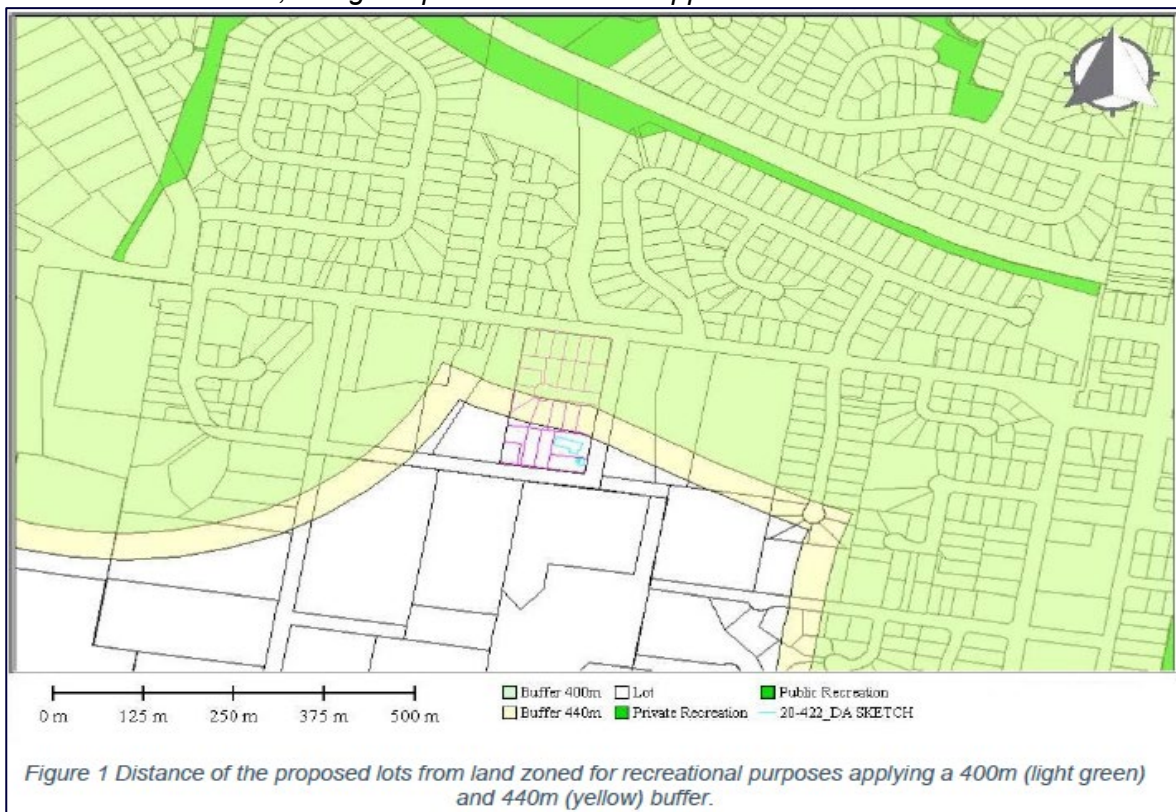


Figure 1 identifies 12 lots within 400m of a passive open space and 6 lots within 440m (applying a 10% deviation to the standard). The remaining 6 lots are outside the radius applied. The lot most distant from the RE1 zoned land is 475m (lot 24), which represents a

19% deviation from the DCP standard. It is recognised that reasonable consideration of connectivity should be applied. In this instance, the cul-de-sac head of Winter Street provides suitable pedestrian connectivity.

The incorporation of a passive open space into the proposed design has been considered. The NSW Department of Planning publication Recreation and Open Space Planning Guidelines for Local Government Table 4 indicates the size of a local park should be within 0.5ha – 2ha. In the context of the development this ranges from a quarter to the entirety of the site. Incorporating a financially viable public space into the design would require a significantly smaller design (approximately 1000m²) that incorporated play equipment or fitness equipment to enable the space to be activated.

The subject site is in a semi-developed area of south Mudgee, within land zoned R1 General Resident but adjoining land zoned R2 Low-Density Development. The R2 land is identified as "Area A" in the LEP and has a minimum lot size of 2000m² if adequate servicing can be demonstrated. The Comprehensive Land Use Strategy 2008 identifies the land to the southwest of Mudgee zoned Low Density Residential as constrained by the availability of infrastructure and should only be developed as reticulated water, sewer, and sealed road access made available.

It is the opinion of O’Ryan and our client that the development contributions levied would be better spent funding a suitably sized public facility within south Mudgee in a more appropriate location. As the proposed development is located at the edge of a low-density residential area, establishing a public facility would service relatively few residents. Instead, O’Ryan believes that the development contributions would be more appropriate for improving connectivity to existing public facilities or improving existing Council land to serve an open space use. For example, Figure 2 shows the drainage reserve located north of the subject land, which could be upgraded and rezoned for use as open space.



Figure 2 Example of land with the potential for redevelopment and use as an open space

To conclude, there are 12 lots outside of 400m of a public park, with the most distant proposed lot being 475m. It is the opinion of O’Ryan and our client that the incorporation of a public open space within the subdivision is not the optimal outcome for our client, Mid-Western Regional Council, or the general public. It is recommended that the subdivision be

supported on the grounds that the deviation to the DCP standard is not significant, the majority of proposed lots are within the 400m prescribed by the DCP or 10% deviation typically permitted and that the subject land is not well-positioned to incorporate a public open space.

Staff Comment:

In reviewing the details submitted, the applicant has sought to vary the requirement for all lots to be within 400m of a *local park, playground or passive open space* in accordance with the DCP provisions (total of 12 lots of the 24 are proposed to be located outside of the 400m requirement).

6 of the proposed lots are located at approximately 440m of a local park, playground or passive open space and the remaining 6 lots are found at no more than 475m (a total variation of 18.75%). As a result, the applicant seeks a merits assessment of this requirement and essentially seeks to utilise the existing open space areas to the north of the site, providing footpath connections at the full frontage of the development to enable access to these existing open space areas.

As a result of concerns raised regarding the proposed variation sought, the applicant has also put forward a secondary option to include 400m² of dedicated Reserve fronting Marshfield Lane to the south (altering the layout of the subdivision between proposed Lots 23 and 24). Whilst this has been considered in the context of the variation sought, the secondary option is not considered to be appropriate in terms of providing a positive community benefit along with an additional small 'pocket park' required to be maintained by Council. This has been further discussed below.

Merits Assessment:

To clarify the current DCP requirements, on the 21 April 2021, the Director of Development provided Report 8.3 to Council relating to the 'Review of DCP Open Space Requirements'. Minute Number 93/21 was recorded as follows:

That Council:

- 1. receive the report by the Director Development on the Review of DCP Open Space Requirements; and*
- 2. maintain the existing Open Space provisions for Urban Subdivision as set out in Section 7.1 of the Mid-Western Development Control Plan 2013 Amendment No 5.*

Within this report, it was noted that the 400 metres is currently calculated from the radius of the lots, and not via walking distance. Further, when assessing applications, passive open space is accepted to include public reserves, detention basins, community gardens, informal lawns and green walking corridors which aligns with the NSW Department of Planning's publication *Recreation and Open Space Planning Guidelines for Local Government*. Within the guidelines, it is also important to note that Councils are encouraged to adopt a 'needs-based approach to open space planning'.

Current open space areas:

The closest existing open space area is found 20 metres across Bellevue Road to the north of the site (230m from proposed lot 24). This area is predominantly used as a stormwater basin over Lot 1 DP 1182624 and Lot 14 DP 1184367. An area of land has also been partly levelled at the end of Charles Lester Place covering Lot 2 DP 1182624 and part of Lot 14 DP 1184367 in addition to the existing stormwater detention purpose.

The closest playground is found 415m to the north of the site boundary (identified as White Circle Public Reserve on Lot 199 DP 1089672) which can be accessed from the northern side of Bellevue Road and via footpaths located in Winter Street or Charles Lester Place. There is also an existing footpath connecting the existing residential areas to the north of the subject site along the

Wallerawang Gwabegar Railway Line from Fairydale Lane to Horatio Street – see Figure 4 below demonstrating the existing pedestrian links and areas of open space or identified playgrounds.



Figure 4: Open space areas and existing footpath connections north of the site

Pedestrian Connections (PAMP compliance):

In accordance with the existing Pedestrian Access and Mobility Plan (PAMP), Bellevue Road is identified to be a 'Secondary Route' and under the project list contained on page 145 of the PAMP, 788m of 1.2m wide footpath is to be installed along Bellevue Road South, extending to Inglis Street in the east. It is also important to note the comment in the PAMP regarding who is responsible for this work that the '*pathway to be installed as land developed, Council to install remainder*'. This development is proposing a new footpath at the full frontage of the development site (i.e. along Marshfield Lane, Bellevue Road and within the cul-de-sac road proposed) which supports and achieves the DCP and PAMP requirements.

Recreational Strategy 2013:

The Mid-Western Regional Recreational Strategy developed in 2013 raised issues in terms of maintenance of recreational areas concerning the efficiency of managing multiple areas of open space. The Strategy also confirmed that the total area of both developed and undeveloped recreation areas exceeds the demand generated by the population and the excessive number of

'pocket parks' was provided as an example. These areas were considered to be underutilised and it was stated that it is simply not possible for Council to provide and maintain facilities within all of these parks. The Strategy also classifies the recreational facilities in the region as follows:

- *Regional Parks – A reserve that residential and visitors are willing to travel to and from the community that they live in.*
- *Neighbourhood Parks – A developed urban reserve designed for ease of pedestrian access.*
- *Local/Pocket Parks – A local reserve within the urban community that may be partly developed for amenity purposes.*
- *Reserves – Includes Crown land for which Council is the Trust Manager and other undeveloped reserves.*
- *Regional Sports Grounds - A sports ground that is designed and used for active sport on a regular basis.*
- *Local Sports Grounds - A reserve that has been primary developed for activities within the town.*

To clarify the difference between a Neighbourhood Park and a Local / Pocket Park within the Strategy, see below:

Neighbourhood Park:

The reserve will be easily accessible, probably from more than one road frontage. The reserve will be well maintained, free draining, have flat or gently undulating grassed areas, be safe and provide an attractive welcoming ambiance to the immediate local community within a fifteen minute walking distance. Neighbourhood reserves will host children's play equipment, seating, may include amenity lighting, paths and attractive planting.

Local/Pocket Parks

Likely to provide a green buffer and possible amenity mitigation against development, be planted with trees (where possible) and have a lower level of maintenance to a neighbourhood park. Probably suitable for dog walking with reasonable pedestrian access and possibly providing a "green" link to other reserves or open space. A local park may be a drainage reserve and is likely to have only basic assets such as seats and bins. Play equipment will generally not be required but may be provided in some cases. Not all parks need to be 'developed' to provide benefits to the community and the simple provision of open space and a green buffer may justify the existence of the park.

The Strategy noted that Mudgee in particular has a number of 'pocket parks' many of which are too small to be particularly useful or attractive to the surrounding community. As a result, many of these are underutilised. 28 parks are less than 1ha and the average size of these is 0.3ha. As with playgrounds, a maintenance strategy is required including where necessary prioritising parks for decommissioning and rationalisation while concentrating on the provision of useable spaces within 400m of residential dwellings.

Conclusion:

To provide a new 'neighbourhood park' or 'pocket park' to service this subdivision, particularly for only those 12 new lots that do not achieve full compliance in this instance with the 400m requirement is not considered to be a sustainable outcome for Council nor achieve a positive benefit for the community. As a result, the proposed variation of 18.75% is supported by Staff.

In seeking further advice from Council's Manager of Recreation Services on this matter '*in this instance our preference would be take a contribution from the developer and look to cater for additional parks space in any future developments to the south*'. In addition, the ideal size of a 'playground or park' would be no less than 1,000m².

Given the subject site is located on the final edge of the current R1 General Residential zoned area of Bellevue (with a minimum lot size of 600m², subject to servicing of water and sewer into the southern areas of Marshfield Lane), the zoning changes to R2 Low Density Residential with a minimum lot size of 2,000m² immediately south of the site. It is considered that there would be greater opportunity in the future R2 zoned areas to the south of the site to support an improved local park, playground or passive open space area.

Based on a merits based assessment of this proposal, the applicants justification, and the inclusion of the need to capture developer contributions for 'recreation and open space' under the Mid-Western Regional Developer Contributions Plan 2019 at a current rate of \$2,199 per new lot, it is considered that the need to include a separate *local park, playground or passive open space* within the subject subdivision development to service those 12 lots found between 440m and 475m from the existing northern recreational areas is not considered to be an acceptable outcome to benefit the community, and the variation in this instance is recommended to be supported.

Alternative option:

Notwithstanding the above and following concerns raised by management, an alternative option for the subdivision was provided by the applicant in August 2021. This included a 400m² Reserve to be dedicated to Council on the southern end of the development, amending the boundary between proposed Lots 23 and 24. No details were provided in relation to the specific inclusions proposed within the Reserve, however, this could form a condition of consent should Council be of a mind to support the alternative option proposed. This would therefore achieve full compliance with the DCP requirements, however, this option would remove one (1) residential lot from the subdivision and also reduce all developer contributions collected by Council.

Section 7.11 Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing the subdivision of the land creating 23 additional lots which requires the payment of a contribution in accordance with the plan.

The contribution payable has been calculated below:

	Per Contribution	Lot	Total Debits	Total Credits	
Transport Facilities	\$ 4,379.00		\$105,096.00	\$ 4,379.00	
Recreation and Open Space	\$ 2,199.00		\$52,776.00	\$ 2,199.00	
Community Facilities	\$ 640.00		\$15,360.00	\$ 640.00	
Stormwater Management	\$ 462.00		\$11,088.00	\$ 462.00	
Plan Administration	\$ 1,003.00		\$24,072.00	\$ 1,003.00	
Totals	\$ 8,683.00		\$208,392.00	\$ 8,683.00	
TOTAL REQUIRED	PAYMENT				\$ 199,709.00

An appropriate condition has been imposed requiring payment of the contribution.

Section 64 - Water/Sewer Developer Services Charges

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

Section 64 Contributions		
24 Lots (minus credit for 1 Large Residential Lot at 1.5ET Water and 1.05ET Sewer)		
	Charge	23 Lots
Water Headworks	\$8,756.00	\$ 197,010.00
Sewer Headworks	\$3,997.00	\$ 89,932.50
TOTAL HEADWORKS		\$ 286,942.50

A total contribution of \$286,942.50 is payable under the DSP and a condition has been imposed accordingly prior to issue of the Subdivision Works Certificate for the development.

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

No Planning Agreements are applicable at this stage. The applicant has the option to enter into a Voluntary Planning Agreement at any stage however to cover contribution payments in accordance with the provisions of the Contributions Plan.

Regulations –4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

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

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

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

(A) CONTEXT AND SETTING

The proposal is considered appropriate with regards to the surrounding context and setting. The development is situated on the edge of the R1 General Residential area and is therefore located in an established residential neighbourhood. The development results in the logical extension of the Bellevue residential area, providing additional housing opportunities with services to be provided accordingly.

(B) ACCESS, TRANSPORT AND TRAFFIC

The implications of additional traffic and suitable access are discussed throughout this report. The development will result in upgrades to both Marshfield Lane and Bellevue Road. In this regard, the proposal is considered appropriate, subject to compliance with the recommended conditions of consent.

(C) PUBLIC DOMAIN

The development will not impact the existing public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces. Access to existing recreational opportunities has been discussed within the assessment report and there is considered to be adequate existing public open space areas to service the proposed 24 lots.

(D) UTILITIES

All relevant utilities are available or can be made readily available to the site. There will need to be extensions to both water and sewer services to support the development however, this will be at the full cost of the developer.

(E) HERITAGE

Not applicable.

(F) OTHER LAND RESOURCES

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

(G) WATER

The development will require extensions to water services along with upgrades to support stormwater drainage to and from the site.

(H) SOILS

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

(I) AIR AND MICROCLIMATE

The development is not expected to impact air quality or microclimatic conditions. Conditions have been recommended to manage civil construction elements associated with the proposal.

(J) FLORA AND FAUNA

The minor extent of vegetation proposed to be removed has been discussed throughout this report.

(K) WASTE

Waste will be required to be contained on the site during construction activities and new kerbside waste services will be required to support future residential development on the site.

(L) ENERGY

Not applicable to the subject application.

(M) NOISE AND VIBRATION

Noise and vibration will be required to be managed during the construction period with hours of operation limitations imposed via recommended conditions of consent.

(N) NATURAL HAZARDS

The development site is not identified as bushfire prone and there are no known subsidence, slip or mass movement issues. The management of stormwater and overland flooding has been discussed throughout the assessment report and conditions have been recommended accordingly.

(O) TECHNOLOGICAL HAZARDS

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

(P) SAFETY, SECURITY AND CRIME PREVENTION

Increased passive surveillance is identified as a result of the proposed development and future dwellings are required to be designed and considered by separate applications accordingly.

(Q) SOCIAL IMPACT IN THE LOCALITY

Generally positive with the provision of additional housing opportunities, connecting to an established residential neighbourhood.

(R) ECONOMIC IMPACT IN THE LOCALITY

Generally positive with the provision of construction jobs during civil works and the additional release of housing opportunities for the region.

(S) SITE DESIGN AND INTERNAL DESIGN

Adequate, as discussed throughout this report.

(T) CONSTRUCTION

To comply with the BCA where relevant.

(U) CUMULATIVE IMPACTS

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

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

(A) DOES THE PROPOSAL FIT IN THE LOCALITY?

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

(B) ARE THE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT?

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

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

(A) PUBLIC SUBMISSIONS

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 27 November 2020. During the notification period, no submissions were received.

(B) SUBMISSIONS FROM PUBLIC AUTHORITIES

The application was referred to Essential Energy pursuant to section 45 of the SEPP (Infrastructure) 2007. A response has been provided and conditions included accordingly.

The Public Interest – 4.15(1)(e)

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

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

CONSULTATIONS

(A) HEALTH AND BUILDING

No consultation necessary.

(B) TECHNICAL SERVICES

Council's Development Engineer has not raised any concerns with the proposal, with a copy of the Referral comments found in Attachment 4. The pertinent matters raised, have been discussed below:

Flood Risk

It is also to be noted that the recently adopted Mudgee Flood Study 2021 has identified parts of the land as having several small areas affected by Overland Flows but with additional areas also potentially affected by a Probable Maximum Flood (PMF), i.e., greater than a 1:100 year ARI (Average Recurrence Interval) storm event.

A Concept Cut and Fill Plan, provided as part of a Further Information Request response, indicates that proposed site works including some lot filling will be required / provided and can safely divert surface stormwater flows and provide stormwater drainage infrastructure.

The above mentioned Lot filling and drainage works will to a considerable extent provide additional flood protection to the proposed development and formalise the control of surface runoff in the locality.

Additionally it would also be preferable to include some sort of 88B documentation on the new Lots to ensure future dwelling developments provide some form of detention in their stormwater drainage systems, similar to what has been prescribed for Bombira Estate.

Subdivision Servicing - Comments and Requirements:

Water Supply

There are two water mains shown in the locality. Connection of water main to supply this development will need to be made to the 100 mm diameter service on the north side of Bellevue Road.

To ensure quality and quantity of water supply a ring main from Bellevue Road will need to be installed connecting to other water mains on Albens Lane.

This water main extension has been conditioned.

Sewer

Lots fronting the north - south segment of Marshfield Lane will be able to connect directly to existing sewer main in Marshfield Lane (Connection to live mains must be undertaken by Council).

Servicing of all other Lots will require construction of new and extensions to mains by the developer as part of a Subdivision Works Certificate (SWC) approval.

This works has been conditioned.

Road

Road upgrades will be required to provide for the construction of concrete kerb and gutter for the full extent of all existing road abutments and the new internal road.

The developer will be required to construct half width pavement construction of both Bellevue Road and Marshfield Lane.

Alteration to the existing culvert under Marshfield Lane at the intersection of Bellevue Road will need to be undertaken to ensure sufficient depth of pavement and provide protective cover for the pipe/s.

The new internal road must provide for a trafficable court bowl no less than 10 metres radius.

Electricity / Telecommunications

These utilities are already located in the immediate vicinity of the proposed development. Connection could readily be made by extension of those services in accordance with the requirements of relevant authorities.

Developer Contributions:

The Developer will be required to make payment of the applicable Developer Contributions in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Development Contributions Plan.

Summary / Conclusion:

From an engineering perspective it is considered that the proposed development can be adequately serviced.

(C) HERITAGE ADVISOR

No consultation necessary.

(D) ACCESS COMMITTEE

No consultation necessary.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable.

Council Policies

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

Legislation

Environmental Planning & Assessment Act 1979

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

Financial implications

The Applicant will be required to pay developer contributions in accordance with the Mid-Western Regional Contributions Plan 2019 and Developer Servicing Plans 2008.

Associated Risks

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

KAYLA ROBSON
PLANNING COORDINATOR

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

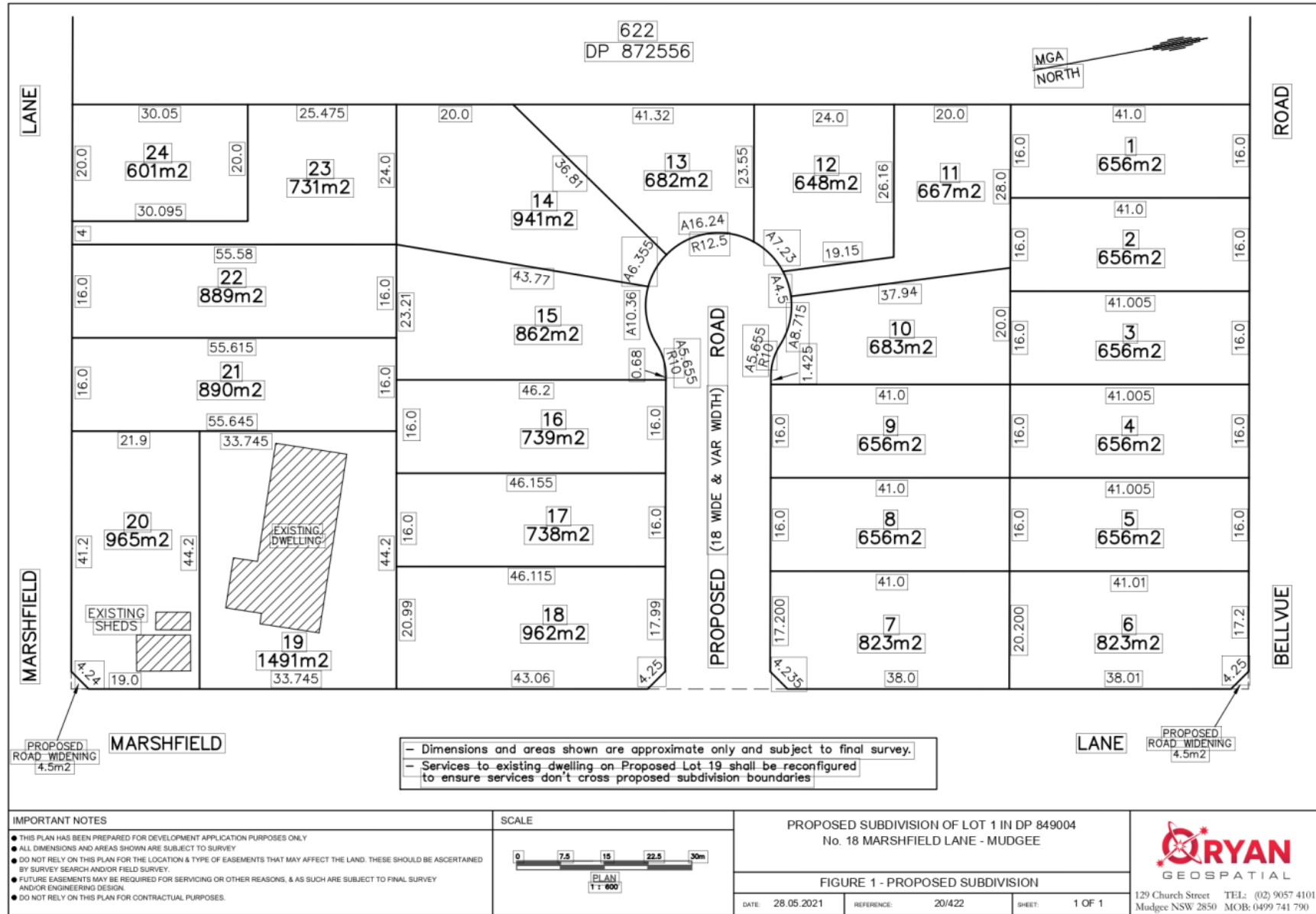
19 August 2021

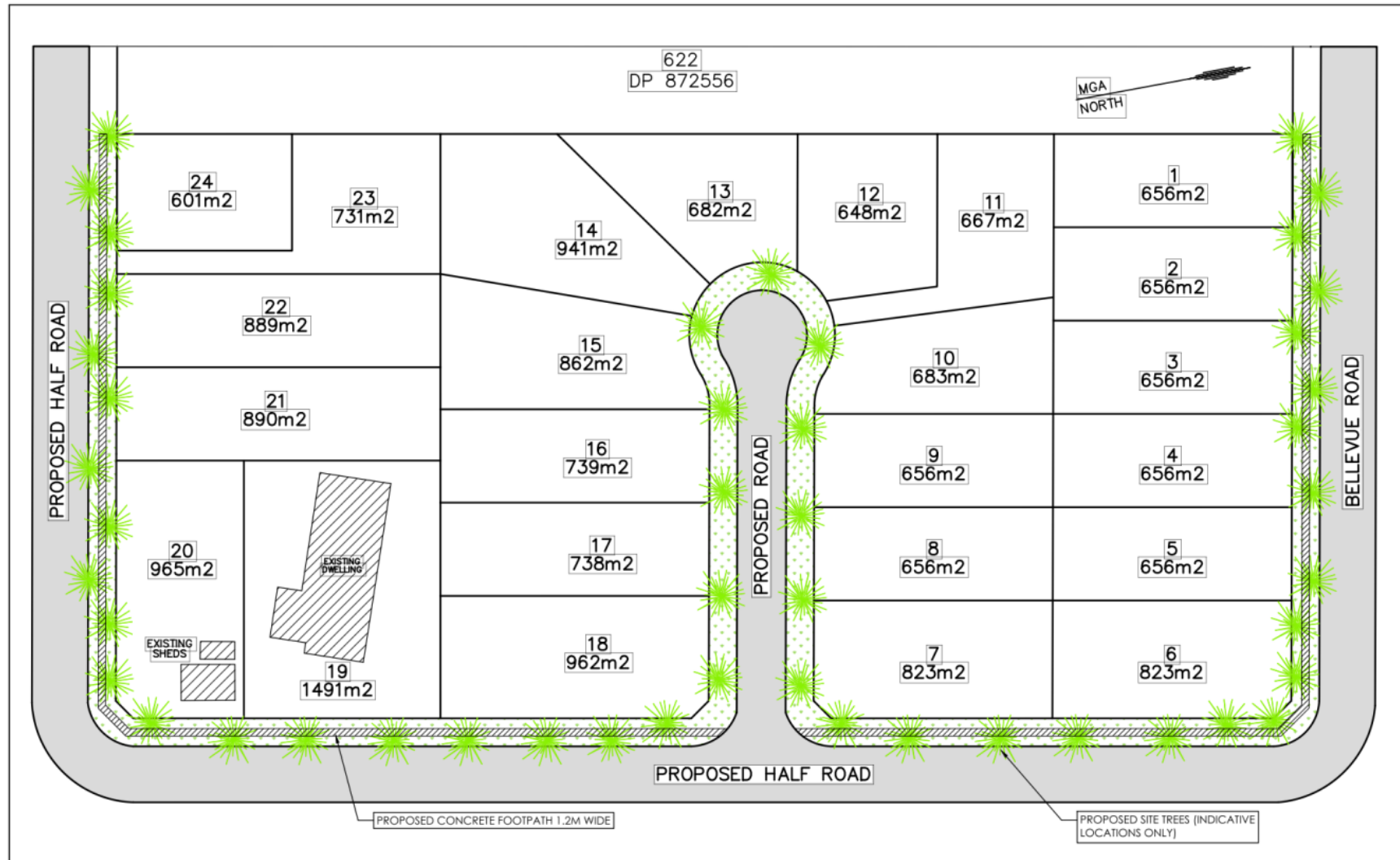
Attachments:

1. Subdivision Plan.
2. Subdivision Landscape Plan.
3. Subdivision Civil Plans.
4. Engineering Referral Response.

APPROVED FOR SUBMISSION:

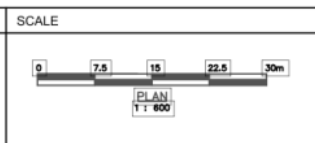
BRAD CAM
GENERAL MANAGER





IMPORTANT NOTES

- THIS IS A PLANNING DRAWING ONLY, FOR THE PURPOSE OF CONCEPTUAL DESIGN AND/OR PLANNING.
- TREE PLANTING SCHEDULE TO INCLUDE SUITABLE FROST RESISTANT AND DROUGHT TOLERANT SPECIES.
- DETAILED LANDSCAPING PLANS TO BE ISSUED PRIOR TO CONSTRUCTION
- PLANTING TO BE COMPLETED IN ACCORDANCE WITH MID-WESTERN REGIONAL TREE PLANTING POLICY
- ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY.
- DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES.



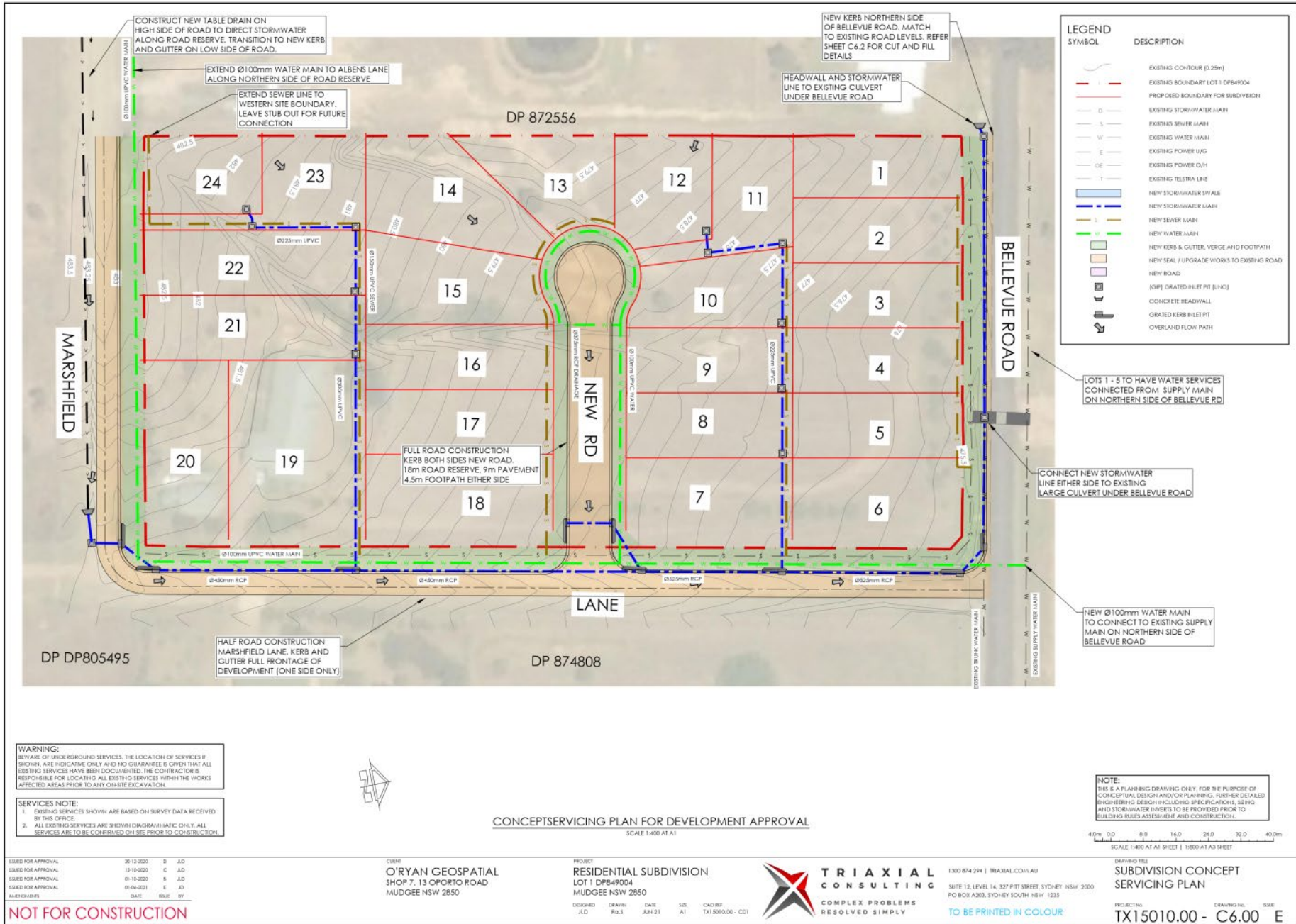
CONCEPT LANDSCAPE PLAN LOT 1 IN DP 849004
No. 18 MARSHFIELD LANE - MUDGEE

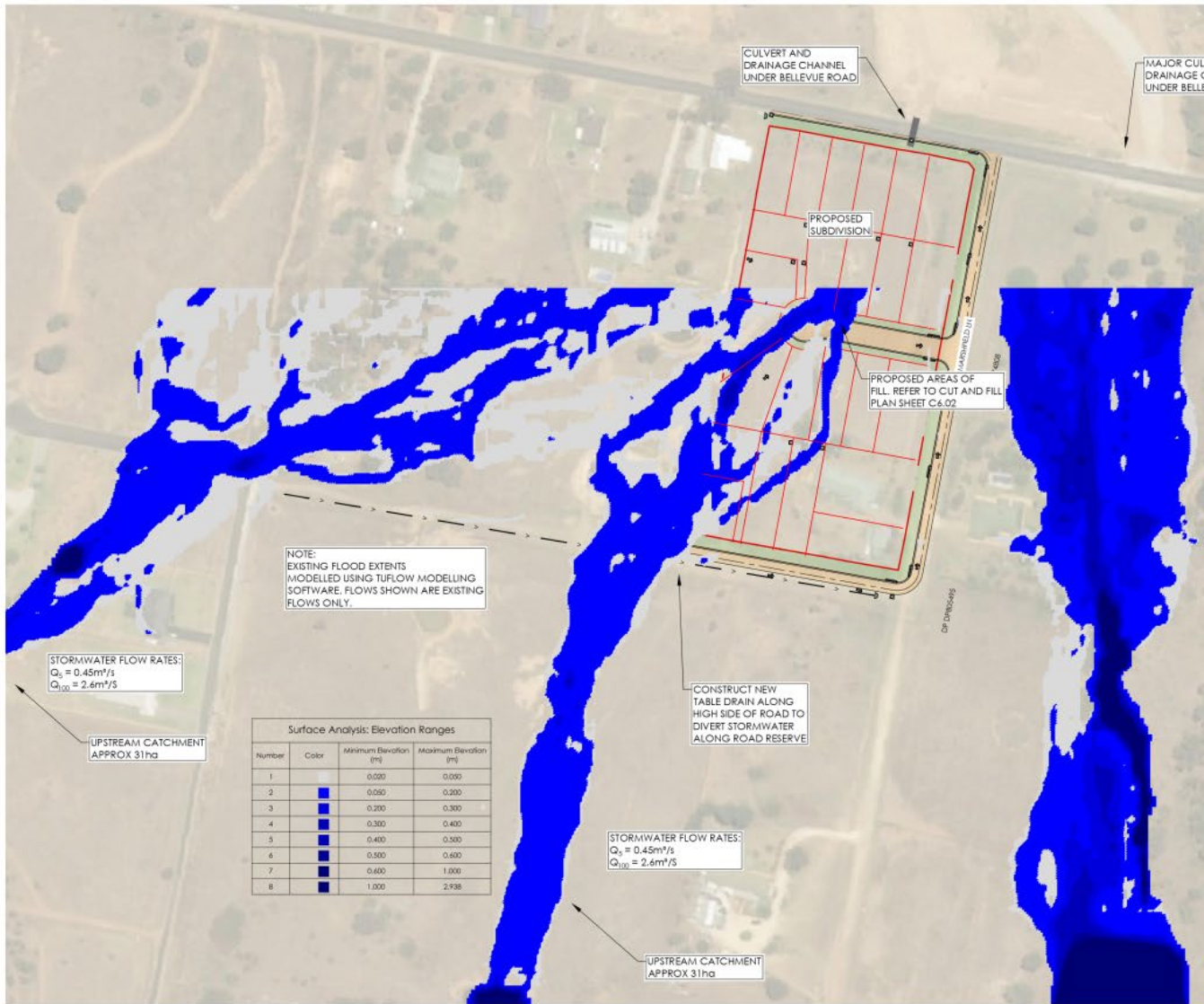
FIGURE 2 - CONCEPT LANDSCAPE PLAN

DATE: 28.05.2021 REFERENCE: 20/422 SHEET: 1 OF 1

RYAN
GEOSPATIAL

129 Church Street TEL: (02) 9057 4101
Mudgee NSW 2850 MOB: 0499 741 790



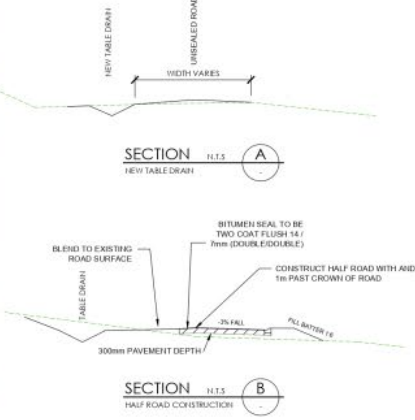


Surface Analysis: Elevation Ranges

Number	Color	Minimum Elevation (m)	Maximum Elevation (m)
1		0.050	0.090
2		0.090	0.200
3		0.200	0.300
4		0.300	0.400
5		0.400	0.500
6		0.500	0.600
7		0.600	1.000
8		1.000	2.938

LEGEND

SYMBOL	DESCRIPTION
	EXISTING CONTOUR (0.25m)
	EXISTING BOUNDARY LOT 1 DP849004
	PROPOSED BOUNDARY FOR SUBDIVISION
	EXISTING STORMWATER MAIN
	EXISTING SEWER MAIN
	EXISTING WATER MAIN
	EXISTING POWER (UG)
	EXISTING POWER (OH)
	EXISTING TELSTRA LINE
	NEW STORMWATER SWALE
	NEW STORMWATER MAIN
	NEW SEWER MAIN
	NEW WATER MAIN
	NEW KERB & GUTTER, VERGE AND FOOTPATH
	NEW SEAL / UPGRADE WORKS TO EXISTING ROAD
	NEW ROAD
	(GFP) GRATED INLET FIT (LHD)
	CONCRETE HEADWALL
	OVERLAND FLOW PATH



WARNING:
BEWARE OF UNDERGROUND SERVICES, THE LOCATION OF SERVICES IF SHOWN, ARE INDICATIVE ONLY AND NO GUARANTEE IS GIVEN THAT ALL EXISTING SERVICES HAVE BEEN DOCUMENTED. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING SERVICES WITHIN THE WORKS AFFECTED AREAS PRIOR TO ANY ON-SITE EXCAVATION.

SERVICES NOTE:
1. EXISTING SERVICES SHOWN ARE BASED ON SURVEY DATA RECEIVED BY THIS OFFICE.
2. ALL EXISTING SERVICES ARE SHOWN DIAGNOSTICALLY ONLY. ALL SERVICES ARE TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION.

NOTE:
THIS IS A PLANNING DRAWING ONLY. FOR THE PURPOSE OF CONCEPTUAL DESIGN AND/OR PLANNING. FURTHER DETAILED ENGINEERING DESIGN (INCLUDING SPECIFICATIONS, SIZING AND STORMWATER INVERTS) TO BE PROVIDED PRIOR TO BUILDING RISER ASSESSMENT AND CONSTRUCTION.



CATCHMENT PLAN
SCALE 1:1000 AT A1

ISSUED FOR APPROVAL	DATE	BY	FOR
ISSUED FOR APPROVAL	01-06-2021	D	JLD
ISSUED FOR APPROVAL	30-11-2020	C	JLD
ISSUED FOR APPROVAL	19-10-2020	S	JLD
ISSUED FOR APPROVAL	01-10-2020	A	JLD
AUTHORISED	DATE	BY	BY

CLIENT
O'RYAN GEOSPATIAL
SHOP 7, 13 OPORTO ROAD
MUDGEES NSW 2850

PROJECT
RESIDENTIAL SUBDIVISION
LOT 1 DP849004
MUDGEES NSW 2850

DESIGNED	DRAWN	DATE	SIZE	CAD REF
JLD	Ris.S	JUN 21	A1	TX15010.00 - C01



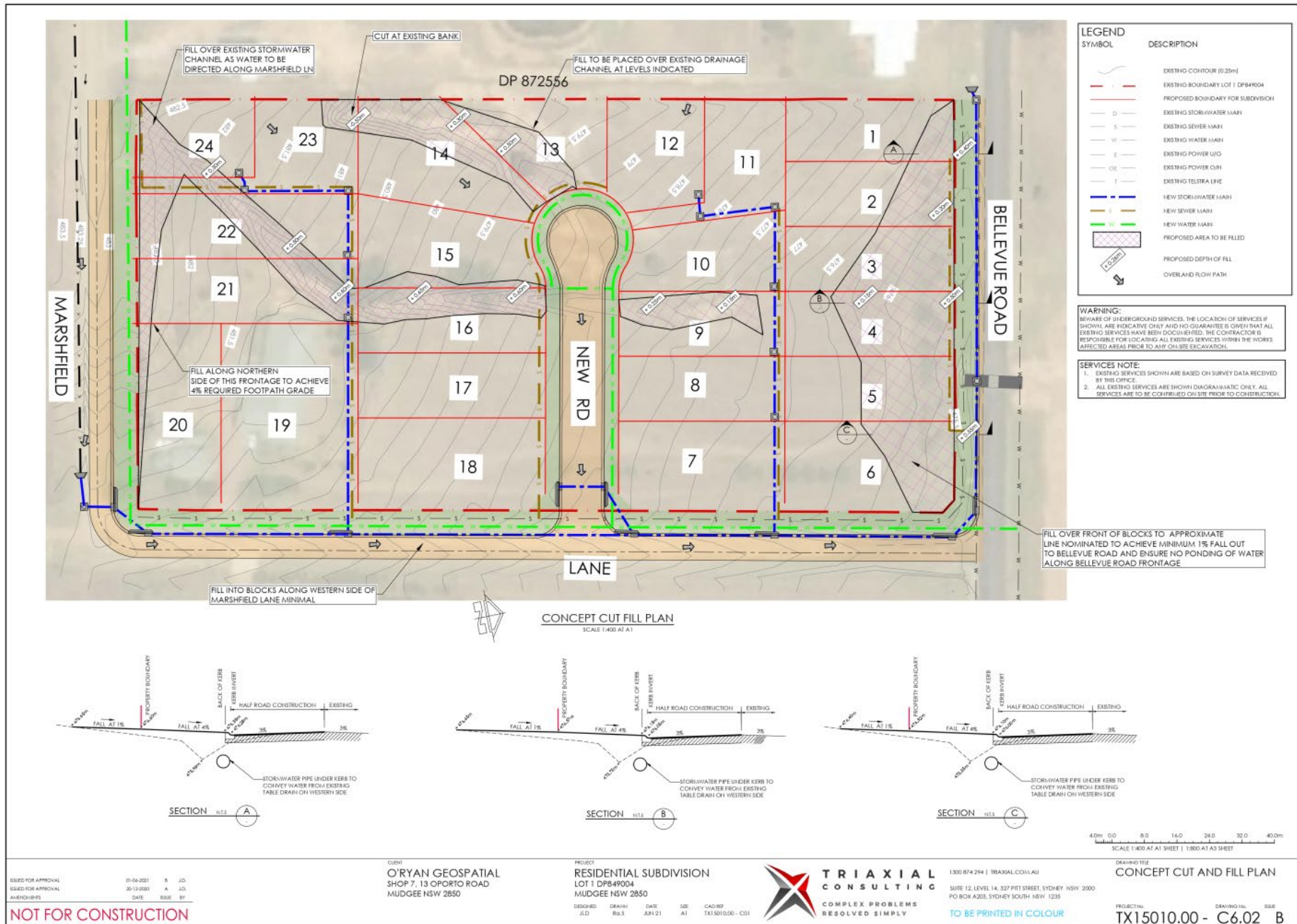
1300 874 294 | TRIAXIAL.COM.AU
SUITE 12, LEVEL 14, 327 FITT STREET, SYDNEY NSW 2000
PO BOX 4203, SYDNEY SOUTH NSW 1235

TO BE PRINTED IN COLOUR

DRAWING TITLE
STORMWATER CATCHMENT PLAN

PROJECT No. DRAWING No. ISSUE
TX15010.00 - C6.01 D

NOT FOR CONSTRUCTION



MWRC – DEVELOPMENT APPLICATION REFERRAL
ENGINEERING COMMENTS AND CONDITIONS

DEVELOPMENT APPLICATION NO: DA0125/2021

FILE NO: DA0125/2021

PROPOSAL: Subdivision - Torrens Title (1 into 24 lots)

PROPERTY DESCRIPTION: Lot 1 DP 849004 - Allawah 18 Marshfield Lane MUDGEES NSW 2850

REFERRED TO DEVELOPMENT DESIGN ENGINEER ON: 02 November 2020

ASSESSING OFFICERS NAME: K Robson

COMMENTS:

Proposal and Site Description

The application is proposing subdivision of a large existing Residential zoned lot into 24 lots and creating a short cul-de-sac new road.

The subject land is rectangular with a generally north-south alignment.

The northern boundary of the land abuts Bellevue Road which is a bitumen sealed road and in this location is not formed with kerb and channel.

The eastern and southern boundaries abut Marshfield Lane which has a gravel formed pavement and open table drains.

The western boundary abuts another large allotment which is predominantly vacant but is occupied by two dwellings, one fronting and with access from Bellevue Road to the north while the other fronts and has access from Marshfield Lane to the south.

With reference to the GIS / IntraMaps extract below:

- the subject land slopes generally down from south-west to north-east,
- the topography indicates minor drainage features that cross the land diagonally and that carry surface runoff from a larger predominantly un-developed catchment to the south-west,
- along the Bellevue Road frontage the surface water is captured in a large table drain that discharges through a large culverts into a swale / drainage reserve on the northern side of Bellevue Road, and
- services including water and sewer are located in the vicinity of the site.

Similarly there are other open swale drains in the locality (along Bellevue Road) that capture surface runoff and discharge through culverts under Bellevue Road and Marshfield Lane.

Flood Risk

It is also to be noted that the recently adopted Mudgee Flood Study 2021 has identified parts of the land as having several small areas affected by Overland Flows but with additional areas also potentially affected by a Probable Maximum Flood (PMF), ie, greater than a 1:100 year ARI (Average Recurrence Interval) storm event.

A Concept Cut and Fill Plan, provided as part of a Further Information Request response, indicates that proposed site works including some lot filling will be required / provided and can safely divert surface stormwater flows and provide stormwater drainage infrastructure.

The above mentioned Lot filling and drainage works will to a considerable extent provide additional flood protection to the proposed development and formalise the control of surface runoff in the locality.

Additionally it would also be preferable to include some sort of Sec 88B documentation on the new Lots to ensure future dwelling developments provide some form of detention in their stormwater drainage systems, similar to what has been prescribed for Bombira Estate.



Recreational Areas

As regards the need for recreational areas it has been discussed with P&G and their preference is to take a contribution that can be used for possible future developments on land to the south.

Subdivision Servicing - Comments and Requirements:

Water Supply

There are two water mains shown in the locality. Connection of water main to supply this development will need to be made to the 100 mm diameter service on the north side of Bellevue Road.

To ensure quality and quantity of water supply a ring main from Bellevue Road will need to be installed connecting to other water mains on Albens Lane.

This water main extension has been conditioned.

Sewer

Lots fronting the north - south segment of Marshfield Lane will be able to connect directly to existing sewer main in Marshfield Lane (Connection to live mains must be undertaken by Council).

Servicing of all other Lots will require construction of new and extensions to mains by the developer as part of a Subdivision Works Certificate (SWC) approval.

This works has been conditioned.

Road

Road upgrades will be required to provide for the construction of concrete kerb and gutter for the full extent of all existing road abutments and the new internal road.

The developer will be required to construct half width pavement construction of both Bellevue Road and Marshfield Lane.

Alteration to the existing culvert under Marshfield Lane at the intersection of Bellevue Road will need to be undertaken to ensure sufficient depth of pavement and provide protective cover for the pipe/s.

The new internal road must provide for a trafficable court bowl no less than 10 metres radius.

Electricity / Telecommunications

These utilities are already located in the immediate vicinity of the proposed development. Connection could readily be made by extension of those services in accordance with the requirements of relevant authorities.

Developer Contributions:

The Developer will be required to make payment of the applicable Developer Contributions in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Development Contributions Plan.

An incomplete table has been included in the recommended conditions below.

Summary / Conclusion:

From an engineering perspective it is considered that the proposed development can be adequately serviced.

However, as detailed above there will be significant construction requirements that will need to be addressed.

The application might be considered for approval subject to the following recommended engineering conditions being included in any consent that might issue.

RECOMMENDED CONDITIONS:

GENERAL CONDITIONS

- 1 Subdivision development is to be carried out generally in accordance with the following stamped plans, except where amended as required by following conditions. Approved documentation may include any Planning or Engineering reports submitted with and in support of the Application as detailed below.

Drawing No.	Sheet	Plan Title	Rev.	Date
20/422	1 of 1	Figure 1 – Proposed Subdivision (prepared by O’Ryan Geospatial)		28.05.2021
20/422		Figure 2 – Concept Landscape Plan (prepared by O’Ryan Geospatial)		28.05.2021
TX15010.00-C6.00		Subdivision Concept Servicing Plan (prepared by Triaxial Consulting)	E	01.06.2021
TX15010.00-C6.01		Stormwater Catchment Plan (prepared by Triaxial Consulting)	D	01.06.2021
TX15010.00-C6.02		Concept Cut and Fill Plan (prepared by Triaxial Consulting)	B	01.06.2021

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

- 2 No structures or earthworks are permitted to encroach within any easements for the purposes of utility infrastructure as specified in Council’s Development Control Plan.
- 3 All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of base course and kerb and channel.
- 4 The finished surface of all nature strips and verges must be graded to fall toward the kerb and channel and formed with a minimum 100 mm thick layer of clean topsoil free of stones and other impurities. Nature strips and verges are to be seeded or hydro-mulched with an approved grass prior to the issue of a Certificate of Practical Completion.
- 5 Street trees of an approved species are to be provided at a minimum rate of one tree per allotment.

ROADS AND FOOTPATHS

- 6 The Developer is required to provide for the construction of road upgrades that includes, but may not be limited to:
- Construction of kerb and channel for the full road abutments of all Lots created by this Subdivision,
 - The half width pavement construction and bitumen sealing of those parts of Bellevue road and Marshfield Lane that abut the development, and
 - The construction of concrete footpaths 1.35 metres wide for the full abutment of Bellevue Road and Marshfield Lane.

The new internal road must provide for a trafficable court bowl no less than 10 metres radius. Road pavements must be designed and constructed in accordance with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document and relevant parts of AUS-SPEC specifications.

Note: Construction of Marshfield Lane will require alteration to the existing culvert under Marshfield Lane at the intersection of Bellevue Road to ensure sufficient depth of pavement and provide protective cover for the pipe/s.

STORMWATER

- 7 The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development. The extent of stormwater drainage works will include, but is not limited to:
 - construction of a table drain along the southern side of Marshfield Lane to intercept and control surface runoff from upstream catchments and extend from the proposed inlet structure shown on the plans to a point no less than 100 metres beyond the proposed development,
 - alteration and upgrade of the existing culvert under Marshfield Lane at the Bellevue Road intersection such that the required cover for pavement construction is achieved, and
 - extension of the inter-allotment drainage for proposed lots 7 to 12 inclusive to provide an inlet for surface runoff from the adjoining property
- 8 Prior to the issue of a Subdivision Works Certificate the Applicant must provide a fully detailed Stormwater Drainage Report and Design for approval by Council that provides for control and treatment of stormwater runoff generated by future residential development of the land. The report must demonstrate that proposed detention arrangements do not increase the rate of discharge of stormwater runoff from the site beyond the existing undeveloped state for a storm event up to and including a 1:100 year ARI event. Methods of stormwater detention must be included in the design to ensure that the rate of stormwater runoff flows from the development do not exceed the volume and rates generated by a 1:5 year ARI storm event from the undeveloped site.
- 9 To ensure that increased runoff from the future development of dwellings does not adversely affect the flood risk to downstream properties suitably worded Section 88B documentation placing a restrictive covenant on each allotment requiring detention devices to be included for all building works. Detention devices must provide a minimum 2000 litres detention storage to be discharged to empty after each rain event through an orifice no greater than 19 mm diameter. Detention devices are to be maintained by the owner to the satisfaction of Council at all times.
- 10 Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties other than at approved locations and methods of disposal. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property.
- 11 Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with relevant parts of AUS-SPEC specifications. Easements not less than 3 metres wide shall be created over inter-allotment drainage in favour of upstream allotments.

WATER AND SEWER SERVICES

- 12 The applicant is to provide separate water reticulation services to each allotment within the subdivision.

- 13 The developer is to extend and meet the full cost of water reticulation to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Water Supply Code of Australia (WSAA).
- 14 The extent of water main extension to provide adequate and satisfactory supply will require a new main constructed from the 100 mm diameter main in Bellevue Road, along Marshfield Lane and extending to connect with other 100 mm diameter main in the vicinity of the Marshfield and Albens lane intersection. A mains extension to service lots accessed from the proposed new cu-de-sac will also be required.
- 15 The developer is to provide a water service and meter for each lot in the subdivision. Where the provision of a service connection for a proposed new lot is undertaken during the installation of new water mains by the Developer, and prior to any 'live' connection, the developer can be achieve this by making a payment to Council of \$655.00 per lot as specified in Council's Schedule of fees and Charges, noting that this amount is indexed to increase each financial year.

Note: Council does not permit other bodies to insert new connections into 'live' water mains. The cost referenced above is for the supply of meter only and is subject to CPI increases.
- 16 In the case of any lots that will not be serviced by a water main constructed by the developer, a full water service will be required. The developer will be required to pay for full Water Service Connection for a 20 mm water supply, for an amount of \$2,150.00 per lot as specified in Council's Schedule of fees and Charges, noting that this amount is indexed to increase each financial year.
- 17 The developer is to extend and meet the full cost of sewer reticulation to service the development plus the cost of connecting to existing services.
- 18 All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Sewerage Code of Australia.
- 19 In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions required to service the proposed lots must be installed by the developer.

TELECOMMUNICATIONS AND ELECTRICITY SUPPLY

- 20 Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authorities standards. Each allotment is to be provided with a service point / connection to an underground electricity supply. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with the certified copies of the Electrical and Telecommunications distribution network design for the subdivision.

CULTURAL HERITAGE

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

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

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

- 22 A Subdivision Works Certificate is required for but not limited to the following civil works;
- Water and sewer main extensions,
 - Roads, including concrete kerb, pavement and bitumen seal,
 - Stormwater drainage such as inter-allotment drainage, detention basins, culverts, pits and table drains,
 - Footpath (concrete paths, 1.35 metres wide and with crossfall and kerb ramps where necessary in accordance with AS 1428 and DDA requirements),
 - Landscaping of public reserves and nature strips / verges.
- No works can commence prior to the issue of the Subdivision Works Certificate.
- NOTE: Additional permits and approvals may also be required under other legislation, eg. Plumbing and Drainage Act 2011, and Plumbing and Drainage Regulation 2017 for water and sewer infrastructure works.
- 23 Prior to the issue of a Subdivision Works Certificate a detailed engineering design, specifications, supporting documentation / reports and calculations, and schedules are to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document.
Detailed documentation including, but not limited to the following matters, must be submitted with the detailed design. These documents include:
- Runoff calculations.
- 24 Prior to the issue of a Subdivision Works Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
- 25 Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the Contractor.
- 26 The detailed design plans submitted for the issue of a Subdivision Works Certificate must show all finished surface levels. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
- 27 All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
- 28 An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- Saving available topsoil for reuse in the revegetation phase of the development;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;

PRIOR TO COMMENCEMENT OF WORKS – CIVIL

- 29 The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 4. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 30 Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- 31 Prior to the commencement of subdivision works, the following actions are to be carried out;
1. A site supervisor is to be nominated by the applicant;
 2. Council is to be provided with two (2) days notice of works commencing, and
 3. Council is to be notified in writing of any existing damage to Council's infrastructure.
- NOTE: Failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.

ENGINEERING CONSTRUCTION

- 32 The subdivision works are to be inspected by the 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
 - Vacuum / pressure testing of all water and sewer mains
 - Stormwater drainage pipe installation prior to backfilling
 - CCTV inspection of all sewer mains and stormwater drainage
 - Proof roll inspection of sub-grade prior to placement and compaction of sub-base
 - Proof roll inspection of sub-base prior to installation of concrete kerb
 - Proof roll inspection of compacted sub-base prior to placement of base course
 - Proof roll inspection of compacted base prior to sealing
 - CCTV inspection of all sewer mains and stormwater drainage once final earthworks have been completed to finished surface levels.
 - Practical Completion
 - At completion of the Defects Liability Period a further CCTV inspection of all sewer mains and stormwater drainage is to be undertaken prior to the issue of a certificate of Final Completion and the release of Defects Liability bond monies.
- In addition to proof roll inspection compaction testing may also be required.
- 33 The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
- 34 The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
- 35 All works are to be constructed at the full cost of the developer, in a manner consistent with relevant parts of AUS-SPEC specifications and Council's standard drawings.

- 36 All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's / Demolisher's expense.

DEVELOPMENT CONTRIBUTIONS

- 37 In accordance with the provisions of section 94(1)(b) of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Development Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

Catchment No.N – No. Additional Lot/s N

Program	Total \$
Transport Management	
Traffic Management	\$
Open Space	
Local Open Space	\$
District Open Space	\$
Community Facilities	
Library Buildings	\$
Library Resources	\$
Administration	
Plan Administration	\$
TOTAL PAYABLE	\$

- 38 The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:
 (a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	(22.5 ET)	\$197,010.00
Sewerage Headworks	(22.5 ET)	\$ 89,933.00
Total		\$286,943.00

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

- 39 Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

(Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges)

#. The Practical Completion inspection report shall be submitted to Council with the Subdivision Certificate application.

- 40 A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager or other authorised person.
- 41 Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

- 42 To ensure that increased runoff from the future development of dwellings does not adversely affect the flood risk to downstream properties suitably worded Section 88B documentation placing a restrictive covenant on each allotment requiring detention devices to be included for all building works. Detention devices must provide a minimum 2000 litres detention storage to be discharged to empty after each rain event through an orifice no greater than 19 mm diameter. Detention devices are to be maintained by the owner to the satisfaction of Council at all times.
- 43 Following completion of the subdivision works, work-as-executed plans (WAE) and asset data sheets are to be provided to Council in no less than the following formats;
- PDF
 - Dwg format or “Autocad compatible”
 - MapInfo
- All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
The plans provided must also be accompanied by completed spreadsheets containing all relevant asset data requirements. (Templates will be provided by Council on request).
- 44 Following completion of all engineering works a Defects Liability bond in a form acceptable to Council to the value of 5% of the value of all works must be lodged with Council to be held for a period of twenty-four (24) months to ensure any defects that become apparent during that time are remedied by the developer.
- 45 Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of the new financial year.
- 46 Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- (a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - (b) A certificate from Telstra stating that they accept control/acquisition of the telecommunications infrastructure to the development.
 - (c) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.
- 47 Where necessary the adjustment of existing services, infrastructure or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
- 48 The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.



David Webster
Development & Design Engineer
Mid-Western Regional Council

8.2 DA0008/2022 - Demolition Works, Alterations and Additions and Change of Use from Childcare Centre to Community Facility - 2-6 Douro Street, Mudgee

REPORT BY THE PLANNING COORDINATOR
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, DA0008/2022

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator on the DA0008/2022 - Demolition Works, Alterations and Additions and Change of Use from Childcare Centre to Community Facility at 2-6 Douro Street, Mudgee; and**
- B. approve DA0008/2022 - Demolition Works, Alterations and Additions and Change of Use from Childcare Centre to Community Facility at 2-6 Douro Street, Mudgee subject to the following conditions and Statement of Reasons:**

CONDITIONS

APPROVED PLANS

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

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date	Prepared by:
Cover Page	DA-001	A	24/6/21	BKA Architecture
Site Images	DA-002	A	24/6/21	BKA Architecture
Existing Site and Ground Floor Plan	DA-003	A	24/6/21	BKA Architecture
Demolition Plan	DA-004	A	24/6/21	BKA Architecture
Site Pan	DA-0010	A	24/6/21	BKA Architecture
Ground Floor Plan	DA-100	A	24/6/21	BKA Architecture
Elevations and Sections	DA-200	A	24/6/21	BKA Architecture
Area Schedule	DA-700	A	21/6/21	BKA Architecture
Hardscape Plan	LPDA – 334	B	24.6.2021	Conzept Landscape Architects

Landscape Plan	LPDA21 - 334	B	24.6.2021	Conzept Landscape Architects
Image Palette	LPDA21 - 334	B	24.6.2021	Conzept Landscape Architects

GENERAL

2. This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.
3. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
4. This development consent includes approval for demolition works, alterations / additions to the existing commercial building, and change of use to a Community Facility.
5. All demolition works are to be carried out in accordance with AS 2601-2001 “Demolition of structures”, with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc., should be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council’s Waste Depot requires prior arrangement for immediate landfilling.
6. Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
7. Costs associated with all development works including any necessary alterations, relocations of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
8. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person’s own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

Note - Prescribed condition pursuant to clause 98E of the Environmental Planning and Assessment Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places.
9. Any damage which is caused to Council’s infrastructure as a result of the proposed development must be repaired immediately to Council’s satisfaction and at no cost to Council.

10. All trafficable pavements are to be constructed and sealed with an impervious surface, either bitumen or concrete, and maintained to the satisfaction of Council at all times.
11. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
12. A total of 12 car parking spaces are to be provided within the site of the development and comply with *AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking* and the following requirements:
 - Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - Each disabled car parking space is to be in accordance with the provisions of *AS 2890.6: 2009*;
 - Line marking, wheel stop and signage is to be installed as per the relevant Australian Standard;
 - Off street visitor parking is to be encouraged by the placement of prominent signs indicating the availability of visitor parking;
 - All car parking spaces must be maintained in a satisfactory condition at all times.
13. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
14. The only waste derived fill material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of the *Protection of the Environment Operations Act 1997*; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
15. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
16. Site works and landscaping must be designed and constructed in such a manner as to have no negative effect on the cross sectional area at any point of the adjacent waterway/drainage feature.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

17. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
18. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.

19. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*, prior to the issue of a Construction Certificate.
20. Details of the internal driveway and car parking spaces are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of a Construction Certificate. These details shall comply with the requirements of *AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking* and the relevant conditions of this development consent.
21. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.

Note – The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

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

22. Prior to the issue of a Construction Certificate, the developer shall obtain a *Certificate of Compliance* under the *Water Management Act 2000*, from Council.
23. Prior to issue of a Construction Certificate, a liquid trade waste approval is to be obtained from Council.

PRIOR TO THE COMMENCEMENT OF WORKS

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

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

25. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.
NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE PRIOR TO SUBSEQUENT DISPOSAL AT AN APPROVED WASTE DISPOSAL FACILITY.
26. Prior to the commencement of works on site, the applicant shall advise Council's Development Department, in writing, of any existing damage to Council property.
27. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.

28. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
- stating that unauthorised entry to the work site is prohibited;
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - the name, address and telephone number of the Principal Certifying Authority for the work; and
 - the sign shall be removed when the erection or demolition of the building has been completed.
29. If the work involved in the erection/demolition of the building:
- Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - Building involves the enclosure of a public place; then

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

DURING CONSTRUCTION

30. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning & Assessment Act 1979* and Regulations and all relevant Australian Standards.
31. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
32. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
33. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
34. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
35. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.
36. All building work is to comply with the requirements of the Access to Premises Standard.
37. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- Demolition work is not to be undertaken until:

- Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
- b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the *Work Health and Safety Act 2011* and Australian Standard 2601-2001;
- c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
- d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
38. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.
39. The development site is to be managed for the entirety of work in the following manner:
1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 2. Appropriate dust control measures;
 3. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 4. Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
40. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the developer's/demolisher's expense.
41. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
42. If historical archaeological remains are found during works, works should immediately cease and the Heritage Branch of the Office of Environment and Heritage should be contacted for further advice, as required under Section 139 of the *Heritage Act 1977*.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

43. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be

obtained from the Principal Certifying Authority appointed for the erection of the building.

44. Prior to the issue of an Occupation Certificate all access, car parking and associated manoeuvring areas are to be completed.
45. Prior to issue of an Occupation Certificate, a Flood Evacuation Management Plan shall be prepared and submitted to the Certifying Authority. The Plan is to detail the procedure for early evacuation of occupants from the building and all relevant flood emergency management information to be incorporated within the site. A copy of the Plan is to be kept within a publically accessible area in the building for the life of operations.
46. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the Fire and Rescue NSW and a copy is to be prominently displayed in the building.
47. Prior to the issue of an Occupation Certificate, for any buildings on site, the building is to be connected to reticulated water supply, stormwater and sewerage in accordance with the relevant Section 68 approval/s.
48. Prior to issue of an Occupation Certificate, all plants shown on the approved landscape plan/s are to be planted and all hard landscaping (e.g. rocks, retaining walls, solid garden bed edging) is to be installed prior to occupation of the development.
49. Prior to use of the development and/or issue of an Occupation Certificate, all works included in any Trade Waste Approval are to be completed.

OPERATIONAL/ ONGOING CONDITIONS

50. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
51. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
52. The hours of operation of the development are limited to 8am to 10pm, 7 days per week.
53. All vehicles are required to enter and leave the site in a forward direction at all times.
54. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.

55. All loading and unloading in connection with the premises shall be carried out wholly within the site and at the approved loading dock.
56. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
57. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
58. Garbage storage areas are to be adequately screened from public view.
59. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
60. The development is to be maintained in a clean and tidy manner, at all times.

REASONS FOR DECISION

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

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision Section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to Section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

Executive summary

OWNER/S	Crown Lands - Dubbo
APPLICANT:	Mid-Western Regional Council
PROPERTY DESCRIPTION	Lot 112 DP48439 2-6 Douro Street, Mudgee
PROPOSED DEVELOPMENT	Demolition works, building alterations and additions, and change of use to community facility
ESTIMATED COST OF DEVELOPMENT:	\$858,524
REASON FOR REPORTING TO COUNCIL:	Council development exceeding \$150,000
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0008/2022 that seeks approval for demolition works, alterations / additions to the existing commercial building and change of use to a Community Facility, at 2-6 Douro Street MUDGEES NSW 2850, Lot 112 DP 48439, received by Council on 6 July 2021.

The proposal seeks to provide a community facility for the purposes of art workshops and communal meeting or working spaces, with supporting amenities. The community facility is proposed to compliment the newly constructed Art Gallery located at 90 Market Street, Mudgee.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 6 August 2021. During the notification period, no submissions were received.

The proposed development has been assessed in accordance with the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) and the Mid-Western Regional Development Control Plan 2013 (DCP). The proposed development is considered generally consistent with Council's planning controls.

The application is recommended for Approval.

Disclosure of Interest

Nil.

Detailed report

PROPOSED DEVELOPMENT

Development Application DA0008/2022 seeks approval for demolition works, alterations / additions to the existing commercial building (formerly used as a childcare centre) and the change of use to a Community Facility, at 2-6 Douro Street MUDGEES NSW 2850, legally described as Lot 112 DP 48439.

The proposal seeks to provide a community facility for the purposes of art workshops and communal meeting/working spaces, with supporting amenities. The community facility is proposed to compliment the newly constructed Art Gallery located at 90 Market Street, Mudgee.

To achieve this, demolition of a number of external shade structures, sand pits and other outdoor play areas associated with the former childcare centre is required. New buildings works are limited to the existing footprint, with upgrades to the façade and reconfiguration of the building layout

required to support the new land use. This will also require fire safety upgrades to the building and accessibility upgrades to ensure compliance with the Access to Premises Standard.

The proposal seeks to upgrade the off-street parking area accessed off Douro Street to support the development. This will require the removal of limited vegetation on the subject site including two (2) mature trees, which will provide/allow for an additional four (4) car parking spaces, plus two (2) new accessible parking spaces. This will bring the total off-street parking to twelve (12) to support the proposed development, with on street parking of thirteen (13) also retained/credited to the development. New landscaping of the site is also to be undertaken to improve visual amenity, along with sculptures placed throughout the landscaped grounds.

The development and landscaping plans are included within Attachments 1 and 2.

SITE DESCRIPTION

The subject site is a corner allotment with an area of 3058m² and contains an existing commercial building, previously occupied by a childcare facility.

The development is located immediately adjacent to a concrete stormwater drainage channel on the western boundary with scattered vegetation including a number of large mature trees found on the site.

Vehicle access to the site is currently available from Short and Douro Streets with six (6) off-street parking spaces available. Thirteen (13) parking spaces are also provided within the street frontages of the development site.

Figures 1 and 2 below provided the site location and proposed floor layout for the development.



Figure 1: Site Plan

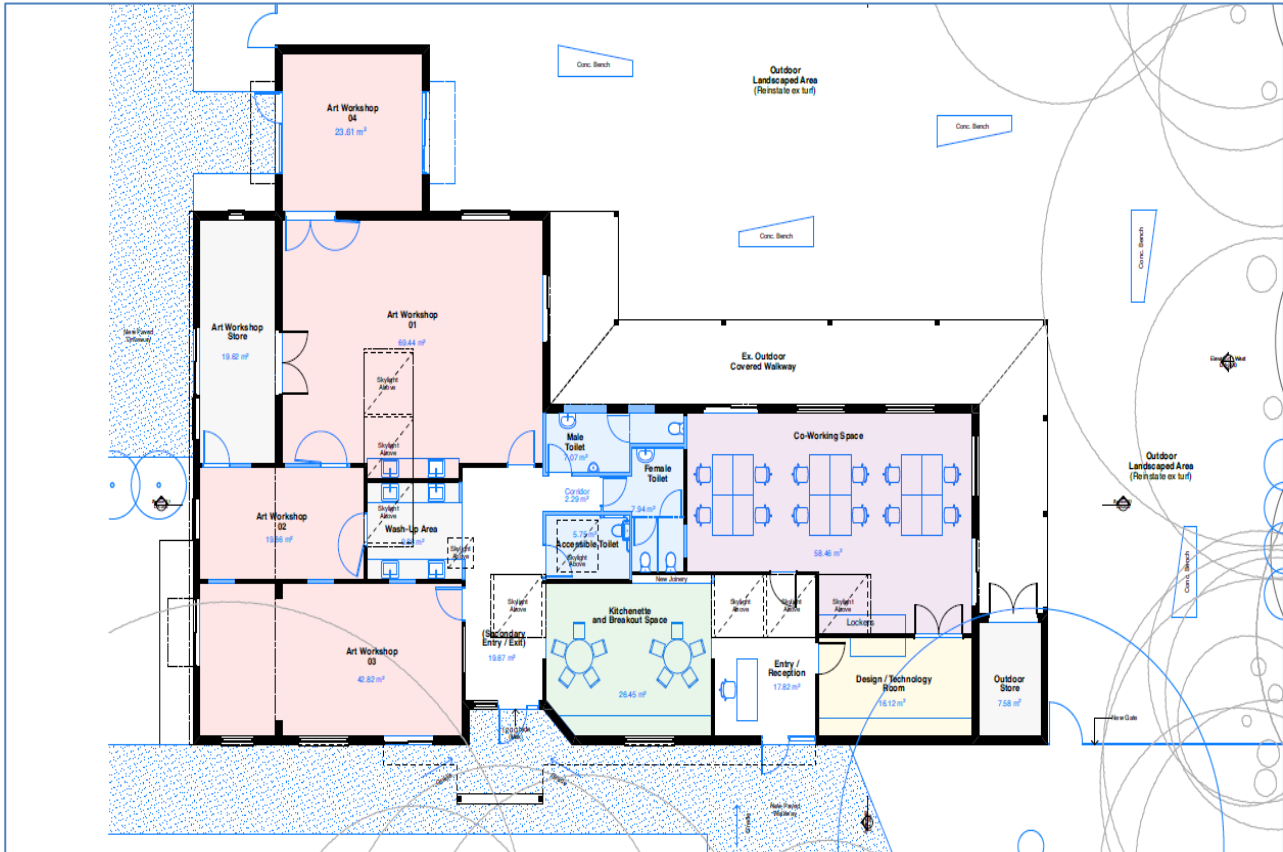


Figure 2: Proposed floor plan

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 6 August 2021. During the notification period, no submissions were received.

The proposed development has been assessed in accordance with Council's DCP and the MWRLEP 2012. The proposed development is considered generally consistent with Council's planning controls.

The application has been referred to Council for determination as it exceeds staff's *Delegation of Authority*, in that Council is the owner or manager of the land and the development exceeds a construction value of more than \$150,000.

The application is recommended for Approval.

Legislative Requirements

Environmental Planning and Assessment Act 1979

Designated Development

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

Integrated Development

It is important to note that a concrete lined drainage channel is located on the western boundary of the site which is identified as a first order watercourse. Where works are to be undertaken within 40m of a watercourse, the integrated development provisions of the *Environmental Planning and Assessment Act 1979* would typically be triggered. However, an exemption exists where the works

are being undertaken by a public authority (refer to clause 41 of the *Water Management (General) Regulation 2018*). Therefore, as Council is a public authority there is no need to obtain a controlled activity approval in accordance with Section 91 of the *Water Management Act 2000*. In addition, there is an exemption to obtain a controlled activity approval where the waterway is fully concrete lined (pursuant to Clause 28, Schedule 4, Part 2 of the *Water Management (General) Regulation 2018*).

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

Assessment

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

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

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

State Environmental Planning Policy no 55 – Remediation of Land

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

State Environmental Planning Policy No 64 – Advertising and Signage

No signage has been proposed as part of this development application. A separate approval will be required if future signage is not identified as exempt development.

State Environmental Planning Policy (Infrastructure) 2007

There are no matters prescribed by this Policy that would prevent the determination of the application. Furthermore, no external referrals were required in accordance with this Policy.

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

This Policy was gazetted on 25 August 2017 and has been considered in the assessment of the subject application.

Authority to clear vegetation under this Policy is not required. The vegetation to be removed is not declared by a Development Control Plan to be vegetation that Part 3 applies, and the vegetation to be removed does not exceed the biodiversity offsets scheme thresholds given only two (2) trees have been nominated to be removed. This has however been considered in the context of Clause 5.10 Heritage Conservation of the Mid-Western Regional Local Environmental Plan 2012, below.

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

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

Community facility means a building or place—

*(a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R3 Medium Density Residential and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned R3 Medium Density Residential pursuant to MWRLEP 2012. The proposal, being a 'Community Facility' is permissible with consent in the zone and complies with the relevant objectives. The proposal will provide for a compatible land use to meet the needs of residents in the area, whilst remaining sympathetic to the existing character of the Mudgee Heritage Conservation Area.

Clause 2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of internal and external components of the existing building (formerly used as a child care centre).

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The development is proposed at a height of 4.28 metres and therefore complies.

Clause 5.10 Heritage Conservation

As the proposal includes works to a site within the Heritage Conservation Area and also adjoins heritage listed items (I136, I137 and I184), consideration must be given to the relevant heritage significance of the area in accordance with Clause 5.10(4).

The application was referred to Council's heritage advisor who provided the following comments:

The subject building is within the Mudgee Conservation Area. The application is accompanied by a Statement of Environmental Effects which adequately addresses the heritage issues.

The building is not considered to contribute to the heritage significance of the Conservation Area.

The alterations will have no impact on its significance, nor that of listed items in the vicinity.

There is no objection to the proposal on heritage grounds.

It is important to note that the building footprint is not proposed to be altered by the development however upgrades to the façade, including external painting to match the 'manor red' of the newly constructed Art Gallery, is proposed. It is considered this will complement the art gallery building and will enable connection to be made between the buildings, establishing the 'arts precinct'.

Further to the above, as the proposal seeks to remove two (2) mature trees up to 6 metres in height, located within the site, consideration must be given to the impact such vegetation removal will have on the heritage conservation area, adjoining heritage items and the streetscape. The two trees to be removed are located within the Douro Street setback of the development and have been planted on the site to achieve shading and a vegetation buffer for the former land use.

The two (2) trees to be removed are not considered to significantly contribute to the heritage conservation area in this location and their removal is supported by new plantings to soften the

proposed new car parking area. As a result, the removal of the two (2) trees is supported accordingly.

Clause 5.21 Flood planning

The subject site is identified as being partly located within the flood planning area in accordance with Council's maps and the Mudgee Flood Study 2021 (identified as 'overland' and 'PMF'). The proposal is related to an existing building with no increase or change to the building footprint however, the extent of flood risk is identified to be low - and will not change from that already existing. The appropriate management of stormwater runoff and the early evacuation of occupants utilising the development is considered an appropriate management requirement to mitigate flood risk. In this regard, conditions have been imposed accordingly.

Clause 6.1 Salinity

The proposal only involves minimal earthworks associated with the demolition which is not expected to significantly affect the process of salinisation.

Clause 6.3 Earthworks

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

Clause 6.4 Groundwater vulnerability

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

Clause 6.5 Terrestrial biodiversity

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

Clause 6.7 Active street frontages

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

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

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

Clause 6.10 Visually sensitive land near Mudgee

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

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

(ii) Draft environmental planning instruments (EPI)

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

*(iii) Any development control plans***Mid-Western Regional DCP 2013**

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

Part 4.4 Signs

Not applicable.

Part 4.5 Commercial Development

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Building setbacks	
Building setback from the street – no minimum	Yes
Side and rear setbacks must comply with BCA	Yes
Signage	
Signage complies with relevant provisions in Section 4.4 DCP 2013	Not applicable
Design	
Buildings interact with the street	Yes. Existing
On active street frontages, ground level of building used for business or retail premises	Not applicable
Building facades are articulated by use of colour, arrangement of elements, or varying materials	Yes
Heritage inclusions	Yes. Heritage impact considered by Council's Heritage Advisor
External plant to be screened from public	Yes. Condition of consent
Development on a corner – includes architectural features to address both streets	Existing building
Landscape buffers to other zones	Landscaping provided
Scale form and height	
Complies with LEP height controls – 8.5m maximum height	Yes
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Yes
Mortimer and Church Street, Mudgee	
Maintain the streetscape established in Church Street between Market and Mortimer Streets: – Zero front and side setbacks – Double storey pattern	Not applicable
Provides variance particularly on upper floor levels, every 20-25m	Not applicable
Articulation and Façade Composition	
Breaks visual bulk with fenestration or change in materials etc.	Extensive fenestration provided
No excessive blank walls in front façade	Yes
Where blank walls are proposed (side or rear) ,minimise impacts with landscaping, patterning of façade, signage, public art	Existing building, with existing and new landscaping proposed
Residential–Commercial interface	
Landscape buffer to residential boundaries	Not applicable

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Ground and first floor do not overlook residential properties	Not applicable
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	Not applicable
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Not applicable
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	Not applicable
Utilities and Services	
Building and structures located clear of infrastructure	Yes
Able to be serviced by water, sewer and waste disposal	Yes
Trade waste application required?	Yes
Traffic and Access	
All vehicles must be able to enter and exit the site in a forward direction	Yes. Condition
All vehicle movement paths are sealed	Yes. Condition
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Yes. Condition
All loading facilities located within the site	Yes
All loading facilities designed to comply with Australian Standards	Yes
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Yes. No identified issues in this regard, subject to compliance with conditions of consent
Pedestrian Access	
Maintain existing covered pedestrian access within town centres	Not applicable
Convenient and safe access through parking areas	Parking area including accessible spaces are provided to the rear of the building and direct pathways provided
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Links to other sites not altered
Parking	
Discussed elsewhere in report	Yes – refer to Part 5.1 below
Landscaping	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	New landscaping proposed for the parking area upgrade
Landscaping to comprise low maintenance, drought and frost resistant species	Yes. Condition of consent

Part 4.7 Tree Preservation Order

The proposed development involves the removal of two (2) trees within the Heritage Conservation Area of Mudgee. This has been considered under clause 5.10 of the MWRLEP 2012, which has

determined there are no significant adverse impacts associated with the removal of the two (2) trees to support the parking area for the development.

Part 5.1 Car Parking

The DCP specifies a parking provision for 'Community Facilities' of 1 space per 4 seats or 1 space per 10m² of GFA (whichever is the greater). The floor area associated with the proposed use (excluding amenities, kitchen and reception) will be approximately 250m².

Application of the DCP criteria requires 25 parking spaces - however it is only possible to provide 12 spaces including two (2) accessible spaces due to the landscape areas, walkways and sculpture zones associated with the proposed use.

The DCP makes provision however for parking credits and also frontage credits in relation to any difference between the requirements for the new use compared to the previous use. This has been assessed as follows:

Existing Use	Proposed Use	Compliance
Office (307.18m ² @ 1 space per 30m ² GFA 10.24 spaces (10))	Community Facility (250m ² @ 1 space per 4 seats or 1 space per 10m ² of GFA) = 25 spaces.	Yes – The proposed development achieves 25 spaces which includes 12 onsite and 13 within the frontages of the site.
6 spaces onsite + 13 (6 on Douro Street and 7 on Short Street) = 19 spaces.	12 spaces onsite + 13 on Douro and Short Streets = 25 spaces.	

Part 5.2 Flooding

As noted from Clause 5.21 of the MWRLEP 2012, the building is identified to be within the 'low risk' area of the Mudgee Flood Study. As the building is existing however, it is considered appropriate to manage the risk to occupants with a flood evacuation plan to be provided prior to issue of an Occupation Certificate.

Part 5.3 Stormwater Management

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

Part 5.4 Environmental Controls

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

Section 7.11 Contributions

Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing a community facility which has a proposed cost of development greater than \$200,000. Pursuant to Part 2.7 of the Plan however, the following is identified as exempt development:

- *Public infrastructure to be carried out by or on behalf of any public authority including Council.*

As Council is undertaking the development which is to be provided as a public asset, the development is exempt from the application of developer contributions pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the development does not increase the demand or loading upon Council's infrastructure or require additional water, sewer or additional trade waste services to the land or building. As a result, no charges can be applied under the Plan.

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

No Planning Agreements are applicable.

Regulations – 4.15(1)(a)(iv)

Environmental Planning and Assessment Regulation 2000

Clause 92 – Additional matters that consent authority must consider

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

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

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

(a) Context and Setting

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

(b) Access, Transport and Traffic

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

(c) Public Domain

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

(d) Utilities

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

(e) Heritage

As noted in Clause 5.10 of the MWRLEP 2012, the development is considered appropriate and will not have an adverse impact on the heritage conservation area or on adjoining heritage items.

(f) Other Land Resources

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

(g) Water

No significant impact expected.

(h) Soils

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

(i) Air and Microclimate

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

(j) Flora and fauna

The vegetation proposed to be removed has been discussed throughout this report.

(k) Waste

Waste service available.

(l) Energy

Not applicable.

(m) Noise and Vibration

Not applicable.

(n) Natural Hazards

The development site is not identified as bushfire prone and there are no known subsidence, slip or mass movement issues. Flood risks have been discussed within the report and a condition imposed accordingly.

(o) Technological Hazards

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

(p) Safety, Security and Crime Prevention

Increased passive surveillance as a result of the proposed development.

(q) Social Impact in the Locality

Generally positive with the provision of a multi-use facility to benefit the community and complete the 'arts precinct' with links to the adjoining Art Gallery.

(r) Economic Impact in the Locality

Generally positive including the acquisition of building materials, trades and labour from local area during construction, contributing to the local economy.

(s) Site Design and Internal Design

Adequate as discussed throughout this report.

(t) Construction

To comply with the BCA where relevant.

(u) Cumulative Impacts

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

Suitability of Site for Development – 4.15(1)(c)**(a) Does the proposal fit in the locality?**

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

(b) Are the Site Attributes conducive to Development?

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

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

(A) Public Submissions

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 6 August 2021. During the notification period, no submissions were received.

(B) Submissions from Public Authorities

No submissions were sought or received from public authorities.

The Public Interest – 4.15(1)(e)

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

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

Consultations

(a) Health and Building

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

(b) Technical Services

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

(c) Heritage Advisor

Council's Heritage Advisor has not raised any concerns with the proposal.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

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

Financial implications

There are no financial implications associated with the development application as no contributions are levied by the proposal.

Associated Risks

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

KAYLA ROBSON
PLANNING COORDINATOR

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

19 August 2021

Attachments: 1. Development Plans.
2. Landscape Plans.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

DEVELOPMENT APPLICATION

Proposed change of use, and alterations and additions to an existing office building at 2-6 Douro St, Mudgee

LIST OF DRAWINGS

Dwg. No	Dwg. Name	Scale
DA-001	Cover Page	
DA-002	Site Images	
DA-003	Existing Site and Ground Floor Plan	1:100
DA-004	Demolition Plan	1:100
DA-010	Site Plan	1:100
DA-100	Ground Floor Plan	1:50
DA-200	Elevations and Sections	1:100
DA-700	Area Schedule	1:100



Aerial Map

General Notes
 DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY CONSTRUCTION COMMENCES.
 All dimensions are in millimetres unless stated otherwise.
 All architectural drawings are to read in conjunction with the relevant approval documents. All dimensions and levels are to be checked and verified on site prior to commencement of work. Any change of dimension of any construction, before or during construction, is the liability of the applicant. Drawings are not to be relied upon for legal purposes. This drawing is copyright and must not be altered, copied or used without the permission of BKA Architecture. This document has been prepared for use on behalf of the client named on the drawing. BKA Architecture's responsibility is to those clients only and only from the date and time stated on the drawing.
 Registered Architects (NSW) - John Baker 3552, John Kavanagh 3399

Rev	Date	Issue
P1	25/5/21	Preliminary Review
P2	16/6/21	Preliminary For Coordination
A	24/6/21	For DA Submission

LEGEND

 Existing Building Element
 Proposed Building Element

LIST OF CONSULTANTS
Planning
 Barrison
 105-113 Market St, Mudgee
 T: 1800 227 676
Traffic Consultant
 TPA
 Level 5, Suite 502/503 Victoria Ave, Chesham
 T: 02 9411 9900
BCA Consultant
 Building Certificate Australia
 255 Commonwealth Street, Surry Hills
 T: 02 8014 7720
QS Consultant
 MBM
 Level 5, 1 Chifley Square, Sydney
 T: 02 9010 1000
Surveyor
 O'Hvan Geospatial
 Shop 129 Church St, Mudgee
 T: 0489 741 700

Client
 Mid-Western Regional Council

Architect
BKA Architecture
 SYDNEY NEWCASTLE BYRON BAY
 Suite 104 10 Dandenong St Unit 1
 77 Dandenong Ave Hervey St 18 Loder St
 Surry Hills Newcastle NSW Byron Bay NSW
 NSW 2018 NSW 1590 NSW 2471
 P: +61 2 9218 8800 P: +61 2 4938 3300 P: +61 2 4938 3300
 P: +61 2 9218 8800 P: +61 2 4938 3300

North **Scale at A1**

Status
 For Development Application

Drawn
 AK

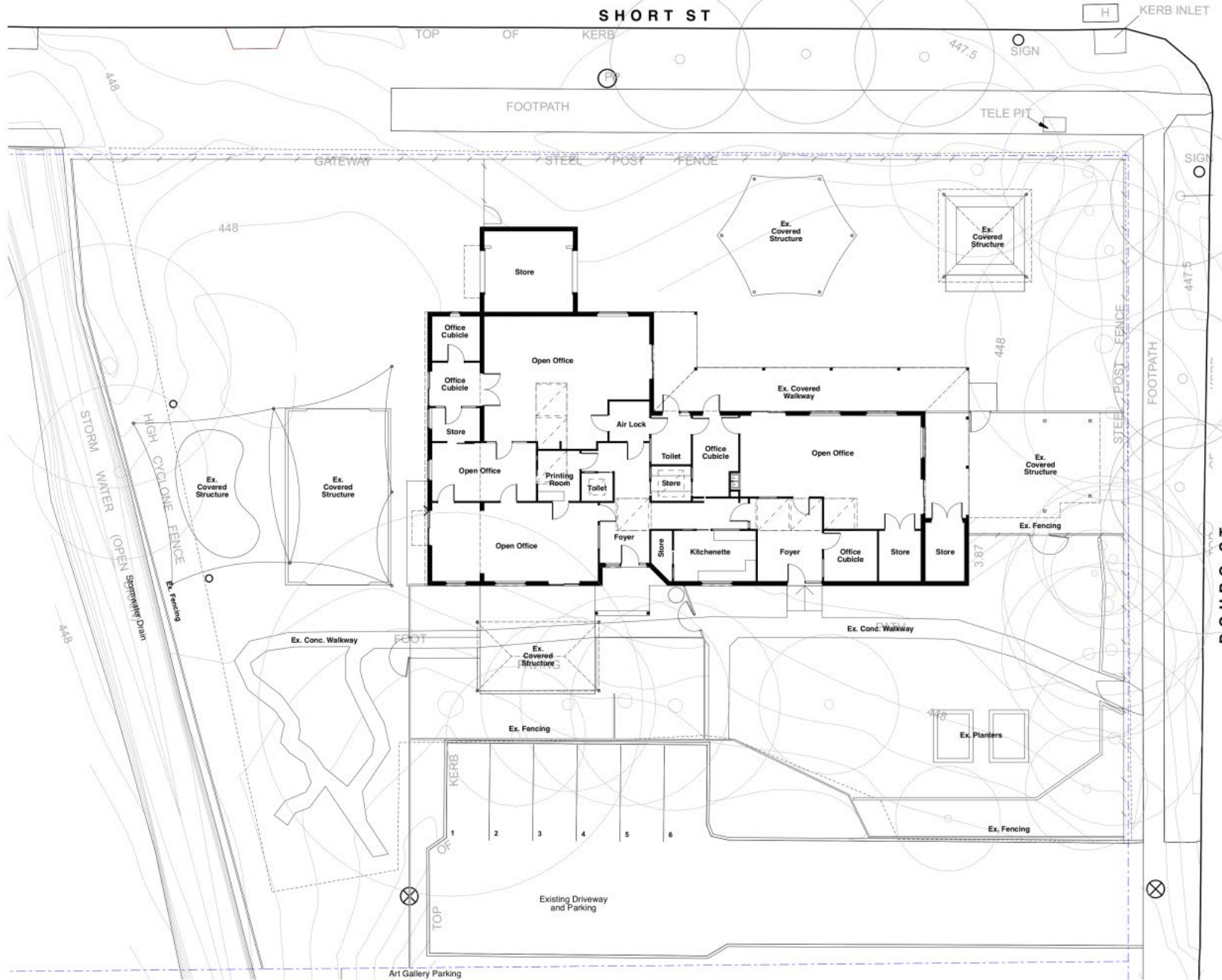
Date
 24/6/21

Checked
 JB

Project
 Art Workshops
 2-6 Douro St, Mudgee

Drawing
Cover Page

Project No.	Revision	Drawing No.
21005	A	DA-001



General Notes
 DO NOT SCALE FROM DRAWING. USE DIMENSIONS ONLY. CONSULT DIMENSIONS ON ALL BUILDING MANUFACTURE. CA
 ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE.
 All architectural drawings are to be read in conjunction with the relevant contract documents. All dimensions and levels are to be checked and verified on site prior to construction. Refer to annotations for the location of dimensions. Drawings are not to be scaled. Refer to separate drawings. This drawing is copyright and must not be retained, copied or used without the permission of BKA Architecture. This document has been prepared for and on behalf of the client named in the drawing. BKA Architecture's responsibility is to those clients only and not any third party relying on the information contained herein.
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 Proposed Building Element

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Traffic Consultant
 TPA
 Level 6 Suite 602/280 Victoria Ave, Chesham
 T: 02 9411 9900

BCA Consultant
 Building Certificate Australia
 255 Commonwealth Street, Surry Hills
 T: 02 8014 7720

QS Consultant
 MBM
 Level 5, 1 Chifley Square, Sydney
 T: 02 9230 1000

Surveyor
 O'Flynn Geospatial
 Shop 129 Church St, Mudgee
 T: 0489 741 790

Client
 Mid-Western Regional Council

Architect
BKA Architecture
 SYDNEY NEWCASTLE BYRON BAY
 Suite 104 77 Dunning Ave. 10 Dorrigo St. Unit 1
 Newcastle NSW 1608 Sydney NSW 1582 Byron Bay NSW 2478
 P: +61 2 492 82000 F: +61 2 492 82001 E: info@bka.com.au
 www.bka.com.au

North **Scale at A1**
 1:100

Status
 For Development Application **Drawn**
 AK

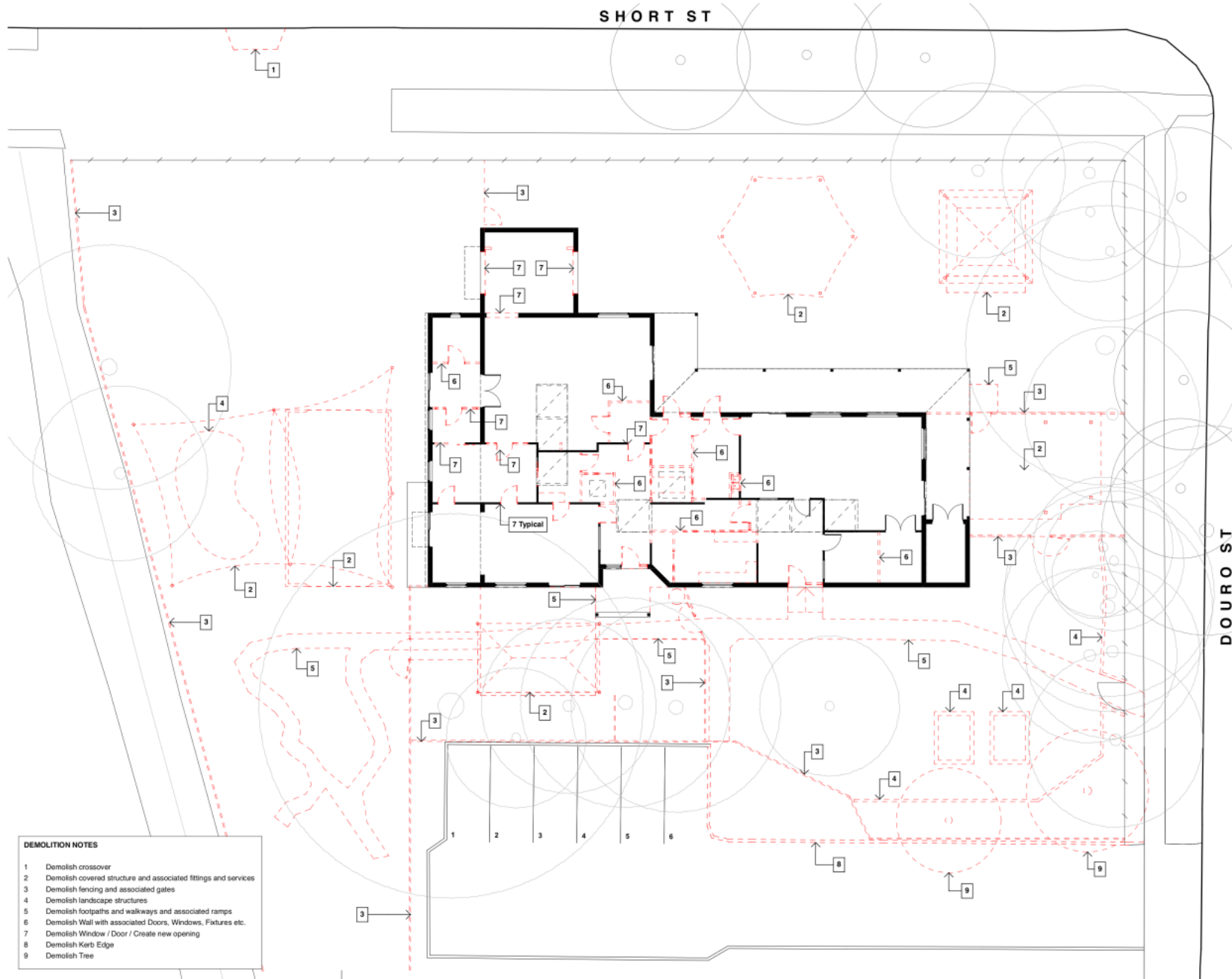
Date
 24/6/21 **Checked**
 JB

Project
 Art Workshops
 2-6 Douro St, Mudgee

Drawing
Existing Site and Ground Floor Plan

Project No. 21005 **Revision** A **Drawing No.** DA-003

SHORT ST



- DEMOLITION NOTES**
- 1 Demolish crossover
 - 2 Demolish covered structure and associated fittings and services
 - 3 Demolish fencing and associated gates
 - 4 Demolish landscape structures
 - 5 Demolish footpaths and walkways and associated ramps
 - 6 Demolish Wall with associated Doors, Windows, Fixtures etc.
 - 7 Demolish Window / Door / Create new opening
 - 8 Demolish Kerb Edge
 - 9 Demolish Tree

General Notes
 DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION.
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 All architectural drawings are to be read in conjunction with the relevant contract documents. Dimensions and levels are to be checked and verified on site prior to construction. Refer all discrepancies to the Architect for interpretation. Changes are not to be made without signed instructions. This drawing is copyright and must not be altered, copied or used without the permission of the Architect. The Architect has been consulted by and on behalf of the client prior to the issuing. The Architect's responsibility is to those clients only and not to any third party who may rely on these drawings.
 Newcastle Architects (NSW) - John Baker 3552, John Kavanagh 3389

Rev	Date	Issue
P1	25/5/21	Preliminary Review
P2	15/6/21	Preliminary For Coordination
A	24/6/21	For DA Submission

LEGEND

	Existing Building Element
	Proposed Building Element

- LIST OF CONSULTANTS**
- Planning**
 Barrison
 108/110 Market St, Mudgee
 T: 1300 227 676
- Traffic Consultant**
 TPA
 Level 2 Suite 300/282 Victoria Ave, Cheshamwood
 T: 02 9411 9900
- BCA Consultant**
 Building Certificates Australia
 225 Commonwealth Street, Surry Hills
 T: 02 8014 7720
- QS Consultant**
 MBW
 Level 1, 1 Chifley Square, Sydney
 T: 02 9270 1000
- Surveyor**
 O'Ryan Geospatial
 Shop 129 Church St, Mudgee
 T: 0609 741 790

Client
 Mid-Western Regional Council

Architect
BJA Architecture

SYDNEY NEWCASTLE BYRON BAY

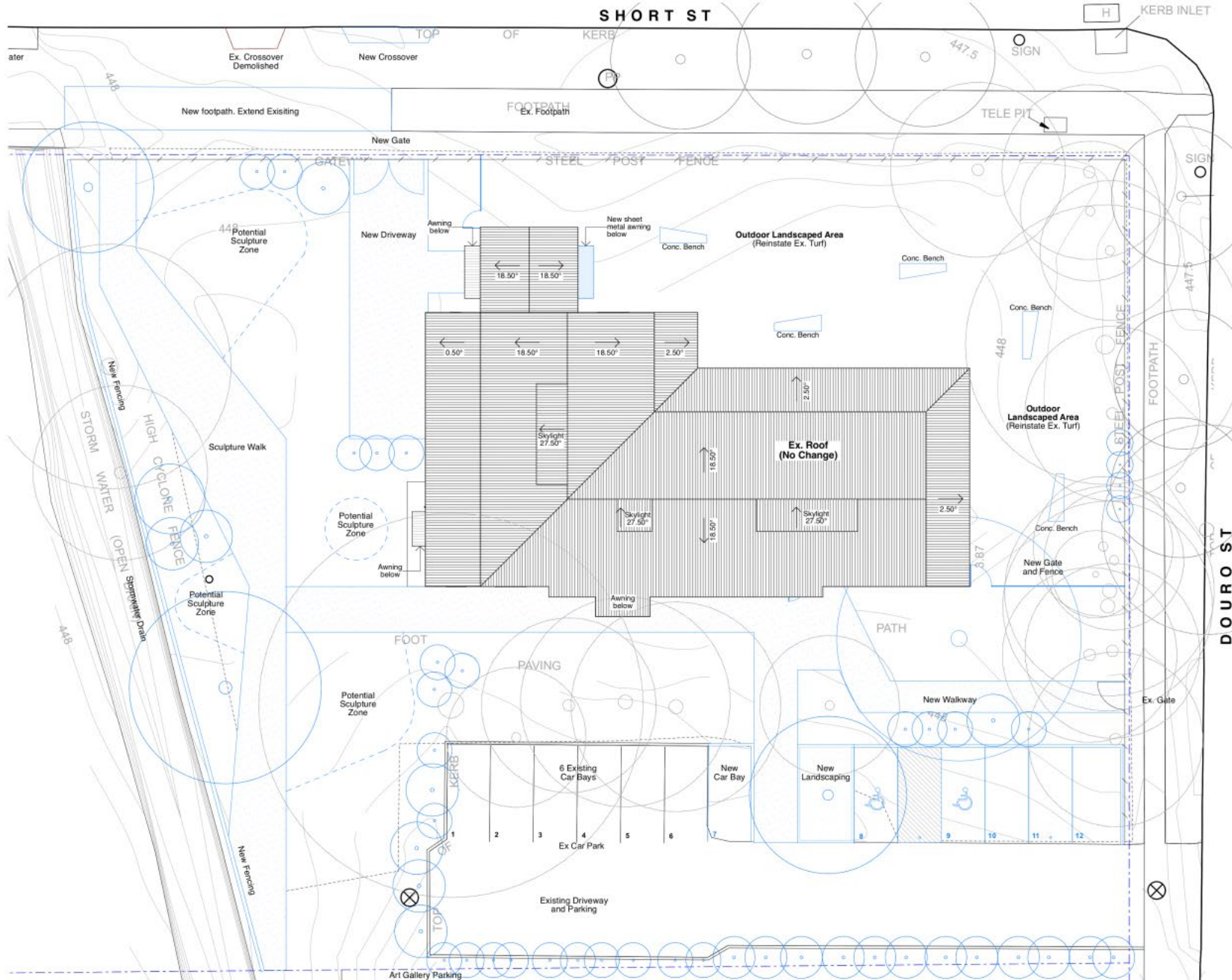
77 Darling Ave, NSW 2008 100 St John St, NSW 2260 100 St John St, NSW 2260
 Phone: 02 9232 8300 Phone: 02 4929 9900 Phone: 02 4929 9900
 Fax: 02 9232 8300 Fax: 02 4929 9900 Fax: 02 4929 9900
 www.bja.com.au

North 	Scale at A1 1:100
Status For Development Application	Drawn AK
Date 24/6/21	Checked JB

Project
 Art Workshops
 2-6 Douro St, Mudgee

Drawing
Demolition Plan

Project No.	Revision	Drawing No.
21005	A	DA-004



General Notes
 DO NOT SCALE FROM DRAWING. USE DIMENSIONS ONLY. DIMENSIONS ON THIS DRAWING ARE UNLESS OTHERWISE SPECIFIED.
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 All architectural drawings are to be read in conjunction with the relevant contract documents. All dimensions and levels are to be checked and verified on the site prior to construction. Refer to appropriate SRS for details of any conditions. Refer to appropriate SRS for details of any conditions. The drawing is copyright and must not be reproduced or used without the permission of BKA Architecture. This document has been prepared for and on behalf of the client named in the drawing. BKA Architecture's responsibility is limited to those items only and shall not extend to any other party. Approved Architect (NSW) - John Besser 3553, John Kavanagh 3599

Rev	Date	Issue
P1	25/6/21	Preliminary Review
P2	16/6/21	Preliminary For Coordination
A	24/6/21	For DA Submission

LEGEND

LIST OF CONSULTANTS
Planning
 Barrison
 106-110 Market St, Mudgee
 T: 1900 227 676
Traffic Consultant
 TPA
 Level 8 Suite 802/800 Victoria Ave, Cheshamwood
 T: 02 9411 9900
BCA Consultant
 Building Certificates Australia
 225 Commonwealth Street, Surry Hills
 T: 02 9514 7720
QS Consultant
 MBM
 Level 5, 1 Chifley Square, Sydney
 T: 02 9203 1000
Surveyor
 O'Flynn Geospatial
 Shop 129 Church St, Mudgee
 T: 0489 741 790

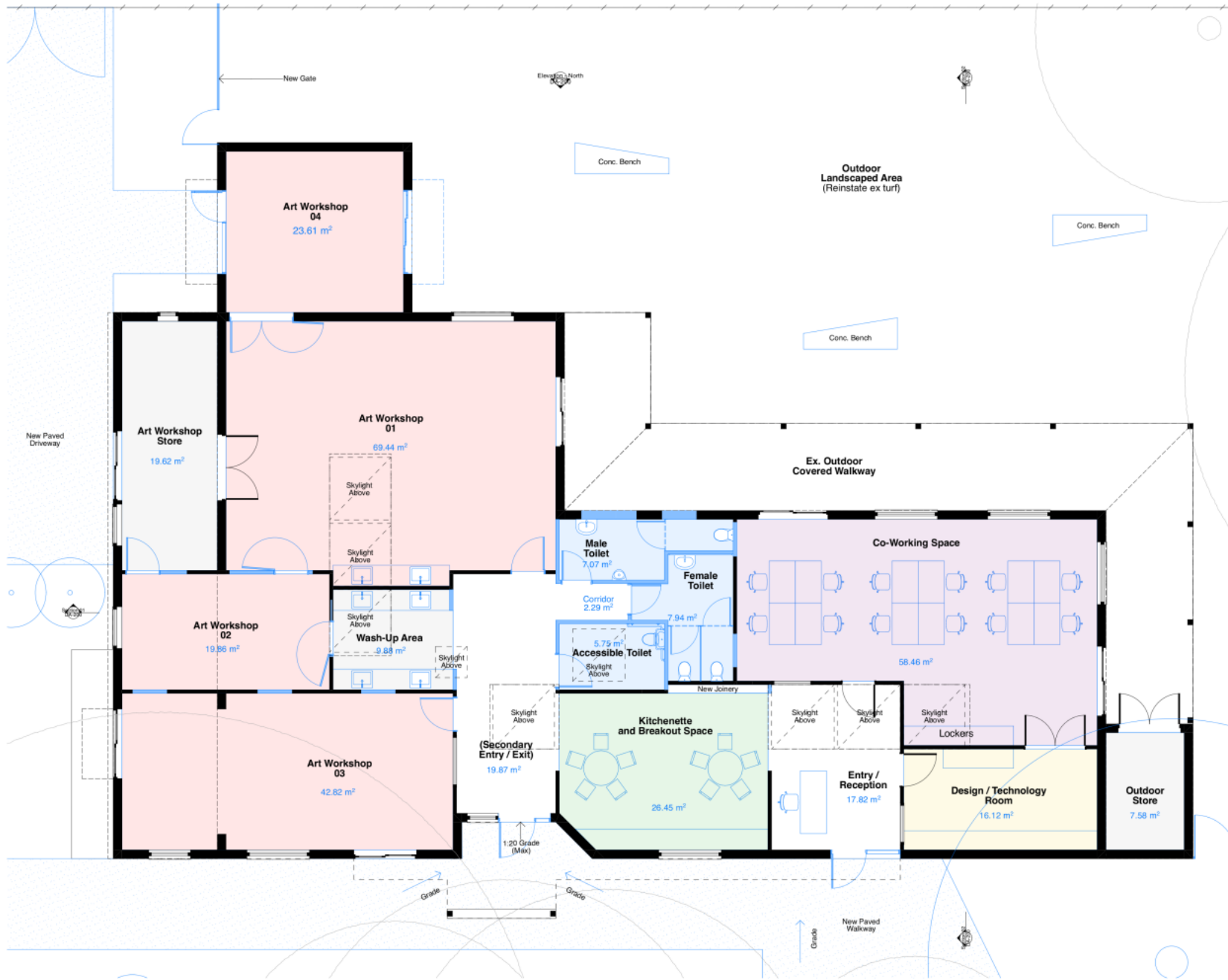


North	Scale at A1
	1:100
Status	Drawn
For Development Application	AK
Date	Checked
25/6/21	JB

Project
 Art Workshops
 2-6 Douro St, Mudgee

Drawing
Site Plan

Project No.	Revision	Drawing No.
21005	A	DA-010



General Notes

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All dimensions are in millimetres unless stated otherwise.

All architectural drawings are to be read in conjunction with the relevant contract or documents. It is the responsibility of the client to ensure that all information of any contractors, before all dimensions to the finished and independent. Changes are not to be made, and any signed dimensions. The drawing is copyright and must not be altered, copied or used without the permission of the architect. The architect has been consulted by and on behalf of the client. The client shall be responsible for the accuracy of the information provided to the architect. The architect's responsibility is to those clients only and not to any third party who may rely on these drawings.

Notwithstanding to whomsoever: JOHN BAKER 2022, JOHN KAVANAGH 2022

Rev	Date	Issue
P1	25/5/21	Preliminary Review
P2	16/6/21	Preliminary For Coordination
A	24/6/21	For DA Submission

LEGEND

	Existing Building Element
	Proposed Building Element

LIST OF CONSULTANTS

Planning
 Barrison
 108/110 Market St, Mudgee
 T: 1300 227 676

Traffic Consultant
 TPA
 Level 5 Suite 502/262 Victoria Ave, Cheshwood
 T: 02 9411 9900

BCA Consultant
 Building Certificate Australia
 225 Commonwealth Street, Surry Hills
 T: 02 8014 7720

QS Consultant
 MBM
 Level 5, 1 Chifley Square, Sydney
 T: 02 9270 1000

Surveyor
 O'Ryan Geospatial
 Shop 129 Church St, Mudgee
 T: 0609 741 790

Client
 Mid-Western Regional Council

Architect
BKA Architecture

SYDNEY 77-79 Pitt St, NSW 2000
NEWCASTLE 10/10 Hunter St, NSW 2300
BYRON BAY 96 Station St, NSW 2480

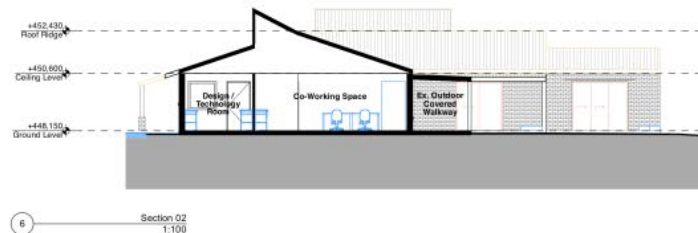
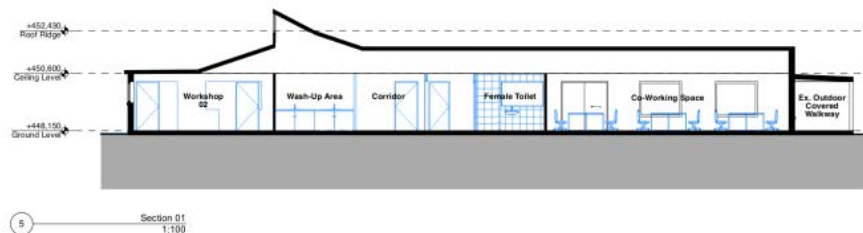
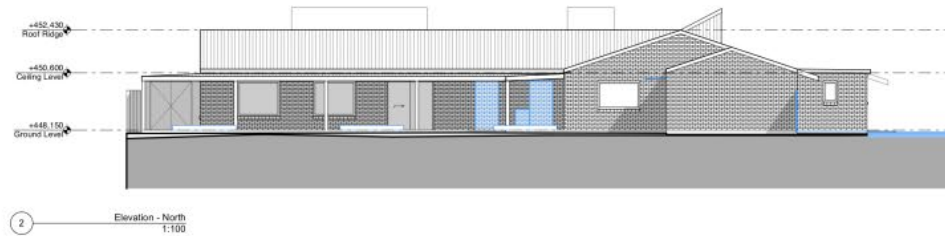
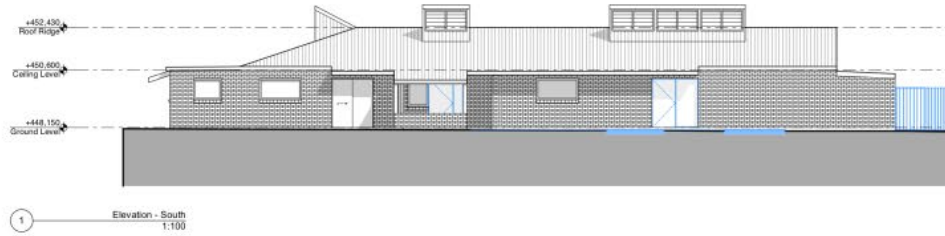
T: +61 2 9219 8300
 F: +61 2 9219 8300
 W: www.bka.com.au

North	Scale at A1 1:50
Status For Development Application	Drawn AK
Date 24/6/21	Checked JB

Project
 Art Workshops
 2-6 Douro St, Mudgee

Drawing
Ground Floor Plan

Project No. 21005	Revision A	Drawing No. DA-100
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PROPOSED EXTERNAL MATERIALS & FINISHES



Proposed Paint Finish to External Walls

To all external walls -
 Dulux Manor Red or Similar
 (to match Art Gallery external wall cladding colour)
 Walls to be bagged and painted with flat acrylic type paint

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Rev	Date	Issue
P1	25/5/21	Preliminary Review
P2	16/6/21	Preliminary For Coordination
A	24/6/21	For DA Submission

LEGEND

	Existing Building Element
	Proposed Building Element

LIST OF CONSULTANTS

Planning
 Bannock
 105-110 Market St, Mudgee
 T: 1900 227 676

Traffic Consultant
 TPA
 Level 6 Suite 602/280 Victoria Ave, Cheshamwood
 T: 02 9411 9900

BCA Consultant
 Building Certificates Australia
 255 Commonwealth Street, Surry Hills
 T: 02 8014 7720

QS Consultant
 MBM
 Level 5, 1 Chifley Square, Sydney
 T: 02 9293 1000

Surveyor
 O'Ryan Geospatial
 Shop 129 Church St, Mudgee
 T: 0489 741 790

Client
 Mid-Western Regional Council



Architect
 BKA Architecture

SYDNEY 10 Green St, Suite 102, 77 Drumming Ave, Rozelle NSW 2058
NEWCASTLE 10 Green St, Suite 102, 77 Drumming Ave, Rozelle NSW 2058
BYRON BAY 10 Green St, Suite 102, 77 Drumming Ave, Rozelle NSW 2058
 P: +61 2 9216 8200 F: +61 2 9216 8201
 P: +61 2 4926 2000 F: +61 2 4926 2001

North **Scale at A1**
 1:100

Status
 For Development Application

Drawn
 AK

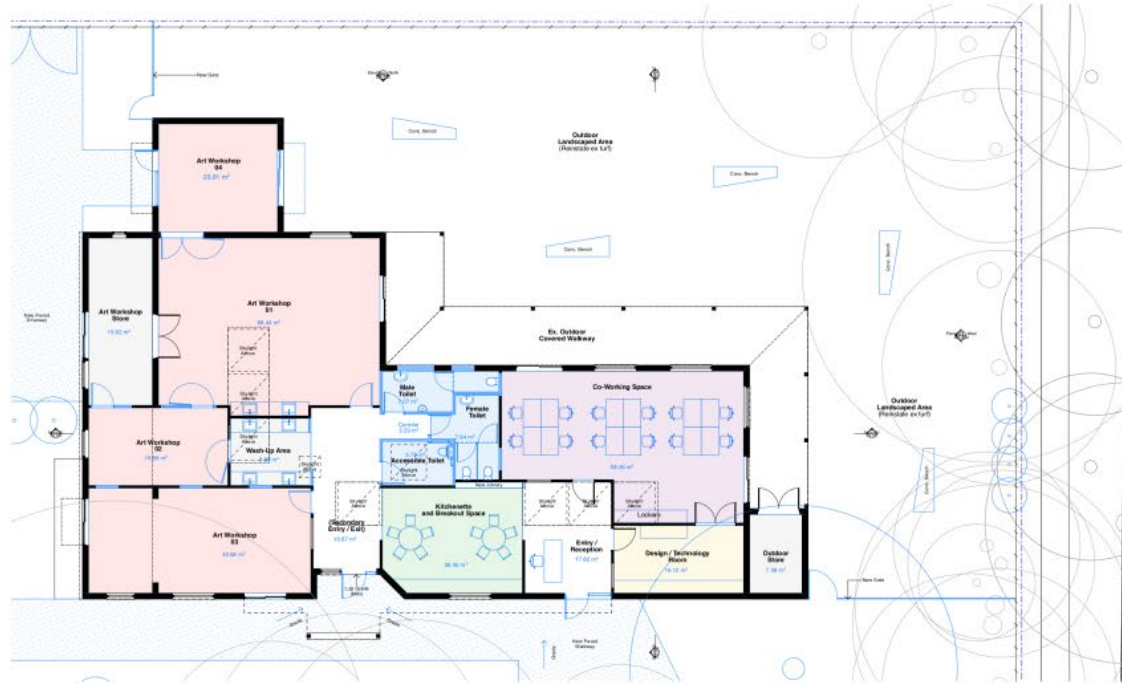
Date
 24/6/21

Checked
 JB

Project
 Art Workshops
 2-6 Douro St, Mudgee

Drawing
 Elevations and Sections

Project No. 21005
Revision A
Drawing No. DA-200



1 Ground Level Plan - Areas
1:100

Internal Area Schedule	
Location	Area
Art Workshop 01	69.44
Art Workshop 02	19.86
Art Workshop 03	42.82
Art Workshop 04	23.61
Art Workshop Store	19.62
Co-Working Space	58.46
Common Area - Corridor	2.29
Common Area - Reception / Entry	17.82
Common Area - Secondary Entry	19.87
Design & Technology Room	16.12
Kitchenette	26.45
Outdoor Store	7.58
Toilet - Accessible	5.75
Toilet - Female	7.94
Toilet - Male	7.07
Wash-Up Area	9.88
Total	354.58 m²

2 Internal Area Schedule

General Notes
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If there are any discrepancies between the drawings and the contract documents, the drawings shall prevail unless otherwise stated.
The drawings are not to be used for any other purpose without the prior written consent of the architect.
The drawings are the property of the architect and shall not be used for any other purpose without the prior written consent of the architect.
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A	24/6/21	For DA Submission

LEGEND

	Existing Building Element
	Proposed Building Element

- LIST OF CONSULTANTS**
- Planning**
Barron
109/110 Market St, Mudgee
T: 1900 227 676
- Traffic Consultant**
TTDA
Level 2 Suite 502/262 Victoria Ave, Cheshamwood
T: 02 9411 9900
- BCA Consultant**
Building Certificates Australia
225 Commonwealth Street, Surry Hills
T: 02 8014 7720
- QS Consultant**
MBM
Level 5, 1 Chifley Square, Sydney
T: 02 9270 1000
- Surveyor**
O'Ryan Geospatial
Shop 129 Church St, Mudgee
T: 0689 741 700

Client
Mid-Western Regional Council

Architect
BAK Architecture

SYDNEY 25-27 Macquarie St, Sydney NSW 2000
NEWCASTLE 77-79 King St, Newcastle NSW 2300
BYRON BAY 111-113 Esplanade, Byron Bay NSW 2478

North Scale at A1
1:100

Status Drawn
AK

For Development Application

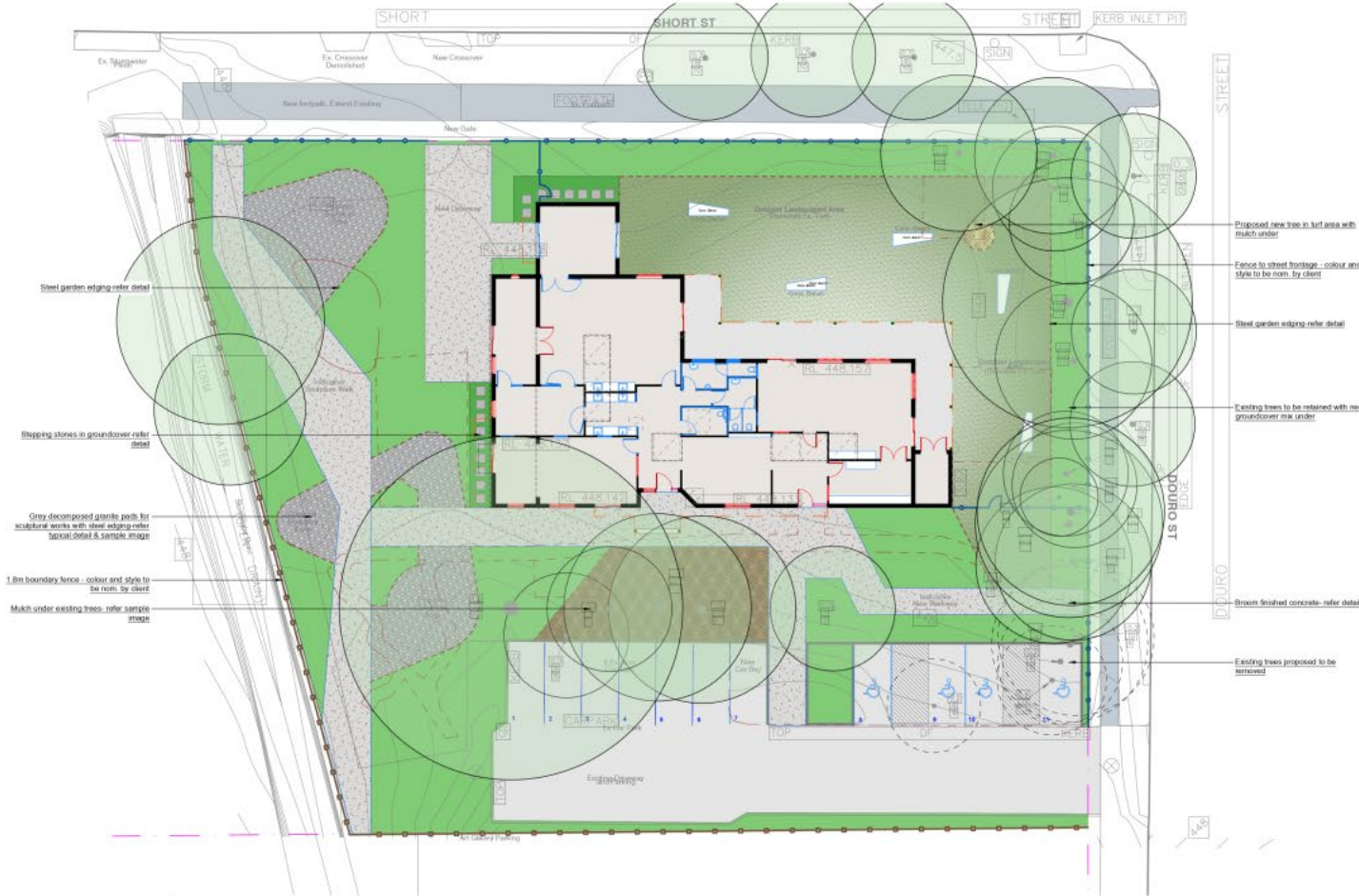
Date Checked
JB

24/6/21

Project
Art Workshops
2-6 Douro St, Mudgee

Drawing Area Schedule

Project No.	Revision	Drawing No.
21005	A	DA-700



HARDSCAPE ITEMS

- Steel garden edging - refer detail
- Turf area - refer detail
- Garden bed - refer landscape design plan
- Stepping stones in groundcover - refer detail
- Broom finished concrete refer detail
- Existing stormwater channel embankment wall
- Gray decomposed granite pads for sculptural works with steel edging refer typical detail & sample image
- Mulch under existing tree
- Proposed new tree in turf area with mulch under
- Concrete bench to be nom. by client
- 1.8m boundary fence - colour and style to be nom. by client
- Fence to street frontage - colour and style to be nom. by client
- Trees proposed to be removed and replaced with new landscaping
- Existing trees proposed to be retained and protected

DRAINAGE PITS AND DRAINAGE LINES SHOULD BE LOCATED WITHIN GARDEN AREAS TO ALLOW FOR SITE DRAINAGE WHILE MINIMISING IMPACT ON THE PROPOSED PLANTING SCHEME. WHERE POSSIBLE, PITS AND UNDERWORK SHOULD BE LOCATED AT THE EDGE OF LANDSCAPE STRIPS TO AVOID PRECIPITATING PLANTING CENTRALLY IN GARDEN AREAS. WHERE PITS AND UNDERWORK OCCUR WITHIN GARDEN BEDS, THE LANDSCAPE CONTRACTOR SHALL TAKE ALL PRECAUTIONS TO AVOID DAMAGING STORM WATER WHEN PLANTING SHRUBS AND TREES. LANDSCAPE CONTRACTORS SHALL NOT ALTER THE FORM OF SWALES DESIGNED TO DIRECT OVERLAND FLOW.

AN AUTOMATED COMMERCIAL GRADE IRRIGATION SYSTEM SHALL BE PROFESSIONALLY INSTALLED TO ALL GARDEN AREAS, INCLUDING RAISED PLANTERS, UPPER FLOOR PLANTERS AND GARDENS IN NATURAL GROUND. THE SYSTEM SHALL BE DESIGNED AND INSTALLED IN LINE WITH THE IRRIGATION PERFORMANCE SPECIFICATION BY A LICENSED CONTRACTOR OR LANDSCAPER. THE LICENSED CONTRACTOR SHALL PREPARE AND SUBMIT PLAN OF THE SYSTEM TO THE SUPERINTENDENT FOR STRATA RECORDS, FOR FUTURE MAINTENANCE.

LANDSCAPE PLAN NOTES

The plan should be read in conjunction with the architectural and hydraulics plans. Work specific to these plans should be prepared in accordance to these plans, including specification and details prior to the installation of landscaping, and should not be altered or compromised during construction. **Retaining wall details to engineer design.** Elements such as drainage swales may be incorporated in garden bed areas (using non-ferrous mesh) without compromising the capacity or form.

This plan has been prepared for Development Application approval only, not for construction.

The plan has been prepared with reference to Mid-Western Regional Council Landscaping Guidelines & requirements. Planting proposed using commercially available plant species selected from local planning lists and the BASSI local plant list and from Sydney Water's "Plant Selection" web site (only) (speculative plants (exceptable for BASSI planning)).

The Design & location of new letter boxes shall be in accordance with Australia Post's "Requirements for Delivery of Mail to Residential Premises" published Feb. '20. All proposed new letter boxes shall be located on the site shall be continually removed & replaced. Retainable all boundary fencing in poor condition with Council approved 1.8m fencing to rear of building line, take to 1m forward of BL. Pollution, sediment & erosion control devices as specified shall be in place, and maintained for the duration of the construction period. Proposed excavation near existing established trees to be supervised by arborist.

All approved landscape plans are required to be constructed as approved to obtain occupancy certificate. **Permissible areas may be indicated to achieve site coverage restrictions & should be constructed as drawn on this plan.**

DRAWING SCHEDULE

SHEET #	DRAWING TITLE	REV.
/1	SITE ANALYSIS	B
/2	LANDSCAPE PLAN	B
/3	IMAGE PALETTE	B
/4	DETAIL + SPECIFICATION	B

LOCATION PLAN

Scale: NTS



Street view from Douro Street



Street view from Short Street



<p>REVISIONS:</p> <p>1. All drawings shall be prepared in accordance with the requirements of the Council's Design Guidelines & requirements. All drawings shall be prepared in accordance with the requirements of the Council's Design Guidelines & requirements. All drawings shall be prepared in accordance with the requirements of the Council's Design Guidelines & requirements.</p>	<p>DESIGNER:</p> <p>BRVA ARCHITECTURE</p>	<p>LANDSCAPE ARCHITECT:</p> <p>Concept</p>	<p>DRAWN:</p> <p>MID-WESTERN REGIONAL COUNCIL</p>	<p>REV. DATE NOTIFICATION/REVISION</p> <p>A 15/09/2021</p>	<p>PROJECT:</p> <p>PROPOSED COMMERCIAL DEVELOPMENT 2-6 DOURO STREET MUDGEE</p>	<p>TITLE:</p> <p>HARDSCAPE PLAN</p>	<p>SCALE:</p> <p>1:150 @ A1</p>	<p>DATE:</p> <p>June 21</p>

LEGEND & SCHEDULE

- NOTES**
1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
 2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
 3. WORKING CERTIFIED FOR FINAL OCCUPANCY CERTIFICATE ARE TO MATCH APPROVED LANDSCAPE PLANS.
 4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER DRAINAGE SERVICES, LOCATE TREES A MINIMUM 1.2M FROM PITS.
 5. ALL PLANTING AROUND EXISTING TREES SHALL BE ADJUSTED TO AVOID DAMAGE AND LANDING WITHIN CANOPY ROOTS.
 6. THE NATURE STRIP (STREET FRONTAGE) FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, COACH PLANTING ETC SHALL BE RETAINED AND PROTECTED DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.

TREES

- Botanical Name:** *Corymbia citriodora* 'Scentosus'
Common Name: Lemon-Scented Gum (Native)
Pot size: 75L
Mature H x S: 12m x 6m
Qty Required: 2
- Botanical Name:** *Myrsine australis*
Common Name: Tropic 'Nashua'
Pot size: 75L
Mature H x S: 11m x 6m
Qty Required: 2
- Botanical Name:** *Lagerströmia 'Yachter'*
Common Name: Crepe Myrtle (Exotic)
Pot size: 75L
Mature H x S: 6m x 4m
Qty Required: 3

SHRUBS AND HEDGES

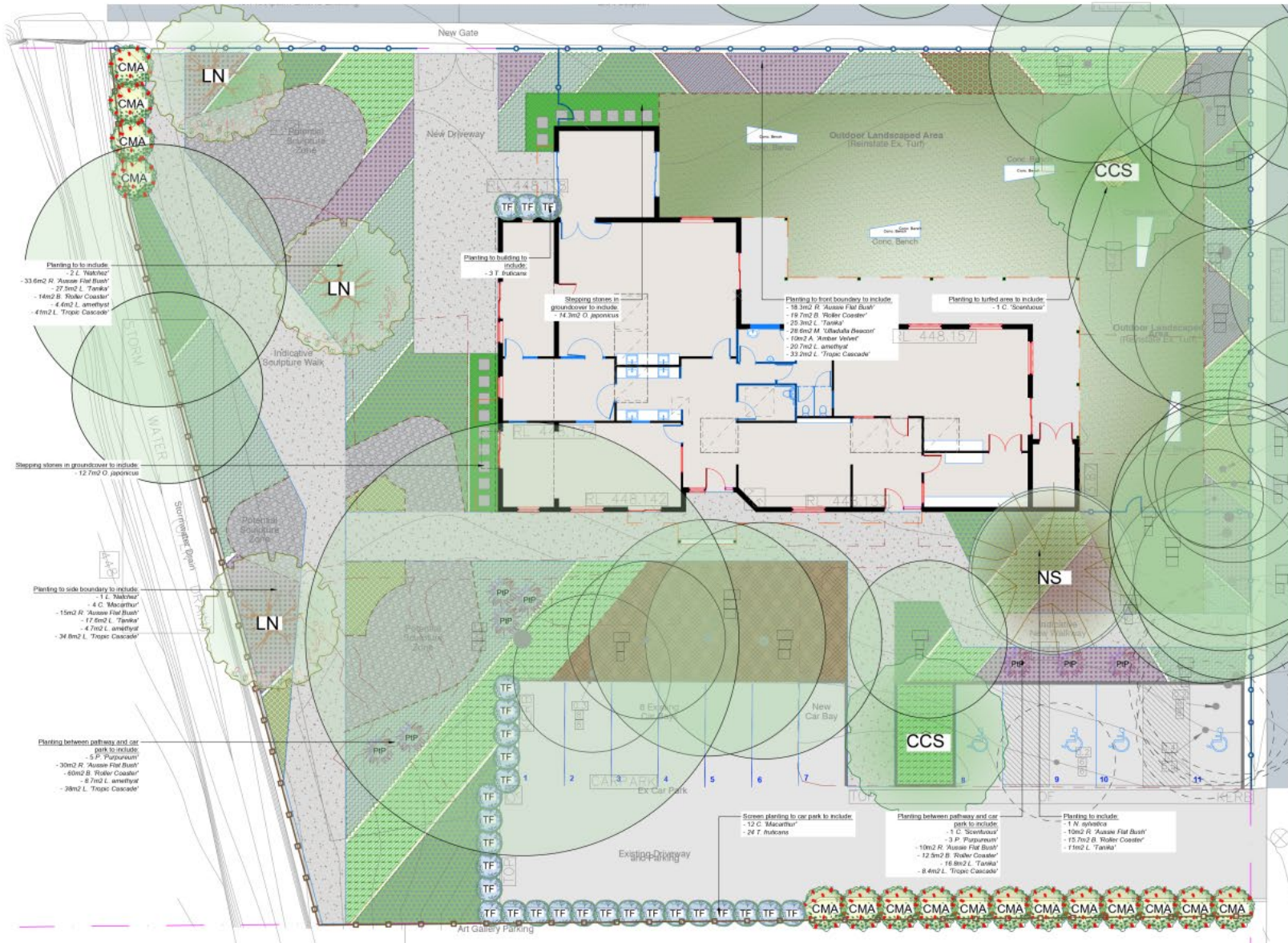
- Botanical Name:** *Callistemon 'Macarthur'*
Common Name: Weeping Bottlebrush (Native)
Pot size: 300mm
Mature H x S: 2m x 2m
Qty Required: 16
- Botanical Name:** *Ficus 'Indulgent'*
Common Name: Tree germander (Exotic)
Pot size: 300mm
Mature H x S: 1.5m x 1.5m
Qty Required: 24

ACCENT PLANT

- Botanical Name:** *Phormium tenax 'Pluriparum'*
Common Name: New Zealand Flax (Exotic)
Pot size: 300mm
Mature H x S: 0.9m x 0.9m
Qty Required: 8

GRASSES + GROUNDCOVERS

- Botanical Name:** *Banksia 'Roller Coaster'*
Common Name: Prostrate Banksia (Native)
Pot size: 200mm
Mature H x S: 0.2 x Spreading
Qty Required: 61x2 (121.6m² total)
- Botanical Name:** *Rhynchospora 'Aussie Flat Bush'*
Common Name: Salt Bush (Native)
Pot size: 200mm
Mature H x S: 0.3 x Spreading
Qty Required: 61x2 (116.6m² total)
- Botanical Name:** *Minuartia 'Vichula Bees'*
Common Name: Honey Myrtle (Native)
Pot size: 200mm
Mature H x S: 0.5 x 0.3m
Qty Required: 61x2 (28.6m² total)
- Botanical Name:** *Argemone 'Amber Velvet'*
Common Name: Kangaroo Paw (Native)
Pot size: 200mm
Mature H x S: 0.4 x 0.3m
Qty Required: 61x2 (10.6m² total)
- Botanical Name:** *Lupinus 'amethyst'*
Common Name: Prostrate Banksia (Exotic)
Pot size: 200mm
Mature H x S: 0.4 x 0.4m
Qty Required: 61x2 (38.6m² total)
- Botanical Name:** *Lomandra 'Tanki'*
Common Name: Mallet Bush (Native)
Pot size: 200mm
Mature H x S: 0.6 x 0.6m
Qty Required: 61x2 (88.2m² total)
- Botanical Name:** *Lomandra 'Tropic Cascade'*
Common Name: Mallet Bush (Native)
Pot size: 200mm
Mature H x S: 0.6 x 0.6m
Qty Required: 61x2 (155.4m² total)
- Botanical Name:** *Opheopogon japonicus*
Common Name: Mondo grass (Exotic)
Pot size: 100mm
Mature H x S: 0.2m x 0.2m
Qty Required: 9m² (27.6m² total)



<p>DESIGN SOURCE</p> <p>BAR SCALE</p> <p>0 2 4 6 8 10m</p>	<p>CLIENT</p> <p>MD-WESTERN REGIONAL COUNCIL</p>	<p>PROJECT</p> <p>PROPOSED COMMERCIAL DEVELOPMENT</p> <p>2-6 DOUR STREET</p> <p>MUDGEE</p>	<p>DATE</p> <p>11/06/2017</p>	<p>REVISIONS</p> <p>A: 11/06/2017: Initial design proposal for review</p> <p>B: 28/06/2017: Client and council comments</p>	<p>SCALE</p> <p>1:100 @ A1</p>	<p>DATE</p> <p>June 2017</p>



Lagerstroemia 'Natchez'



Corymbia citriodora 'Scentuous'



Nyssa sylvatica



Callistemon 'Macarthur'



Teucrium fruticans



Lomandra 'Tanika'



Phormium tenax 'Purpureum'



Melaleuca 'Ulladulla Beacon'



Banksia 'Roller Coaster'



Anigozanthos 'Regal Velvet'



Liriope amethyst



Lomandra 'Tropic Cascade'



Ophiopogon japonicus



Rhagodia 'Aussie Flat Bush'



Steel garden edging



Grey deco granite surface



Stepping stones on groundcover



Mulch under tree

<p>DISCLAIMER:</p> <p>The Council is not liable for any errors or omissions in this report. The Council is not responsible for any damage or loss arising from the use of the information contained in this report. The Council is not responsible for any actions taken or not taken in reliance on the information contained in this report. The Council is not responsible for any costs or expenses incurred in connection with the preparation or use of this report.</p>		<p>ARCHITECT:</p> <p>BWA ARCHITECTURE</p>	<p>LANDSCAPE ARCHITECT:</p>	<p>OWNER:</p> <p>MID-WESTERN REGIONAL COUNCIL</p>	<p>REV. DATE</p> <p>01/09/2021</p>	<p>NOTA TO URBAN DEVELOPMENT:</p> <p>01/09/2021</p>	<p>PROJECT:</p> <p>PROPOSED COMMERCIAL DEVELOPMENT 2-6 DOURO STREET MUDGEEE</p>	<p>FILE:</p> <p>LPDA 21 - 334</p>		<p>STATUS:</p> <p>DEVELOPMENT APPLICATION</p>	
								<p>DATE:</p> <p>June 21</p>	<p>PREPARED BY:</p> <p>K.Z</p>	<p>REVIEWED BY:</p> <p>R.F</p>	

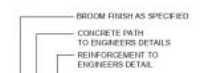
LANDSCAPE WORK SPECIFICATION

1.0 GENERAL

- 1.1 GENERAL
1.2 MATERIALS
1.3 FINISHES
1.4 PLANTING



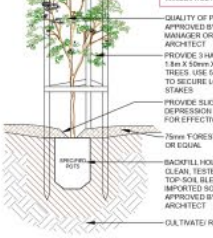
MASS PLANTING SETOUT N.T.S



BROOM FINISHED CONCRETE SCALE 1:10

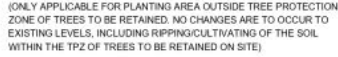


TRUNK PROTECTION DETAIL SCALE 1:10



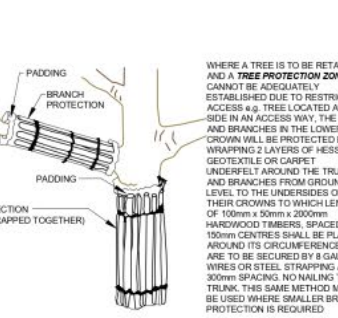
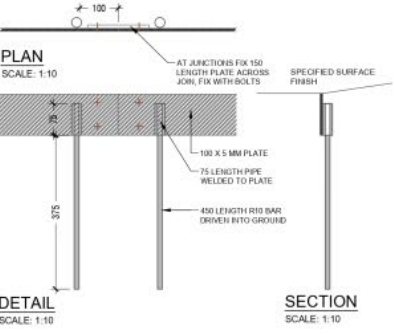
- 1.1 GENERAL
1.2 MATERIALS
1.3 FINISHES
1.4 PLANTING

TYPICAL GARDEN PREPARATION DETAIL SCALE 1:10



TREE PROTECTION ZONE N.T.S

(ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED... NO CHANGES ARE TO OCCUR TO EXISTING LEVELS...)



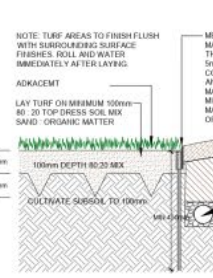
TYPICAL TRUNK PROTECTION WHERE TPZ FENCING NOT PRACTICAL N.T.S

STEEL EDGE DETAIL SCALE 1:10



TREE PLANTING DETAIL SCALE 1:10

(ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED... NO CHANGES ARE TO OCCUR TO EXISTING LEVELS...)



TURF WITH METAL GARDEN EDGE DETAIL SCALE 1:10

STEPPING STONES IN GROUND COVER PLANTING SCALE 1:10



DECO GRANITE & STEEL EDGE SCALE 1:10



Table with project information including client (SMA ARCHITECTURE), project name (PROPOSED COMMERCIAL DEVELOPMENT), location (246 DOUG STREET MUDGE), and application details (AS SHOWN @ A1, June 21).

Logos for SMA ARCHITECTURE, Concept Landscapes Australia, and other project partners.

8.3 DA0020/2022 - Serviced Apartment at 772 Black Springs Road, Budgee Budgee (Lot 323 DP 1109684)

REPORT BY THE STUDENT PLANNER
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, DA0022/2022

RECOMMENDATION

That Council:

- A. receive the report by the Student Planner for DA0020/2022 Serviced Apartment at 772 Black Springs Road, Budgee Budgee (Lot 323 DP 1109684); and
- B. approve DA0020/2022 Serviced Apartment at 772 Black Springs Road, Budgee Budgee (Lot 323 DP 1109684) subject to the following conditions and Statement of Reasons:

APPROVED PLANS

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

<i>Title / Name:</i>	<i>Drawing No / Document Ref:</i>	<i>Issue:</i>	<i>Date:</i>	<i>Prepared by:</i>
Site Plan	3576 – A01	A	July 2021	Giselle Denley Drafting Services
Ground Floor Plan	3576 – A02	A	July 2021	Giselle Denley Drafting Services
Elevations	3576 – A03	A	July 2021	Giselle Denley Drafting Services
BASIX Certificate	1221083S	-	09/07/2021	Giselle Denley Drafting Services

GENERAL

2. This development consent provides approval for a serviced apartment, only.
3. This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.
4. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
5. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.

6. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater including overflow from tank must also include adequate provision for prevention of erosion and scouring.
7. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
8. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

9. Prior to the issue of a Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.

PRIOR TO THE COMMENCEMENT OF WORKS

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

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

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

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

12. Prior to the commencement of works on site, the applicant shall advise Council's Development Department, in writing, of any existing damage to Council property.
13. A sign must be erected in a prominent position on any work site on which the alteration of a building is carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the Principal Certifying Authority for the work; and
 - d) the sign shall be removed when the erection or demolition of the building has been completed.
14. With the exception of work where there is an exemption under clause 187 and 188 of the *Environmental Planning and Assessment Regulation 2000* all building work that involves residential building work for which the *Home Building Act 1989* requires

there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.

15. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

BUILDING CONSTRUCTION

16. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning & Assessment Act 1979* and Regulations and all relevant Australian Standards.
17. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

18. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.

19. All mandatory inspections required by the *Environmental Planning & Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
20. The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection please telephone Council's Customer Service Counter on 6378 2850 and quote Council's DA reference number located on the front page of this consent.
- a) Internal and external sanitary plumbing and drainage;
 - b) Water plumbing;
 - c) Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation or use.
21. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) The method of protection; and
 - b) The date of installation of the system; and
 - c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) The need to maintain and inspect the system on a regular basis.

22. A total of one (1) car parking space, is to be provided within the site of the development and must comply with AS 2890.1:2004 and the following requirements:
 - a) The parking space is to have minimum dimensions of 5.5m x 2.4m; and
 - b) The car parking spaces and driveway are to be provided with hard-standing all weather compacted gravel surface, and must be maintained in a satisfactory condition at all times.
23. The requirements of BASIX Certificate number 1221083S issued on 9 July 2021 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
24. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

25. Prior to the occupation of a building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
26. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of Fire and Rescue NSW and a copy is to be prominently displayed in the building.
27. Prior to issue of an Occupation Certificate, all roof water shall be directed to water storage tank/s of sufficient capacity to provide retention to meet all domestic and statutory firefighting requirements. Any additional roof water, and overflow from the water storage tank/s, is to be disposed of a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
28. Prior to issue of the Occupation Certificate, existing crossover from Black Spring Road is to be sealed and must not interfere with existing drainage. The construction must be carried out in accordance with Council requirements and standards. Separate approval for this work must be obtained under the provisions of Section 138 of the *Roads Act 1993*.

Note: The existing crossover does not comply with sight distance requirements for 100km/h speed. Therefore, to improve the sight distance requirement the applicant must install "Slow Down Driveway Ahead" signage (W2-207 Guide Signage to aware northbound vehicles). This must be completed prior to the issues of an Occupation Certificate.

ONGOING/OPERATIONAL

29. For every 12 month period after the issue of the final Fire Safety Certificate the owner/agent of the building must provide Mid-Western Regional Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety

Statement certifying that each specified fire safety measure is capable of performing to its specification.

- 30. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.**
- 31. A minimum of one (1) car parking space is to be maintained and kept clear for guest/visitor parking at all times.**
- 32. Gravel formed internal driveways, manoeuvring and parking areas must be constructed with compacted gravel and maintained to acceptable standards and Council's satisfaction at all times to ensure the safety of users and provide access in all weather conditions. Measures to prevent erosion and scouring and the transport of sediment by stormwater runoff must be put in place and maintained at all times.**
- 33. Access for firefighting must be available to all structures with ample turning area to allow emergency personnel to conduct firefighting operations.**
- 34. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.**
- 35. The serviced apartment is to be managed so that there is no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", dust, lighting or other nuisance.**
- 36. The serviced apartment shall be regularly cleaned or serviced by the owner or manager of the building, or their agents.**

ADVISORY NOTES

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

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 through Condition 32 and 35 to regulate the operation of the serviced apartment and mitigate the potential dust and noise pollution generated by additional traffic.

Executive summary

OWNER/S	Andrew D. Heighway and Nicole C. Heighway
APPLICANT:	Nicole Heighway
PROPERTY DESCRIPTION	772 Black Springs Road, Budgee Budgee (Lot 323 DP 1109684)
PROPOSED DEVELOPMENT	Serviced Apartment
ESTIMATED COST OF DEVELOPMENT:	\$19,900
REASON FOR REPORTING TO COUNCIL:	Number of Submissions < 6
PUBLIC SUBMISSIONS:	1

Council is in receipt of Development Application DA0020/2022 that seeks approval for a Serviced apartment, located at 772 Black Springs Road, Budgee Budgee.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 11 August 2021. During the notification period, 1 submission was received in objection to the proposed development. The proposed development has been assessed in accordance with the Mid-Western Regional Development control Plan 2013 (MWRDCP 2013) and the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012). The proposed development is considered generally consistent with Council's planning controls.

In accordance with staff's *Delegation of Authority*, Councillors were notified for a period of 5 working days, during which the application was called up by Councillors for consideration.

The application is recommended for Approval.

Disclosure of Interest

Nil.

Detailed report

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

Site Description:

The subject 20.44ha large lot residential land is located approximately 12.5km northeast from Mudgee, situated on the eastern side of Black Springs Road.

The site currently contains a dwelling house, a small shed adjacent to the house, a large carport/farm shed approved under CDCP0124/2018, and a 200,000L rainwater tank. Access from the house on site is provided by a dirt internal access connecting Black Springs Road.

Development Details

Approval is sought for the following:

- Conversion of the carport portion of the existing farm shed into a 95.4m² 2-bedroom serviced apartment equipped with an open style kitchen/living room and a bathroom. A new verandah will be constructed at the entrance of the serviced apartment.



Figure 1 – Site Context

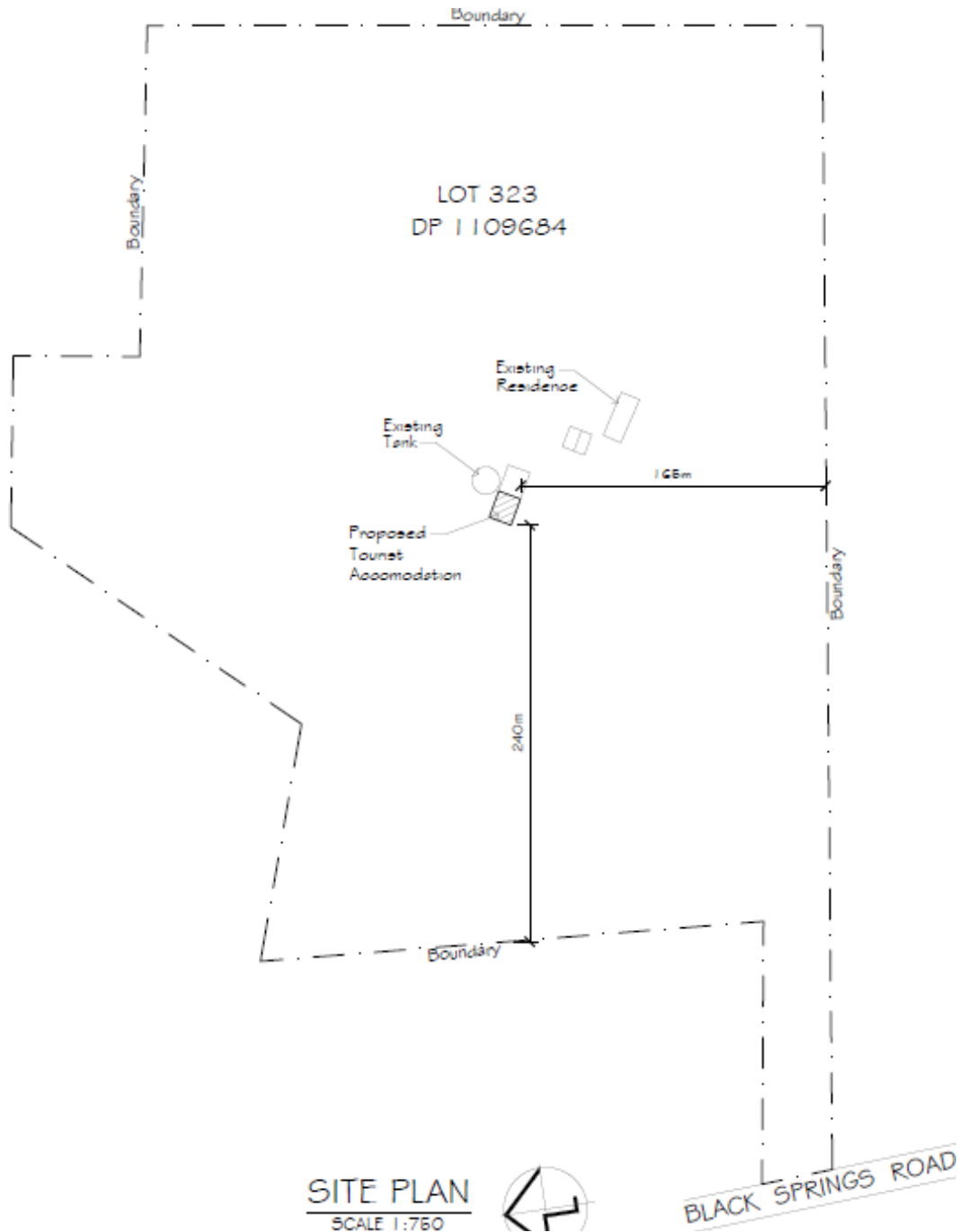


Figure 2 – Site Plan

REQUIREMENTS OF REGULATIONS AND POLICIES

State Environmental Planning Policy

State Environmental Planning Policy no 55 – Remediation of Land

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

State Environmental Planning Policy (Koala Habitat Protection) 2020

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

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

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

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

Mid-Western Regional Local Environmental Plan 2012

The following clauses of 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 defined in accordance with the MWRLEP 2012 as a:

Serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note:

Serviced apartments are a type of ***tourist and visitor accommodation***.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R5 Large Lot Residential and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned R5 Large Lot Residential pursuant to MWRLEP 2012. The proposal, being a serviced apartment 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:

R5 Large Lot Residential

- 1. To provide residential housing in a rural setting while preserving and minimising impacts on environmentally sensitive locations and scenic quality.*

Comment The proposal will not reduce the housing stock in a rural area. The proposed serviced

apartment, modified from an existing farm shed, is sympathetic to the rural landscape.

2. *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

Comment The proposal relates to an existing lot within the R5 zone. Accordingly, the development will not further hinder the proper and orderly development.

3. *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

Comment The proposal is not expected to unreasonably increase the demand for public services and facilities subject to compliance with the conditions of consent.

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

Comment The proposal will not result in any significant conflict with adjoining land uses subject to compliance with conditions of the consent.

Clause 4.3 Height of buildings

The subject site is not mapped for a maximum height limit.

Clause 5.10 Heritage Conservation

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

Clause 5.21 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 6.1 Salinity

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

Clause 6.3 Earthworks

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

Clause 6.4 Groundwater vulnerability

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

Clause 6.5 Terrestrial biodiversity

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

Clause 6.7 Active street frontages

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

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

The proposed serviced apartment is cleared of all utility infrastructure and associated easements. The site is already connected to grid electricity and equipped with a 200,000L rainwater tank for water supply. The applicant has proposed to connect the serviced apartment with an individual on-site sewage management system.

Conditions are imposed to require the applicant to obtain a Section 68 approval prior to the installation of the on-site sewage management system.

Clause 6.10 Visually sensitive land near Mudgee

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

Mid-Western Regional Development Control Plan 2013

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

Part 4.7 Tree Preservation Order

No trees to be removed.

Part 5.1 Car Parking

Proposed Use	Required	Compliance
Serviced apartment, classified as 'Tourist and Visitor Accommodation' in the DCP	1 per unit (1 space required)	Complies. Ample space available on rural property to accommodate parking.

Part 5.2 Flooding

Not applicable.

Part 5.3 Stormwater Management

Conditions concerning adequate disposal of stormwater have been included in the consent.

Part 5.4 Environmental Controls

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

Part 6.1 Dwellings in Rural Area**Setbacks**

The minimum front setback as prescribed within the table is 60m. The proposed serviced apartment is setback 240m from Black Springs Road. Accordingly, the proposal complies.

The minimum side/rear setback as prescribed within the table is 20m. The proposed serviced apartment has a minimum side setback of 165m to the eastern boundary. Accordingly, the proposal complies.

Part 6.4 Tourist and Visitor Accommodation

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Location	
Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the MWRLEP 2012.	Complies – the minimum lot size applicable is 12ha. The subject site is sized 20.44ha. Accordingly, the site has dwelling entitlement and a serviced apartment is permissible.
All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the MWRLEP 2012.	Complies – single dwelling house exists on the site.
Design and Layout	
The development should address the constraints of the site including topography, existing vegetation.	Complies – the existing structure is built on a gentle slope with a discreet building bulk that compliments the rural landscape.
Development for the purpose of services apartments (cabins or the like) shall be limited to a maximum of 6 individual accommodation units and one permanent dwelling (or manager's residence).	Complies – only one unit is proposed.
Parking	
Parking and manoeuvring areas are hard stand	Conditioned.
Driveways are located a minimum of 6m from any intersection	Complies – the existing driveway is 350m from the nearest intersection.
Water Cycle Management	
Council will require a Water Cycle Management Report for each lot in the subdivision which identifies that there is a suitable area capable of the disposal of on-site wastewater.	Not applicable – subdivision not proposed. Notwithstanding this, there is ample space in the large lot residential property to install a disposal system for on-site wastewater. Requirement to obtain Section 68 approval prior to commencement of work is conditioned.
Electricity	
The proponent shall demonstrate that the development can be serviced by electricity either via connection to the grid or solar power. Generators will generally not be accepted as a source of electricity.	Complies – the site is already connected to grid electricity.

SECTION 7.11 CONTRIBUTIONS

Mid-Western Regional Contributions Plan 2019

Council's Development Contributions Plan 2019 is applicable to the proposed development. Contributions are applicable to commercial development where the cost of works exceeds \$100,000. The cost of works for the proposed serviced apartment is \$19,900. Therefore, no contribution is applicable to the proposed development.

IMPACT OF DEVELOPMENT

Context and Setting

The subject site is located within the R5 zone, in an area characterised by cleared grazing land and large lot residential properties. The majority of surrounding properties contain residential dwellings and farm sheds, at a distance of over 300m from the proposed serviced apartment. The proposed serviced apartment, being a conversion of an existing carport/farm shed, is compatible with regards to the surrounding rural context and setting.

Access, transport and traffic

The development is not expected to generate a substantial volume of traffic. Sufficient capacity is available on Black Springs Road to absorb the additional traffic. The potential traffic impact is further discussed in the *Public Submission* section of the report.

Public domain

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

Utilities

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

Heritage

Not Applicable. No items of Aboriginal significance or a heritage item are recorded on the site or in the vicinity.

Other land resources

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

Water

There is no mains water supply for the subject site and it is understood that roof runoff will be captured and stored in rainwater tanks for re-use.

Conditions have been included such that overflow from the tanks and all other developed surfaces are controlled and dispersed on site. Appropriate controls are included at outlets to prevent erosion and scouring.

Soils

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

Air and Microclimate

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

Flora & fauna

Not significant impact. No vegetation will be removed.

Waste

Waste is to be disposed of at a properly licensed waste facility. The serviced apartment is to be kept in a clean and tidy manner at all times. All waste will be contained in enclosed containers screened from public view. In relation to on-site disposal of sewage waste, a Section 68 approval is required prior to the issue of a Construction Certificate.

Energy

No significant impact. The site is already supplied by grid electricity. The proposed development will not result in significant additional load on the local electricity supply system.

Noise & vibration

No significant impact. Traffic on site will remain at a low level without creating obtrusive noise impacts to neighbouring properties. The distance between the nearest residence and the internal driveway is approximately 80m, which will ensure the dissipation of any traffic noise and vibration.

Noise generated at the proposed development will not cause significant disturbance to neighbouring properties as the serviced apartment is approximately 320m away from the nearest residence. A serviced apartment is not expected to have any greater noise impacts to that of a residential dwelling. This is not an unexpected development in the area.

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

The proposed development will not generate adverse effect on the safety of the area.

Social impact in the locality

Generally positive.

Economic impact in the locality

Generally positive, creating additional tourist accommodation in the Mudgee Region.

Site design and internal design

Adequate as discussed throughout this report.

Construction

To comply with the Building Code of Australia where relevant.

Cumulative Impacts

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

SUITABILITY OF SITE FOR DEVELOPMENT**Does the proposal fit in the locality**

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

Are the site attributes conducive to development

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

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submissions

Traffic dust pollution

The submission raised concerns that the additional traffic during the construction and operation phases of the serviced apartment will generate additional dust pollution, posing significant health impacts to neighbouring residents.

Comment

As the main structure for the proposed serviced apartment has already been erected, the development only involves minor building works such as installation of concrete slabs and windows. This will require only a small number of construction vehicles. Subject to compliance with conditions of consent, it is not unreasonable for construction crew to undertake works on a temporary basis. The distances from the nearest adjoining residence to the internal access (80m) and the proposed serviced apartment (320m) are relatively significant which will ensure any dust dissipates.

Furthermore, as the applicant is proposing only one unit of serviced apartment, visitor traffic is expected to remain at a minimum, and to a lesser extent than a residential dwelling. Pursuant to the traffic volume estimation outlined in the 'Guide to Traffic Generating Developments', the approximate daily vehicle trips on the property is shown below:

- Single Dwelling House – 9 trips
- Serviced apartments (based on traffic generation rate for motels) – 3 trips per unit
- Total daily trips on property – 12 trips

Noting the estimation above and the minor nature of the building works, the proposed serviced apartment will not generate substantial traffic in addition to the existing level of traffic on site. The proposed development therefore will not generate substantial dusting effects on neighbouring properties.

Notwithstanding this, Council's Engineering Department has recommended a condition which will require the applicant to upgrade the existing dirt internal access to gravel-formed surface to further mitigate dusting.

In response to the submission, the applicant has proposed to impose a speed limit on the internal access road and allow construction vehicles to travel on the paddock under heavy wind condition to mitigate dust pollution generated by the additional vehicles.



Figure 3: The distance of the nearest adjoining residence from the proposed development (320m) and existing internal access (80m).

Traffic noise

The submission raised concern that the development will generate additional traffic noise during and after the construction period along the subject property.

Comment

As discussed above, construction traffic will remain at a low level. A single serviced apartment limits the amount of visitor traffic on site and within the wider area.

Vehicles associated with a single serviced apartment will not create obtrusive noise impacts to neighbouring properties. The surrounding area will remain a low-traffic area after the completion of the proposed development.

Submissions from public authorities

No submissions were sought or received from public authorities.

THE PUBLIC INTEREST

Federal, State and local government interests and community interests

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

CONSULTATIONS

Health & Building

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

Development Engineer

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

Heritage Advisor

No consultation necessary.

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

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.

JAMES WONG
STUDENT PLANNER

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

25 August 2021

- Attachments:*
1. Statement of Environmental Effects.
 2. Site Plans.
 3. Submission.
 4. Response to Submission.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEES 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
E council@midwestern.nsw.gov.au

Statement of Environmental Effects

Pro-forma for minor development

ABOUT THIS FORM

This statement must be completed by the applicant and/or their representative to comply with the requirement of Section 4.15 of the *Environmental Planning and Assessment Act, 1979*. The completed statement must accompany the Development Application and accompanying plans.

Each of the following categories must be completed for all forms of development, building works or activity requiring development consent. The level of detail required will depend upon the nature and scale of the proposed development. Should you be uncertain of any aspect, you should contact Council's Planning and Development Group for advice.

1. PROPERTY DETAILS

Lot Number	Section no.	DP / SP
323		1109684
Unit / Street number	Street name	
772	Black Springs Road	
Suburb / Locality	Postcode	
Budgee Budgee NSW	2850	

2. DESCRIPTION OF THE PROPOSAL

What is the proposed development?

Convert half of an existing 20m x 9m Colorbond shed into a 2 bedroom dwelling to be used as tourist accommodation

Describe your proposal in detail. (Include details such as whether the development will use whole or part of the building(s) or land(s), whether new buildings are proposed, the physical features of the proposed building(s), the nature of the building(s) [eg office, retail industrial etc], materials and colour scheme, signage, disabled access and facilities, seating capacity, tree or vegetation removal).

To convert half of an existing six bay shed into a 2 bedroom dwelling, with one bathroom, kitchen and open planned living area. Erect an awning at the front and install 3 x double glazed sliding window doors. Existing features are colourbond and new awning will be colourbond. No tree or vegetation removal.

3. DESCRIPTION OF THE SITE

What is the area of the site?

50 acres

Describe the site (elaborate on the information provided on the site analysis plan. Include information such as the physical features of the site, for example slope and vegetation, existing services).

Slightly sloping grass paddock, with 6 bay farm shed and 200000 litre water tank.

Describe the use of lands adjoining the site. Will the proposal impact on adjoining property? (Consider issues such as noise, privacy, overland flow of stormwater and other amenity impacts).

Adjoining the site are farm paddocks.
The nearest neighbouring residence is 250 meters away from the proposed Tourist Accommodation.
There is an existing tree line on the boundary of the property to provide privacy to and from neighbours.

4. PRESENT AND PREVIOUS USES

What is the present use of the site and when did this use commence? Did this use receive development consent?

Farm Shed, DA Approved 2018

List the previous uses of the site.

Paddock

STATEMENT OF ENVIRONMENTAL EFFECTS | MID-WESTERN REGIONAL COUNCIL

Have any potentially contaminating activities been undertaken on the property? (Apart from obvious activities such as petrol bowzers and industries, there may be less obvious sources of contamination such as asbestos disposal, old sheep dips and sawmills).

No

Yes – please identify:

If yes, you will need to provide the relevant documentation as outlined in Council's Development Control Plan (DCP).

5. ENVIRONMENTAL CONSTRAINTS

Has the proposed development been designed to respond to the following environmental constraints, where applicable? (Indicate yes, no, or not applicable to each of the following).

	YES	NO	NOT APPLICABLE
Flooding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bushfire (if yes, is a bushfire report included in your application?) <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Groundwater vulnerability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sensitive biodiversity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Saline soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Threatened species or habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Minimise vegetation removal	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes to any of the above, indicate how the proposed development responds to the constraints

6. UTILITIES AND SERVICES

Provide details of the existing and proposed method of **stormwater** disposal.

Storm water is collected and stored into a 200000Ltr water tank.

Provide details of proposed **electricity** supply.

Use of existing power supply to the shed.

Provide details of proposed **water** supply.

Use of water storage from close by water tanks.

Provide details of proposed **bushfire** firefighting water supply, where relevant.

Stored water.

Provide details of proposed **sewage management**.

Installation of septic system.

7. OPERATIONAL AND MANAGEMENT DETAILS (E.G. HOME BUSINESS)

NOTE: This section is not applicable to the construction of a dwelling-house, additions and alterations to a dwelling-house or structures ancillary to a dwelling-house.

Describe in detail the proposed business activity.

operate tourist and visitor accommodation

Total number of staff	Max no. of staff on duty at any one time	Max no. of clients / customers expected in a day	Max no. of clients / customers expected at any one time
2	2	6	6

Hours and days of operation

	AM	to		PM	Monday to Friday
	AM	to		PM	Saturday
	AM	to		PM	Sunday
	AM	to		PM	Extended hours on: 24 hours / 7 days a week

What are the existing and proposed fire safety measures for the building?

Electrical safety switches, RCD's and wired Fire Alarms, fire extinguisher, water hoses

STATEMENT OF ENVIRONMENTAL EFFECTS | MID-WESTERN REGIONAL COUNCIL

Is legal (eg. Right of Way) vehicular access available from the street to the site? What are the site distances (left and right)? What is the speed limit?

yes
site distance -
speed limit

Expected vehicle types associated with the proposal

private vehicles

Number of car parking spaces provided

2

Location of car parking spaces provided

next to the shed

What are the arrangements for transport, loading and unloading goods? What is the expected frequency of deliveries, size of vehicles and frequency of truck movements?

na

List machinery associated with the proposed business / activity.

na

List the type and quantity of raw materials, finished products and waste materials

na

How will waste be disposed of? (Note: A Trade Waste Approval may be required. Please see Council's website for details)

residential waste transfer station - Home Rule or Mudgee

Identify any proposed hazardous material or processes

na

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

What is the land zoned?

R5 Large Lot Residential

What is the proposal for (as defined by MWRLEP)? (There are parent definitions and child definitions in MWRLEP – please use the child definition)

Is this use permissible within the zone??

Yes

No – are you relying on existing use rights?

Yes

No – the development is prohibited in the zone and cannot be approved by Council

Expand on how your proposal meets the objectives of the zone.

Does the proposal comply with all the relevant requirements of the MWR LEP? (Please list and address all relevant clauses to your development from the LEP – add extra pages if necessary)

Yes.

STATEMENT OF ENVIRONMENTAL EFFECTS | MID-WESTERN REGIONAL COUNCIL

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

Mid-Western Regional DCP 2013 is structured into sections that are relevant to specific development.

- Part 1 – Introduction
- Part 2 – Fast Track Development Applications
- Part 3 – Discretionary Development Standards
- Part 4 – Specific Types of Development
- Part 5 – Development Standards
- Part 6 – Development in Rural Areas
- Part 7 – Subdivision
- Part 8 – Site Specific Controls
- Appendix A – Flood schedules
- Appendix B1 – MWRC Auspec Stormwater Drainage Design
- Appendix B2 – Stormwater to Stormwater
- Appendix C – Carleon Development Control Plan
- Appendix D – Implementing a Subdivision Consent

NOTE

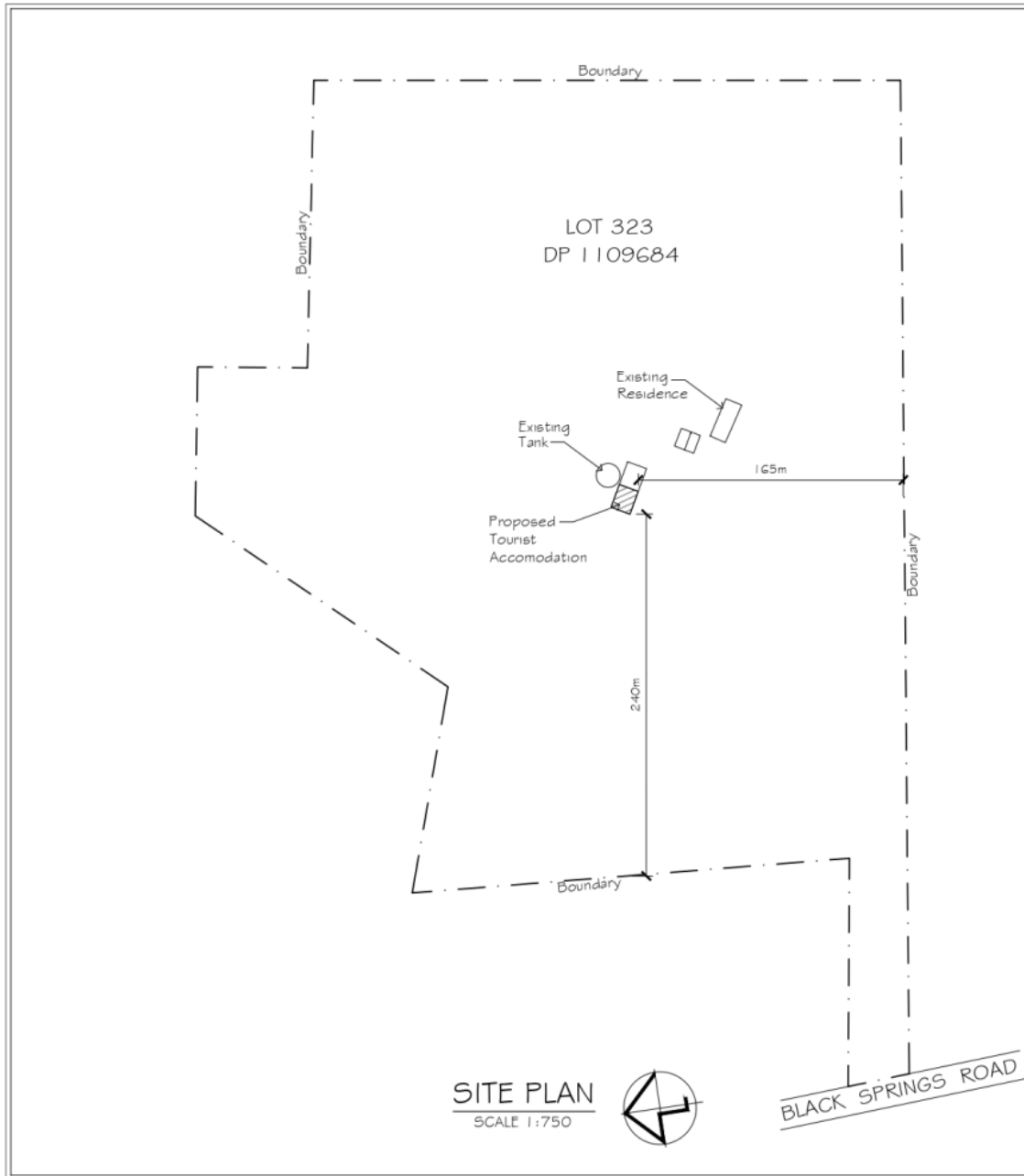
Mid-Western Regional Community Participation Plan 2019 may require the development to be neighbour notified and/or advertised.

Please list and address the relevant clauses to your development based on the zone of your land (add extra pages if necessary).

Meets all requirements of section 6.4 of the DCP, Tourist and Visitor Accommodation.

STATEMENT OF ENVIRONMENTAL EFFECTS | MID-WESTERN REGIONAL COUNCIL

Where the proposed development does not comply with a relevant “deemed to satisfy” standard in the DCP, please provide justification for the variation to the standard. (Refer to Section 1.7 of the DCP).



BASIX Notes

Water

100,000L Rain Water Tank Connected to:

- All toilets in the development
- The cold water tap that supplies each clothes washer in the development
- At least one outdoor tap in the development
- All hot water systems in the development
- All indoor cold water taps in the development

Rain Water Tank to collect water from at least 240m² from the roof of the development.

Fixtures:

Showerheads - Minimum 3 Star Rating
 Toilet - Minimum 3 Star Rating
 Kitchen Taps - Minimum 3 Star Rating
 Bathroom Taps - Minimum 3 Star Rating

Thermal Comfort

See Section for Thermal Comfort Commitments

Energy

HW - Gas Instantaneous (Rated G star)

Cooling System - Living Area - Air Conditioning I Phase, Rated 5 stars
 - The Bedrooms - Ceiling Fans

Heating System - Living Area - Air Conditioning I Phase, Rated 5 stars
 - The bedrooms must not incorporate any heating system.

Ventilation Systems:

1 Bathroom - Individual Fan - not ducted (Manual Switch On/Off)
 Kitchen - Individual Fan - not ducted (Manual Switch On/Off)
 Laundry - Natural ventilation only

Other:

3576 - Gas Cooktop & Electric Oven

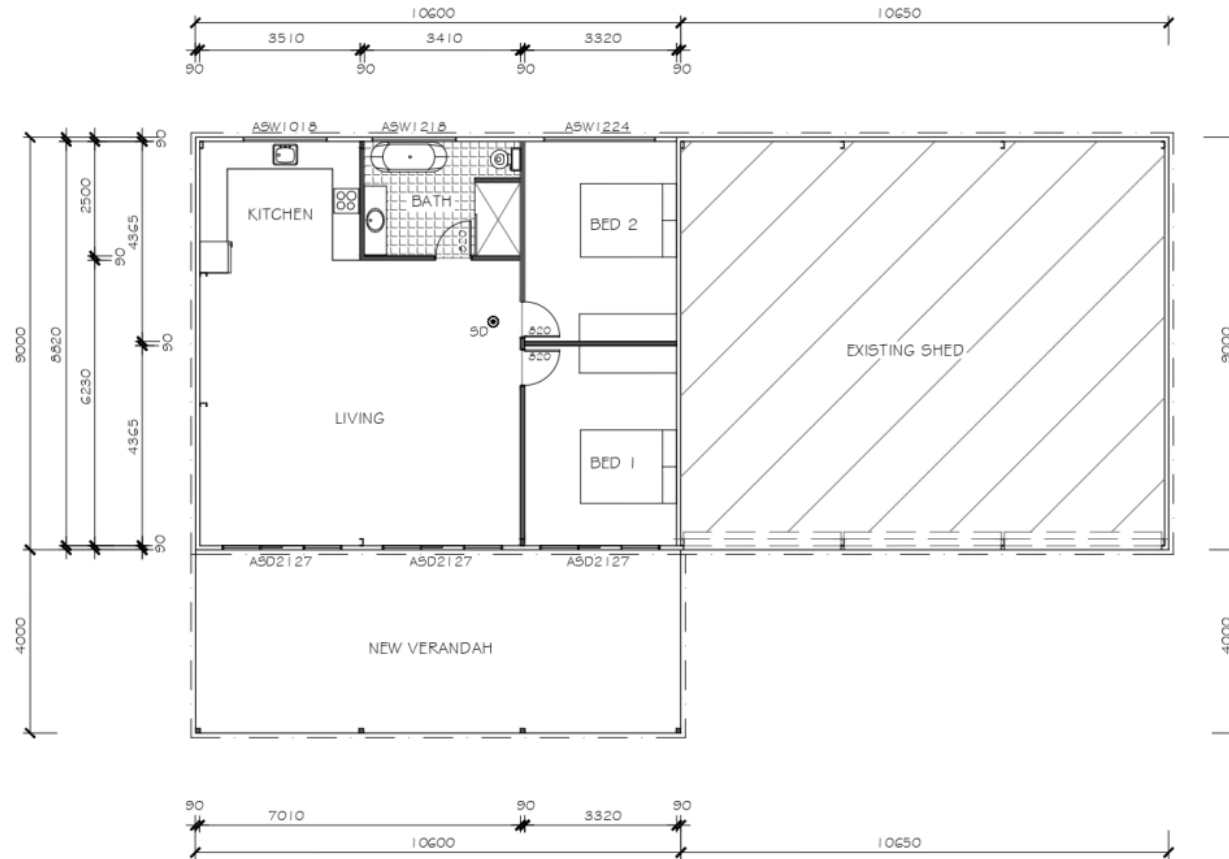
A fixed outdoor clothes drying line must be installed as part of the development for each unit

Each refrigerator space in the development must be constructed so that it is well ventilated in each unit

A	JULY 2021	G.D.	ISSUED FOR APPROVAL
REV	DATE	BY	DESCRIPTION
<p>Giselle Denley Drafting Services</p> <p>giselle.denley@bigpond.com 0417 888 326 53 Hill Sixty Drive Mudgee NSW 2850</p>			
CLIENT: HEIGHWAY			
TITLE: PROPOSED ACCOMMODATION UNIT			
772 BLACKSPRINGS RD BUDGEE BUDGEE			
SCALE: 1:100	FILE: 3576-A01	DWG. No.	REV.
DRAWN: G.D.	DATE: JULY 2021	3576-A01	A
CKD: A.W.	DATE: JULY 2021		

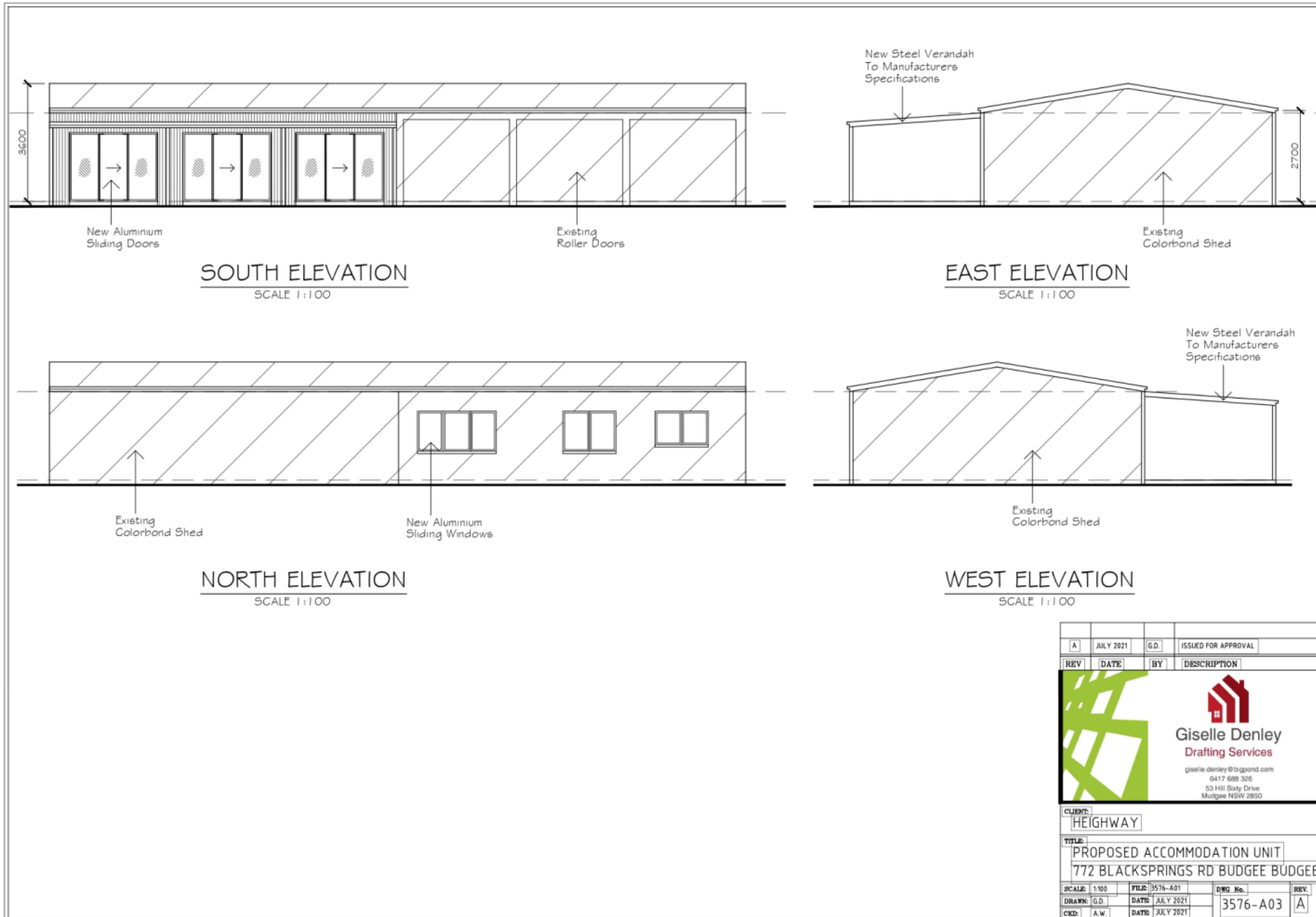
Floor Areas

Existing Shed	=	96.70 m ²
Proposed Living	=	94.50 m ²
Proposed Verandah	=	42.36 m ²
Total	=	233.56 m²

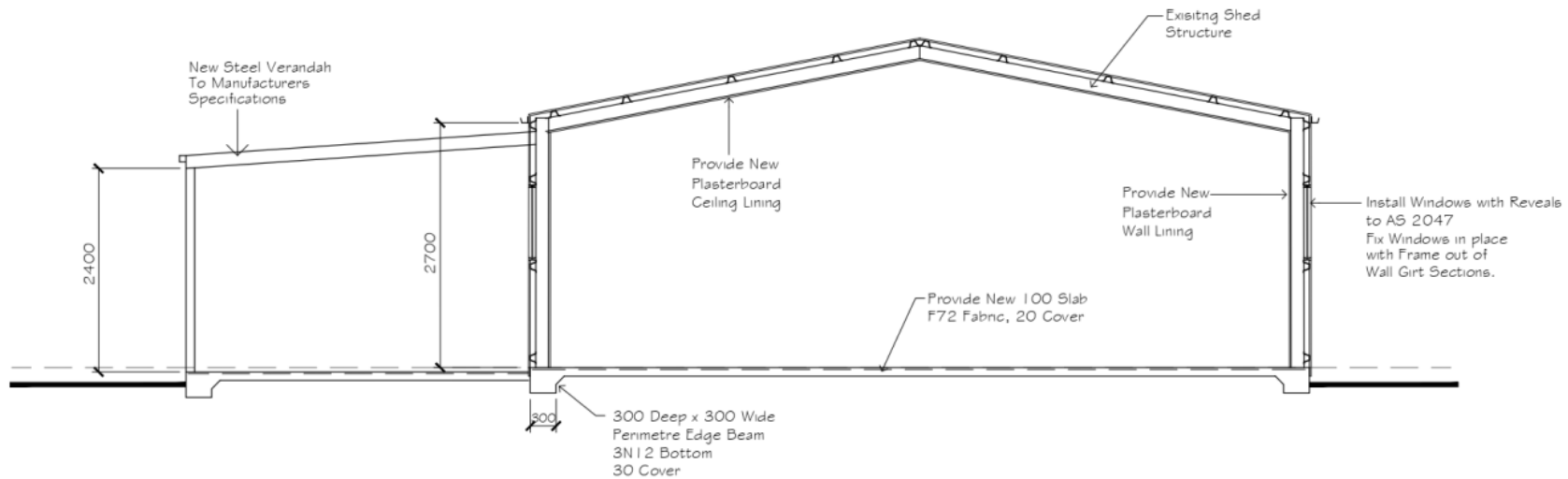


GROUND FLOOR PLAN
SCALE 1:100

A	JULY 2021	G.D.	ISSUED FOR APPROVAL
REV	DATE	BY	DESCRIPTION
 <p>Giselle Denley Drafting Services</p> <p>giselle.denley@bigpond.com 0417 688 326 53 Hill Sixty Drive Mudgee NSW 2850</p>			
TITLE:			
PROPOSED ACCOMMODATION UNIT			
772 BLACKSPRINGS RD BUDGEE BUDGE			
SCALE: 1:100	FILE: 3576-A01	DRG. No.	REV.
DRAWN: G.D.	DATE: JULY 2021	3576-A02	A
CRD: A.W.	DATE: JULY 2021		



A	JULY 2021	G.D.	ISSUED FOR APPROVAL
REV	DATE	BY	DESCRIPTION
 <p>Giselle Denley Drafting Services giselle.denley@bigpond.com 0417 688 326 53 Hill Sixty Drive Mudgee NSW 2850</p>			
CLIENT: HEIGHWAY			
TITLE: PROPOSED ACCOMMODATION UNIT 772 BLACKSPRINGS RD BUDGEE BUDGEE			
SCALE: 1:100	FILE: 3576-A01	DWG No.	REV.
DRAWN: G.D.	DATE: JULY 2021	3576-A03	A
CKD: A.W.	DATE: JULY 2021		



TYPICAL SECTION

SCALE 1:50

SLAB NOTES:

1. Concrete 25MPa 80 Slump
2. Reinforcement must be supported by bar chairs at Max 1000 Cts.
3. If edge beam width exceeds 330mm, provide 1 extra N12 to bottom.
4. If edge beam does not bear into firm natural ground provide $\varnothing 300$ piers at 2500 Max Cts and add 1 N12 to top.
5. Internal ribs located on more than 300 fill must be piers $\varnothing 300$ at 3600 Max Cts.
6. 311-TM may be used in lieu of 3N12
7. Site drainage should be constructed so that storm water does not pond against or close to footings.
8. Damp proof membrane must extend up to finished ground level.
9. Alfresco and porch slabs to be poured separately to main slab. Provide tool grooves at 2500 and 1250 Cts.
10. Site class M

A	NOV 2018	G.D.	ISSUED FOR APPROVAL
REV	DATE	BY	DESCRIPTION
 <p>Giselle Denley Drafting Services giselle.denley@bigpond.com 0417 688 326 53 Hill Sixty Drive Mudgee NSW 2850</p>			
CLIENT: HEIGHWAY			
TITLE: PROPOSED ACCOMMODATION UNIT 772 BLACKSPRINGS RD BUDGEE BUDGEE			
SCALE: 1:50	FILE: 3576-A01	DRG. No.	REV.
DRAWN: G.D.	DATE: NOV 2018	3576-A04	A
CRD: A.W.	DATE: NOV 2018		



8th August, 2021

Attention: Brad Cam
General Manager, Midwestern Council

Re: Development Application DA0020/2022
Crestview, 772 Black Springs Rd
Budgee Budgee NSW 2850
Lot 323 DP1109684

Dear Mr Cam

I have been advised of the above business developmental proposal and would like to submit my objection.

My objection is in regard to the increased traffic & pollution that will occur during the building stage & thereafter on the unsealed dirt road which is situated along my boundary fence. This road already has health impacts upon me due to my Medically diagnosed Asthma. High levels of dust can irritate my lungs and cause my asthma to flare creating breathing difficulty. Any increased use of this dirt road will only serve to have an increased negative impact on my health.

In addition to this, there will be increased noise due to increased traffic along the property, both during and after construction.

I have been the owner & resident of my property [REDACTED] for 32 years & chose this property & area for its rural appeal & it's peace & quiet. There is concern what impact this development will have on me & the surrounding area.

Please consider my honest concerns when considering approval of the Development.

Regards



From: [Nicole Heighway](#)
To: [James Wong](#)
Subject: Re: Submission letter Re: DA0020/2022 - Serviced Apartment - 772 Black Springs Road, Budgee Budgee NSW 2850
Date: Monday, 9 August 2021 5:53:20 PM

Dear James,

I write in response to the objection submitted against our Development Application DA0020/2022 and the concerns our front neighbour has.

We acknowledge that our driveway which is approximately 80 meters from [REDACTED] house at the closest point is dirt with a granite wearing surface on top and when dry and windy does blow dust when driven on, but it also does blow dust when it's dry, windy and not driven on, in any direction, similar to her own driveway.

To mitigate the dust we are happy to erect a speed limit sign to reduce speed which will not only reduce the dust that blows up but it will also protect the wildlife and livestock that are currently on our property.

We will inform all tradesman and guests prior to arrival of these limits and driving conditions so that visitors who are unfamiliar with dirt road conditions, wildlife and livestock drive at a safe and courteous speed for all our neighbours.

During the build of the accommodation we are more than happy to have any tradesman and their vehicles travel directly across the paddock when winds are blowing in her direction. However we do not envisage there to be a high increase of traffic over this time as the major building (the shed) is already erected.

We believe that the increased traffic and noise on the driveway will have minimal impact on all of our neighbours as our guests will be in one or two cars only at any one time.

The actual accommodation is in an existing shed which is set more than 370 meters from [REDACTED] house and therefore we do not believe this will impact on her peace and quiet and nor the rural appeal of the area.

We feel that this accommodation will be beneficial to the Greater Mudgee Region and bring tourists and their money into our diverse, progressive and growing region.

Kind Regards

Nicole and Andrew Heighway

On Mon, Aug 9, 2021 at 4:27 PM James Wong <James.Wong@midwestern.nsw.gov.au> wrote:

Dear Nicole,

Council has received a submission regarding your Development Application DA0020/2022 for a serviced apartment at 772 Black Springs Road, Budgee Budgee. I have attached the submission letter for your reference. You may submit a response to the submission to Council if you wish to.

For your information, a memo on the subject submission will be circulated to the

Councillors within the next two days as per the staff delegation. The Councillors may call this Development Application up at the next monthly Council meeting, but this is not likely to occur.

Should you have any inquiries, please reply to this email or contact Council on phone at 6378 2850.

Yours faithfully,

James Wong | Student Town Planner

Mid-Western Regional Council

t 02 6378 2850 | f 02 6378 2815

council@midwestern.nsw.gov.au

a 86 Market Street | PO Box 156 Mudgee NSW 2850

PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL

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8.4 ME0051/2021 - Modification to DA0314/2008 for a Staged Three Lot Subdivision - 6-8 Clare Court, Mudgee - Lot 2 DP1169777 (formerly part of Lot 6 DP1058178)

REPORT BY THE TOWN PLANNER
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, P1348861

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the ME0051/2021 - Modification to DA0314/2008 for a staged three lot subdivision - 6-8 Clare Court, Mudgee - Lot 2 DP1169777 (formerly part of Lot 6 DP1058178); and
- B. approve ME0051/2021 - Modification to DA0314/2008 for a staged three lot subdivision - 6-8 Clare Court, Mudgee - Lot 2 DP1169777 (formerly part of Lot 6 DP1058178) subject to the following conditions and statement of reasons:

APPROVED PLAN

1 Development is to be carried out generally in accordance with the plan prepared by Barnson depicting subdivision of Lot 6 DP1058178 Drawing Number 35957_L01 Revision A, dated 07/06/2021 and with the application received by Council on 20 February 2008 (as amended on 23 September 2009) 21 June 2021 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.

STAGES 1 & 2

ENGINEERING REQUIREMENTS

- 2 The applicant is to provide separate water and sewer reticulation services to each lot.
- 3 Where a mains extension is required, a “Subdivision Works Certificate” approval is required prior to carrying out any construction activities. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.

(AMENDED BY ME0051/2021)

4 The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,040 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE – STAGE 1	1	x	\$1,040	=	\$1,040
TOTAL PAYABLE – STAGE 2	1	x	\$1,040	=	\$1,040

Note: Council does not permit other bodies to insert new junctions into 'live' water mains.

- 5 Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
- 6 Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
- 7 All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- 9 ~~Following completion of the subdivision works, one full set of work as executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted on disk to Council. All work as executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.~~

Following the completion of subdivision works, one set of Works As Executed (WAE) 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 is accurate.

(AMENDED BY ME0051/2021)

PRIOR TO THE ISSUE OF SUBDIVISION WORKS CERTIFICATE

- 10 ~~Engineering plans of any mains extensions are to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate~~

A detailed Engineering Design is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The Engineering Design is to comply with Council's Development Control Plan, WSAA code. A Subdivision Works Certificate is required for, but not limited to the following Civil Works:

- Sewer Extensions works;

NOTE:

No work is permitted to commence prior to the issue of the Subdivision Works Certificate

(AMENDED BY ME0051/2021)

- 11 ~~A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate.~~

(DELETED BY ME0051/2021)

- 12 Contractor's public liability insurance cover for a minimum of \$10,000,000 is to be sighted and to be shown to Mid Western Regional Council as an interested party.

All work is to be at no cost to Council.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

These conditions have been imposed to ensure that the proposed subdivision complies with the requirements of the Environmental Planning and Assessment Act, 1979, Council policy and the relevant standards.

13 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.

14 A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development is \$210 (Stage 1 and \$280 Stage 2) at the date of determination.

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

16 Prior to the issue of a *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;
 - (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.

17 Electricity, and telecommunications are to be supplied to each lot. 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 development.
- (b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the development.

18 The developer must provide Council and land purchasers with a site classification for the new vacant allotment lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996. Results to be submitted to Council prior to issue of the *Subdivision Certificate*.

19 Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained and lodged with Council prior to the issue of the *Subdivision Certificate*.

STAGE 1

20 In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer

Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Program	Levy per Lot \$	Total \$
Transport Management		
Traffic Management	\$962.70	\$962.70
Open Space		
Local Open Space	\$1,511.30	\$1,511.30
District Open Space	\$2,052	\$2,052.00
Community Facilities		
Library Buildings	\$197.80	\$197.80
Library Resources	\$237.40	\$237.40
Administration		
Plan Administration	\$461.60	\$461.60
TOTAL PAYABLE	\$5,422.80	\$5,422.80

21 The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:

(a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$7,004
Sewerage Headworks	\$3,198
Total	\$10,202

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

STAGE 2

22 In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Program	Levy per Lot \$	Total \$
Transport Management		
Traffic Management	\$962.70	\$962.70
Open Space		
Local Open Space	\$1,511.30	\$1,511.30
District Open Space	\$2,052	\$2,052.00
Community Facilities		
Library Buildings	\$197.80	\$197.80
Library Resources	\$237.40	\$237.40
Administration		
Plan Administration	\$461.60	\$461.60
TOTAL PAYABLE	\$5,422.80	\$5,422.80

23 The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:

(a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$3,501
Sewerage Headworks	\$3,038
Total	\$6,539

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

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land

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

(Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered)

ADVISORY NOTES

1. At such time as proposed Lot 1 is developed, a Stormwater Management Plan may be required to demonstrate how surface runoff from proposed Lot 1, which slopes down towards the western boundary and has lowest level at the mid-point of the block does not affect proposed Lot 2.

ADDED BY ME0051/2021

STATEMENT OF REASONS

1. The proposed modification is substantially the same development as that approved and will have minimal environmental impacts.
2. 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*.
3. The proposed variation to the minimum lot size has been adequately justified in accordance with Clause 4.6 Mid Western Regional Local Environmental Plan 2012.

ADDED BY ME0051/2021

Executive summary

OWNER/S	Greg and Claire Toole
APPLICANT:	Mark Hitchenson, Navigate Planning
PROPERTY DESCRIPTION	Lot 2 DP1169777
PROPOSED DEVELOPMENT	Modify DA0314/2008 to realign the boundary between two approved lots.
ESTIMATED COST OF DEVELOPMENT:	Nil
REASON FOR REPORTING TO COUNCIL:	Variations greater than 10% to MWRLEP 2012 numerical standard are to be reported to Council to obtain the concurrence of the Secretary of the Department of Environment and Planning.
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application ME0051/2021 that seeks approval to modify DA0314/2008 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, relating to a three lot subdivision, located at 6-8 Clare Court, Mudgee (Lots 1 and 2 DP 1169777) and received by Council on 21 June 2021.

The application is a minor modification to the approved subdivision layout at 6-8 Clare Court resulting in a change of 31m² to the size of approved Lots 1 and 2. The modification is required to align the subdivision boundary with the existing fence line.

The original application, DA0314/2008, was assessed under the provisions of the *Mid Western Regional Interim Local Environmental Plan 2008* (MWRILEP 2008). Since this time, the zoning and minimum lot size affecting the land has changed. Under the current legislation (*Mid Western Regional Local Environmental Plan 2012* (MWRLEP, 2012)), the land is zoned R2 Low Density Residential and has a minimum lot size of 10 ha whereas at the time the application was originally approved the land was zoned Medium Density Residential and had a minimum lot size of 600m².

The proposed modification, whilst resulting only in a small change to the approved lot sizes, does not comply with the current minimum lot size affecting the land of 10 hectares. The modified lots will be 983m² and 719m² in size representing a variation of 90.17% and 92.81% respectively to the minimum lot size requirement.

The applicant has satisfactorily demonstrated that the minimum lot size of 10ha is unreasonable and unnecessary in this case and as such the proposed variation is supported. The reasoning for this is further discussed within the body of this report.

As the application involves a variation to a MWRLEP 2012 standard that is greater than 10%, the application is required to be determined at a Council meeting in order to gain concurrence by the Secretary of the Department of Environment and Planning for the variation.

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

The proposed development has been assessed in accordance with Council's current Development Control Plan 2013 (DCP 2013) and the MWRLEP 2012. The proposed development is considered generally consistent with Council's planning controls.

The application is recommended for Approval.

Disclosure of Interest

Nil

Detailed report

Background and proposal

Development consent DA0314/2008 was approved on 12 October 2009 to subdivide Lot 6 DP1058178 into three lots over two stages. An extract of the approved plans is in Figure 1. The application was assessed under the provisions of the *Mid Western Regional Interim Local Environmental Plan 2008* (MWRILEP 2008) and at this time was zoned Medium Density Residential with a minimum lot size of 600m². The land also fell within the area defined by the Development Control Plan - South Mudgee and Part C of the Residential Development Control Plan which required a minimum lot size of 700m².

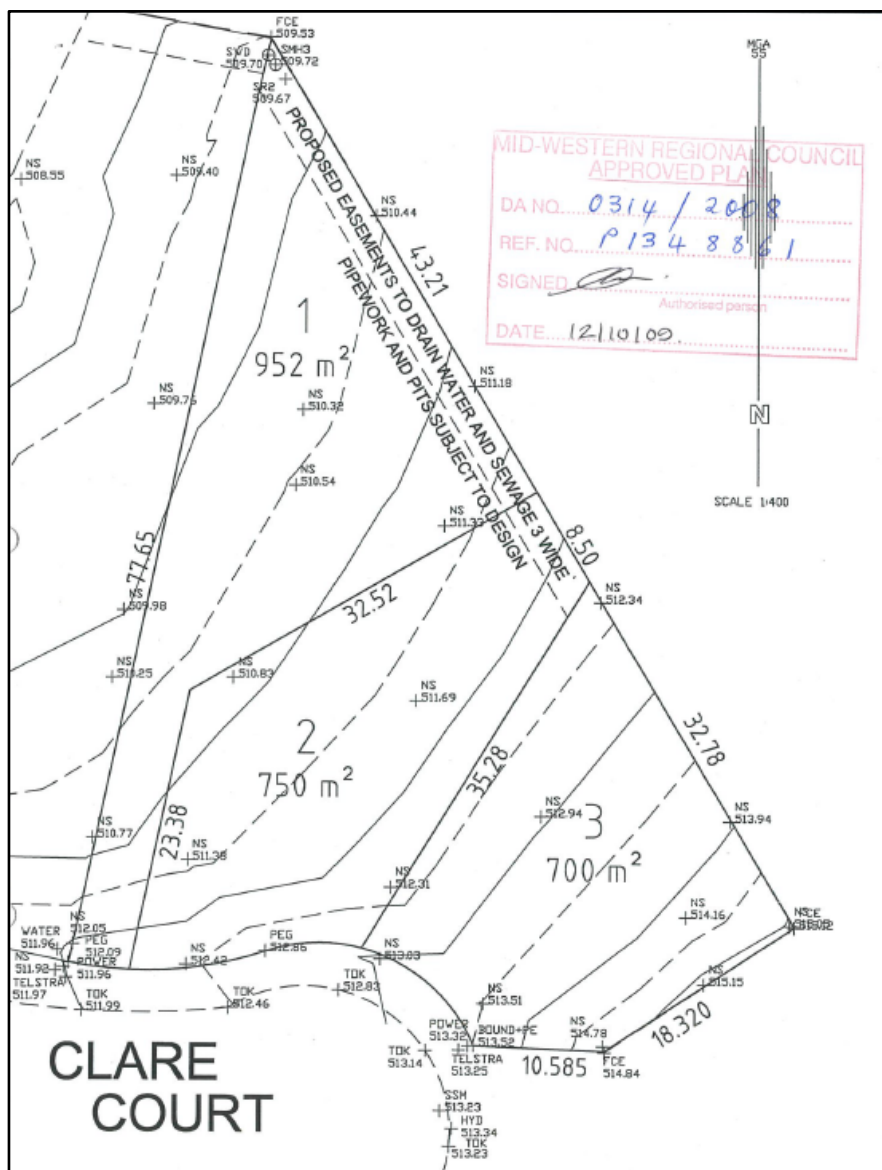


Figure 1 - Extract from approved plans DA314/2008

Stage 1 of the subdivision was completed with Subdivision Certificate SC0030/2011 issued on 25 February 2011 releasing Lot 3 of the subdivision (identified as Lot 1 DP1169777) and a residual lot

identified as Lot 2 DP1169777. The residual lot is to be subdivided into two lots under Stage 2 of DA0314/2008 and is the subject of this modification application.

Since the lots were registered, both have been developed with a single dwelling as shown on the aerial image in Figure 2. The residual lot has a dwelling located on the west side of the lot, with vacant land located on its south east side. It is proposed to modify the approved subdivision boundary to align with the existing fence line, so that one lot contains the existing dwelling and the other is vacant, a copy of the proposed subdivision layout is available in Attachment 1, with details as follows:

- Approved Lot 1 - will increase in size from 952m² to 983m² (an area of 31m² representing an increase of 3.25%) and will contain an existing dwelling.
- Approved Lot 2 – will decrease in size by from 750m² to 719m² (an area of 31m² representing a decrease of 4.1%). The lot will be vacant with suitable dimensions to accommodate a dwelling.

The proposal includes a variation to the minimum lot size of 10 hectares, representing a variation of 90.17% and 92.81% respectively to the standard requirement. This variation is further discussed in the assessment section of this report.



Figure 2 - Aerial Image of subject site

Assessment

The application has been assessed in accordance with Section 4.55 of the *Environmental Planning & Assessment Act 1979* as the original consent was granted by Council. The main issues are addressed below.

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 relates to a change to the layout of the subdivision to follow an existing fence line resulting in a change in the lot size of 31sqm. No additional environmental impacts have been identified as a result of the proposed modification.

(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 Council is satisfied that the proposed modification is substantially the same development as the original consent granted for the subdivision of the land into three lots.

(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 Section 4.55 Application was not required to be notified to adjoining neighbours in accordance with Council's Community Participation Plan 2019 given the proposed subdivision will create less than 5 lots.

(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 No submissions were received.

(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 are addressed below.

(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 The applicant has submitted the Section 4.55(1A) application to Council in order to amend the layout of the subdivision only. No further development consent is sought by the modification application in accordance with this part.

4.15(1)(a) Evaluation – Matters for consideration

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

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy no 55 – Remediation of Land

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

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

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

Subdivision of land pursuant to Section 6.2 of the *Environmental Planning and Assessment Act 1979*.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R2 Low Density Residential and is therefore subject to the Plan. Figure 3 below shows the Land Use mapping of the subject site and surrounding area.

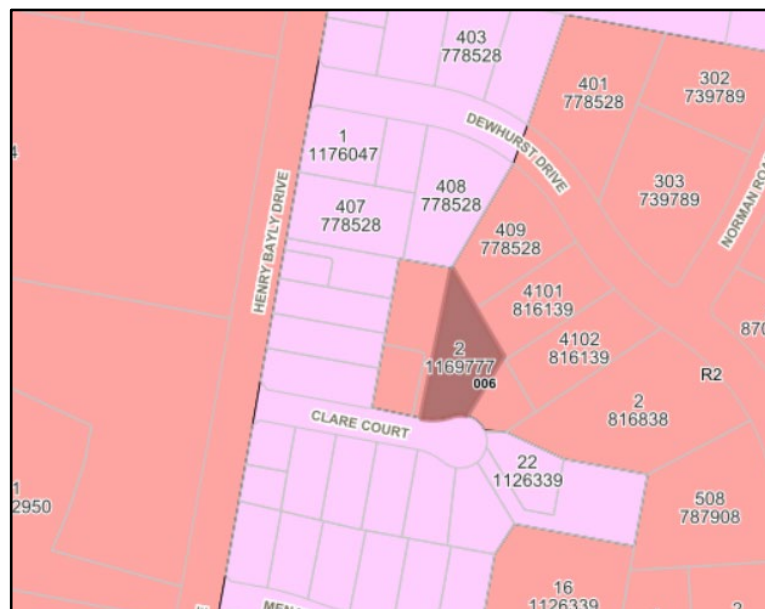


Figure 3: Land Zoning of subject land and surrounds
(light purple = R1 General Residential; red/orange = R2 Low Density Residential)

Clause 2.3 Zone objectives and Land Use table

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

R2 Low Density Residential

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

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

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

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

Clause 2.6 Subdivision – consent requirements

Subdivision requires development consent under this Clause as discussed throughout the report.

Clause 4.1 Minimum subdivision lot size

The proposed lots have an area of 719m² and 983m². The minimum lot size pursuant to the mapping is 10ha as shown in Figure 4 below. Subsequently, the applicant has addressed clause 4.6 (discussed below) to justify the proposed variation.

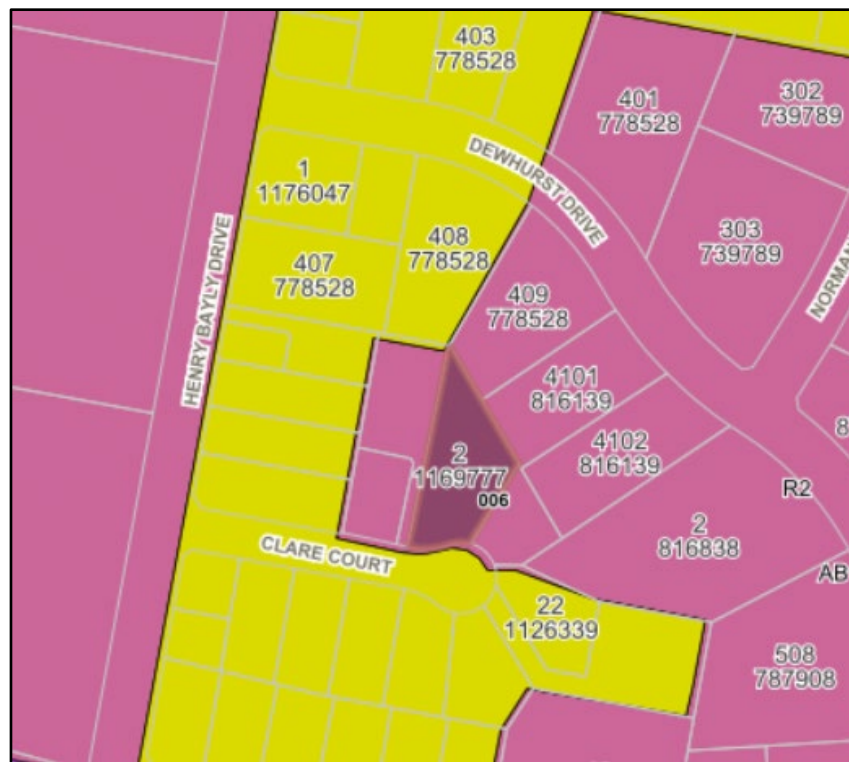


Figure 4: Minimum Lot Size mapping (Purple = 10 ha Yellow = 600sqm)

Clause 4.6 Exceptions to development standards

It is proposed to vary Clause 4.1 of the MWRLEP 2012 to reduce the minimum lot size from 10ha to 719m² and 983m², representing a variation of 92.81% and 90.17% to the development standard respectively. The development standard to be varied states the following:

- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified the correct approach to the consideration of clause 4.6 requests as follows:

- Clause 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.
- The first opinion of satisfaction in clause 4.6(4)(a)(i) is whether the clause 4.6 request has adequately addressed the matters required to be demonstrated in clause 4.6(3). Those matters are:
 - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - that there are sufficient environmental planning grounds to justify contravening the development standard.
- The consent authority does not have to directly form the opinion of satisfaction regarding these matters, but only indirectly form the opinion of satisfaction that the written request has adequately addressed these matters.
- The second opinion of satisfaction in clause 4.6(4)(a)(ii) is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.
- The consent authority must be directly satisfied that the clause 4.6 request adequately addresses the matter in clause 4.6(4)(a)(ii), which is not merely that the proposed development will be in the public interest, but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development in the zone.
- The final precondition in clause 4.6(4) that must be satisfied is that the concurrence of the Secretary of the Department of Planning and Environment has been obtained.

Given the above, an assessment has been made taking into consideration the above points and the requirements of Clause 4.6 as follows:

2. Clause 4.6(4)(a)(i)

The consent authority satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3) being:

- *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

The applicant has provided an appropriate justification that the minimum lot size standard is unreasonable and unnecessary in this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The reasons (as summarised by the applicant in their report, a copy can be found in Attachment 2) are as follows:

- The proposed subdivision already has development consent and the proposed modification is a minor change to the approved subdivision plan.

- The site is relatively flat, environmentally unconstrained and able to accommodate a dwelling without negative impacts on adjoining properties.
- A dwelling on the subject lot can be easily serviced with electricity, water and sewer services and has adequate access.
- The proposed development will not affect the character of the area or create any land use conflicts.
- The development does not create a precedent for similar proposals.
- The development is consistent with the objectives of clause 4.1.
- The proposal achieves a better outcome for the Clare Court streetscape and character than the retention of a vacant area.
- The application of the R2 zone to the subject land is inappropriate and unreasonable.

A full copy of the justification is attached in Attachment 2.

2. **Clause 4.6(4)(a)(ii)**

The consent authority satisfied that the proposal will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.

Comment:

It is proposed to vary Clause 4.1 Minimum Lot Size of the MWRLEP 2012. The applicant has provided an appropriate response to how the proposal meets the objectives of this Standard which incorporates the following (refer to Attachment 2 for a full assessment):

(a) *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*

- Comment**
- The subdivision will result in two lots that are similar in size to existing lots in Clare Court.
 - The lots will facilitate the construction of a dwelling which is similar in scale and character with the existing streetscape.

(b) *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*

- Comment**
- The proposed front lot (currently vacant) is likely to be developed with a single storey dwelling similar to that of other dwellings in Clare Court. The size of the lot is sufficient to allow for the construction of a dwelling that has minimal impacts on the amenity of neighbouring properties.
 - The rear lot is already developed with a dwelling and unlikely to create any additional amenity issues as a result of the boundary adjustment.

(c) *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*

- Comment**
- The rear lot will contain an existing dwelling.
 - The vacant lot will be 719m² in size with adequate dimensions to accommodate a dwelling compliant with the relevant development controls.
 - The applicant has also provided further discussion regarding the appropriateness of the lot to accommodate a dwelling in Attachment 2.

(d) *to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*

Comment Not applicable – the land is located within an urban area.

(e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*

Comment The subdivision is not expected to have a significant impact on the natural environment.

(f) *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*

Comment Not applicable – the land is located in an urban area.

Given the above, the proposal is considered to be consistent with the objectives of Clause 4.1 and the zoning of the land R2 Low Density Residential (as set out previously in this report). The proposed variation to the minimum lot size is therefore considered to be in the public interest in this case.

3. **Clause 4.6(4)**

Council must be satisfied is that the concurrence of the Secretary of the Department of Planning and Environment has been obtained.

Comment

The Secretary's concurrence may be assumed in accordance with Planning Circular PS 20-002 issued on 5 May 2020 which states:

all consent authorities may assume the Secretary's concurrence under:

- *Clause 4.6 of a local environmental plan that adopts the Standard Instrument (Local Environmental Plan) Order 2006 or any other provision of an environmental planning instrument to the same effect, or*
- *State Environmental Planning Policy No 1 – Development Standards.*

However the assumed concurrence is subject to conditions:

- In relation to “**Numerical and non-numerical development standards**” the circular states that the Secretary's concurrence may not be assumed by a delegate of council if:
 - The development contravenes a numerical standard by greater than 10%; or
 - The variation is to a non-numerical standard.

The circular further states that “the purpose of the restriction on assumed concurrence for variations of numerical and non-numerical standards applying to delegates is to ensure that variations of this nature are considered by the council or its independent hearing and assessment panel and that they are subject to greater public scrutiny than decisions made by council staff under delegation”.

In this case as it is proposed to vary the minimum lot size by more than 10% and is being considered at a Council meeting. Accordingly, the secretary's concurrence can be assumed.

4. **Clause 6**

Relates to variations to the minimum lot size for Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

Comment: Not applicable - the land is zoned R2 Low Density Residential.

5. **Clause 8**

Requires that development consent cannot be granted in relation to a development standard for complying development, in connection to a commitment set out in a BASIX certificate or Clause 5.4

Comment: The variation does not related to any development standards excluded by Clause 8.

Clause 5.10 Heritage Conservation

No items of aboriginal significance or a heritage item are recorded on the site or in the vicinity. Notwithstanding this, Condition 24 on the consent will be retained to ensure that work is ceased should an item be discovered during construction.

Clause 5.21 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 6.1 Salinity

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

Clause 6.3 Earthworks

The proposal involves only minimal earthworks in order to service the proposed lots. The works are not expected to generate any significant impacts as listed in Clause 6.3(3).

Clause 6.4 Groundwater vulnerability

The site is not identified as groundwater vulnerable.

Clause 6.5 Terrestrial biodiversity

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

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

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

- a. The supply of water

Comment: Conditions on the existing consent relating to the provision of separate reticulated water services to each lot will be retained.

- b. The supply of electricity

Comment: Condition 17 on the existing consent relating to the provision of electricity to each lot will be retained.

- c. The disposal and management of sewage

Comment: Conditions on the existing consent relating to the provision of separate reticulated sewer services to each lot will be retained / updated.

d. Stormwater drainage or on-site conservation

Comment: New buildings constructed on proposed lots 1 and 2 can be drained to Clare Court. Council's Engineers have raised concerns that surface runoff from proposed Lot 1, which slopes down towards the western boundary and has its lowest level at the mid-point of the block, may need to be managed so as it does not impact on Lot 2. It is not known at this stage how the lot will be developed and what its finished surface levels will be, accordingly it is most appropriate that this is addressed at such time as the lot is developed. Accordingly, an advisory notation has been added to inform the developer of this issue and the possible requirement for a Stormwater Management Plan.

e. Suitable road access

Comment: All lots have road access to Clare Court. A section 138 application can be lodged with Council to physically construct an access, when required.

Clause 6.10 Visually sensitive land near Mudgee

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

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

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

Mid-Western Regional Development Control Plan 2013 (DCP 2013)

An assessment is made of the relevant chapters and sections of this DCP 2013. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 5.3 Stormwater Management

Council's Development Engineers have confirmed that new buildings constructed on proposed lots 1 and 2 can be drained to Clare Court. As mentioned previously, concerns have been raised in relation to surface runoff from proposed Lot 1, which may impact on Lot 2. It was concluded that this issue is best addressed when the lot is developed and as such an advisory note has been added to inform the developer of this issue and the possible requirement for a Stormwater Management Plan.

Part 5.4 Environmental Controls

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

Part 7.1 Urban Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Applies to	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential
Lot size	
Minimum lot size as determined by MWRLEP 2012	Yes

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
All lots have street frontage	All lots have frontage to Clare Court
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m ² – 10-15 degrees: 700m ² – 15-20 degrees: 800m ² – >20: subdivision prohibited	Complies – the site is relatively flat with each dwelling exceeding 600m ²
All lots have 16m width at building line in residential and village zones	Yes. Lots are of ample size and dimension
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Not applicable
Battle-axe handles in R2 and R5 residential zones have width of 6m	Proposed lot 2 has a battle-axe handle which will be less than 6m at 5m. The variation is considered justified in this case as it is consistent with the battle-axe handle on the adjoining lot which is also in the R2 zone. Also, the original consent approved the battle-axe handle with a 5m width (no change)
Lot Design	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Yes. Achieves adequate solar access.
For new release subdivision lot orientation maximises solar access by maximising north-south lots	Not applicable
For new release subdivision east-west orientated lots have increased width and midpoint	Not applicable
Lots generally rectangular in shape	The lots are not rectangular in shape, however this is considered appropriate in this case as Lot 1 already contains a dwelling and Lot 2 is of sufficient shape and size to accommodate a dwelling. It is also noted that the originally approved lots were also not rectangular in shape
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Not applicable – lots are on the northern side of the road
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Not applicable
Street Layout and Design	
Traffic Impact Statement submitted for 5+ lots	Not applicable
Traffic Impact Statement submitted for all subdivisions where new road required	Not applicable
Subdivision integrates with existing residential area	Yes
New roads must provide “through road” connections to surrounding roads and road heads where they exist in the locality	Not applicable
Where cul-de-sac treatment unavoidable, pedestrian linkages between streets provided	Not applicable
Multiple cul-de-sacs and “no through roads” discouraged	Not applicable
Maximum number of lots in cul-de-sac is 12 lots	Not applicable

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

Section 7.11 Contributions and Section 64 – Water/Sewer Developer Services Charges

The modification to subdivision layout does not impact on the Section 7.11 (previously Section 94) Contributions or Section 64 Contributions levied and included as a condition of approval.

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

No Planning Agreements are applicable.

Regulations –4.15(1)(a)(iv)

Environmental Planning and Assessment Regulation 2000

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

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

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

(a) Context and Setting

No additional impact - the proposed modified subdivision layout is appropriate with regards to the surrounding context and setting.

(b) Access, Transport and Traffic

No additional impact - the modified layout will not impact on access to the subdivision from Clare Court and will not increase the volume of traffic from that considered under the original application.

(c) Public Domain

No impact - The proposed modification will not impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces.

(d) Utilities

All relevant utilities are available or can be made readily available to the proposed new lots.

(e) Heritage

Not applicable.

(f) Other Land Resources

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

(g) Water

No significant impact expected.

(h) Soils

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

(i) Air and Microclimate

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

(j) Flora and fauna

Not applicable.

(k) Waste

Waste service available.

(l) Energy

Not applicable.

(m) Noise and Vibration

Not applicable.

(n) Natural Hazards

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

(o) Technological Hazards

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

(p) Safety, Security and Crime Prevention

Increased passive surveillance as a result of the proposed development.

(q) Social Impact in the Locality

Generally positive.

(r) Economic Impact in the Locality

Generally positive.

(s) Site Design and Internal Design

Adequate as discussed throughout this report.

(t) Construction

To comply with the BCA where relevant.

(u) Cumulative Impacts

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

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

(a) Does the proposal fit in the locality?

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

(b) Are the Site Attributes conducive to Development?

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

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

(a) Public Submissions

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

(b) Submissions from Public Authorities

No submissions were sought or received from public authorities.

The Public Interest – 4.15(1)(e)

(a) Federal, State and Local Government interests and Community interests

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

Consultations

(a) Health and Building

No consultation necessary.

(b) Technical Services

Council's Development Engineer has not raised any concerns with the proposal subject to the update of existing conditions to reflect current requirements and terminology. A new advisory note has also been added relating to the requirement for a stormwater management plan when lot 1 is further developed in order to address overland flow.

(c) Heritage Advisor

No consultation necessary.

(d) Access committee

No consultation necessary.

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

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.

SARAH HOPKINS
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON

DIRECTOR DEVELOPMENT

26 August 2021

- Attachments:*
1. Proposed subdivision plan.
 2. Applicant Report - 4.6 Variation (ME0051/2021).

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



EXISTING FENCE

LOT 2
DP 1169777
1702 sqm

LOT 1
DP 1169777
1007 sqm (BY TITLE)

PROPOSED LOT 2
883 sqm

PROPOSED LOT 1
718 sqm

LOT 7
DP 1056178

CLARE COURT

LEGEND

---	EXISTING SURVEY CADASTRAL BOUNDARIES - BY TITLE
---	EXISTING FENCE LINE
---	EXTENDED FENCE LINE

NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN BEEN PLOTTED AS REQUIRED UNDER DIVISION 1, SECTION 9(1) OF THE "SURVEYING AND SPATIAL INFORMATION REGULATION 2017". IT HAS NOT BEEN DETERMINED BY AN ACCURATE BOUNDARY SURVEY.
- A DETAIL LEVEL SURVEY IS NOT TO BE CONSIDERED AS A BASIS FOR THE SURVEYING AND SPATIAL INFORMATION PROVIDED ON THIS PLAN.
- THE SURVEYING AND SPATIAL INFORMATION PROVIDED ON THIS PLAN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY CONSTRUCTION OR DESIGN WORK WHICH RELIES ON CRITICAL SETBACKS FROM THE STREET OR BOUNDARIES IS PLANNED. IT WOULD BE PREFERABLE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.
- THE LOCATION AND DEPTHS OF UNDERGROUND SERVICES ARE NOT SHOWN ON THIS PLAN. ANY SUCH SERVICES SHOULD BE CONSULTED BEFORE ANY EXCAVATION, DEPOSITION OR CONSTRUCTION COMMENCES.
- THERE MAY BE UNDERGROUND SERVICES THAT HAVE NOT BEEN SHOWN HEREON.
- BARNSON TAKES NO RESPONSIBILITY FOR DAMAGES OR LOSSES THAT MAY OCCUR TO ANY PERSON OR PROPERTY AS A RESULT OF THE RELIANCE ON THIS PLAN FOR THE LOCATION OF UNDERGROUND SERVICES.



DATE OF SURVEY: 19th JUNE 2021
SURVEY BY: BT

ISSUED TO CLIENT

Survey: BT Certification: BT

Drawn: BT

Check: RB Drawing Number: 35957_L01

Original Sheet: See A.1

Revision: A

Rev. Date Amendment
A 07/06/2021 651610 to Claret

Client: GREG TOOLE CONSTRUCTION
Project: PLAN SHOWING DUAL OCCUPANCY
6 CLARE STREET
LOT 2 IN DP1169777
Drawing title: DUAL OCCUPANCY PLAN

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS AND CONDITIONS OF THE CONTRACT AND THE DRAWINGS ATTACHED TO THIS PROJECT. NO PART OF THIS DRAWING MAY BE REPRODUCED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF BARNSON PTY LTD.

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EXCEPTION TO DEVELOPMENT STANDARD REPORT

6 Clare Court, Mudgee



Navigate Planning

21 June 2021

1 INTRODUCTION

This report supports an application to modify development consent DA0314/2008 for a three lot subdivision on land at Lot 2, DP 1169777, 6 Clare Court, Mudgee (the subject land).

The development consent permitted the subdivision in two stages. Stage 1 has been completed. It is now proposed to complete Stage 2.

The subject land is 1702m² in size and contains a dwelling towards the rear of the lot with a fenced yard. The front portion of the site is vacant, with a driveway along the western boundary. The modification application proposes to amend the boundary between proposed lots 1 and 2 to follow the line of the fence associated with the existing dwelling. The rear lot containing the dwelling would be 983m² in size and the front vacant lot would be 719m² in size.

The location of the subject land is shown in the map below.



2 RELEVANT DEVELOPMENT STANDARDS

The subject land is zoned R2 Low Density Residential under the Mid-Western Regional Local Environmental Plan 2012. The land has a minimum lot size of 10ha.

Subdivision of land must comply with clause 4.1 of the MWRLEP 2012, which is as follows:

4.1 Minimum subdivision lot size

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*
 - (b) *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*
 - (c) *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*
 - (d) *to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*
 - (e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*
 - (f) *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*
- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (3A) *Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system—*
 - (a) *land identified as “Area A” on the Lot Size Map may be subdivided to create lots of at least 2,000 square metres, or*
 - (b) *land identified as “Area B” on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres.*
- (3B) *Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system, land identified as “Area D” on the Lot Size Map may be subdivided to create lots of at least 2 hectares.*
- (4) *This clause does not apply in relation to the subdivision of any land—*
 - (a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
 - (b) *by any kind of subdivision under the Community Land Development Act 1989.*

The subject land has a minimum lot size of 10ha. At 1702m² in size, the subject land is less than the minimum lot size. The approved subdivision of the land (DA0314/2008) results in two lots beneath the minimum lot size. The proposed modification also results in two lots beneath the minimum lot size, at 983m² and 719m² in size.

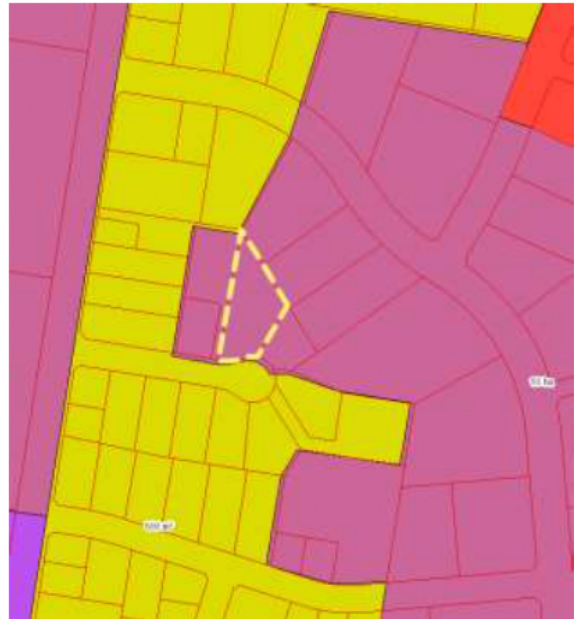
The subject land is not identified on the Lot Size Map in Areas A, B or D. The proposed subdivision is not a strata or community title subdivision.

Therefore, the development standard that the applicant seeks to vary is the minimum lot size of 10ha, as referred to in clause 4.1 (3) of the MWRLEP 2012.

Extracts of the LEP 2014 Land Zoning and Minimum Lot Size Maps are provided below.



LEP 2014 Land Zoning Map



LEP 2014 Minimum Lot Size Map

Development can be approved despite non-compliance with a development standard under clause 4.6 of LEP 2014. Clause 4.6 is as follows:

4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows—*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) *the consent authority is satisfied that—*

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Planning Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4.*

As noted above, the approved subdivision and proposed modification contravenes the current minimum lot size standard referred to in clause 4.1 of MWRLEP 2012. Clause 4.1 is not expressly excluded from the operation of Clause 4.6.

This report should be considered a written request from the applicant for approval of an application to modify development consent (DA0314/2008) for Stage 2 of a three lot subdivision, being a two lot subdivision of Lot 2 DP 1169777 at 6 Clare Court, Mudgee, despite non-compliance with the minimum lot size development standard. Justification for the non-compliance is provided in Section 3 of this report.

Importantly, there is no upper limit to the extent of variation that can be argued and approved. The only limit relates to whether the Council has assumed concurrence to approve a variation. The Department of Planning's Planning Circular PS20-002 states that concurrence may not be assumed if the development contravenes a numerical standard by greater than 10%. The proposed variation is greater than 10%.

3 RELEVANT CASE LAW

There are a number of Land and Environment Court cases that provide guidance in the preparation of written requests to justify non-compliance with a development standard under clause 4.6 of Local Environmental Plans, including:

Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.

Brigham v Canterbury–Bankstown Council [2018] NSWLEC 1406.

Wehbe v Pittwater Council [2007] NSWLEC 827.

Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248.

Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90.

Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.

In *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Commissioner Preston summarised (from *Wehbe v Pittwater Council [2007] NSWLEC 827*) five common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary (under clause 4.6(3)(a)), as follows:

- *The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
- *A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
- *A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- *A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable.*
- *A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary.*

The above ways to establish that a variation from a development standard is well founded are included in the Department of Planning's Guide to Varying Development Standards 2011.

The Commissioner also stated that an applicant does not need to establish all of the ways and that establishing only one way may be sufficient.

In relation to clause 4.6(3)(b), the Commissioner stated that the grounds relied on by the applicant in the written request must be "environmental planning grounds" by their nature, being grounds that relate to the subject matter, scope and purpose of the EPA Act. The environmental planning grounds must be "sufficient", in order "to justify contravening the development standard", so that the consent authority can be satisfied that the written request has adequately addressed this matter. The Commissioner clarified that "*the focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole*".

In relation to clause 4.6(4)(a)(ii), the Commissioner stated that the consent authority must be satisfied that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out.

4 JUSTIFICATION FOR EXCEPTION TO DEVELOPMENT STANDARD

As stated above, clause 4.6 of LEP 2014 requires a written justification for non-compliance with a development standard to demonstrate that:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

Council must also be satisfied that the development is in the public interest.

The following issues are relevant considerations in determining whether the proposed development can be approved, despite non-compliance with the minimum lot size development standard:

- the objectives of clause 4.1 of MWRLEP 2012,
- the relevant environmental planning grounds, and
- the appropriateness of the R2 zone applying to the subject land.

4.1 Clause 4.1 Objectives

This section of this report seeks to demonstrate that compliance with the relevant development standard is unreasonable or unnecessary in this case as the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The objectives of clause 4.1 are outlined below, along with comments relating to the proposed development.

- (a) *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*

Comment – The approved subdivision, as modified, will result in two lots that are similar in size to existing lots in Clare Court and will facilitate the construction of a dwelling that is consistent in scale and character with the existing streetscape.

The proposal will result in a lot fronting Clare Court plus a rear lot, similar to the adjoining land at 4 and 4A Clare Court.

The proposed lots will be 719m² and 983m² in size. Existing lots in Clare Court range from 698m² to 4,108m² in size, as shown in the following table, along with the zoning and minimum lot size standard for each lot.

Land	Area	Zone	MLS
3 Clare Court	914m ²	R1	600m ²
4 Clare Court	698m ²	R2	10ha
4A Clare Court	1,313m ²	R2	10ha
5 Clare Court	936m ²	R1	600m ²
7 Clare Court	944m ²	R1	600m ²
8 Clare Court	700m ²	R2	10ha
9 Clare Court	930m ²	R1	600m ²
10 Clare Court	997m ²	R1	600m ²
11 Clare Court	1,041m ²	R1	600m ²
13 Clare Court	4,108m ²	R2	10ha
15 Clare Court	2,007m ²	R1	600m ²

The majority of lots in Clare Court are zoned R1 General Residential and have a minimum lot size of 600m². This is the predominant minimum lot size for residential land zoned R1 in Mudgee. The proposed lots will be larger than this predominant minimum lot size for residential land in Mudgee.

Note: Section 4.4 below seeks to establish that the R2 zoning of the subject land was unreasonably and inappropriately applied and that compliance with the minimum lot size development standard in the circumstances of the case is also unreasonable and unnecessary.

(b) *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*

Comment – The proposed front lot which is currently vacant is proposed to be developed with a single storey dwelling similar to other dwellings in Clare Court (subject to a separate development application). The size of the proposed lot will facilitate a dwelling that will have minimal to no impacts on the amenity of neighbouring properties.

(c) *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*

Comment – The proposed lot which is currently vacant land will be able to accommodate a dwelling that can comply with relevant development controls.

(d) *to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*

Comment – This objective is not relevant to the proposed development as the subject land is not rural land.

(e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*

Comment – The proposed dwelling will have no negative impact on the natural environment as the land is relatively flat, clear of native vegetation, not proximate to any watercourse and is able to be serviced with all essential utilities.

(f) *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*

Comment – This objective is not relevant to the proposed development as the subject land is not rural land.

Based on the above, it is considered that the proposed development will comply with the objectives of clause 4.1 of MWRLEP 2012 and therefore compliance with the minimum lot size development standard is unreasonable or unnecessary in this case. This satisfies clause 4.6(3)(a) of LEP 2014.

4.2 The Relevant Environmental Planning Grounds

This section of this report seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the relevant development standard.

4.2.1 *The capacity of the subject land to accommodate a dwelling*

The subject land is relatively flat, with a slight slope to the rear. A dwelling exists towards the rear of the lot with a driveway along the western side boundary. The front part of the site is vacant, contains no vegetation and has good frontage to Clare Court. The vacant part of the land has ample capacity to accommodate a dwelling in compliance with relevant development controls.

There is no physical or environmental impediment to the location of a dwelling on the front part of the subject land, despite it being smaller than the minimum lot size development standard, as:

- The site does not contain any native vegetation.
- The land is not identified as visually sensitive or groundwater vulnerable in the MWRLEP 2012 Maps.
- The land where a dwelling is proposed is not traversed by or in close proximity to a watercourse.
- The land is not steep in slope.
- The land is not identified as bushfire prone land.

There will also be no detrimental impacts on the amenity of the locality from the erection of a dwelling on the subject land, as:

- All services required for a dwelling can be provided without impacting on adjoining properties.
- A dwelling on the lot can be sited and oriented to avoid privacy impacts.
- A dwelling on the lot can be developed with no overshadowing impacts on adjoining properties.
- A dwelling can be erected in a manner that fits with the character of the area.

Photos of the subject land and surrounding properties are provided on the following pages.

Photo 1 – The subject land, 6 Clare Court



Photo 2 – Dwellings at 8 and 10 Clare Court



Photo 3 – Dwellings at 3, 5, and 7 Clare Court



Photo 4 – Dwellings at 4 and 4A Clare Court



Photo 5 – Dwellings at 9 and 11 Clare Court



4.2.2 Potential Precedent

In Clare Court the only other lots capable of further subdivision (with a similar variation required to Clause 4.1) are 4A and 13 Clare Court which are both rear lots. These lots do not have the same advantage as the vacant part of Lot 6 which has a good frontage to Clare Court. Both lots are also already developed with dwellings that would limit the capacity for subdivision. It is therefore considered that the proposal does not represent a precedent for further subdivision of R2 zoned land in Clare Court.

In the area of the R2 zone in which the subject land is included, centred on Dewhurst Drive, there are a number of lots that are capable of further subdivision (with a similar variation required to Clause 4.1). However, the character of the R2 land along Dewhurst Drive is very different to the character of Clare Court. The lots along Dewhurst Drive have been developed with large dwellings, many two-storeys in height, with large landscaped setbacks, on a wide street with mature street trees and occasional glimpses of the surrounding landscape. Clare Court contains more modest single storey dwellings with smaller setbacks on a narrower street with no street trees.

Photos demonstrating the character of Clare Court are provided above. Photos demonstrating the different character of the Dewhurst Drive areas are provided on the following page.

Photo 6 – Norman Road near the intersection of Dewhurst Drive – wide, tree-lined street



Photo 7 – Dewhurst Drive between Henry Bayley Drive and Norman Road – wide, tree-lined street



Photo 8 – Two-storey dwelling with large landscaped setback on Dewhurst Drive



Photo 9 – Two-storey dwelling with large landscaped setback on Dewhurst Drive



There is only one lot, on a cul-de-sac off Dewhurst Drive, at 3 Caerleon Court, which is in any way similar to 6 Clare Court. This lot is considered to be the only lot for which the proposal could be argued to be a precedent. However, that lot has been developed in a manner that would limit the capacity for subdivision.

Other land zoned R2 in Mudgee is either developed for 2000m² to 4000m² lots or is undeveloped land that will be the subject of planning proposals for any future proposed change to the minimum lot size.

Importantly, the subject land already has development consent for subdivision. No other similar land is likely to have approval for a subdivision less than the minimum lot size.

I contend that the approval of this development does not set a precedent for other possible applications as the circumstances of each case will differ from those in this case. In particular, this case is considered quite unique in terms of the lack of environmental or servicing constraint, and by having development consent for subdivision already in place. In any case, every application, including those requesting an exception to a development standard, must be assessed on their own individual merits.

4.2.3 *The Public Interest*

Completion of the approved subdivision and development of the subject land will complete the Clare Court streetscape which is currently disrupted by the presence of a vacant area that, to the average viewer, would appear to be an undeveloped residential lot. The vacant area detracts from the current streetscape and provides a locational opportunity for undesirable social behaviour. For example, the land has often been used as a dumping ground for rubbish items, such as broken bicycles. Leaving the area vacant has a greater potential to detrimentally impact the amenity of the street than the erection of a dwelling on the lot.

Based on the above, it is considered that there are sufficient environmental planning grounds to justify contravening the minimum lot size development standard. This satisfies clause 4.6(3)(b) of MWLEP 2012.

4.3 **The appropriateness of the R2 zone**

The R2 zone has generally been applied in Mudgee for large-lot urban residential development. The much larger minimum lot sizes applied to R2 land in Mudgee (from 2ha to 20ha), compared to the R1 zone (600m²), appears in most areas to represent a holding pattern on future development, requiring prospective developers to submit planning proposals to address relevant environmental and servicing issues and justify appropriate development outcomes.

This approach is reasonable for undeveloped land, particularly where there are environmental or servicing constraints that need to be addressed.

The application of the R2 zone to the subject land in Clare Court is considered inappropriate. Clare Court is a cul-de-sac, predominantly zoned R1 with a minimum lot size of 600m². There are no servicing or environmental constraints to the development of land in Clare Court. There is no physical or visual difference between the land zoned R1 and R2 in Clare Court.

The subject land has already received development consent for subdivision (DA0314/2008). At the time, the subject land was zoned Medium Density Residential and the lots proposed to be created all complied with the minimum lot size that applied, being:

- 600m² under the Mid Western Regional Interim Local Environmental Plan 2008, and
- 700m² under the Mudgee South DCP.

The Mudgee South DCP included a map that included a hatched area where a larger minimum lot size (2000m²) applied. The subject land was not included in the hatched area. The map on the following page shows the Mudgee South DCP Map, identifying the subject land.

Extract of Mudgee South DCP Map



★ Subject Land

The current R2 zoning is generally consistent with the hatched area, but the area has been expanded to include the subject land.

The subject land, and the adjoining lots at 4, 4A and 8 Clare Court should not have been included in the R2 zone with a 10 hectare minimum lot size applied, for all of the reasons outlined above, but particularly given the former medium density residential zoning, the existing subdivision approval and the fact that the land was not within the hatched area in the Mudgee South DCP. The land should have been zoned R1 General Residential, consistent with the other lots in Clare Court, with a minimum lot size of 600m².

5 CONCLUSION

The proposed two-lot subdivision on the subject land at 6 Clare Court, Mudgee is a development that can comply in all respects with Council's requirements, except for the fact that the proposed lots are less than the minimum lot size development standard.

This report seeks to justify the non-compliance with clause 4.1 of the Mid-Western Regional Local Environmental Plan 2012 under clause 4.6 of that Plan.

An exception to the minimum lot size development standard is considered justified for the following reasons:

1. The proposed subdivision already has development consent and the proposed modification is a minor change to the approved subdivision plan.
2. The site is relatively flat, environmentally unconstrained and able to accommodate a dwelling without negative impacts on adjoining properties.
3. A dwelling on the subject lot can easily be serviced with electricity, water and sewer services, and has adequate access.
4. The proposed development will not affect the character of the area or create any land use conflicts.
5. The development does not create a precedent for similar proposals.
6. The development is consistent with the objectives of clause 4.1.
7. The proposal achieves a better outcome for the Clare Court streetscape and character than the retention of a vacant area.
8. The application of the R2 zone to the subject land is inappropriate and unreasonable.

For these reasons, it is considered unreasonable and unnecessary to require compliance with the minimum lot size standard in this case. This report outlines the environmental planning grounds that justify approval of the modification despite the non-compliance. The public interest is served by the approval of an application to modify a development consent that in all other respects complies with relevant LEP objectives and provisions and has minimal to no environmental or amenity impacts.

8.5 Housekeeping Amendment to the Mid-Western Regional Local Environmental Plan 2012

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, LAN900121

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Housekeeping Amendment to the Mid-Western Regional Local Environmental Plan 2012;**
2. **provide initial support for the Housekeeping Amendment to:**
 - a) **update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings;**
 - b) **include 6 Bulga Street, Gulgong (dwelling) – Lot 3 DP 570476 in Schedule 5 Environmental Heritage;**
 - c) **rezone Lot 3 DP 1172889 and part of a crown road to E1 National Parks and Nature Reserves;**
 - d) **include a dwelling entitlement for Lots 4, 5, 6 and 8 DP 271077 in Schedule 1 Additional Permitted uses;**
3. **forward the Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning Industry and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

Executive summary

Council has prepared a Housekeeping Amendment to the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012).

A Housekeeping Amendment is minor in nature, is intended to correct any discrepancies and does not require any strategic land use studies to be undertaken.

A Planning Proposal is a document that explains the intended effect of an amendment to the local environmental plan. This housekeeping Planning Proposal focuses on the following four areas:

- 1) Update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings. The updated Schedule 5 is provided as Appendix 2 in the attached Planning Proposal.

2) Include 6 Bulga Street, Gulgong (dwelling) – Lot 3 DP 570476 in Schedule 5 Environmental Heritage, as requested by the landowner.

3) Rezone Lot 3 DP 1172889 and part of a crown road to E1 National Parks and Nature Reserves as directed by the Office of Environment & Heritage NSW National Park & Wildlife.

4) Include a dwelling entitlement for Lots 4, 5, 6 and 8 DP 271077 in Schedule 1 additional permitted uses, as this was the intended outcome of the determination of the subdivision development application.

The Planning Proposal provided as Attachment 1 has been prepared in accordance with the structure outlined in the NSW Department of Planning Industry and Environment (DPIE) Guide to Preparing Planning Proposals. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The staff recommendation is to provide initial support for the Planning Proposal and to send to the Department of Planning Industry and Environment (DPIE) for a Gateway Determination. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DPIE for Gateway Determination.

Disclosure of Interest

Nil.

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPIE has issued A Guide to Preparing Planning Proposals, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

DPIE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in DPIE’s A Guide to Preparing Local Environmental Plans.

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal prepared by Staff	✓	August/September 2021.
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 15 September 2021 meeting.
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		

Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSED / INTENDED OBJECTIVE & OUTCOMES

Part 1 of the attached Planning Proposal, details the background and reasoning for the housekeeping amendments to the MWRLEP 2012. Below is a summary of the proposed amendments, the land to which the amendments apply and what the objective/outcome of the amendments.

Proposed Amendment	Land to which it applies	Objective/Outcome
1. Update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings.	Heritage items listed in Schedule 5 Environmental Heritage.	To accurately identify heritage items.
2. Heritage listing of three properties	6 Bulga Street, Gulgong - Lot 3 DP 570476	The assist in the conservation of the properties significance.
3. Rezoning of Lot 3 DP 1172889 and part of a crown road.	Lot 3 DP 1172889 and part of a crown road.	To undertake rezoning as directed by the Office of Environment & Heritage, NSW National Parks & Wildlife Service.
4. Dwelling entitlement for Lots 4, 5, 6 and 8 DP 271077 included in Schedule 1 Additional permitted uses.	Lots 4, 5, 6 and 8 DP 271077.	To facilitate development consent for dwellings on the subject lots.

EXPLANATION OF PROVISIONS

The objectives and intended outcomes as described above will be achieved by the following:

Proposed amendment	Explanation of Provisions
1. Update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings.	Schedule 5 Environmental Heritage will be updated with Attachment 1
2. Heritage listing of three properties	Assign an item number and include in Schedule 5: 6 Bulga Street, Gulgong - Lot 3 DP 570476.
3. Rezoning of Lot 3 DP 1172889 and part of a crown road.	Update Map LZN 009, Map Sheet ID Number 5270_COM_LZN_009_160_20120619 with Rezoning of Lot 3 DP 1172889 and part of a crown road.
4. Dwelling entitlement for Lots 4, 5, 6 and 8 DP 271077 included in Schedule 1 Additional permitted uses.	Include item 5. Use of certain land at 166, 174, 180 and 200 Lesters Lane, Piambong - Lots 4, 5, 6 and 8 DP 271077, development for a dwelling house is permitted with development consent.

JUSTIFICATION

The justification for the housekeeping Planning Proposal is outlined in Part 3 of the attached Planning Proposal.

NEXT STEP

If Council supports the staff recommendation, the next step would involve forwarding the Planning Proposal and a Council resolution of initial support to DPIE seeking a Gateway Determination.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

Strategic implications

Council Strategies

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040.
Mid-Western Regional Comprehensive Land Use Strategy, August 2010.

Council Policies

The forwarding of the Planning Proposal will not require any change to relevant policies.

Legislation

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Local Environmental Plan 2012*.

Financial implications

Nil

Associated Risks

If Council does not wish to provide initial support for the Planning Proposal, Council may resolve not to proceed with the Planning Proposal.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

15 July 2021

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.6 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT
TO 4 AUGUST 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 July 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

23 July 2021

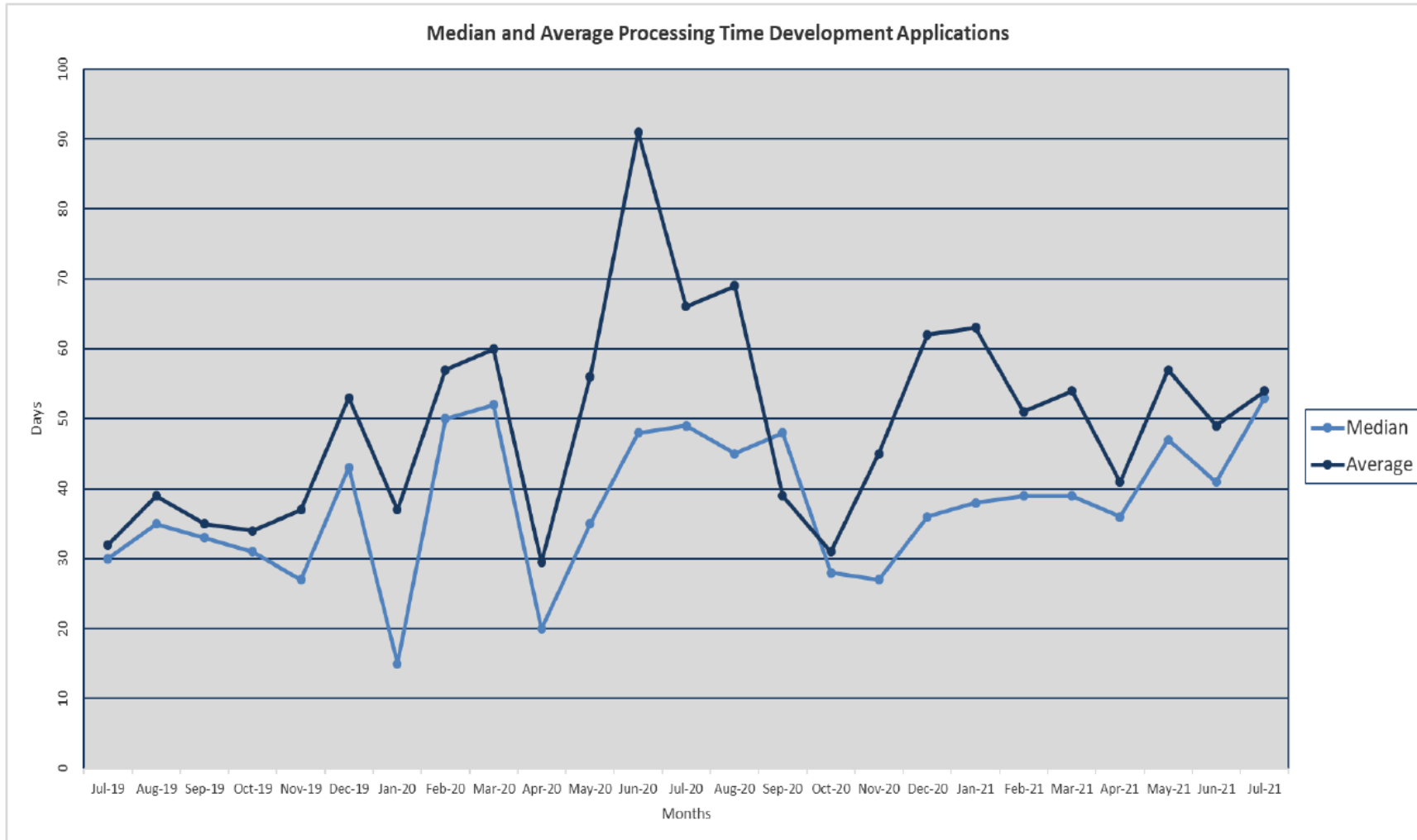
Attachments: 1. Monthly Development Application Processing and Determined - July 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

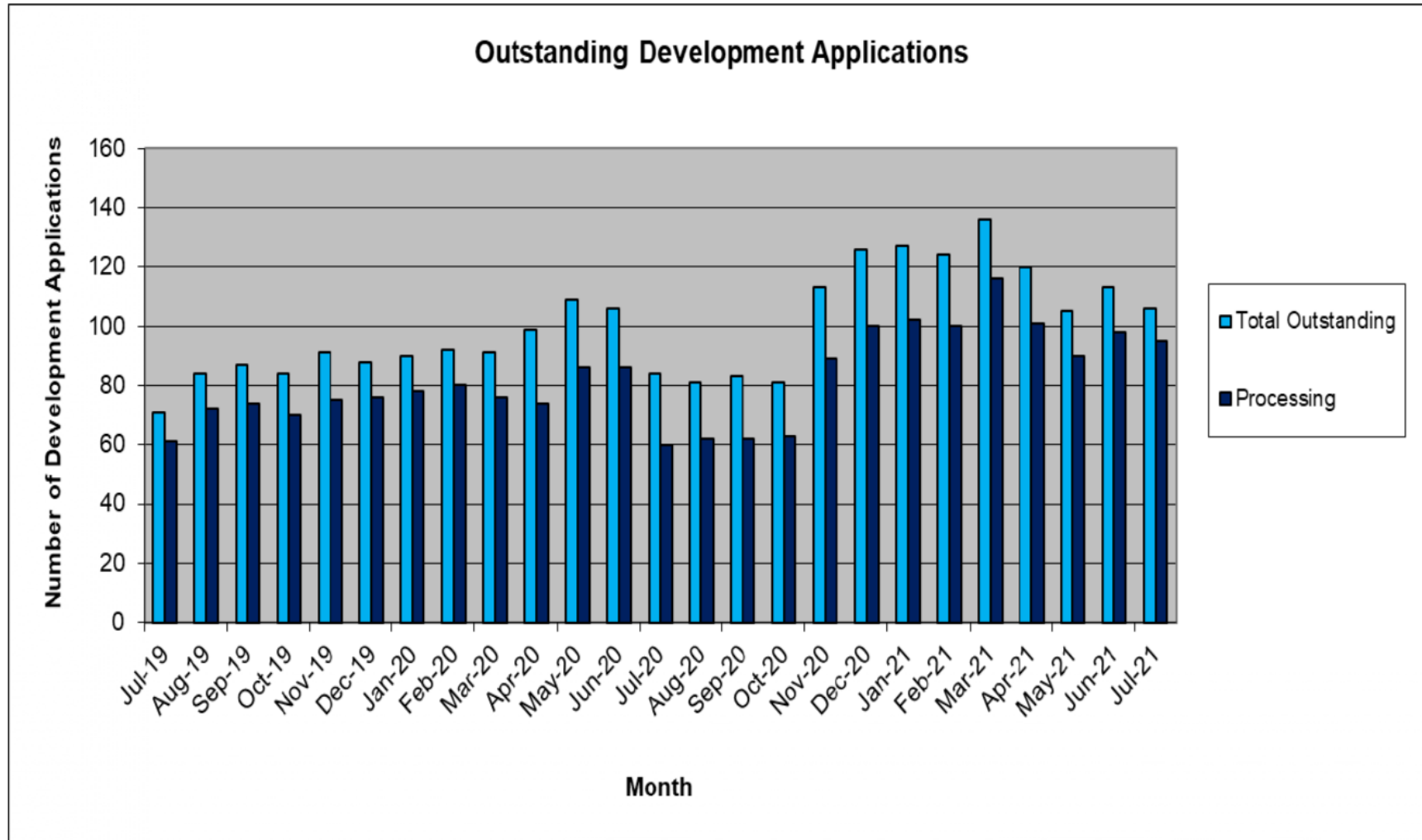
Monthly Development Application Processing Report – July 2021

This report covers the period for the month of July 2021. Graph 1 indicates the processing times up to 31 July 2021 with the month of July having an average of 54 days and a median time of 53 days.



Monthly Development Application Processing Report – July 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 – July 2021

The Planning and Development Department determined 35 Development Applications either by Council or under delegation during July 2021.

Development Applications Determined – July 2021

App/Proc ID	Description	House No	Street Name	Locality
DA0228/2019	Recreation facility (outdoor)	103	Wattlegrove Lane	LINBURN
DA0123/2021	Industrial Building	9	Sydney Road	MUDGEE
DA0188/2021	Multi dwelling housing	47	Lewis Street	MUDGEE
DA0251/2021	Change of use - light industry	18	Sydney Road	MUDGEE
DA0303/2021	Subdivision - Torrens Title	26	Hone Creek Road	CAERLEON
DA0309/2021	Restaurant	91	Horatio Street	MUDGEE
DA0322/2021	Commercial Alterations/Additions	433	Ulan Road	EURUNDEREE
DA0334/2021	Shed >150m2	166	Lesters Lane	PIAMBONG
DA0346/2021	Subdivision - Torrens Title	17	Harvey Street	BOMBIRA
DA0347/2021	Commercial Alterations/Additions	42	Court Street	MUDGEE
DA0352/2021	Subdivision - Torrens Title	71	Fairydale Lane	MUDGEE
DA0354/2021	Carport	151	Market Street	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
DA0373/2021	Dwelling House	87	Belmore Street	GULGONG
DA0374/2021	Residential Shed	15	Butler Circle	BOMBIRA
DA0375/2021	Residential Shed	8	Old Mill Road	GULGONG
DA0377/2021	Swimming Pool	53	Thompsons Lane	GULGONG
DA0381/2021	Secondary dwelling	387	Cypress Drive	YARRAWONGA
DA0385/2021	Dwelling House	43	Denison Street	MUDGEE
DA0386/2021	Residential Shed	11	Lynne Street	GULGONG
DA0388/2021	Secondary dwelling	118	Medley Street	GULGONG
DA0389/2021	Shed >150m2	303	Stoney Creek Road	STONY CREEK
DA0392/2021	Demolition	40	Inglis Street	MUDGEE
DA0395/2021	Serviced apartment	22	Rheinberger Avenue	MUDGEE
DA0397/2021	Demolition	22	Lawson Street	MUDGEE
DA0398/2021	Dwelling House	106	Spring Flat South Lane	SPRING FLAT
DA0399/2021	Alterations & Additions	10	Mulgoa Way	MUDGEE

Monthly Development Application Processing Report – July 2021

DA0406/2021	Dwelling House	787	Ridge Road	COOKS GAP
DA0418/2021	Dwelling House	361	Ilford Hall Road	ILFORD
DA0422/2021	Function centre	17	Kellett Drive	MUDGEES
DA0425/2021	Alterations & Additions	109	Louee Street	RYLSTONE
DA0013/2022	Dwelling House	36	Bateman Avenue	MUDGEES

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

DA number	Number of DCP variation(s)	Level of variation
DA0188/2021	2	Non-numerical (Private open space design); >10% (setback)
DA0334/2021	1	>10% (shed size)
DA0354/2021	1	>10% (side setback)
DA0374/2021	1	>10% (side setback)

Monthly Development Application Processing Report – July 2021

Development Applications currently being processed – July 2021.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgong Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0214/2018	Camping Ground	2970	Lue Road	LUE
DA0089/2019	Change of use - Shed to dwelling	2037	Coxs Creek Road	RYLSTONE
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
DA0125/2021	Subdivision - Torrens Title	18	Marshfield Lane	MUDGEE
DA0157/2021	Farm stay accommodation	1307	Castlereagh Highway	APPLE TREE FLAT
DA0161/2021	Subdivision - Torrens Title	230	Reedy Creek Road	RYLSTONE
DA0166/2021	Water storage facility	51	Oaklands Road	MOUNT FROME
DA0199/2021	Change of use - Serviced apartment	1	Sydney Road	MUDGEE
DA0211/2021	Eco-tourist facility	1245	Coxs Creek Road	COXS CREEK
DA0231/2021	Residential Shed	35	Redbank Road	MUDGEE
DA0232/2021	Tourist and visitor accommodation	2976	Goolma Road	GOOLMA
DA0283/2021	Commercial Premises	3	Sydney Road	BURRUNDULLA
DA0299/2021	Function centre	833	Goolma Road	GUNTAWANG
DA0302/2021	Cafe	24	Cox Street	LUE
DA0324/2021	Commercial Alterations/Additions	548	Hill End Road	ERUDGERE
DA0341/2021	Subdivision - Torrens Title	85	Rocky Waterhole Road	MOUNT FROME
DA0367/2021	Residential Shed	145	Bruce Road	MUDGEE
DA0376/2021	Shed >150m2	842	Ridge Road	COOKS GAP

Monthly Development Application Processing Report – July 2021

DA0378/2021	Change of use - Shed to dwelling	143	Cypress Drive	YARRAWONGA
DA0383/2021	Signage	5	Knox Crescent	CAERLEON
DA0393/2021	Dwelling House	35	Beryl Road	GULGONG
DA0396/2021	Child Care Centre	26	Melton Road	MUDGEE
DA0403/2021	Dwelling House	563	Burrundulla Road	BURRUNDULLA
DA0404/2021	Tourist and visitor accommodation	239	Gladstone Street	MUDGEE
DA0405/2021	Residential Shed	126	Market Street	MUDGEE
DA0407/2021	Secondary dwelling	54	Rodgers Street	KANDOS
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
DA0419/2021	Dual Occupancy	690	Wollar Road	CROSS ROADS
DA0420/2021	Dwelling House	296	Laheys Creek Road	BERYL
DA0421/2021	Alterations & Additions	39	Mulgoa Way	MUDGEE
DA0423/2021	Dwelling House	11	Tongbong Street	RYLSTONE
DA0424/2021	Residential Shed	3	Rodgers Street	KANDOS
DA0426/2021	Change of use - shed to agricultural produce industry	269	Henry Lawson Drive	EURUNDEREE
DA0429/2021	Dual Occupancy	182	Cudgegong Road	RYLSTONE
DA0430/2021	Dual Occupancy	6	Brian Heber 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
DA0001/2022	Dwelling House	17	Waterworks Road	MUDGEE
DA0002/2022	Alterations and additions to industrial developmnt	11	Industrial Avenue	MUDGEE
DA0003/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0005/2022	Garage	39	Henry Bayly Drive	MUDGEE
DA0006/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0010/2022	Shed >150m2	16	Jindalee Road	COOKS GAP
DA0011/2022	Dwelling House	38	Wurth Drive	BOMBIRA

Monthly Development Application Processing Report – July 2021

DA0012/2022	Tourist and visitor accommodation	1214	Lue Road	MOUNT FROME
DA0014/2022	Business premises	31	Sydney Road	MUDGEE
DA0015/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0016/2022	Swimming Pool	243	Beragoo Road	GRATTAI
DA0018/2022	Shed >150m2	9	Hone Creek Drive	CAERLEON
DA0019/2022	Dwelling House	3477	Ulan Road	COOKS GAP
DA0020/2022	Alterations & Additions	772	Black Springs Road	BUDGEE BUDGE
DA0021/2022	Dwelling House	3	Staggerwing Road	RYLSTONE
DA0023/2022	Shed >150m2	14	Harvey Street	BOMBIRA
DA0024/2022	Shed >150m2	8	Swords Court	MUDGEE
DA0027/2022	Dwelling House	57	Beragoo Road	GRATTAI
DA0029/2022	Dwelling House	13	Caledonian Street	GULGONG
DA0030/2022	Dual Occupancy	350	Lowes Peak Road	ST FILLANS
DA0032/2022	Dwelling House	510	Ridge Road	COOKS GAP
DA0033/2022	Dwelling House	727	Castlereagh Highway	BURRUNDULLA
DA0034/2022	Shed >150m2	17	Hollingsworth Drive	GULGONG
DA0035/2022	Subdivision - Torrens Title	207	Market Street	MUDGEE
DA0036/2022	Shed >150m2	61	White Circle	MUDGEE
DA0037/2022	Alterations & Additions	73	Merinda Street	HARGRAVES
DA0038/2022	Dwelling House	55	Berwick Road	RUNNING STREAM
DA0039/2022	Dwelling House	44	Saleyards Lane	MUDGEE
DA0041/2022	Farm building	1477	Spring Creek Road	YARRAWONGA
DA0040/2022	Garage	155	Robertson Street	MUDGEE
DA0042/2022	Dwelling House	7	Carwell Street	RYLSTONE

Monthly Development Application Processing Report – July 2021

Heritage Development Applications currently being processed – July 2021.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0300/2019	Demolition	80	Madeira Road	MUDGEE
DA0066/2021	Commercial Alterations/Additions	77	Medley Street	GULGONG
DA0159/2021	Information and education facility	49	White Street	GULGONG
DA0198/2021	Change of use - dwelling to serviced apartment	110	Church Street	MUDGEE
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0246/2021	Dual Occupancy	90	Louee Street	RYLSTONE
DA0296/2021	Dual Occupancy	61	Denison Street	BURRUNDULLA
DA0309/2021	Restaurant	91	Horatio Street	MUDGEE
DA0369/2021	Alterations & Additions	22	Queen Street	GULGONG
DA0379/2021	Commercial Alterations/Additions	28	Market Street	MUDGEE
DA0384/2021	Residential Shed	42	Mudgee Street	RYLSTONE
DA0390/2021	Secondary dwelling	130	Mortimer Street	MUDGEE
DA0400/2021	Alterations & Additions	5	Court Street	MUDGEE
DA0401/2021	Subdivision - Torrens Title	8	Wattle Lane	GULGONG
DA0408/2021	Dwelling House	153	Market Street	MUDGEE
DA0409/2021	Commercial Alterations/Additions	104	Church Street	MUDGEE
DA0415/2021	Mixed use development	23	Lewis Street	MUDGEE
DA0427/2021	Dual Occupancy	7	Loy Avenue	MUDGEE
DA0428/2021	Signage	90	Market Street	MUDGEE
DA0004/2022	Alterations & Additions	30	Denison Street	MUDGEE
DA0007/2022	Telecommunications facility	2	Wilbetree Street	GULGONG
DA0008/2022	Demolition	2	Douro Street	MUDGEE
DA0017/2022	Retail premises	72	Lewis Street	MUDGEE
DA0025/2022	Secondary dwelling	133	Horatio Street	MUDGEE
DA0026/2022	Commercial Alterations/Additions	97	Market Street	MUDGEE
DA0028/2022	Alterations & Additions	66	Inglis Street	MUDGEE
DA0031/2022	Alterations & Additions	97	Lewis Street	MUDGEE
DA0043/2022	Signage	22	Perry Street	MUDGEE

8.7 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT
TO 15 SEPTEMBER 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 August 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

06 SEPTEMBER 2021

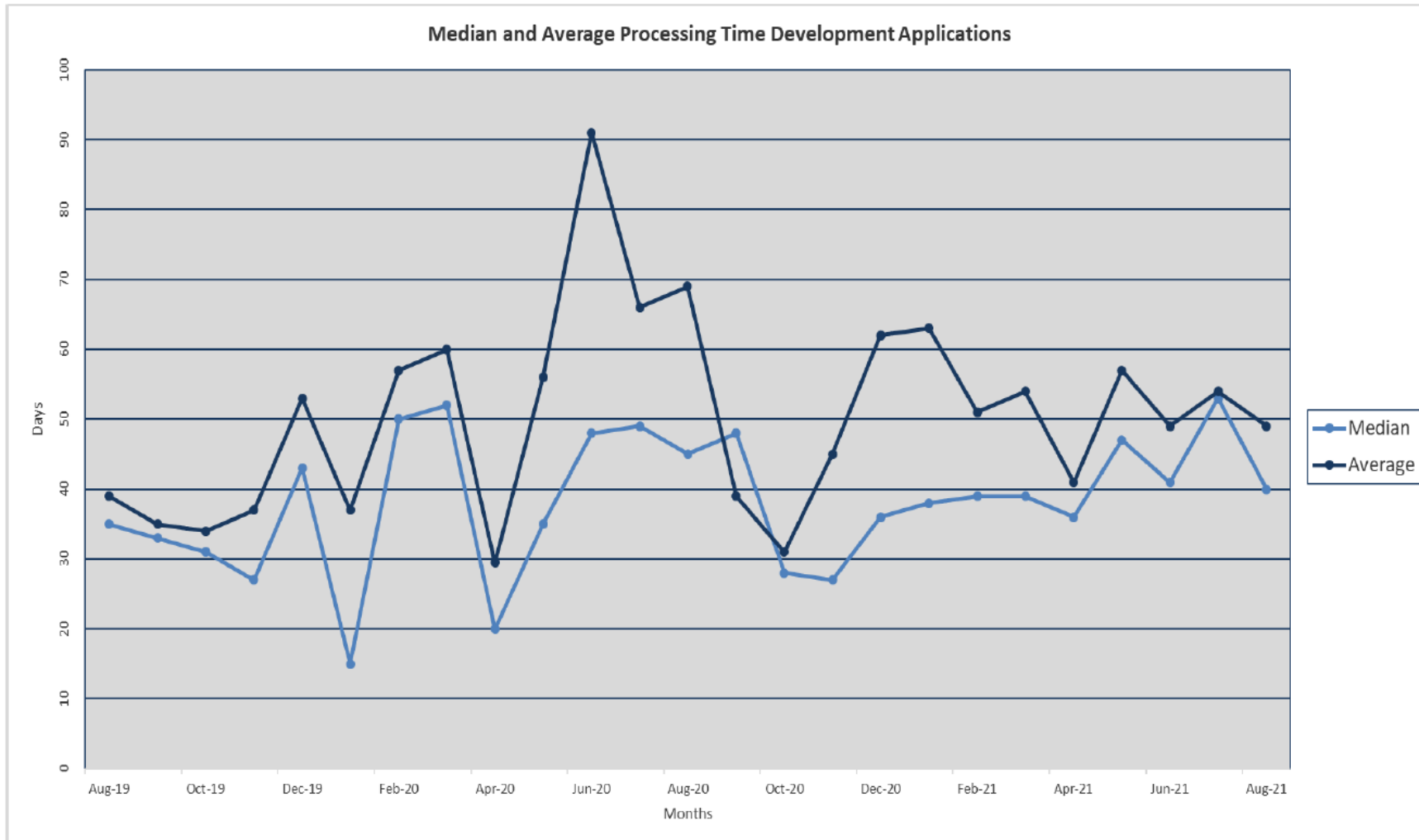
Attachments: 1. Monthly Development Applications Processing and Determined - August 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

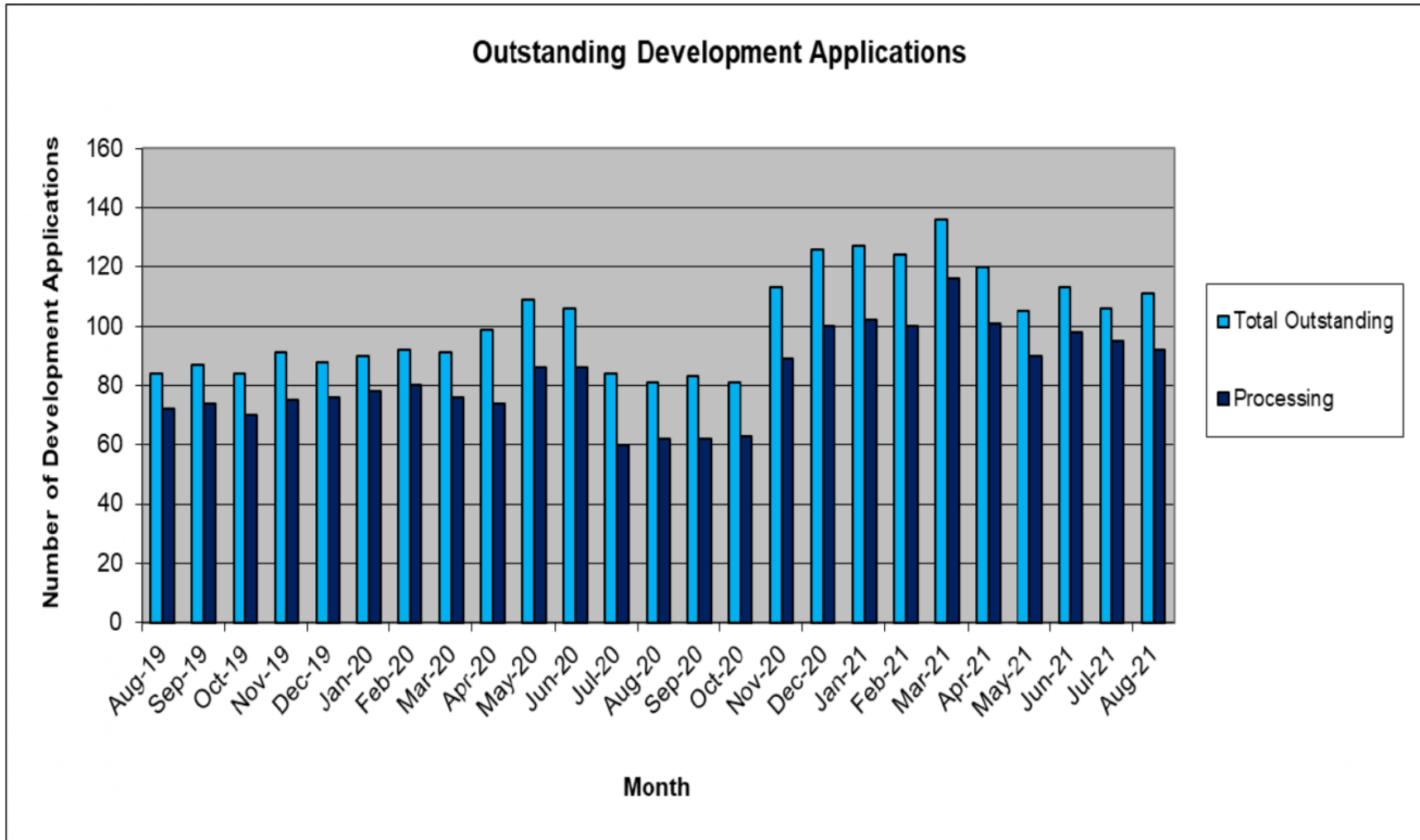
Monthly Development Application Processing Report – August 2021

This report covers the period for the month of August 2021. Graph 1 indicates the processing times up to 31 August 2021 with the month of August having an average of 49 days and a median time of 40 days.



Monthly Development Application Processing Report – August 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 – August 2021

The Planning and Development Department determined 38 Development Applications either by Council or under delegation during August 2021.

Development Applications Determined – August 2021

App/Proc ID	Description	House No	Street Name	Locality
DA0066/2021	Commercial Alterations/Additions	77	Medley Street	GULGONG
DA0161/2021	Subdivision - Torrens Title	199	Reedy Creek Road	RYLSTONE
DA0211/2021	Eco-tourist facility	1245	Coxs Creek Road	COXS CREEK
DA0246/2021	Dual Occupancy	90	Louee Street	RYLSTONE
DA0283/2021	Commercial Premises	3B	Sydney Road	BURRUNDULLA
DA0296/2021	Dual Occupancy	61	Denison Street	MUDGEE
DA0299/2021	Function centre	833	Goolma Road	GUNTAWANG
DA0367/2021	Residential Shed	145	Bruce Road	MUDGEE
DA0376/2021	Shed >150m2	842	Ridge Road	COOKS GAP
DA0390/2021	Secondary dwelling	130	Mortimer Street	MUDGEE
DA0393/2021	Dwelling House	35	Beryl Road	GULGONG
DA0404/2021	Tourist and visitor accommodation	239	Gladstone Street	MUDGEE
DA0408/2021	Dwelling House	153	Market Street	MUDGEE
DA0409/2021	Commercial Alterations/Additions	104	Church Street	MUDGEE
DA0413/2021	Secondary dwelling	290	Riverlea Road	RIVERLEA
DA0414/2021	Residential Shed	3	Enfield Avenue	CAERLEON
DA0417/2021	Dual Occupancy	26	Enfield Avenue	CAERLEON
DA0419/2021	Dual Occupancy	690	Wollar Road	CROSS ROADS
DA0420/2021	Dwelling House	296	Laheys Creek Road	BERYL
DA0423/2021	Dwelling House	11	Tongbong Street	RYLSTONE
DA0426/2021	Change of use	269	Henry Lawson Drive	EURUNDEREE
DA0428/2021	Signage	90	Market Street	MUDGEE
DA0430/2021	Dual Occupancy	6	Brian Heber Grove	MUDGEE
DA0432/2021	Moveable dwelling	542	Spring Flat Road	SPRING FLAT
DA0001/2022	Dwelling House	17	Waterworks Road	MUDGEE
DA0004/2022	Alterations & Additions	30	Denison Street	MUDGEE
DA0005/2022	Garage	39	Henry Bayly Drive	MUDGEE
DA0007/2022	Telecommunications facility	2	Wilbetree Street	GULGONG
DA0011/2022	Dwelling House	38	Wurth Drive	BOMBIRA
DA0016/2022	Swimming Pool	243	Beragoo Road	GRATTAI

Monthly Development Application Processing Report – August 2021

DA0018/2022	Shed >150m2	9	Hone Creek Drive	CAERLEON
DA0019/2022	Dwelling House	3477	Ulan Road	COOKS GAP
DA0021/2022	Other (DA)	3	Staggerwing Road	RYLSTONE
DA0025/2022	Secondary dwelling	133	Horatio Street	MUDGEE
DA0029/2022	Dwelling House	13	Caledonian Street	GULGONG
DA0032/2022	Dwelling House	510	Ridge Road	COOKS GAP
DA0034/2022	Shed>150n2	17	Hollingsworth Drive	GULGONG
DA0041/2022	Farm building	1477	Spring Creek Road	YARRAWONGA

***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
DA0376/2021	1	>10% (setback)
DA0417/2021	2	>10% (lot size) >10% (lot size)
DA0296/2021	1	Non-numerical (private open space standard)

Monthly Development Application Processing Report – August 2021

Development Applications currently being processed – August 2021.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgong Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0214/2018	Camping ground	2970	Walkers Lane	LUE
DA0089/2019	Change of use - shed to dwelling	2037	Creek Road	RYLSTONE
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
DA0125/2021	Subdivision - Torrens Title	18	Marshfield Lane	MUDGEE
DA0157/2021	Farm stay accommodation	1307	Castlereagh Highway	APPLE TREE FLAT
DA0166/2021	Water storage facility	51	Oaklands Road	MOUNT FROME
DA0199/2021	Change of use - Serviced apartment	1	Sydney Road	MUDGEE
DA0231/2021	Residential Shed	35	Redbank Road	MUDGEE
DA0232/2021	Tourist and visitor accommodation	2976	Goolma Road	GOOLMA
DA0302/2021	Cafe	24	Cox Street	LUE
DA0324/2021	Commercial Alterations/Additions	548	Hill End Road	ERUDGERE
DA0341/2021	Subdivision - Torrens Title	85	Rocky Waterhole Road	MOUNT FROME
DA0378/2021	Change of use - shed to dwelling	143	Cypress Drive	YARRAWONGA
DA0383/2021	Child Care Centre	5	Knox Crescent	CAERLEON
DA0396/2021	Child Care Centre	26	Melton Road	MUDGEE
DA0405/2021	Shed >150m2	126	Market Street	MUDGEE
DA0411/2021	Residential Shed	52	Norlenbah Lane	ST FILLANS
DA0412/2021	Other (DA)	38	Spring Flat Road	SPRING FLAT

Monthly Development Application Processing Report – August 2021

DA0416/2021	Dwelling House	4	Grant Bruce Court	MUDGEE
DA0421/2021	Alterations & Additions	39	Mulgoa Way	MUDGEE
DA0424/2021	Residential Shed	3	Rodgers Street	KANDOS
DA0429/2021	Dual Occupancy	182	Cudgong Street	RYLSTONE
DA0431/2021	Secondary dwelling	222	Mount Pleasant Lane	BUCKAROO
DA0433/2021	Recreation facility (indoor)	86	Depot Road	MUDGEE
DA0434/2021	Subdivision - Torrens Title	2	Stewart Street	KANDOS
DA0002/2022	Alterations and additions to industrial developmnt	11	Industrial Avenue	MUDGEE
DA0003/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0006/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0010/2022	Shed >150m2	16	Jindalee Road	COOKS GAP
DA0012/2022	Other (DA)	1214	Lue Road	MOUNT FROME
DA0014/2022	Business premises	31	Sydney Road	MUDGEE
DA0015/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0020/2022	Alterations & Additions	772	Black Springs Road	BUDGEE BUDGE
DA0023/2022	Shed >150m2	14	Harvey Street	BOMBIRA
DA0024/2022	Shed >150m2	8	Swords Court	MUDGEE
DA0027/2022	Dwelling House	57	Beragoo Road	GRATTAI
DA0030/2022	Dual Occupancy	350	Lowes Peak Road	ST FILLANS
DA0033/2022	Dwelling House	727	Castlereagh Highway	BURRUNDULLA
DA0035/2022	Subdivision - Torrens Title	207	Market Street	MUDGEE
DA0036/2022	Shed >150m2	61	White Circle	MUDGEE
DA0037/2022	Alterations & Additions	73	Merinda Street	HARGRAVES
DA0038/2022	Dwelling House	55	Berwick Road	RUNNING STREAM
DA0039/2022	Dwelling House	44	Saleyards Lane	MUDGEE
DA0042/2022	Caravan Park	3	Carwell Street	RYLSTONE
DA0044/2022	Shed >150m2	68	Zimmer Lane	GULGONG
DA0045/2022	Other (DA)	569	Hill End Road	ERUDGERE
DA0046/2022	Shed >150m2	3	Redbank Road	MUDGEE
DA0047/2022	Dual Occupancy	46	Saleyards Lane	MUDGEE
DA0048/2022	Dwelling House	170	Ulan Road	BOMBIRA
DA0049/2022	Shed >150m2	41	Winter Street	MUDGEE
DA0051/2022	Shed >150m2	3	Redbank Road	MUDGEE

Monthly Development Application Processing Report – August 2021

DA0052/2022	Alterations & Additions	169	Pyangle Road	CAMBOON
DA0053/2022	Dwelling House	38	Hill End Road	CAERLEON
DA0054/2022	Ancillary Residential Development	25	Burrundulla Avenue	MUDGEE
DA0055/2022	Dwelling House	176	Spring Ridge Road	GULGONG
DA0056/2022	Subdivision - Torrens Title	407	Springfield Lane	GULGONG
DA0057/2022	Shed >150m2	23	Melton Road	MUDGEE
DA0058/2022	Farm building	1728	Hill End Road	GRATTAI
DA0059/2022	Animal boarding or training establishment	31	Blain Road	CAERLEON
DA0060/2022	Shed >150m2	58	Holleys Lane	GULGONG
DA0063/2022	Subdivision - Torrens Title	165	Robertson Street	MUDGEE
DA0065/2022	Subdivision - Torrens Title	4	Worobil Street	GULGONG
DA0067/2022	Garage	577	Burrundulla Road	BURRUNDULLA
DA0068/2022	Dwelling House	60	Knox Crescent	CAERLEON
DA0069/2022	Alterations and additions to industrial developmnt	12	Industrial Avenue	MUDGEE
DA0071/2022	Dual Occupancy	58	Saleyards Lane	MUDGEE
DA0072/2022	Subdivision - Torrens Title	31	Madeira Road	MUDGEE
DA0073/2022	Shed >150m2	42	Pindari Road	COLLINGWOOD
DA0074/2022	Garage	155	Robertson Street	MUDGEE
DA0077/2022	Dwelling House	36	Saleyards Lane	MUDGEE
DA0078/2022	Dwelling House	38	Saleyards Lane	MUDGEE
DA0079/2022	Dual Occupancy	54	Saleyards Lane	MUDGEE

Monthly Development Application Processing Report – August 2021

Heritage Development Applications currently being processed – August 2021.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEES
DA0300/2019	Demolition	80	Madeira Road	MUDGEES
DA0159/2021	Information and education facility	49	White Street	GULGONG
DA0198/2021	Change of use - residential to serviced apartment	110	Church Street	MUDGEES
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0369/2021	Alterations & Additions	22	Queen Street	GULGONG
DA0379/2021	Commercial Alterations/Additions	28	Market Street	MUDGEES
DA0384/2021	Residential Shed	42	Mudgee Street	RYLSTONE
DA0401/2021	Subdivision - Torrens Title	8	Wattle Lane	GULGONG
DA0415/2021	Mixed use development	23	Lewis Street	MUDGEES
DA0427/2021	Dual Occupancy	7	Loy Avenue	MUDGEES
DA0008/2022	Demolition	2	Douro Street	MUDGEES
DA0017/2022	Retail premises	72	Lewis Street	MUDGEES
DA0026/2022	Other (DA)	97	Market Street	MUDGEES
DA0028/2022	Alterations & Additions	66	Inglis Street	MUDGEES
DA0031/2022	Alterations & Additions	97	Lewis Street	MUDGEES
DA0043/2022	Signage	22	Perry Street	MUDGEES
DA0050/2022	Garage	42	Bayly Street	GULGONG
DA0062/2022	Demolition	49	Cox Street	MUDGEES
DA0064/2022	Alterations & Additions	26	Denison Street	MUDGEES
DA0066/2022	Alterations & Additions	7	Belmore Street	MUDGEES
DA0070/2022	Dwelling House	120	Market Street	MUDGEES
DA0061/2022	Secondary dwelling	705	Kains Flat Road	KAINS FLAT
DA0074/2022	Garage	155	Robertson Street	MUDGEES
DA0075/2022	Subdivision - Torrens Title	62	Court Street	MUDGEES
DA0076/2022	Alterations & Additions	109	Lewis Street	MUDGEES
DA0080/2022	Dual Occupancy	22	Lawson Street	MUDGEES

Item 9: Finance

9.1 Naming of new streets in a subdivision off Spring Flat Road Spring Flat / Burrundulla

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, P19766 R0790041

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of new streets in a subdivision off Spring Flat Road Spring Flat / Burrundulla; and**
2. **name Street 1 Polo Crescent and Street 2 Goodman Lane.**

Executive summary

A new subdivision off Spring Flat Road in the localities of Spring Flat and Burrundulla includes two new streets. Addressing requirements for the new subdivision will necessitate the naming of these new streets.

Disclosure of Interest

Nil.

Detailed report

Council, being the Roads authority, is required to name new or unnamed streets and roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose names for these new streets.

Council wrote to the property owner and neighbours of the subdivision on the 18th of June requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 25 June 2021 Mudgee Guardian. Submissions closed on 16 July 2021 and during this period 2 responses were received with the following names suggested:

Polo
Mallett
Goodman

These names have been evaluated via the Geographical Names Board and are acceptable for use as street names.

The recommended name of Polo relates to the historical names for the paddocks between Spring Flat Road and Oakey Creek. These paddocks were known as Polo and Top Polo for decades, and

are now part of this subdivision. It is likely the paddocks were known by these names because they were used as polo fields by the Cox family.

The recommended name of Goodman relates to the Goodman family and specifically Charles (1828-1912), his son William Goodman (1859-1943), William's son Ernest Goodman (1890-1986) and Ernest's son Urban Goodman (1919-1993). The Goodman family came to the area in the 1860's when Charles travelled here following the Victorian gold rush. The family have been gold fossickers, farmers, musicians, rabbit trappers, labourers, masons, dairy farmers, market gardeners and Council employees. Multiple generations of the family still live in the area.

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of these new streets will allow the completion of street addressing within this new subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name."

In accordance with Council's Road, Bridge and Place Naming Policy, the names that Council endorses for these streets will be:

1. Advertised in the Mudgee Guardian inviting submissions in writing from the public for a period of 21 days.
2. Concurrently, notice of the proposed names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc., and, in the case of a classified road – Roads and Maritime Services, inviting submissions in writing for a period of 14 days.

At the expiration time for lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street names, and Gazettal of the new street names.

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

Road, Bridge and Place Naming Policy.

Legislation

The Roads Act, 1993.

Road Regulation 2008.
Geographical Names Act, 1996.

Financial implications

The cost and installation of three street signs. Two for Polo Crescent located at the intersections with Spring Flat Road and Goodman Lane, and one for Goodman Lane at the intersection with Spring Flat Road. The costs of which will be met by the developer.

Associated Risks

Nil.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

26 July 2021

Attachments: 1. Submission.
2. Submission.
3. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Burrundulla Pty Ltd

3 June 2021

The Manager
Revenue and Property
Mid-Western Regional Council
PO Box 156

MUDGEES NSW 2850

Dear Sir/Madam

RE DA0154/2020

Your Reference CA P19766 RO790041 DA 0154/2020

Road Naming Schedule

I refer to your letter of 3 May 2021.

We submit the following names for your consideration.

For the road commencing opposite Hill Sixty Road: Polo Crescent

For the Road running east/west near the northern boundary of Lot 25: Mallett Drive

Yours Faithfully

C H Cox

For Burrundulla Pty Ltd





BURRUNDULLA PTY LIMITED

24 June 2021

The Manager
Revenue and Property
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Dear Madam

RE: Naming of new streets in a subdivision off Spring Flat Road
Your Ref: CA P19766 R0790041

I refer to your letter of 16 June to Burrundulla Pty Limited.

I cannot specifically say that the land involved has a connection to the game of Polo but it appears likely that there is a historical one.

It is the practice of farming properties to name their paddocks, commonly referencing a geographical feature or some other characteristic. The paddocks between the Spring Flat Road and Oakey Creek have been named Polo and Top Polo for the 83 years of my life and presumably much longer so it is reasonable to assume that the game of Polo was once played there.

Polo was introduced into Australia in 1875 and, in the two decades following clubs were formed in many towns in regional NSW including Muswellbrook, Coolah, Wellington, Scone and Mudgee. The records of NSW Polo Association reveal it was common practice that play would take place on one or more of the member's acreages. Living in the district at that time were a number of the sons and daughters and nieces and nephews of George Cox, the owner of Burrundulla, and it is likely that they and their friends played Polo and used the flat land in the area of the subdivision as a polo field as it would have been relatively accessible to the other interested players and spectators.

I am sorry I cannot be more precise.

Yours Sincerely

Christopher Cox

Mr Brad Cam
Midwestern Regional Council
PO Box 56 MUDGEE
NSW 2850

June 30 2021

Dear Mr Cam,

Please accept my submission for the naming of new streets off Spring Flat Road. I suggest the name of GOODMAN be used for this purpose (or any other streets within MWRC) based on over 150 years of connection to our community;

- My paternal great-grandfather, William Goodman, first came to the Gulgong /Mudgee area in the mid-late 1800's, following the goldrush from Victoria to this region. He married Selina Shields in Mudgee & their partnership produced 10 children.
- Many of their descendants still reside here or maintain links to Mudgee. Many descendants are buried at the Tunnabutta Cemetery, located between Apple Tree Flat & Windamere Dam.
- In 1920 my grandfather, Ernest Goodman, purchased his own small holding of land at Apple Tree Flat where he & my grandmother, Maria (Gleeson), raised their 2 sons. Ernie & Maria were both musicians & played for many of the local village dances around the Melrose, Mullamuddy, Apple Tree Flat & Cudgegong areas.
- Both William & later, Ernest, earned their living around Mudgee, fossicking for gold, rabbit trapping during The Great Depression & working on local farms & in kaolin & sandstone quarries, as well as farming their own land. My grandfather talked about cutting sandstone blocks for St Mary's Catholic Church during his working years.

- My father, Urban, was raised at Apple Tree Flat. In his adult years, he & my mother, Nellie (Constable), returned to live on the farm after Dad returned from World War II. They had previously owned a dairy farm at Buckaroo & also resided in Mudgee for a time.
- My parents went on to raise 7 daughters at Apple Tree Flat, with me being the lucky last!
- They again operated a small dairy, one of many in that region who supplied fresh cream each day to the local Mudgee Dairy Co, to be processed into Munna Butter.
Ernie & Urban kept beehives on the farm & produced a prolific amount of local honey as well as vegetables & fruit. Mum, my sisters & I all contributed to work on the farm.
- The property remained in our family until its sale in 1996.

- In addition to running the farm, my father was an employee of the then Cudgegong Shire for many years until his retirement in 1980, working for many decades as a ganger on the roads.
- My mother originally came to Mudgee as a teenager (from the Cassilis area) to work as a housekeeper/nanny for the pioneering Cox family. After her marriage, as well as raising 7 children, she worked picking vegetables at local farms along the Cudgegong River flats & later worked for the Loneragan & Kellett families. Again, she was a valued & respected employee to foundation families in this region. She was a renowned cake decorator & teacher & provided wedding cakes to many couples in our region during the 1970's & 80's.
- My sisters & I all attended St Matthew's school in Mudgee, with each eventually marrying at St Mary's Church. We all forged our working careers in this town until eventually moving onto the next stages of our lives. Some of our children were educated & worked in Mudgee & now many of our children & grandchildren have returned to Mudgee to live, thus completing the Goodman/Mudgee circle.
- The Goodman descendants now carry many other surnames but my family are proud to have made such strong contributions to the local region. Having a street named after the Goodman family would be a lovely way to honour our forebears & keep the Goodman name alive in Mudgee.

Yours sincerely
Kate Allport



Mon 26/07/2021 3:23 PM

Kate Allport

Goodman info

To Carolyn Atkins

Hi Carolyn,

Thanks for your call today.

In accessing the birth & death dates of my Goodman relatives, I realised that I failed to mention the very first settler, Charles!

He was William's father & so adds another generation to the Mudgee /Gulgong tree. I have included his details, below;

CHARLES CHRISTOPHER GOODMAN - b; 10/10/1828 d; 05/07/1912. Arrived Mudgee area 1860's

WILLIAM SYDNEY GOODMAN - b; 07/07/1859 d; 26/09/1943

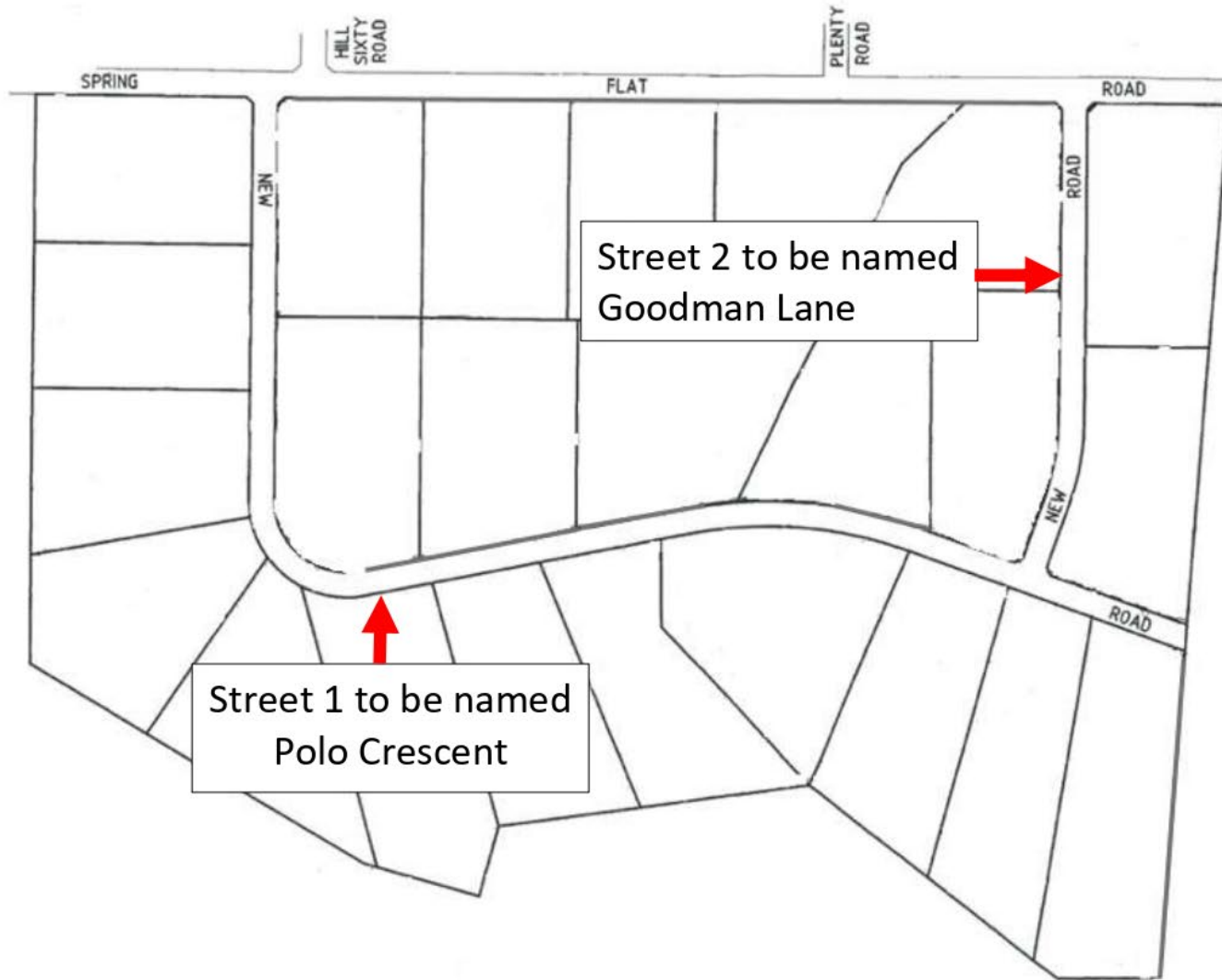
ERNEST SYDNEY GOODMAN - b; 14/12/1890 d; 20/10/1986

URBAN ERNEST GOODMAN - b; 14/05/1919 d; 24/11/1993

Many thanks, Carolyn.

Kind regards

Kate



9.2 Naming of a new street in a subdivision off Wilbetree Road Menah

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, P11946 R0790041

RECOMMENDATION

That Council:

1. receive the report by the Property Support Officer on the naming of a new street in a subdivision off Wilbetree Road Menah; and
2. name this new street Sallarges Lane.

Executive summary

A new subdivision off Wilbetree Road in the locality of Menah includes one new street. Addressing requirements for the new subdivision will necessitate the naming of this new street.

Disclosure of Interest

Nil.

Detailed report

Council, being the roads authority, is required to name new or unnamed streets or roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose a name for this new street.

Council wrote to the property owner and neighbours of the subdivision on 21st July requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 23rd July Mudgee Guardian. Submissions closed on 13th August 2021 and during this period one submission was received with the following name suggested:

Sallarges

This name has been evaluated via the Geographical Names Board and is found acceptable for use as a street name.

The recommended name of Sallarges relates to a nearby waterway named Sallarges Creek.

As there is only one submission in relation to the naming of this road, the following names from Council's Pre-Approved Names List may also be considered:

Rowell	Millett	McVicker	
Fiaschi	Knowles	Endeavour	Resolution

Street naming is legislated under the Roads Act, 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this new street will allow the completion of

street addressing within this new subdivision. Section 162 of the Roads Act (1993) states that “a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name.”

In accordance with Council’s Road, Bridge and Place Naming Policy, the name that Council endorses for this street will be:

1. Advertised in the Mudgee Guardian inviting submissions in writing from the public for a period of 21 days.
2. Concurrently, notice of the proposed name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc., and, in the case of a classified road – Transport For NSW, inviting submissions in writing for a period of 14 days.

At the expiration time for lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street name and Gazettal of the new street name.

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

Road, Bridge and Place Naming Policy.

Legislation

The Roads Act, 1993.
Road Regulation 2008.
Geographical Names Act, 1996.

Financial implications

The cost and installation of one street sign. A sign for Sallarges Lane to be located at the intersection of the new street and Wilbetree Road. The costs of which will be met by the developer.

Associated Risks

Nil.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

19 August 2021

Attachments: 1. Submission.
2. Pre-Approved Names.
3. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Carolyn Atkins

From: Michael de Kantzow
Sent: Thursday, 15 July 2021 3:09 PM
To: Council
Subject: Street/Road name approval

Dear Sir/ Madam

I seek approval for the following street/ road name to be approved for use in the 'Wilbetree' subdivision, the subject of D.A. 0225/2020:

'Sallarges Lane'

This being named after the nearby Sallarges Creek, a named waterway passing through 'Menah' from the point where it passes under the Gulgong Road/ Castlereagh Highway near Abattoirs Rd, through 'Menah' in an easterly direction where it joins the Cudgegong River across the Wilbetree Road.

Thank you for your consideration.

Regards

Michael

Michael de Kantzow

COUNCIL MEETING 3 AUGUST 1993

Marsh (Mudgee) – For Allan Marsh who served on Council and was a member of an old Mudgee family. And for Harold Marsh who also served on Council and was a member of an old Mudgee family and was a Stock & Station Agent and Auctioneer.

Rowell (Mudgee) – For Nicholas Rowell who laid the foundation stone for the Salvation Army Citadel, which opened in 1889. He was a partner in the early Kelletts Department Store and then opened up his own store during the gold rush before taking up farming along Lawson's Creek.

Fiaschi (1853-1927) (Mudgee Eurunderee) – For Thomas Fiaschi. Born in Florence and came to Australia in 1875. A famous Doctor who practiced at Sydney Hospital. After World War I he took over Mudgee Vineyard from the Roth family and was president of the Australian Wine Producers Association of NSW in 1902-27.

COUNCIL MEETING 17 NOV 2012

Endeavour – HMS Endeavour or HM Bark Endeavour was the ship captained by Lieutenant James Cook on his first voyage of discovery to Australia and New Zealand from 1769 to 1771. She was launched in 1764 as the collier Earl of Pembroke but was purchased by the Royal Navy in 1768 for a scientific mission to the Pacific Ocean to observe the 1769 transit of Venus, and to explore the seas for the surmised Terra Australis Incognita.

Resolution – HMS Resolution was the ship captained by Captain James Cook on his second and third voyages of exploration in the Pacific from 1772 to 1775 and 1776 to 1780, after Cook's death in 1779. She was launched in 1770 as the collier Marquis of Granby and was purchased by the Royal Navy in 1771. She was originally registered as HMS Drake but was renamed HMS Resolution in December 1771.

COUNCIL MEETING 16/9/15

Millett (Mudgee) – Walter Millett, Mayor of the former Cudgegong Shire from 1891-1892.

COUNCIL MEETING 21/2/18

Knowles (Mudgee Budgee Budgee) – Bill Knowles (1923-1999) was a very active member in the Mudgee Scouts community, bringing it back to life after a period of inactivity. His methods of assessing Scouts was taken up by the Scout movement. Bill was awarded the King Scout badge in 1940. He was welfare officer for the Mudgee Salvation Army and active in helping members of his own and other rural communities. After attempting to join up twice (he worked in a protected industry), Bill joined the RAAF in 1942. He was a radio technician who worked on Kitty Hawk P40 fighters, sometimes in the air during dog fights, installed telephone systems between bases on Pacific islands and even ran a radio station. He served in Milne Bay in Papua New Guinea, Goodenough Island in the Solomon Sea, Manus Island & Los Negros Island in the Bismarck Sea, and Noemfoor (Numfor) Island in Cenderawasih Bay north east of New Guinea Island. Bill bought his family to Mudgee in 1977 and put his touch on many homes in the area as a licensed handy man and a Master Locksmith.

COUNCIL MEETING 17/4/19

McVicker (Mudgee Eurunderee Budgee Budgee) – for Norman McVicker OAM (1920-2012) actor, playwright, writer, soldier, auditor, journalist, theatre producer, wine maker, herb grower, historical building restorer and scholarship benefactor. Norm wrote his first scripts as a teenager with his first play being performed in 6th class and his first radio play being broadcast in 1937. He served in the Australian Army Service Corps from 1940 to 1946 and completed a journalism course through the Army Education Service. He founded the St Peters Community Players in 1947 which evolved into the Pocket Playhouse in the 1950s and operated until 1973. From 1949 to 1980 Norm worked as an auditor for British Commonwealth Pacific Airlines which integrated with QANTAS in 1954. Retiring from QANTAS he moved to Mudgee and commenced writing for the Mudgee Guardian, lobbying for the restoration of the Eurunderee School and immersing himself in Mudgee's literary and arts scenes. He was awarded the Order of Australia in the 2003 Queens Birthday Honours List for service to the performing arts, particularly theatre, and to the community of Mudgee. Then he was awarded a Life Membership to the Mudgee Arts Council for services to the arts in Mudgee. In 2007

he received The Premier of New South Wales Service Award for outstanding services to the community, and the 2007 Seniors Week Achievement Award for outstanding contribution to the community in the field of Education/Lifelong Learning. After his passing he still contributes to Mudgee with annual Scholarships and Awards that are bequeathed by his Estate to young people in the local area interested in pursuing the performing arts and literature.



Road to be named

9.3 Naming of new streets in a subdivision off Hone Creek Drive Caerleon

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, P26182 R0790141

RECOMMENDATION

That Council:

1. receive the report by the Property Support Officer on the naming of new streets in a subdivision off Hone Creek Drive Caerleon;
2. name Road 1 Davis Crescent and name Road 2 Shearman Street; and
3. approve Orchard for the pre-approved names list for later use in the Caerleon Estate subdivision.

Executive summary

A new subdivision off Hone Creek Drive in the locality of Caerleon includes two new streets. Addressing requirements for the new subdivision will necessitate the naming of these new streets.

Disclosure of Interest

Nil.

Detailed report

Council, being the Roads authority, is required to name new or unnamed streets and roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose names for these new streets.

Council wrote to the property owner of the subdivision on 14th of July requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 6th August 2021 Mudgee Guardian. Submissions closed on 27th of August 2021 and during this period 2 responses were received with the following names suggested:

Shearman
Davis
Newman
Orchard

These names have been evaluated via the Geographical Names Board and are acceptable for use as street names.

The recommended name of Shearman relates to Leslie Christopher (Christie) Shearman (1927-2016). Mr Shearman was born and raised on his family's property of Yandoo near Gulgong. He purchased his own property in 1957 and named it Darthula. This property is still in his family's hands and is located near to the subdivision that includes the road being named. Mr Shearman

was a farmer and grazier all his life. He was active in the Mudgee Community helping form the Junior Rugby League, as a patron of the Pistol Club and as a member of the Erudgere Grattai bush fire brigade. He and his wife Helen raised four children who are now carrying on the farming tradition on Darthula.

The recommended name of Davis relates to Richard Davis (1941-2014). Mr Davis was a strong advocate of regional wine areas and was a leading figure in the Wine and Food Society of NSW for over 20 years. Mr Davis loved the Mudgee area and organised many long weekend bus tours to Mudgee for 40-50 members at a time, especially during the September Food and Wine Festival. Mr Davis' passion for the area rubbed off on his son who chose to be married in Mudgee. Mr Davis' link to the area also includes Caerleon Estate subdivision. Naming a street in the Estate his family are developing would be very fitting.

The other submitted names of Newman and Orchard relate to pioneering families of the area and, keeping in line with the recognition of farming families and properties of the area, would be applicable to upcoming new streets in new stages of the Caerleon Estate subdivision. However, the name of John Newman has already been used in the naming of the bridge over McDonalds Creek a little further along Hill End Road in the locality of Erudgere. Per Council's Road, Bridge and Place Naming Policy the duplication of the name in such close proximity is not acceptable. The name of Orchard, while unsuccessful on this occasion, can be used for a new street in this subdivision in the near future.

Street naming is legislated under the Roads Act 1993. This Act empowers with the authority in charge of the road with the rights to name it. The naming of these new streets will allow the completion of street addressing within this subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name.

In accordance with Council's Road, Bridge and Place Naming Policy, the name that Council endorses for these streets will be:

1. Advertised in the Mudgee Guardian inviting submissions in writing from the public for a period of 21 days.
2. Concurrently, notice of the proposed names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc., and, in the case of a classified road – Roads and Maritime Services, inviting submissions in writing for a period of 14 days.

At the expiration time for lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed street names, and Gazettal of the new street names.

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

Road, Bridge and Place Naming Policy.

Legislation

The Roads Act, 1993.
Road Regulation 2008.
Geographical Names Act, 1996.

Financial implications

The cost and installation of four street signs. Two for Davis Crescent located at the intersections with Hone Creek Drive and Shearman Street, and two for Shearman Street located at the intersections with Hone Creek Drive and Davis Crescent. The costs of which will be met by the developer.

Associated Risks

Nil.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

1 September 2021

Attachments: 1. Submission.
2. Submission.
3. Submission.
4. Submission.
5. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

STREET NAMES FOR CAERLEON DEVELOPMENT, MUDGEES

These names would have to be checked to see that they, or a variation close in spelling/pronunciation, aren't already in use:

Association:

The following names are proposed by close geographical association and from looking at the names of original crown grantees of the relevant land:

KNOX: ~~after crown grantee J. A. Knox, possibly John Knox, a saddler who lived in Mudgee in the second half of the 1800s and had a saddlery business on the north side of Market Street, Mudgee, between Court and Cox Streets.~~ Approved 15/10/14 Council Meeting

HOSKING: ~~after crown grantee George Hosking, a settler from Devon in England who took up numerous small acreages in the immediate area. George Hosking was a relation of the pioneer Crossing family.~~ Approved 15/10/14 Council Meeting

PRICE: after John Alexander Horatio Price, surveyor, builder in the mid 1860s of adjacent homestead now called Carleon Park, home of Max Roth. It seems that the Price family coined the name Carleon for their property. Price may have had some family association with Wales; his wife's maiden name was Campbell.

MOORE: after the Moore family, long time owners of the grazing property Carleon/Meramie.

SUTOR: ~~name of a prominent pioneer grazing family of the Bathurst and Hargraves district, the maiden name of former owner Jay Moore.~~ Approved 15/10/14 Council Meeting

ENFIELD: ~~after an adjoining property to the north, once quite extensive, which was established and expanded by prominent entrepreneur Richard Crossing, originally from Devon in England, and his family.~~ Approved 15/10/14 Council Meeting

SHEARMAN: after Christy and Helen Shearman from neighbouring Darthula.

MERAMIE: ~~after the Moore family property near the NW junction of the Castlereagh Highway and the Hill End Road.~~ Approved 19/10/16 Council Meeting.

HONE: ~~after Hone Creek which flows through the area. The origin of this name is obscure.~~ Hone Creek approved 16/12/15 Council Meeting.

Nathan: **Note re your suggestion CUDGEGONG:** there is an existing street in Rylstone by this name

John Broadley, Mudgee Historical Society

Carolyn Atkins

From: Nathan Davis
Sent: Friday, 16 July 2021 1:07 PM
To: Council
Subject: Caerleon Estate: name request for Proposed Road No.1 in Stages 8 and 9

Attention:
General Manager
Mr Brad Cam
Mid-Western Regional Council
Via email: council@midwestern.nsw.gov.au

Dear Brad,

As more and more stages within Caerleon Estate come online, I understand that Council is now looking to prepare and finalise street names for the new roads that are to be delivered within these new stages.

With this in mind, I am formally writing to you to request that the Proposed Road No.1 in Stages 8 and 9 of Caerleon Estate be called Davis Crescent after my late Father – Richard Davis - who passed away in November 2014. My Father was a huge fan of Mudgee. He was an incredible supporter of what I was doing in Mudgee and he loved my long term vision for Caerleon Estate. One of my biggest regrets is that he couldn't be here now to see the start of what we are creating – with dozens and dozens of houses now built and families moving in to the Estate .

I have included some further background on my Father's affinity with Mudgee and his passion for the area, below.

Richard Davis was a leading figure in the Wine and Food Society of NSW for over 20 years, holding numerous executive positions during his membership.

Davis was a strong advocate of the upcoming regional wine areas within the State with a particular advocacy for the Mudgee region. On many occasions Davis was found to extoll the virtues of the Central West region over the Hunter Valley, to his peers, enjoying the welcoming and hospitable nature of the region's residents and their passion for all things food and wine. Prior to his sudden passing in late 2014, Davis had organised many long weekend bus tours, year on year, to Mudgee for 40-50 members at a time. In the later years, these tours usually coincided with the September Food and Wine Festival.

With a passion for the region's wine and produce, Davis was incredibly proud when his son was married in Mudgee in 2009.

It is only fitting that someone who was so passionate about Mudgee and all it offered, and who sang its praises to all that would listen – and often to those out of town as much as to those within town - can have a street named after him in the Estate his family is now developing.

I trust this request is met with the intent it is made. This is not an ego trip in any way. It is my way of honouring my Father's memory and recognising his love and support for me and his affinity for Mudgee and the surrounding area.

If you have any questions, please don't hesitate in getting in touch.

Kind regards,
Nathan

From: Peter Shearman
Sent: Monday, 16 August 2021 6:49 AM
To: Council
Cc: Helen Shearman Walter Shearman Robert Shearman Fiona Shearman
Subject: MWRC - Attn Diane Sawyers ; RE: Road Naming Query

Attn Diane Sawyer
Manager Revenue and Property

Dear Diane

Re your letter dated 15 July 2021 – Road Naming Query at Caerleon Estate

Thank you and the developer for the opportunity to contribute in the street naming .

We would be honoured to have the Shearman name used at Caerleon Estate.

As brief history Leslie Christopher Shearman (Christie) was born 1927 , being the 4th generation of English assisted immigrants and raised at the family property "Yandoo" at Goolma. Christie purchased the 2200 acre property Darthula in 1957 and was married in 1958 to Helen Janice McDonnell from "Tullamoor" Gulgong .

It was at Darthula , Christie and Helen raised four children, Peter, Fiona , Walter and Robert .

Christie was active in the Mudgee community with the formation of the Junior Rugby league, as patron of the Pistol Club , and the Erudgere Grattai bush fire brigade.

After 59 years at Darthula , Christie passed away in 2016 and since then the Shearman family carry on the farming tradition .

Please convey the families gratitude for considering the Shearman name at Caerleon .

We have a request to exclude the Darthula property name for road naming at Caerleon Estate as we have plans

to use this in the future and would like to avoid any future confusion.

Thank you again

Your sincerely
Helen Shearman
Darthula , Caerleon

27/8/2021

The General Manager,
Mid Western Regional Council,
Mudgee. 2850

RE: SUBMISSION FOR THE NAMING OF 2 STREETS IN CARLEON SUBDIVISION

Dear Mr Camm,

On Friday, August 6th, 2021, the Mudgee Guardian advertised a request for submissions for proposed street names for 2 new streets off Hone Creek Drive in the locality of Caerleon on the Hill End Road, Mudgee.

I would like to propose that the names **Newman** and **Orchard** be considered as street names within this locality.

The names proposed are significant within the locality of Caerleon as John Newman was a pioneer of the Mudgee district and John and his wife Victoria Orchard were settlers and eminent residents of the Caerleon locality.

Stage 1 of Caerleon Estate, recognised early pioneers of our family in naming Hosking Street and Enfield Avenue within the estate. However, my G Grandparent's names were not recognised at that time.

John Newman arrived in Mudgee in 1857 with his cousin George Hosking and he settled in the Erudgere/McDonald Creek area where he and his cousin acquired a considerable amount of land. This was close to land that had already been acquired by their Uncle, Richard Crossing who made his home at Enfield.

The Crossing, Hosking and Newman families were a close knit family and their acquisition of land in the area promoted both agriculture and business ventures within the Mudgee District. George Hosking ran a butcher's shop and farmed land whilst Richard Crossing owned the Settler's store in Mudgee and had had extensive business dealings within in the Mudgee district and acted as Mayor at one time. John Newman, lived in proximity to his cousin, George Hosking and uncle, Richard Crossing at Enfield.

Victoria Orchard came to Mudgee with her parents Jean Marie (John) Orchard and Hannah Sabina (Browne) Orchard in the 1854. Victoria's Grandfather had a distinguished career in the military unit called the Buffs, stationed at Bowenfels. The family were very well respected and both Jean Marie and Hannah contributed to the establishment of the Methodist Church in Mudgee. In later years, after Jean Marie died, Hannah married Daniel Cassin who later became the mayor of Mudgee.

John married Victoria Orchard on 3rd April 1861 and they made their home at "Wattle Cottage", on the corner of the Hargraves and Old Grattai Roads, in close proximity to the Caerleon Estate. They had 15 children born at Wattle Cottage, 12 living to adults, who also contributed to the development of Mudgee. My Grandfather, Albert Orchard Newman lived his whole life at McDonald's Creek and Collingwood and the Newman family continue to live and manage properties in the Collingwood/Yarrabin area.

Victoria was a highly regarded member of the community. She managed the home and contributed significantly to the Methodist Church in both Mudgee and Collingwood. After having 2 strokes, she had 8 children and in later life she was confined to a wheelchair.

In her obituary, in the Mudgee Guardian, 13th September, 1920, Victoria was described as a "grand old lady and the news of her death is universally regretted". When her husband John died, his obituary also recognised Victoria as "a charming personality and richly endowed with common sense and the graces of beautiful womanhood".

John Newman was respected by all who knew him and he showed a commitment to family, agriculture and the community and helped shape the character of Mudgee during his lifetime, (1838-1922). He was considered by his peers as a pioneer of the Mudgee district.

John Newman owned a considerable amount of land in the Erudgere/McDonald's Creek area, including land from his house block, Portion 32, Munna Map Sheet, to McDonald's Creek. He also owned Burnbrae winery and adjacent Portions, (see Erudgere Parish Map) as well as 2 Portions labelled Rushby, adjoining McDonald's Creek. Here he ran a Lincoln stud, promoted the Farmer's and Settler's Association and was prominent in the Mudgee Agricultural Show Society.

John's commitment to the community is shown by his involvement in civic duties. He was an Alderman on the Cudgegong Borough Council for 40 continuous years and acted as Mayor from 1870-71. He was still actively involved with the Council when he was appointed an Alderman in 1906. The Mudgee Guardian reported on 15th March, 1906 that the Mayor stated at Council that "the ratepayers gained a distinct advantage of Alderman Newman coming back to Council. His long experience of municipal life would be a great advantage to the Council"

John Newman was appointed a Magistrate of the colony, (JP) in 1898 and he contributed further to Mudgee as he also served on the Mudgee Public School Board in 1898.

Attached is the Obituary of John Newman, which summarises many of his contributions and a map of the Erudgere/McDonald's Creek area which identifies land owned and managed by John Newman and his family.

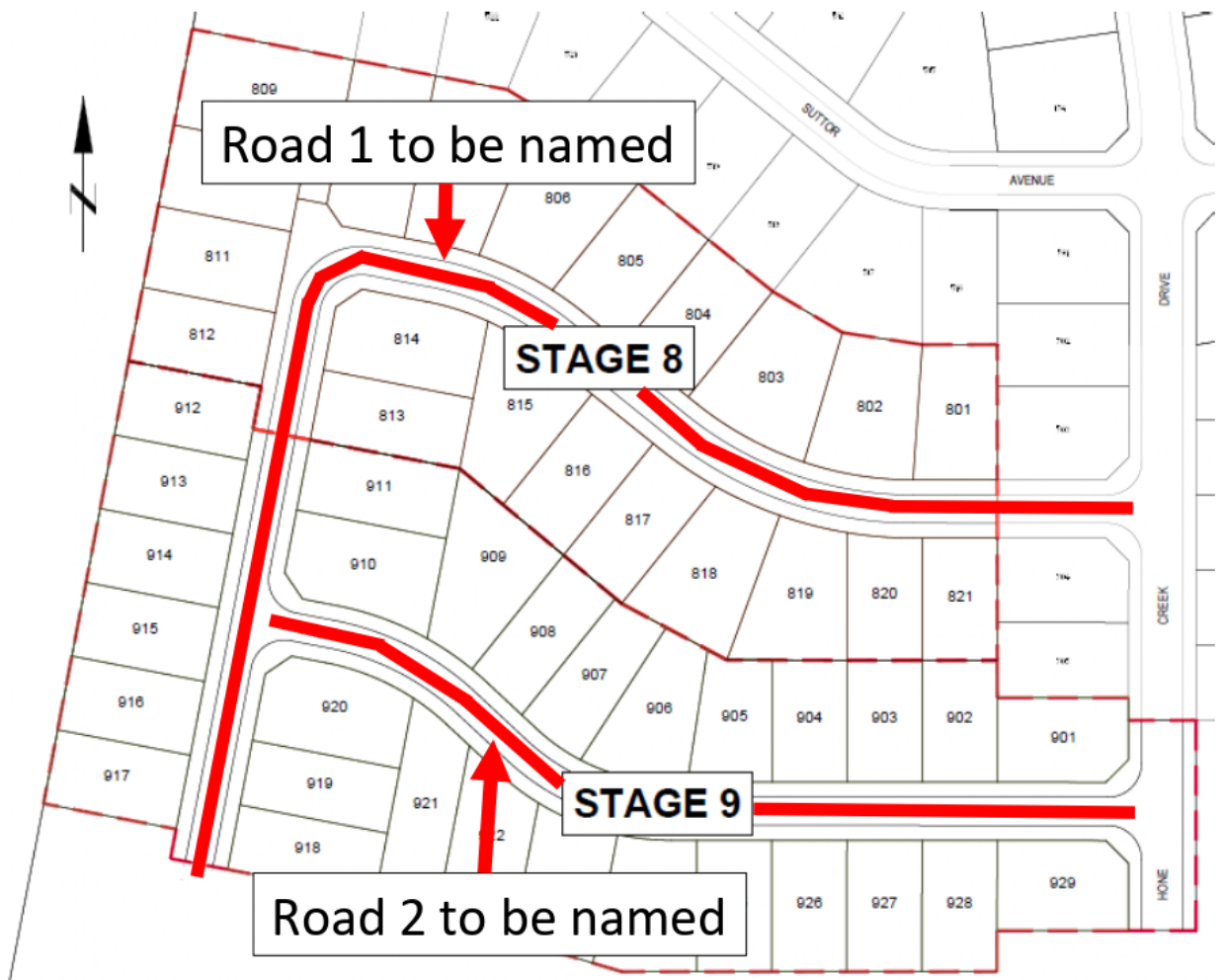
I would appreciate it if you could pass my submission to the Mayor and Councillors as well as appropriate Council staff for consideration of naming the new streets in the locality of Caerleon.

Further information can be supplied about John Newman and Victoria (Orchard) Newman if required.

Thanking you for consideration of this matter.

Regards

Bill Newman



9.4 Amendment to Road Closure Land Transfer Deed Ulan-Wollar Road

REPORT BY THE MANAGER PROPERTY AND REVENUE
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, Roa1000367

RECOMMENDATION

That Council:

1. receive the report by the Manager Property and Revenue on the Amendment to Road Closure Land Transfer Deed Ulan-Wollar Road;
2. agree to the terms in the revised *Road Closure Land Transfer Deed* as appended as Attachment 1 to this Report;
3. authorise the General Manager to endorse the revised *Road Closure Land Transfer Deed* as appended as Attachment 1 to this Report;
4. require Peabody Pastoral Holdings P/L or Wilpinjong Coal P/L be responsible for all reasonable costs incurred by Council in discharging its tasks in accordance with the revised *Road Closure Land Transfer Deed* as appended as Attachment 1 to this Report, including all legal and other out of pocket costs;
5. authorise the General Manager to sign all documentation, where necessary, to transfer the ownership of the different parts of the Road Closure Land, if and when closed, to Peabody Pastoral Holdings P/L and Moolarben Coal Mines P/L as cited in the revised *Road Closure Land Transfer Deed* appended as Attachment 1 to this Report;
6. authorise the Mayor to sign all documentation, where additionally required to do so, to transfer the ownership of the different parts of the Road Closure Land, if and when closed, to Peabody Pastoral Holdings P/L and Moolarben Coal Mines P/L as cited in the revised *Road Closure Land Transfer Deed* appended as Attachment 1 to this Report; and
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, to transfer the ownership of the different parts of the Road Closure Land, if and when closed, to Peabody Pastoral Holdings P/L and Moolarben Coal Mines P/L as cited in the revised *Road Closure Land Transfer Deed* appended as Attachment 1 to this Report.

Executive summary

The purpose of this Report is to seek Council's endorsement to replace the Subdivision Plan embedded in Schedule 1 of the *Road Closure Land Transfer Deed* (the Deed) which was previously authorised by Council on 17 June 2020 (Minute 189/20 and appended as Attachment 2 to this Report).

If Council agrees to endorse the amendment, the revised corrected version of *Road Closure Land Transfer Deed* (the Revised Deed), appended to this Report as Attachment 1, will require execution.

Disclosure of Interest

Nil

Detailed report

Council endorsed the *Heads of Agreement for Opening New Aligned Sections of Ulan-Wollar Road* (the HOA) on 15 May 2019 which recorded Council's, Peabody Pastoral Holdings P/L (PPH), Wilpinjong Coal P/L (WC) and Moolarben Coal Mines P/L (MCM) agreement in respect of the opening and dedication of new, realigned sections of the Ulan-Wollar Road (the Road Dedication Land) and the closing of existing sections of the Road (the Road Closure Land). The HOA is appended as Attachment 3 to this Report.

The purpose of the Deed was to make provision for the matters as referred to at clauses 2.2(b) and 3 of the HOA, namely, the transfer of ownership of different parts of the Road Closure Land, if and when closed, to PPH and MCM. The Deed, which included references at Schedule 1 to the Subdivision Plan, was endorsed by Council on 17 June 2020 (Minute 189/20).

The Deed was never executed as Council's Solicitor subsequently discovered that the Subdivision Plan embedded in Schedule 1 of the Deed by WC's solicitors (Ashurst), was not the correct plan. Rather than showing the Road Closure Land, it showed the lots to be created for the Road Dedication Land.

Ashurst has now provided the correct Subdivision Plan showing the Road Closure Land which has been embedded in Schedule 1 of the Revised Deed. There are no other amendments or revisions required.

It is recommended that Council endorse the Revised Deed to correct the mistake and enable the execution of same.

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

Land Acquisition and Disposal Policy

Legislation

Roads Act 1993

Financial implications

PPH or WC will bear all reasonable costs incurred by Council in discharging its tasks in accordance with the Deed including all of its legal and other out of pocket costs.

Associated Risks

Council's solicitor has reviewed the terms of the proposed amended Deed and any risks associated with the land transfer are considered mitigated.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 August 2021

- Attachments:*
1. Revised Road Closure Land Transfer Deed. (separately attached)
 2. Road Closure Land Transfer Deed endorsed 17 June 2020. (separately attached)
 3. Heads of Agreement endorsed 15 May 2019. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Acquisition of ARTC Land Ulan-Wollar Road

REPORT BY THE MANAGER PROPERTY AND REVENUE
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, Roa100367, 25501

RECOMMENDATION

That Council:

1. receive the report by the Manager Property and Revenue on the Acquisition of ARTC Land Ulan-Wollar Road;
2. notes that the acquisition of Lot 1 DP 1254551 is a condition precedent referred to in cl2.2(d) of the Heads of Agreement endorsed 15 May 2019;
3. resolves to acquire Lot 1 DP 1254551 by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991;
4. in pursuance of same, enter into the agreement annexed as Attachment 3 to this Report under s29 of the Land Acquisition (Just Terms Compensation) Act 1991 with TfNSW and the ARTC being the *Deed of Compulsory Acquisition by Agreement*;
5. thereafter make application to the Minister and the Governor for approval to acquire the land identified as Lot 1 DP 1254551, being 2074m³, by compulsory process for the purposes of public road, under sections 177 and 178 of the Roads Act 1993;
6. authorises the General Manager and the Mayor, if required to do so, to execute all necessary documentation including following said approval or Deed -
 - a. for the publication of an acquisition notice in the NSW Government Gazette under s19 of the Land Acquisition (Just Terms Compensation) Act 1991;
 - b. the dedication of the subject land as a Council public road in accordance with s10 Road Act 1993;
 - c. the agreement annexed as Attachment 3 to this Report under s29 of the Land Acquisition (Just Terms Compensation) Act 1991 with TfNSW and the ARTC being the *Deed of Compulsory Acquisition by Agreement*; and
7. authorises the affixing of the Common Seal to all documents necessary to formalise the acquisition of Lot 1 DP 1254551 as shown on Attachment 2 to this Report;

Executive summary

On 15 May 2019 Council endorsed a *Heads of Agreement for Opening New Aligned Sections of Ulan-Wollar Road* (the HOA). The HOA included a condition precedent at cl2.2(d) which requires Council to acquire land from Transport for NSW (TfNSW) for public road in accordance with the Roads Act 1993 (NSW) (the Roads Act) and the Land Acquisition (Just Terms Compensation) Act 1991 (the Act).

The purpose of this Report is to seek Council's endorsement to acquire Lot 1 DP 1254551 (the Lot) by compulsory process and progress its completion in accordance with the Act.

The HOA and the plan of the Lot are appended as Attachments 1, 2 respectively, to this Report.

Disclosure of Interest

Nil

Detailed report

Council endorsed the HOA on 15 May 2019 which recorded Council's, Peabody Pastoral Holdings P/L (PPH), Wilpinjong Coal P/L (WC) and Moolarben Coal Mines P/L (MCM) agreement in respect of the opening and dedication of new, realigned sections of the Ulan-Wollar Road (the Road Dedication Land) and the closing of existing sections of the Road.

The acquisition of the Lot to comprise part of the Road Dedication Land is one of the conditions precedent to the operation of the HOA as set out in cl2.2(d) of that document as follows:

(d) Council has acquired the TfNSW Land in accordance with Law (including the Land Acquisition (Just Terms Compensation) Act 1991 as applicable) and also opened it as a Council Public Road and been compensated for all of its reasonable costs in that regard by PPH or WCPL.

The Act outlines a process by which an authority can acquire land. It does not give compulsory acquisition powers to councils, but provides councils with a way to use compulsory powers found in other legislative acts.

Council is required, pursuant to S177 and s178 of the Roads Act, to acquire the Lot for the purpose of a public road by compulsory process in accordance with the Act.

It is recommended that Council resolves to acquire the Lot by compulsory process and progress its completion in accordance with the provisions of Act.

As a part of the compulsory process, a *Deed of Compulsory Acquisition by Agreement* (the Deed) made in accordance with s29 of the Act between Council and TfNSW and the Australian Rail Track Corporation (ARTC) (who holds a leasehold interest over the land), has been drafted. The Deed sets out the terms on which the parties have agreed on all relevant matters concerning the Acquisition and the compensation to be paid for the Acquisition. The Deed is appended as Attachment 3 to this Report.

The compensation sum is \$1,037 (excluding GST), payable to TfNSW for the market value of the TfNSW interest. There is no compensation payable for the ARTC interest but the compensation sum does not include legal costs which Council is required to pay to ARTC and TfNSW in association with the Acquisition. In addition, Council must pay the costs associated with the survey, valuation and registration fees.

The HOA at cl4.2(a) directs that PPH or WC will bear all reasonable costs incurred by Council in discharging this task.

It is recommended that Council enter into the agreement with TfNSW and ARCT under the terms in the Deed.

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

Land Acquisition and Disposal Policy

Legislation

Local Government Act 1993

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Financial implications

In accordance with cl4.2(a) of the HOA, PPH or WC will bear all reasonable costs incurred by Council in discharging this task.

Associated Risks

Council's solicitor is progressing the acquisition under the Act on Council's behalf and has also reviewed the terms of the proposed Deed. Any risks associated with the acquisition process or entering into the Deed are considered mitigated.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

5 August 2021

- Attachments:*
1. Heads of Agreement endorsed by Council 15-5-2019. (separately attached)
 2. Plan of land to be acquired for the purposes of the Roads Act. (separately attached)
 3. Draft Deed of Compulsory Acquisition by Agreement. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.6 Monthly Statement of Investments as at 31 July 2021

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 15 SEPTEMBER 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 31 July 2021; and
2. note the certification of the Responsible Accounting Officer.

Executive summary

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

Disclosure of Interest

Nil.

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 July 2021.

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

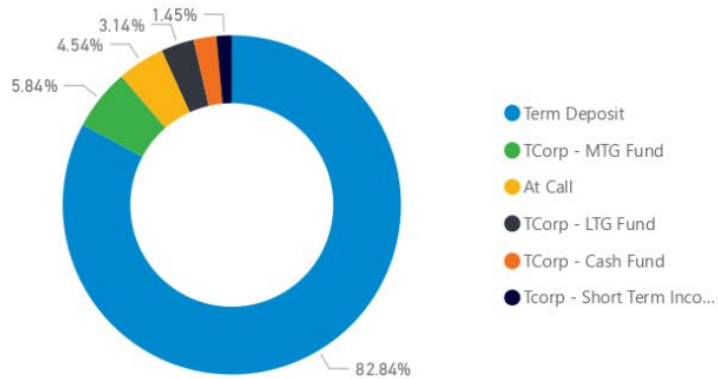
6 August 2021

Attachments: 1. Investment Report 31 July 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Investments by Type

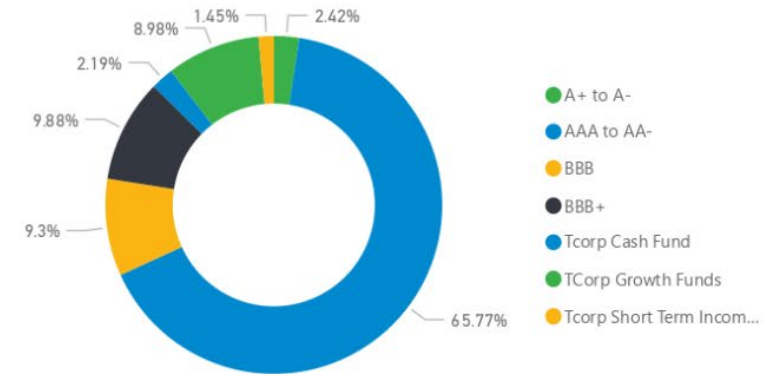


Mid-Western Regional Council Cash and Investments as at 31 July 2021

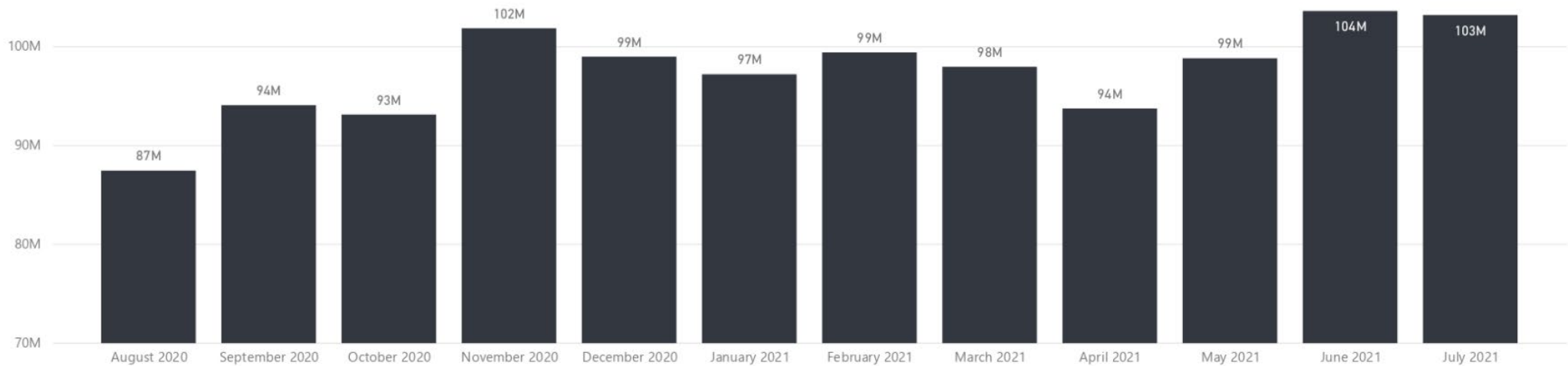
Total Investment Portfolio

103.21M

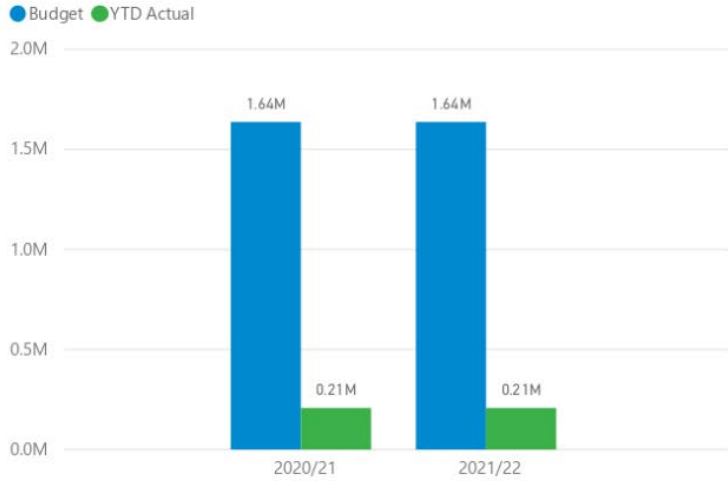
Investments by Long Term Rating



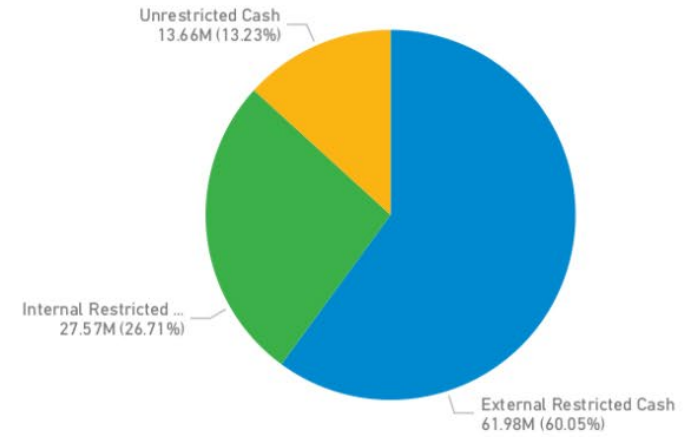
Portfolio Balance at End of Month



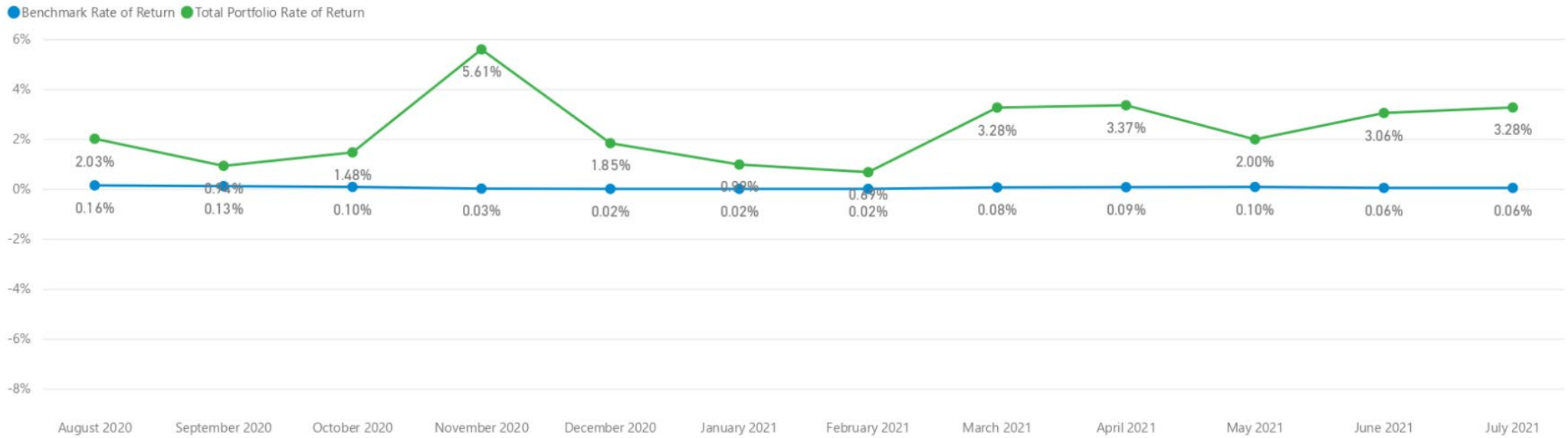
Income from Investments



Balance by Cash Category



Investment Performance



At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal	Amount
NAB	0.50%	0	\$	4,683,024
TCorp - Cash Fund	0.50%	1	\$	2,259,110
TCorp - Long Term Growth Fund	0.50%	5	\$	3,237,106
TCorp - Medium Term Growth Fund	0.50%	5	\$	6,028,053
TCorp - Short Term Income Fund	0.50%	5	\$	1,501,348
Total			\$	17,708,640

Current Term Deposits

Institution	Yield	Term to Maturity	Principal	Amount
AMP	0.75%	130	\$	2,000,000
AMP	0.75%	186	\$	1,500,000
Bank Of Queensland	1.65%	102	\$	2,500,000
Bank Of Queensland	1.60%	200	\$	1,500,000
Bank Of Queensland	1.45%	214	\$	1,000,000
Bank Of Queensland	0.90%	424	\$	1,500,000
Bank Of Queensland	0.50%	361	\$	2,200,000
Bank Of Queensland	0.50%	466	\$	1,500,000
CBA	0.70%	74	\$	1,500,000
CBA	0.68%	116	\$	1,800,000
CBA	0.55%	81	\$	1,200,000
CBA	0.53%	172	\$	2,000,000
CBA	0.53%	186	\$	2,000,000
CBA	0.53%	228	\$	2,000,000
CBA	0.44%	270	\$	2,500,000
CBA	0.43%	256	\$	1,500,000
CBA	0.46%	298	\$	1,500,000
CBA	0.42%	312	\$	1,000,000
CBA	0.42%	326	\$	2,000,000
CBA	0.41%	312	\$	1,000,000
CBA	0.46%	368	\$	1,500,000
CBA	0.46%	354	\$	1,700,000
CBA	0.72%	1040	\$	2,000,000
CBA	0.47%	396	\$	1,500,000
CBA	0.50%	452	\$	1,500,000
ING	1.13%	284	\$	1,500,000
Macquarie	1.40%	578	\$	1,000,000
MyState Bank	0.75%	88	\$	2,600,000
MyState Bank	0.52%	340	\$	1,000,000
MyState Bank	0.52%	333	\$	1,500,000
MyState Bank	0.52%	354	\$	1,000,000
NAB	0.80%	18	\$	1,500,000
NAB	0.87%	382	\$	2,000,000
NAB	0.81%	25	\$	2,000,000
NAB	0.75%	53	\$	2,500,000
NAB	0.75%	60	\$	1,000,000
NAB	0.79%	410	\$	1,500,000
NAB	0.70%	438	\$	1,000,000
NAB	0.61%	144	\$	1,500,000
NAB	0.57%	235	\$	2,000,000
NAB	0.48%	242	\$	2,500,000
NAB	0.57%	578	\$	1,700,000
NAB	0.65%	697	\$	2,000,000
NAB	0.51%	509	\$	1,800,000
NAB	0.45%	480	\$	1,500,000
St George	0.60%	158	\$	1,500,000
St George	0.60%	172	\$	1,500,000
Westpac	1.54%	4	\$	1,500,000
Westpac	0.85%	370	\$	2,000,000
Westpac	0.80%	32	\$	1,000,000
Westpac	0.80%	46	\$	1,500,000
Westpac	0.62%	130	\$	1,500,000
Total			\$	85,500,000

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 34,008,640	33%	33%	20%	OK
Between 3 months and 1 ye	\$ 45,200,000	44%	77%	40%	OK
Between 1 year and 2 years	\$ 22,000,000	21%	98%	50%	OK
Between 2 years and 4 year	\$ 2,000,000	2%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 103,208,640				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	27%	\$ 28,200,000
	NAB	40%	OK	28%	\$ 29,183,024
	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
	Bank Of Queensland	10%	OK	10%	\$ 10,200,000
BBB+	AMP	5%	OK	3%	\$ 3,500,000
BBB	MyState Bank	5%	Over Limit	6%	\$ 6,100,000
	TCorp - Cash Fund	30%	OK	2%	\$ 2,259,110
TCorp Growth Funds	TCorp - Long Term Growth Fund	15%	OK	3%	\$ 3,237,106
	TCorp - Medium Term Growth Fund	15%	OK	6%	\$ 6,028,053
Tcorp Short Term Income Fund		15%	OK	1%	\$ 1,501,348
Grand Total				100%	\$ 103,208,640

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP)	% of Portfolio	Amount
AAA to AA-	100%	OK	66%	\$ 67,883,024
A+ to A-	50%	OK	2%	\$ 2,500,000
BBB+	20%	OK	10%	\$ 10,200,000
BBB	10%	OK	9%	\$ 9,600,000
Tcorp Cash Fund	30%	OK	2%	\$ 2,259,110
TCorp Growth Funds	15%	OK	9%	\$ 9,265,158
Tcorp Short Term Income	15%	OK	1%	\$ 1,501,348
Grand Total			100%	\$ 103,208,640

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)	4,551,090		4,683,024
TCorp - Cash Fund	2,258,868		2,259,110
TCorp - Long Term Growth Fund	3,175,571		3,237,106
TCorp - Medium Term Growth Fund	5,936,608		6,028,053
TCorp - Short Term Income Fund	1,500,150		1,501,348
Total	17,422,287	-	17,708,640

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
NAB	1.00%	7/07/2021	1,800,000	18,641
NAB	0.85%	21/07/2021	2,200,000	18,293
NAB	0.81%	14/07/2021	1,500,000	11,418
Total			5,500,000	48,352

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
NAB	0.51%	22/12/2022	1,800,000	13,380
Bank Of Queensland	0.50%	9/11/2022	1,500,000	9,637
NAB	0.45%	23/11/2022	1,500,000	8,932
Total			4,800,000	31,949

9.7 Monthly Statement of Investments as at 31 August 2021

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 15 SEPTEMBER 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 31 August 2021; and
2. note the certification of the Responsible Accounting Officer.

Executive summary

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

Disclosure of Interest

Nil.

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 August 2021.

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

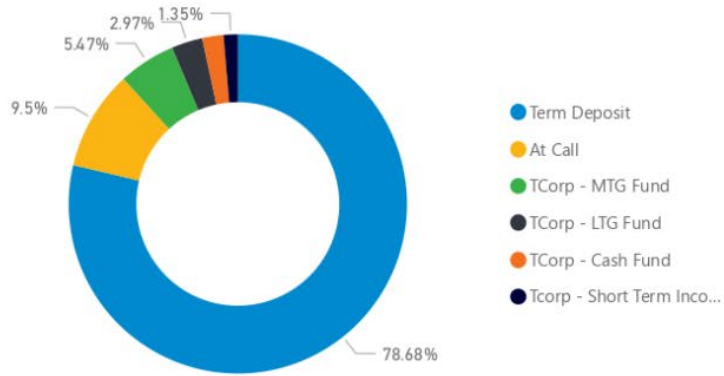
6 August 2021

Attachments: 1. Investment Report 31 August 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Investments by Type

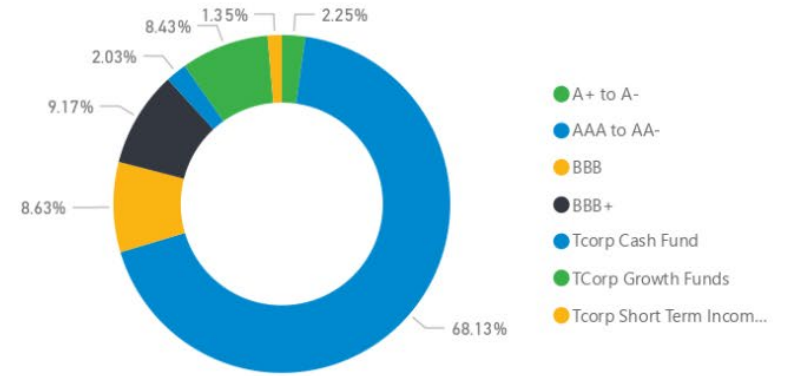


Mid-Western Regional Council Cash and Investments as at 31 August 2021

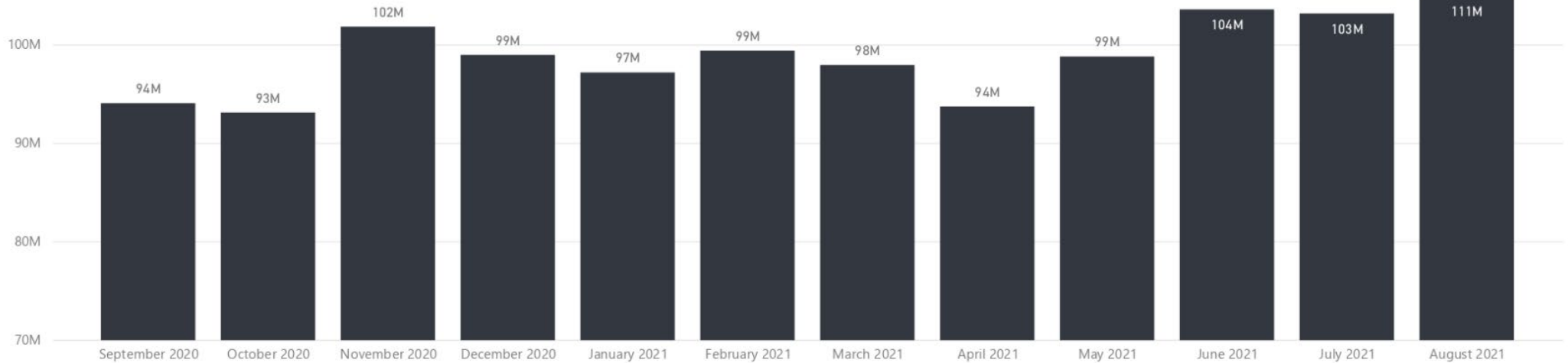
Total Investment Portfolio

111.20M

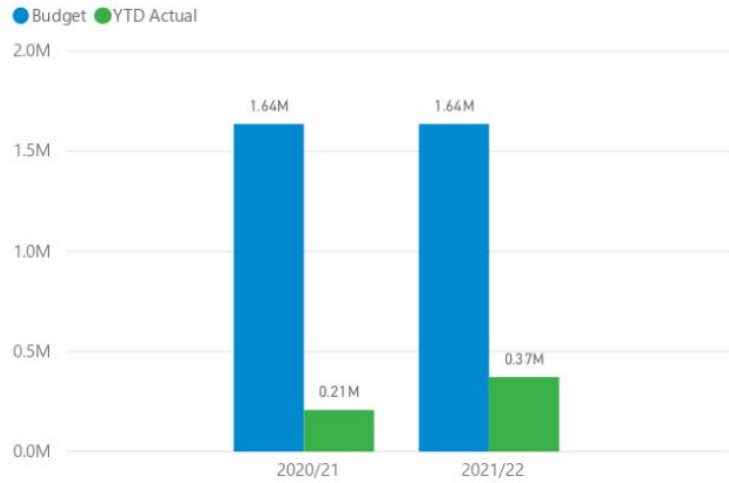
Investments by Long Term Rating



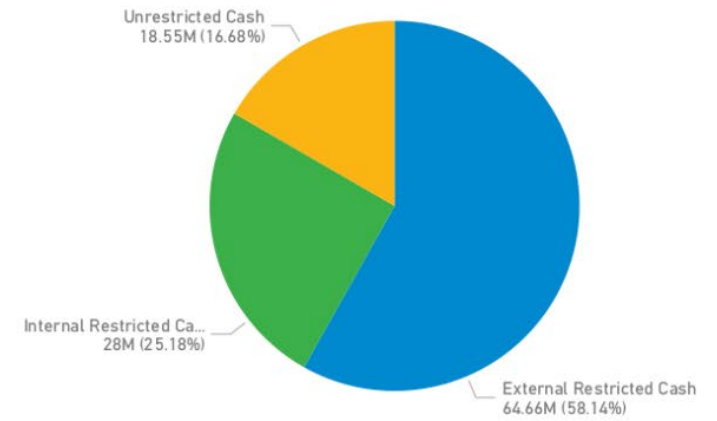
Portfolio Balance at End of Month



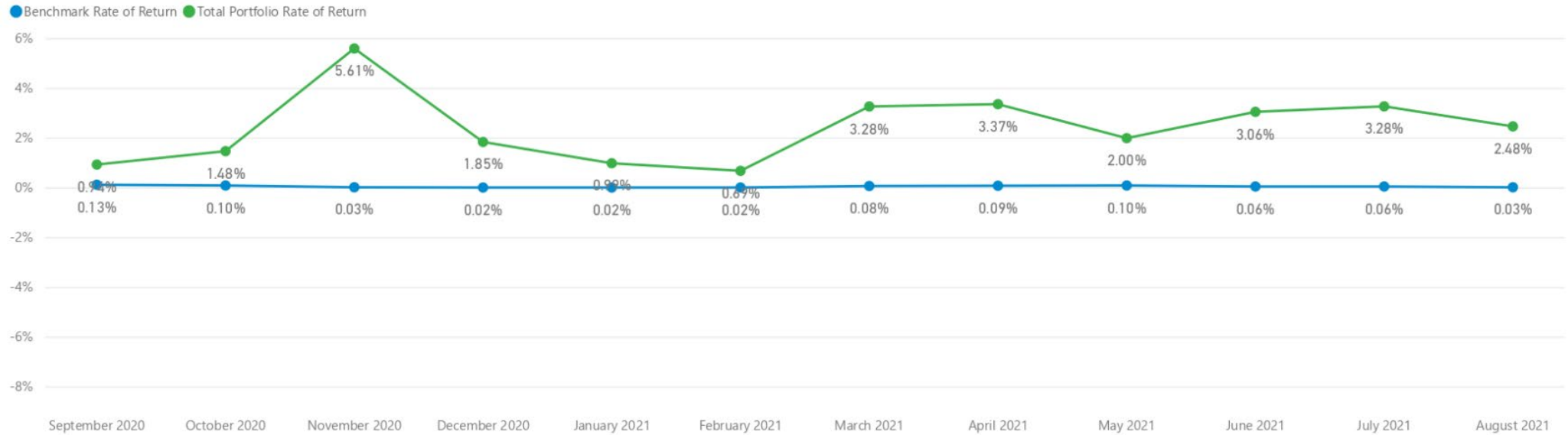
Income from Investments



Balance by Cash Category



Investment Performance



At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal	Amount
NAB	0.50%	0	\$	10,566,450
TCorp - Cash Fund	0.50%	1	\$	2,259,089
TCorp - Long Term Growth Fund	0.50%	5	\$	3,297,645
TCorp - Medium Term Growth Fund	0.50%	5	\$	6,080,004
TCorp - Short Term Income Fund	0.50%	5	\$	1,501,641
Total			\$	23,704,828

Current Term Deposits

Institution	Yield	Term to Maturity	Principal	Amount
AMP	0.75%	99	\$	2,000,000
AMP	0.75%	155	\$	1,500,000
Bank Of Queensland	1.65%	71	\$	2,500,000
Bank Of Queensland	1.60%	169	\$	1,500,000
Bank Of Queensland	1.45%	183	\$	1,000,000
Bank Of Queensland	0.90%	393	\$	1,500,000
Bank Of Queensland	0.50%	330	\$	2,200,000
Bank Of Queensland	0.50%	435	\$	1,500,000
CBA	0.70%	43	\$	1,500,000
CBA	0.68%	85	\$	1,800,000
CBA	0.55%	50	\$	1,200,000
CBA	0.53%	141	\$	2,000,000
CBA	0.53%	155	\$	2,000,000
CBA	0.53%	197	\$	2,000,000
CBA	0.44%	239	\$	2,500,000
CBA	0.43%	225	\$	1,500,000
CBA	0.46%	267	\$	1,500,000
CBA	0.42%	281	\$	1,000,000
CBA	0.42%	295	\$	2,000,000
CBA	0.41%	281	\$	1,000,000
CBA	0.46%	337	\$	1,500,000
CBA	0.46%	323	\$	1,700,000
CBA	0.72%	1009	\$	2,000,000
CBA	0.47%	365	\$	1,500,000
CBA	0.50%	421	\$	1,500,000
CBA	0.47%	421	\$	1,000,000
CBA	0.77%	1107	\$	1,000,000
CBA	0.47%	477	\$	1,500,000
ING	1.13%	253	\$	1,500,000
Macquarie	1.40%	547	\$	1,000,000
MyState Bank	0.75%	57	\$	2,600,000
MyState Bank	0.52%	309	\$	1,000,000
MyState Bank	0.52%	302	\$	1,500,000
MyState Bank	0.52%	323	\$	1,000,000
NAB	0.87%	351	\$	2,000,000
NAB	0.75%	22	\$	2,500,000
NAB	0.75%	29	\$	1,000,000
NAB	0.79%	379	\$	1,500,000
NAB	0.70%	407	\$	1,000,000
NAB	0.61%	113	\$	1,500,000
NAB	0.57%	204	\$	2,000,000
NAB	0.48%	211	\$	2,500,000
NAB	0.57%	547	\$	1,700,000
NAB	0.65%	666	\$	2,000,000
NAB	0.51%	478	\$	1,800,000
NAB	0.45%	449	\$	1,500,000
NAB	0.45%	463	\$	2,000,000
NAB	0.80%	1093	\$	1,500,000
St George	0.60%	127	\$	1,500,000
St George	0.60%	141	\$	1,500,000
Westpac	0.85%	339	\$	2,000,000
Westpac	0.80%	1	\$	1,000,000
Westpac	0.80%	15	\$	1,500,000
Westpac	0.62%	99	\$	1,500,000
Total			\$	87,500,000

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 39,304,828	35%	35%	20%	OK
Between 3 months and 1 ye	\$ 46,400,000	42%	77%	40%	OK
Between 1 year and 2 years	\$ 21,000,000	19%	96%	50%	OK
Between 2 years and 4 year	\$ 4,500,000	4%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 111,204,828				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	29%	\$ 31,700,000
	NAB	40%	OK	32%	\$ 35,066,449
	St George	40%	OK	3%	\$ 3,000,000
	Westpac	40%	OK	5%	\$ 6,000,000
A+	Macquarie	20%	OK	1%	\$ 1,000,000
A	ING	20%	OK	1%	\$ 1,500,000
	Bank Of Queensland	10%	OK	9%	\$ 10,200,000
BBB+	AMP	5%	OK	3%	\$ 3,500,000
BBB	MyState Bank	5%	Over Limit	5%	\$ 6,100,000
	TCorp - Cash Fund	30%	OK	2%	\$ 2,259,089
	TCorp - Long Term Growth Fund	15%	OK	3%	\$ 3,297,645
	TCorp - Medium Term Growth Fund	15%	OK	5%	\$ 6,080,004
	TCorp - Short Term Income Fund	15%	OK	1%	\$ 1,501,641
Grand Total				100%	\$111,204,828

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	68%	\$ 75,766,449
A+ to A-	50%	OK	2%	\$ 2,500,000
BBB+	20%	OK	9%	\$ 10,200,000
BBB	10%	OK	9%	\$ 9,600,000
Tcorp Cash Fund	30%	OK	2%	\$ 2,259,089
TCorp Growth Funds	15%	OK	8%	\$ 9,377,648
Tcorp Short Term Income	15%	OK	1%	\$ 1,501,641
Grand Total			100%	\$ 111,204,828

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)	4,683,024		10,566,450
TCorp - Cash Fund	2,259,110		2,259,089
TCorp - Long Term Growth Fund	3,237,106		3,297,645
TCorp - Medium Term Growth Fund	6,028,053		6,080,004
Tcorp - Short Term Income Fund	1,501,348		1,501,641
Total	17,708,640	-	23,704,828

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	1.54%	4/08/2021	1,500,000	46,073
NAB	0.80%	18/08/2021	1,500,000	11,979
NAB	0.81%	25/08/2021	2,000,000	16,158
Total			5,000,000	74,211

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
NAB	0.45%	7/12/2022	2,000,000	12,082
CBA	0.47%	26/10/2022	1,000,000	5,679
CBA	0.77%	11/09/2024	1,000,000	23,627
NAB	0.80%	28/08/2024	1,500,000	36,132
CBA	0.47%	21/12/2022	1,500,000	9,329

9.8 Monthly Budget Review - August 2021

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400087, FIN300315

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - August 2021;
2. amend the 2021/22 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and
3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the contract of 2 Urgent Relief Treatment Plant Operators.

Executive summary

This report provides Council with information on the progress of the 2021/22 capital works program at 31 August 2021.

Disclosure of Interest

Nil.

Detailed report

Over the period of the financial year, Council has an opportunity to review and approve variances to the Budget. The attachment to this report provides the detailed information of recommended variations.

Community Plan implications

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

Council Strategies

Not applicable.

Council Policies

Not applicable.

Legislation

Clause 202 of the Local Government (General) Regulation 2005, states that the responsible accounting officer of a Council must:

- a) establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure, and
- b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of Council.

Financial implications

The budget variations proposed will impact the below financial ratios.

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

Associated Risks

Not applicable.

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

23 August 2021

Attachments: 1. Monthly Budget Review Attachment - August 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

MONTHLY BUDGET
REVIEW – AUGUST
2021

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

15 SEPTEMBER 2021

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



1. PROPOSED BUDGET VARIATIONS

FUNDING SUMMARY

Fund	Funding Source	21/22	22/23	23/24	24/25	Grand Total
General	GRT - OTHER GRANT INCOME	13,260	-13,260			0
	GRT - ROADS & BRIDGES OTHER CAPITAL	6,622,733	5,466,618	-5,158,053	-7,261,818	-330,520
	PLANT REPLACEMENT RESERVE	24,319	-44,319			-20,000
	UCF - RMS STATE ROADS - ORDERED WORKS	-1,400,000				-1,400,000
	Unrestricted Cash	-450,646	-56,740			-507,386
General						
Total		4,809,666	5,352,299	-5,158,053	-7,261,818	-2,257,906
Sewer	Unrestricted Cash	-80,000				-80,000
Sewer Total		-80,000				-80,000
Waste	Unrestricted Cash	-20,000				-20,000
Waste Total		-20,000				-20,000
Water	Unrestricted Cash	-105,000				-105,000
Water Total		-105,000				-105,000
Grand Total		4,604,666	5,352,299	-5,158,053	-7,261,818	-2,462,906

2021/22 VARIATIONS

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
CONNECTING OUR REGION	General	Ow - Two-Mile Flat Safety- Shoulder Widening - State works order for Shoulder Widening	1,217,000	UCF - RMS STATE ROADS - ORDERED WORKS	(1,400,000)	-	0	183,000
CONNECTING OUR REGION	General	Lue Rd/Pyangle Rd Intersection Widening - Intersection widening for Lue Rd/Pyangle Rd.	210,000	-	0	-	0	(210,000)
CONNECTING OUR REGION	General	Sealed Rural Roads - Emergency Snow Storm Clean Up - Additional budget to repair damage due to snow storm	168,458	-	0	-	0	(168,458)
CONNECTING OUR REGION	General	Regional Roads Sealed - Emergency Snow Storm Clean Up - Additional budget to repair damage due to snow storm	156,470	-	0	-	0	(156,470)
LOOKING AFTER OUR COMMUNITY	General	Art Gallery Maintenance - Move 20k from Art Gallery Operations into Maintenance. An additional 80k for the new cleaning contract.	100,000	-	0	-	0	(100,000)
CONNECTING OUR REGION	General	Horatio St/Perry St Shoulder Sealing - Shoulder Sealing	55,000	-	0	-	0	(55,000)
CONNECTING OUR REGION	General	Urban Rehab - Bombira Avenue - Rehabilitation of Bombira Avenue	50,000	-	0	-	0	(50,000)
PROTECTING OUR NATURAL ENVIRONMENT	General	Drainage Administration - Salary for New trainee engineer	49,300	-	0	-	0	(49,300)

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
GOOD GOVERNMENT	General	Plant Operations Fund - Revised wages budget	27,000	-	0	-	0	(27,000)
CONNECTING OUR REGION	General	Rural Rehab - Cudgegong Rd - To install guard rail.	22,000	GRT - ROADS TO RECOVERY	(9,202)	-	0	(12,798)
CONNECTING OUR REGION	General	Urban Reseals - Hennessy Place - Road Reseal	10,000	-	0	-	0	(10,000)
BUILDING A STRONG LOCAL ECONOMY	General	Commercial Prop -Airport Subdivision - Airport Valuation expense	10,000	-	0	-	0	(10,000)
BUILDING A STRONG LOCAL ECONOMY	General	Property - Mudgee Airport Subdivision - Surveyor and registration costs for subdivision	1,360	-	0	-	0	(1,360)
BUILDING A STRONG LOCAL ECONOMY	General	Flavours Of Mudgee - Roll grant funding for Flavours of Mudgee into 2022/23 financial year due to 2021/22 event being cancelled.	0	GRT - OTHER GRANT INCOME	13,260	-	0	(13,260)
LOOKING AFTER OUR COMMUNITY	General	Art Gallery Operations - Move 20k from Art Gallery Operations into Maintenance.	-20,000	-	0	-	0	20,000
GOOD GOVERNMENT	General	Plant Purchases - Defer side loader, passenger vehicle, bring forward hook lift, utility and spray unit	-24,319	-	0	PLANT REPLACEMENT RESERVE	24,319	0
CONNECTING OUR REGION	General	Rural Sealed Road Rehab & Widening - Allocate budget to use for Cudgegong Road guard rails.	-219,202	GRT - ROADS TO RECOVERY	9,202	-	0	210,000
CONNECTING OUR REGION	General	Dixons Long Point Crossing - Move budgets into the future years due to project delays.	-6,622,733	GRT - ROADS & BRIDGES OTHER CAPITAL	6,622,733	-	0	0

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW—AUGUST 2021

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
PROTECTING OUR NATURAL ENVIRONMENT	Sewer	Sewer Treatment Works Ops & Maintenance Rylstone - Urgent relief treatment plant operators hire	27,500	-	0	-	0	(27,500)
PROTECTING OUR NATURAL ENVIRONMENT	Sewer	Sewer Treatment Works Ops & Maintenance Kandos - Urgent relief treatment plant operators hire	27,500	-	0	-	0	(27,500)
PROTECTING OUR NATURAL ENVIRONMENT	Sewer	Sewer Management & Administration - Asset revaluation cost based on the OWUA agreement.	25,000	-	0	-	0	(25,000)
PROTECTING OUR NATURAL ENVIRONMENT	Waste	Kandos WTS Office Replacement - Kandos Tip access to new office building	20,000	-	0	-	0	(20,000)
PROTECTING OUR NATURAL ENVIRONMENT	Water	Water Mains - Capital - Amend the Main street Budget and moved to capital budget only	270,000	-	0	WATER RESERVE	(270,000)	0
PROTECTING OUR NATURAL ENVIRONMENT	Water	Water Filtration Plant Ops & Maintenance Rylstone - Urgent relief treatment plant operators hire	55,000	-	0	-	0	(55,000)
PROTECTING OUR NATURAL ENVIRONMENT	Water	Rural Customer Fill Stations - Additional works required associated with wet ground conditions and stormwater drainage at the Mudgee site	50,000	-	0	-	0	(50,000)
PROTECTING OUR NATURAL ENVIRONMENT	Water	Water Mains - Mayne Street - Amend the Main street Budget and moved to capital budget only	-270,000	-	0	WATER RESERVE	270,000	0
	Total		(4,604,666)		5,235,993		24,319	(655,646)

2022/23 VARIATIONS

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
GOOD GOVERNMENT	General	Plant Operations Fund - Revised wages budget	70,000	-	0	-	0	(70,000)
GOOD GOVERNMENT	General	Plant Purchases - Defer side loader, passenger vehicle, bring forward hooklift, utility and spray unit	44,319	-	0	PLANT REPLACEMENT RESERVE	(44,319)	0
CONNECTING OUR REGION	General	Dixons Long Point Crossing - Move budgets into the future years due to project delays.	-5,466,618	GRT - ROADS & BRIDGES OTHER CAPITAL	5,466,618	-	0	0
BUILDING A STRONG LOCAL ECONOMY	General	Flavours Of Mudgee - Roll grant funding for Flavours of Mudgee into 2022/23 financial year due to 2021/22 event being cancelled.	0	GRT - OTHER GRANT INCOME	(13,260)	-	0	13,260
	Total		(5,362,299)		5,453,358		(44,319)	(56,740)

2023/24 VARIATIONS

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
CONNECTING OUR REGION	General	Dixons Long Point Crossing - Move budgets into the future years due to project delays.	5,158,053	GRT - ROADS & BRIDGES OTHER CAPITAL	(5,158,053)	-	0	0
	Total		5,158,053		(5,158,053)		0	0

2024/25 VARIATIONS

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
CONNECTING OUR REGION	General	Dixons Long Point Crossing - Move budgets into the future years due to project delays.	7,261,818	GRT - ROADS & BRIDGES OTHER CAPITAL	(7,261,818)	-	0	0
	Total		7,261,818		(7,261,818)		0	0

2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 21 July 2021.

3.46 M

Actual YTD

200

Capital Projects

\$89.66M

Budget

\$13.09M

Commitments

- This budget total includes proposed revotes from 2020/2021 to 2021/22

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
\$'000							
Looking after our Community							
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	225	0	225	10	5%	3	Procurement
MUDGEES POUND - SECURITY UPGRADES	20	0	20	0	0%	0	Consultation
COUNTRY UNIVERSITY CENTER	50	0	50	0	0%	0	Consultation
CEMETERY CAPITAL PROGRAM	16	0	16	0	0%	0	Consultation
MUDGEES CEMETERY ROAD UPGRADE	25	0	25	0	0%	0	Design
PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY	85	0	85	0	0%	0	Budget only
PUBLIC TOILETS - GOOLMA	11	0	11	0	0%	0	Project Scope
PUBLIC TOILETS - CUDGEGONG WATERS	380	0	380	0	0%	0	Consultation
LIBRARY BOOKS	93	0	93	33	36%	0	Construction
STABLES COMPLEX - CAPITAL	41	0	41	0	0%	0	Project Scope
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	30	0	30	0	0%	0	Consultation
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	93	0	93	1	1%	0	Multi-year project - complete for this year
TOWN HALL - EXTERNAL BRICKWORK	50	0	50	0	0%	0	Consultation
MUDGEES TOWN HALL THEATRE - AIR-CONDITIONING UPGRADE	50	0	50	0	0%	0	Consultation
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	80	0	80	0	0%	0	Consultation
KANDOS HALL & LIBRARY - TOILETS	60	0	60	0	0%	0	Consultation
POOL SHADE PROGRAM	45	0	45	0	0%	0	Project Scope
GULGONG POOL HEATERS	105	0	105	0	0%	0	Project Scope
MUDGEES SHOWGROUNDS - REDEVELOPMENT	475	0	475	7	2%	471	Procurement
GLEN WILLOW SPORTS GROUND UPGRADES	5,189	0	5,189	729	14%	2,420	Construction
GLEN WILLOW CARPARK	57	0	57	10	18%	1	Construction
MUDGEES SHOWGROUND TREE PLANTING *	20	0	20	0	0%	0	Consultation

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
GLEN WILLOW NETBALL AREA BUBBLER *	10	0	10	0	0%	0	Consultation
VICTORIA PARK MUDGEES - FENCING	60	0	60	0	0%	0	Consultation
GULGONG TENNIS COURTS *	130	0	130	0	0%	0	Consultation
GLEN WILLOW FIELD ONE REFURBISHMENT	550	0	550	0	0%	0	Consultation
CLANDULLA RECREATION PARK AMENITIES	120	0	120	0	0%	0	Consultation
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	0	Consultation
RYLSTONE & KANDOS DOG PARK	90	0	90	0	0%	0	Consultation
RUGBY UNION SCOREBOARD	348	0	348	0	0%	0	Procurement
GLEN WILLOW STORMWATER RECIRCULATION SYSTEM	350	0	350	0	0%	0	Design
TRAINING CAMP FACILITY - STAGE 1	100	0	100	0	0%	8	Project Scope
BILLY DUNN AMENITIES	323	0	323	6	2%	297	Initial works
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	75	0	75	0	0%	0	Project Scope
MUDGEES SHOWGROUNDS - GRANDSTAND FIT-OUT	250	0	250	1	0%	225	Procurement
VICTORIA PARK MUDGEES - SIGHT SCREENS & SEATING	70	0	70	0	0%	0	Consultation
VICTORIA PARK GULGONG - SHOT PUT/DISCUS REPLACEMENT	25	0	25	0	0%	0	Consultation
VICTORIA PARK GULGONG - CRICKET WICKET SYNTHETIC REPLACEMENT	8	0	8	0	0%	0	Consultation
MUDGEES SHOWGROUND EQUIPMENT	47	0	47	0	0%	0	Consultation
RED HILL - PATHWAY AND LANDSCAPING UPGRADE*	40	0	40	0	0%	0	Consultation
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	6	0	6	0	0%	0	Project Scope
SCULPTURES ACROSS THE REGION	27	0	27	1	3%	0	Consultation
PLAYGROUND SHADING PROGRAM	436	0	436	0	0%	196	Procurement
PITTS LANE - LIGHTING *	17	0	17	0	0%	14	Construction
RED HILL CAPITAL WORKS	333	0	333	0	0%	5	Design
CLANDULLA MOUNTAIN BIKE TRAIL DEVELOPMENT *	245	0	245	0	0%	0	Consultation

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MOUFARRIGE PARK FENCE	10	0	10	0	0%	0	Project Scope
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEES	10	0	10	0	0%	0	Consultation
CORONATION PARK GULGONG - IRRIGATION RENEWAL	30	0	30	0	0%	0	Project Scope
LAWSON PARK MUDGEES - IRRIGATION RENEWAL	30	0	30	0	1%	0	Project Scope
PLAYGROUND EQUIPMENT UPGRADE - RYLSTONE SHOWGROUND	146	0	146	0	0%	0	Consultation
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	0	0%	0	Consultation
MUDGEES RIVERSIDE - WALKING TRACK IMPROVEMENTS	60	0	60	0	0%	0	Consultation
PASSIVE PARK SIGNAGE REPLACEMENT	21	0	21	0	0%	0	Project Scope
MEMORIAL PARK MUDGEES - PATHWAY	32	0	32	0	0%	0	Consultation
FLIRTATION HILL MUDGEES - MASTER PLAN WORKS*	50	0	50	0	0%	0	Consultation
ART GALLERY FACILITY	1,523	0	1,523	219	14%	13	Construction
STREETSCAPE - STREET BINS	12	0	12	2	17%	0	Initial works
Total	12,843	0	12,843	1,019	8%	3,652	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	247	0	247	1	0%	25	Consultation
MUDGEES WASTE DEPOT UPGRADES	37	0	37	0	0%	0	Consultation
NEW TIP CELL CONSTRUCTION	100	0	100	0	0%	27	Procurement
WASTE SITES REHABILITATION	50	0	50	0	0%	0	Consultation
REMOTE SECURITY CAMERAS AT WTS	53	0	53	0	0%	0	Consultation
RECYCLING PLANT UPGRADES	193	0	193	0	0%	0	Procurement
LEACHATE POND ENLARGEMENT	440	0	440	6	1%	156	Initial works
KANDOS WTS OFFICE REPLACEMENT	95	20	115	25	21%	68	Final works
GULGONG WTS OFFICE REPLACEMENT	9	0	9	12	129%	0	Final works
MUDGEES LANDFILL WHEEL WASH	6	0	6	6	101%	0	Complete-awaiting invoices

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
CAUSEWAY IMPROVEMENTS	67	0	67	0	0%	0	Project Scope
MUDGEES FLOODPLAIN MANAGEMENT PLAN STAGE 2	150	0	150	0	0%	0	Project Scope
KANDOS STORMWATER UPGRADE	441	0	441	96	22%	95	Construction
CULVERTS, SHOULDER & K&G - BELLVUE RD MUDGEES	160	0	160	0	0%	0	Consultation
DRAINAGE INSTALLATION - NICHOLSON STREET MUDGEES	40	0	40	0	0%	0	Consultation
DRAINAGE IMPROVEMENTS- MAYNE STREET GULGONG	58	0	58	0	0%	0	Consultation
PUTTA BUCCA WETLANDS TOILET	95	0	95	0	0%	0	Multi-year project - complete for this year
PUTTA BUCCA WETLANDS - PATHWAYS AND CAR PARK*	50	0	50	0	0%	0	Consultation
PUTTA BUCCA WETLANDS INFRASTRUCTURE	613	0	613	0	0%	0	Consultation
WATER NEW CONNECTIONS	95	0	95	27	29%	0	Construction
WATER AUGMENTATION - MUDGEES HEADWORKS	2,273	0	2,273	2	0%	29	Procurement
WATER RYLSTONE DAM UPGRADE	2,063	0	2,063	0	0%	26	Project Scope
WATER MAINS - CAPITAL BUDGET ONLY	395	270	665	0	0%	0	Budget only
WATER MAINS - NICHOLSON ST COURT TO COX	200	0	200	0	0%	0	Design
WATER MAINS - BYRON PLACE	40	0	40	21	53%	16	Final works
WATER MAINS - MAYNE STREET	640	(270)	370	2	1%	170	Procurement
WATER MAINS - NICHOLSON ST PERRY ROAD CROSSING	25	0	25	0	0%	0	Design
WATER MAINS - NICHOLSON ST COURT ST WEST ROAD CROSSING	25	0	25	0	0%	0	Design
WATER MAINS - NICHOLSON ST COURT ST EAST ROAD CROSSING	25	0	25	0	0%	0	Design
WATER PUMP STATION - CAPITAL RENEWALS	96	0	96	0	0%	0	Project Scope
RAW WATER SYSTEMS RENEWALS	21	0	21	0	0%	0	Project Scope
WATER RESERVOIR RENEWALS	100	0	100	9	9%	37	Initial works
WATER TREATMENT PLANT - RENEWALS	150	0	150	0	0%	0	Design
RURAL CUSTOMER FILL STATIONS	139	50	189	103	55%	35	Final works

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
SEWER NEW CONNECTIONS	25	0	25	4	17%	0	Construction
SEWER AUGMENTATION - RYLSTONE & KANDOS	500	0	500	0	0%	0	Design
SEWER TELEMTRY	17	0	17	13	77%	0	Final works
SEWER MAINS - CAPITAL BUDGET ONLY	900	0	900	0	0%	0	Budget only
SEWER MAINS RELINING	126	0	126	38	30%	84	Final works
RISING MAIN ULAN RD TO PUTTA BUCCA	400	0	400	0	0%	0	Design
SEWER PUMP STATION - CAPITAL RENEWALS	75	0	75	0	0%	0	Project Scope
SEWER PUMP STATION - RACECOURSE MUDGEES	125	0	125	0	0%	0	Design
SEWER TREATMENT WORKS - RENEWALS	101	0	101	0	0%	0	Project Scope
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Project Scope
MUDGEES STP EMERGENCY WORKS	73	0	73	4	5%	8	Final works
Total	11,561	70	11,631	369	3%	776	

Building a Strong Local Economy

CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	500	0	500	5	1%	5	Design
RYLSTONE CARAVAN PARK - CAPITAL	515	0	515	20	4%	12	Design
RIVERSIDE CARAVAN PARK FIRE SERVICES	96	0	96	0	0%	0	Multi-year project - complete for this year
MUDGEES VALLEY PARK UPGRADE	319	0	319	129	40%	249	Construction
CUDGEGONG WATERS PARK HOUSE	250	0	250	0	0%	0	Project Scope
MUDGEES VALLEY PARK EXPANSION	7,400	0	7,400	4	0%	0	Design
DIGITAL SIGNAGE	80	0	80	0	0%	0	Consultation
SALEYARDS - CATTLE CRUSH	17	0	17	0	0%	0	Procurement
PROPERTY - MUDGEES AIRPORT SUBDIVISION	0	1	1	0	0%	0	Construction
PROPERTY - EX SALEYARDS STAGE II	2,500	0	2,500	0	0%	0	Design
Total	11,676	1	11,678	158	1%	267	

\$'000

Connecting our Region

	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - BELMORE ST SEG 10-20,50-90	74	0	74	0	0%	0	Design
URBAN ROADS KERB & GUTTER CAPITAL	27	0	27	5	17%	0	Construction
URBAN REHAB - CHURCH / MEARES ST ROUNDABOUT	701	0	701	400	57%	144	Construction
URBAN HEAVY PATCHING	26	0	26	2	7%	2	Construction
URBAN REHAB - PERCY NOTT*	150	0	150	0	0%	0	Consultation
URBAN REHAB - DUNN STREET KANDOS SEG 10-30	182	0	182	0	0%	0	Consultation
URBAN REHAB - CHARBON	128	0	128	0	0%	0	Consultation
URBAN RESEALS - BOMBIRA	45	0	45	2	5%	0	Design
URBAN RESEALS - CHARBON	65	0	65	0	0%	0	Design
URBAN RESEALS - PUTTA BUCCA	44	0	44	0	0%	0	Design
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	840	0	840	89	11%	309	Construction
URBAN RESEALS - SMALL GULGONG RESEALS	34	0	34	0	0%	0	Design
URBAN RESEALS - SNELSONS LANE SEG 10 GULGONG	16	0	16	0	0%	0	Design
URBAN RESEALS - WHITE ST GULGONG SEG 10 20 50-90	31	0	31	0	0%	0	Design
URBAN RESEALS - ANGUS AVE SEG 40-60 KANDOS	70	0	70	0	0%	0	Design
URBAN RESEALS - DUNN ST KANDOS SEG 40 50	7	0	7	0	0%	0	Design
URBAN RESEALS - BANJO PATERSON AVE MUDGEE SEG 10-40	28	0	28	0	0%	0	Design
URBAN RESEALS - LAWSON ST MUDGEE SEG 30-90	67	0	67	0	0%	0	Design
URBAN RESEALS - MACQUARIE DR MUDGEE SEG 30	24	0	24	0	0%	0	Design
URBAN RESEALS - MEARES ST MUDGEE SEG 10	47	0	47	0	0%	0	Design
URBAN RESEALS - NICHOLSON ST MUDGEE SEG 10-30	58	0	58	0	0%	0	Design
URBAN RESEALS - ROBERTSON ST MUDGEE SEG 10	16	0	16	0	0%	0	Design
URBAN RESEALS - WENTWORTH AVE MUDGEE 10-20	13	0	13	0	0%	0	Design

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	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
\$'000							
URBAN RESEALS - SOUTH MUDGEE	53	0	53	0	0%	0	Design
URBAN RESEALS - MEROO CRESCENT MUDGEE SEG 10	5	0	5	0	0%	0	Design
URBAN RESEALS - RYLSTONE	32	0	32	0	0%	0	Design
URBAN REHAB - BOMBIRA AVENUE	0	50	50	0	0%	0	Consultation
HORATIO ST/PERRY ST SHOULDER SEALING	0	55	55	0	0%	0	Consultation
URBAN RESEALS - HENNESY PLACE	0	10	10	0	0%	0	Consultation
RESHEETING - URBAN ROADS	16	0	16	0	1%	1	Construction
ROAD SAFETY IMPROVEMENTS - MUDGEE SCHOOLS	60	0	60	0	0%	0	Project Scope
URBAN ROADS LAND MATTERS CAPITAL	24	0	24	1	2%	0	Initial works
GUTTERING BYLONG VALLEY WAY KANDOS	50	0	50	0	0%	0	Design
RURAL SEALED ROADS RESEALS BUDGET ONLY	12	0	12	0	0%	0	Budget only
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	527	(219)	308	0	0%	0	Budget only
RURAL REHAB - CUDGEGONG RD	30	22	52	1	2%	49	Construction
RURAL REHAB - BARNEYS REEF RD	124	0	124	74	60%	15	Complete-awaiting invoices
HEAVY PATCHING	48	0	48	13	27%	2	Construction
RURAL REHAB - LUE ROAD MONIVAE SEG 100	469	0	469	0	0%	0	Consultation
RURAL RESEAL - CRUDINE RD SEG 40, 80 & 160	139	0	139	0	0%	0	Design
RURAL RESEAL - BUCKAROO	89	0	89	1	1%	0	Design
RURAL RESEAL - WINDEYER ROAD GRATTAI SEG 10	34	0	34	0	0%	0	Design
RURAL RESEAL - HARGRAVES	120	0	120	0	0%	0	Design
RURAL RESEAL - LUE ROAD LUE SEG 152-165	110	0	110	0	0%	0	Design
RURAL RESEAL - PYRAMUL RD PYRAMUL SEG 140-190	140	0	140	0	0%	0	Design
RURAL RESEAL - MOGO RD WOLLAR SEG 10 40	30	0	30	0	0%	0	Design
RURAL RESEAL - BURRENDONG DAM RD YARRABIN SEG 10	30	0	30	0	0%	0	Design
RURAL RESEAL - RYLSTONE	99	0	99	0	0%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL RESEAL - BLACK SPRINGS ROAD SEG 10 20 60 110 120 150	163	0	163	0	0%	0	Design
RURAL RESEAL - BUDGEE BUDGE	117	0	117	0	0%	0	Design
RURAL RESEAL - ST FILLIANS	145	0	145	0	0%	0	Design
RURAL RESEAL - ABATTOIRS RD MENAH SEG 10 20	67	0	67	0	0%	0	Design
RURAL RESEAL - LOWER PIAMONG RD MENAH SEG 10-30	125	0	125	0	0%	0	Design
WILPINJONG MINE ENTRANCES - ULAN WOLLAR RD	536	0	536	25	5%	12	Construction
LUE RD/PYANGLE RD INTERSECTION WIDENING	0	210	210	0	0%	0	Consultation
RURAL SEALED ROAD LAND MATTERS	16	0	16	1	5%	0	Initial works
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM *	800	0	800	0	0%	0	Consultation
MUNGHORN GAP REALIGNMENT & UPGRADE	2,380	0	2,380	26	1%	151	Consultation
HILL END ROAD SAFETY IMPROVEMENTS	2,575	0	2,575	62	2%	9	Construction
BVW UPGRADE RNSW 2080	1,416	0	1,416	139	10%	55	Initial works
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	9	0	9	0	4%	2	Initial works
SEAL EXTENSION - LOWER PIAMBONG RD	578	0	578	6	1%	0	Initial works
SEAL EXTENSION - AARONS PASS RD	1,747	0	1,747	2	0%	0	Initial works
SEAL EXTENSION - QUEENS PINCH RD	2,359	0	2,359	0	0%	0	Consultation
SEAL EXTENSION - COXS CREEK RD	1,360	0	1,360	0	0%	9	Initial works
SEAL EXTENSION - MEBUL RD	724	0	724	183	25%	234	Final works
SEAL EXTENSION - COX STREET LUE	50	0	50	0	0%	0	Initial works
SEAL EXTENSION - BOTOBOLAR RD	1,122	0	1,122	9	1%	0	Initial works
SEAL EXTENSION - SPRING FLAT ROAD	250	0	250	0	0%	9	Initial works
RESHEETING	2,025	0	2,025	197	10%	20	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	21	0	21	1	5%	0	Initial works
GOODIMAN CREEK BRIDGE REPLACEMENT	1,150	0	1,150	13	1%	9	Procurement
DIXONS LONG POINT CROSSING	7,663	(6,623)	1,040	3	0%	90	Project Scope

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	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
\$'000							
BRIDGE TO PUTTA BUCCA ROAD	3,108	0	3,108	0	0%	0	Design
GOULBURN RIVER BRIDGE ULAN ROAD	1,456	0	1,456	19	1%	1,172	Initial works
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	402	0	402	71	18%	3	Construction
FOOTWAYS - CAPITAL WORKS	138	0	138	6	4%	0	Construction
PEDESTRIAN - PUTTA BUCCA WALKWAY	28	0	28	30	108%	0	Complete
PUTTA BUCCA ECO TRAIL	134	0	134	136	101%	0	Complete
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	370	0	370	72	20%	56	Construction
FOOTPATH - WALKERS OVAL TO CULTURAL PRECINCT	56	0	56	0	1%	0	Construction
SHARED PATHWAY - GLEN WILLOW TO PUTTA BUCCA WETLANDS AREA	87	0	87	13	15%	0	Construction
FOOTPATH - LIONS DRIVE	15	0	15	0	0%	30	Procurement
BUGGY PATH LIGHTING	2	0	2	0	0%	0	Project Scope
AIRPORT HANGER AND STUDIO	250	0	250	1	0%	0	Consultation
CARPARK - MUDGEES COMMON	50	0	50	0	0%	0	Consultation
CARPARK - GULGONG POOL	30	0	30	0	0%	0	Consultation
CBD PEDESTRIAN CROSSING LIGHTING UPGRADE	72	0	72	0	0%	0	Construction
Total	38,527	(6,495)	32,032	1,604	5%	2,383	

Good Government

MUDGEES ADMINISTRATION BUILDING UPGRADE	7	0	7	4	56%	6	Multi-year project - complete for this year
OLD POLICE STATION CAPITAL	15	0	15	0	0%	0	Consultation
BUILDINGS MASTER KEY SYSTEM	150	0	150	0	0%	0	Consultation
CONCEPT PLANS FOR MAIN ADMIN BUILDING	775	0	775	3	0%	116	Construction
IT SPECIAL PROJECTS	32	0	32	0	0%	0	Consultation
IT - NETWORK UPGRADES	105	0	105	0	0%	15	Consultation
IT CORPORATE SOFTWARE	152	0	152	19	12%	0	Consultation

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
IT - DATACENTRE STORAGE ARRAY	150	0	150	0	0%	0	Consultation
PLANT PURCHASES	8,963	(24)	8,939	166	2%	5,465	Deferred/Cancelled
SOLAR FARM INITIATIVE	727	0	727	113	16%	407	Design
WORKSHOP CONCRETE WORKS	18	0	18	0	0%	0	Deferred/Cancelled
SOLAR FARM INITIATIVE - STAGE 3	3,953	0	3,953	0	0%	0	Project Scope
Total	15,048	(24)	15,023	305	2%	6,010	
Total Capital Works Program	89,655	(6,448)	83,207	3,455	4%	13,088	

9.9 Kandos Lookout

REPORT BY THE MANAGER PROPERTY AND REVENUE
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, P1681411

RECOMMENDATION

That Council:

1. **receive the report by the Manager Property and Revenue on the Kandos Lookout; and**
2. **note the result of the further ownership investigations which confirms the site, previously used as the Kandos Lookout, is held under private ownership.**

Executive summary

On 21 July 2021, Council supported the following Notice of Motion (Min 203/21) –

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.

The purpose of this Report is to inform Council of the results of the further investigation into the ownership of the site.

Disclosure of Interest

Nil.

Detailed report

Since Council's resolution of 21 July 2021, further investigations have taken place in relation to the ownership of the site previously used as the Kandos Lookout. These investigations have confirmed earlier advice that the site is held under private ownership.

Additional investigations have failed to locate any Crown land within the vicinity which may be considered suitable to develop a lookout.

Community Plan implications

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

Council Strategies

Not Applicable.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

23 August 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.10 Grants Commission Financial Assistance Grant 2021-22

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400087, GRA600041

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator on the Grants Commission Financial Assistance Grant 2021-22;**
2. **note the correspondence received from the Local Government Grants Commission attached to this report;**
3. **amend the 2021/22 Budget to recognise a transfer from other internal restrictions due to the advance payment of part of the 2021/22 financial assistance grant being a general purpose component of \$2,191,640 and local roads component of \$1,309,394 and offset with an equal amount of reduction in grant income;**
4. **amend the 2021/22 Budget to increase grant income for the general purpose component by \$267,560 and the roads component by \$118,020; and**
5. **amend the 2021/22 Budget to increase the Rural Sealed Road Rehabilitation Budget Only expenditure budget by the increased roads component grant amount of \$118,020, with the balance of funds to increase General Fund unrestricted cash by \$267,560.**

Executive summary

Council has received the attached letter from the Local Government Grants Commission regarding financial assistance grants (FAGs). The letter advises that Mid-Western Regional Council's 2021/22 financial assistance grant estimated entitlement is an increase of 2.4% compared to the 2020/21 final entitlement. Based on this advice it is recommended to amend Council's 2021/22 budget to recognise the carry forward of the advance payment made in 2020/21 financial year to 2021/22 and to recognise the higher than budgeted grant income for the 2021/22 allocation. This is a net increase of grant funding by \$385,580.

Disclosure of Interest

Nil.

Detailed report

The Council's 2021/22 financial assistance grant estimated entitlement compared to 2020/21 final entitlement is as follows:

Council's Financial Assistance Grants Entitlement

Year	General Purpose	Local Roads	Total
2020/21 Payments	\$4,233,347	\$2,532,977	\$6,766,344
2020/21 CPI/Population Adjustment	\$70,547	\$38,539	\$109,086
2020/21 final	\$4,303,894	\$2,571,536	\$6,875,430
2021/22 estimate	\$4,430,360	\$2,612,477	\$7,042,837

Council's 2020/21 Financial Assistance Grants Payments Due

Year	General Purpose	Local Roads	Total
2021/22 estimate	\$4,430,360	\$2,612,477	\$7,042,837
2020/21 CPI/Population Adjustment	\$70,547	\$38,539	\$109,086
2021/22 entitlement	\$4,500,907	\$2,651,016	\$7,151,923
2021/22 Advance Payment (Paid in June 2021)	\$2,191,640	\$1,309,394	\$3,501,034
2021/22 Anticipated Payments	\$2,309,267	\$1,341,622	\$3,650,889
Total Payments	\$4,500,907	\$2,651,016	\$7,151,923

Council's 2021/22 estimated FAGs entitlement for General Purpose and Local Roads are \$4,430,360 and \$2,612,477 respectively. Council's current FAGs entitlement includes \$4,500,907 for the General Purpose component and \$2,651,016 for the Local Roads component, a total of \$7,151,923 after CPI/Population adjustment for the prior year.

Councils received approximately 48.95 percent of their estimated 2021/22 FAGs on 08 June 2021. Mid-Western Regional Council received a total of \$3,501,034 in advance and have accounted for this as internally restricted funds as at 30 June 2021.

Proposed Budget Variation

Budget	General Purpose	Local Roads	Total
2021/22 entitlement	\$4,500,907	\$2,651,016	\$7,151,923
2021/22 Current Budget	\$4,233,347	\$2,532,996	\$6,766,343
2021/22 Proposed Budget Variation	\$267,560	\$118,020	\$385,580

Council's current budget includes \$4,233,347 for the General Purpose component and \$2,532,996 for the Local Roads component, a total of \$6,766,343. Therefore, the budget adjustments required are to increase the General Purpose component by \$267,560 and Local Roads component by \$118,020, a total of \$385,580.

The letter also importantly highlights that:

SPECIAL SUBMISSIONS RELATING TO 2022-23 GRANTS

As usual, special submissions from councils will be considered by the Commission. The purpose of a submission is to give council the opportunity to present information on the financial impact of inherent expenditure disabilities beyond its control that are not generally recognised in the current

methodology. This allows the Commission to adequately consider all legitimate factors that affect council's capacity to deliver services.

It is not anticipated that a Special Submission is required at this time.

Community Plan implications

Theme	Good Governance
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities

Strategic implications

Council Strategies

Not applicable.

Council Policies

Not applicable.

Legislation

Not applicable.

Financial implications

The total grant funding is not restricted therefore Council's budgeted unrestricted cash will increase by \$385,580.

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

Associated Risks

Not applicable.

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

23 August 2021

Attachments: 1. 21-22 Local Government Grants Commission Letter.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

NSW Local Government Grants Commission
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE: A784605
YOUR REFERENCE:
CONTACT: Helen Pearce
(02) 4428 4131
helen.pearce@olg.nsw.gov.au

Mr Brad Cam
General Manager
Mid-Western Regional Council
By email: brad.cam@midwestern.nsw.gov.au
cc: council@midwestern.nsw.gov.au

20 August 2021

Dear Mr Cam

In accordance with the NSW Local Government Grants Commission's (Commission) policy of providing information to councils about the way the Commission calculates financial assistance grants (FAGs), please find attached a summary of Council's 2021- 22 estimated FAGs entitlement (**Appendix A**).

The Commonwealth Treasury's estimate of the Consumer Price Index (CPI) for 2020- 21 has been adjusted up since the 2021-22 mid-year end of financial year update. When compared to the 2020-21 final adjusted amount, the total national FAGs for 2021-22 increased by 2.2%. The 2020-21 estimated entitlement comparison to the 2019-20 final adjusted amount was 1.1%, and remains the lowest percentage increase since the paused indexation period of 2014-15 to 2016-17. Accordingly, the State's FAGs allocation for 2021-22 is slightly higher than last year, however the ongoing economic impact of the pandemic is difficult to predict.

The national FAGs figure for 2021-22 is \$2.657 billion and is made up of \$1.840 billion for the general purpose component and \$0.817 billion for the local roads component. The national estimated entitlement for 2020-21 increased by \$38.9 million to account for final adjustments to the CPI and population shares for the year.

The national general purpose component was distributed across the states and territories on a population basis. NSW received 31.8% or \$584.8 million in the general purpose component, which represents a 1.7% increase on last year's final figure. The local roads component is based on an historical formula. NSW's share of the total road funding is a fixed 29% share, or \$236.9 million. The total FAGs allocation to NSW for 2021-22 is \$821.7 million.

Council's 2021-22 FAGs estimated entitlement, compared to the 2020-21 final entitlement is as follows:

Year	General Purpose \$	Local Roads \$	Total \$	Change
2020-21 final	\$4,303,894	\$2,571,536	\$6,875,430	
2021-22 est.	\$4,430,360	\$2,612,477	\$7,042,837	2.4%



To assist councils with budgets and bank reconciliations, a breakdown of the 2021-22 quarterly instalments is attached (**Appendix A**). The NSW Statement of Payments is also attached (**Appendix B**).

As councils will be aware, the Commission is required to adhere to the National Principles which mandate a per capita payment based on population growth/decline. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. The Commission has had regard to these policies in allocating the grants.

A key challenge for the Commission continues to be the Commonwealth's request to apply the minimum per capita grant, which has a significant impact on the ability of the Commission to redirect funding. The map contained in **Appendix D** identifies the rate of population change in NSW from 2006 to 2016. **Appendix D** also lists the revised expenditure categories, disability factors, data sources used in calculating the expenditure allowance and the relative disability allowance.

Following the impacts of the global economic downturn and the pandemic, last year the Commission faced the challenge of a substantially reduced CPI estimate. NSW received an increase of just 0.9%, or \$5.1 million, on the prior year's final general purpose component figure. This was substantially lower than the 4%, or \$21.3 million, increase NSW received in 2019-20. However, at the time, the CPI had been underestimated by the Commonwealth and the adjustment increase for the 2020-21 final CPI has been welcomed by the Commission. The increase has enabled the Commission to resume the quarantining of \$5.0 million for the application to the relative disability allowance (it had to be reduced to \$4.5 million of quarantined funds in the previous year). This ensures that additional funds are still able to be directed to those councils with a greater relative need whilst ensuring that additional uncertainty is not delivered to the sector during this difficult time with the implementation of the 0% floor to the general purpose grant. However, the CPI has not been restored to higher levels of recent years and further fluctuations cannot be ruled out.

In addition to these calculations, the Commonwealth Government decided to retain the practice of forward payments of approximately half of the financial assistance grants, based on the 2020-21 estimates for payment. The Commonwealth Government decided to make this year's early payment given the ongoing cashflow challenges faced by local government across Australia and to allow councils early access to the funds to help manage the cumulative impacts of drought, bushfires and now the COVID-19 crisis. Councils received approximately 52% of their estimated 2021-22 FAGs on 8 June 2021. The remainder of the grant entitlements will be paid in quarterly instalments in August 2021, November 2021, February 2022 and May 2022.

CONSIDERATIONS FOR 2022-23 GRANTS

Councils should be mindful that, given the current economic environment, there is a real possibility that there will be an extended period of a reduced CPI going forward. Should that occur, the Commission will likely need to restore the negative floor to ensure the integrity of the FAGs allocation system is maintained. Such a decision will result in some councils receiving less in the 2022-23 GPC than they will in 2021-22.

SPECIAL SUBMISSIONS RELATING TO 2022-23 GRANTS

Special submissions from councils for 2022-23 will be considered by the Commission. The purpose of a submission is to give councils the opportunity to present information on the financial impact of inherent expenditure disabilities beyond councils' control that are not generally recognised in the current methodology. Please refer to the expenditure functions and Council's disability factors listed in **Appendix A**. This process allows the Commission to adequately consider all legitimate factors that affect councils' capacity to deliver services.

Appendix C, titled *Guidelines for Special Submissions*, contains guidelines for preparing submissions – please read the guidelines carefully.

Submissions should be e-mailed to the Commission at olg@olg.nsw.gov.au by **15 November 2021**.

I would ask that this letter please be tabled at the next Council meeting.

If you have any questions concerning these matters, please contact me on (02) 4428 4131.

Yours sincerely



Helen Pearce
Executive Officer

9.11 Policy Review - Investments

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400087, GOV400047

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Policy Review - Investments;
2. place the revised Investment Policy on public exhibition for 28 days; and
3. adopt the revised Investment Policy if no submissions are received.

Executive summary

This report presents the review of Council's Investments Policy. A copy of the proposed Investment Policy with track changes is attached to this report.

Disclosure of Interest

Nil.

Detailed report

Council's Finance department have conducted a review of the Investments Policy. The policy review proposes to change the Delegation of Authority so that it is in line with the Council restructure.

The following delegation titles have been removed:

- Manager Financial Planning
- Financial Accountant

The following delegations titles have been added:

- Manager Finance
- Financial Planning Coordinator
- Financial Operations Coordinator

Community Plan implications

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

Council Strategies

Not applicable

Council Policies

The current Investments Policy requires an annual review. The recommendation if approved will amend the Investment Policy.

Legislation

Local Government Act 1993 (NSW) Section 625

Local Government (General) Regulation 2005 (NSW) Clause 212

Financial implications

Not applicable.

Associated Risks

Investment risk and risk management strategies are included in the Investments Policy

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 September 2021

Attachments: 1. POLICY - REVIEW - Investments Policy September 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Investments

*A prosperous
and progressive
community.*

ADOPTED		REFERENCE	2.1
COUNCIL MEETING MIN NO	364/20	REVIEW DATE	NOVEMBER 2021
DATE:	18 NOVEMBER 2020	FILE NUMBER	GOV40047; FIN300053

Objective

The objective of this policy is to provide a framework for managing the investment of Council funds. It aims to ensure Council:

- Complies with the relevant legislative and regulatory requirements
- Identify risks, risk management strategies and establish tolerable levels of exposure to risk
- Give due consideration to the preservation of capital
- Maintain sufficient liquidity to meet all cash flow requirements
- Maximise the rate of return in line with all requirements of this policy
- Establish guidelines in relation to monitoring and reporting on investments
- Confirm delegations of authority and other governance matters in relation to investments

Legislative and regulatory requirements

- Local Government Act 1993 (NSW) Section 625
- Local Government (General) Regulation 2005 (NSW) Clause 212
- Ministerial Local Government Investment Order dated 12 January 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 (NSW)
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Investment Policy Guidelines
- Office of Local Government Circulars

Approved Investments

Investments are limited to those allowed by the Ministerial Investment Order and must be denominated in Australian Dollars. Approved investments include:

- public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- debentures or securities issued by a NSW Council;
- interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution, but excluding subordinated debt obligations;
- bills of exchange issued by or accepted by an authorised deposit-taking institution and not more than 200 days to maturity;

- a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

Prohibited Investments

This policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest).

Related policies and plans

- Statement of Business Ethics
- Conflicts of Interest Policy

Policy

Delegation of Authority

Authority for implementation of the Investments Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager has in turn delegated the day-to-day management of Council's investments to the:

- Chief Financial Officer (Responsible Accounting Officer)
- Manager [Financial Planning Finance](#)
- Financial ~~Accountant~~ [Planning Coordinator](#)
- [Financial Operations Coordinator](#)
- Manager Revenue and Property

A minimum of two price quotations of like or similar investments must be obtained for the acquisition of all market investments in order to verify the fairness of the purchase price. Two authorised signatories, with appropriate delegation limits must approve each investment recommendation. Recommendations must be retained on file as a permanent record.

Any single investment exceeding \$5M, or, with a maturity term that exceeds 2 years must be authorised by the Responsible Accounting Officer or General Manager.

The General Manager must approve delegations in writing and record them in the Register of Delegations. Delegated officers are required to acknowledge that they have received a copy of this policy and understand their obligations in this role when investing funds on behalf of Council in accordance with this policy.

Adequate controls are in place to safeguard Council's assets, such as the separation of duties in relation to authorising and executing transactions through the requirement of two authorised signatories for each transaction.

Conflicts of Interest

Officers shall refrain from activities that would conflict with the proper execution and management of Council's investment portfolio. Council's Conflicts of Interest Policy provides guidance for recognising and disclosing any conflicts of interest.

In accordance with Council's Statement of Business Ethics, any independent investment advisors are also required to disclose any actual or perceived conflicts of interest.

Investment Risk

Investment risk can take many forms:

Credit risk – the risk that the institution Council has invested in fails to pay the interest and or repay the principal of an investment.

Liquidity risk – the risk an investor is unable to realise the investment at short notice due to the illiquid nature of a particular investment. This could potentially result in Council being unable to meet payments as and when they fall due.

Market risk – the risks associated with changes in market prices such as interest rates, currency and commodity prices.

Legislative risk – the risk of laws changing that affect investment value.

Risk Management Strategies

There are risks associated with all investments. Council's primary consideration is the reduction of credit and liquidity risks. The following strategies aim to reduce these risks.

CREDIT QUALITY LIMITS

To reduce credit risk, Council will only invest in products with a Standard and Poor's (S&P) long-term credit rating of BBB- or stronger, with the exception of TCorp's Hour-Glass Funds. Investments in unrated entities will be restricted to the limits of the Commonwealth Guarantee (Financial Claims Scheme).

To further reduce risk Council's policy includes maximum holding limits for each rating category. Individual counterparties/financial institution limits are also established to ensure portfolio diversification which reduces the risk of being over exposed to a particular institution.

The following table applies to restrict investments in institutions by the S&P long-term credit rating. Percentage limits in the table refer to percentages of the total portfolio.

Long-Term Credit Rating	Portfolio Limit	Limit Per Institution
AAA to AA-	100%	40%
A+ to A-	50%	20%
BBB+	20%	10%
BBB	10%	5%
BBB-	5%	5%
TCorp's Hour-Glass Growth Funds (No Rating)	15%	Not Applicable
TCorp's Hour Glass Short Term Income Fund (No Rating)	15%	Not Applicable
TCorp's Hour-Glass Cash Fund (No Rating)	30%	Not Applicable
No Rating	5%	Limited to the Commonwealth Guarantee amount

Credit guidelines to be adopted reference the S&P ratings system criteria and format. Credit ratings measure relative credit strength and in no way do they guarantee the Council against investment losses. Despite this challenge, credit ratings provide the best independent information available to assess exposure to credit risk. The format of S&P rating criteria is shown in the below table.

S&P		RATING DESCRIPTION	
LONG-TERM	SHORT-TERM		
AAA	A-1+	PRIME	INVESTMENT-GRADE
AA+		HIGH GRADE	
AA			
AA-			
A+	A-1	UPPER MEDIUM GRADE	
A			
A-			
BBB+	A-2	LOWER MEDIUM GRADE	
BBB			
BBB-			
NR	NR	NO RATING	NO RATING HAS BEEN REQUESTED

Investments graded lower than BBB- are not shown as they are considered non-investment grade speculative and therefore would be prohibited under this policy.

TERMS TO MATURITY FRAMEWORK

The term to maturity framework is structured around the cash requirements of the Council and the management of liquidity and market risk. The portfolio liquidity parameters specify the maximum and minimum amounts or percentages of the total investment portfolio that can be held within the various investment maturity bands. The liquidity/maturity profile of the total investment portfolio must comply with the parameters shown in the table below.

Period to Maturity	Cumulative Minimum % of Total Portfolio
< 3 months	Greater of 20% or \$15 million
< 1 year	40%
< 2 years	50%
< 4 years	85%

The minimum requirement for short term access to investments is set at a minimum of \$15 million to ensure adequate funds are available to meet Council's expected liabilities based on the current budget.

Term to Maturity	Maximum % of Total Portfolio
< 3 months	100%
3 months to 1 year	80%
1 to 2 years	60%
2 to 4 years	50%
Greater than 4 years	15%

The term to maturity of individual investments will also be limited according to the institutions credit rating, as shown in the table below.

Long-Term Credit Rating	Maximum Term
AA- or above	5 years
A+ to A	3 years
A- to BBB+	2 years
Below BBB+	1 year

PROCEDURE FOR THE BREACH OF LIMITATIONS OR THRESHOLDS

Where a breach of threshold or limitation occurs due to an unavoidable change in the total investment portfolio or downgrade in credit rating, the following process will apply:

- an immediate freeze is imposed on the acquisition of new investment in the relevant category until the portfolio can be effectively managed back to accord with the requirements of this policy

- the relevant category of investments must be managed back in accord with the policy limits within a period that takes into account any adversity created by market, liquidity and credit risk.

The immediate forced sale of the investment in breach of limits or thresholds will not be required.

Performance Benchmarks

Investment performance will be measured quarterly against the following benchmarks according to the term of investment.

Term of Investment	Benchmark
< 2 years	Bloomberg Ausbond Bank Bill Index (Quarterly and 1 year)
2 years and over	Bloomberg Ausbond Composite 2-5 year Index

Reporting

Documentary evidence must be held for each investment and details thereof maintained in the Investment Register. The documentary evidence must provide Council legal title to the investment.

Details to be included in the Investment Register:

- The source and the amount of money invested;
- Particulars of the security or form of investment in which the money is invested;
- The term of the investment; and
- The rate of interest to be paid, and the amount of money that Council has earned, in respect of the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly.

Council will be provided with a written report each month setting out details of the entire investment portfolio. The report will confirm compliance of Council's investments with legislative and policy requirements. The report will be made up to the last day of the month immediately preceding the meeting.

As part of the quarterly budget review process, Council will be provided with a detailed commentary and performance benchmarking of the portfolio.

Review of Policy and Investments

ANNUAL REVIEW

In accordance with the Office of Local Government Investment Policy Guidelines, Council will review the Investments Policy annually or in the event of significant legislative or market changes.

PROFESSIONAL ADVICE

Council may from time to time use the services of suitably qualified investment professionals to provide assistance in investment strategy formulation, portfolio implementation and monitoring.

Any such advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of this Investment Policy.

Any independent advisor engaged by Council is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Definitions

Term	Meaning
Authorised Deposit-Taking Institution	Authorised Deposit-Taking Institutions are corporations which are authorised under the <i>Banking Act 1959</i> to accept deposits and conduct banking activities.
BBSW	The Bank Bill Swap reference rate (BBSW) is the average of mid-rate bank-bill quote from brokers on the BBSW Panel. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.
Bill of Exchange	A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.
Bloomberg Ausbond Bank Bill Index	The Bloomberg Ausbond Bank Bill Index is a leading benchmark for the fixed income market in Australia.
Commonwealth Guarantee (Financial Claims Scheme)	The Financial Claims Scheme (FCS) is an Australian Government scheme that protects depositors of authorised deposit-taking institutions (banks, building societies and credit unions) and policyholders of general insurance companies from potential loss due to the failure of these institutions. For banks, building societies and credit unions incorporated in Australia, the FCS provides protection to depositors up to \$250,000 per account-holder per ADI. The Scheme seeks to provide depositors with timely access to their protected deposits in the unlikely event of the failure of their ADI.
Debenture	A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising

	<p>capital. Debentures are issued by companies in return for medium and long-term investment of funds by lenders.</p>
<p>FRN</p>	<p>A Floating Rate Note (FRN) is a medium to long-term fixed interest investment where the coupon is a fixed margin (“coupon margin”) over a benchmark, also described as a “floating rate”. The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.</p>
<p>TCorp’s Hour-Glass Funds</p>	<p>New South Wales Treasury Corporation (TCorp) is the financial markets partner for New South Wales public sector agencies. Hour-Glass Funds are permitted under Ministerial Local Government Investment Order. Hour-Glass Funds are ready made Unit Trusts catering to most investment objectives.</p>

Item 10: Operations

10.1 Acceptance of Fixing Local Roads Round 3 funding for Queens Pinch Rd, Coricudgy Rd and Bocoble Rd seal extensions if successful

REPORT BY THE MANAGER WORKS
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, GRA600015

RECOMMENDATION

That Council:

1. receive the report by the Manager Works on the Acceptance of Fixing Local Roads Round 3 funding for Queens Pinch Rd, Coricudgy Rd and Bocoble Rd seal extensions if successful;
2. if successful, accept up to \$5,517,000 in grant funding from the Fixing Local Roads program for seal extensions;
3. amend the 2021/22 Budget to allocate \$7,356,000 to seal extension projects as follows:
 - 3.1 Queens Pinch Road seal extension \$2,294,000
 - 3.2 Coricudgy Road seal extension \$2,886,000
 - 3.3 Bocoble Road seal extension \$2,176,000
4. amend the 2021/22 Budget to allocate \$5,517,000 in grant funding as follows:
 - 4.1 Queens Pinch Road seal extension \$1,720,500
 - 4.2 Coricudgy Road seal extension \$2,164,500
 - 4.3 Bocoble Road seal extension \$1,632,000
5. amend the 2021/22 Budget to allocate \$1,839,000 reserve funding as follows:
 - 5.1 Queens Pinch Road seal extension \$573,500 seal extension reserve
 - 5.2 Coricudgy Road seal extension \$526,500 seal extension reserve, and \$195,000 public road closure compensation reserve
 - 5.3 Bocoble Road seal extension \$544,000 public road closure compensation reserve
6. authorise the General Manager to finalise and sign the funding agreement with Transport for NSW.

Executive summary

In July 2021, Council applied for grant funding through the Fixing Local Roads Program Round 3, to seal 6.4km of Queens Pinch Rd, 6.4km of Coricudgy Rd and 6.4km of Bocoble Rd. Council has not received notification of any of the applications as yet.

The purpose of this report is to authorise the General Manager to accept funding and sign the funding agreement and other relevant documentation should Council be notified of any successful applications.

Disclosure of Interest

Nil.

Detailed report

Council has been very successful in Round 1 and Round 2 of the Fixing Local Roads Program, having received notification of over \$10,000,000 in the two rounds. Council has contributed up to 25% of the total budget such that over 47km of seal extension will be carried out under those two rounds.

Currently, there is approximately 100kms of main local road in the Mid-Western Regional Council area that are school bus routes and are unsealed. These roads require frequent maintenance grading given the relatively high traffic volumes, school bus use and heavy vehicles generally. These roads are on a 12-month grading schedule, however sometimes require grading more frequently.

Council have applied for funding to seal the higher volume main local road bus routes under Round 3 including 6.4km of Queens Pinch Rd, 6.4km of Coricudgy Rd and 6.4km of Bocoble Rd. If successful, this would result in a total of 18.2km of existing unsealed bus routes being sealed.

The application required Council to fund 25% of the total project cost, with the remainder being from the NSW Government. It is recommended, that if successful Council accept the grant funding and authorise the General Manager to sign the funding agreement with Transport for NSW. Generally once announced Council has limited time to accept the funding.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

Strategic implications

Council Strategies

Roads Asset Management Plan

Council Policies

Not applicable

Legislation

Roads Act 1993

Strategic implications

Council Strategies

Roads Asset Management Plan

Council Policies

Not applicable

Legislation

Roads Act 1993

Financial implications

The funding arrangement is 75% grant to 25% Council funding. A budget allocation is recommended in order to accept the funding although successful grant funding has not been announced as yet, so while Council is hopeful of more funding, the amount and timing is not known at this stage.

Grant Name	Funding Body	Project Applied For	Total Value	Grant Amount requested	Council funding committed
Fixing Local Roads – Round 3	NSW Government	Queens Pinch Road Seal Extension	\$2,294,000	\$1,720,500	\$573,500
Fixing Local Roads – Round 3	NSW Government	Coricudgy Road Seal Extension	\$2,886,000	\$2,164,500	\$721,500
Fixing Local Roads – Round 3	NSW Government	Bocoble Road, Bocoble: Seal Extension Bus Route	\$2,176,000	\$1,632,000	\$544,000

An upgrade in infrastructure increases the renewal burden for future years, therefore negatively impacting Building and Infrastructure Renewal Ratio. It also increases depreciation and maintenance in future years which will have a negative impact on future years Operating Performance Ratio.

The increase in grant funding received is good for the community by providing important infrastructure upgrades, however it will have a negative impact on the current years Own Source Revenue ratios, and the future Operating Performance Ratio (increased depreciation) and Building & Infrastructure Renewal Ratio. Extending the sealed road network provides an increase to Councils levels of service, which results in the negative impact to ongoing financial ratios.

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

Associated Risks

Council staff will manage the construction risks associated with the projects.

ANDREW KEARINS
MANAGER WORKS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

1 September 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Arts OutWest - Memorandum of Understanding

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, REC800047, REC800019

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Arts OutWest - Memorandum of Understanding;**
2. **authorise the General Manager to execute the Memorandum of Understanding with Arts OutWest on behalf of Council; and**
3. **nominate Lizzy Galloway to the Arts OutWest Advisory Council for a period appropriate until Local Government elections are finalised and a new Council convenes to endorse a representative.**

Executive summary

Council commenced its membership with Arts OutWest as its Regional Arts Development organisation from 1 July 2021. This report seeks assistance from Council in further developing that relationship with the endorsement of a Memorandum of Understanding and nomination to the Arts OutWest Advisory Council.

Disclosure of Interest

Nil.

Detailed report

At its February 2020 meeting, Council endorsed the advice of Cultural Development Committee to investigate Council's membership of a suitable Regional Arts Development Organisation from 1 July 2020. Further to this, in March 2021, Council endorsed a decision for it to replace its Orana Arts membership with an Arts OutWest membership from 1 July 2021.

Arts OutWest have now provided Council with its Memorandum of Understanding (attached to this report) for endorsement. The Memorandum seeks from Council an appointment of a representative to the Arts OutWest Advisory Council. The Advisory Council member will represent the interests of the Mid-Western Region and contribute to ensuring that the Arts OutWest Strategic Plan and Annual Activity Plan for Arts OutWest meet the needs of the Region.

Given the delays in local government elections, Council staff recommend a temporary appointment of Lizzy Galloway, the Mudgee Arts Precinct Gallery Curator, to the Arts OutWest Advisory Council with the matter to be reconsidered again by the new Council convening in February 2022.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support arts and cultural development across the Region

Strategic implications

Council Strategies

Council's Community Plan aims to meet the diverse needs of the community and create a sense of belonging by supporting arts and cultural development across the Region.

Council Policies

Not Applicable.

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

23 August 2021

Attachments: 1. AOU - Memorandum of Understanding 2021-2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Memorandum of Understanding

between

Arts OutWest

and

Mid-Western Regional Council

1 July 2021 – 31 December 2024

This Memorandum of Understanding (MOU) includes the following:

1. Key understandings for member Councils
2. Undertakings
3. Financial contribution
4. Review process

1. Key understandings for member Councils

- a) All member Councils understand effective arts and cultural development to be the strategic planning and management of cultural services, facilities and programs that contribute to local identity, sense of place and quality of life and empower local groups to contribute socially and economically through the arts.
- b) The Councils jointly agree to support Arts OutWest Inc. as key stakeholders in the Regional Arts Development Organisation (RADO) for the region.
- c) The Councils understand that funding by each member Council, matched by State funding is essential for the core operations of Arts OutWest Inc. and its sustainability in the future.
- d) The Councils understand and fully support the core business of Arts OutWest as outlined in its Strategic Plan 2021-24 plan.
- e) Arts OutWest inc. is a not-for-profit incorporated association managed by a Committee of Management (Board) appointed through a transparent application process.



2. Undertakings

What Arts OutWest will agree to do:

1. Arts OutWest Inc. will deliver core services to the region as defined by the Arts OutWest Strategic Plan and any reviews thereof in consultation with all its stakeholders.
2. Arts OutWest will work in active partnership with the local Councils of the region to deliver regional cultural development outcomes.
3. Arts OutWest Inc. will provide all member Councils with an Annual Report showing expenditure of all consolidated revenue and providing details on services rendered to each Council area.
4. Arts OutWest will acknowledge the partnership arrangement with the Councils on all public material in an appropriate manner

What The Council will agree to do:

5. The Council will acknowledge Arts OutWest in programs involving Arts OutWest
6. The Council will appoint a person to the Arts OutWest Advisory Council. This person will attend two meetings a year and will provide a conduit for Arts OutWest to the LGA and its issues. The Advisory Council member will represent the interests of the LGA and will contribute to ensuring that the Arts OutWest Strategic Plan and the Annual Activity Plan for Arts OutWest meet the needs of the LGA.
7. The Council and their communities will provide Arts OutWest with relevant information on cultural issues, activities and events for information and promotion by Arts OutWest Media and Promotion services.
8. The Council and Arts OutWest will share information on cultural matters including the linking of community directories, databases and websites.
9. Arts OutWest will work with individual Councils and their communities to develop specific projects and programs and assist with funding and delivery of projects so far as additional project funding allows with equity across the region.
10. Arts OutWest will provide formal presentations to Councils within the region as required.
11. The Council may make representations to the Board and Executive Officer of Arts OutWest Inc. in respect of any proposed programs and projects arising in the community which need the support of Arts OutWest Inc.
12. The Council will encourage individuals, groups and organizations in their local areas to actively access the services of Arts OutWest for their development.

3. Financial contribution

Mid-Western Regional Council will pay a fee for service to Arts OutWest in each of the financial years of the Memorandum of Understanding. This will be at the starting rate of 68 cents per head of population. CPI will be added each year period. Each year the population will be calculated using ABS figures for the previous year.

The starting point for this MOU is a payment of \$17,249.56 (+GST) for the 2021-22 year, based on the ABS Estimated Regional Population (ERP) for 2020 of 25,367.

4. Review

Mid-Western Regional Council and the Board of Arts OutWest Inc agree to review the terms of this Memorandum of Understanding in preparation for each following financial year.

Signatures to this Memorandum of Understanding

FOR COUNCIL:

.....
Date

Name:

FOR ARTS OUTWEST

.....
Date

Tracey Callinan, Executive Director, Arts OutWest



11.2 RFT 2019-32 Provision Of Cleaning Services - Variation to Contract

REPORT BY THE BUILDING SERVICES COORDINATOR
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, COR400247

RECOMMENDATION

That Council:

1. **receive the report by the Building Services Coordinator on the RFT 2019-32 Provision Of Cleaning Services - Variation to Contract;**
2. **authorise a variation to contract RFT 2019-32 Provision of Cleaning Services to include a regular service of Mudgee Arts Precinct;**
3. **authorise a variation to contract RFT 2019-32 Provision of Cleaning Services to include a regular service of new office space located on Depot Road; and**
4. **delegate the General Manager authority to approve additional variations to contract for cleaning services under this contract which exceed 10% of the original contract term when it has been identified best value for money can be reached.**

Executive summary

The Tender evaluation for RFT 2019-32 Provision of Cleaning Services was endorsed by Council at the Ordinary Council Meeting held on 20th November 2019. At this meeting the endorsed recommendations included the authorisation for the General Manager to approve variations to the contract of up to a total of 10% of each original contract sum.

The recent commissioning of the Mudgee Arts Precinct and the commencement of the use of a new office space located on Depot Road has resulted in additional regular cleaning services required to be provided to this site. The estimated amount of both of these services exceeds the 10% of the original contract term which results in Council approval required for the variation of contract to undertake provision of cleaning services at the Mudgee Arts Precinct.

It has also been identified that a significant increase of cleaning services will be required within the remaining term of the contract for RFT 2019-32. This is due to a number of new buildings and facilities which are currently under construction will be completed or will have a change of purpose which will require additional regular cleaning.

Due to the expected increase of service requirements it is recommended that the current delegation for the General Manager be amended to approve variations that exceed the current 10% value of the original contract. This change will assist in streamlining the process, ensuring efficient delivery of cleaning services which ensures high quality and well maintained facilities can be provided for the use of Council staff and the community.

Disclosure of Interest

Nil.

-
Detailed report

On completion of construction of Mudgee Arts Precinct a cleaning specification for the regular cleaning service of the facility was developed to meet the buildings operational needs. This specification was provided to Councils existing contracted cleaners under the current contract RFT 2019-32 Provision of Cleaning Services. The original contract has provision for additional sites to be added to the contracted service schedule as buildings are acquired or change use over the term of contract, on request from Councils nominated project manager after the submitted price has been reviewed.

The schedule for Mudgee Arts Precinct requires a cleaning frequency of seven (7) days per week which is an increased service requirement in comparison to any other Council facility. Council has also recently entered a lease agreement for a facility on Depot Road for additional office space on Depot Road, this facility required a regular cleaning service of three (3) cleans per week.

Council's current cleaning provider Absolute Cleaning submitted a quote for the annual cost of cleaning in accordance with the provided cleaning schedule and cleaning specification provided to the contractor for both of these sites.

It is recommended that both of these sites be added to the existing contract which has a contract end date 1 February 2023. The pricing submitted by Absolute Cleaning for this service provision has been assessed by Council's nominate Project Manager and is deemed to meet Council's service requirements and maintains best value for money. The provision of the additional cleaning services will be funded from the allocated operational budgets for these sites. Any required amendments will be nominated in the August Monthly Budget report.

In addition to the commissioning of Mudgee Arts Precinct, Council Officers are conscious of the number of construction projects and the change of use of existing facilities which will lead to an increase of existing cleaning services. New sites expected to require regular cleaning services to some level include Glen Willow sites currently under construction, Court Street Community Centre, public conveniences due for construction at Clandulla and Putta Bucca Wetlands and various other existing council buildings which are currently being considered as additional office space.

To increase efficiency of the implementation of new sites it is recommended Council delegates the General Manager authorisation to approve contract variations exceeding the current authorised value of 10% of the current contract value. On submission of pricing for a new cleaning service the contractor would be required to submit pricing in conjunction with a cleaning specification and schedule provided by Council to ensure Councils needs are met. The submission of price would be reviewed thoroughly by Council staff and would be evaluated to ensure all Council requirements are met. Only if the submission for additional sites is deemed to be best value for money for Council would a variation to contract be forwarded to the General Manager for approval.

At this stage there is no set timeframe for additional services however it is understood that this will occur within the existing contract term.

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

Procurement Policy

Legislation

Local Government Act 1993

Financial implications

The additional rates obtained under this variation to contract will form part of the existing Goods and Services Contract. There is operational budget allocated to Mudgee Art Precinct and Depot Road office space cleaning services. However when additional facilities are commissioned an additional budget will be required to be allocated in accordance with Council budget allocation processes.

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

Associated Risks

If this contract is not formed, Council will have no means for the provision of Cleaning Services across Mudgee Arts Precinct and the new Depot Road office space or additional newly commissioned sites.

All other tender specific risks have previously been addressed through the pre-tender risk assessment and mitigated throughout the tender evaluation process where possible.

KARLI ANSHAW
BUILDING SERVICES COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

31 August 2021

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.3 RFT2021-29 Supply and Installation of Modular Cabins at Mudgee Valley Caravan Park

REPORT BY THE DIRECTOR COMMUNITY
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, COR400446

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the RFT2021-29 Supply and Installation of Modular Cabins at Mudgee Valley Caravan Park;**
2. **note the details provided in the attached confidential report and accept the tender submission for the RFT2021-29 Supply and Installation of Modular Cabins at Mudgee Valley Caravan Park in accordance with Clause 178 of the Local Government (General) Regulations 2005 at the tendered price of \$XXX excluding GST;**
3. **authorise the General Manager to finalise and execute the contract on behalf of Council with Hutchinsons Builders for RFT2021-29 Supply and Installation of Modular Cabins at Mudgee Valley Caravan Park;**
4. **grant delegation to the General Manager to approve variations to the contract up to an accumulative total of 10% of the original contract sum; and**
5. **notify other tenderers that their tenders were unsuccessful.**

Executive summary

At the meeting held on 21 July 2021, Council endorsed the expansion of the Mudgee Valley Park. This expansion includes the installation of an additional 31 cabins on the site.

A tendering process was initiated for the supply and installation of the cabins and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising of representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money in the Design and construction of bridge works.

Disclosure of Interest

Nil.

Detailed report

Advertised

Open to the Market: 2 August 2021

Closed: 30 August 2021

28 days in total

The above tender was advertised in the:

- Mudgee Guardian
- Council's e-Tendering portal – VendorPanel
- Sydney daily newspaper (in Tuesday Local government section)
- Information regarding this tender was also published on Council's website

Tenders Received

Six (6) companies submitted tenders;

1. Uniplan Group
2. Hutchinsons Builders
3. Westkey Modular Housing
4. Hoek Modular Homes Pty Ltd
5. Fenisi Pty Limited
6. Ausco Modular Pty Ltd

Late Tenders

No late submissions were received.

Conforming Tenders

All tenders were assessed as conforming.

Evaluation Methodology

The objective of the evaluation was to select the tenderer offering the best outcome for Council, in a rational and defensible way that is fair to all tenderers. The evaluation criteria was identified in the Request for Tender documentation.

The criteria were:

- Price
- Experience, Capability & References
- Ability to meet the Project Program

Tenders were evaluated strictly in accordance with the Tender Evaluation Plan and in compliance with the provision of the Local Government Act 1993 and Local Government (General) Regulation 2005.

Based on the evaluation criteria, Hutchinson Builders were assessed to be the highest scoring tenderer and this is the recommendation to Council.

Assessment Panel

Daniel Newman Manager Major Projects
Simon Jones Director Community
Neil Bungate Manager Finance

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

Procurement Policy.

Legislation

Local Government Act

Local Government (General) Regulations 2005.

Financial implications

The anticipated cost of works has been assessed, and the recommended tenderer is currently budget compliant.

Associated Risks

Council is managing the procurement risks through the detailed tender process that included reference checking of the successful tenderer and a detailed financial review.

SIMON JONES

DIRECTOR COMMUNITY

2 September 2021

Attachments: 1. Mudgee Valley Caravan Park Confidential Attachment. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

Item 12: Reports from Committees

12.1 Audit Risk and Improvement Committee Minutes 6 August 2021

REPORT BY THE EXECUTIVE MANAGER, PEOPLE AND PERFORMANCE
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400087, COR400236

RECOMMENDATION

That Council:

1. receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes 6 August 2021; and
 2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 6 August 2021.
-

Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Audit Risk and Improvement Committee held on 6 August 2021.

Disclosure of Interest

Nil.

Detailed report

The Audit Risk and Improvement Committee Charter requires the Committee to report to Council at the first opportunity (dependent on meeting schedules) after each meeting held. Attached to this report are the minutes of the 6 August 2021 meeting.

Community Plan implications

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

Council Strategies

Not Applicable.

Council Policies

Audit Risk and Improvement Committee Charter
Internal Audit Policy

Legislation

Not Applicable.

Financial implications

Not Applicable.

Associated Risks

Nil.

MICHELE GEORGE
EXECUTIVE MANAGER, PEOPLE AND
PERFORMANCE

10 August 2021

Attachments: 1. Audit Risk and Improvement Committee Minutes 6 August 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Minutes of the Audit, Risk and Improvement Committee

Held at the Council Chambers, 86 Market Street, Mudgee
on 06 August 2021, commencing at 10:40AM and concluding at 12.05PM

PRESENT

John Stuart – Chair; John O’Neill – Councillor Representative; Brad Cam – General Manager; Michele George – Executive Manager People & Performance; Leonie Johnson – Chief Financial Officer; Ian Blake – Manager ICT; Richard Cushway – Manager Customer Services & Governance; Erin Reid – Business Improvement Officer; Kate Barker – Minute Taker

**IN ATTENDANCE VIA
TEAMS**

Tim Johnston – Governance Coordinator; Alison Lee – Crowe; Luke Malone – Prosperity; John Bentley – Committee Member.

Item 1: Apologies

1.1 APOLOGIES

MOTION: STUART/O’NEILL

The following apology was accepted:

- Unaib Jeffrey – NSW Audit Office.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

MOTION: STUART/CAM

The Minutes of the previous ARIC Meeting held on 14 May 2021 were taken as read and confirmed.

Item 4: Matters in Progress

4.1 MATTERS IN PROGRESS

MOTION: STUART/O’NEILL

That the items:

Work Health and Safety Reports

Mid-Western Regional Council

Date: 06 August 2021

Draft External Audit Engagement

be noted as completed and removed from matters in progress.

The motion was carried with the Committee Members voting unanimously.

SUBJECT	REPORT NO. & DATE	RESOLUTION	ACTION
Work Health and Safety Reports	5.1 – 12 February 2021	The Audit Risk and Improvement Committee requested the State Cover Report be presented at the next meeting.	RECOMMENDED FOR COMPLETION
Draft External Audit Engagement	6.4 – 12 February 2021	That the Audit Risk and Improvement Committee: a) endorse the draft 2020 External Audit Engagement Plan; and b) endorse the proposed ARIC meeting dates in line with the Audit Engagement Plan as follows: • Draft Financial Statements to be circulated to ARIC prior to the Council meeting of August 2021; • Financial Statements to be circulated to ARIC prior to the Council Meeting of October 2021.	RECOMMENDED FOR COMPLETION
Enterprise Risk Management	5.1 – 15 May 2020	Note that the Enterprise Risk Management Framework will be reviewed annually.	Please see report 5.4

The Chair moved forward items 6.1, 6.5 and 6.7 in the agenda.

6.1 NSW AUDITOR GENERAL'S REPORT ON LOCAL GOVERNMENT 2020

COR400236, COR400236

MOTION: STUART/O'NEILL

The Audit Risk and Improvement Committee noted the report.

The motion was carried with the Committee Members voting unanimously.

6.5 DRAFT FINANCIAL STATEMENTS 2020/2021

COR400236, FIN300136

MOTION: STUART/O'NEILL

The Audit, Risk and Improvement Committee received the Draft Financial Statements for the financial year ended 30 June 2021.

The Chair commented on the outstanding result for 20/21 and commended staff on the early completion of the statements.

The motion was carried with the Committee Members voting unanimously.

10:49AM John Bentley, Committee Member, joined the meeting

6.7 INTERNAL AUDIT PROGRESS UPDATE

COR400236, COR400243

MOTION: STUART/O'NEILL

The Audit Risk and Improvement Committee received the Crowe Status Report.

The motion was carried with the Committee Members voting unanimously.

10:54AM, Luke Malone, Prosperity, left the meeting

2.

Audit, Risk and Improvement Committee

Item 5: Standing Items

5.1 WORK HEALTH AND SAFETY REPORTS

COR400236, COR400243

MOTION: BENTLEY/O'NEILL

The Audit Risk and Improvement Committee:

1. received the WHS Report for the following months:

- a. April 2021;
- b. May 2021; and
- c. June 2021

The Committee commended Mid-Western Regional Council staff on safety efforts.

The motion was carried with the Committee Members voting unanimously.

5.2 UPDATE ON MWRC AUDIT AND BUSINESS IMPROVEMENT ACTION ITEMS

COR400236, COR400236

MOTION: STUART/O'NEILL

The Audit Risk and Improvement Committee noted the progress on the Action Items for the:

- Internal Audit
- Business Improvement
- External Audit action items

The motion was carried with the Committee Members voting unanimously.

5.3 FRAUD INCIDENT & PROCUREMENT BREACH REGISTERS

COR400236, COR400236

MOTION: STUART/O'NEILL

The Audit Risk and Improvement Committee noted:

1. that there was one fraud incident since the last ARIC meeting;
2. that there were two incidents of Procurement Breach; and
3. the actions taken to address the items.

The motion was carried with the Committee Members voting unanimously.

5.4 ENTERPRISE RISK MANAGEMENT UPDATE

COR400236, COR400243

MOTION: STUART/O'NEILL

4.

2.

The Audit Risk and Improvement Committee noted the Enterprise Risk Management update.

The motion was carried with the Committee Members voting unanimously.

5.5 LEGISLATIVE COMPLIANCE UPDATE

COR400236, COR400243

MOTION: STUART/O'NEILL

The Audit Risk and Improvement Committee noted the report by the Manager, Customer Services & Governance.

Tim Johnston, Governance Coordinator, advised he will provide a demonstration of the Legislative Compliance Database at the November 2021 Audit Risk and Improvement Committee meeting.

The motion was carried with the Committee Members voting unanimously.

Item 6:

Reports

6.2 INVESTIGATION INTO THE CONDUCT OF COUNCILLORS
OF THE FORMER CANTERBURY CITY COUNCIL AND
OTHERS

COR400236, COR400236

MOTION: STUART/O'NEILL

The Audit Risk and Improvement Committee noted the Report.

The motion was carried with the Committee Members voting unanimously.

6.3 ANNUAL REPORT BY THE COMMITTEE CHAIR

COR400236, COR400236

MOTION: STUART/BENTLEY

The Audit Risk and Improvement Committee received the Annual Report by the Chair and recommend that the report be presented to the next Council meeting.

The Chair acknowledged the work of Mid-Western Regional Council staff and noted the progress being made by the Audit Risk and Improvement Committee.

The motion was carried with the Committee Members voting unanimously.

6.4 BUSINESS IMPROVEMENT AT COUNCIL

COR400236, COR400236

MOTION: BENTLEY/STUART

4.

2.

The Audit Risk and Improvement Committee noted the update on the Business Improvement program at Mid-Western Regional Council.

The Committee commended Council's Business Improvement initiative.

The motion was carried with the Committee Members voting unanimously.

6.6 RFS RED FLEET ASSETS

COR400236, COR400236

MOTION: STUART/O'NEILL

The Audit Risk and Improvement Committee noted the Report.

The motion was carried with the Committee Members voting unanimously.

11.37AM Alison Lee, Crowe, and Tim Johnston, Governance Coordinator, left the meeting.

The Chief Financial Officer provided a detailed presentation on the Draft Financial Statements 2020/2021.

Item 7: General Business

Nil

Item 8: Correspondence

Nil

Item 9: Closure

There being no further business the meeting concluded at 12.05PM.

4.

12.2 Audit Risk and Improvement Committee's 20/21 Annual Report

REPORT BY THE EXECUTIVE MANAGER, PEOPLE AND PERFORMANCE AND CHAIR
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400087, COR400236

RECOMMENDATION

That Council:

1. **receive the report by the Executive Manager, People and Performance and ARIC Chair on the Audit Risk and Improvement Committee's 20/21 Annual Report; and**
2. **note the Audit Risk and Improvement Committee 20/21 Annual Report.**

Executive summary

The Audit Risk and Improvement Committee's (ARIC) Charter states that each year the Committee Chair will provide an Annual Report to Council including information on the Committee's principal activities during the year.

Disclosure of Interest

Nil.

Detailed report

The Audit, Risk and Improvement Committee (ARIC) is established to provide the elected Council with advisory assurance in respect of Mid-Western Regional Council's risk profile, management controls and compliance frameworks.

The Committee held five ordinary meetings during its second term.

The Committee's Charter requires the Committee Chair to provide an annual report to Council including information on the Committee's principal activities during the year.

At the time of writing the Audit Risk and Improvement Committee 20/21 Annual Report, local government elections were scheduled to be held on 4 September 2021. The Committee Members continue their appointment until the rescheduled local government elections of 4 December 2021.

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

The Annual Report is a requirement of Council's Audit Risk and Improvement Committee Charter.

Legislation

Local Government Act.

Financial implications

Not Applicable.

Associated Risks

Not Applicable.

MICHELE GEORGE
EXECUTIVE MANAGER, PEOPLE AND
PERFORMANCE

JOHN STUART
CHAIR

10 August 2021

Attachments: 1. Audit Risk and Improvement Committee 20/21 Annual Report.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

ANNUAL REPORT 2020/21
AUDIT, RISK AND IMPROVEMENT COMMITTEE
MID-WESTERN REGIONAL COUNCIL



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Mid-Western Regional Council

ADDRESS	86 Market Street, Mudgee NSW 2850
EMAIL	council@midwestern.nsw.gov.au
TELEPHONE	02 6378 2850
FAX	02 6378 2815
MAYOR	Cr Des Kennedy
GENERAL MANAGER	Brad Cam



Introduction

The Audit Risk and Improvement Committee (The Committee) met five times during its second year and the meetings covered all aspects of the Committee’s Charter.

Overview






Charter

The Charter was adopted by Council at its meeting of 19 September 2018. The Charter is used to guide the Committee's deliberations. The Charter for the Committee is included as Attachment 1.

The Charter will be reviewed every four years by Council. The performance on the Committee will be reviewed every four years in consultation with the Mayor and General Manager to ensure it remains current, professional and meets legislative requirements.

Role of the Committee

	Report to Council Report to Council and provide advice and recommendations on matters relevant to the Charter.
	Provide independent advice Assist Council by providing independent advice to Council on it fulfilling its responsibilities by ensuring that management has an appropriate governance and business framework in place across Council.
	Specific advice Specifically, the ARIC should advise Council on its Enterprise Risk Management Framework, policies, procedures and governance processes, legislative compliance and external accountability mechanisms.
	Recognise At all times recognise that the primary responsibility for the management of Council rests with the Council and the General Manager as defined by the Local Government Act.
	Assist Council Assist Council to ensure that the services and facilities provided by the Council are managed efficiently and effectively.
	Identify strategies Identify strategies to assist with the continuous improvement of the provision of services and facilities to the community.
	Promote efficiencies Promote continuous improvement across business processes with a focus on efficiencies and savings.
	Committee's focus The focus of the Committee should only be on matters of significance and materiality.



Committee members

The Committee Members are appointed for the term of the Council (noting that the September 2020 local government elections were postponed as a result of the impacts of the COVID-19 pandemic).

At its meeting of 16 September 2020, Council confirmed the appointment of Councillor O'Neill and Councillor Shelley (alternate) until the next local government election of 4 September 2021.

The Committee Members for the 2020/2021 Financial Year comprised the following Independent Committee Members and Councillor Members.

- **Independent Committee Members:**
John Stuart, Chairperson and John Bentley, Deputy Chair

- **Councillor Committee Members:**
Councillor John O'Neill, Committee Member and Councillor Shelley, alternate Committee Member

At its first meeting following the 2021 local government election, the Council will appoint the ARIC Councillor Committee Members.

Two independent members are appointed by Council. Independent members will be eligible for re-appointment.

Independent Committee Members



Councillors



Members and attendance

The Committee held five ordinary meetings during its second term. Below are the dates of meetings held:

- 15 May 2020
- 21 August 2030
- 13 November 2020
- 12 February 2021
- 14 May 2021

The table below shows the number of attendance of the Committee members at the above meetings.

MEMBER NAME	MEETINGS ELIGIBLE TO ATTEND	MEETINGS ATTENDED	APOLOGY RECEIVED
John Stuart	5	5	0
John Bentley	5	4	1
Cr John O'Neill	5	3	2
Cr Peter Shelley	2	0	2

Matters reviewed by the Committee

Internal Audit

Crowe Pty Ltd is appointed to provide the Mid-Western Regional Council's Internal Audit Services until April 2022.

The Committee considered the reports and recommendations from the 2020/21 Internal Audit Program.

There has been significant progress made in relation to the management actions arising from the following audits:

- Legislative Compliance
- Work Health Safety Management
- Contractor Management
- Asset Management
- ICT Business Continuity Plan/Disaster Recovery Plan
- Procurement Framework
- Cybersecurity Review

External Audit

The financial audit was undertaken by the Audit Office of NSW. Regular updates of progress and issues were provided at each ARIC meeting. The Committee received the Financial Statements for the financial year ended 30 June 2020 at the 13 November 2020 meeting.

As per the requirement of the Charter, ARIC met separately with representatives of Council's external auditor and the NSW Audit office on 18 November 2020.

Council is continuing to track action items from the 2018/2019 and 2019/2020 Interim Management Letters.

Other matters reviewed by the committee

- ICT Risk Register
- Code of Accounting – Timely Release of Code Updates
- Fraud Control Improvement
- Fraud and Procurement Incident Registers
- ICAC report – *'Dealing with Corruption, Fraud and the ICAC: The Role of the Audit Risk Committees'*
- Membership of *CivicRisk Mutual*
- Managing fraud and corruption risks during the COVID-19 pandemic
- Modification of statutory requirements in response to the COVID-19 pandemic
- Expenditure of Council funds and Disclosure of External Cash restrictions in the Annual Financial Statements
- Business Continuity Plan Review and Onsite Scenario Test
- Probity

Enterprise Risk Management

In 2020 Council endorsed the Enterprise Risk Management Framework, which is now in place and being implemented.

Conclusion

The ARIC provided advisory assurance in respect to Council's risk profile, management controls and compliance frameworks in as set out in the Charter. The Committee is currently tracking the progress of 163 action items arising out of Council's Internal Audit, External Audit and Business Improvement Initiatives.

On behalf of the Committee, I would like to thank the Council staff for administrative support and I would also like to extend my thanks to the Councillors, the rest of the Mid-Western Regional Council Executive Team and Senior Management for their support throughout this term.



JOHN STUART
CHAIR



Attachment: ARIC Charter



CHARTER

Audit, Risk and Improvement Committee

*A prosperous
and progressive
community.*

ADOPTED		REFERENCE	
EMT		REVIEW DATE	SEPTEMBER 2021
DATE ADOPTED:	19 SEPTEMBER 2018	FILE NUMBER	GOV400066

Purpose

The Audit, Risk and Improvement Committee (ARIC) is established to provide the elected Council with advisory assurance in respect of Mid-Western Regional Council's risk profile, management controls and compliance frameworks.

Membership

Voting Members

- One Councillor elected by the Council. All other Councillors are welcome to attend as observers with no voting rights unless appointed as an alternate voting member.
- Two independent members appointed by Council.

Attendees (Non-voting)

- General Manager
- Executive Manager Human Resources
- Manager Governance
- Chief Financial Officer
- Internal Auditor
- Other officers may attend by invitation as requested by the Committee
- Councillors and independent members will be appointed for the term of the Council (usually 4 years).
- Independent members will be eligible for re-appointment.
- Council will also appoint an alternate Councillor member to the Committee who will act as a stand-in as required.
- Other councillors are encouraged by way of open invitation to attend the Committee meetings as observers (non-voting).
- The Chair of the Committee will be an independent member and be elected by the Committee for a two year term.
- A Deputy Chairperson will be an independent member and be elected by the committee.
- Where the Committee is unable to decide who the Chair is to be then the decision will be made by Council.
- The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council.
- At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

Role of the Committee

The Committee has no delegated powers, except those expressly provided by Council.

The Committee shall:

- Report to Council and provide appropriate advice and recommendations on matters relevant to this Charter.
- Assist Council by providing independent advice to Council on it fulfilling its responsibilities by ensuring that management has an appropriate governance and business framework in place across Council.
- Specifically the AIRC should advise the Council on the following matters:
 - Effectiveness of Council's Enterprise Risk Management Framework in terms of identifying and managing Council's financial and business risks.
 - Effectiveness of key controls including policy, procedure and governance processes.
 - Legislative compliance by the organisation
 - Effectiveness of external accountability mechanisms.
- At all times recognise that the primary responsibility for the management of Council rests with the Council and the General Manager as defined by the Local Government Act.
- Assist Council to ensure that the services and facilities provided by the Council are managed efficiently and effectively.
- Identify strategies to assist with the continuous improvement of the provision of services and facilities to the community.
- Promote continuous improvement across business processes with a focus on efficiencies and savings.
- The focus of the Committee should only be on matters of significance and materiality.

Responsibilities of the Committee

Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Review the scope of the Internal Audit Plan.
- Recommend for approval to Council the Internal Audit Plan after consultation with the General Manager.
- Consider the adequacy of Internal Audit resources/funding to carry out its responsibilities including completion of the approved Internal Audit Plan.
- Monitor the status of planned activities of Internal Audit as set out in the adopted Internal Audit Plan.
- Review audit reports and consider significant issues identified and action taken on issues raised.
- Monitor the implementation of internal audit recommendations by management.
- Monitor and assess the performance and effectiveness of Internal Audit.
- Make recommendations on the appointment or removal of the internal auditor.
- Providing strategic advice and guidance to Council on identifying, recommending and supporting initiatives that will provide cost savings to Council.
- Co-operatively engaging with other relevant bodies to further promote efficiencies and

continuous improvement across Mid-Western Regional Council.

External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statements and performance by external audit and the external audit services provided.
- Consider significant issues raised in relevant external audit reports and provide independent advice on appropriate action to be taken.

Enterprise Risk Management

- Provide advice on the adequacy of Council's current risk management framework, and associated procedures for effective identification and management of Council's financial and business risks,

Members of the committee are encouraged to undertake all relevant training as identified

Meeting Frequency

- The ARIC will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.
- The need for any additional meetings will be decided by the Chair of the Committee. Reasons could include:
 - Requirements by the NSW Audit Office
 - Committee members may make requests to the Chair for additional meetings.
- A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit Committee Charter.

Independence and Access

- The Committee is to liaise closely with senior management and Internal and External Auditors to carry out its responsibilities. Whilst the primary responsibility for financial and other reporting, internal control and compliance with laws, regulations and ethics within Council rests with the General Manager, the Committee will assist the General Manager through its monitoring and review role.
- The Committee will have, subject to the requirements of the Act, access to relevant information associated with its responsibilities.
- Members of the Committee are encouraged to proactively discuss relevant issues with the General Manager, the External Auditor and/or the Internal Auditor as they arise from time to time.
- The full Committee will meet separately with the External Auditor on at least one

occasion each financial year.

Reporting

- The Committee shall report to the Council at the first opportunity (dependant on meeting schedules) after each meeting held.
- The Committee may receive and consider reports on:
 - Audit Plans
 - Financial statements
 - Quarterly Management performance against annual plan
 - Special Investigations
 - Reports arising from action items
 - Audit reports prepared quarterly by the Internal Auditor
- Each year the Committee Chair will provide an annual report to Council including information on the Committee's principal activities during the year.

Meeting Practice

The ARIC Committee will establish its own meeting practice ensuring meetings are conducted in accordance with the Local Government Act, comply with Councils Policies but are conducive to open debate.

Attendance and Quorum

A quorum will consist of a majority of Committee members. Meetings can be held in person, by telephone or by video conference.

Voting

As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council, unless the matter is referred to the Council for determination. If consensus is not achieved and if required, the matter shall be referred to Council for determination.

Chairperson Role

- The Chairperson shall be an Independent Member
- Should the elected Chairperson be absent, the Deputy Chair shall be the Chairperson
- The agenda will be set by the Chairperson in consultation with the General Manager. Items shall be submitted to the nominated secretary 14 days before the next scheduled meeting date.
- If a Committee member wishes to raise an urgent/late item that is not on the agenda, the Chairperson shall determine the appropriate manner for dealing with the matter in accordance with Council's adopted Code of Meeting Practice.

Administrative Support and Facilitator

Council will ensure appropriate administrative support is available to the Committee. A Facilitator shall be appointed by the General Manager who is responsible for coordinating the preparation of agendas, invitations and minutes of the Committee.

Agenda

The Agenda shall be set by the Chair of the Committee in consultation with the General Manager and will be sent to each member at least one week before each meeting of the Committee, specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

Minutes

- Minutes of all ordinary/extraordinary Committee meetings will be kept in the Councils Electronic Documents Management System.
- The Facilitator is responsible for recording the minutes, which shall contain:
 - Description of the meeting (i.e. name of Committee, ordinary meeting, etc.), date, time and venue at which the meeting was held.
 - A list of persons present.
 - Notification of endorsement of minutes from previous the meeting.
 - Whether there was business arising from the minutes.
 - Notation of reports or correspondence.
 - Items of general business.
 - Time meeting closed, date and venue for next meeting.
- All minutes must be approved by the Chairperson in consultation with the General Manager and distributed to all members.

Procedure for Changing the Charter

The Charter can only be changed by Council resolution at any time. The following procedures shall apply for the Committee to propose an amendment of the Charter to Council.

- a) Proposed changes to the Charter shall be submitted to the Committee Facilitator at least 21 days before any Committee meeting so that notice may be given to all members at least 14 days in advance of any meeting.
- b) Proposed changes will require a majority vote of the Committee membership.
- c) Amendments to the Charter will only be effective after a resolution of approval by the Council.

Term of Office

- The Committee shall be appointed for the term of Council within nine calendar months of the Council taking office after an election.
- Council may also dissolve or amend the Committee in anyway by adopting a resolution at any time.

Conflicts of Interest

Committee members must declare any conflict of interest and take appropriate action in accordance with the Code of Conduct at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Independent members are deemed to be designated persons under Section 441 of The Act and will be required to complete a pecuniary interest return in accordance with Section 449 of the Act.

Induction and Training

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

Vacancy

If for any reason a vacancy in the Committee membership occurs, the position shall be filled by appointment by Council.

Performance

The Chair of the Committee, in consultation with the Mayor and General Manager, will initiate a review of the performance of the Committee every four years.

Confidentiality

Independent members will be required to sign a Declaration of Confidentiality.

Review of the Charter

- This Charter shall be reviewed every four years by Council to ensure it remains current, professional and meets legislative requirements.
- Any Proposed amendments to the Charter can only be implemented following the approval by Council.

midwestern.nsw.gov.au

MID-WESTERN REGIONAL COUNCIL

PO Box 156, Mudgee NSW 2850

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

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

12.3 Mudgee Sports Council Meeting minutes 19 July 2021

REPORT BY THE MANAGER - RECREATION SERVICES
TO 15 SEPTEMBER 2021 ORDINARY MEETING
GOV400088, A0360013

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Recreation Services on the Mudgee Sports Council Meeting minutes 19 July 2021; and**
2. **note the minutes for the Sports Council Meeting held 19 July 2021**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council meeting held 19 July 2021.

Disclosure of Interest

Nil.

Detailed report

The Mudgee Sports Council receives an updated 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 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

31 August 2021

Attachments: 1. Mudgee Sports Council Meeting Minutes 19 July 2021.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mudgee Sports Council.

Mudgee Netball Clubhouse

19-07-2021 1805

Present: P. Mitchell, K. Bennetts (Little Athletics), P. Scotti (Mudgee Wolves), J. Fleming (Lions Soccer), S. Fleming (Lions Soccer), K. Marshall (Netball), P. Raines (MWRC staff), R. Lee (Mudgee Rugby), R. Smith (Mudgee Rugby), K. Blackman (Little A's), G. Robinson, Councillor J. O'Neill, & J. Johnson.

Apologies: N. Cavanagh (Jnr Cricket), S. Jones (MWRC staff), L. Humphries (Rugby), J. Martin (MWRC staff), A. Whale (Jnr Cricket), P. Lawson (Touch), K. Lang (Mudgee Touch) Moved K. Marshall, seconded K. Bennetts, apologies are accepted.

Minutes from previous meeting read as true and correct after date change. Moved K. Bennetts, seconded K. Marshall.

Business Arising from previous Meeting:

1. Mollie Blackman has received her funding; she would have attended tonight to thank Sports Council personally but is unwell tonight.
2. The consultative for traffic control at Glen Willow may take another month.
3. Geoff's letter re: the stadium held to general business.
4. Glass on grounds- again issues at Glen Willow by Mudgee as well as away teams Soccer.
5. Sports awards, Kylie has emailed Geoff.
6. Parking at Glen Willow- parking on grass near stadium fields along Pitts Lane in no stopping areas, traffic flow to look at.
7. Aus. Tag booking- Correspondence with AusTag Australia- has cancelled booking due to COVID, Junior and senior League as well as Soccer have been notified, Junior League have booked Glen willow for Grand Finals.

Treasurers Report:

1. At time of meeting Mudgee Sports council has funds of \$48,817.40 as presented from Council financials.
2. Line Marker monies taken out, \$46,700. Moved accepted G. Robinson seconded J. Fleming carried.

Secretary Report:

1. Nil.

Works Request Updates:

1. Bubblers Netball ongoing.
2. Seating Netball, need to arrange.

3. Glen Willow fields bird damage.
4. Discuss cage walkers Oval awaiting contractor.

New Works Requests:

Nil.

General Business:

1. Changes to Sports Awards- Geoff read out the award categories, he has spoken with Council staff about putting nomination forms online on the Council website. We need a more detailed criteria. Maybe look at changing the schools awards to reflect more on achievement not the participation levels or look at more State representation. Results are looked at, as well as the participation. Maybe need to have school teams separate to recreational team awards, would then also need to have school individual as well as recreational awards too.? Bad sportsmanship also needs to be in criteria, so that good sportsmanship is promoted, we are relying on the nominating sports body to do the right thing and nominate appropriately and honestly. The criteria would protect the people who select the awards, as well as Sports Council, we need to show a united front. Need input from all affiliated sports, Geoff and Kylie will discuss further and then work with Council staff about setting new criteria, any changes could be incorporated into the new online nomination form. This would ensure that a nomination is made with all due care and promote a good sportsmanship ethos and the nominator could sign with confidence.
2. Changes to Sports awards- School participation, school achievement, school team award, plus individual awards as well as the normal team and individual awards, need further research from the schools. Kylie to email all schools for their opinions and to bring back to next meeting.
3. Issue with barbed wire running along boundary next to Glen willow.
4. Mudgee Sports Council gives full support to an indoor stadium for Mudgee as raised by Geoff Robinson's letter at previous meeting, perhaps the old Bunning site could be looked at, councillor O'Neill will take to next council meeting, may look at adding to the stage 3 for sports in Mudgee.
5. Councillor O'Neill announced that tonight was his last meeting as retiring from Council at next election, he congratulated Mudgee Sports Council on their work over the last 5 years of his attendance at Sports Council, its amazing that as a Sports Council you were able to provide funds for a new line marker to the value of \$46,000 and still have funds in reserve.
6. Netball Carpark- Solar lighting is being provided for all carparks at Glen Willow.
7. Dogs on grounds- someone contacted Peter Mitchell re: a dog at netball, they didn't actually speak to anyone from the Netball committee, even though the committee members were on the courts dealing with an injury and a car being driven onto the courts, all sports are reminded that no dogs are allowed on to fields.
8. Little A's storage shed was broken into, luckily nothing was taken, still working out who actually owns sheds, unfortunately no security cameras on site.

9. Glass on grounds- Council needs to sort this situation as again glass witnessed on fields.
10. Parking on Pitts lane- is a shambles, parking in and around the no stopping signs, blocking view of Pedestrian crossing, someone will be hurt, whose responsibility is it?
11. Masters Soccer Tournament- **Glen Willow stadium was left unlocked, lights on, gates open: no responsibility shown by the booking organisation.** President of Sports Councillor was at another field and notified that everything was left open, he went and locked grandstand up, the building was left unlocked and dirty, **should the user group be held responsible?** The sport was brought in by a local sporting body, do we as a Sports Council support MWRC in penalising the booking organisation or local sporting body.
12. On behalf of Mudgee Sports Council, I (Peter Mitchell President) would like to thank Councillor O'Neill for his support over the last 5 years towards Sports Council, and we wish him well in his next endeavours.
13. Check gates locked at Glen Willow.

Meeting closed 19:15

Next meeting

20th September 2021

6pm Netball Club House

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

664

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 Review of the General Manager's Remuneration

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 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 and remuneration of the General Manager..

14.2 Opportunity to Purchase Land

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Coouncil is conducting (or proposes to conduct) business.

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.

Item 15: Urgent Confidential Business Without Notice

Item 16: Open Council

Item 17: Closure