



17 May 2023

NOTICE OF ORDINARY COUNCIL MEETING

Your attendance is respectfully requested at the Ordinary Meeting of Cabonne Council convened for **Tuesday 23 May, 2023** commencing at **2:00PM**, at the Cabonne Council Chambers, Bank Street, Molong to consider the undermentioned business.

Yours faithfully

BJ Byrnes
GENERAL MANAGER

ORDER OF BUSINESS

- 1) Open Ordinary Meeting
- 2) Consideration of Mayoral Minute
- 3) Consideration of General Manager's Report
- 4) Resolve into Committee of the Whole
 - a) Consideration of Called Items
 - b) Consideration of Closed Items
- 5) Adoption of Committee of the Whole Report

Please be advised that this Council meeting is being recorded and live streamed. By speaking at this meeting, you agree to being recorded and live streamed. Please ensure that if and when you speak you are respectful to others and use appropriate language at all times. Cabonne Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this meeting. The recording of this meeting will be made publicly available on Council's website.

ATTENDEES – MAY 2023 COUNCIL MEETING

2:00PM

Youth of the Month – Noah McDonald



COUNCIL'S MISSION

“To be a progressive and innovative Council which maintains relevance through local governance to its community and diverse rural area by facilitating the provision of services to satisfy identified current and future needs.”

COUNCIL'S VISION

Cabonne Council is committed to providing sustainable local government to our rural communities through consultation and sound financial management which will ensure equitable resource allocation.

TABLE OF CONTENTS

ITEM 1	APPLICATIONS FOR LEAVE OF ABSENCE	4
ITEM 2	DECLARATIONS OF INTEREST	4
ITEM 3	DECLARATIONS OF POLITICAL DONATION.....	5
ITEM 4	MAYORAL MINUTE - APPOINTMENTS.....	5
ITEM 5	COMMITTEE OF THE WHOLE	6
ITEM 6	CONFIRMATION OF THE MINUTES	7
ITEM 7	NSW RURAL DOCTORS NETWORK BUSH BURSARY & CWA SCHOLARSHIP PROGRAM.....	7
ITEM 8	RISK APPETITE STATEMENTS.....	9
ITEM 9	INTERNAL AUDIT CHARTER.....	10
ITEM 10	LOCAL GOVERNMENT REMUNERATION TRIBUNAL - ANNUAL DETERMINATION 2023	11
ITEM 11	EMERGENCY SERVICES LEVY.....	13
ITEM 12	GROWING REGIONAL ECONOMIES FUND	15
ITEM 13	EUGOWRA COMMUNITY CHILDREN'S CENTRE FUNDING APPLICATION.....	17
ITEM 14	SPONSORSHIP PROGRAM	19
ITEM 15	2023 LOCAL ROADS CONGRESS	21
ITEM 16	EVENTS ASSISTANCE PROGRAM	22
ITEM 17	PLANNING PROPOSAL - 51 WINTER LANE, SUMMER HILL CREEK - POST EXHIBITION	25
ITEM 18	PLANNING PROPOSAL - 1093 MITCHELL HIGHWAY, ORANGE (WINDERA EAST) - POST EXHIBITION	32
ITEM 19	DEVELOPMENT APPLICATION 2023/73 FOR DWELLING HOUSE AT 47 TOOGONG STREET, CUDAL	39
ITEM 20	QUESTIONS FOR NEXT MEETING.....	65
ITEM 21	BUSINESS PAPER ITEMS FOR NOTING	66
ITEM 22	MATTERS OF URGENCY	66
ITEM 23	COMMITTEE OF THE WHOLE SECTION OF THE MEETING ...	67

CONFIDENTIAL ITEMS

Clause 240(4) of the Local Government (General) Regulation 2005 requires Council to refer any business to be considered when the meeting is closed to the public in the Ordinary Business Paper prepared for the same meeting.

Council will discuss the following items under the terms of the Local Government Act 1993 Section 10A(2), as follows:

**ITEM 1 CARRYING OF COUNCIL RESOLUTION INTO CLOSED
COMMITTEE OF THE WHOLE**

Procedural

**ITEM 2 INDUSTRIAL WATER CHARGES - HEADS OF
AGREEMENT**

*(d) (i) commercial information of a confidential nature that would, if
disclosed prejudice the commercial position of the person who
supplied it*

ANNEXURE ITEMS

ANNEXURE 6.1	APRIL 18 2023 ORDINARY COUNCIL MEETING MINUTES	68
ANNEXURE 6.2	MAY 09 2023 ENVIRONMENT, INNOVATION & ENERGY COMMITTEE MEETING MINUTES	82
ANNEXURE 6.3	MAY 09 2023 INFRASTRUCTURE (OTHER) COMMITTEE MEETING MINUTES	85
ANNEXURE 8.1	RISK APPETITE STATEMENTS	90
ANNEXURE 9.1	DRAFT - INTERNAL AUDIT CHARTER.....	100
ANNEXURE 10.1	2023 ANNUAL DETERMINATION - LGRT.....	109
ANNEXURE 12.1	CABONNE MOLONG INFRASTRUCTURE PRESENTATION.PDF	156
ANNEXURE 14.1	SPONSORSHIP PROGRAM 2022-23 - APPLICATION - MAG MARKET JUNE 23.....	168
ANNEXURE 16.1	EVENT ASSISTANCE PROGRAM 2022-23 - APPLICATION - ARTS COUNCIL CABONNE - ACQUISITIVE ART PRIZE 2023.....	174
ANNEXURE 17.1	PLANNING PROPOSAL 2022-1494 AMENDMENT NO 14 - PP NOV 2022	178
ANNEXURE 17.2	REDACTED SUBMISSIONS - PLANNING PROPOSAL 51 WINTER LANE SUMMER HILL CREEK.....	250
ANNEXURE 17.3	RESPONSE TO SUBMISSIONS FROM APPLICANT..	263
ANNEXURE 18.1	PP_REVISED NOV_2022	270
ANNEXURE 18.2	RESPONSE TO SUBMISSIONS FROM APPLICANT..	308
ANNEXURE 18.3	REDACTED SUBMISSIONS FOR PP - 1093 MITCHELL HWY ORANGE	321

ANNEXURE 19.1 DA 2023-73 - DRAFT REASONS FOR REFUSAL - 47	
TOOGONG.....	396

ITEM 1 - APPLICATIONS FOR LEAVE OF ABSENCE

REPORT IN BRIEF

Reason For Report	To allow tendering of apologies for councillors not present.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS LEAVE OF ABSENCE - 1530458

RECOMMENDATION

THAT any apologies tendered be accepted and the necessary leave of absence be granted.

GENERAL MANAGER'S REPORT

A call for apologies is to be made.

ITEM 2 - DECLARATIONS OF INTEREST

REPORT IN BRIEF

Reason For Report	To allow an opportunity for councillors to declare an interest in any items to be determined at this meeting.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS AND STAFF DECLARATION OF INTEREST - 2023 - 1530460

RECOMMENDATION

THAT the Declarations of Interest be noted.

GENERAL MANAGER'S REPORT

A call for Declarations of Interest.

ITEM 3 - DECLARATIONS OF POLITICAL DONATION

REPORT IN BRIEF

Reason For Report	To allow for an opportunity for Councillors to declare any Political Donation received.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS DECLARATION OF POLITICAL DONATIONS - 1530466

RECOMMENDATION

THAT any political donations be noted.

GENERAL MANAGER'S REPORT

A call for declarations of any political donations.

ITEM 4 - MAYORAL MINUTE - APPOINTMENTS

REPORT IN BRIEF

Reason For Report	To allow noting of the Mayoral appointments plus other Councillors' activities reports.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\MAYORAL MINUTES - 1530473

RECOMMENDATION

THAT the information contained in the Mayoral Minute be noted.

GENERAL MANAGER'S REPORT

A call for the Mayoral appointments and attendances as well as other Councillors' activities reports to be tabled/read out.

ITEM 5 - COMMITTEE OF THE WHOLE

REPORT IN BRIEF

Reason For Report	Enabling reports to be considered in Committee of the Whole to be called.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\GROUPING OF REPORT ADOPTION and BUSINESS PAPER ITEMS FOR NOTING REPORTS - 1530482

RECOMMENDATION

THAT Councillors call any items that they wish to be debated in Committee of the Whole.

GENERAL MANAGER'S REPORT

Council's Code of Meeting Practice allows for the Council to resolve itself into "committee of the whole" to avoid the necessity of limiting the number and duration of speeches as required by Clause 250 of the Local Government (General) Regulation 2005.

This item enables councillors to call any item they wish to be debated in "committee of the whole" at the conclusion of normal business.

The debate process during a 'normal' Council meeting limits the number and duration of speeches as required by Clause 250 of the Local Government (General) Regulation 2005.

Items should only be called at this time if it is expected that discussion beyond the normal debate process is likely to be needed.

ITEM 6 - CONFIRMATION OF THE MINUTES

REPORT IN BRIEF

Reason For Report	Adoption of minutes.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	1. April 18 2023 Ordinary Council Meeting Minutes ↓ 2. May 09 2023 Environment, Innovation & Energy Committee Meeting Minutes ↓ 3. May 09 2023 Infrastructure (Other) Committee Meeting Minutes ↓
File Number	\\OFFICIAL RECORDS LIBRARY\\GOVERNANCE\\COUNCIL MEETINGS\\COUNCIL - MINUTES - 2023 - 1524093

RECOMMENDATION

THAT the minutes of the following meetings be adopted;

1. Ordinary Council meeting held on 18 April 2023;
2. Environment, Innovation & Energy Committee meeting held on 09 May 2023;
3. Infrastructure (Other) Committee meeting held on 09 May 2023.

GENERAL MANAGER'S REPORT

The following minutes are attached for adoption:

1. Minutes of the Ordinary Council meeting held on 18 April 2023;
2. Minutes of the Environment, Innovation & Energy Committee meeting held on 09 May 2023;
3. Minutes of the Infrastructure (Other) Committee meeting held on 09 May 2023.

ITEM 7 - NSW RURAL DOCTORS NETWORK BUSH BURSARY & CWA SCHOLARSHIP PROGRAM

REPORT IN BRIEF

Reason For Report	Council has been invited to participate in this scholarship program in 2023.
Policy Implications	Nil
Budget Implications	\$3,000 expenditure from Community Facilitation Fund

IPR Linkage	4.1.5.1c - Engage with aged care and health providers to understand potential for additional local provision.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\PUBLIC HEALTH\\SERVICE PROVIDER\\NEW SOUTH WALES RURAL DOCTORS NETWORK - 1515656

RECOMMENDATION

THAT Council participate in the 2023 Bush Bursary and CWA Scholarship Scheme and provide a \$3,000 donation through the community facilitation fund.

GENERAL MANAGER'S REPORT

The Bush Bursary and CWA Scholarships provide selected medical students in NSW and the ACT with funding to assist with costs associated with their studies. In return, students spend two weeks on a rural placement in country NSW during their university holidays.

The scholarships are offered annually to selected medical students in NSW and the ACT and are financially supported by the rural councils of NSW, the Country Women's Association and NSW Rural Doctors Network (RDN). The scholarships are also open to midwifery and nursing students, recognising the important role played by nurses within rural communities and is the only opportunity of its type available to nursing students in NSW.

RDN and local councils work together to provide a positive Bush Bursary experience and showcase the incredible rural lifestyles available to students guided by the roles below.

NSW Rural Doctors Network's role:

- Advertising and promotion of the Bush Bursary Scholarships to eligible students studying at universities in NSW/ACT.
- Recruitment and selection of Bush Bursary recipients.
- Administration of funds from sponsoring councils to Bush Bursary recipients.
- Matching recipients to sponsoring councils.
- Organisation of placement for the sponsored Bush Bursary student, including liaising with local medical practitioners and community groups, accommodation and social aspects of the two-week placement.
- Ongoing support and information for recipients and councils throughout the year.
- Distribution of research and evaluation about the Bush Bursary to stakeholders and interested parties.

Council's role:

- Investment of \$3,000 (+GST) for two sponsored students.
- Nomination of contact person from within council or associated organisation.
- Liaise with RDN and sponsored Bush Bursary student regarding placement arrangements.
- Liaise with RDN, Bush Bursary recipients and local media (where appropriate) to promote the placements in your community.
- Assist RDN in sourcing accommodation in the community for the students whilst they are on placement.

ITEM 8 - RISK APPETITE STATEMENTS

REPORT IN BRIEF

Reason For Report	For Council to consider and adopt the Risk Appetite Statements
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.1.1a - Review and maintain an effective Enterprise Risk Management Framework
Annexures	1. Risk Appetite Statements ↓
File Number	\\OFFICIAL RECORDS LIBRARY\RISK MANAGEMENT\POLICY\RISK POLICIES - 1535675

RECOMMENDATION

THAT Council adopt the Risk Appetite Statements.

DEPARTMENT LEADER - GOVERNANCE & CORPORATE PERFORMANCE'S REPORT

Council's Risk Appetite Statements have been developed to reflect the risk appetite of Council. The statements outline the outcome of a workshop conducted with Councillors, ARIC members and senior staff.

The Risk Appetite Statements will provide guidance on the level of risk that Council is willing to accept whilst performing its regulatory functions under the Local Government Act.

Council's Audit, Risk and Improvement Committee endorsed the Risk Appetite Statements at its March meeting.

ITEM 9 - INTERNAL AUDIT CHARTER

REPORT IN BRIEF

Reason For Report	For Council to consider and adopt the draft Internal Audit Charter
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.1.1c - Deliver the Strategic Internal Audit Program.
Annexures	1. Draft - Internal Audit Charter ↓
File Number	\\OFFICIAL RECORDS LIBRARY\\FINANCIAL MANAGEMENT\\AUDIT\\INTERNAL - 1535706

RECOMMENDATION

THAT Council adopt the Internal Audit Charter.

DEPARTMENT LEADER - GOVERNANCE & CORPORATE PERFORMANCE'S REPORT

Background

The Office of Local Government (OLG) has released the final draft of the "*Risk Management and Internal Audit Framework for Local Councils in NSW*". The paper documents minimum requirements for how Councils carryout and engage Internal Auditors, Audit Risk and Improvement Committees and also provides minimum requirements for a Risk Management Framework.

Proposal

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. Internal audit provides an independent and objective review and advisory service to provide advice to the Council, General Manager and the Audit, Risk and Improvement Committee about the Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists Council to improve its business performance.

It is important that Council's internal audit function has clear guidance on how it should support the audit, risk and improvement committee and the Council, and how the internal audit function will operate. This will ensure there is clarity in the relationships between the audit, risk and improvement committee, the council and the internal audit function and that the performance of the internal audit function can be assessed.

The draft Internal Audit Charter is consistent with the approved Model Internal Audit Charter contained in the *"Risk Management and Internal Audit Framework for Local Councils in NSW"* released by the OLG.

The draft Internal Audit Charter has been endorsed by the Audit, Risk and Improvement Committee at its March 2023 meeting.

ITEM 10 - LOCAL GOVERNMENT REMUNERATION TRIBUNAL - ANNUAL DETERMINATION 2023

REPORT IN BRIEF

Reason For Report	To resolve the quantum of payments to the Mayor and Councillors for the 2023-2024 financial year.
Policy Implications	Council's policy is that Council continue to pay fees to Councillors and the Mayor at the maximum allowable amounts.
Budget Implications	An adjustment to the 2023-24 budget will be required to reflect the Tribunal determination.
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	1. 2023 Annual Determination - LGRT ↓
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNMENT RELATIONS\LOCAL AND REGIONAL LIAISON\LOCAL GOVERNMENT REMUNERATION TRIBUNAL - 1535891

RECOMMENDATION

THAT from 1 July 2023 the annual fees payable to each councillor be set at \$17,680 and the additional annual payable fee to the Mayor be set at \$37,925.

DEPARTMENT LEADER - GOVERNANCE & CORPORATE PERFORMANCE'S REPORT

The Local Government Act 1993 (the LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors and chairpersons and members of county councils.

Categories

Section 239 of the LG Act required the Tribunal to determine the categories of councils and mayoral offices at least once every three years. The Tribunal last reviewed the categories in 2020.

In determining categories, the Tribunal is required to have regard to the following matters that are prescribed in Section 240 of the LG Act:

- *the size of areas;*
- *the physical terrain of areas;*
- *the population of areas and the distribution of the population;*
- *the nature and volume of business dealt with by each council;*
- *the nature and extent of the development of areas;*
- *the diversity of communities served;*
- *the regional, national and international significance of the council;*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
- *such other matters as may be prescribed by the regulations*

As per section 239 of the LG Act the Tribunal has determine the categories of general purpose councils as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

The Tribunal determined the creation of two (2) new categories, being Metropolitan Major and Rural Large. It was determined that the existing Rural category did not differentiate between large and small rural councils, in population, size and terrain. Evidence demonstrated that a number of rural councils are large in geographic area, requiring great distance to be covered. It is becoming apparent these councils require different considerations regarding the role Mayors and Councillors in service the community across such large distances.

Cabonne Council has been re-categorised as Rural Large.

Fees

As per section 241 of the LG Act the tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 3%.

Accordingly, Council is able to set annual fees in the following range:

Councillor Minimum fee	\$9,850	Maximum fee \$17,680
Mayor Minimum fee	\$15,735	Maximum fee \$37,925*

*This fee must be paid in addition to the fee paid to the Mayor as a Councillor in accordance with section 249(2) of the LG Act.

It should be noted that Council have a *Councillor and Mayoral Fees Annual Review Policy* that states “*Councillors to resolve to continue to pay fees to Cabonne Councillors and the Mayor at the maximum allowable amount*”.

ITEM 11 - EMERGENCY SERVICES LEVY

REPORT IN BRIEF

Reason For Report	To notify council of the Emergency Services Levy charges for the 2023/2024 Financial Year
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.1.2.1b - Complete and report the annual budget.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\FINANCIAL MANAGEMENT\\LEVIES\\RURAL FIRE SERVICE - SES - FIRE and RESCUE - 1537442

RECOMMENDATION

THAT Council support LGNSW to make representations to the NSW Government to restore the Emergency Services Subsidy and ask that the government develop a fairer, more transparent, and financially sustainable method of funding critical emergency services.

DEPARTMENT LEADER - FINANCE'S REPORT

Background

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7% funded by councils and 14.6% by the NSW Government.

LGNSW report the levy increase for the State's 128 councils in 2023/24 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% and our location adjustment for Cabonne of 0.4%.

Result for Cabonne

On 28 April 2023, Revenue NSW issued the Council Contribution Assessment Notices in regards to Emergency Services Fees for 2024.

The table below shows a 74.07% increase in the State Emergency Service Levy, a 17.78% increase in the Fire and Rescue NSW and a 35.1% increase in NSW Rural Fire Service Levy.

The details of the prior year, current year & proposed fees are as follows:

Emergency Services Levy	NSW Rural Fire Service	NSW State Emergency Service	Fire & Rescue NSW
2022	\$ 461,136.63	\$ 19,977.22	\$ 43,397.00
2023	\$ 473,263.00	\$ 36,629.02	\$ 49,557.00
% change 2022 to 2023	2.63%	83.35%	14.19%
2024	\$ 639,372.00	\$ 63,760.99	\$ 58,367.00
%change 2023 to 2024	35.10%	74.07%	17.78%
\$ difference 2023 to 2024	\$ 166,109.00	\$ 27,131.97	\$ 8,810.00

For Council, this represents an increase of \$202,051 for 2023/24, bringing the total Council contribution to \$761,500. This amounts to approx. 6.5% of the expected increase in rate income for 2023/24. To give these impacts context the contribution is equivalent to approximately 70% of our pool operating expenses or an average of 16km gravel resheeting.

In preparing the 2024 Budget, Cabonne Council budgeted on not receiving the NSW Rural Fire Service rebate, however, we did not expect the 74% and 17% increases in the State Emergency Service or Fire & Rescue NSW levies. This is approximately \$60,000 increase on both these alone which will impact the spending on other Council's services.

The timing of this development has also come into question, as it is at the end of most council's budgeting cycle.

All councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers. However, it is essential that these services be supported through an equitable, transparent, and sustainable funding model.

Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

ITEM 12 - GROWING REGIONAL ECONOMIES FUND

REPORT IN BRIEF

Reason For Report	For Council to consider a project for submission to the NSW Government's Growing Regional Economies Fund - Expressions of Interest
Policy Implications	Nil
Budget Implications	Seeking \$23,250,000 in funding from the NSW Government, plus 25 per cent Council co-contribution of \$7,750,000
IPR Linkage	4.1.6.1b - Capitalise on Key Funding Programs.
Annexures	1. Cabonne Molong Infrastructure presentation.pdf ↓
File Number	\\OFFICIAL RECORDS LIBRARY\ECONOMIC DEVELOPMENT\GRANTS\GRANTS - COUNCIL SUBMISSION - 1538538

RECOMMENDATION

THAT Council:

1. Apply for funding through the NSW Government's Growing Regional Economies Fund – Expression of Interest for the following project:
 - a. Molong Housing Infrastructure Growth Strategy estimated at \$23,250,000 (total project cost \$31,000,000).
2. Endorse the use of borrowings towards the 25 per cent co-contribution estimated, as \$7,750,000, to come through borrowings should the application for funding be successful.

LEADER - COMMUNITY AND ECONOMY REPORT

BACKGROUND

The \$175 million Growing Regional Economies Fund is part of the NSW Government's \$3.3 billion Regional Growth Fund and is designed to deliver economic growth and productivity across regional NSW.

The Growing Regional Economies Fund is a new program that provides an opportunity for projects supported through the NSW Government's Business Case and Strategy Development Fund to seek further funding towards the realisation of infrastructure projects.

In November 2022 Council was successful in receiving \$143,750.00 in funding through the NSW Government's Business Case and Strategy Development Fund for the development of a Molong Housing Infrastructure Growth Strategy Business Case (draft only), which considers the upgrade of water supply and

sewerage infrastructure in Molong to increase capacity, predominantly to cater for new residential development.

PROGRAM OBJECTIVE

The Growing Regional Economies Fund aims to accelerate economic development and prosperity in regional NSW, increase the appeal of investing in regional NSW, support investment in major transformational projects that increase employment opportunities in regional areas and ensure that regional communities have the infrastructure and services required for sustainable growth.

The Fund also has a focus on enabling infrastructure that will support investment in regional housing projects to meet demand generated by growth in employment and economic activity.

Key dates for the Fund are as follows;

- EOI applications close at 5pm (AEDT) 23 May 2023
- Invitations issued: Invitations for detailed applications will commence from July 2023
- Detailed Applications close: 17 October 2023
- Notifications: Successful applicants will be notified confidentially from January 2024 or as soon as possible after a grant is approved.
- Projects must be completed by 30 June 2026.

Applications for funding can be for a minimum of \$2 million up to a maximum of \$30 million, with applications required to have a financial co-contribution of at least 25 per cent of the total grant amount.

COUNCIL PROJECTS PROPOSED FOR FUNDING

The population of Molong is estimated to be 1,877 and being in close and commutable proximity to the economic hub of Orange, is the fastest growing settlements in the Cabonne LGA.

However, as identified in Council's Economic Development and Visitor Economy Strategy, economic growth across the LGA and the Central West region in general is challenged due to a lack of housing supply. Within Cabonne, this is further impacted by significant challenges in providing suitable water and wastewater to support further development, particularly in the central township of Molong.

The Molong Housing Infrastructure Growth Strategy Business Case has been developed to enable and realise the economic potential of the region by addressing the lack of housing.

The Business Case outlines how an initial investment of \$31M in water and sewer infrastructure, followed by subsequent investments by the Cabonne Shire Council, will provide a total of 1,339 lots of affordable and flood resistant housing (a significant and increase concern of residents), addressing the demand for housing to enable the economic development potential outlined in the Orange, Blayney and Cabonne Regional Economic Development Strategy.

Council's project scope for funding under the Growing Regional Economies Fund includes:

- Expansion and augmentation of the existing water and sewerage reticulation systems to service new development areas on the eastern and western sides of Molong.
- Upgrades to the Molong Water Filtration Plant (WFP) to meet increased demand.
- Upgrade to the Molong Sewage Treatment Plant (STP) to manage higher loads.

ITEM 13 - EUGOWRA COMMUNITY CHILDREN'S CENTRE FUNDING APPLICATION

REPORT IN BRIEF

Reason For Report	To provide a letter of intent from Council to support the Eugowra Community Children's Centre grant submission
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.1.5.1d - Lobby State and Federal Governments and other key stakeholders on key community needs - e.g. improved digital connectivity.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\COMMUNITY SERVICES\\SERVICE PROVIDERS\\PRESCHOOLS - 1538434

RECOMMENDATION

THAT:

1. Council provide a letter of intent to support the Eugowra Community Children's Centre funding application through the 2022-23 Start Strong Capital Works – Crisis Fund.

2. The letter of intent supports the re-establishment of the Eugowra Community Children's Centre at the Eugowra Showground located at 21 Noble Street, Eugowra part of Lot 71 in DP 750182, or other suitable site, subject to the following conditions:
 - a. As Council manages the land on behalf of the Crown, Council would be required to seek approval through Crown Lands – Department of Planning and Environment.
 - b. The exact location of the building site would be subject to a stakeholder master planning process and built into Council's plan of management for the site (as required by the Crown).
 - c. The structure receiving Development Approval through Cabonne Council.

LEADER - COMMUNITY AND ECONOMY REPORT

BACKGROUND

The Eugowra Community Children's Centre (ECCC) has been invited to apply for funding through NSW Government's Start Strong Capital Works Crisis Fund, to rebuild the ECCC.

Due to the level of flooding through the previous ECCC site (41 Nanima Street, Eugowra), Council and the wider Eugowra community have deemed that this site is no longer suitable to support the ECCC, and a new site is required.

The ECCC is a vital service for the Eugowra Community, currently supporting over 70 families and employing 14 staff.

Given the trauma experienced by the Eugowra community, the ECCC staff are also playing an important role in supporting the emotional and mental recovery of both the children and parents of Eugowra.

As part of the grant application the ECCC must demonstrate the ability to provide a suitable project site.

Cabonne Council has been asked to provide a letter of intent to support the re-establishment of ECCC.

The letter of intent would support the reestablishment of the ECCC at the Eugowra Showground located at 21 Noble Street, Eugowra part of Lot 71 in DP 750182, or at another suitable location, subject to the following conditions:

- As Council manages the land on behalf of the Crown, Council would be required to seek approval through Crown Lands – Department of Planning and Environment.
- The exact location of the building site would be subject to a stakeholder master planning process and built into Council's plan of management for the site (as required by the Crown).

- The structure receiving Development Approval through Cabonne Council.

The application for funding must be submitted by end of June 2023.

PROGRAM OBJECTIVE

The Crisis Fund under the Start Strong Capital Works Grants Program is part of the NSW Department of Education's commitment to increase the number of preschool places in NSW in areas of need and demand. Including where:

- A service provider who has to undertake urgent structural remediation work as a result of bushfires or floods or other natural disaster, where their insurance has rejected the claims or provided insufficient funding.

The broad objective of the Start Strong Capital Works Crisis Fund is to respond to a crisis with capital works to maintain and/or increase the number of three, four and five year old children who can access at least 600 hours per year (or 15 hours per week) of quality preschool education. This is the recommended level of participation in a quality early childhood education program in the two years before school.

An expected outcome of a Crisis Fund grant is the maintenance and/or creation of preschool places.

ITEM 14 - SPONSORSHIP PROGRAM

REPORT IN BRIEF

Reason For Report	For Council to consider applications for funding under the 2022/2023 Sponsorship Program
Policy Implications	Nil
Budget Implications	\$5,000 from 2022/2023 Sponsorship Program
IPR Linkage	4.1.3.2b - Support local events, culture, and festivals and promote local villages - including through the provision of sponsorship opportunities and seeking grant funding.
Annexures	1. Sponsorship Program 2022-23 - Application - MAG Market June 23 ↓
File Number	\\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\SPONSORSHIP PROGRAM 2022-2023 - 1535897

RECOMMENDATION

THAT Council provides \$5,000 from the 2022/2023 Sponsorship Program to Molong Advancement Group for the Molong Village Markets held on June long weekend 2023.

LEADER - COMMUNITY AND ECONOMY'S REPORT

Council has received one application for funds under the 2022/2023 Sponsorship Program.

Council's Tourism, Culture & Events Coordinator has provided the following assessment.

The aim of the program is to deliver benefit to the Cabonne community and economy through a range of strong and engaging events. The events must establish a mutually beneficial partnership between council and the community, whilst being able to identify economic, social, and cultural benefits to the Cabonne area.

1. Molong Advancement Group

Molong Village Markets

Request: \$5,000

Recommendation: \$5,000

The Molong Village Markets are community markets which attract more than 5,000 people to the event, the CBD of Molong and the wider region. Around 150 stallholders book into the markets selling a wide range of items from food, toys, craft, clothes, home décor and much more.

The event is a major fundraising event for organisers, Molong advancement Group (MAG), which raises funds for various community projects and charities including the Molong Hospital Sensory Garden, and improvements to local infrastructure.

The markets have proved successful in previous years in attracting visitors to Molong on a long weekend to provide business and support to local shops and businesses.

Cabonne Sponsorship will be recognised through the following:

- Branding on all promotional material (printed and digital);
- Signage at the events;
- Acknowledgement of support through all media;
- Data and demographics collected to be provided to Council, and
- Images from the event for Council marketing use.

The sponsorship will be used for traffic control signage (VMS), cleaning and sanitary services for the oval and amenities.

Based on the key criteria and assessment guidelines the Molong Advancement Group have demonstrated.

- Clear aim, process and desired outcomes.

- Explained the economic, social and cultural benefit.
- Shown how the event will be safe and sustainable.
- Attached marketing plans.
- Explained the reach and impact of the event.

It is important to note the funds that are raised by Molong Advancement Group from the market days go straight back to the community.

Under the guidelines this fits the criteria for Council's 2022/2023 Sponsorship Program, thus the recommendation.

Previous approved events under the 2022/23 Sponsorship Program:

Association	Event	Amount
Long White Lunch Incorporated	Long White Lunch, Cumnock	\$5,000
Canowindra Balloon Challenge Inc	Canowindra Balloon Challenge 2023	\$20,000
Total currently approved		\$25,000

There remains \$40,000 in the Sponsorship Program budget for 2022/2023.

Due to the timing of the application this recommendation has not been endorsed by the Cabonne Community, Economy, and Culture Committee.

ITEM 15 - 2023 LOCAL ROADS CONGRESS

REPORT IN BRIEF

Reason For Report	Provide notice and seek Council interest in attendance at the 2023 Local Roads Congress
Policy Implications	Nil
Budget Implications	Cost of expenditure will be inline with budgets for Councillor Congress Attendance
IPR Linkage	1.1.2.a - Implement Roads & Maritime Services Road Safety Program
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\TRAFFIC AND TRANSPORT\\PROGRAMS\\ROAD AND TRAFFIC SAFETY - 1524644

RECOMMENDATION

THAT Council nominate attendance of the Mayor or his representative at the 2023 Local Roads Congress.

DEPUTY GENERAL MANAGER - CABONNE INFRASTRUCTURE'S REPORT

Council has received a letter from the Institute of Public Works Engineering Australasia calling for Council's interest for attendance at the 2023 Local Roads Congress.

2023 Local Roads Congress

The Roads and Transport Directorate will be holding their annual Local Roads Congress at New South Wales Parliament House on Monday 05 June 2023. Since 2005, the Congress has provided a platform for Mayors, Councillors and Executives to discuss policy issues relating to NSW's local road network. The purpose of the Congress is to address policy issues rather than technical issues and to optimize roads and transport outcomes.

The theme for this year's Congress is *Sustainable Investment*, with a focus on sustainable funding for projects which will provide long-term and resilient solutions for local communities.

Some of the topics this year are:

1. Natural Disaster Recovery Funding
2. Road Asset Benchmarking
3. Valuation of Road Assets
4. Sustainable Investment in Road Funding includes Road Safety.

The cost of attendance at the conference is \$250 each (plus accommodation and travel).

ITEM 16 - EVENTS ASSISTANCE PROGRAM

REPORT IN BRIEF

Reason For Report	For council to consider applications for funding under the 2022/2023 Events Assistance Program.
Policy Implications	Nil
Budget Implications	\$5,000 from the 2022-23 Event Assistance Program budget.
IPR Linkage	4.1.3.2b - Support local events, culture, and festivals and promote local villages - including through the provision of sponsorship opportunities and seeking grant funding.
Annexures	1. Event Assistance Program 2022-23 - Application - Arts Council Cabonne - Acquisitive Art Prize 2023 ↓

File Number	\\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\EVENTS ASSISTANCE PROGRAM 2022 - 2023 - 1538076
--------------------	--

RECOMMENDATION

THAT Council endorse under its 2022/23 Event Assistance Program:

1. \$5,000 to Arts Council Cabonne for the Acquisitive Art Prize.

LEADER - COMMUNITY AND ECONOMY'S REPORT

Council has received one application under the 2022/2023 Events Assistance Program (EAP).

Council's Tourism, Culture & Events Coordinator has provided the following assessment.

1. Applications under the Event Assistance Program:

Arts Council Cabonne Inc
Cabonne Acquisitive Art Prize
Requested: \$5,000
Recommendation: \$5,000

The Acquisitive Art Prize is an annual art prize and exhibition that aims to foster a sense of identity, pride and place in Cabonne while encouraging and showcasing the high calibre of creative talent of the region.

For the first time, the event has been promoted throughout Cabonne as well as the Arts Outwest region, therefore more entries than previous years are expected to enter the 2023 competition. There is more than \$5,000 of prize money and the winning artwork will be added to the Cabonne Council Heritage/Art Collection.

The open prize category has been extended to include the Bathurst Region, Blayney, Cowra, Forbes, Lachlan, Lithgow, Mid-Western Region, Oberon, Orange, Parkes and Weddin shires.

The school section, for Cabonne students only, fosters artistic talent among the students, and gives them the opportunity to exhibit their works, and meet other artists from across the region.

The competition culminates in a presentation and exhibit event, planned to be held at the Molong RSL on 11 to 20 July, with up to 150 people expected to attend.

The Arts Council Cabonne has requested funding for installation of art panels for the exhibited works – to be provided and installed by Council. The requested

funding will also contribute towards the catering for this event, provided by Molong RSL.

Key dates:

Applications open	Tuesday, 7 March 2023
Applications close	Friday, 26 May 2023
Works to be submitted	Monday 29 May - Friday 2 June 2023
Selection notification	Thursday, 22 June 2023
Exhibition opens	Tuesday, 11 July 2023
Exhibition closes	Thursday, 20 July 2023
Works collected by	Monday, 24 July 2023

Under the guidelines this fits the criteria for Council's 2022/2023 Event Assistance Program, thus the recommendation.

Previous approved events under the 2022/23 Event Assistance Program:

Association	Event	Amount
Orange Region Vignerons Association (ORVA)	Orange Wine Festival	\$2,000
Central West Disk Golf	NSW Open Disc Golf Championships	\$1,000
Canowindra Branch CWA	CWA Centenary High Tea	\$1,000
Eugowra Golden Eagles	Eugowra Masters of the Mandagery	\$3,000
Eugowra Harness Racing Club	Eugowra Harness Racing Club Canola Cup Family Picnic Day	\$5,000
Manildra and District Improvement Association	Children's Christmas Matinee at the Amusu	\$1,000
Amusu Theatre and Movie Museum Manildra	Manildra Ukulele Weekend- The Wild Women of Anywhere Beach	\$500
Eugowra Community Children's Centre	Paint and Sip	\$800
Lions Club of Orange	Banjo Paterson Festival	\$2,000
Cargo 2 Grenfell (C2G) Walk Incorporated	Cargo 2 Grenfell Fundraiser Walk	\$2,000
Molong Advancement Group (MAG)	Banjo Paterson Festival event - Molong Poetry Brawl	\$1,000
Canowindra Pony Club	Canowindra Pony Club Showjumping Competition	\$500
F.O.O.D Week Incorporated	F.O.O.D Week events	\$3,900

Cudal Community Children's Care	Cudal Black Tie Ball	\$2,500
Canowindra New Vogue and Social Dancing Group	12-Hour dance event	\$2,000
Eugowra Community Children's Centre	High Tea	\$1,000
Total currently approved		\$29,200

There remains \$18,214 in the Event Assistance Program budget for 2022/2023.

This report was not endorsed by the Community, Economy, and Culture Committee.

ITEM 17 - PLANNING PROPOSAL - 51 WINTER LANE, SUMMER HILL CREEK - POST EXHIBITION

REPORT IN BRIEF

Reason For Report	To seek council's final determination of the planning proposal
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	1. Planning Proposal 2022-1494 Amendment No 14 - PP Nov 2022 ↓ 2. Redacted Submissions - Planning proposal 51 Winter Lane Summer Hill Creek ↓ 3. Response to submissions from applicant ↓
File Number	\\OFFICIAL RECORDS LIBRARY\LAND USE AND PLANNING\PLANNING\AMENDMENT 14 TO LEP 2012 - LOT 6 DP 703806, 51 WINTER LANE, SUMMER HILL CREEK - 1528167
Previous Items	23 - PLANNING PROPOSAL - PROPOSED REZONING OF 51 WINTER LANE, SUMMER HILL CREEK, FROM RU1 PRIMARY PRODUCTION TO R5 LARGE LOT RESIDENTIAL - Council - 28 Jun 2022 2:00PM

RECOMMENDATION

THAT Council:

1. Note the public submissions to the Planning Proposal.

2. Endorse, as exhibited, the Planning Proposal and its amendment to the Cabonne Local Environmental Plan 2012 (PP-2022-1494) applying to Lot 6 DP 703806, known as 51 Winter Lane, Summer Hill Creek, as outlined in this report.
3. In exercising its delegation under Section 3.36 of the *NSW Environmental Planning and Assessment Act 1979*, as endorsed by NSW Department of Planning, Industry and Environment, forward the required documentation to Parliamentary Counsel for Opinion to amend the Cabonne Local Environmental Plan 2012.
4. Delegate authority to the General Manager to finalise the amendments to Cabonne Local Environmental Plan 2012 with advice from Parliamentary Counsel and the NSW Government on terms that are broadly consistent with the Planning Proposal and this report.

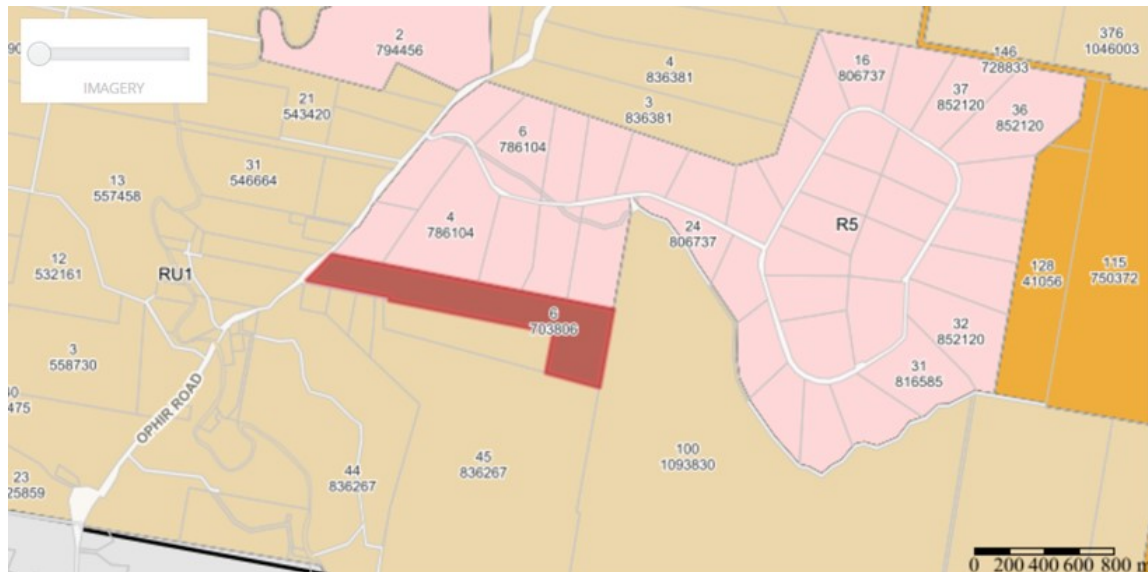
DEPARTMENT LEADER - DEVELOPMENT SERVICES' REPORT

Council received a Planning Proposal from Peter Basha Planning & Development, prepared on behalf of Mr J Eyles, to amend the Cabonne Local Environmental Plan 2012. The Planning Proposal relates to land located northeast of Clifton Grove, Orange, being land described as Lot 6 DP 703806, 51 Winter Lane, Summer Hill Creek.

Council resolved at its Ordinary Meeting on 28 June 2022 to:

1. *Receive and note the Planning Proposal for the rezoning part of land identified as Lot 6 DP 703806, being 51 Winter Lane, Summer Hill Creek, and located within the Strategy Growth Area (SA 1) as described in the Blayney Cabonne Orange Sub Regional Rural and Industrial Land Use Strategy July 2008 and Cabonne Settlement Strategy 2021-2041, from RU1 Primary Production to R5 Large Lot Residential and to amend the Minimum Lot Size map for part of the subject land from 100ha to 2ha,*
2. *Forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979, and*
3. *Receive a further report, following the public exhibition phase, on any submissions received during the exhibition process.*

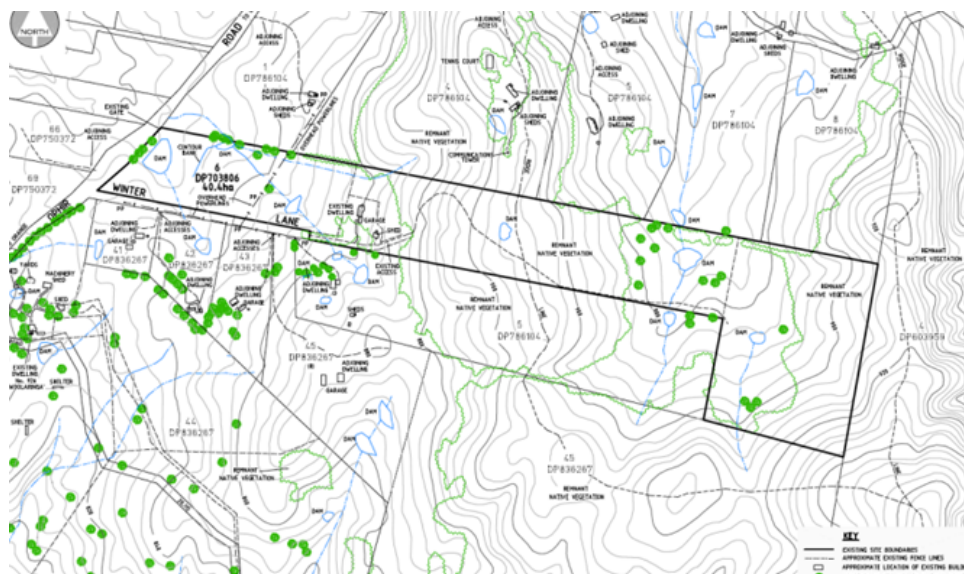
Proposal



Location map



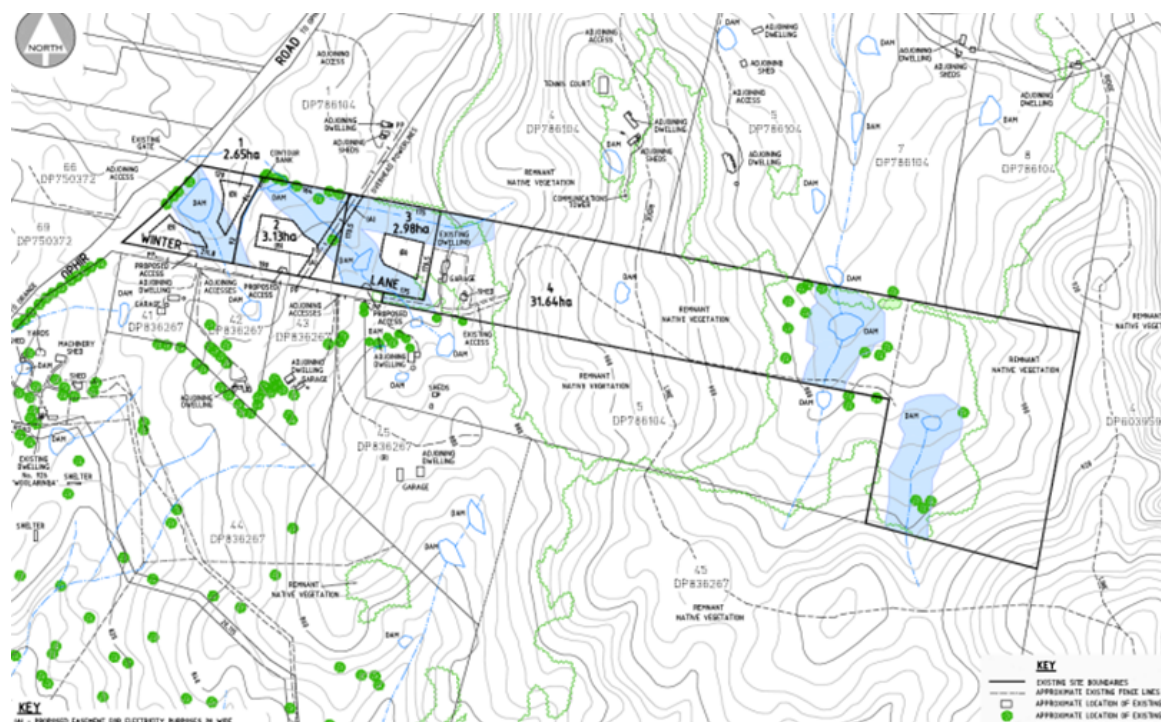
Site map



Topography map

Concept subdivision plan proposes the following outcomes:

Lot	Area	Proposed use
1	2.55ha	Vacant land intended for R5 large lot residential zone permissible uses
2	3.23ha	Vacant land intended for R5 large lot residential zone permissible uses
3	2.98ha	Vacant land intended for R5 large lot residential zone permissible uses
4	31.64ha	Existing dwelling and associated infrastructure – intended for RU1 Primary Production permissible uses. The creation of this lot, containing an existing dwelling, would establish a rural allotment having an area of less than the MLS of 100ha as permitted under the current provisions of the CLEP 2012.



Concept plan

To achieve the proposed development concept a zone over proposed lots 1-3 of R5 Large Lot Residential is proposed with a 2ha minimum lot size with retention of the RU1 Primary Production zone over the remainder of the land (proposed lot 4) but with the introduction of a 25ha minimum lot size over the RU1 zone.

Public Exhibition

The Planning Proposal was exhibited from Monday 14 November 2022 to Monday 12 December 2022. A total of 6 submissions were received (see attached) – 4 directly to Council and 2 via the NSW Planning Portal. All 6 submissions objected to the proposal.

Issues raised in objections include: increase in noise for shift workers trying to sleep during the day, environmental impact, inconsistent with the strategic directions of the area, road conditions and lack of roadside drainage, inconsistent with rural residential character of the area, objection to change (more people, vehicles and dogs), intrude on neighbours views, inability of small lots to satisfactorily manage on-site sewage, loss of rural amenity and inconsistent with the need for an easement for a pipeline from the Macquarie River to Orange.

As per standard council process, the contents of the submissions were forwarded to the applicant to address the issues raised for council to consider in its final deliberations on this matter. This response is attached.

The four main issues are explored further below.

On-site effluent disposal

One of the submissions was very detailed and raised concerns regarding proximity of proposed disposal areas to existing dams and watercourses and questioned the types of systems that may have to be used due to soil types and raised concerns over water-logging during wet periods.

These are valid issues that will need to be addressed at the subdivision stage when locking in the number of lots to be created, building envelopes and areas set aside as disposal areas for on-site sewage disposal.

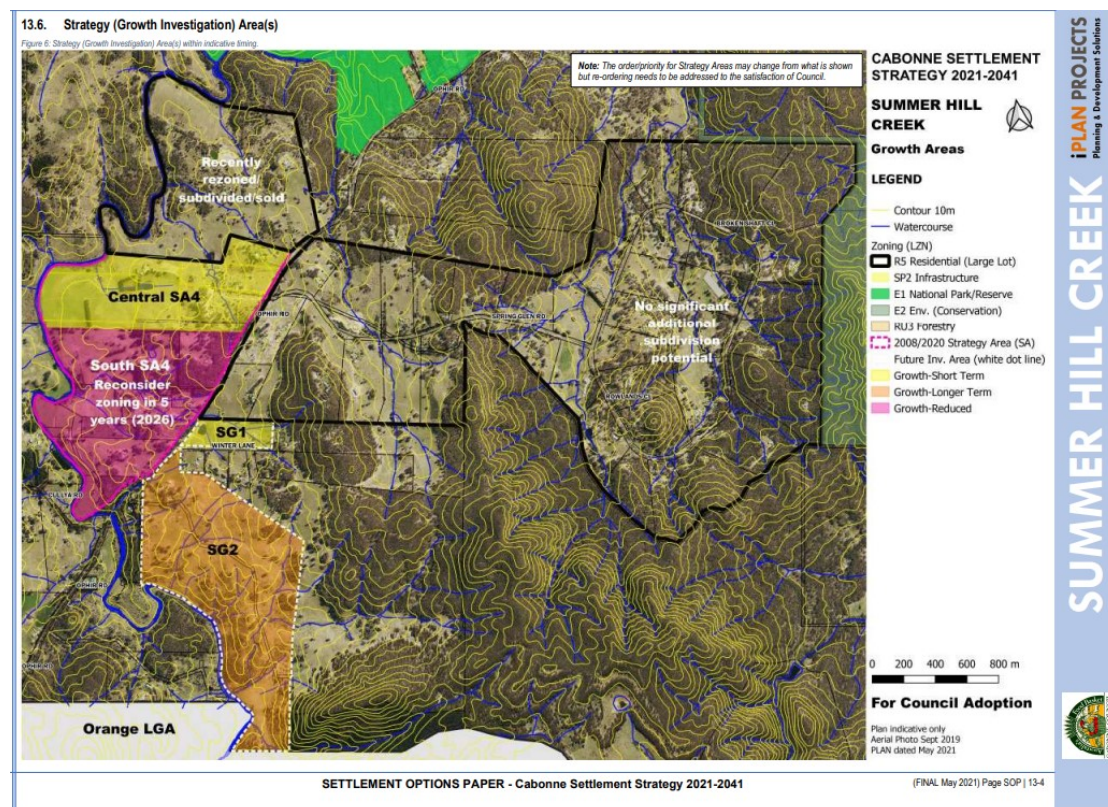
The issue that needs to be addressed now is whether the land sought for a reduction in lot size to 2ha could produce at least one 2ha allotment. It needs to be kept in mind that this is a minimum standard and that subdivision can occur at larger lot sizes to accommodate constraints found during detailed subdivision analysis, landowner desires or market considerations.

The 3 detailed separate effluent disposal reports (one for each proposed lot) are satisfactory for supporting a rezoning and have provided enough confidence that lots down to 2ha could be established.

Strategic direction

This land is included in the Cabonne Settlement (Land Use) Strategy 2021 and is known as SG1 in the Summer Hill Creek/Spring Glen Strategy Area. The Strategy states that this land was added for rezoning as it is located to the immediate south of the Spring Glen R5 Large Lot Residential zone area, is cleared but has low agricultural potential, is serviced by a sealed road and has 3 concessional lots to the immediate south.

This land is well placed for rezoning, as is land to the south, north-west and possibly to the west in the future as depicted on the below adopted settlement strategy map. Essentially this area has been nominated for growth for rural residential development and will undergo change as rezonings and subsequent subdivisions and dwelling construction proceed.



Summer Hill Creek Settlement Strategy Map

Development concept

A development concept was lodged with the Planning Proposal showing an indicative subdivision layout that could be permitted following rezoning. As specified by the applicant in their response to submissions, there is no guarantee that this layout will be pursued – it is provided for high-level consideration as part of the Planning Proposal as to what may be possible on the lot following rezoning.

Roads

A number of submissions were concerned around the perceived lack of maintenance of Winter Lane and its roadside drainage and the impact that 3 potential additional lots could have on traffic movements and the subsequent detrimental impact on road condition.

As pointed out in the applicant's response to submissions, any potential lack of maintenance of Winter Lane is not the responsibility of the proponent. If any road or intersection upgrades were to be required as a result of the subsequent development, this would be assessed as part of the development application and conditioned as part of any development consent.

Agency Referrals

The Gateway Determination required that council consult through the NSW Planning Portal with the Biodiversity Conservation and Science Directorate (BCS) and the NSW Rural Fire Service (RFS).

A response was received from BCS dated 23 November 2022 advising that 'BCS understands that the intention of the rezoning is so that the proposed subdivision can avoid wooded areas to reduce impact on the vegetation communities that have been mapped over the area. BCS support this approach'.

A response was received from the RFS on 1 December 2022 advising that 'on the basis of the information provided it has been demonstrate[d] that the proposed rezoning is capable of supporting developments which can comply with *Planning for Bushfire Protection 2019* where appropriately designed'.

Finalisation

The Gateway Determination requires that the LEP Amendment be made by 6 June 2023. The Department of Planning, Industry and Environment (DPIE) have indicated that they are happy to extend this deadline if council endorses finalising this matter.

DPIE have commenced preparation of the LEP maps on behalf of council (as council has no GIS officer available to undertake this task) and has also approached Parliamentary Counsel to commence drafting the written instrument to make the map change (it will be known as Map Amendment No. 3 to Cabonne LEP 2012).

ITEM 18 - PLANNING PROPOSAL - 1093 MITCHELL HIGHWAY, ORANGE (WINDEREA EAST) - POST EXHIBITION

REPORT IN BRIEF

Reason For Report	To seek council's final determination of the planning proposal
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	1. PP_Revised Nov_2022 ↓ 2. Response to Submissions from Applicant ↓ 3. Redacted Submissions for PP - 1093 Mitchell Hwy Orange ↓
File Number	\\OFFICIAL RECORDS LIBRARY\\LAND USE AND PLANNING\\PLANNING\\AMENDMENT 12 TO LEP 2012 - LOT 3 DP 549987 1093 MITCHELL HIGHWAY ORANGE - 1535340

Previous Items	16 - PLANNING PROPOSAL TO REZONE LOT 3 DP 549987, 1093 MITCHELL HIGHWAY, ORANGE - Council - 22 Feb 2022 2:00PM
-----------------------	--

RECOMMENDATION

THAT Council:

1. Note the public submissions to the Planning Proposal.
2. Endorse, as exhibited, the Planning Proposal and its amendment to the Cabonne Local Environmental Plan 2012 (PP-2021-6607) applying to Lot 3 DP 549987, known as 1093 Mitchell Highway, Orange, as outlined in this report.
3. Endorsement of the Planning Proposal be conditional to undertaking an Aboriginal Cultural Heritage Assessment Report to the satisfaction of Heritage NSW.
4. In exercising its delegation under Section 3.36 of the *NSW Environmental Planning and Assessment Act 1979*, as endorsed by NSW Department of Planning, Industry and Environment, forward the required documentation to Parliamentary Counsel for Opinion to amend the Cabonne Local Environmental Plan 2012.
5. Delegate authority to the General Manager to finalise the amendments to Cabonne Local Environmental Plan 2012 with advice from Parliamentary Counsel and the NSW Government on terms that are broadly consistent with the Planning Proposal, this report and advice from Heritage NSW.

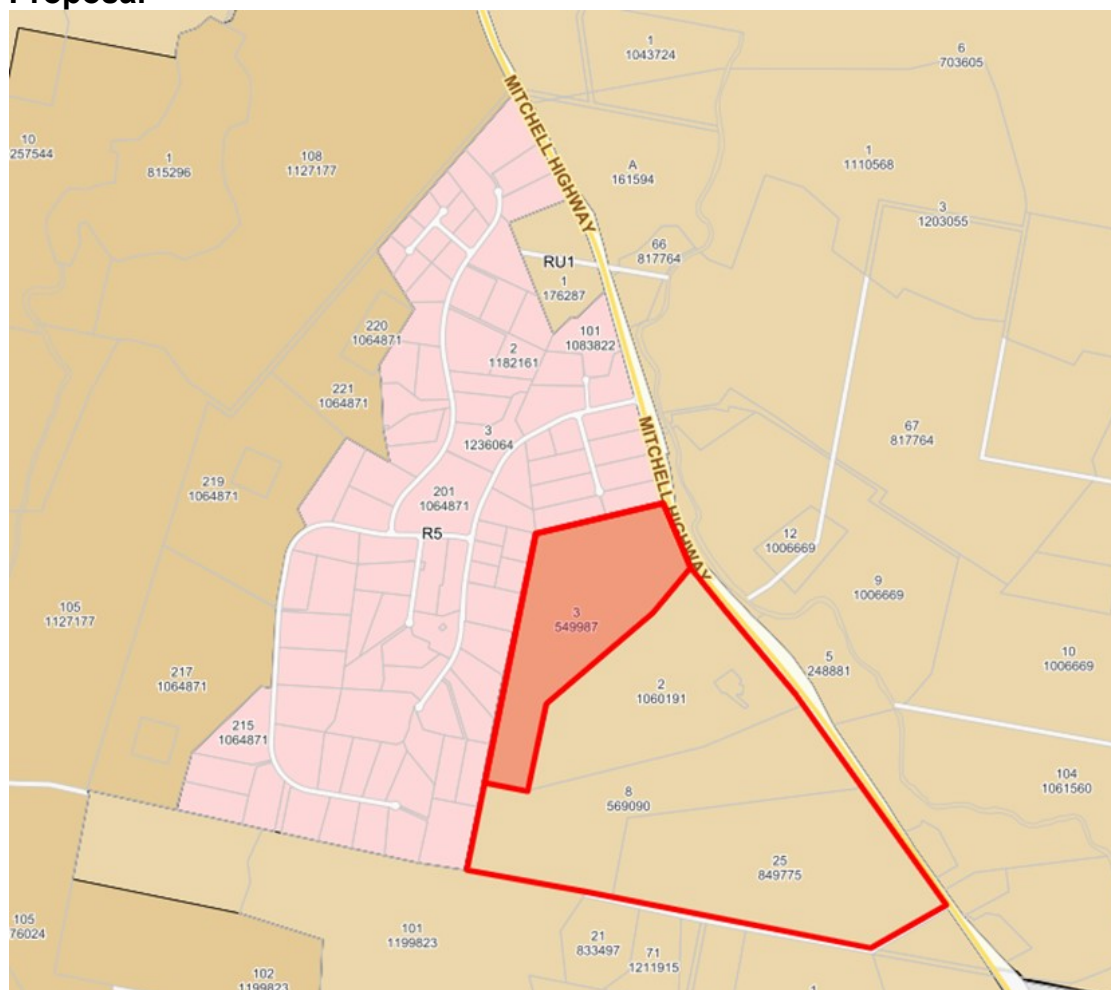
DEPARTMENT LEADER - DEVELOPMENT SERVICES' REPORT

Council received a Planning Proposal from Planning Potential, prepared on behalf of Windera East Pty Ltd, to amend the Cabonne Local Environmental Plan 2012. The Planning Proposal relates to land located to the immediate east of the locality of Windera, and approximately 10km northwest of Orange, being land described as Lot 3 DP 549987, 1093 Mitchell Highway, Orange.

Council resolved at its Ordinary Meeting on 22 February 2022 to:

1. *Receive and note the Planning Proposal for the rezoning of land identified as Lot 3 DP 549987, being 1093 Mitchell Highway, Orange and located within the Strategy Area 6 (SA6) as described in the Blayney Cabonne Orange Sub Regional Rural and Industrial Land Use Strategy July 2008 and Cabonne Settlement Strategy 2021-2041*
2. *Forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination in accordance with Section 3.33 of the Environmental Planning and Assessment Act 1979.*
3. *Receive a further report following the public exhibition period to provide details of any submissions received during the exhibition process.*

Proposal



Location map

The proposal seeks to rezone a 35.38ha rural holding currently zoned RU1 Primary Production to R5 Large Lot Residential, and to amend the Cabonne LEP 2012 Lot Size Map to permit a minimum lot size of 1ha. The property contains an existing dwelling situated to the west side of the land.

The area being rezoned (Lot 3) immediately adjoins the eastern side of Windera Estate and is part of a larger area which remains the same as identified for rezoning in council's Windera Settlement Strategy 2021 as Area SA6. Council supported only pursuing rezoning this lot at this stage due to the shortage of vacant lots within the estate and the inability of the proponent to coordinate agreement from other landowners to rezone SA6 together.

The Gateway Determination issued by the NSW Department of Planning and Environment required that a 2ha minimum lot size be implemented.

This aerial map displays a rural property divided into 16 numbered lots, each with its area in hectares (Ha). The lots are arranged in a grid-like fashion, with some irregular shapes. The following table lists the lot numbers and their respective areas:

Lot Number	Area (Ha)
101	2.04
102	2.03
103	2.11
104	2.01
105	2.06
106	2.00
107	2.00
108	2.01
109	2.01
110	2.00
111	2.05
112	2.00
113	2.03
114	2.00
115	2.05
116	2.29

The map includes several roads and boundaries:

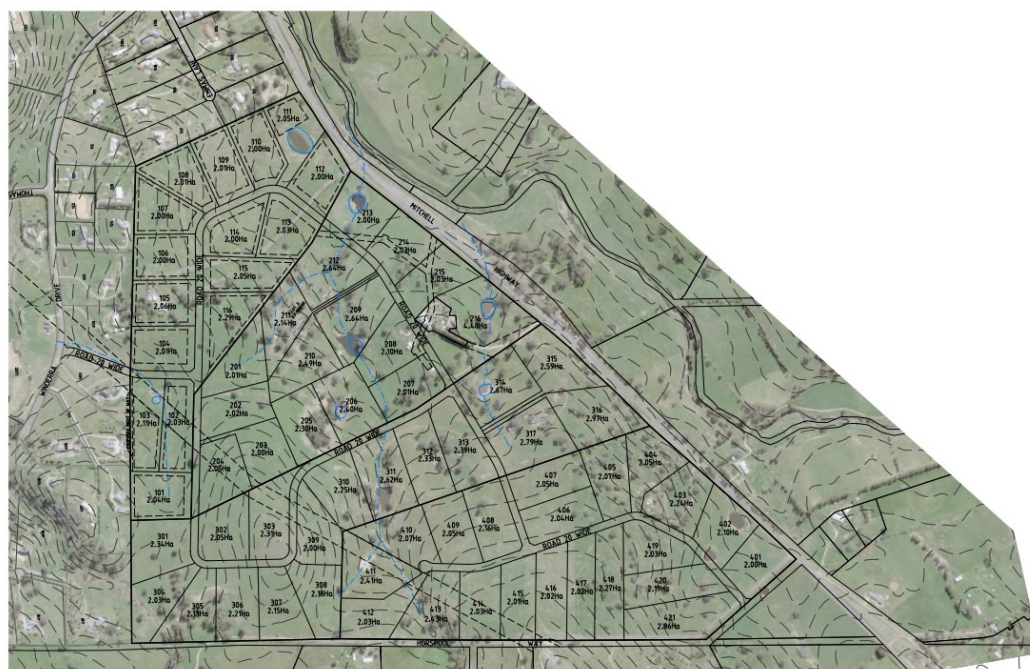
- Winderra Drive**: A road running horizontally across the top of the map.
- Emma's Lane**: A road running vertically on the right side of the map.
- Mitchell**: A road running vertically on the far right side of the map.
- Proposed Point of Way**: A dashed line indicating a proposed boundary or access point.
- Road 20 Wide**: A road running horizontally across the middle of the map.

The map also shows various topographical features, including trees, fields, and a small body of water (a pond) located near lot 111. The overall layout suggests a rural or agricultural property with multiple lots for development or farming.

LOT 3 D.P.549987
CONCEPTUAL LOT LAYOUT

Concept plan for Lot 3

The applicant has provided the above concept plan as a means to show what could be achieved on the land by way of subdivision. The plan shows 16 lots (15 additional lots) that could potentially be created.



CONCEPTUAL LOT LAYOUT

Concept plan for SA6

The applicant was required to provide an overall concept plan for SA6 to demonstrate that rezoning Lot 3 in isolation would not adversely impact the ability to later rezone and develop the remainder of SA6 i.e. that if subdivision occurred now on Lot 3 that it would not later prevent the further eastern expansion of Windera Estate. This meant that consideration is provided now as to how Lot 3 works in relation to the adjoining eastern lots up to Horspool Way in providing a link road through to Windera Drive.

Public Exhibition

The Planning Proposal was exhibited from Monday 16 January to Monday 13 January 2023. A total of 28 submissions were received (see attached). The majority object to the proposal while others such as the submission from the Windera Residents Association Incorporated raise issues for council's consideration.

Issues raised in submissions include: traffic noise, traffic congestion, use of Windera Drive for access, emergency access, new road access to Windera Drive, run-off from road construction, standards of road construction, proposed rights of ways in Lot 3 concept plan, bore water access, bushfire, potential loss of poplars, stormwater run-off to the west, economic benefit to Orange rather than Cabonne, provision of public open space, footpaths and cycleways, building setbacks, development of the remainder of SA6 and loss of agricultural land.

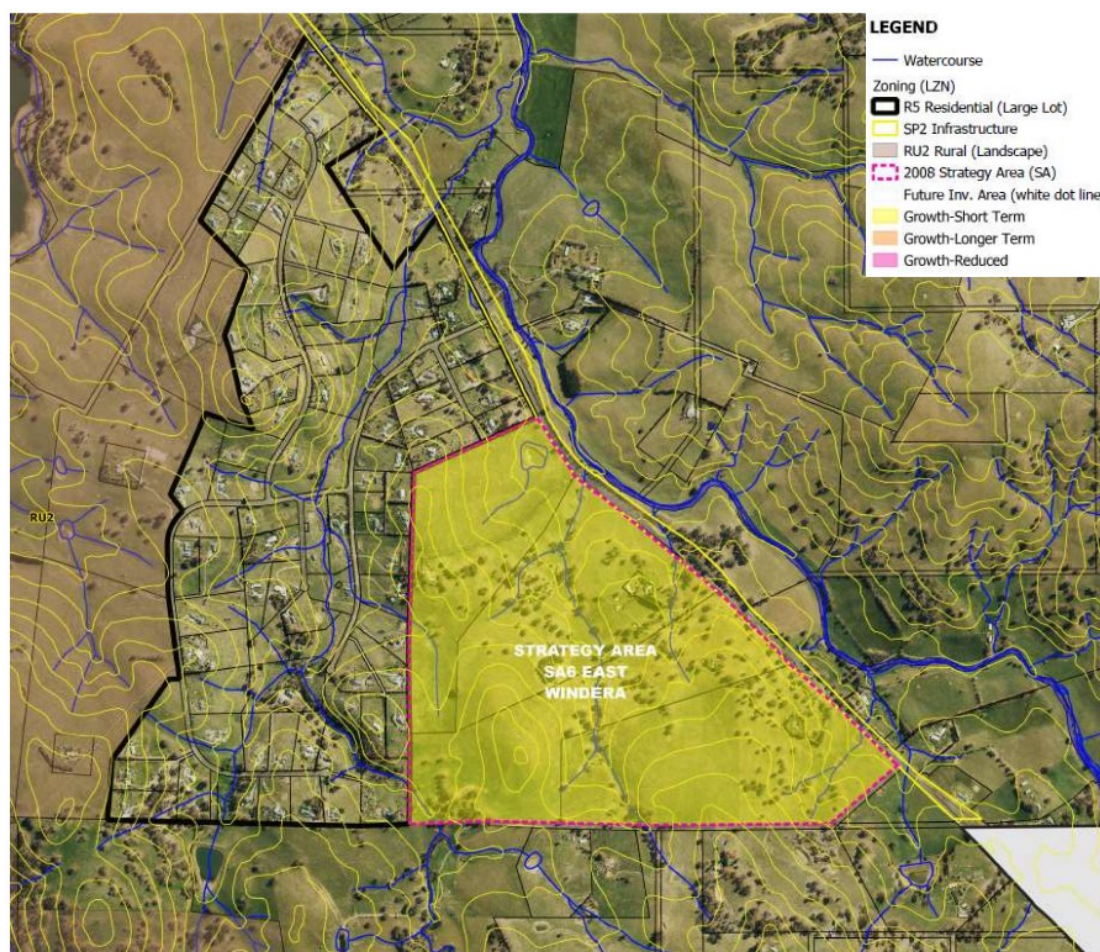
As per standard council process, the contents of the submissions were forwarded to the applicant to address the issues raised for council to consider in its final deliberations on this matter. This detailed response is attached.

The two main issues for this Planning Proposal are considered to be strategic context and access, which are explored below.

Strategic context

There are 4 lots that make up the release area known as SA6 in the Windera Settlement Strategy 2021 map (see below map). Lot 3 is the western most of these lots and immediately adjoins the existing Windera Estate.

It is often difficult to coordinate multiple landowners within a single release area to lodge a rezoning and Lot 3 was supported on this basis and also as the vacant land supply within the estate was low and that Lot 3 immediately adjoined the existing estate.



Windera Settlement Strategy Map

In accepting this, however, council is accepting that Lot 3 will need to utilise the existing estate entry for access and that the alternate through-access from Horspool Way could be some time off being achieved.

However, it is important that the remaining 3 lots within SA6 be rezoned together so that expected road and intersection upgrades are obtained and further traffic impacts are concentrated to the east, away from the existing estate.

Access

As can be seen from the overall SA6 development concept shown further above, there is the intent to link Windera Drive to Horspool Way through SA6, thereby providing 2 accesses for Windera Estate residents onto the Mitchell Highway. This will require upgrading of Horspool Way and its intersection with the Mitchell Highway in the future.

A new road access link to Lot 3 is proposed across Lot 403 DP 1083051 to Windera Drive. This will provide the future link road to Horspool Way and access for the potential 16 lots shown on the development concept plan for Lot 3. The proponent intends constructing this link as part of the proposed subdivision of Lot 3 and then dedicating this to council as public road.

As mentioned in the response to submissions, the roads within Windera Estate were constructed to the standards suitable for a rural residential subdivision and road maintenance is not an issue for the proponent. The proponent did provide a Traffic Impact Assessment which concluded that the additional traffic demand was satisfactory (this assessment was based on the original proposed 23 lots [1ha minimum lot size], not the revised 16 lots [2ha minimum lot size required by the Gateway Determination] which would have a lesser impact).

While there are many objections to increased traffic volumes as a result of development due to this rezoning and its impact upon existing residents and amenity, the roads have capacity to take this additional traffic.

The development of SA6 has been planned for many years and residents would have been aware of the proposed eastern expansion of the estate and hence would have an expectation of increased traffic volumes. It is unlikely that should SA6 have been all rezoned at the same time that all traffic would have been directed to Horspool Way, as there are safety and social benefits of ensuring that there is a connection between Windera Drive and Horspool Way for residents of the current and future extent of the estate.

External referrals

The Gateway Determination issued by the NSW Department of Planning and Environment required consultation with Heritage NSW, the Biodiversity, Conservation and Science Directorate of the NSW Department of Planning and Environment and with Orange City Council.

A letter dated 20 April 2023 was received from the Biodiversity, Conservation and Science Directorate of the NSW Department of Planning and Environment advising that they have no objection to this proposal.

A letter dated 13 April 2023 was received from Heritage NSW and advised that the proponent is required to undertake an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support the planning proposal. This report is then required to be referred to Heritage NSW for assessment.

No response was received from Orange City Council.

Finalisation

The Gateway Determination requires that the Local Environmental Plan (LEP) Amendment be made by 24 July 2023.

Consultation occurred with the Department of Planning, Industry and Environment (DPIE) on the Heritage NSW response and determined that this matter could be reported to council for finalisation as the ACHAR is a technical study supporting the planning proposal and in this instance is believed to have a low likelihood of altering the rezoning outcomes. This advice was on the basis

that the proponent agreed to undertake the study, which the applicant confirmed was the case.

The ACHAR can take some time to complete due to having its own consultation requirements with the Aboriginal community (can take up to 3-4 months to complete) so DPIE have indicated that they are happy to extend the Gateway Determination deadline if council endorses finalising this matter subject to undertaking a ACHAR.

Council staff will need to refer the ACHAR when completed to Heritage NSW and seek their agreement to the planning proposal being finalised.

DPIE will prepare the LEP maps on behalf of council (as council has no GIS officer available to undertake this task) at the appropriate time.

ITEM 19 - DEVELOPMENT APPLICATION 2023/73 FOR DWELLING HOUSE AT 47 TOOGONG STREET, CUDAL

REPORT IN BRIEF

Reason For Report	To obtain council's determination of the development application
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	1. DA 2023-73 - Draft Reasons for Refusal - 47 Toogong ↓
File Number	\\Development Applications\\DEVELOPMENT APPLICATION\\2023\\03-2023-0073 - 1531218

RECOMMENDATION

THAT Council:

1. Not vary the 8m building frontage setback to 3.2m as proposed to Boundary Street, Cudal; and
2. Refuse Development Application 2023/73 for a Dwelling House upon land described as Lot 8 Section 14 DP 758311, and known as 47 Toogong Street, Cudal, for the reasons attached.

SENIOR TOWN PLANNER'S REPORT

ADVISORY NOTES

Record of voting

In accordance with s375A of the Local Government Act 1993, a division is required to be called when a motion for a planning decision is put at a meeting of Council or a Council Committee. A division under s375A of the Act is required when determining this planning application.

Political Disclosures

In accordance with s10.4 of the Environmental Planning and Assessment Act 1979, a person making a planning application to Council is required to disclose political donations and gifts made within 2 years prior to the submission of the application and concluding when the application is determined.

In accordance with s10.4 of the Environmental Planning and Assessment Act 1979, a person making a public submission to Council in relation to a planning application made to Council is required to disclose political donations and gifts made within 2 years prior to the submission being made and concluding when the application is determined.

Political donations and gifts (if any) to be disclosed include:

- All reportable political donations made to any local councillor or Council,
- All gifts made to any local councillor or employee of the Council.

Nil planning application disclosures have been received.

Nil public submission disclosures have been received.

EXECUTIVE SUMMARY

The following report provides an assessment of the development application submitted for a new dwelling house on land described as Lot 8 Section 14 DP 758311, and known as 47 Toogong Street, Cudal.

Applicant: Andys Design and Drafting
Owner: HR and E Gee
Proposal: Dwelling House
Location: Lot 8 Section 14 DP 758311 - 47 Toogong Street, Cudal
Zone: RU5 Village

The site is located on the corner of Toogong Street and Boundary Street, in Cudal village (see Figure 1). The land is zoned RU5 Village, and dwelling houses are permitted in the zone with consent from Council.



There are many planning matters to be considered in relation to this application, and those of particular note include:

- A watercourse runs through the site, and the site is known to flood, therefore minimum floor levels are considered necessary to reduce flood risk to the new dwelling.
- The applicant has amended (raised) the finished floor level to meet Council staff flood recommendations, however the amendment also proposes an extensive front fence and gates which will adversely impact on flood behaviour, and adversely affect safe occupation and evacuation.
- The proposed dwelling seeks to address the side boundary (Boundary Street) rather than the front boundary (Toogong Street) due to site constraints (i.e. the watercourse constrains much of the site frontage).
- This is inconsistent with the established neighbourhood pattern, and will impact adversely on neighbourhood character and the heritage significance of the adjacent heritage listed item (64 Main Street – former hotel). This anomaly and its impacts have not been justified or mitigated by the applicant.
- In addition to fronting the side boundary, the proposed dwelling is only setback 3.2m from this frontage, which is contrary to Council's Building Alignment Policy, which requires an 8m setback in the villages.
- This proposed setback is wholly inconsistent with the established pattern of surrounding development, impacting adversely on neighbourhood character and heritage significance of the adjacent heritage listed item. It

would also set an unacceptable and undesirable precedent for future development / neighbourhood character. The proposed variation has not been adequately justified by the applicant.

- Despite seeking Boundary Street to be the frontage in this case, a 1.8m high Colorbond fence and gates are proposed along this boundary, which extends some 50m. This is not considered acceptable for a front fence for many reasons discussed in this report, and these elements will exacerbate the adverse impacts noted in the points above. No justification has been provided in regards to this matter.
- Further, 1.8m high gates directly on the boundary is not an ideal situation with regards to vehicle sightlines, and may result in adverse traffic safety impacts.
- The site is adjacent to a heritage listed item (64 Main Street – former Wayside Inn/Hotel), and adverse impacts to its setting have not been addressed or mitigated, as noted in the points above.
- Essential Energy raises safety concerns about the lack of setback from the adjacent overhead powerlines in Boundary Street. The applicant has provided further assessment in relation to this matter.

These matters have been discussed in greater detail in the main body of this report.

Council staff have discussed the above issues with the applicant, and have made recommendations for an increased finished floor level and an increased setback to mitigate impacts, and render the proposal and variation safer and more acceptable. The applicant has amended the plans to raise the level of the dwelling, however has declined to make any changes to the setback.

Overall, it is considered that the proposal in its current form, and the variation to reduce the front setback, will result in adverse environmental impacts to the streetscape, neighbourhood, surrounding neighbouring properties, and the adjacent heritage listed item. These impacts have not been adequately mitigated, and will be exacerbated by the addition of the proposed 1.8m Colorbond fence and gates along Boundary Street.

Given the number of unresolved issues, this application was not neighbour notified, and internal referrals have not been completed. These steps are considered unnecessary, as the assessment of the proposal concludes that it is unacceptable and cannot be supported by staff.

It is recommended that the application be refused based on the reasons set out in the following assessment, and as attached.

PROPOSED DEVELOPMENT

Council's consent is sought for a new dwelling house. The details of the proposal are depicted in Figures 2 and 3, and as follows:

- Construction of new 4-bed dwelling.
- Dwelling comprises 4 bedrooms, combined kitchen, dining and family room, separate lounge room, laundry, bathroom, ensuite, and attached entry portico to the front.

Page 43

- Fireplace to lounge room.
- Materials comprise cladding on the walls (details not provided), Custom Orb Colorbond roof sheeting, and timber/UPVC/fibreglass windows and doors (exact material selection not indicated).
- Dwelling to front the side boundary (Boundary Street).
- New driveway along northern boundary (to rear existing shed).
- New watertank to rear of existing shed.
- New 1.8m high Colorbond fence and gates to frontage.
- Earthworks to level over site (between 300-500mm).

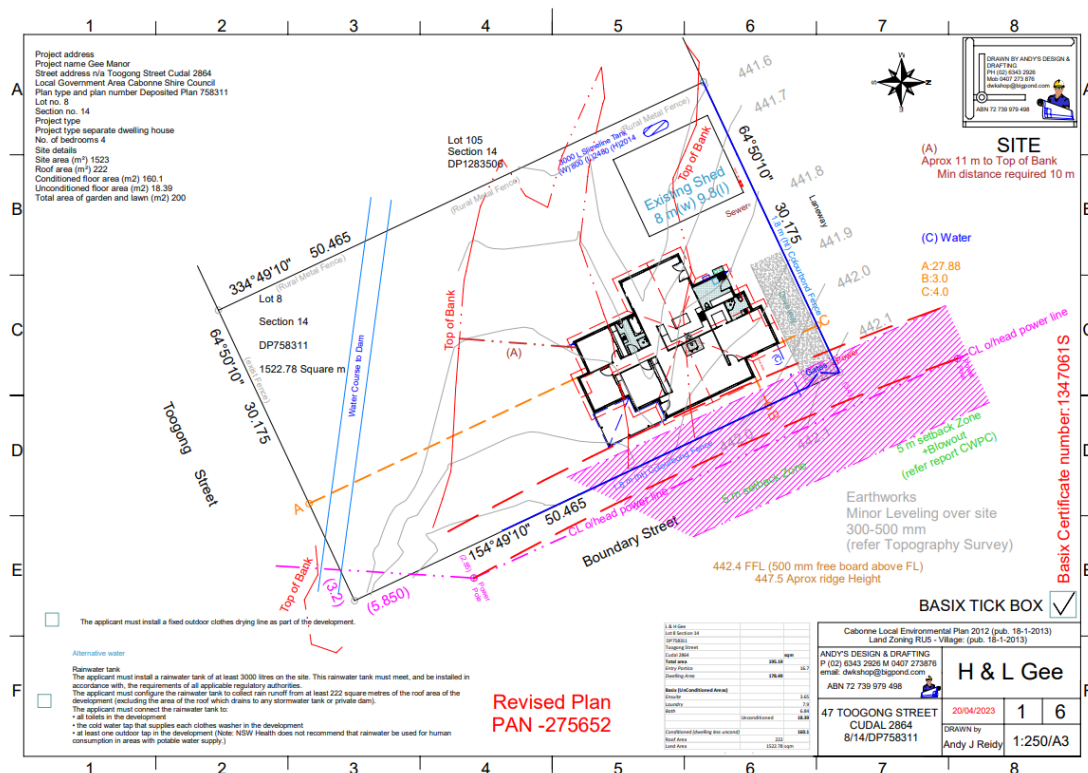


Figure 2 – Proposed Site Plan (amended)



Figure 3 – Proposed Elevations (amended)

It is noted that following discussions with Council, amendments have been made to the proposal, including raising the dwelling floor level (and associated earthworks/levelling of the site). A Colorbond fence and gates have also been added to the frontage, where previously front landscaping was proposed (note: this has not been addressed or justified in the amended application, and was not a suggestion made by Council staff).

SITE & SURROUNDS

The site is known as 47 Toogong Street, Cudal. The site has an area of 1,518m² and has three road frontages, being Toogong Street to the south (the front boundary), Boundary Street to the east (the side boundary, which the applicant seeks to make the frontage), and an unformed laneway to the north (the rear boundary). There is an existing shed located on the site which was recently constructed (see Figure 4), but is otherwise vacant and cleared of trees. Existing rural wire fencing extends along all of the boundaries.

The site is surrounded by mostly vacant land, however dwelling houses are permitted on these lots, so it is expected that detached dwellings will be erected on this land in the future. The lot to the north of the site comprises a heritage listed item, which was a former inn/hotel and is now used as a dwelling house (see Figures 4 and 5). Single-storey detached dwellings front Main Street nearby to the north, and front Toogong Street to the west and south. Land to the south-east is zoned R5 Large Lot Residential, but is currently used for rural grazing and has not yet been subdivided into residential lots.

There are a few non-residential uses nearby, including the Cudal Heath Service at 23 Toogong Street, and the Cudal Pool and Caravan Park nearby to the north

in Main Street. There are also a few historical industrial sheds to the rear of dwellings on corner sites in the vicinity.



Figure 4 – Photo of site (looking north-west towards adjacent heritage item)



Figure 5 – Photo of site (looking west towards watercourse and Toogong St)

The adjacent laneway to the north is not formed, and comprises a few mature native trees (see Figure 4). A watercourse runs through the site in an east-west direction (see Figure 5). Overhead powerlines run in a north-south direction along Boundary Street. Mains water is available in Toogong and Boundary

Streets (Central Tablelands Water). Council's mains sewer is available nearby in the laneway.

APPROVAL HISTORY

- DA 2022/199 – New Shed, approved 26 May 2022

MATTERS FOR CONSIDERATION

Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*

Section 1.7 Section 1.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) identifies that Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments.

There are four triggers known to insert a development into the Biodiversity Offset Scheme as follows:

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017);
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017);
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016);
- Trigger 4: development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016). No areas are known to occur in the LGA.

The land does not occur on the NSW Biodiversity Map. Although there is a mapped watercourse that runs through the subject site, this is not identified as comprising a high biodiversity aquatic environment. The proposal does not involve clearing of native vegetation.

The proposed development is unlikely to significantly affect threatened species or their habitats, nor is it likely to adversely impact upon any endangered or ecological communities for the following reasons:

- The land is not identified nor declared as an area of outstanding biodiversity value.
- There are no observable habitat links / vegetation corridors to or from the land.
- The land is surrounded by highly disturbed urban environments with limited habitat potential.

Overall, given the characteristics of the site and the minimal level of habitat provided on or nearby to the land, the proposed development is not likely to threaten the survival or evolutionary development of a species. Further, the development does not trigger the need for a Biodiversity Development Assessment Report (BDAR) under the *Biodiversity Conservation Act 2016*.

Section 4.14 Bushfire

The land is not mapped as being bushfire prone. It is noted that the buffer for the nearby bushfire prone grasslands to the south-east runs along the eastern boundary of the site, however Section 4.14 of the EP&A Act does not require any further assessment in this regard.

Section 4.15 Evaluation

Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Cabonne Local Environmental Plan 2012

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under subclause 2 as follows:

- (a) *to encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,*
- (c) *to facilitate and encourage sustainable growth and development that achieves the following—*
 - (i) *contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,*
 - (ii) *allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,*
 - (iii) *encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment and meets the diverse needs of the community,*
 - (iv) *promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,*
 - (v) *protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,*
 - (vi) *avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,*

- (vii) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,*
- (viii) protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.*

The application is considered to be inconsistent with the aims of the Plan as discussed later in this report. Of particular note, the inappropriate siting / setback of the dwelling will not enhance the character of the Cudal village, will not achieve orderly growth, is not compatible with the surrounding residential environment, and does not protect nor enhance the heritage significance of the adjacent heritage item.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, Council is the consent authority for applications made under the LEP.

Clause 1.7 - Mapping

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned RU5 Village
Lot size map	Minimum lot size 2,000m ²
Heritage map	Not a heritage item or conservation area, but located adjacent to a heritage item
Terrestrial Biodiversity Map	No biodiversity sensitivity on the subject land
Flood planning map	Cudal is not shown on the flood planning map
Natural resource – karst map	Not within a karst area
Drinking water catchment map	Not within a drinking water catchment area
Riparian land and watercourse map, groundwater vulnerability map	Groundwater vulnerable
Land reservation acquisition map	Not Applicable

Those matters that are of relevance are addressed in detail in the body of this report.

It is noted that while the subject land is not identified on the LEP maps for flooding and watercourses, these matters are still of relevance as the land is known to flood, and the watercourse is mapped as the NSW *Water Management (General) Regulation 2018 Hydro Line spatial data* maps with regards to water approval requirements. These matters are discussed later in this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- covenants imposed or required by Council
- prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*
- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Land Use Table

The subject site is located within the RU5 Village zone. The proposed development is defined as a 'dwelling house' under the LEP 2012 as follows:

“dwelling house means a building containing only one dwelling”

*Note— Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.*

Expanding on that definition:

“dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile”

The proposed dwelling house is permitted with consent in this zone, and this application is seeking consent.

Clause 2.3 - Zone Objectives

The objectives for land zoned RU5 Village are as follows:

RU5 Village Zone Objectives	Comments
<ul style="list-style-type: none">• <i>To provide for a range of land uses, services and facilities that are associated with a rural village.</i>	The proposed use of the subject land for residential purposes (i.e. a dwelling house) is considered appropriate for the subject site and for the village.
<ul style="list-style-type: none">• <i>To encourage and provide opportunities for development and local employment growth.</i>	The proposed new dwelling provides for additional development opportunities in the village, and may provide for local

- *To ensure that development is compatible with surrounding land uses.* employment opportunities during construction stage/s. While the proposed residential use of the land is compatible with surrounding land uses, the siting of the proposed dwelling in its current form is not compatible with the surrounds.

Overall, it is considered that the proposal is not consistent with the objectives of the RU5 zone as the poor siting of the dwelling is not compatible with the surrounds. This matter is discussed in greater detail later in this report.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

No principal development standards are applicable to the proposed development.

Part 5 - Miscellaneous Provisions

5.10 – Heritage Conservation

The subject site is located adjacent to a heritage listed item (pursuant to Schedule 5 of the LEP), and as such is considered to be within a “heritage setting”. The proposed development has the potential to impact on the heritage significance of this item due to its close proximity, therefore LEP Clause 5.10 applies and an assessment of the heritage impacts on the item must be undertaken.

LEP Clause 5.10 states in part:

(1) Objectives *The objectives of this clause are as follows—*

- (a) to conserve the environmental heritage of Cabonne,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(4) Effect of proposed development on heritage significance *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

Heritage Item Details

64 Main Street – Hotel (former) – I71

Statement of Significance

The NSW State Heritage Inventory provides the following Statement:

“Characteristic forms and scale of the mid to late 19th Century way side inn. Archetypal village changing station in the Main street of Cudal, contributing significantly to the street scape”.

History

The building was established around 1880, and was formally known as 'Wayside Inn', a changing station and hotel for travellers (i.e. Cobb and Co. stagecoach, local coach and dray transport providers, Royal Mail route, etc). There is a large cellar under the house.

Heritage Assessment

The following heritage assessment gives regard to the applicable heritage and design guidance documents set out below:

- *The Burra Charter: The Australian ICOMOS Charter for Places of Cultural Significance* – Australian ICOMOS, 2013
- *Design Guide for Heritage* – Heritage Council of NSW and Government Architect NSW, 2018
- *Design in Context* – NSW Heritage Office and Royal Institute of Architects NSW, 2005
- *Better Placed* - Government Architect NSW, 2017

These guidelines emphasise that proper consideration and understanding of the surrounding context is key to good design and to ensure that heritage settings and values are protected and enhanced. These key practices have been well established in case law and planning principles from the Land and Environment Court, and of particular note, that all new development needs to take into account the established character of the surrounding area, as well as the future desired character of an area.

Cumulative impacts are also a key consideration, where new development sets the precedent for any subsequent development in the surrounds, and good design and siting must be achieved to ensure values are protected and impacts are mitigated.

Key aspects from these objectives and court established principles, and comments as to whether the proposal is consistent with them, is outlined in the table below:

Key Design and Heritage Objectives	Comments
<ul style="list-style-type: none">• Character - new work should respond to the historic context through an understanding and informed analysis of the area's character, quality, and heritage value.	<p>Established character - the site has three road frontages, there is an existing modern Colorbond shed on the site, and existing rural wire fencing extends along all of the boundaries.</p> <p>The site is surrounded by mostly vacant land. The wider area comprises modest sized single-storey detached dwellings. Detached garages to</p>

- New buildings should be sympathetic to the local streetscape and urban grain.
- Contributing factors include natural landform, landscape elements, trees, style, scale and form of buildings, street and subdivision pattern, fabric, curtilage, setbacks, materials, views, vistas and skylines, building to space patterns, proportions of openings, etc.

the rear are common. Established landscaping includes front and rear gardens, and sporadic mature trees. Most front boundaries do not have fencing, and the interface between public and private realms are controlled through landscaping. The properties that do have front fences comprise low (approx. 1m) open style metal or wire fencing with hedging or planting behind.

An analysis of front and side setbacks for the immediate and wider surrounds shows all nearby dwellings face their front boundaries, with an average setback of 8m. The average side setbacks are 12m, or 10m if taking into account rear/side sheds and garages. Corner lots typically have access to the dwelling from the primary frontage, and access to the garage from the side boundary/frontage.

The lot to the north of the site comprises a heritage listed item, which was a former inn/hotel, and is now used as a dwelling house. It has significant heritage value for the streetscape and village as discussed above.

Future desired character - it is expected that dwellings of a scale and form similar to those within the wider surrounds will be erected on surrounding vacant land in the future (i.e. single-storey detached dwellings with sheds to the rear).

The proposed dwelling is sited so that it faces the side boundary rather than the front boundary, with a setback of only 3.2m. A 1.8m high Colorbond fence and gates are proposed along the entire length of this front boundary. No landscaping is proposed.

The proposed development does not respond to or respect existing front and side setbacks; does not respect established building to space patterns; and does not complement the treatment of street edges (i.e. fencing and landscaping). The proposed dwelling appears to have been designed with little or no regard to the established character of the surrounds, or the adjacent heritage item.

Overall, the proposal is unacceptable and does not meet the character objectives.

- **Scale and Form** - new buildings should relate to the existing urban fabric in terms of scale, height, form, and mass; the relationship between solid and void; the

As noted above, the proposed dwelling is inconsistent with established setbacks, and does not respect building to space patterns. The proposed 1.8m high Colorbond fence is of particular concern, where there is no precedent

- proportion and pattern of openings; fence heights; etc.
- **Siting** – new buildings should maintain relationships between site and setting (note relevant context will extend beyond the curtilage of the heritage item itself).
 - Retain significant views to, from, and within the heritage place.
 - Reinforce existing front and side setbacks of an area to provide consistent streetscape quality. Maintain orientation to street frontages, and use appropriate dual orientation on corner lots.
 - Locate sheds and garages to the rear.
 - Use landscape plantings to frame buildings, screen, reduce impacts, etc.
 - **Materials and Colours** - design new work to read as distinct from the heritage fabric, in a manner that supports the heritage values and has minimal impact on the heritage place.
 - Consider predominate materials, textures, colour ranges, details, decoration.
 - Modern materials can be used if their proportions and details are harmonious within the surrounding context.
- for this in the surrounds, and exacerbates the poor siting and design of the proposed dwelling. The proposed dwelling itself is considered generally acceptable with regards to its scale, form, mass, and proportions, however as it is sited too close to the street, its scale and form will appear inconsistent with the surrounding context. Essentially the bulk of the building has been designed well, but has been sited on the wrong part of the subject lot.
- Overall, the proposal is unacceptable and does not meet the scale and form objectives.
- The siting of the proposed dwelling to the side boundary rather than the front boundary, coupled with the reduced setback and high front boundary fence, is inconsistent with the surrounding context, and will not maintain the original plan and spatial structure of the village.
- The siting of the dwelling so close to the street (3.2m), with a very high modern and solid fence along the boundary, will adversely impact on views and vistas of the adjacent heritage item when viewed from Boundary and Toogong Streets, will adversely impact on the vistas from Main Street, and adversely impact on vistas from the heritage item into the surrounds.
- While the existing shed would be to the rear of the dwelling, this was also inappropriately sited taking into account that a future dwelling needs to share this space.
- Overall, the proposed siting of the development is wholly incongruous to the surrounds and heritage setting, and does not meet the siting objectives.
- Little detail has been provided in the application with regards to proposed materials, finishes, detailing, etc. and no details of colours have been provided.
- Notwithstanding, the general design of the dwelling is likely to be suitable for the surrounding context, providing that suitable setbacks can be achieved, that the materials and finishes used are of high quality, and colours are sympathetic to the complement the setting.
- Overall, the proposal is likely capable of meeting the materials and colour objectives, subject to setback amendments and further assessment of intended materials and colours.

- **Detailing** - details that contribute to the character of a conservation area or heritage item should be identified. Modern details should reinterpret these traditional details and create relationships between new and old.
 - Consider landscaping, planting treatments, and trees.
 - Style, height and materials of front fences should relate to surrounding properties.
- Front setbacks should be soft landscaped with planting schemes that contribute to the character of the street, with complementary height, form and character. Fencing should be low/minimal and complement the surrounds.
- The proposed Colorbond fencing presenting to the street within a heritage setting is not suitable and will result in significant adverse impacts.
- The original proposal included some front landscaping, but this was sparse and would need additional consideration along with an increased setback to be considered acceptable.
- The amended plans have deleted all landscaping, although no explanation or justification provided in regards to this.
- Overall, the proposal is unacceptable and does not meet the detailing objectives.

In conclusion, the proposed dwelling has been designed with insufficient regard to the established character of the surrounds and the adjacent heritage item. This lack of analysis of the surrounds and understanding of the heritage setting has resulted in a poor design which does not meet basic heritage and design principles. The proposed development will have adverse impacts on the heritage significance of the adjacent former inn/hotel, and is thus contrary to the heritage provisions of LEP Clause 5.10.

5.21 – Flood Planning

While the subject land is not identified on the LEP flood planning maps, Council is aware that the land is prone to flooding due to the watercourse running through the lot, the proximity of the nearby Boree Creek, and the great extent of the wider catchment area. As such, LEP Clause 5.21 must be taken into account (i.e. consideration shall be given to all flood planning areas as set out in the *Floodplain Development Manual* published by the NSW Government in April 2005).

The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The clause requires that Council considers the following:

- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

- (a) is compatible with the flood function and behaviour on the land, and*
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) 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, and*
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) the intended design and scale of buildings resulting from the development,*
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Council does not have a flood study or modelled flood data for Cudal, and it is considered unreasonable for the applicant to prepare their own study for one new dwelling. Council's Development Engineer has reviewed the proposed development with regards to flood planning, and recommends that the finished floor level of the dwelling be lifted by 100mm to RL 442.4 so it can achieve a 500mm freeboard above the observed flood height on the site.

The applicant has provided amended plans indicating that this recommended finished floor level can be achieved.

Notwithstanding this, the amended proposal now involves a 1.8m high Colorbond fence and gates along the entire length of the Boundary Street boundary (to the extent of some 50m). This is likely to adversely impact on flood behaviours and flow paths, detrimentally impacting on the subject property and neighbouring properties, and adversely impacting on safe occupation and efficient evacuation of the proposed dwelling. No justification has been provided by the applicant in this regard.

Overall, it is considered that the proposed development does not meet the LEP flood planning objectives, and development consent must not be granted unless the fence is amended or removed from the application.

Part 6 - Additional Local Provisions

6.2 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
- (b) includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*
- (c) avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposal includes onsite retention of stormwater through the use of rainwater tanks behind the existing shed. Most stormwater is likely to run to the watercourse that runs through the site, which has the potential to adversely impact on downstream properties. Larger water tanks should be considered to ensure that post development runoff levels are similar to predevelopment levels, and ensure that stormwater from the dwelling and driveway are appropriately managed on site. This could be conditioned to any approval.

6.4 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

Furthermore, consent may not be granted unless Council is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
- (c) if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal avoids impacts on groundwater and is therefore considered acceptable in this regard.

Clause 6.8 - Essential Services

Clause 6.8 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) storm water drainage or on-site conservation,*
- (e) suitable road access.*

Water and electricity supply is available in Boundary Street. Stormwater has been discussed above, and consideration should be given to larger rainwater tanks.

Council's reticulated mains sewer is available in the adjacent (unformed) laneway, although is short of the subject land by some 14m. This will need to be extended, and possibly upgraded, to ensure adequate sewer disposal is available to the site/dwelling. The applicant has not provided any preliminary investigations with regards to this matter, and it is noted that this will need to be carried out to ascertain if connection is possible.

Council's Development Engineer also notes that the access grade off Boundary Road is a little steep, and the proposed driveway should be constructed from concrete to prevent wheel-spin when exiting.

In consideration of this clause, all utility services are generally available to the land and are, or can be made, adequate for the proposal.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

Pursuant to Clause 4.6 *Contamination and remediation to be considered in determining development application:*

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

The subject site is not known to have been used for any potentially contaminating land uses as listed under Table 1 of the contaminated land planning guidelines. Therefore, Council considers that the subject site is suitable for the proposed development without the need for further investigations or remediation.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapters 3 and 4 Koala Habitat Protection 2020 and 2021

Cabonne Council is identified within the SEPP Koala Habitat Protection schedule as having koala habitat. A BioNet search did not reveal any sighting of Koalas in the locality.

It is considered that the proposed development has low or no direct impact upon Koalas and their habitat for the following reasons:

- The subject land does not comprise core Koala habitat.
- The proposed development will not result in the clearing of native vegetation.
- The development does not trigger the Biodiversity Offsets Scheme threshold under the *Biodiversity Conservation Act 2016*.

In this regard, the proposal is considered to satisfy the requirements of the SEPP and a Koala Plan of Management is not required in this instance.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure – Division 5 Electricity Transmission or Distribution

Part 2.3, Division 5, Subdivision 2, Section 2.47 of this SEPP requires Council to refer any development carried out within 5m of an exposed overhead electricity powerline, and take into consideration any response to that notice.

Council referred the application to Essential Energy, who responded that the dwelling is too close to the powerlines, and needs to be setback further to comply with the Australian Standard AS/NZS 7000, and Essential Energy's '*Development near Essential Energy's infrastructure*' guidance document. They also noted that the driveway must be at least 2m from any power pole.

Of particular note, is that two separate safety clearances need to be met, firstly the clearance width for the easement, and secondly the safety clearance zone for conductor blowout of overhead powerlines located in a road reserve (see Figure 4).

Safety Clearance Zones for overhead powerlines located in a road reserve

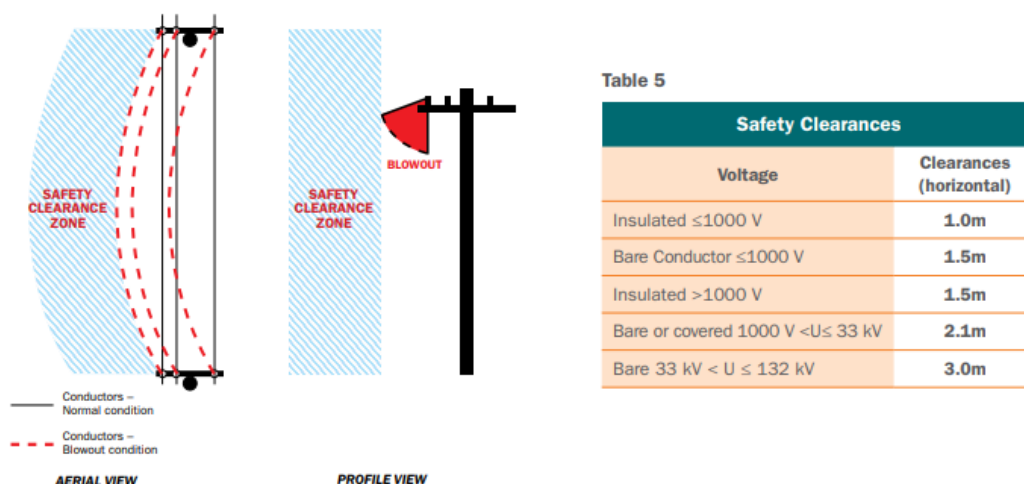


Figure 4 – Safety Clearance Zones (from Essential Energy's 'Development near Essential Energy's infrastructure' guide)

Essential Energy notes that the minimum easement clearance with of 5m has been achieved, but the information submitted with the (original) application was unclear whether the blowout clearance had been calculated and included.

The applicant engaged an electrical consultant to calculate the required blowout clearance for the subject overhead powerlines. This assessment, carried out by Central West Power Construction, and dated 05/04/2023, states that the maximum horizontal departure from the centreline is 2.79m. This includes the blowout area, plus the 1.5m (safety clearance) curve.

The amended application does not dimension setbacks between the proposed house and these required clearances, but generally shows compliance has been achieved via a 'setback zone' (approximately 6m from the centre pole).

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The proposed development is not integrated development.

It is noted that the watercourse which runs through the site is identified on the NSW Water Management (General) Regulation 2018 Hydro Line spatial data mapping with regards to approval requirements. The applicant has investigated this matter further and submits that stream that the watercourse is a "1st order stream", and the *NSW Department of Primary Industries Office of Water Guidelines for riparian corridors on waterfront land* notes that for first order streams, if no works are being undertaken within 10 metres of the top of bank, a controlled activity permit is not required.

The amended plans show that the dwelling is separated from the top of bank by approximately 11m. As such, the proposed development does not constitute integrated development in this regard.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s4.15(1)(a)(ii)

Review of clause 4.6 of the Standard Instrument LEP

The department exhibited an Explanation of Intended Effect (EIE) on the proposed amendments to clause 4.6 of the Standard Instrument LEP from the 31 March until 12 May 2021. The proposed revised clause 4.6 will ensure that applications to vary development standards have a greater focus on the planning outcomes of the proposed development and are consistent with the strategic context of the site, gives weight to the relevant planning objectives that have been developed by councils in consultation with communities, and ensures variations are considered in that context, via revised tests.

Comment: this application does not seek a clause 4.6 variation and hence is not impacted upon by the draft instrument.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Development Control Plan

No Development Control Plans apply to the subject land. It is noted that Council's Building Alignment Policy applies, and an assessment has been undertaken below.

Council's Building Alignment Policy

Council's Building Alignment Policy establishes standard front boundary setbacks for all development in the Cabonne Local Government Area (LGA). This Policy states that the minimum building alignment within village zones, from the front boundary of the property to the nearest point of the building, shall be **eight (8) metres**, except by Council's resolution.

As discussed earlier in this report, particularly in the LEP heritage assessment, the proposed 3.2m setback is wholly incongruous with the established neighbourhood setbacks. Staff have carried out an analysis of the surrounding dwelling setbacks, and calculated the average setback, as shown in the table below:

FRONT SETBACKS	
Neighbouring Property Address	Setback (m)
64 Main St (adj. heritage item)	0
68 Main St	8.6
70 Main St	7.3
72 Main St	9.0
54 Main St	12.0
Main St (Lot 2 DP 246022)	12.9
Main St (Lot 1/25/7583112)	5.6
63 Main St	6.8
61 Main St	6.2
59 Main St	6.3
67 Main St	9.7
Main St (Lot 250 DP 750137)	10.3
60 Toogong St	5.9
Toogong St (Lot 9/13/758311)	2.8
52 Toogong St	9.4
48 Toogong St	6.4

46 Toogong St	10.8
44 Toogong St	7.3
31 Toogong St	11.4
27-29 Toogong St	11.4
Average front setback	8.0

An analysis of side setbacks, as well as front and side setbacks taking into account garages and sheds, was also carried out. Average setbacks are as follows:

- Front setbacks, dwellings only (as set out in the above table) - 8.0m
- Front setbacks, including garages/sheds - 7.74m
- Side setbacks, dwellings only – 12.45m
- Side setbacks, including garages/shed – 10.15m

There are some garages / sheds set forward of the main building / dwelling line on a few sites, which is why the average setbacks, taking these anomalies into account, are slightly less than the average dwelling setbacks. It is acknowledged that the proposed dwelling technically fronts the “side” boundary, known as the “secondary frontage”, rather than the “front” boundary, known as the “primary frontage”. As the development seeks to address Boundary Street rather than Toogong Street, this essentially swaps the side and front boundaries around, and thus Boundary Street should be considered the “front” and Toogong Street should be considered as the “side”. In any case, the proposed 3.2m setback is wholly inconsistent with both the established front and side setbacks of the surrounding neighbourhood, compared with the averages set out above.

The land owner has provided their own analysis of neighbouring setbacks. Only nine (9) properties were given consideration in this analysis, and five (5) of these properties are not within the immediate surrounding context of the subject site, i.e. they are 2-5 blocks away and are not within the visual setting of the proposal, therefore are not considered relevant. While this analysis shows there are some reduced setbacks in the wider Cudal village, these are anomalies, and not the normal established pattern. Further, the applicant has measured to side boundary sheds and garages in most of these cases, rather than to the front building lines of the dwellings, which are the more relevant aspect in the setback assessment of the proposed new dwelling.

Further, despite there being a few examples of reduced setbacks in Cudal, the design and planning principles established in the courts stress that poor examples which are not the ‘norm’ in the surrounds, and do not contribute to good planning outcomes, should not be copied for new development.

The applicant argues that the site is overly constrained, and therefore the proposal cannot be sited in any other way. The site is physically constrained by the watercourse which runs through most of the frontage of the subject lot, meaning a dwelling could not reasonably be sited at the primary frontage unless physical changes are made to the watercourse (i.e. in consultation and with approval from DPI Water). It is considered that a dwelling facing the secondary frontage / side boundary is more appropriate than making changes to the watercourse, and that minor impacts to not having a dual orientation consistent with the surrounds would need to be reconciled.

However, the other constraint on the site is a shed constructed recently, in the last year, by the same owner. This shed has been erected on the land without due consideration to the siting of a future dwelling, or taking into account the heritage and neighbourhood setting. Fundamentally, very little space has been left for a dwelling to be constructed between the shed and side boundary (see Figure 5).



Figure 5 – Photo of site and existing shed – proposed ‘front’ boundary shown by existing fence, shaded circle shows area for proposed dwelling

While the secondary frontage / side boundary may be the most appropriate location to site the dwelling due to the watercourse constraining the primary frontage, consideration to the available space/area, building code setback requirements, surrounding neighbourhood character, and adjacent heritage item all need to be taken into account. Conversely, the applicant proposes a generously sized 4-bed dwelling on a part of the site to which there is insufficient space to do so (see Figure 5).

Proper analysis of the desired future development on the site should have been carried out by the applicant before the shed was erected to ensure they had sufficient space to erect a dwelling without adverse environmental impacts, i.e. the dwelling and shed should have been planned and designed together, not divided into two separate and subsequent applications to Council. It is unclear why the applicant staged the development in this way. The applicant did not engage in pre-lodgement discussions with Council's development staff about these proposals or their overall intentions for the site.

The inappropriate shed location is not considered sufficient justification to vary the 8m front setback down to 3.2m. Council staff have recommended to the applicant that the dwelling be setback 6m from the boundary, which, although does not meet Council's 8m alignment policy, would be a lesser variation, would

result in lesser impacts, and would allow room to provide mitigating vegetation and screening. The applicant notes there is insufficient space to increase the setback because the shed is in the way. Staff consider that the footprint of the dwelling can be reduced and the floor layout can be amended to address this matter. The applicant has declined to make any changes in this regard.

The amended plans submitted to Council recently have removed the originally proposed front landscaping, and now propose a 1.8m Colorbond fence and gates along this entire frontage. As discussed previously, this exacerbates the issues raised, and will result in more adverse impacts to the streetscape, neighbourhood, neighbouring properties, and adjacent heritage item.

In conclusion, staff recommend that Council does not approve the variation to the building alignment / setback policy, based on the current form and siting of the proposed development, due to adverse environmental and heritage impacts.

PROVISIONS OF ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT s4.15(1)(a)(iiia)

No planning agreement or draft planning agreements apply.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

The proposal is consistent with the requirements of the Regulations. In particular, a BASIX Certificate has been submitted in support of the proposed development which demonstrates compliance with the Government's energy and water efficiency targets (Regulations Sections 27 and 75).

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

Impacts	Comment
Visual and Neighbourhood Character	The proposal development will result in unacceptable adverse visual and neighbourhood character impacts, as discussed in detail earlier in this report.
Heritage	The proposal development will result in unacceptable adverse heritage impacts to the setting and adjacent item, as discussed in detail earlier in this report.
Bulk, Daylight, and Privacy	The dwelling is suitably separated from neighbouring dwellings to maintain their daylighting and privacy. Bulk impacts to the streetscape are adverse due to inappropriate setbacks, as discussed in detail earlier in this report.
Traffic, Access and Parking	As previously discussed, the 1.8m high solid boundary fence will not provide for good vehicle sightlines, and may result in adverse traffic safety impacts.
Utilities and Servicing	As previously discussed, larger rainwater tanks need to be considered for sufficient onsite stormwater management, and investigations as to whether the sewer main can be extended and upgraded to facilitate the development needs to be undertaken. Overall, existing utilities can likely be made suitable for the proposal, and adverse impacts are unlikely.

Soils and Soil Erosion	Earthworks during construction have the potential to adversely impact the watercourse on the site and downstream properties. Appropriate measures can be conditioned to be implemented during construction to minimise impacts.
Vegetation and Biodiversity	The site is already cleared of trees. Adverse impacts to existing adjacent vegetation are not anticipated, providing works and storage are kept away from the root zones.
Waste	No details of waste storage have been provided with the application. Notwithstanding, there is ample room onsite to accommodate normal residential waste bins. Collection can be via Council's usual weekly services. Adverse waste impacts are therefore unlikely.
Noise and Vibration	Noise and vibration would be limited to construction stage/s, and not anticipated to extend into usual residential use of the site. Adverse noise impacts are unlikely.
Natural hazards - Flooding, Bushfire, etc	The proposed floor levels of the dwelling have been raised to Council's recommendations, however, as discussed previously, the proposed front fence will adversely impact on flood behavior, safe occupation and evacuation, and is unacceptable.
Safety, Security and Crime Prevention	The proposed front fence is both high and solid, and is contrary to established safety and crime prevention principles. Adverse impacts are likely.
Social and Economic impacts in locality	The proposal may have some positive social and economic impacts on the community by providing additional housing and construction job opportunities. However, the poor design quality of the proposal may undermine overall value in the medium to long term, resulting in adverse impacts to the village.
Cumulative Impacts	The proposed development is considered unacceptable for all of the reasons set out in the main body of this report and above, and would set an undesirable precedent for future development of surrounding vacant land. Cumulatively, this would result in adverse impacts for the street, neighbours, and the overall Cudal community.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT s4.15(1)(c)

The suitability of the site has been addressed in the above sections of the report. It is considered that the development of the site, based on its current proposed form and arrangements, will create significant adverse impacts on the context and setting of the area, the adjacent heritage item, flood behaviour and flood risk, and traffic safety. The proposal has not been designed to take into proper consideration the surrounding context, heritage setting, or hazard constraints. Overall, the site is not considered suitable for the proposed development

ANY SUBMISSIONS s4.15(1)(d)

The proposed development is not defined as "advertised development" under the provisions of the *Cabonne Council Community Participation Plan 2019* (CPP). Notwithstanding the adverse impacts to the surrounds and neighbouring properties, neighbor notification was not considered necessary given the substantial level of unresolved issues, unacceptable proposed arrangements, and the recommendation to refuse the application.

PUBLIC INTEREST s4.15(1)(e)

The adverse impacts of the proposed development are considered to be reasonably localised, but could be of interest to the wider Cudal community due to the nature of potential cumulative and heritage value impacts. It is considered that the proposal is not in the public interest due to the impacts discussed throughout this report.

SUMMARY

The proposed development is permissible with the consent of Council. As set out throughout the assessment sections of this report, the proposed development does not comply with the relevant aims, objectives and provisions of Cabonne Local Environmental Plan 2012. A Section 4.15 assessment of the development indicates that the development is not acceptable in this instance. A variation to Council's building alignment policy should not be supported due to adverse impacts of a grossly reduced setback. Attached is a draft Notice of Refusal outlining these reasons.

ITEM 20 - QUESTIONS FOR NEXT MEETING

REPORT IN BRIEF

Reason For Report	To provide Councillors with an opportunity to ask questions/raise matters which can be provided/addressed at the next Council meeting.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\GOVERNANCE\\COUNCIL MEETINGS\\NOTICES - MEETINGS - 1530499

RECOMMENDATION

THAT Council receive a report at the next Council meeting in relation to questions asked/matters raised where necessary.

GENERAL MANAGER'S REPORT

A call for questions for which an answer is to be provided if possible or a report submitted to the next Council meeting.

ITEM 21 - BUSINESS PAPER ITEMS FOR NOTING

REPORT IN BRIEF

Reason For Report	Provides an opportunity for Councillors to call items for noting for discussion and recommends remainder be noted.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\PROCEDURES - 1530508

RECOMMENDATION

THAT:

1. Councillors call any items they wish to further consider.
2. The balance of the items be noted.

GENERAL MANAGER'S REPORT

In the second part of Council's Business Paper are items included for Council's information.

In accordance with Council's format for its Business Paper, Councillors wishing to discuss any item are requested to call that item.

ITEM 22 - MATTERS OF URGENCY

REPORT IN BRIEF

Reason For Report	Enabling matters of urgency to be called.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil

File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\nOTICES - MEETINGS - 1530568
--------------------	---

RECOMMENDATION

THAT Councillors call any matters of urgency.

GENERAL MANAGER'S REPORT

Council's Code of Meeting Practice allows for the Council to consider matters of urgency which are defined as *"any matter which requires a decision prior to the next meeting or a matter which has arisen which needs to be brought to Council's attention without delay such as natural disasters, states of emergency, or urgent deadlines that must be met"*.

This item enables councillors to raise any item that meets this definition.

ITEM 23 - COMMITTEE OF THE WHOLE SECTION OF THE MEETING

REPORT IN BRIEF

Reason For Report	Enabling reports to be considered in Committee of the Whole.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\PROCEDURES - 1530577

RECOMMENDATION

THAT Council hereby resolve itself into Committee of the Whole to discuss matters called earlier in the meeting.

GENERAL MANAGER'S REPORT

Council's Code of Meeting Practice allows for the Council to resolve itself into "committee of the whole" to avoid the necessity of limiting the number and duration of speeches as required by Clause 250 of the Local Government (General) Regulation 2005.

This item enables councillors to go into "committee of the whole" to discuss items called earlier in the meeting.

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 1

TABLE OF CONTENTS

ITEMS FOR DETERMINATION.....	1
ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE	1
ITEM - 2 DECLARATIONS OF INTEREST	1
ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS.....	1
ITEM - 25 MAYORAL MINUTE	2
ITEM - 4 MAYORAL MINUTE - APPOINTMENTS.....	2
ITEM - 5 COMMITTEE OF THE WHOLE	4
ITEM - 6 CONFIRMATION OF THE MINUTES	4
ITEM - 7 INTEGRATED PLANNING AND REPORTING - PUBLIC EXHIBITION	5
ITEM - 8 DOCTOR FOR CUDAL	5
ITEM - 9 COMMUNITY ASSISTANCE PROGRAM 2022-23	6
ITEM - 10 EVENTS ASSISTANCE PROGRAM.....	6
ITEM - 11 BLUEBELL ESTATE (LONGS CORNER ROAD) CANOWINDRA - STAGE TWO.....	6
ITEM - 12 CONFIRMATION OF THE CABONNE FLOODPLAIN ADVISORY COMMITTEE MEETING MINUTES.....	7
ITEM - 13 CONFIRMATION OF THE ROADS ADVISORY COMMITTEE MEETING MINUTES.....	7
ITEM - 14 LOCAL GOVERNMENT HERITAGE GRANTS 2023-25	7
ITEM - 15 DEVELOPMENT APPLICATION 2008/192/1 FOR SUBDIVISION (MODIFICATION) AT LOT 195 DP 753251, 175 BURGOON LANE, MOLONG.....	8
ITEM - 16 DEVELOPMENT APPLICATION 2022/161/1 FOR AN ANIMAL BOARDING OR TRAINING ESTABLISHMENT (GREYHOUND FACILITY) (MODIFICATION) AT LOT 9 DP 846719, 1722 PACKHAM DRIVE, MANILDRA.....	8
ITEM - 17 QUESTIONS FOR NEXT MEETING.....	9
ITEM - 18 BUSINESS PAPER ITEMS FOR NOTING	9
ITEM - 3 SPORTSGROUND LIGHTING / BULB REPLACEMENT - CABONNE FOOTBALL GROUNDS - UPDATE	9
ITEM - 19 MATTERS OF URGENCY	10
ITEM - 20 COMMITTEE OF THE WHOLE SECTION OF THE MEETING...	10
ITEM - 21 QUARTERLY BUDGET REVIEW.....	10
ITEM - 22 DRAFT COUNCIL-RELATED DEVELOPMENT APPLICATIONS CONFLICT OF INTEREST POLICY	10

THIS IS PAGE NO 1 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE
COUNCIL HELD ON 18 APRIL, 2023

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 2

ITEM - 23 VILLAGE ENHANCEMENT FUND 2022-2023.....	10
ITEM - 24 CONFIRMATION OF THE INFRASTRUCTURE TRANSPORT COMMITTEE MINUTES	10
CONFIDENTIAL ITEMS	11
ITEM - 1 CARRYING OF COUNCIL RESOLUTION INTO CLOSED COMMITTEE OF THE WHOLE	11
ITEM - 2 ENDORSEMENT OF PROCEEDINGS OF CONFIDENTIAL MATTERS CONSIDERED AT COMMITTEE OF THE WHOLE MEETING	11
ITEM - 3 AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEETING MINUTES.....	11
REPORT & RESOLUTIONS OF COMMITTEE OF THE WHOLE.....	12

**THIS IS PAGE NO 2 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE
COUNCIL HELD ON 18 APRIL, 2023**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 1

PRESENT Cllr K Beatty (in the Chair), Cllrs P Batten, J Jones, M Nash, L Oldham, K O’Ryan, A Rawson, J Weaver.

Also present were the General Manager, Deputy General Manager - Cabonne Services, Deputy General Manager - Cabonne Infrastructure, IT Coordinator, Department Leader – Governance & Corporate Performance, Governance Officer and Records Officer.

ITEMS FOR DETERMINATION

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE

Proceedings in Brief

An apology was tendered on behalf of Cllr Pull for his absence from the meeting.

MOTION (Weaver/Oldham)

THAT the apology tendered on behalf of Cllr Pull be accepted and the necessary leave of absence be granted.

23/04/01 Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

Cllr O’Ryan declared an interest (identified as an actual conflict of interest, significant, non-pecuniary) in item 8 as the applicant is a business conflict.

MOTION (Rawson/Nash)

THAT the declaration of interest be noted.

23/04/02 Carried

ITEM - 3 DECLARATIONS FOR POLITICAL DONATIONS

MOTION (Oldham/O’Ryan)

THAT it be noted there were nil declarations for political donations.

23/04/03 Carried

It was noted the time being 2.08pm there was a Youth of the Month award presentation to William Baldwin.

**THIS IS PAGE NO 1 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE
COUNCIL HELD ON 18 APRIL, 2023**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 2

ITEM - 25 MAYORAL MINUTE

MOTION (Beatty-)

THAT Council coordinate a Certificate of Appreciation and/or community bbq event with Orange City Council in recognition of the flood recovery work provided by the Fridgy's for Eugowra team and other support groups.

23/04/04 Carried

ITEM - 4 MAYORAL MINUTE - APPOINTMENTS

Proceedings in Brief

Clr Beatty

28/03/23 – Attended an interview with Neil Gill radio program. Attended an interview with Prime News regarding bank closures. Attended the business paper review. Attended the Ordinary Council Meeting. Attended Cabonne Floodplain Advisory Committee Meeting.

29/03/23 – Attended United Hospital Auxiliary Conference in Canowindra. Attended meeting with David Harrison at Canowindra regarding over 50's living.

03/04/23 – Attended an interview with B Rock FM regarding Central NSW Joint Organisation (CNSWJO) matters.

04/04/23 – Attended the Roads Advisory Committee Meeting.

05/04/23 – Attended an interview with ABC Radio regarding Flood Recovery and CNSWJO matters.

10/04/23 – Attended Molong Markets and an interview with Prime and WIN News.

11/04/23 – Attended the Infrastructure (Transport) Committee Meeting and Councillor Workshop. Attended Cabonne Recovery Plan Community Engagement Meeting in Cudal.

12/04/23 – Attended an interview with Neil Gill Radio Program. Attended Orange City Council for meeting regarding CNSWJO remuneration tribunal. Attended Cabonne Recovery Plan Community Engagement Meeting in Molong.

13/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Canowindra.

15/04/23 – Attended the re-dedication service of the Eugowra War Memorial. Attended Cabonne Balloon Glow in Canowindra.

17/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Eugowra.

Clr Jones

28/03/23 – Attended the business paper review and Ordinary Council Meeting.

THIS IS PAGE NO 2 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 18 APRIL, 2023

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 3

- 04/04/23 – Attended the Roads Advisory Committee Meeting.
- 10/04/23 – Attended the Molong Community Markets.
- 11/04/23 – Attended the Community, Economy and Culture Committee Meeting and Councillor Workshop.
- 11/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Cudal.
- 12/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Molong.
- 13/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Canowindra.
- 15/04/23 – Attended the re-dedication service of the Eugowra War Memorial.
- 15/04/23 – Attended the Cabonne Community Balloon Glow.
- 17/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Eugowra.

Clr Rawson

- 28/03/23 – Attended the Ordinary Council Meeting.
- 29/03/23 – Attended the Rural Fire Service Liaison Committee Meeting in Orange.
- 31/03/23 – Attended the Town Feasibility Meeting in Caragabal.
- 03/04/23 – Attended Mullion Creek Progress Association meeting.
- 04/04/23 – Attended the Roads Advisory Committee Meeting in Molong.
- 05/04/23 – Attended Central Tablelands Water budget meeting in Canowindra.
- 11/04/23 – Attended the Infrastructure (Transport) Committee Meeting and Councillor Workshop.
- 11/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Cudal.
- 12/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Molong.
- 13/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Canowindra.
- 15/04/23 – Attended the Cabonne Community Balloon Glow.
- 17/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Eugowra.

Clr Weaver

- 28/03/23 – Attended the Cabonne Floodplain Advisory Committee Meeting.
- 03/04/23 – Attended the Canowindra Pool information and discussion meeting.

THIS IS PAGE NO 3 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 18 APRIL, 2023

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MO LONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 4

04/04/23 – Attended the Eugowra Museum Meeting and was able to look through the Medical Centre with Ray Agustin and Sean Hayes.

11/04/23 – Attended the Community, Economy and Culture Committee Meeting and Councillor Workshop.

13/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Canowindra.

15/04/23 – Attended the re-dedication service of the Eugowra War Memorial.

18/04/23 – Attended Ordinary Council Meeting.

Assisted the Department Leader Community and Economy in organising the Canowindra Flood Recovery Plan attendees.

Clr Nash

31/03/23 – Attended Central Tablelands Water meeting regarding potable water.

05/04/23 – Attended Central Tablelands Water budget meeting in Canowindra.

11/04/23 – Attended Infrastructure (Transport) Committee Meeting and Councillor Workshop.

11/04/23 – Attended Cabonne Recovery Plan Community Engagement Meeting in Cudal.

17/04/23 – Attended the Cabonne Recovery Plan Community Engagement Meeting in Eugowra.

18/04/23 – Attended the Ordinary Council Meeting.

Clr Batten

04/04/23 – Attended Yeoval and District Progress Association Meeting.

Attended Canobolas Rural Bush Fire Service Liaison Committee Meeting.

MOTION (Beatty-)

THAT the information contained in the Mayoral Minute be noted.

23/04/05 Carried

ITEM - 5 COMMITTEE OF THE WHOLE

MOTION (Oldham/Jones)

THAT it be noted there were nil items called to be debated in Committee of the Whole.

23/04/06 Carried

ITEM - 6 CONFIRMATION OF THE MINUTES

MOTION (Weaver/O'Ryan)

THIS IS PAGE NO 4 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 18 APRIL, 2023

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 5

THAT:

1. The minutes of the Ordinary Council meeting held on 28 March 2023 be adopted;
2. The minutes of the Community, Economy & Culture Committee meeting held on 11 April 2023 be adopted.

23/04/07 Carried

ITEM - 7 INTEGRATED PLANNING AND REPORTING - PUBLIC EXHIBITION

Proceedings in Brief

The General Manager noted that the Long Term Financial Plan requires adjustments and advised that the draft document will be presented to the May Ordinary Council Meeting.

MOTION (Batten/Weaver)

THAT:

1. The draft Delivery Program 2022-2026 (revised), the draft Operational Plan 2023-2024, including Activities, Budget, Statement of Revenue Policy, and the draft Fees & Charges, be placed on public exhibition for 28 days; and
2. Council note a further report will be presented to council outlining outcomes of the public exhibition.

23/04/08 Carried

It was noted the time being 2.19pm Clr O'Ryan declared an interest in item 8 and left the Chamber.

ITEM - 8 DOCTOR FOR CUDAL

MOTION (Weaver/Nash)

THAT Council:

1. Note there were nil submissions received in relation to altering council's Operational Plan 2022-2023;
2. Note there were nil expressions of interest received in relation to obtaining general practitioner services for Cudal;
3. Agree to enter into a 3-Year Funding Deed Agreement with Molong HealthOne General Practice to establish a doctor at Cudal;
4. Authorise funding of \$10,860.48 (excl. GST), to be funded from a transfer from the Office of the General Manager vote to the Doctor for Cudal (Community Services) vote;

THIS IS PAGE NO 5 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 18 APRIL, 2023

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 6

5. Make provision for funding the remaining term of the agreement in future budgets;
6. Authorise the affixing of the Common Seal to the Funding Deed Agreement.

23/04/09 Carried

It was noted the time being 2.21pm Cllr O'Ryan returned to the Chamber.

ITEM - 9 COMMUNITY ASSISTANCE PROGRAM 2022-23

MOTION (Nash/Jones)

THAT Council approve the applications of the listed projects:

1. Cudal Pony Club for \$948.88 to upgrade accessible toilet amenities;
2. Cumnock Show Society for \$970 to plant shade trees at showground;
3. Eugowra Promotion and Progress Association for \$709.50 to install weatherproof power points at Apex Park;
4. Cudal Central Incorporated for \$1,000 for landscaping supplies for Cudal Pump Track;
5. Yeoval Central School Parents and Citizens for \$675.95 for purchase of gazebo, barbecue and banner; and
6. Eugowra Historical Museum and Bushranger Centre for \$998 for purchase of two vacuums for museum.

23/04/10 Carried

ITEM - 10 EVENTS ASSISTANCE PROGRAM

MOTION (Weaver/O'Ryan)

THAT Council endorse under its 2022/23 Event Assistance Program:

1. \$2,000 for the Canowindra New Vogue and Social Dancing Group 12-hour dance event; and
2. \$1,000 for the Eugowra Community Children's Centre High Tea event.

23/04/11 Carried

**ITEM - 11 BLUEBELL ESTATE (LONGS CORNER ROAD) CANOWINDRA
- STAGE TWO**

MOTION (Weaver/Nash)

THAT Council:

1. Fund the Bluebell Estate stage two civil works as an internal reserve joint loan from the Canowindra Town Improvement Reserve and the Aged Care Living Reserve, to the amount of \$393,500 from each, and:

THIS IS PAGE NO 6 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 18 APRIL, 2023

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 7

2. Include the construction of Bluebell Estate stage 2 civil works within the 2023/24 Cabonne Council Operational Plan.

23/04/12 Carried

**ITEM - 12 CONFIRMATION OF THE CABONNE FLOODPLAIN ADVISORY
COMMITTEE MEETING MINUTES**

MOTION (Weaver/Rawson)

THAT Council:

1. Adopt the minutes of the Cabonne Floodplain Advisory Committee held 28 March 2023, and;
2. Make funding applications for acquisition under the Eugowra Floodplain Voluntary Purchase Program 2022/23, being:
 - 8 North Street
 - 2 North Street

23/04/13 Carried

**ITEM - 13 CONFIRMATION OF THE ROADS ADVISORY COMMITTEE
MEETING MINUTES**

MOTION (Batten/Jones)

THAT the minutes of the Roads Advisory Committee of Cabonne Council held on 4 April 2023 be adopted and Council prepare scoping documentation for future funding for Lake Canobolas Road, Obley Road and Gumble Road.

23/04/14 Carried

ITEM - 14 LOCAL GOVERNMENT HERITAGE GRANTS 2023-25

MOTION (Weaver/Oldham)

THAT Council:

1. Accept the NSW Local Government Heritage grant funding for 2023-25 from Heritage NSW valued at \$25,000 (being a maximum payment of \$12,500 for the financial year 2023-24, and another maximum payment of \$12,500 for the financial year 2024-25).
2. Agree to retain council's ongoing commitment to the heritage program valued at \$12,500 each year for the next two financial years 2023-24 and 2024-25 (total \$25,000 over two years).
3. Issue 'Expression of Interest' letters to all landowners of heritage listed items and properties within the heritage conservation areas inviting applications for small heritage grant funding.

**THIS IS PAGE NO 7 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE
COUNCIL HELD ON 18 APRIL, 2023**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 8

4. Establish an operational panel to review small heritage grant applications, and that the panel's recommendations be reported back to Council later in the year for endorsement of funding to applicants.

23/04/15 Carried

**ITEM - 15 DEVELOPMENT APPLICATION 2008/192/1 FOR SUBDIVISION
(MODIFICATION) AT LOT 195 DP 753251, 175 BURGOON LANE,
MOLONG**

MOTION (Nash/Jones)

THAT Modification of Development Application 2008/192/1 for Subdivision (4 Lots) at Lot 195 DP 753251, 175 Burgoon Lane, Molong, be granted consent subject to the conditions attached to the report.

23/04/16 Carried

The Chair called for a Division of Council (noting the absence of Cllr Pull – apology) as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion as follows:

For: P Batten, K Beatty, J Jones, M Nash, L Oldham, K O’Ryan, A Rawson and J Weaver.

Against – Nil

**ITEM - 16 DEVELOPMENT APPLICATION 2022/161/1 FOR AN ANIMAL
BOARDING OR TRAINING ESTABLISHMENT (GREYHOUND FACILITY)
(MODIFICATION) AT LOT 9 DP 846719, 1722 PACKHAM DRIVE,
MANILDRA**

MOTION (Nash/Jones)

THAT Modification of Development Application 2022/161/1 for an Animal Boarding or Training Establishment (Greyhound Facility) at Lot 9 DP 846719, 1722 Packham Drive, Manildra, be granted consent subject to the conditions attached to the report.

23/04/17 Carried

The Chair called for a Division of Council (noting the absence of Cllr Pull – apology) as required under Section 375A (3) of the Local Government Act which resulted in a vote for the motion as follows:

For: P Batten, K Beatty, J Jones, M Nash, L Oldham, K O’Ryan, A Rawson and J Weaver.

Against – Nil

**THIS IS PAGE NO 8 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE
COUNCIL HELD ON 18 APRIL, 2023**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 9

ITEM - 17 QUESTIONS FOR NEXT MEETING

Proceedings in Brief

Clr Weaver requested Council investigate options to eradicate the pigeon issue in the Canowindra central business district, and notify the community that the matter is being investigated.

Clr Rawson requested a reduction to the speed limit on Long Point Road, Mullion Creek (at the entrance to the village) be referred to the Local Traffic Committee for consideration.

MOTION (Weaver/Jones)

THAT:

1. Council receive a report regarding options to eradicate the pigeon issue in the Canowindra central business district, and notify the community that the matter is being investigated; and
2. A reduction to the speed limit on Long Point Road, Mullion Creek be referred to the Local Traffic Committee for consideration.

23/04/18 Carried

ITEM - 18 BUSINESS PAPER ITEMS FOR NOTING

Proceedings in Brief

It was noted Clr Nash called item 3 to be further considered.

MOTION (Jones/Nash)

THAT:

1. Item 3 be further considered; and
2. The remaining notation items be noted.

23/04/19 Carried

ITEMS FOR NOTATION

**ITEM - 3 SPORTSGROUND LIGHTING / BULB REPLACEMENT -
CABONNE FOOTBALL GROUNDS - UPDATE**

Proceedings in Brief

Clr Jones advised that the Eugowra sportsground lights are currently not working and noted that a temporary solution is being discussed and grant funding is being considered. He further noted that it is hoped that the Rugby League Association will assist with a long term solution.

MOTION (Jones/Nash)

THIS IS PAGE NO 9 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 18 APRIL, 2023

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 10

THAT the information be noted.

23/04/20 Carried

ITEM - 19 MATTERS OF URGENCY

MOTION (O'Ryan/Batten)

THAT it be noted there were nil matters of urgency.

23/04/21 Carried

ITEM - 20 COMMITTEE OF THE WHOLE SECTION OF THE MEETING

MOTION (Weaver/Nash)

THAT it be noted that there were nil items called to be debated in Committee of the Whole.

23/04/22 Carried

ITEM - 21 QUARTERLY BUDGET REVIEW

MOTION (Jones/Nash)

THAT Council note the variances in the report and authorise those changes to be included in the 2022/2023 Council Budget.

23/04/23 Carried

**ITEM - 22 DRAFT COUNCIL-RELATED DEVELOPMENT APPLICATIONS
CONFLICT OF INTEREST POLICY**

MOTION (O'Ryan/Jones)

THAT the attached draft Council-related Development Applications Conflict of Interest Policy be adopted as exhibited.

23/04/24 Carried

ITEM - 23 VILLAGE ENHANCEMENT FUND 2022-2023

MOTION (Weaver/Jones)

THAT Council approve Eugowra and Cudal Progress Associations accessing \$1,709.50 from the Village Enhancement Fund.

23/04/25 Carried

ITEM - 24 CONFIRMATION OF THE INFRASTRUCTURE TRANSPORT

**THIS IS PAGE NO 10 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE
COUNCIL HELD ON 18 APRIL, 2023**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MOLONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 11

COMMITTEE MINUTES

MOTION (Rawson/Batten)

THAT the minutes of the Infrastructure Transport Committee meeting held on 11 April 2023 be adopted.

23/04/26 Carried

It was noted the time being 2.49pm the Chair announced that the Council would now be resolving into a Closed Committee of the Whole.

CONFIDENTIAL ITEMS

**ITEM - 1 CARRYING OF COUNCIL RESOLUTION INTO CLOSED
COMMITTEE OF THE WHOLE**

RECOMMENDATION (Weaver/Nash)

THAT the committee now hereby resolve into Closed Committee of the Whole for the purpose of discussing matters of a confidential nature relating to personnel or industrial matters, personal finances and matters which the publicity of which the Committee considers would be prejudicial to the Council or the individual concerned and that the press and the public be excluded from the meeting in accordance with the conditions of Council's Confidentiality Policy AND FURTHER that as reports to the Closed Committee of the Whole are likely to be confidential and their release prejudicial to the public interest and the provisions of Council's confidentiality policy, that copies of these reports not be made available to the press and public.

1. Carried

**ITEM - 2 ENDORSEMENT OF PROCEEDINGS OF CONFIDENTIAL
MATTERS CONSIDERED AT COMMITTEE OF THE WHOLE
MEETING**

RECOMMENDATION (Jones/Rawson)

THAT the Committee endorse the accuracy of the Report of the Proceedings of Confidential Matters at the Ordinary Council meeting held on 28 March 2023 are sufficient to state the general effect of the proceeding in Closed Committee.

2. Carried

**ITEM - 3 AUDIT, RISK AND IMPROVEMENT COMMITTEE - MEETING
MINUTES**

RECOMMENDATION (Nash/Batten)

THIS IS PAGE NO 11 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE COUNCIL HELD ON 18 APRIL, 2023

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS
MO LONG ON TUESDAY 18 APRIL, 2023 COMMENCING AT 2:00PM**

Page 12

THAT Council adopt the minutes from the meetings of the Audit, Risk and Improvement Committee held 15 March 2023.

3. Carried

It was noted the time being 2.50pm the Chair resumed the Ordinary Meeting.

REPORT & RESOLUTIONS OF COMMITTEE OF THE WHOLE

MOTION (Rawson/Oldham)

THAT the Report and Recommendations of the Committee of the Whole Meeting held on Tuesday 18 April, 2023 be adopted.

23/04/27 Carried

There being no further business, the meeting closed at 2.51pm.

CHAIRMAN.

Chairman of the Ordinary Meeting of Cabonne Council held on the 23 May, 2023 at which meeting the listed minutes were confirmed and the signature hereon was subscribed.

**THIS IS PAGE NO 12 OF THE MINUTES OF THE ORDINARY MEETING OF CABONNE
COUNCIL HELD ON 18 APRIL, 2023**

**REPORT OF THE ENVIRONMENT, INNOVATION AND ENERGY COMMITTEE HELD AT
THE COUNCIL CHAMBERS MOLONG ON TUESDAY 9 MAY, 2023 COMMENCING AT
12:00PM**

Page 1

TABLE OF CONTENTS

ITEM - 1	APPLICATIONS FOR LEAVE OF ABSENCE	1
ITEM - 2	DECLARATIONS OF INTEREST	1
ITEM - 3	DECLARATIONS OF POLITICAL DONATION.....	1
ITEM - 4	ENVIRONMENTAL SERVICES UPDATE	1
ITEM - 5	INNOVATION & TECHNOLOGY UPDATE	1

THIS IS PAGE NO 1 OF THE REPORT OF THE ENVIRONMENT, INNOVATION AND
ENERGY COMMITTEE OF CABONNE COUNCIL HELD ON 9 MAY, 2023

PRESENT

Clr A Rawson (in the Chair), Clr M Nash.

Also present were the General Manager, Deputy General Manager – Cabonne Services, Department Leader Environmental Services, Department Leader Innovation & Technology, Executive Support Officer

Due to the absence of Clr Batten, Clr Rawson, as the Deputy Chairperson of the Environment, Innovation and Energy Committee took the chair.

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCEProceedings in Brief

Apologies were tendered on behalf of Clr Batten and Clr Beatty.

RECOMMENDATION (Nash/Rawson)

THAT the apologies tendered on behalf of Clr Batten and Clr Beatty be accepted and the necessary leave of absence be granted.

EIE 23/08 Carried

ITEM - 2 DECLARATIONS OF INTEREST**RECOMMENDATION** (Nash/Rawson)

THAT the Declarations of Interest be noted.

EIE 23/09 Carried

ITEM - 3 DECLARATIONS OF POLITICAL DONATION**RECOMMENDATION** (Nash/Rawson)

THAT any political donations be noted.

EIE 23/10 Carried

ITEM - 4 ENVIRONMENTAL SERVICES UPDATE**RECOMMENDATION** (Nash/Rawson)

THAT the information contained in the report be noted.

EIE 23/11 Carried

ITEM - 5 INNOVATION & TECHNOLOGY UPDATEProceedings in Brief

Discussions were held surrounding the funding of the Shared Chief Information Security Officer as part of the Central NSW Joint Organisation.

General Manager noted that a Joint Organisation model would be beneficial for this position as it would provide consistency across the board and council would be unable to fund such a position alone.

RECOMMENDATION (Nash/Rawson)

THAT the information in the report be noted.

EIE 23/12 Carried

There being no further business, the meeting closed at 12:16pm.

**REPORT OF THE INFRASTRUCTURE (OTHER) COMMITTEE HELD AT THE COUNCIL
CHAMBERS MO LONG ON TUESDAY 9 MAY, 2023 COMMENCING AT 12:00PM**

Page 1

TABLE OF CONTENTS

ITEM - 1	APPLICATIONS FOR LEAVE OF ABSENCE	1
ITEM - 2	DECLARATIONS OF INTEREST	1
ITEM - 3	DECLARATIONS OF POLITICAL DONATION.....	1
ITEM - 4	INFRASTRUCTURE (OTHER) STRATEGIC ACTIVITES REPORT	1

THIS IS PAGE NO 1 OF THE REPORT OF THE INFRASTRUCTURE (OTHER) COMMITTEE
OF CABONNE COUNCIL HELD ON 9 MAY, 2023

PRESENT Clr J Jones (in the Chair), Clrs A Pull, K O’Ryan, L Oldham

Also present were the Deputy General Manager – Cabonne Infrastructure, Executive Assistant – Cabonne Infrastructure, Department Leader – Water, Wastewater and Major Projects, A/Department Leader – Building, Facilities and Open Spaces

ITEM - 1 APPLICATIONS FOR LEAVE OF ABSENCE

Proceedings in Brief

An apology was tendered on behalf of Clr Weaver.

RECOMMENDATION (Oldham/O’Ryan)

THAT the apology tendered by Clr Weaver be accepted and the necessary leave of absence be granted.

IO23/05 Carried

ITEM - 2 DECLARATIONS OF INTEREST

Proceedings in Brief

Clr Pull declared an interest in Item 1 – he is a staff member of Central Tablelands Water and Item 4.A as he is an executive member of the Canowindra Sports Trust.

RECOMMENDATION (Pull/O’Ryan)

THAT the Declarations of Interest be noted.

IO23/06 Carried

ITEM - 3 DECLARATIONS OF POLITICAL DONATION

RECOMMENDATION (Oldham/O’Ryan)

THAT there were no political donations be noted.

IO23/07 Carried

ITEM - 4 INFRASTRUCTURE (OTHER) STRATEGIC ACTIVITIES REPORT

Proceedings in Brief

Strategic Activity 1 – Sub Regional Town Water Strategy (SRTWS)

Progressing slower than anticipated. The expected completion date is potentially November 2023.

Strategic Activity 2 – Molong Housing Infrastructure Growth Business Case – Water and Sewer Upgrades

The Deputy General Manager – Cabonne Infrastructure advised a presentation would be made at the Council Workshop today.

Strategic Activity 3 – Grant Updates

The Deputy General Manager – Cabonne Infrastructure advised that SSWP Funding was to identify and undertake works to secure the water supply for a greater period. Council have submitted the application and had positive feedback, still waiting on the finalisation of the next steps.

Strategic Activity 4 – Key Project Updates**4.A Canowindra Sports Ground Change Rooms and Spectator Seating**

Anticipating there may be further wet weather delays but hoping that completion will still be August 2023.

4.B Yeoval Recreation Ground – SCCF3

The Department Leader – Water, Wastewater & Major Projects clarified that there are 2 funding sources – Round 3 is the projects that we have delivered. Round 4 are new projects. Both being Yeoval Rec Ground, it can be confusing.

Council were asked to consider alternative projects for SCCF Round 4 such as the playground at the Rec Ground, further consultation with the community is required.

Completion of the Round 3 projects has occurred and staff are undertaking the acquittal now.

Clr Jones asked if the Round 4 projects will be managed in-house? The Department Leader – Water, Wastewater & Major Projects advised that they will be. Clr Jones also enquired what the timeframe for Round 4 is? Will there be delays by changing the scope? The Department Leader – Water, Wastewater & Major Projects advised that he feels that there is enough time to engage with the community and make amendments.

4.C Eugowra Medical Centre

The Department Leader – Water, Wastewater & Major Projects advised that there are still some outstanding matters for the Contractor to address prior to the Occupation Certificate being issued. He is hopeful these will be addressed in the coming weeks.

Clr Jones enquired if these defects are from the flood event? The Department Leader – Water, Wastewater & Major Projects advised that they are the result of the Contractor overlooking or missing the mark regarding compliance matters.

4.D Eugowra and Manildra Female Change Rooms

As read. NIL questions.

4.E Cabonne Community Centre

The Deputy General Manager – Cabonne Infrastructure advised that the Contractors have flagged difficulties in engaging sub-contractors to undertake critical components of the work. Inspections have been impressive but obviously the project is dragging on with delays. There are a number of items still outstanding. Public Works is attending the site regularly as are the Building Certifiers in regards to compliance issues.

4.F Eugowra Multipurpose Centre

The Deputy General Manager – Cabonne Infrastructure advised that a meeting was recently held with the stakeholders which was positive. They are happy with the revised floorplans. There are a few minor changes to work through with the designers as well as a modification to the DA and Construction Certificate due to the larger footprint.

4.G Molong Office Front Façade

The Department Leader – Water, Wastewater & Major Projects noted that there are delays to the project due to issues with the Contractor, however everything is looking good.

4.H Cudal Office Refurbishment

As read. NIL questions.

4.I Molong and Canowindra CBD – Activate Cabonne Projects

The Deputy General Manager – Cabonne Infrastructure spoke to the Molong Project. It is tracking well and on schedule. No issues have been found to-date. There is a meeting this evening with concerned business owners from the bottom end of the block to discuss the project. Stage 1 is going well.

Clr Jones noted that Stage 1 of the project is going well. There is fantastic feedback regarding the staff and Contractors. Particularly Council's Project Manager, it was noted that he is on-site quite a bit and always is very positive about the project.

Clr O'Ryan requested that a visit to the site be arranged. The Deputy General Manager – Cabonne Infrastructure advised that it would take place after today's meeting.

The A/Department Leader – Buildings, Facilities and Open Spaces spoke to the Canowindra Project. They have begun ordering plants, currently looking for a supplier for the palm trees, pricing is about \$6,500 each without transport. Expecting to go to tender soon for an artist for the cut-outs near the RSL and working on the lighting down to the Swinging Bridge.

Clr Pull asked if there was a design for the cut-outs? The A/Department Leader – Buildings, Facilities and Open Spaces advised that the artist will submit designs for approval.

Clr Pull asked if there will be work on the ground come July? The A/Department Leader – Buildings, Facilities and Open Spaces advised yes.

4.J Pools – Building Better Regions Funding (BBRF) Projects

The Department Leader – Water, Wastewater & Major Projects advised that there are multiple projects across all of the pools with many complexities. Staff are working to deliver these projects outside of the pool season to minimise disruptions.

RECOMMENDATION (Pull/Oldham)

THAT the committee note the strategic Urban Infrastructure update.

IO23/08

Carried

There being no further business, the meeting closed at 12.29pm.

RISK APPETITE STATEMENTS

CABONNE COUNCIL
12 DECEMBER 2022



Executive Summary

As a Local Government Authority, Cabonne Council is obligated to perform its' legislative functions set out under the Local Government Act. The council also delivers a range of services for the benefit of the community. In performing these functions and delivering services, there are inherent risks that Council needs to consider and mitigate to an acceptable level. These risks are grouped into Categories which have been identified as sources of risk.

Due to the floods that occurred in November 2022, Councils Service Delivery risk tolerance has been increased to Accepting and Receptive but will revert to Resistant and Receptive once the Councils restoration of assets has been completed and the constant weather events and flash floods abate.

Risk Appetite is an articulation of an organisation's willingness to take, retain or accept risk, and is an integral part of any risk management capability because it operates at strategic and operational levels. To influence strategies and objectives it should be considered and reviewed during Strategic Planning. Additionally, Risk Appetite is a key influence, in concert with cost/benefit of mitigation considerations, when determining the Target Risk Ratings of specific risks. Understanding and applying effective risk appetite considerations is highly beneficial in managing risk.

Cabonne Council has articulated its appetite for taking or retaining risk using qualitative Risk Appetite Statements that are based on its nominated Risk Categories. The Categories represent areas of risk exposure to Council which form part of the Enterprise Risk Management (ERM) Framework and Risk Register. The Categories are explained in the ERM Framework and should be read in conjunction with this document. For this exercise, some of the categories have been separated to allow for separate risk tolerance, such as Work Health and Safety, which is part of the People Category in the ERM Framework.

Changes in the working environment in which Council works will affect the Risk Appetite and for this reason, the Risk Appetite can change quickly and reflect these changes. Due to the response to the Cabonne Floods, there have been slight changes to the service delivery timeframes, to accommodate the disaster within limited resources.

Council has ten Risk Appetite Categories with some having both a Primary and Secondary risk appetite level. Ethics & Conduct and WHS (Work Health and Safety), categories have no secondary appetite, reflecting Council's strong stance in their approach to matters associated with these risk appetite categories.

Primary (and in some risk appetite categories, a Secondary risk appetite position) were identified via a workshop, involving senior members of the Council's Management Team, elected members and independent members of the ARIC (Audit, Risk and Improvement Committee).

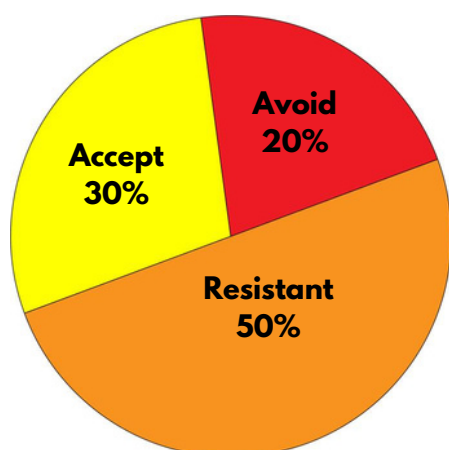
Each risk appetite position represents a level on an ordinal scale of the four Risk Appetite Levels: Avoid, Resistant, Accept, and Receptive. In this order, the Risk Appetite Levels provide an indication of an increasing willingness to take on or retain risk.

Cabonne Council has a primary risk appetite position that is reasonably risk averse with 70% of Risk Categories having a primary risk appetite of Resistant (50%) or Avoid (20%). The remainder of primary risk appetite positions are Accept (30%). The secondary risk appetite positions are generally less conservative, with half the risk appetite positions (a total of 50%) listed as Accept (25%) or Receptive (25%). The remaining 50% of categories are split between Resistant (12.5%) and Avoid (37.5%).

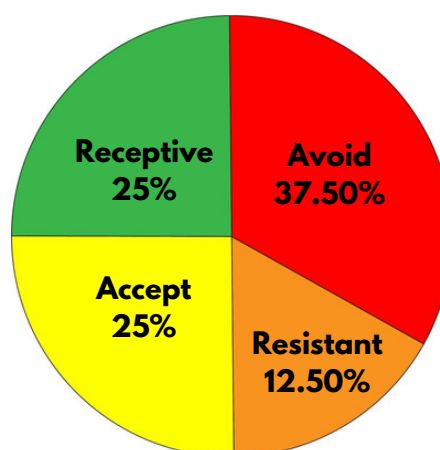
The distribution of Primary and Secondary risk appetites for Cabonne Council is reasonably typical of local governments – generally conservative, reflecting their role as a provider of many essential services and in responding to natural disasters and other emergencies, while balancing this with selected openness towards risk when the benefits clearly outweigh the costs.

The distributions of Primary and Secondary positions on Risk Appetite for Council are illustrated in the two charts below, which provide a percentage indication of Appetite positions across all Risk Categories. It should be noted that the Ethics & Conduct and WHS categories do not have a stated Secondary risk appetite position.

Primary Risk Appetite Distribution



Secondary Risk Appetite Distribution (categories with a second level)



Note: An important caveat to well-articulated qualitative Risk Appetite Statements is that they are, by their nature, not readily measurable (i.e., quantitative). To fully operationalise the concept of Risk Appetite, quantitative Risk Tolerance metrics for each sub-category are required. Such metrics provide an adjustable and ongoing ability to measure whether Council continues to operate within its stated Risk Appetite, and in doing so, act as a sort of “early-warning system” for when activities, behaviours, decisions, and the like may start to stray from the desired boundaries.

For example, the “People (HR and Public Safety)” Risk Appetite Category may have an associated Risk Tolerance metric of measuring the compliance rate of new employees completing their safety inductions within their first week of work. The acceptable lower limit may be stated as 95%; should the compliance rate fall below 95% it is an early warning of potential issues within the safety induction program, that if not addressed may lead to an avoidable employee injury.

Risk Appetite Statements

Differentiating Risk Appetite Levels

The scale used for the risk appetite positions consists of four distinct levels on an ordinal scale. From Avoid through to Receptive, each level of the scale represents an increasing level of appetite to take on or retain risk. The scale does not, however differentiate the different levels by order of magnitude – i.e. Receptive is a larger appetite than Accept, but we do not know by how much.

Four levels have been chosen specifically to mitigate centrality bias: the tendency to select the centre more often. However, six levels may seem like too many and two levels seem to be not enough. Therefore, four is the preferred number.

AVOID	RESISTANT	ACCEPT	RECEPTIVE
Little-to-no appetite Avoidance of adverse exposure to risks even when outcome benefits are higher	Small appetite A general preference for safer options with only small amounts of adverse exposure	Medium appetite Options selected based on outcome delivery with a reasonable degree of protection	Medium appetite Engagement with risks based more on outcome benefits than potential exposure

Risk Appetite Statements

Cabonne Council's Risk Appetite Levels

Risk Appetite Category	Avoid	Resistant	Accept	Receptive
Ethics & Conduct	Primary			
WHS		Primary		
Leadership & Corporate Governance	Secondary		Primary	
Service Delivery			Primary	Secondary
People (HR & Public Safety)			Primary	Secondary
Financial		Primary	Secondary	
Assets & Security		Primary	Secondary	
Environmental & Sustainability	Primary	Secondary		
Corporate Image & Media	Secondary		Primary	
Technology & Information Management	Primary	Secondary		

Risk Appetite Statements by Risk Appetite Category

The scale used for the risk appetite positions consists of four distinct levels on an ordinal scale. From Avoid through to Receptive, each level of the scale represents an increasing level of appetite to take on or retain risk. The scale does not, however differentiate the different levels by order of magnitude – i.e. Receptive is a larger appetite than Accept, but we do not know by how much.

Four levels have been chosen specifically to mitigate centrality bias: the tendency to select the centre more often. However, six levels may seem like too many and two levels seem to be not enough. Therefore, four is the preferred number.

CABONNE COUNCIL RISK APPETITE STATEMENT

Risk Appetite Statements by Risk Appetite Category

The tables below contain the 'long-form' primary and secondary Risk Appetite Statements for each Risk Appetite Category for Cabonne Council. These statements are qualitative in nature and designed to provide an indication of the Council's general position when deciding to take or retain risk, in pursuit of its objectives.

ETHICS & CONDUCT



Level

Avoid

Risk Appetite Statement

Council has zero tolerance for unethical, fraudulent or illegal behaviour by its Councillors, employees and contractors. As such, with regard to Ethics & Conduct, Council seeks to Avoid taking or retaining risk in order to achieve its objectives.

There is no secondary appetite level for this risk appetite category.

WHS



Level

Resistant

Risk Appetite Statement

Council is Resistant to taking or retaining more than a small amount of risk to achieve its objectives with regard to WHS.

Council's WHS risk appetite, while linked to its ERM framework, is reflected in its WHSMS and culture which provides a framework for the management, as far as reasonably practicable, of Work Health & Safety (WHS) risk and opportunities associated with the activities undertaken as part of Council's operations to ensure the safety and wellbeing of its workers and other interested parties, and meet WHS legislative responsibilities and other legal requirements.

There is no secondary appetite level for this risk appetite category.

LEADERSHIP & CORPORATE GOVERNANCE



Level

Risk Appetite Statement

Accept

Effective leadership and good governance are integral parts of a smooth functioning organisation. Governance requires a delicate mix of conservative checks and balances, with an ability to incorporate innovation and opportunity into operations. As such, with regard to Leadership and Corporate Governance, Council is willing to Accept a medium level of risk in order to achieve its objectives. In general, Council will select options based on outcome delivery, whilst maintaining a reasonable degree of protection. In the areas of legal and regulatory, Council will be more conservative and seek to Avoid risk and adverse exposures, even if there is potential for outcome benefits.

SERVICE DELIVERY



Level

Risk Appetite Statement

Accept

Council has responsibilities to provide a vast array of services to the community, many of them critical to the wellbeing of residents and ratepayers. As such, with regard to Service Delivery, Council is willing to Accept taking or retaining more than a small amount of risk to achieve its objectives. Council would prefer to take safer options with only small amounts of potentially adverse exposure. In certain circumstances, Council will be less conservative and more to Receptive to risk when the outcome benefits are appropriate.

PEOPLE (HR & PUBLIC SAFETY)



Level

Risk Appetite Statement

Accept

Council is willing to Accept a medium level of risk in order to achieve its objectives. Council will select options based on outcome delivery, whilst maintaining a reasonable degree of protection and therefore Accept some risk where the potential benefits warrant an increase in exposure. Council relies on a small staff of motivated, diverse and high-quality team to perform its functions. It aims to create an environment where employees are empowered to the full extent of their abilities. Council will therefore, develop its Human Resources/People Management program in a way that will endeavour to ensure it retains its valuable and multi-skilled employees and that we can also attract the most suitable applicants for vacant positions. In certain circumstances, Council will be less conservative and Receptive some risk where the potential benefits warrant an increase in exposure.

FINANCIAL



Level

Resistant

Risk Appetite Statement

As a general position, Council is Resistant to taking or retaining more than a small amount of risk to achieve its objectives with regard to managing its finances. Council would prefer to take safer options with only small amounts of potentially adverse exposure to ensure long-term financial sustainability. In certain circumstances, Council will be less conservative and Accept some risk where the potential benefits warrant an increase in exposure.

ASSETS & SECURITY



Level

Resistant

Risk Appetite Statement

With regard to managing its Assets and their Security, Council is Resistant to taking or retaining risk in order to achieve its objectives. Council prefers safer options that offer only small amounts of adverse exposure, particularly when it comes to security. In certain circumstances, Council will be less conservative and Accept some risk.

ENVIRONMENTAL & SUSTAINABILITY



Level

Avoid

Risk Appetite Statement

Council has responsibilities for the stewardship of the Natural Environment within its region of responsibility. As such, with regard to the Natural Environment and Sustainability, Council seeks to Avoid taking or retaining risk in order to achieve its objectives. In certain circumstances, Council will be less conservative and be Resistant to Environment and Sustainability risks where the potential benefits warrant an increase in exposure.

CORPORATE IMAGE & MEDIA



Level


Accept

Risk Appetite Statement

With regard to its Corporate Image and Media relations, Council is willing to Accept a medium level of risk in order to achieve its objectives. In general, Council will select options based on outcome delivery, with a reasonable degree of protection. In certain circumstances, Council will be more conservative and seek to Avoid risk and adverse exposures, even if there is potential for outcome benefits.

CABONNE COUNCIL RISK APPETITE STATEMENT

TECHNOLOGY & INFORMATION

	Level	Risk Appetite Statement
	Avoid	<p>With regard to Information management systems and supporting technology, Council <u>Avoid</u> taking or retaining any risks that may affect the availability, confidentiality and integrity of information.</p> <p>In certain circumstances, Council will be less conservative and be <u>Resistant</u> to taking or retaining risk where costs significantly outweigh the potential impact of the risk exposure.</p>

Conclusion

The Risk Appetites expressed in this document will provide guidance to decision-makers as to where Council's general position is with regard to the level of risk it is willing to take or retain in pursuit of its objectives. The statements should be considered and reviewed during strategic planning and can be used when determining whether to increase or decrease control activity on specific risks, or whether to pursue opportunities.

The development of the Risk Appetite Statements contributes significantly to Cabonne Council's risk management capabilities. The statements help facilitate Council's continued upward trajectory of risk management maturity, and ultimately enable a capability for robust, repeatable and consistent quality risk-based decision-making.



CONTACT US

99-101 Bank St
Molong, NSW 2866
(02) 6392 3200



facebook.com/CabonneCouncil
council@cabonne.nsw.gov.au
www.cabonne.nsw.gov.au

Internal Audit Charter

Introduction

Cabonne Council (Council) has established the internal audit function as a key component of Council's governance and assurance framework, in compliance with the *"Guidelines for risk management and internal audit for local government in NSW."*

This charter provides the framework for the conduct of the internal audit function (internal audit) at Council and has been approved by the governing body (the Council) considering the advice of the Audit, Risk and Improvement Committee (ARIC).

Purpose of internal audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. It helps Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

Internal audit provides an independent and objective review and advisory service to provide advice to the Council, General Manager and ARIC about Council's governance processes, risk management and control frameworks and its external accountability obligations. It also assists Council to improve its business performance.

Role

The role of internal audit is to support Council's ARIC to review and provide independent advice to the Council in accordance with section 428A of the Local Government Act 1993. This includes conducting internal audits of Council and monitoring the implementation of corrective actions.

Internal audit also plays an active role in:

- developing and maintaining a culture of accountability and integrity
- facilitating the integration of risk management into day-to-day business activities and processes, and
- promoting a culture of high ethical standards.

Internal Audit has no direct authority or responsibility for the activities it reviews. Internal audit has no responsibility for developing or implementing procedures or systems and does not prepare records or engage in Council functions or activities (except in carrying out its own functions).

Internal audit arrangements

a. Head of Internal Audit

Day to day management of internal audit is the responsibility of the Department Leader - Governance & Corporate Performance (Head of Internal Audit). The Head of Internal Audit must be independent, impartial, unbiased and objective when performing their

work and free from any conflicts of interest. Responsibilities of the Head of Internal Audit include:

- contract management of external provider (refer below)
- managing the internal audit budget
- ensuring the external provider completes internal audits in line with the audit, risk and improvement committee's annual work plan and four-year strategic work plan
- forwarding audit reports by the external provider to the ARIC.
- acting as a liaison between the external provider and the ARIC.
- monitoring Council's implementation of corrective actions that arise from the findings of audits and reporting progress to the ARIC, and
- assisting the audit, risk and improvement committee to ensure Council's internal audit activities comply with the Guidelines for risk management and internal audit for local government in NSW.

Within Council's structure, the Head of Internal audit performs a range of other, non-audit duties. Independence safeguards in relation to these duties are outlined in the Independence section below.

b. Service Provider

Council has contracted an external third-party provider to undertake its internal audit activities. To ensure the independence of the external provider, the Head of Internal Audit will ensure that the external provider:

- does not conduct any audits on specific Council operations or areas that they have worked on within the last two years.
- is not the same provider conducting Council's external audit.
- is not the auditor of any contractors of Council that may be subject to the internal audit, and
- can meet Council's obligations under the Guidelines for risk management and internal audit for local government in NSW.

The Head of Internal Audit must consult with the ARIC and General Manager regarding the appropriateness of the skills, knowledge and experience of any external provider before they are engaged by Council.

Independence

The Head of Internal Audit reports functionally to the Council's ARIC on the results of completed audits, and for strategic direction and accountability purposes, and reports administratively to the General Manager to facilitate day-to-day operations. Internal audit activities are not subject to direction by the Council and Council's management has no role in the exercise of Council's internal audit activities.

The Head of Internal Audit is responsible for a range of non-audit functions and in this regard the following safeguards apply:

- When performing those duties, they are not acting in their internal audit role and the reporting lines specified in this Charter do not apply.

- If an internal audit is required of one of the non-audit functions for which the Head of Internal Audit is responsible, the external service provider will report directly to the General Manager and the ARIC on the results of the audit.

The ARIC is responsible for communicating any internal audit issues or information to the Council. Should the Council require additional information, a request for the information may be made to the ARIC Chair by resolution. The ARIC Chair is only required to provide the information requested by the Council where the Chair is satisfied that it is reasonably necessary for the Council to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the Head of Internal Audit or the ARIC.

The General Manager must consult with the Chair of the ARIC before appointing or making decisions affecting the employment of the Head of Internal Audit. If the Head of Internal Audit is dismissed, the General Manager must report the reasons for their dismissal to the Council.

Where the Chair of the ARIC has any concerns about the treatment of the Head of Internal Audit, or any action taken that may compromise their ability to undertake their functions independently, they can report their concerns to the governing body.

The Head of Internal Audit is to confirm at least annually to the ARIC the independence of internal audit activities from Council.

Conduct and Standards

Internal Audit (including services provider) must comply with Council's Code of Conduct. Complaints about breaches of Council's code of conduct by internal audit personnel are to be dealt with in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The General Manager must consult with the ARIC before any disciplinary action is taken against the Head of Internal Audit in response to a breach of Council's Code of Conduct. Declaration and management of conflicts of interest will occur in line with the requirements of the Code of Conduct.

Internal Audit will govern itself by adherence to mandatory guidance contained in the 'International Professional Practices Framework' (IPPF) issued by the Institute of Internal Auditors (IIA):

- 'Core Principles for the Professional Practice of Internal Auditing'.
- 'Definition of Internal Auditing'.
- 'Code of Ethics'.
- 'International Standards for the Professional Practice of Internal Auditing'.

This mandatory guidance constitutes the fundamental requirements for the professional practice of internal auditing and the principles against which to evaluate the effectiveness of Internal Audit performance.

Internal Audit, including service providers, will perform their work in accordance with the IPPF. While the IPPF applies to all internal audit work, technology audits may also apply the ISACA standards contained in the 'Information Technology Assurance Framework' (ITAF). Where relevant the current Australian risk management standard will be applied.

Authority and Confidentiality

Council authorises the internal audit to have full, free and unrestricted access to all functions, premises, assets, personnel, records and other documentation and information that the Head of Internal Audit considers necessary for internal audit to undertake its responsibilities.

All records, documentation and information accessed while undertaking internal audit activities are to be used solely for the conduct of those activities. The Head of Internal Audit and individual internal audit staff are responsible and accountable for maintaining the confidentiality of the information they receive when undertaking their work.

All internal audit documentation, including external provider working papers, will remain the property of Council.

Information and documents pertaining to internal audit are not to be made publicly available. Internal audit may only release Council information to external parties that are assisting internal audit to undertake its responsibilities with the approval of the General Manager, except where it is being provided to an external investigative or oversight agency for the purpose of informing that agency of a matter that may warrant its attention.

Performing Internal audit activities

The work of Internal Audit is to be thoroughly planned and executed.

Internal audit must develop a strategic internal audit plan every four years and consider the matters listed in Schedule One when developing their risk-based program of internal audits. The strategic work plan must be reviewed at least annually to ensure it remains appropriate. Internal audit must also develop an annual work plan to guide the work of internal audit over the forward year. Both the strategic and annual plans should be reviewed and approved by Council's ARIC.

The Head of Internal Audit will:

- Provide the findings and recommendations of internal audits to the ARIC at the end of each audit. Each report is to include a response from the relevant senior manager.
- Establish an ongoing monitoring system to follow up Council's progress in implementing corrective actions.
- Develop and maintain policies and procedures to guide the operation of internal audit.

- Ensure that the ARIC is advised at each meeting of the internal audit activities completed during that quarter, progress in implementing the annual work plan and progress made implementing corrective actions.

Administrative Arrangements

ARIC meetings

The Head of Internal Audit:

- Will attend ARIC meetings as an independent non-voting observer. The Head of Internal Audit can be excluded from meetings by the ARIC at any time.
- Must meet separately with the ARIC at least once per year.
- Can meet with the Chair of the ARIC at any time, as necessary, between committee meetings.

Relationship with external audit

Internal and external audit activities will be coordinated to help ensure the adequacy of overall audit coverage and to minimise duplication of effort.

Periodic meetings and contact between internal and external audit shall be held to discuss matters of mutual interest and facilitate coordination.

External audit will have full and free access to all internal audit plans, working papers and reports.

Dispute resolution

Internal audit should maintain an effective working relationship with Council and the ARIC and seek to resolve any differences they may have in an amicable and professional way by discussion and negotiation.

In the event of a disagreement between internal audit and management, the dispute is to be resolved by the General Manager and/or the ARIC. Disputes between internal audit and the ARIC are to be resolved by the Council.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive in writing.

Review arrangements

Council's ARIC will review the performance of the internal audit function each year and report its findings to the Council. A strategic review of the performance of internal audit must be conducted each council term that considers the views of an external party with a strong knowledge of internal audit and reported to the Council.

This charter is to be reviewed annually by the ARIC and once each council term by the governing body. Any substantive changes are to be approved by the governing body.

Schedule 1: Internal Audit Responsibilities

Internal audit

- Conduct internal audits as directed by Council's ARIC.
- Implement Council's annual and four-year strategic internal audit work plans.
- Monitor the implementation by Council of corrective actions.
- Assist Council to develop and maintain a culture of accountability and integrity.
- Facilitate the integration of risk management into day-to-day business activities and processes.
- Promote a culture of high ethical standards.

External audit

- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided.
- Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations.
- Provide advice on action taken on significant issues raised in relevant external audit reports and better practice guides.

Risk management

Review and advise:

- if Council's has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether Council's risk management framework is adequate and effective for identifying and managing the risks Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how Council's risk management approach impacts on Council's insurance arrangements
- of the effectiveness of Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise:

- whether Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise of the adequacy and effectiveness of Council's compliance framework, including:

- if Council has appropriately considered legal and compliance risks as part of Council's risk management framework
- how Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise of the adequacy and effectiveness of Council's fraud and corruption prevention framework and activities, including whether Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise:

- If Council is complying with accounting standards and external accountability requirements
- Of the appropriateness of Council's accounting policies and disclosures
- Of the implications for Council of the findings of external audits and performance audits and Council's responses and implementation of recommendations
- whether Council's financial statement preparation procedures and timelines are sound
- the accuracy of Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues

- the methods used by Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in Council's report is consistent with signed financial statements
- if Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of Council are adequate
- if Council's grants and tied funding policies and procedures are sound.

Governance

Review and advise of the adequacy of Council governance framework, including Council's:

- Decision-making processes
- Implementation of governance policies and procedures
- Reporting lines and accountability
- Assignment of key roles and responsibilities
- Committee structure
- Management oversight responsibilities
- Human resources and performance management activities
- Reporting and communication activities
- Information and communications technology (ICT) governance, and
- Management and governance of the use of data, information and knowledge.

Strategic planning

Review and advise:

- of the adequacy and effectiveness of Council's integrated, planning and reporting (IP&R) processes
- If appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- Whether Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

Review and advise:

- If Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance

- If appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
- How Council can improve its service delivery and Council's performance of its business and functions generally

Performance data and measurement

Review and advise:

- If Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- If the performance indicators Council uses are effective, and
- Of the adequacy of performance data collection and reporting.

**Local Government
Remuneration Tribunal**

Annual Determination

Report and determination under sections
239 and 241 of the Local Government Act
1993

27 April 2023



Contents

Executive Summary	3
Categories	3
Fees	4
Section 1 – Introduction	5
Section 2 – 2022 Determination	6
Section 3 – 2023 Review	7
2023 Process	7
Categories	8
Submissions Received – Categorisation	12
Request for New Categories	12
Requests for Recategorisation	17
Section 4 – 2023 Fees	21
Time for Fresh Thinking	24
Conclusion	27
Section 5 – Determinations	29
Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2023	29
Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2023	33
Appendices	36
Appendix 1 Criteria that apply to categories	36

Executive Summary

The *Local Government Act 1993* (the LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years.

In accordance with the LG Act the Tribunal undertook a review of the categories and allocation of councils into each category as part of this review.

Accordingly, the revised categories of general purposes councils are determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

Fees

The Tribunal determined a 3 per cent per annum increase in the minimum and maximum fees applicable to each category.

For the new categories, the Tribunal has determined fees having regard to the relevant factors and relativities of remuneration ranges for existing categories.

Twenty six (26) councils are recategorised into a higher existing category or placed in a new category.

Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2020.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires the Tribunal to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission.
4. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees without breaching the Government's Wages Policy as per section 242A (3) of the LG Act.
5. Natural disasters have a significant impact on the way mayors in particular work. There is an increase on time demands from the community, and media during these events as well as an increase in workloads. Whilst it is worth noting these issues, it is not within the Tribunal's authority to determine additional remuneration in recognition of the increasing demands on a mayor's time for these events.
6. The Tribunal's determination takes effect from 1 July each year.

Section 2 – 2022 Determination

7. In 2022, the Tribunal received eight (8) submissions, which included five (5) requests for recategorisation. Three of these requests sought the creation of new categories.
8. The Tribunal found that the current categories and allocation of councils to these categories remained appropriate but noted that some councils may have a case for recategorisation at the next major review of categories in 2023.
9. The Tribunal determined that fees would increase 2 per cent in the minimum and maximum fees applicable to each category from 1 July 2022.

Section 3 – 2023 Review

2023 Process

10. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees, categorisation and any other general matters. The invitation noted that it is expected that submissions are endorsed by the respective council.
11. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
12. The Tribunal received 18 written submissions, of which 15 were from individual councils, 1 submission from LGNSW, 1 from Australian National University academic, Associate Professor Tanya Jakimow, and 1 from the United Services Union (USU).
13. The Tribunal notes that 12 of the 15 council submissions were endorsed by the representative councils.
14. The Tribunal acknowledges and thanks all parties for their submissions.
15. Noting its comments in its reports of 2021 and 2022, the Tribunal met Central NSW Joint Organisation member representatives in Orange, and Far South West Joint Organisation member representatives in Broken Hill. The Tribunal also gave an overview of its work to a meeting of the Country Mayors' Association in Newcastle. While in Broken Hill the Tribunal met with LGNSW representatives.
16. The Tribunal and Assessors met as required to discuss submissions, review category criteria and allocation of councils

Categories

17. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every three years. The Tribunal last reviewed the categories in 2020.
18. In determining categories, the Tribunal is required to have regard to the following matters that are prescribed in Section 240 of the LG Act:
- *the size of areas;*
 - *the physical terrain of areas;*
 - *the population of areas and the distribution of the population;*
 - *the nature and volume of business dealt with by each council;*
 - *the nature and extent of the development of areas;*
 - *the diversity of communities served;*
 - *the regional, national and international significance of the council;*
 - *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
 - *such other matters as may be prescribed by the regulations.*
19. The 2020 Determination established the following categories:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Large	Regional Strategic Area
Metropolitan Medium	Regional Centre


Metropolitan Small Regional Rural


Rural

20. For its 2023 review, the Tribunal undertook an extensive examination of the categories, criteria and allocation of councils into each of the categories.
21. The Tribunal examined statistical and demographical data, with population data sourced from Australian Bureau of Statistics (ABS) 2021 Census (the latest available data).
22. Having regard to section 239 of the LG Act, information examined and provided through submissions, the Tribunal has determined the categories of general purpose councils as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

23. In reviewing the current model, the Tribunal sought to improve consistency of criteria.
24. In examining the criteria for each of the categories, the Tribunal is of the view that non-resident population criteria should also be included for consistency in the following categories:

- 
- Major Strategic Area
 - Regional Strategic Area
 - Regional Centre
 - Regional Rural
25. Three (3) councils will be reclassified as a result of meeting criteria thresholds into an existing category.
26. The Tribunal has determined the creation of two (2) new categories, being Metropolitan Major and Rural Large.
27. In determining the 2 new categories the Tribunal gave significant consideration to section 239 of the LG Act, statistical data, the existing categories and relativities between each category.
28. It was determined that the existing Rural category did not differentiate between large and small rural councils, in population, size, and terrain. Evidence demonstrated that a number of Rural councils are large in geographic area, requiring great distances to be covered. The Tribunal also examined a range of data that it believes goes to the delivery of efficient and effective local government.
29. Hence a new category Rural Large is created. The determination is amended to reflect the new category and criteria that includes a population greater than ten thousand, and a councillor to resident ratio of 1 to 1200. The Tribunal notes there are a number of Rural councils on the cusp of this new category.
30. The revised category also shows more clearly the differences for large rural and remote councils. It is becoming apparent these councils require



different considerations regarding the role Mayors and Councillors in servicing the community across such large distances.

31. Evidence reviewed established the need to differentiate between some Large Metropolitan councils. Comparison data reviewed included population, operating revenue, and submission evidence relevant to section 239 of the LG Act. This examination further exposed the gap between Metropolitan Large and Major CBD categories, thus resulting in the Tribunal establishing a new category to bridge the gap.
32. The determination is amended to reflect a new category, Metropolitan Major, with a population criteria threshold of 400,000 (including non-resident).
33. Accordingly, the Tribunal has identified a number of councils that will be recategorised into these new categories.
34. Given the relativities in population threshold criteria, the Tribunal is of the view that the population criteria for Regional Strategic Area be adjusted from 200,00 down to 100,000.
35. As a result, three (3) councils will be reclassified as Regional Strategic.
36. Whilst the Tribunal did explore additional criteria points that may go to efficient and effective local government, within the bounds of statutory provisions no further changes to the criteria could be determined in this review.
37. The category County Councils remain unchanged, retaining the categories of Water and Other.


38. **Appendix 1 Criteria that apply to categories** has been amended to reflect changes outlined above.


Submissions Received – Categorisation

39. Nine (9) submissions received from councils requested recategorisation and five (5) of these requested the creation of new categories.
40. A summary of matters raised in submissions and the Tribunal's consideration of those matters is outlined below

Request for New Categories

41. Requests were received for the creation of new categories namely, Metropolitan Large Growth Area, Metropolitan Major, Metropolitan Medium Growth and Regional Growth.
42. Blacktown City Council again requested the creation of a new category, Metropolitan Large - Growth Area. Council stated its current categorisation in Metropolitan Large “*does not reflect the complexities of servicing their rapid rate of growth and economic influence*”.
43. Blacktown City Council contends that a new category would allow a criteria to be set that reflects:
- Size
 - Rate of growth
 - Economic influence
 - Operational budget

- 
- Complexities of remaining financially sustainable whilst maintaining services and providing new infrastructure
44. Penrith Council reiterated previous submissions, again requesting the creation of a new category, Metropolitan Large Growth Centre. Council argues they are unique compared to other similar sized councils, providing significant regional services to Greater Western Sydney.
45. Penrith Council contends its claim for creation and inclusion in a new category is enhanced through their leading role in the region demonstrating the exponential growth that will occur in the Penrith Local Government area. Council submits they are playing a leading role in several significant city-shaping projects and initiatives such as:
- Western Sydney Airport
 - Western Sydney Priority Growth Area
 - Penrith Health and Education Precinct
 - The Greater Sydney Commission District planning process
 - National Growth Areas Alliance
 - Sydney Science Park
 - Defence Industries Precinct and
 - South Creek Corridor
46. While the Tribunal understands that areas of Western Sydney are developing rapidly, not least with the new airport and associated infrastructure it is not persuaded to create a new category, Metropolitan Large - Growth Area/Centre. These councils are experiencing growth and will in the future have populations of residents and non-residents that meet the thresholds for recategorisation. It is not within the Tribunal's legislative



remit to anticipate growth. However as dealt with earlier in this determination, the Tribunal acknowledges the need for a new Metropolitan category to reflect increasing population and bridge gap between current categories, Metropolitan Large and Major CBD.

47. Canterbury Bankstown Council proposed the creation of a new category, Metropolitan Major, that would sit in between current category of Metropolitan Large and Major CBD.
48. Council based its argument for a new category on the following grounds:
 - Categories need to have consistent criteria
 - A new category of Metropolitan Major would capture increased population and workloads post amalgamation process
 - New criteria should be based on population size and councillor to resident ratio
 - Councils size, with a current population of 372,322 across five wards
 - Population and distribution of population
 - Councils' area and physical terrain
 - Diversity of communities served
 - Nature and volume of business dealt with by Council
49. Council proposed a new criteria could include population threshold and councillor to resident ratio, with thresholds being 350,000 and 1 to 24,000.
50. The Tribunal considered the suggested criteria of a councillor to resident ratio for all categories. Whilst the Tribunal has included this criteria for

Rural Large category, it has not included it for all categories. It may warrant further consideration for other categories in future reviews.


51. The Tribunal is persuaded to include a new category, Metropolitan Major, with a population criteria threshold of 400,000 in the determination.
52. Camden Council's submission requests the creation of a growth category for Metropolitan Medium councils. They argue the proposed new category would allow criteria to be established to better reflect their growth rate, economic influence and complexities involved in servicing growth.
53. Council proposes the new category be called Metropolitan Medium – Growth Area. Council submits that its inclusion into this new category is based on the following:
 - Population growth
 - Development corridors
 - Growing assets and major infrastructure
 - Major services and institutions
54. The Tribunal has already determined a new metropolitan category, taking into account population and relatives in population between existing categories. It is not persuaded to include another new metropolitan category.
55. Maitland City Council requested the creation of a new category, Regional Growth Area to bridge the gap between Regional Centre and Regional Strategic.
56. Council based its argument for a new category on the following grounds:

- Maitland is the fastest growing regional city in NSW
- significant role in accommodation growth
- Council being an emerging health centre, with the \$470 million investment in the new Maitland Hospital
- Significant role in delivery of state goals, including Greater Newcastle Metropolitan Plan 2036 and a state partner in infrastructure delivery including roads and facilities

57. Council also contends the current categorisation model for non-metropolitan is inadequate. It argues that the application of the population criteria is flawed as increments initially rise by 20,000 before leaping up by 160,000.
58. The current population criteria thresholds for non-metropolitan councils are outlined in the table below:

Category	Population Criteria
Rural	<20,000
Regional Rural	>20,000
Regional Centre	>40,000
Regional Strategic Area	>200,000
Major Strategic Area	>300,000

59. The Tribunal has considered the issues raised in Council's submission but is not persuaded for reasons noted earlier for anticipation of growth versus actual population, to create a new category, Regional Growth Area.

- 
60. The Tribunal acknowledges the point made in Council's submission regarding incremental increases for non-metropolitan categories population criteria.
61. As outlined earlier the Tribunal has determined to change the population criteria for Regional Strategic from 200,000 to 100,000. This will result in Maitland Council being reclassified.

Requests for Recategorisation


62. The Tribunal received four (4) requests for recategorisation. Liverpool, Byron, Tweed and Burwood Councils put forward individual cases for recategorisation for the Tribunal's consideration.
63. A summary of council's requests and the Tribunal's findings are outlined in the paragraphs below.
64. Liverpool Council requested to be reclassified from their current classification of Metro Large to Major CBD category. Liverpool Council's case to be included in Major CBD category is based on the following grounds:
- Population forecast to grow by 59.23% in the next 20 years from 242,817 to 386,646
 - A GDP estimated at \$13.03 billion, with 91,000 jobs in the LGA
 - Significant development in the LGA that includes new council offices and chambers, new city library, childcare facility, and the \$106 million Liverpool Quarter development consisting of retail, commercial, food and beverage spaces

- Liverpool being an integral part of Western Sydney Deal to deliver transformative change
- Liverpool being home to several significant infrastructure projects, including Western Sydney Airport, Western Sydney Infrastructure plan, Holsworthy Barracks and Liverpool Hospital upgrades
- Diversity of population

65. The Tribunal notes that the current criteria for Major CBD remains unchanged. It includes being a major provider of business and government services, and secondary CBD to metropolitan Sydney.
66. Having regard to section 239 of the LG Act, the criteria, the submission put forward, and for reasons outlined earlier in regard to anticipated growth versus actual growth, the Tribunal is not persuaded to include Liverpool Council in Major CBD category.
67. Byron Shire Council requested to be reclassified from their current category of Regional Rural into Regional Centre.
68. Council noted, based on ABS 2021 census data, with a population of 36,077, it is on the cusp of reaching the population threshold of 40,000 residents.
69. Council believes they meet several other additional criteria that supports their case for reclassification. Council's request is based on the following grounds:
 - Non-resident population of 4,817 travel from surrounding locations to work in the LGA

- A population growth increase of 7.2% over the last 5 years, which is above the state increase of 5.3%
- Proximity to Gold Coast and Ballina/Byron airports
- Byron being home to internationally renowned Hinterland region
- Byron being home to a large number of festivals and events

70. As outlined earlier in this determination, the criteria for Regional Centre has been amended to include non-resident population as a criteria point.
71. This result is Byron Shire Council will be reclassified to Regional Centre.
72. Tweed Shire Council once again requested reclassification from Regional Centre to Regional Strategic Area on the following grounds:
- Proximity to Sydney via Gold Coast airport
 - Proximity to Brisbane and Gold Coast
 - Tweed being a major city centre and population centre for Northern Rivers Joint Organisation
 - Tweed being the largest employer and strongest growth area in the Northern Rivers
 - The construction of new state of the art Tweed Valley Hospital due to open in late 2023
73. Tweed Shire Council will be reclassified as a result of changes to Regional Strategic Area criteria outlined earlier in this determination.
74. Burwood Council requested to be reclassified from their current classification of Metropolitan Small to Metropolitan Medium. Council acknowledged that they do not currently meet the population criteria to be




placed into the requested category. The criteria as outlined in the 2022 Determination, Appendix 1 of the criteria that apply to categories states

“Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.”

75. If Burwood Council’s non-resident working population was included, the total population would be 53,435 well short of exceeding the population threshold for Metropolitan Medium.
76. Further examination demonstrates that Burwood council does not meet the broader criteria for Metropolitan Medium. Accordingly, Burwood Council will remain in current classification of Metropolitan Small.
77. The matters raised generally in submissions of Berrigan, Cowra, Inner West, Kur-ring-gai, Singleton and Temora Councils are outside of the scope of the Tribunal statutory functions, but in the view of the Tribunal are worthy of further consideration. These matters relate to the current remuneration principles and structures that apply to mayors and councillors in NSW and the potential impacts of these constraints. These are discussed further below.

Section 4 – 2023 Fees

78. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required by section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
79. Pursuant to section 146C (1) (a) of the IR Act, the current government policy on wages is expressed in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (IR Regulation). The IR Regulation provides that public sector wages cannot increase by more than 3 per cent per annum and the tribunal therefore has the discretion to determine an increase of up to 3 per cent per annum.
80. Four (4) submissions received addressed the issue of the fees quantum increase. These submissions sought an increase of 2.5% or greater.
81. The LGNSW submission requested that the Tribunal increase fees by the maximum 3 per cent, but further argued that the maximum increase is *“inadequate and does not address the historic undervaluation of work performed by elected representatives and the substantial responsibility associated with local government.”*
82. LGNSW used economic and wage data to support their argument, that included:
- Consumer Price Index (CPI)
 - National and State Wage cases
 - Market comparability

- 
83. LGNSW in their meeting with The Tribunal and Assessors, further emphasised that remuneration for Councillors and Mayors has been reduced in real terms due to impacts of inflation and capping of remuneration increases.
84. The Tribunal received a late submission from the USU, advocating for the maximum increase to be applied. The USU argued that all work carried out in local government needed to be fairly remunerated and reflect the rise in cost of living.
85. Whilst only five of the eighteen submissions received addressed the issue of quantum increase of fees, more than half of the submissions provided commentary on a range of remuneration issues.
86. Submissions suggested that the current remuneration structure is inadequate and requires further review. It has been suggested that the current remuneration structure does not adequately reflect:
- Role, responsibilities, and commitment required to perform functions successfully
 - Workloads
 - Complexity of role
 - Commitment and skills required
 - Fairness
87. Furthermore, it has been suggested that the low level of remuneration is a barrier to encouraging participation and diversity of candidates that reflects communities.

88. Associate Professor Jakimow of the Australian National University provided a detailed submission outlining the negative impacts of inadequate remuneration. The substance of the submission is that current remuneration levels do not adequately reflect the hours and complexity of work. Furthermore, low remuneration is a barrier to participation and diversity.

89. Associate Professor Jakimow argues that:

“inadequate pay has significant negative consequences: low quality local democracy, an unacceptable burden on councillors and their families, and poor councillor diversity.”

90. A number of submissions provided comparison data to demonstrate that the current remuneration principles and structure are not reflective of time, skills and competencies required to effectively perform the roles of councillor and mayor.

91. Comparisons were made to State and Federal parliamentary members, councillors and mayors in the Queensland and Victorian local government jurisdictions, average remuneration of a chairperson of a board, not for profit organisations and national minimum wage. The basis of the argument is that NSW mayor and councillors are paid below these organisations.

92. One submission noted that legislative change would be required to change remuneration model.


93. The Tribunal acknowledges issues raised in submissions regarding remuneration principles, structure and potential impacts. Many of these issues are worth serious consideration, they are however not currently

within the Tribunal's remit. The Tribunal concludes these matters should be given further investigation and consideration.

94. The Tribunal has considered key economic indicators, including the Consumer Price Index and Wage Price Index, and has determined that the full 3 per cent increase will apply to the minimum and maximum fees applicable to existing categories.
95. As an initial determination, the ranges for new categories are not subject to the wages policy. Future increases in those categories, as is the case for existing categories, will be subject to wages policy in accordance with section 242A(4) of the LG Act.
96. The minimum and maximum fees for the new categories have been determined having regard to the relativities of existing categories


Time for Fresh Thinking

97. Submissions made to the 2023 review and the Tribunal's own conclusions from evidence it has examined, suggest that there are significant issues underlying the concerns raised about mayor and councillor remuneration. It is apparent to the Tribunal that those issues which include a lack of diversity in representation, changing nature of work required to be undertaken and changing community expectations cannot be easily resolved under the existing framework. In the Tribunal's view, there would be merit in a comprehensive review of the framework for mayor and councillor remuneration.
98. The criteria under which the Tribunal makes these determinations has




been in existence since 1994 and at that time NSW had 177 Councils.
Much has changed over the past 30 years, but the criteria has not.

99. As noted earlier in this determination the Tribunal and Assessors met with two Joint Organisation member representatives. While much of what was discussed has been dealt with in this determination it is worthy for the record to restate the view of LGNSW of the *“need for major reform”*.
100. Key themes and issues raised during discussions by mayors, councillors and general managers with the Tribunal and Assessors include:
- Changes to ways of working including expectations of increased use of social media and online platforms (“always on” expectations from constituents)
 - Impacts of future development
 - Impact of changes to legislation and regulation on workload
 - Serving constituents in regional centres, country areas regional areas, rural and remote areas
 - Remuneration principles
 - Natural Disasters including floods, fires, mice, locusts and tragedies generally
 - Confusion in roles and responsibilities – need for compulsory and consistent training of candidates prior to election and induction of those elected

- 
- Popularly elected mayors and two-year mayoral terms and the role of the Deputy Mayor when a mayor is absent, as distinct from temporarily unavailable
 - Questioning whether the guidelines by the Office of Local Government for the payment of expenses and the provision of facilities for mayors and councillors that were issued in 2009 are still fit for purpose. There appears to be significant variation in the interpretation of the guidelines and subsequent council policies
 - The optional payment of superannuation being used for political purposes
 - Paid parental leave for councillors
 - Is remuneration holding back quality candidates or are behavioural issues – both in and out of meeting environment
 - Parity in the payment differential in existing categories between councillors and mayors
 - A possible alignment in categories of councillor to resident and ratepayer ratios and rateable property ratios
 - Clarity in the payment of fees for chairpersons and voting members of Joint Organisations for additional workloads

101. Diversity was a strong theme heard by the Tribunal, both diversity of communities served and diversity of representation. We heard that



younger people, women, Aboriginal and Torres Strait Islander people and members of culturally and linguistically diverse communities among others, are underrepresented in many councils.

102. The Tribunal acknowledges that it is not within its authority to address many of the issues that were raised in submissions.

103. The Tribunal is not suggesting a fundamental review of the role of councillors and notes that people enter local government representation from a sense of civic service rather than for remuneration.

Conclusion

104. The Tribunal is of the view that a broader consideration is required of the matters raised in this determination. If the Minister decided to refer these matters under section 238 (2) of the LG Act the Tribunal would be willing to assist noting that it would require considerable consultation with the sector and access to suitable resources from Government.

105. The Tribunal's determinations have been made with the assistance of the Assessors Ms Kylie Yates, Gail Connolly PSM (in her role as Acting Deputy Secretary) and Mr Brett Whitworth.

106. It is the requirement of the Tribunal that in the future all submissions have council endorsement.

107. Determination 1 outlines the allocation of councils into each of the categories as per section 239 of the LG Act.

108. Determination 2 outlines the maximum and minimum fees paid to

councillors and mayors and members and chairpersons of county councils
as per section 241 of the LG Act.

109. The Tribunal acknowledges and thanks the secretariat for their excellent
research and support in completing the 2023 determination.



Viv May PSM

Local Government Remuneration Tribunal

Dated 27 April 2023

Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2023

General Purpose Councils – Metropolitan

Principal CBD (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

General Purpose Councils - Non-Metropolitan

Major Regional City (2)

- Newcastle
- Wollongong

Major Strategic Area (1)

- Central Coast

Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed
- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

Regional Rural (12)

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (18)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Hilltops
- Inverell
- Leeton
- Moree Plains
- Murray River
- Muswellbrook
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (38)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

- 
- Glen Innes Severn
 - Gwydir
 - Hay
 - Junee
 - Kyogle
 - Lachlan
 - Liverpool Plains
 - Lockhart
 - Murrumbidgee
 - Narrandera
 - Narromine
 - Oberon
 - Temora
 - Tenterfield
 - Upper Lachlan
 - Uralla
 - Walcha
 - Walgett
 - Warren
 - Warrumbungle
 - Weddin
 - Wentworth

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2023

The annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2023 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 4: Fees for General Purpose and County Councils

General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2023

Category	Minimum	Maximum
Principal CBD	29,610	43,440
Major CBD	19,760	36,590
Metropolitan Major	19,760	34,590
Metropolitan Large	19,760	32,590
Metropolitan Medium	14,810	27,650
Metropolitan Small	9,850	21,730

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2023

Category	Minimum	Maximum
Principal CBD	181,210	238,450
Major CBD	41,960	118,210
Metropolitan Major	41,960	106,960
Metropolitan Large	41,960	94,950
Metropolitan Medium	31,470	73,440
Metropolitan Small	20,980	47,390

General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2023

Category	Minimum	Maximum
Major Regional City	19,760	34,330
Major Strategic Area	19,760	34,330
Regional Strategic Area	19,760	32,590
Regional Centre	14,810	26,070
Regional Rural	9,850	21,730
Rural Large	9,850	17,680
Rural	9,850	13,030

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2023

Category	Minimum	Maximum
Major Regional City	41,960	106,960
Major Strategic Area	41,960	106,960
Regional Strategic Area	41,960	94,950
Regional Centre	30,820	64,390
Regional Rural	20,980	47,420
Rural Large	15,735	37,925
Rural	10,490	28,430

County Councils

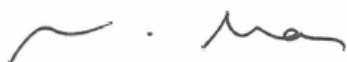
Councillor/Member Annual Fee (\$) effective 1 July 2023

Category	Minimum	Maximum
Water	1,960	10,870
Other	1,960	6,490

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2023

Category	Minimum	Maximum
Water	4,200	17,850
Other	4,200	11,860

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2))



Viv May PSM

Local Government Remuneration Tribunal

Dated 27 April 2023

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:


- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development

- 
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
 - have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
 - have significant natural and man-made assets to support diverse economic activity, trade and future investment
 - typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW

- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.


Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.



Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.



Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.

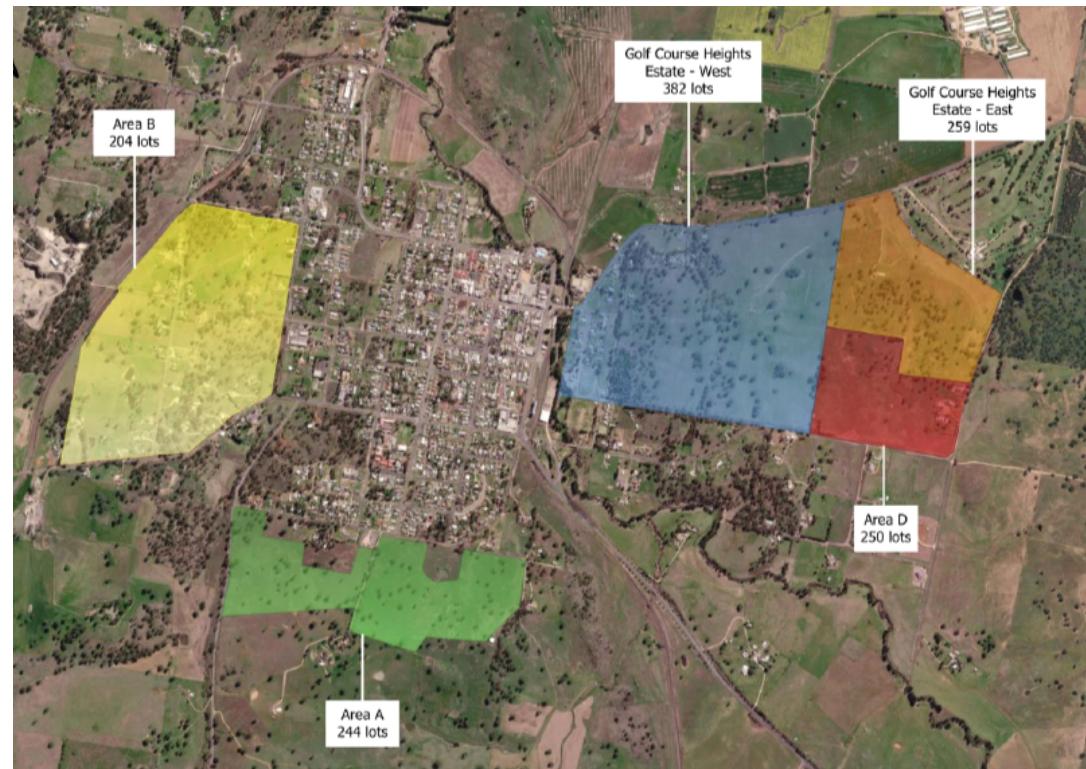
Water and Sewer

-  **Regional Town Water Strategy**
-  **Water Security Strategy**
-  **Development Servicing Plan**
-  **Business Case - Molong Housing Infrastructure Growth Strategy**



Business Case - Molong Housing Infrastructure Growth Strategy

- \$150k funding received from NSW Government 'Business Case and Strategy Development Fund' in November 2022.
- Council engaged AEC Group to undertake Business Case.
- The Molong Housing Infrastructure Growth Strategy will enable development of affordable, flood-resilient housing providing the opportunity to address the overall housing crisis, especially for first home buyers. Once completed, the project will deliver up to 1,339 new housing lots, as well as support local procurement, job creation and skills development in the local business economy sector due to the considerable increase in population in Molong.



Key information

- The Molong Settlement Strategy identified an average future growth rate from 2021 to 2041 (20 years) of between approximately 8.0 and 11.3 dwellings per year.
- Council has subsequently received strong interest from developers, reacting to current demand for affordable housing driven by migration and investments within the region, that indicates up to 700 lots could be developed by 2042, which equates to 35 lots per year.

Scenario	Lots Developed Per Year	Total Lots Developed (over 30 years)
Base Demand Growth	8	240
Low Demand Growth	11	330
Moderate Demand Growth	20	600
Moderate to High Demand Growth	27	810
High Demand Growth	35	1,050

Source: AEC

- Business case considers 5 scenarios, as well as considers possible grant funding options:
 - 100% debt,
 - 25% grant / 75% debt
 - 50% grant / 50% debt
 - 75% grant / 25% debt
 - 100% grant

The project

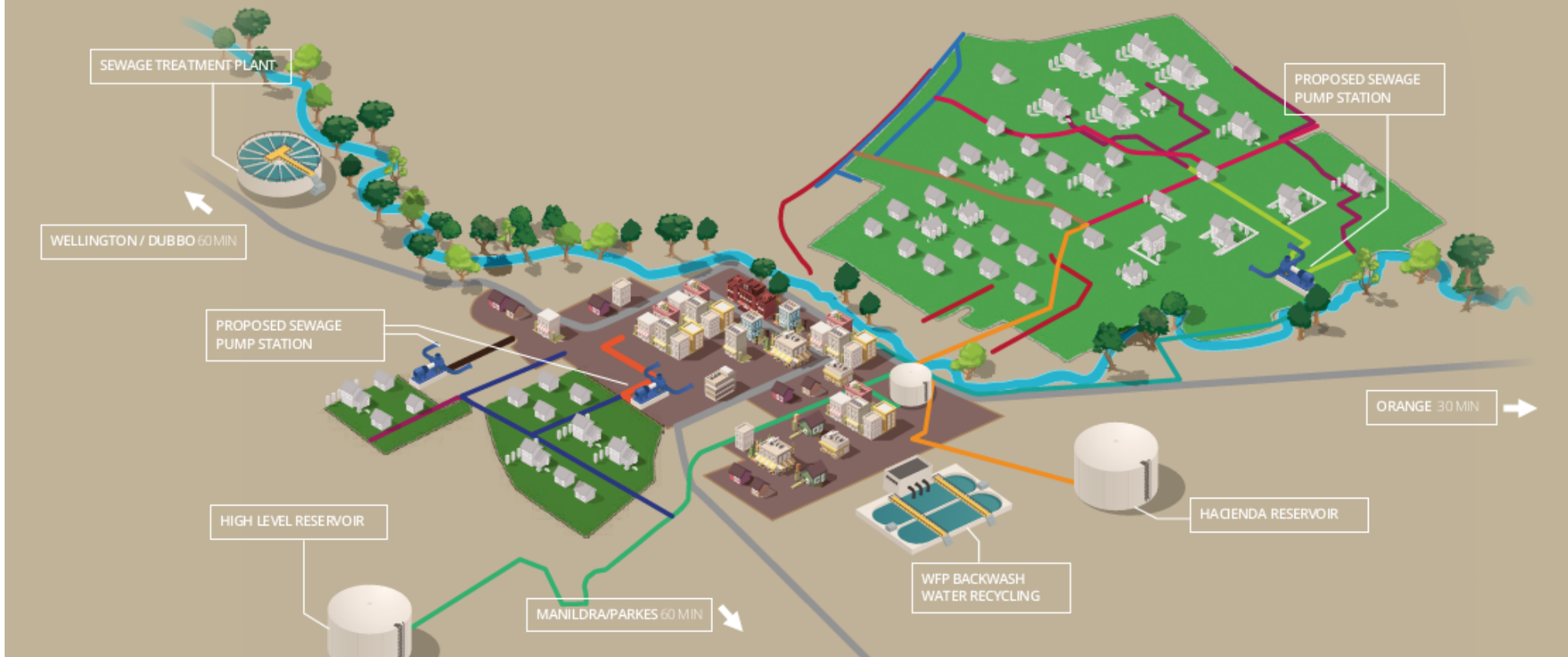
Stage 1 - \$31 million

Upgrade of wastewater treatment and network:

- Treatment plant upgrade
- Sewerage mains and pump station

Expansion of existing water supply network:

- Water filtration plant upgrade
- New raw water main
- New bores
- Water reticulation mains



Government return on investment

Local Economic Activity Supported by the Project.

Impact	Output (\$M)	Gross Regional Product (\$M)	Incomes (\$M)	Employment (FTEs)
Base Demand Growth	\$19.30	\$7.50	\$5.10	46
Low Demand Growth	\$28.80	\$11.40	\$7.50	67.7
Moderate Demand Growth	\$37.60	\$14.90	\$9.60	89.4
Moderate to High Demand Growth	\$43.20	\$17.10	\$10.80	103
High Demand Growth	\$49.90	\$19.90	\$12.40	119.9

Cash Balance

Each of the four project scenarios that include grant funding for the initial stage of development remain in a positive cash balance.

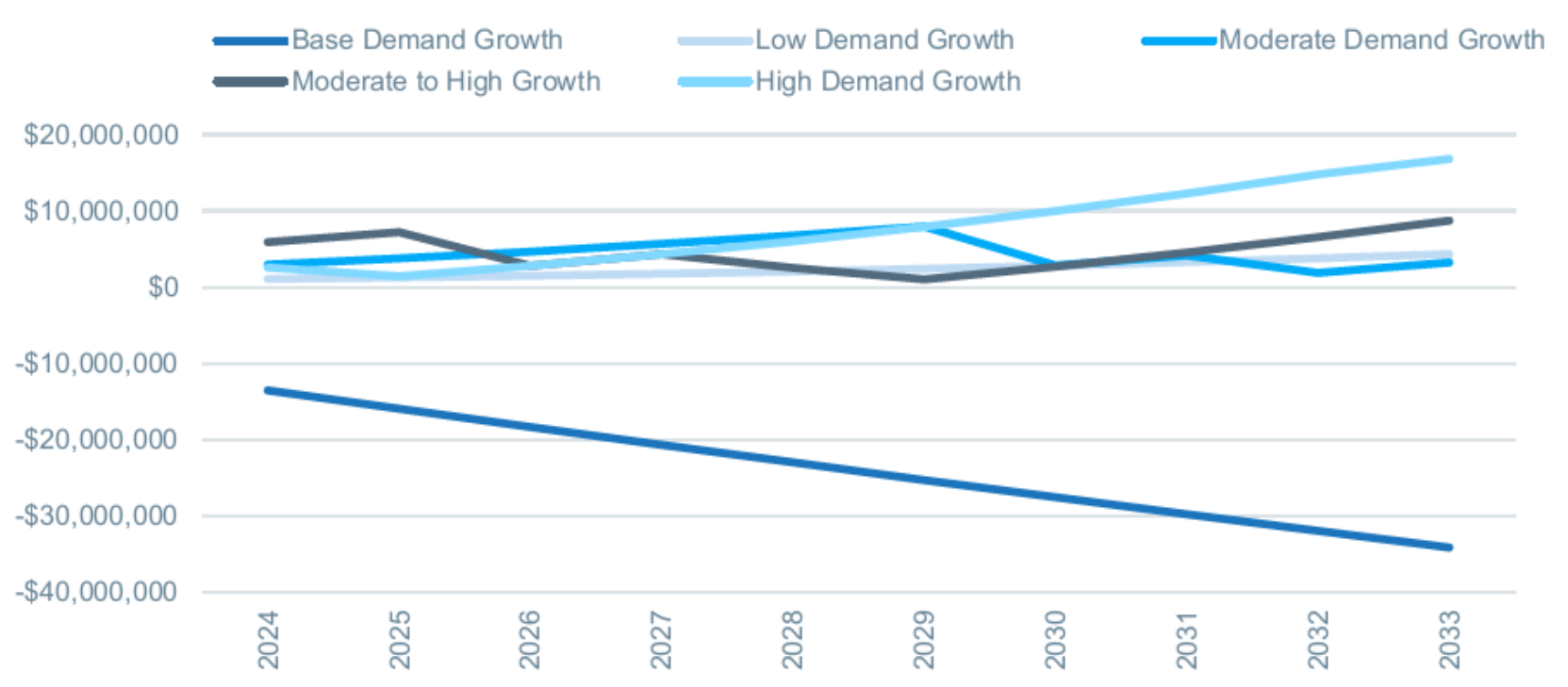
The cash balance accumulates in each of the four scenarios, with cash accumulating significantly in the higher growth scenarios.

Cash Balance	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Base Demand Growth	\$ -	\$ 277,652	\$ (418,412)	\$ (1,294,527)	\$ (2,138,328)	\$ (3,259,519)	\$ (4,402,960)	\$ (6,479,341)	\$ (8,834,391)	\$ (11,082,943)
Low Demand Growth	\$ -	\$ 85,678	\$ 113,826	\$ 145,244	\$ 205,441	\$ 295,835	\$ 417,898	\$ 573,156	\$ 763,195	\$ 968,206
Moderate Demand Growth	\$ -	\$ 236,367	\$ 446,579	\$ 693,636	\$ 1,003,216	\$ 1,378,289	\$ 1,821,935	\$ 2,337,350	\$ 2,927,845	\$ 2,256,879
Moderate to High Growth	\$ -	\$ 402,777	\$ 805,033	\$ 1,271,509	\$ 1,828,045	\$ 2,478,850	\$ 3,228,292	\$ 4,080,894	\$ 5,041,348	\$ 4,774,539
High Dem and Growth	\$ -	\$ 487,514	\$ 1,001,167	\$ 1,607,624	\$ 2,332,841	\$ 3,182,377	\$ 4,161,997	\$ 5,277,672	\$ 6,535,593	\$ 6,602,203

Cash Balance	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
Base Demand Growth	\$ (13,510,893)	\$ (15,914,404)	\$ (18,292,319)	\$ (20,643,443)	\$ (22,966,537)	\$ (25,260,315)	\$ (27,523,445)	\$ (29,754,549)	\$ (31,952,193)	\$ (34,114,897)
Low Demand Growth	\$ 1,109,326	\$ 1,289,662	\$ 1,511,024	\$ 1,775,288	\$ 2,084,397	\$ 2,440,363	\$ 2,845,274	\$ 3,301,289	\$ 3,810,650	\$ 4,375,674
Moderate Demand Growth	\$ 2,985,852	\$ 3,799,905	\$ 4,702,839	\$ 5,698,588	\$ 6,791,228	\$ 7,984,981	\$ 2,884,924	\$ 4,210,725	\$ 1,905,939	\$ 3,269,889
Moderate to High Growth	\$ 5,943,347	\$ 7,234,445	\$ 2,855,765	\$ 4,332,173	\$ 2,554,556	\$ 1,052,880	\$ 2,738,865	\$ 4,581,478	\$ 6,584,997	\$ 8,756,201
High Dem and Growth	\$ 2,623,872	\$ 1,458,831	\$ 2,812,665	\$ 4,339,531	\$ 6,046,969	\$ 7,942,828	\$ 10,035,197	\$ 12,332,464	\$ 14,843,313	\$ 16,841,356

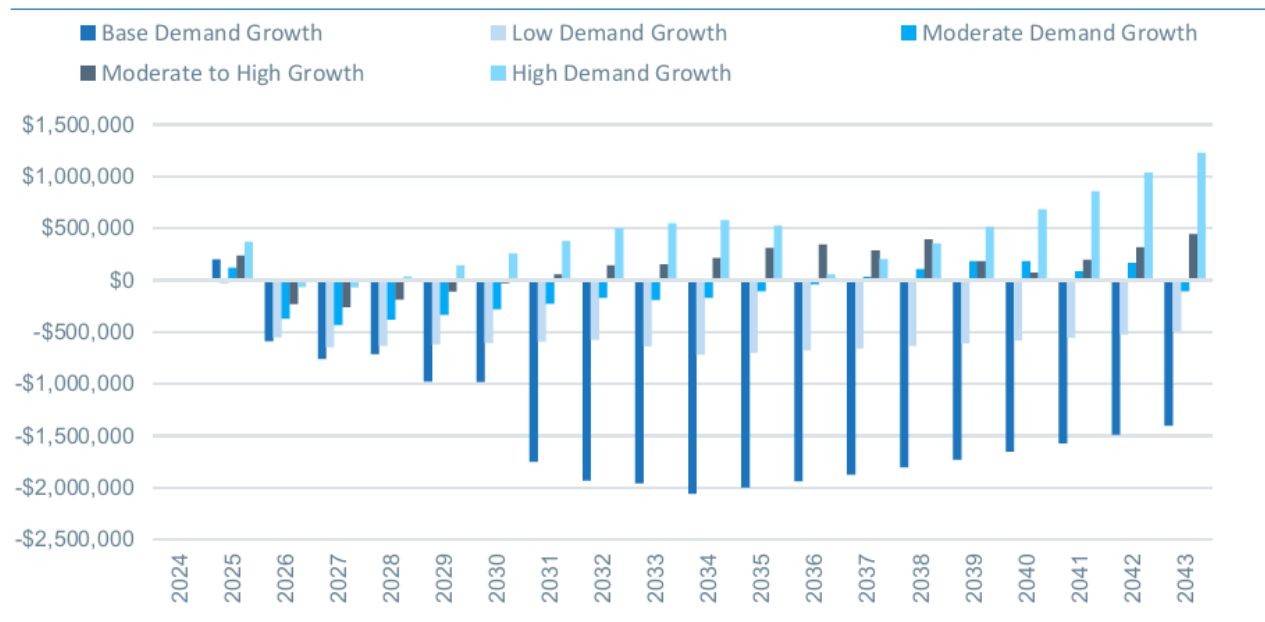
Cash Balance	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053
Base Demand Growth	\$ (36,241,127)	\$ (38,267,404)	\$ (39,334,453)	\$ (40,173,868)	\$ (40,970,101)	\$ (41,721,327)	\$ (42,382,944)	\$ (42,067,077)	\$ (41,700,322)	\$ (41,279,201)
Low Demand Growth	\$ 4,998,764	\$ 5,682,405	\$ 6,429,175	\$ 7,241,737	\$ 8,122,851	\$ 9,075,372	\$ 10,102,258	\$ 11,206,570	\$ 3,785,145	\$ (3,230,175)
Moderate Demand Growth	\$ 4,756,209	\$ 2,793,039	\$ 4,490,084	\$ 6,324,149	\$ 8,300,911	\$ 10,426,232	\$ 12,706,189	\$ 15,147,064	\$ 17,755,360	\$ 19,611,296
Moderate to High Growth	\$ 11,093,926	\$ 13,621,827	\$ 16,339,232	\$ 19,253,928	\$ 21,525,642	\$ 24,842,649	\$ 28,381,551	\$ 32,151,259	\$ 36,156,765	\$ 40,430,530
High Dem and Growth	\$ 19,791,879	\$ 22,983,545	\$ 26,426,320	\$ 30,130,507	\$ 34,106,775	\$ 38,366,162	\$ 42,920,199	\$ 47,780,468	\$ 52,959,310	\$ 57,156,597

Long-term cash balance for water and sewer



Operating surplus/deficit

- The Operating Surplus/Deficit analysis indicated that all five scenarios will produce operating deficits within the first 20 years of the project due to the increased depreciation and borrowing costs.
- The operating deficits improve across the scenarios as the growth demand increases with only a minimal operating deficit produced in the High Demand Growth scenario.



Source: AEC

Project Net Present Value (5.5% Discount Rate)

Funding Scenario for Initial Stage of Development	Base Case Demand	Low Demand Growth	Moderate Demand Growth	Moderate to High Demand Growth	High Demand Growth
100% Debt	\$(23,827,565)	\$(27,931,462)	\$ (22,284,246)	\$ (16,514,840)	\$ (9,675,927)
25% Grant / 75% Debt	N/A	\$(20,708,704)	\$(15,061,489)	\$(9,292,083)	\$(2,453,169)
50% Grant / 50% Debt	N/A	\$(13,485,947)	\$(7,838,731)	\$(2,069,325)	\$4,769,588
75% Grant / 25% Debt	N/A	\$(6,105,882)	\$573,939	\$5,153,432	\$11,992,346
100% Grant	N/A	\$959,568	\$6,606,784	\$12,376,190	\$19,215,104

Source: AEC.

Growing Regional Economies Fund

- Grant amount: From \$2,000,000 to \$30,000,000
- The Growing Regional Economies Fund aims to accelerate economic development and prosperity in regional NSW, increase the appeal of investing in regional NSW, support investment in major transformational projects that increase employment opportunities in regional areas, and ensure that regional communities have the infrastructure and services required for sustainable growth.
- The Fund also has a focus on enabling infrastructure that will support investment in regional housing projects to meet demand generated by growth in employment and economic activity.



Growing Regional Economies Fund

- EOI applications close at 5pm (AEDT) 23 May 2023
- Invitations issued: Invitations for detailed applications will commence from July 2023
- Detailed Applications close: 17 October 2023
- Notifications: Successful applicants will be notified confidentially from January 2024 or as soon as possible after a grant is approved.
- Projects must be delivered by end of 2026.



Growing Regional Economies Fund

PROJECT COSTS

- Upgrade of wastewater treatment and network:
 - Treatment plant upgrade
 - Sewerage mains and pump station
- Expansion of existing water supply network:
 - Water filtration plant upgrade
 - New raw water main
 - New bores
 - Water reticulation mains
- 10% for project management
- 25% contingency

\$31m - TOTAL PROJECT COST

\$23.25m - 75% Government

\$7.75m - 25% Council co-contribution (cash)

Cabonne Sponsorship Program Application



Submission date: **2 May 2023, 2:27PM**
Receipt number: **6**
Related form version: **1**

SECTION 1: STATEMENT OF UNDERSTANDING

BEFORE COMPLETING THIS APPLICATION, YOU MUST READ THE SPONSORSHIP GUIDELINES. APPLICATIONS THAT DON'T COMPLY WITH THE CONDITIONS STATED IN THE GUIDELINES OR APPLICATIONS THAT ARE INCOMPLETE WILL NOT BE CONSIDERED.

I have read and understood the Sponsorship Guidelines
I have read and understood the terms and conditions
I am willing to sign a contractual agreement
I have submitted an Preliminary Advice of a planned Event Form or will be submitting one with this application

SECTION 2: APPLICANT DETAILS

Name of organisation:	Molong Advancement Group
Postal Address:	PO Box 263
Contact Person:	Janine Mary Marriott
Position Held:	Secretary
Phone Number:	0427668585
Email:	Molongmagsec@gmail.com
Incorporation Number:	INC9882527
GST Registered:	Yes

Brief description of your organisation:

Molong Advancement Group is a community based volunteer organisation incorporated with NSW Fair Trading and registered as a charity with the Australian Charities and Not for Profit Council. (ACNC).

Does your organisation have a website/ social media platforms? If so, please list links:

**Facebook: Molong Advancement Group - MAG
Facebook: Molong Village Markets**

SECTION 3: EVENT DETAILS

Name of Event

Molong Village Markets

Venue/ Location of Event

Dr Ross Memorial Ground

Date of Event

12 June 2023

Type of Event

One-off event

Area of Event

Community

Style of Event

Both

Event Website (Please include any social media platforms)

Facebook (as above)

Previous Sponsorship or Event Assistance

Sponsorship Program

List all years and amounts of previous Sponsorship or Event Assistance

Sponsorship 2020 to 2023. The sponsorship initially was \$15000 for three markets per annum in 2020 - 2021. However, Covid-19 and wet weather caused the cancellation of markets in 2021 and 2022 resulting in a carry forward of the funding to Easter 2023.

List all other Sponsorship, Partners and/or Key Stakeholders and their level of support

**Rotary Club of Molong, Molong Hospital Auxiliary and the Molong Campdraft assist with staffing entry gates at the markets.
Cabonne Council is the major sponsor of the event.**

Description of the Event

The Molong Village Markets are community markets with up to 149 sites selling a range of food and non-food products. The markets attract in excess of 5000 people to Molong many of whom visit and spend money in the central business district of Molong.

Proposed Program and Plan of delivery for the Event	<p>The markets run from 9:00 am to 2 pm with set up from 6 am.</p> <p>See attached file for the layout of the markets.</p>
Reason for having the Event	<p>The purpose of the event is to attract visitors to Molong on the Monday of each long weekend to support those shops and other businesses open on the day.</p> <p>The event is the major fundraiser for MAG.</p>
Is this a ticketed Event	No
Link to ticket purchases (if available)	

SECTION 4: PREVIOUS DATA

When/ where was this event held last	The previous event was held on 10 April 2023 at the Dr Ross Memorial Ground.
Total number of attendees (local, intrastate, interstate)	An estimated over 5000 people attended the event.
Any post event reflections, reports and/or changes made	The markets have proven successful over a number of years with all sites booked. The support of Cabonne Council is critical to the success of the markets by providing advisory signs, managing placement and removal of rubbish bins and provision of the mobile toilets when available.

SECTION 5: PROPOSED EVENT DATA AND LOCAL ENGAGEMENT

Projected number of attendees (confirmed and estimated)	Approximately 5000
What benefits will be returned to the Cabonne Community	<p>Shops and businesses regularly report their best trading days when the markets are held.</p> <p>Funds raised by MAG are returned to the community through projects such as the Molong Hospital Sensory Garden, improvements at the DR Ross Oval, Community Notice Boards.</p>

How does the Event positively engage local businesses and the Cabonne Community (give examples)

The businesses open on the days of the markets report good sales.

Over 40 volunteers are engaged in the markets on each day they are held.

People from across Cabonne have stalls at the markets and attend as visitors/buyers.

How will Cabonne's Sponsorship be recognised (please tick all relevant)

Cabonne Council Branding recognition on all promotional material (printed and digital)

Signage at the event

Acknowledgement of support through all media (radio, tv, paper, on day promotion etc)

Data provide to Council (E.g- demographics, attendees etc)

Images from the event for Council marketing use

Provide Feedback and fully completed Acquittal

Naming rights of the event

Supporting commentary

The Molong Village Markets have proven successful over a number of years and the support of Cabonne Council is integral to their success.

SECTION 6: MARKETING AND COMMUNICATION

Is a copy of the proposed Marketing and Communication Plan/ strategy attached (Please include any media coverage, broadcasting and other media)

Yes

SECTION 7: SPONSORSHIP AMOUNTS

Amount of Sponsorship requested

\$5000

Explanation of Level of choice (Please refer to the guidelines for the level)

MAG considers that the Gold Sponsorship is appropriate because of the number of people who regularly attend the markets and the benefits that flow to the Molong businesses open on the day.

What will the sponsorship funds be used for? (please list all things that the Sponsorship money will go towards)

Funds will be used to reimburse Cabonne Council for the support provided.

ie: VMS, parking signs, garbage service, cleaning public toilets on morning of market, clean concrete in front of kiosk prior to market.

Copy of budget attached (please include all contributions, revenue from sales, sponsorship or grants (granted or applied)

Yes

SECTION 8: NEXT STEPS (CHECKLIST)

Please make sure the following is completed and attached to ensure your application is considered

Marketing and Communication Plan/ Strategy

Budget

Event Plan

Checklist Documents

[Press Release Molong Easter Markets \(1\).docx](#)

[June markets poster \(1\).png](#)

[Recreation Ground map with markout dims \(1\).pdf](#)

[Recreation Ground map with markout dims \(1\).pdf](#)

[Markets Budget.xlsx](#)

Section 9: DECLARATION

The declaration below must be agreed to by a person **Yes**
who has delegated authority to sign on behalf of the
organisation e.g. President, Chairman, member of the
Board of Management or authorised staff member. I
declare the information provided in this application and
attachments is, to the best of my knowledge, true and
correct. I understand any omission or false statement
may result in the rejection of the application or
withholding of any funds already approved. I understand
Cabonne Council may check any of our statements for
the purpose of assessing this application, and I agree to
provide any additional information requested. I
understand this is an application only and may not
necessarily result in funding approval.

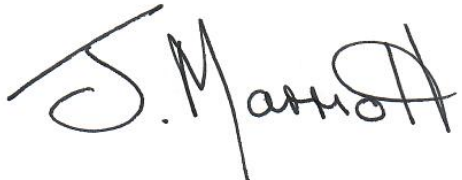
Name

Janine Mary Marriott

Position in Organisation

Secretary

Signature

A handwritten signature in black ink, appearing to read 'J. Marriott', is displayed on a white rectangular background.[Uploaded signature image: signature.jpeg](#)

Date

02/05/2023

Event Assistance Program Application Form



Submitted on 11 May 2023, 2:07PM

Receipt number 78

Related form version 4

Details of the Organisation

Name of Organisation	Arts Council Cabonne Inc
Organisation House Number/Name/PO Box Number	
Street/Road	
City	
State/Territory	NSW
Postcode	
Phone Number	0407623393
Fax Number	
Email Address	Artscouncilcabonne@gmail.com
Contact Person	Libby Oldham
Contact Person's Position in Organisation	President
Is the organisation	not registered for GST
Does the organisation have insurance, including public liability cover?	No
Does the organisation have an ABN?	No
If yes, please provide ABN	INC 2300218
What is the aim of your organisation?	To play a key role in the development, investment and growth of artistic and cultural experiences in the Cabonne Local Government Area.
Does your organisation have a plan/strategy?	No

If yes, please upload your plan/strategy here

Event Title

Name of the event	CABONNE ACQUISITIVE ART PRIZE
Funding category applying for	Core Event

Details of the Proposal

Please provide a general description of the event	An exhibition of artworks with an acquisitive prize of \$5000 for the winning work to be added to the Cabonne Council Heritage/Art Collection
Where and when is the event to take place?	MOLONG RSL 8TH TO 22ND JULY 2023
How will the event raise the profile of the Cabonne Council?	The event raises the profile of Cabonne Council as a major art event promoted throughout the region specifically the Arts Outwest region with artists from these LGS able to enter and promote through their council regions. The Schools section will encourage and foster creativity amongst the students and give them the opportunity to meet other young people from the other villages of Cabonne.
What local business opportunities will be created?	At this stage because of the location the Molong RSL will benefit with catering and recognition of their contribution to the running of the event. And visitors to the event will have the opportunity to explore the town of Molong which was devastated by the November 2022 floods.
How many people are expected to attend the event from within and outside the Shire?	The number of people expected is between 100 and 150
What benefits will be returned to the Cabonne community?	The event is becoming a prestigious event for the region and brings people to the area. The schools section is a great boost for the local school children interested in art and encouragement to continue with their artistic endeavours.
Please list any other community groups involved with this event	No other community groups for this year.

Assistance Requested

Type of Assistance (1)	Arts panels and catering
Details (1)	Installation set up and set down
Value of Assistance, exclusive of GST (Council to provide estimate for in kind items) (1)	5000
Type of Assistance (2)	
Details (2)	

Value of Assistance, exclusive of GST (Council to provide estimate for in kind items) (2)

Type of Assistance (3)

Details (3)

Value of Assistance, exclusive of GST (Council to provide estimate for in kind items) (3)

Type of Assistance (4)

Details (4)

Value of Assistance, exclusive of GST (Council to provide estimate for in kind items) (4)

Type of Assistance (5)

Details (5)

Value of Assistance, exclusive of GST (Council to provide estimate for in kind items) (5)

Total assistance requested 5000

Will you require payment of EAP grant prior to lodging the Acquittal Form? Yes

Supporting Information

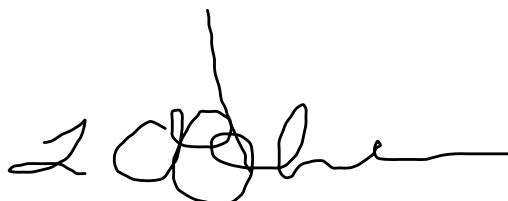
Please upload a quote outlining project costs (if applicable)

Please upload your letter of support (1)

Please upload your letter of support (2)

The following supporting information is attached with this application

Applicant's Signature



[Link to signature](#)

Name	Libby Oldham
Position in Organisation	Presidency
Date	11/05/2023



PLANNING PROPOSAL

Proposed Rezoning of
51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Prepared for
Mr John Eyles
Amended November 2022

Ref: PP – SFB21079

PO Box 1827 Orange NSW 2800 p: 6361 2955 m: 0409 821 016 e: peter@bashaplanning.com.au

TABLE OF CONTENTS

1.0 INTRODUCTION	2
1.1 OVERVIEW	2
1.2 BASIS FOR THE PLANNING PROPOSAL.....	3
1.3 SUBJECT LAND	3
1.4 DEVELOPMENT CONCEPT	12
1.4.1 Overview	12
1.4.2 Potential subdivision	13
1.4.3 Dwelling Envelopes	14
1.4.4 Servicing	14
1.4.5 Roads and Access	15
2.0 OBJECTIVES OR INTENDED OUTCOMES.....	16
2.1 PLANNING PROPOSAL OBJECTIVES	16
2.2 PLANNING PROPOSAL OUTCOMES	16
3.0 EXPLANATION OF PROVISIONS	18
4.0 JUSTIFICATION.....	19
4.1 NEED FOR THE PLANNING PROPOSAL.....	19
4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	25
4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	42
4.4 STATE AND COMMONWEALTH INTERESTS	64
5.0 COMMUNITY CONSULTATION	65
6.0 CONCLUSION.....	67

Annexure A

Land Plans and Development Concept

Annexure B

Onsite Effluent Management Study

Annexure C

AHIMS Search

Annexure D

Preliminary Contamination Investigations

1.0 INTRODUCTION

1.1 OVERVIEW

This Planning Proposal describes a proposed amendment to the Cabonne Local Environmental Plan 2012 (the LEP). This Planning Proposal seeks to amend the land zoning map of the LEP to rezone Lot 6 DP 703806 being 51 Winter Lane, Summer Hill Creek from RU1 Primary Production to R5 Large Lot Residential. The proposal will also amend the Minimum Lot Size map for part of the subject land from 100 hectares to 2 hectares with the remaining land area to have a Minimum Lot Size of 25 hectares (refer Figure 8).

The proposed rezoning is in response to the adoption of the Cabonne Settlement Strategy 2021-2041 and the need to provide additional land for rural residential development in Summer Hill Creek.

As this Planning Proposal is consistent with the existing strategic planning framework, it is appropriate that this Proposal be categorised under the *Department of Planning and Environment's Local Environmental Plan Making Guideline (2021)* as a 'Standard' Planning Proposal and will be completed within the benchmark timeframe of 9 months.

The *Cabonne Settlement Strategy 2021-2041* (CSS) was prepared in 2021 to provide a strategic framework for future residential development within the Cabonne LGA for the next 20 years with the subject land identified in Strategy Growth Area 1 within the Summer Hill Creek and Spring Glen Strategy Area.

The subject land can be demonstrated to be suitable for future large lot residential development. This submission is supported by a conceptual lot layout to demonstrate how the proposal integrates and relates to the existing settlement pattern for the locality.

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 (the Act) and the Department of Planning's advisory document *A Guide to Preparing Planning Proposals*.

It represents the first step in the process of amending the LEP and the intent is to provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process.

A Gateway determination under Section 3.34 of the Act is requested. It is acknowledged that the Gateway determination will confirm the information (which may include studies) and consultation required before the LEP can be finalised.

Peter Basha
Planning & Development

1.2 BASIS FOR THE PLANNING PROPOSAL

This Planning Proposal has been prepared on the basis that the subject land is located within *Strategy (Growth) Area SG1* of the CSS. The CSS recognises that the subject land is suitable for rezoning to Large Lot Residential development. In this regard:

- The proposed rezoning would represent a logical expansion of the existing Spring Glen R5 zoning located immediately to the north of the subject land. It will also be compatible with the number of concessional allotments located to the south along Winter Lane.
- The agricultural value of the site is more or less non-existent due to the fragmented holding pattern and surrounding land uses. This is further supported by the NSW Land and Soils Capability Mapping which identifies the subject land as having very severe limitations with few management practices available to overcome these constraints (mapped as Class 6).
- The rezoning of the subject land to enable large lot residential growth would positively contribute to the supply of large lot residential land within the LGA. A range of allotments needs to be maintained to suit the different markets at any one time to maintain choice for the range of homebuyers in the LGA, and to plan and fund infrastructure.
- The subject land is not unreasonably constrained by any natural hazards or bushfire.
- The subject land is adequately separated from adjoining agricultural land so as to minimise the potential for land use conflict between the opposing interfaces.
- The strong consumption of rural residential lots within the Spring Glen and Summer Hill Creek estates is evidenced by the limited supply of lots available as well as the success and consumption of the existing R5 Large Lot Residential land in the locality.

1.3 SUBJECT LAND

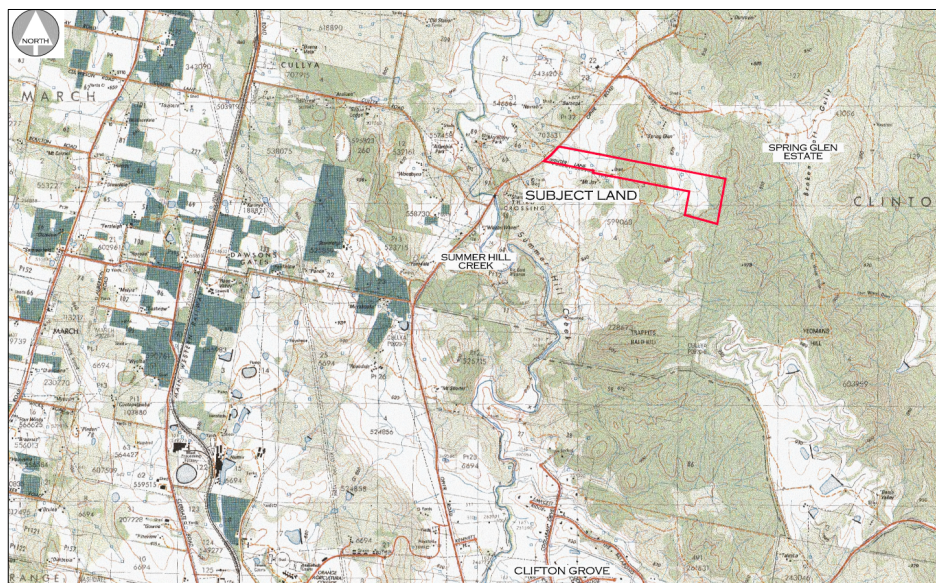
a) Location

The subject land is located on the northern side of Winter Lane and to the east of Ophir Road (refer Figure 1 and the image below).

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 4



The subject land is described as Lot 6 DP 703806. The street address is 51 Winter Lane, Summer Hill Creek.

The subject land is currently zoned RU1 Primary Production under the provisions of the Cabonne Local Environmental Plan 2012. The surrounding development pattern consists of:

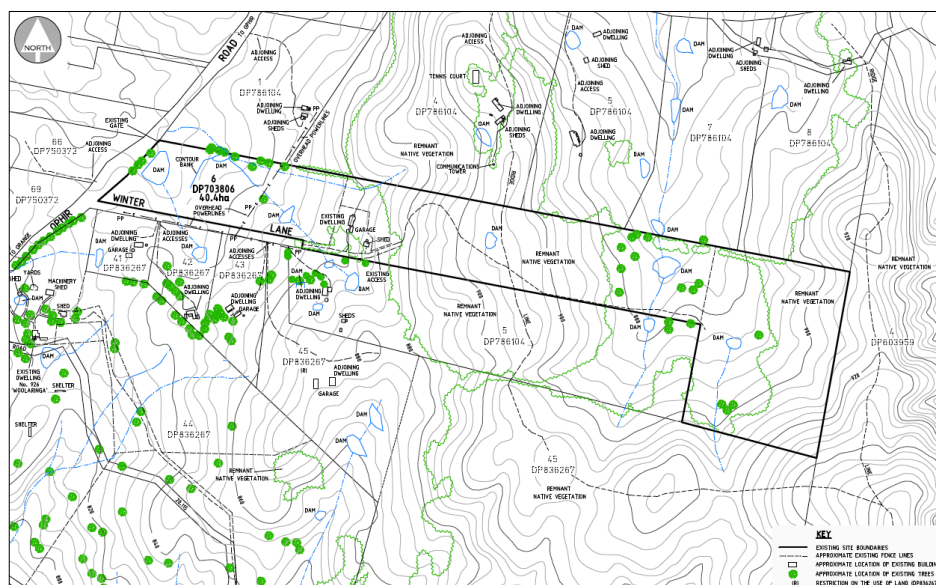
- Land zoned R5 Large Lot Residential immediately to the north and further to the north-east.
- Land zoned RU1 Primary Production is located to the south, east, and west.
- Several concessional allotments consisting of dwellings and ancillary improvements such as sheds is consistent within the development pattern occurring predominantly to the south west.

b) Site Description

Overview

The subject land is zoned RU1 Primary Production under the provisions of the Cabonne Local Environmental Plan 2012. It has an area of 40.4 hectares and contains an existing dwelling house; garage; and other ancillary farm buildings. It has direct frontage to Winter Lane which forms part of the southern boundary. Ophir Road forms the western boundary.

Peter Basha
Planning & Development



Topography & Drainage

The topography of the land is undulating. The elevation of the subject land ranges from 820mAH in the western side up to a peak elevation of approximately 940mAH in the eastern segment of the site.

The land is drained by a series of natural drainage depressions and non-perennial watercourses. Most of the land drains to the west towards the Summer Hill Creek which is located on the opposite side of Ophir Road, approximately 700 metres from the westernmost boundary.

Farm dams have been strategically positioned over the subject land for stock watering purposes.

Natural Hazards

The subject land is not identified as flood prone land.

The subject land is identified as bushfire prone land on Council's bushfire mapping due to the presence of grassy woodland and dry sclerophyll forest to the east of the site. However, due to the past agricultural and grazing activities of the site, the western section of the subject land consists predominantly of cleared grassland.

As discussed throughout this report, the bushfire hazard does not unreasonably constrain the future development of the site for rural residential purposes.

Peter Basha
Planning & Development

Land Use

The subject land has a history of small scale livestock grazing. Paddocks, a dam, water tanks, yards and farm buildings have been established to support this land use, along with the owner's residence.

Biodiversity

The eastern and western half of the subject land has been predominantly cleared for grazing with the exception of some remnant native vegetation interspersed along the property boundaries and within the paddocks. The vegetative cover of the site is typical of other rural properties that have been extensively cleared in the area.

Notwithstanding the above, the vegetation formation within the centre of the site (which will not be affected by the proposal) comprises dense grassy woodland and dry sclerophyll forest. This vegetation is identified on the Broad Scale Mapping as:

- Yellow Box - Blakelys Red Gum grassy woodland on the tablelands; South Eastern Highlands Bioregion (PCT 1330) which is listed as a Critically Endangered Ecological Community under the Biodiversity Conservation Act 2016 and as Critically Endangered under the Environment Protection and Biodiversity Conservation Act. 1999, and
- Red Stringybark - Inland Scribbly Gum open forest on steep hills in the Mudgee - northern section of the NSW South Western Slopes Bioregion (PCT 323).

Traffic and Access

The principal access to the property is provided from Winter Lane which forms the southern boundary. Winter Lane is an unclassified bitumen sealed local road that provides for one lane of traffic in each direction. The speed limit for this road is unposted.

The western boundary of the subject land adjoins Ophir Road. Ophir Road a bitumen sealed road and is unclassified. It is regarded as a collector road and provides one lane of traffic in each direction. The posted speed limit for this section of Ophir Road is 80 km/h.

Services

In terms of servicing:

Peter Basha
Planning & Development

- There is no town water reticulation that services the land. Domestic water supply is provided via rainwater collection tanks.
- Wastewater disposal for the existing dwelling is conducted via on-site means utilising a septic tank and absorption trenches.
- There is no formal stormwater drainage system that services the land. Stormwater from the site is either captured on site for water supply purposes, or returned to the rural catchment via natural channels, roadside drainage lines and culverts.
- Electricity and telecommunications are connected to the existing dwelling.

Constraints and Opportunities

The constraints and opportunities of the site are summarised as follows:

- The land is situated within a highly fragmented land use pattern where only small-scale primary industry activities occur. The prevailing land use consists mainly of lifestyle/hobby lots. It is therefore reasonable to suggest that the limited grazing activities that occur on the site and adjoining lands, the subject land's contribution to agriculture is severely constrained.
- The subject land is identified as a growth area for future large lot residential development where the rezoning of the subject land represents a logical expansion of the existing Summer Hill Creek and Spring Glen R5 zone.
- The proposal would increase the variety of housing types in the LGA as encouraged by the Cabonne Local Environmental Plan 2012.
- The subject land has been mapped by NSW Agriculture as being of Class 6 Agricultural Suitability. In this regard, the land has very severe limitations for a wide range of land uses due to the presence of moderately steep slopes and shallow rocky soils.
- The terrain does not pose a constraint to rural residential development. In fact, the gradual slope provides advantageous building opportunities across most of the site.
- The location of the subject land does not pose a constraint to the proposal. It is spatially contiguous with the Spring Glen, Summer Hill Creek and Clifton Grove rural residential areas.

Peter Basha
Planning & Development

- The rezoning of the subject land as an area of future large lot residential growth would therefore positively contribute to the supply of large lot residential land within the LGA. A range of allotments needs to be maintained to suit the different markets at any one time to maintain choice for the range of homebuyers and to plan and fund infrastructure.
- The rezoning of the subject land will integrate with the planned residential land use pattern for the area and would thus allow for the orderly growth of land uses while minimising conflict between land uses within any beyond the zone.
- The bushfire hazard does not constrain the future development of the site. The future subdivision of the site would require a Bushfire Safety Authority (BFSa) to be issued under Section 100B of the Rural Fires Act 1997.
- The principal access to the site can be obtained from Winter Lane which is bitumen sealed road without the need to provide an additional access to Ophir Road.
- Due to the constraints of the central and eastern sections of the subject land, it is proposed that these areas adopt a 25hectare Minimum Lot Size (MLS) with the remaining land area adopting a 2 hectare MLS. The 25 hectare MLS will allow for the creation of the residual lot and prevent the further subdivision of this lot.
- The proposed subdivision pattern is influenced in part by the surrounding development pattern and the need to tie into the approved subdivisions that relate to the land within the broader subdivision pattern.
- Indicative future dwelling sites have been defined for each lot which demonstrate a future dwelling can be erected within each lot having regard to topography, watercourses, and the other physical constraints of the site.

Current LEP Provisions

The site is subject to certain provisions of the Cabonne Local Environmental Plan 2012 which are relevant to this Planning Proposal and are outlined below. The subject land is identified on Map 004D in the following manner:

LEP Matter	Comment
Land Zoning Map	Zoned RU1 Primary Production

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 9

LEP Matter	Comment
Lot Size Map	MLS 100 hectares
Heritage Map	Not within a Conservation Area. No heritage items in vicinity of development.
Natural Resource - Karst Map	No karst identified within subject land
Terrestrial Biodiversity Map	Biodiversity sensitivity identified within subject land
Drinking Water Catchment Map	Not located in a drinking water catchment
Riparian Lands and Watercourses Map Groundwater Vulnerability Map	Groundwater vulnerable. No watercourses or riparian land identified in the subject land.
Flood Planning Map	Not within a flood planning area

Zone objectives and land use table

The objectives and the land use table of the RU1 Primary Production zone is provided below.

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Peter Basha
Planning & Development

- To enable function centres, restaurants or cafes and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

2 Permitted without consent

Building identification signs; Environmental protection works; Extensive agriculture; Home occupations; Viticulture

3 Permitted with consent

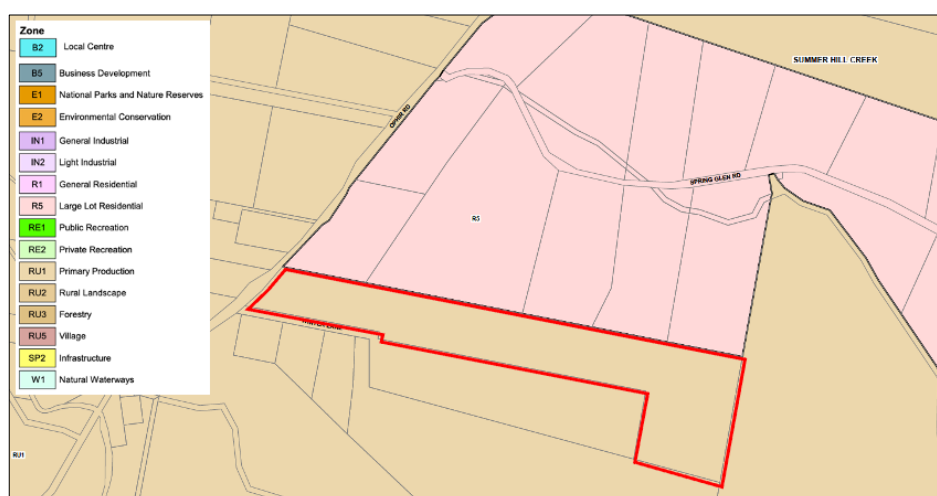
Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Moorings; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Truck depots; Veterinary hospitals; Water recreation structures; Water storage facilities

4 Prohibited

Stock and sale yards; Any other development not specified in item 2 or 3

Land zoning map

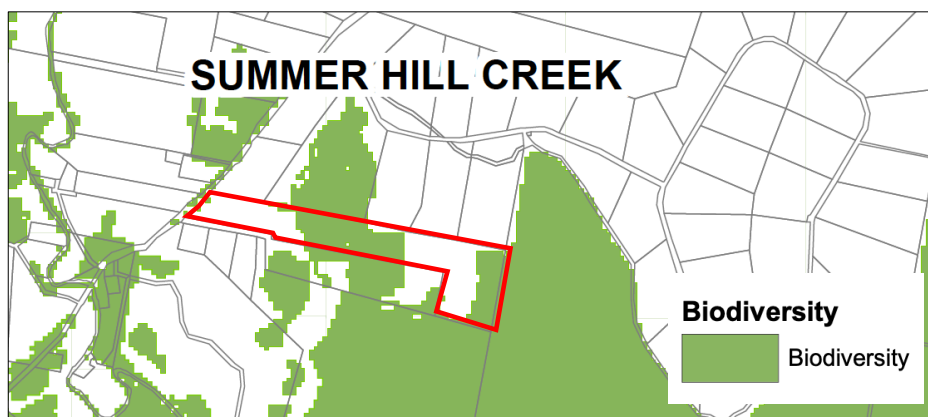
The land (outlined in red in the LEP map extract below) is zoned RU1 Primary Production.



Peter Basha
 Planning & Development

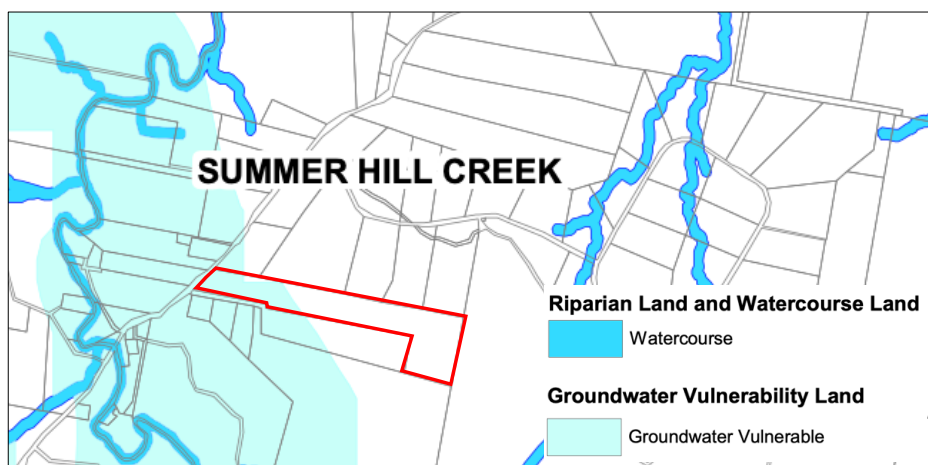
Terrestrial Biodiversity Map

Part of the subject land is identified on the LEP map extract below as having terrestrial biodiversity.



Riparian Land and Watercourses and Groundwater Vulnerability Map

Part of the subject land, as identified on the LEP map extract below, is defined as having groundwater vulnerability.



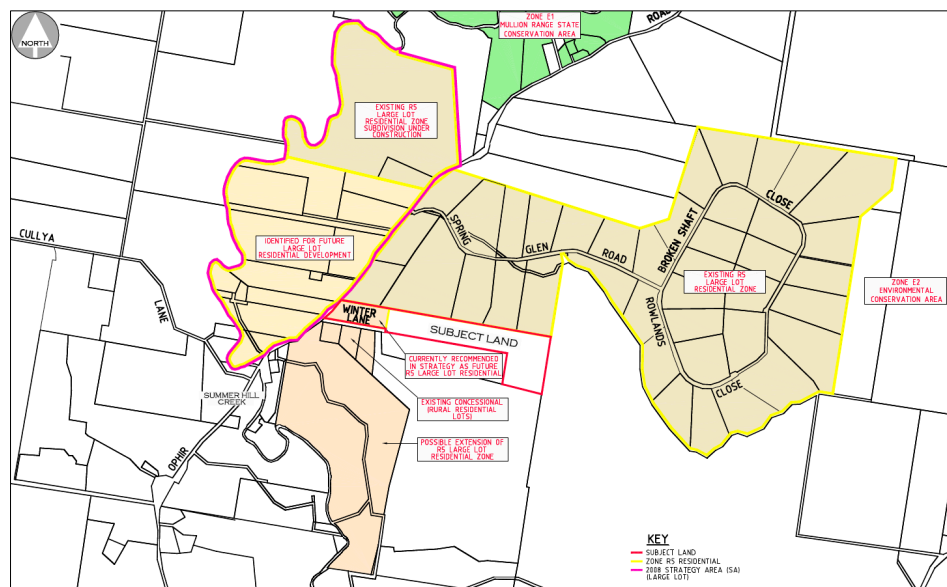
c) Surrounding Development

Generally, the surrounding development pattern is characterised as a rural lifestyle area which includes:

- Large lot rural residential land immediately to the north which forms part of the Summer Hill Creek and Spring Glen Large Lot Residential Estates.

Peter Basha
 Planning & Development

- Small-scale grazing pursuits to the south and west. Some of these lots contain a dwelling house and associated farm infrastructure.
- A series of concessional lots with frontage to Winter Lane and Ophir Road are located to the south of the subject land.
- Some 2 kilometres north of the subject land is the Mullion Range State Conservation Area.



1.4 DEVELOPMENT CONCEPT

1.4.1 Overview

It is proposed to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential to enable the subject land to be developed to provide living opportunities within a rural setting.

The future development of the site would involve:

- The creation of four Torrens Title lots (i.e., 3 vacant lots, plus 1 lot to excise the existing dwelling).
- Identification of a dwelling envelope within the vacant lots based on the most appropriate dwelling sites; boundary setbacks; and suitability for on-site effluent disposal.

Peter Basha
 Planning & Development

- Fencing of all lots.
- On-site effluent disposal.
- Water supply via rainwater collection tanks.

A concept subdivision plan has been prepared as a general indication of how the site could be developed in the future. It is important to note that:

- The concept plan is indicative only at this stage for the high-level purpose of a Planning Proposal.
- The concept plan in no way guarantees that the land will be limited to or used only for the purposes depicted.
- The final development option will be subject to analysis, design, assessment, and the approvals process under Part 4 of the Environmental Planning and Assessment Act, 1979.

1.4.2 Potential subdivision

Facilitation of the Planning Proposal would enable a 4 Lot Torrens Title subdivision to occur as indicated in Figure 5 to create:

Lot	Area	Proposed Use
1	2.55 hectares	Vacant and intended for Large Lot Residential Development
2	3.23 hectares	Vacant and intended for Large Lot Residential Development
3	2.98 hectares	Vacant and intended for Large Lot Residential Development
4	31.64 hectares	Existing dwelling house and associated infrastructure

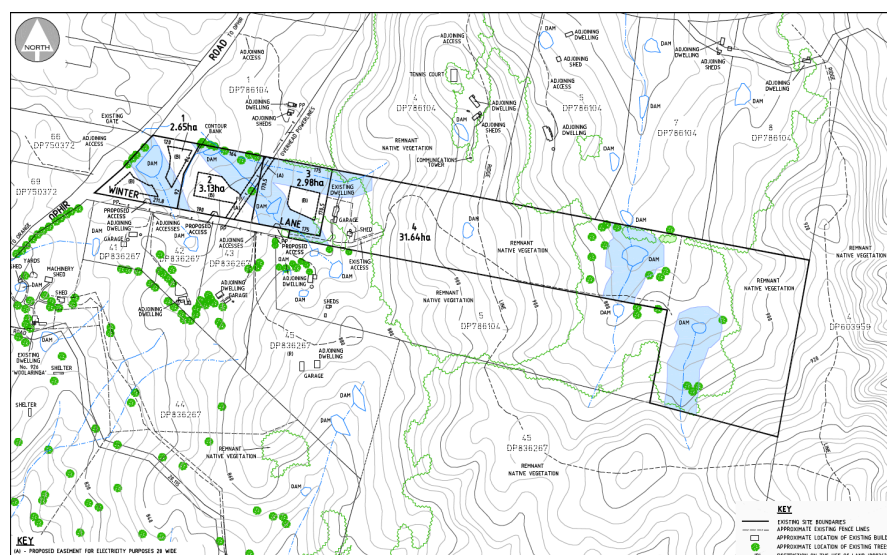
Proposed Lots 1-3 will be created as vacant rural residential parcels.

The submitted plans show each of the proposed lots with an indicative building envelope to ensure an adequate buffer is provided between future residential development and the 1st and 2nd order streams within the property boundaries.

Proposed Lot 4 would excise the existing dwelling and its support areas. The curtilage outside of the existing dwelling is considered to be too constrained to enable a greater lot yield.

Peter Basha
Planning & Development

Each lot is of regular configuration and would provide future dwellings with reasonable opportunity for solar access.



1.4.3 Dwelling Envelopes

Dwelling envelopes have been defined for each vacant lot having regard to the topography of the land, bushfire hazard, and other physical constraints. The envelopes provide dwelling sites that are reasonably setback from property boundaries; are elevated; and well drained.

The configuration of each building envelope is such that it enables a future dwelling to be orientated and designed without constraint to maximise solar penetration to internal and external living areas.

1.4.4 Servicing

The proposed development would be serviced as follows:

Sewer

Domestic wastewater for future dwellings would be disposed of via on-site means and in accordance with *On-site Sewage Management for Single Households* (which is an all of government approach to on site effluent disposal); and *AS/NZS 1547:2000 On-site Domestic Wastewater Management*. Annexure B provides a detailed assessment for the dwelling envelope within each proposed vacant lot.

Peter Basha
 Planning & Development

Water

Water supply for future dwelling will be provided via rainwater collection tanks and where applicable, supplemented by dams or bores.

Stormwater

Stormwater drainage, other than that captured on site for water supply purposes (dams, tanks, etc.) will be returned to the rural catchment. Flows will be kept to a non-erosive velocity by the implementation of appropriate erosion and sediment control structures.

Electricity and Telecommunications

Electricity and telecommunications will be provided to the proposed vacant lots in accordance with the requirements of the relevant supply authority.

1.4.5 Roads and Access

The location of new accesses will be determined at the time of future development within each lot. As such they would not be provided as part of the subdivision.

Peter Basha
Planning & Development

2.0 OBJECTIVES OR INTENDED OUTCOMES

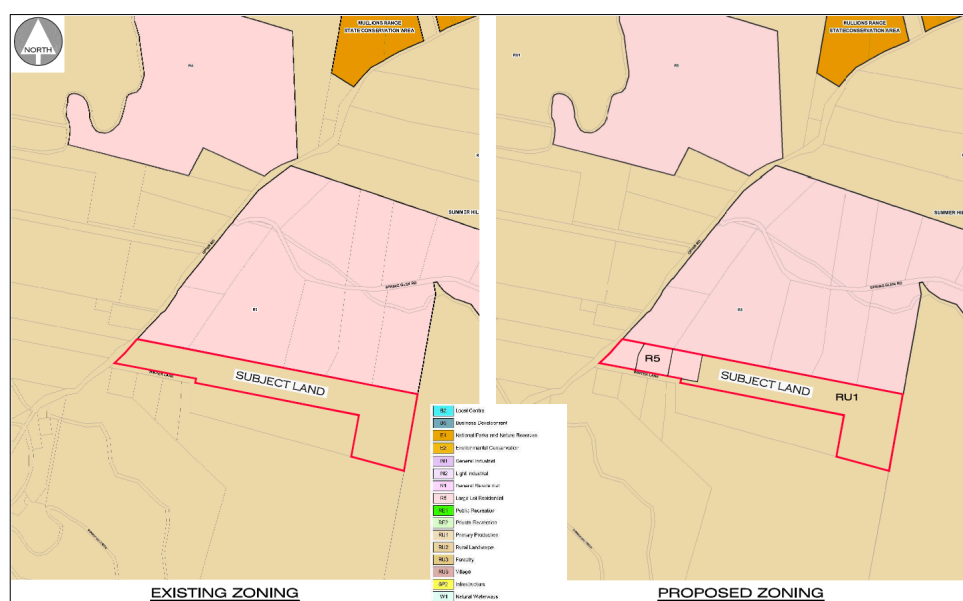
2.1 PLANNING PROPOSAL OBJECTIVES

The objectives of this Planning Proposal are:

- To enable the rezoning of the subject land from RU1 Primary Production to R5 Large Lot Residential to enable further subdivision of the site (refer Figure 7).
- To amend the Minimum Lot Size Map for part of the subject land from 100 hectares to 2 hectares with the remaining land area adopting a 25 hectare Minimum Lot Size (refer Figure 8).
- To satisfy the relevant aims and objectives of Cabonne Local Environmental Plan 2012.
- Complete this Planning Proposal within the benchmark timeframe of 9 months.

2.2 PLANNING PROPOSAL OUTCOMES

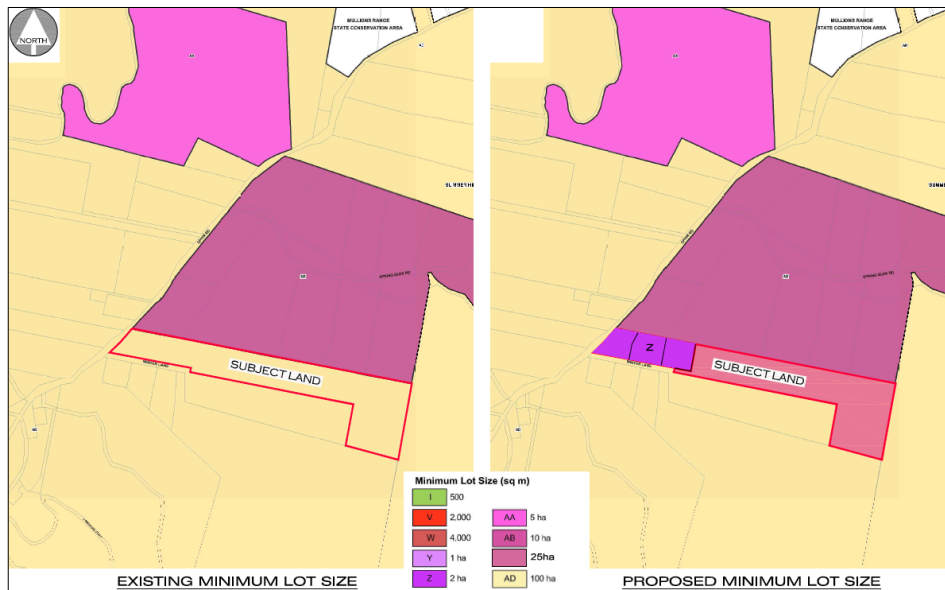
The intended outcome of the Planning Proposal is to amend the Cabonne Local Environmental Plan 2012 to rezone the subject land from RU1 Primary Production to R5 Large Lot Residential with a MLS of 2 hectares for the western part of the site, with the remaining land area adopting a 25 hectare MLS (refer Figure 8). This will facilitate the future large lot rural residential subdivision of the site whilst preventing the further subdivision of the residual parcel.



Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 17



Peter Basha
Planning & Development

3.0 EXPLANATION OF PROVISIONS

The objectives and intended outcomes of this Planning Proposal would be achieved as follows:

- Amend the land zoning map of the Cabonne Local Environmental Plan 2012 to rezone part of the subject land from RU1 Primary Production to R5 Large Lot Residential as indicated in Figure 7.
- Amend the Cabonne Local Environmental Plan 2012 Minimum Lot Size Map so that the minimum subdivision lot size applying to the western part of subject land is 2 hectares and the eastern section to 25 hectares as indicated in Figure 8.
- There are no other changes to the text of the LEP on the basis that the objectives of the zone and land use table in relation to the R5 Large Lot Residential zone remains unchanged.

Peter Basha
Planning & Development

4.0 JUSTIFICATION

4.1 NEED FOR THE PLANNING PROPOSAL

a) Is the planning proposal a result of any strategic study or report?

The *Cabonne Settlement Strategy 2021-2041* was adopted by Council in May 2021. The purpose of the strategy is to provide clear direction for long-term growth and development within Council's local government area. The CSS focuses on providing sustainable growth within the existing towns and villages.

This Planning Proposal is supported by the *Cabonne Settlement Strategy 2021-2041*. The aim of the CSS is to identify up to 20 years' supply of urban and large lot residential land for each settlement within the Cabonne Local Government Area and to ensure that the planning decisions do not constrain future growth or increase land use conflict.

The subject land is located within Strategy Growth Area SG1 of the CSS. In this regard, the 2021 CSS identifies that the development of the subject land for rural residential purposes would supplement the existing supply. The CSS made the following comments in respect of the subject land:

- *This lot is ~40 ha in area but the centre & eastern end of the lot are covered by significant vegetation & bushfire prone land. Therefore, the land for consideration is only the western 8-9ha with the existing dwelling on the lot likely to be retained on the residue 31-32ha.*
- *SG1 is unique in that Winter Lane is a sealed local road running along the southern edge of this development area (servicing the concessional lots to the south) providing ease of access & subdivision & avoiding the need for a new access to Ophir Road.*
- *The agricultural potential of this ~40 ha is very low as up to 1/3rd of the lot is heavily vegetated & is surrounded by small residential lots. Therefore, it forms a logical extension of the existing Zone R5 area with limited additional land use conflict with agriculture.*
- *The weighted soft constraints analysis in the 2008 Subregional Strategy gives this western development area Constraint Level 2 that is consistent with most of Spring Glen Zone R5 & Strategy Area SA4 so it has similar merit, but will be much easier to develop.*

Peter Basha
Planning & Development

- *The development area is mapped as Category 2 bushfire prone land though there is very limited vegetation (mostly around the perimeter) & is cleared for grazing purposes with limited biodiversity potential.*
- *There are a number 1st & 2nd order watercourses running through SG1 resulting in poorly drained land to the north, though it is likely that dwelling envelopes closer to Winter Lane could provide a suitable buffer.*

The rezoning and subsequent reduction in the MLS of the subject land is therefore to be as a result of a strategic study. As such, this Planning Proposal is not inconsistent with the guiding land use principles of the CSS as it would facilitate the sustainable and progressive release of the rural residential land.

b) Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. In order to facilitate the future large lot residential development of the subject land, this Planning Proposal is considered to be an appropriate mechanism to achieve the objectives and intended outcomes. In this regard:

- The current zoning provisions and minimum lot size requirements of the subject land would preclude effective rural residential release.
- The Cabonne Settlement Strategy is a strategic land use planning policy which provides a clear strategic direction for sustainable residential growth and development within the Cabonne LGA. The subject land is identified in the Strategy a growth area for future Large Lot Residential Development.
- The provisions of the Cabonne LEP 2012 and Development Control Plan No.6 Rural Small Holdings would ultimately control and regulate the proper and orderly development of the subject land.
- The proposed 25 hectare MLS will enable the residual land not identified for rezoning to be excised for the land to be rezoned R5 Large Lot Residential pursuant to Clause 4.1 of the Cabonne LEP 2012.

Therefore, an amendment to Zoning Map and Minimum Lot Size Map of the Cabonne Local Environmental Plan 2012 is considered to be the best means of achieving the desired outcome.

Peter Basha
Planning & Development

c) Is there a net community benefit?

The following information is provided to assist with the assessment of net community benefit. The information is based on the Evaluation Criteria (p.25) provided in the NSW Department of Planning *Draft Centres Policy, Planning for Retail and Commercial Development*.

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transport node)?

There are no State or regional strategies of this type applicable to the proposal.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?

No.

Is the LEP likely to create a precedent or change expectations of the landowner or other landholders?

It is submitted that the rezoning of the subject land and subsequent development of the site would not create a precedent or change expectations of the landowner as the subject land is identified in the *Cabonne Settlement Strategy 2021-2041*.

Accordingly, the Planning Proposal is unlikely to create a precedent or change expectations due to the following:

- The proposal will result in an increase in the number of rural residential lots within an appropriately zoned area. As such it will enhance the supply and diversity of such land.
- The rezoning of the subject land will reinforce and complement the existing settlement pattern of lifestyle/hobby lots and does not introduce a new land use zone within the immediate area.
- The provision of services and infrastructure to serve the development will be borne by the developer and without additional costs or burden upon the community.
- The proposal is unlikely to impact upon travel distances given that it will integrate to an acceptable level with the existing transport routes that serve the area.

Peter Basha
Planning & Development

- There are no known significant government infrastructure investments in the immediate area that would be affected by this proposal.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

We are not aware of other spot rezoning's in the locality.

Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?

Yes. The proposal has the potential to facilitate indirect economic benefit by providing for additional permanent population in close proximity to Orange which, as a major regional centre, offers employment opportunities.

The Planning Proposal will not impact upon the supply of employment lands within the Cabonne LGA.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

This Planning Proposal would involve a slight increase in the range and supply of rural residential land that is available in the locality that would positively contribute to housing supply and affordability.

Is the existing public infrastructure (roads, rail, utilities) capable of serving the proposed site? Is there good pedestrian and cycling access? Is public transport available or is there infrastructure capacity to support future public transport?

The existing development in the Spring Glen and Summer Hill Creek localities are not connected to a reticulated sewer or water supply. In this regard:

- Domestic wastewater for future dwellings would be disposed of via on-site means and in accordance with *On-site Sewage Management for Single Households* (which is an all of government approach to on site effluent disposal); and *AS/NZS 1547:2000 On-site Domestic Wastewater Management*. Annexure B provides a detailed assessment for the dwelling envelope within each proposed vacant lot.
- Water supply for future dwelling will be provided via rainwater collection tanks and where applicable, supplemented by dams or bores.

Peter Basha
Planning & Development

- Electricity, communications and fixed wireless NBN is available in the area and can be provided to the subject land.

Proper utilisation of public infrastructure is considered to be for the public benefit. In this regard, the ability to create the full number of lots depicted in the development concept will result in a more efficient use of future roads and utility services that are required to serve the development. In this regard:

- The subject land has direct frontage to Winter Lane which is a two lane bitumen sealed road. Winter Lane intersects with Ophir Road which is also a two lane bitumen sealed road. The existing road network is considered to be satisfactory to provide an effective route between the subject land and the nearby regional centre of Orange.
- Pedestrian access is not ideal, but this is largely due to the fact that the purpose of the R5 Large Lot Residential zoning is to provide living opportunities within a rural setting. The provision of footpaths and cycleways within this zoning would be uncharacteristic. Notwithstanding, it is recognised within the CSS that the Cabonne *Pedestrian and Access Management Plan (PAMP)* requires review to improve connections within the settlement.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

Due to its established location and integration with the local road network, the proposal will not result in changes to the car distances travelled by customers, employees and suppliers.

Traffic related impacts of the Planning Proposal are discussed in further in *Section 4.3b* of this submission.

Are there significant Government investments in infrastructure or services in the area whose patronage would be affected by the proposal? If so what is the expected impact.

There are no significant Government investments in infrastructure or services whose patronage would be affected by the proposal.

Will the proposal impact on land that the Government has identified a need to protect (e.g., land with high biodiversity values) or have other environmental impacts? Is the land constrained by factors such as flooding?

Peter Basha
Planning & Development

The proposal will not impact on land that the Government has identified a need to protect.

The area of the proposed R5 zone and indicative location of future lots are generally cleared of native vegetation except for the light scattering of native trees interspersed along the property boundaries.

The ecological impacts of the Planning Proposal are considered in greater detail in *Section 4.3b*.

Although identified as bushfire prone land, the site is not significantly constrained by the natural hazard and can be demonstrated to comply with the provisions of Planning for Bushfire Protection 2019 as considered in *Section 4.3b*.

Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?

Yes. The proposal is compatible/complementary to surrounding land uses. The proximity of the subject land does not pose a constraint to the proposal; it is contiguous with the settlement pattern and represents a logical extension of the existing R5 zoning located immediately to the north of the subject land

Section 4.3 of this report considers the key relevant issues and demonstrates that the proposal will not adversely affect the amenity of the location; the public domain; and wider community.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

No. The proposal does not increase retail or commercial function other than those uses permitted in the R5 Large Lot Residential zone.

If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

No

Peter Basha
Planning & Development

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

In terms of the public interest, facilitation of the proposal would provide additional rural residential land that is not unduly constrained by natural or physical attributes.

The provision of additional rural residential land would positively contribute to the rural residential land supply that would supply some of the projected demand of the market. To this end, facilitation of the Planning Proposal would:

- Use the subject land as efficiently as possible.
- Responds to the demand of the market.
- Reduce travel times and fuel consumption.
- Increases permanent population in the Summer Hill Creek/Spring Glen area.

To not proceed would result in a lost opportunity and perhaps a loss of potential social and economic benefits.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

a) Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The *Central West and Orana Regional Plan 2036* guides the NSW Government's land use planning priorities and decisions in the Central West and Orana Region up to 2036. The Regional Plan provides an overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions and is supported by an implementation plan. The goals of the Regional Plan are:

- The most diverse regional economy in NSW
- A stronger, healthier environment and diverse heritage
- Quality freight, transport, and infrastructure networks
- Dynamic, vibrant, and healthy communities.

Peter Basha
Planning & Development

The CWORP identifies the following priorities for the Cabonne LGA.

- Maintain and enhance the economic diversity of Cabonne’s towns, villages and commercial centres.
- Support villages to attract appropriate development.
- Support the mining and agribusiness sectors and associated businesses through land use planning policies.
- Support the connectivity of the local, regional, and state transport network.
- Leverage opportunities from the Local Government Area’s rural character to diversify the economy in areas such as tourism.

As discussed in Section 5.10 of this report, the proposal is considered to be consistent with the directions and priorities of the Central West and Orana Regional Plan 2036.

b) Is the planning proposal consistent with the local Council’s Community Strategic Plan or other local strategic plan?

Cabonne Community Strategic Plan 2025

The Community Strategy Plan describes the community’s vision and aspirations for a period of ten or more years. The Future Directions outlined in the CSP relevant to this Planning Proposal are detailed below.

- Future Direction 1: Connect Cabonne to each other and the world
 - 1.1 A safe efficient and quality urban and rural transport system for vehicles and pedestrians on Council’s local, regional, and state road network.
 - 1.2 Everywhere in Cabonne has access to contemporary information and communication technology.

The Planning Proposal is consistent with above direction as follows:

- The traffic impacts of the proposed rezoning and subsequent subdivision of the site are discussed in *Section 4.3b*.

Peter Basha
Planning & Development

- Future subdivision of the subject land would involve the extension of telecommunication, electricity and NBN technology to service each new lot.

- Future Direction 4: Grow Cabonne’s Culture and Community
 - 4.1 A successful balance of village and rural living.

The Planning Proposal is entirely consistent with this Direction as it provides living opportunities within a rural setting.

Cabonne Council Local Strategic Planning Statement

Council’s *Local Strategic Planning Statement* sets the framework for Cabonne’s economic, social, and environmental land use needs over the next 20 years. It outlines clear planning priorities describing what will be needed, where these are located, and when they will be delivered. The LSPS sets short, medium, and long-term actions to deliver priorities that align with Council’s broader Community Strategic Plan.

Those Planning Priorities relevant to the Planning Proposal are outlined below.

- Planning Priority 1: Support the diversification in agriculture and protect agricultural land from urban encroachment.
- Planning Priority 4: Support and promote sustainable development within our villages and celebrate our history.
- Planning Priority 5: Provide opportunities to ensure a variety of housing types are available across our shire.
- Planning Priority 6: Ensure that infrastructure and facilities cater for the changing needs of our community.
- Planning Priority 7: Protect and enhance our landscape, biodiversity and waterways.
- Planning Priority 8: Manage natural hazards to mitigate their impacts on our communities.
- Planning Priority 9: Mitigate and adapt to climate change

Peter Basha
Planning & Development

As demonstrated throughout this report, the proposal is considered to be entirely consistent with the above Planning Priorities. In this regard:

- With regard to Planning Priority 1, the subject land is identified within the CSS as a growth area that is suitable for large lot residential development. The diminishing agricultural value of the subject land is recognised via its inclusion in the CSS and the surrounding land uses and fragmented holding pattern. The NSW Land and Soils Capability Mapping further reinforces the fact that the subject land has very severe limitations in terms of agricultural output due to the steeply sloping land and low fertility of the soils. The poorly draining areas of the subject land further reduce the capability of the land to be used properly for agriculture. As outlined throughout this submission, the management of land use conflicts with the rural interface can be appropriately managed.
- With regard to Planning Priority 4, the rezoning of the subject land is consistent with Council's strategic land use planning framework which aims to guide sustainable urban development.
- With regard to Planning Priority 5, the facilitation of this Planning Proposal will contribute to the variety of housing types and densities available in the LGA.
- With regard to Planning Priority 6, the provision of services and infrastructure to support the future development of the land will be borne by the developer without additional costs or burden upon the community.
- With regard to Planning Priority 7, the development concept for the site has been designed so as to minimise the impacts upon the biodiversity structure of the site and the 1st and 2nd order streams that traverse the site.
- With regard to Planning Priority 8, as discussed in *Section 4.3b*, the bushfire hazard does not preclude the rural residential development of the subject land. The bushfire safety measures required by PBP 2019 will provide an adequate level of bushfire protection.
- With regard to Planning Priority 9, future development within the subject land will be required to comply with the requirements of BASIX which aims to make dwellings more efficient in regard to thermal comfort and water saving measures.

c) Is the planning proposal consistent with applicable State Environmental Planning Policies?

Peter Basha
Planning & Development

The consistency of the proposal in relation to the applicable State Environmental Planning Policies is indicated in the table below.

State Environmental Planning Policies – Schedule of Consideration	
SEPP	Relevance/Comment
State Environmental Planning Policy (Planning Systems) 2021	Not applicable
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Resilience and Hazards) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Transport and Infrastructure) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable
State Environmental Planning Policy (Resources and Energy)	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Consistent as outlined in Section 4.3
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Precincts – Regional) 2021	Not applicable

d) Is the planning proposal consistent with applicable Ministerial Directions?

Section 117 of the Environmental Planning and Assessment Act, 1979 allows the Minister to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft Local Environmental Plans.

A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated. The consistency or otherwise of the planning proposal with the Ministerial Directions is indicated below.

Peter Basha
Planning & Development

FOCUS AREA 1: PLANNING SYSTEMS***Implementation of Minister's Planning Principles***

The objectives of this direction are to give legal effect to the Minister's Planning Principles and ensure the document, including the concept of sustainable development, is given regard in the assessment of planning proposals; and support improved outcomes through consideration of planning principles that are relevant to the particular planning proposal.

The Minister's Planning Principles were revoked on 14 March 2022.

Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. Consideration of the Planning Proposal against the Central West and Orana Regional Plan is provided below.

Central West and Orana Regional Plan 2036	
DIRECTION	COMMENT
1. Protect the region's diverse and productive agricultural land	Consistent as discussed throughout this submission.
2. Grow the agribusiness sector and supply chains	Not relevant
3. Develop advanced manufacturing and food processing sectors	Not relevant
4. Promote and diversify regional tourism markets	Not relevant
5. Improve access to health and aged care services	Not relevant
6. Expand education and training opportunities	Not relevant
7. Enhance the economic self-determination of Aboriginal communities	Not relevant
8. Sustainably manage mineral resources	Consistent as discussed throughout this submission.

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 31

Central West and Orana Regional Plan 2036	
DIRECTION	COMMENT
9. Increase renewable energy generation	Not relevant
10. Promote business and industrial activities in employment lands	Not relevant
11. Sustainably manage water resources for economic opportunities	Not relevant
12. Plan for greater land use compatibility	Consistent as discussed throughout this submission. There are no aspects of the proposal that would increase the potential for land use conflict in the area.
13. Protect and manage environmental assets	Consistent as discussed throughout this submission.
14. Manage and conserve water resources for the environment	Consistent as discussed throughout this submission.
15. Increase resilience to natural hazards and climate change	Consistent as discussed throughout this submission.
16. Respect and protect Aboriginal heritage assets	Not relevant
17. Conserve and adaptively re-use heritage assets	Not relevant
18. Improve freight connections to markets and global gateway	Not relevant
19. Enhance road and rail freight links	The Planning Proposal is consistent with this Direction.
20. Enhance access to air travel and public transport	Not relevant
21. Coordinate utility infrastructure investment	Not relevant
22. Manage growth and change in regional cities and strategic and local centres	Not relevant
23. Build the resilience of towns and villages	Consistent as discussed throughout this submission.
24. Collaborate and partner with Aboriginal communities	Consistent. It is understood that the Local Aboriginal Lands Council will be notified of this Planning Proposal.

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 32

Central West and Orana Regional Plan 2036	
DIRECTION	COMMENT
25. Increase housing diversity and choice	Consistent as discussed throughout this submission.
26. Increase housing choice for seniors	Not relevant
27. Deliver a range of accommodation options for seasonal, itinerant and mining workforces	Not relevant
28. Manage rural residential development	Consistent as discussed throughout this submission.
29. Deliver healthy built environments and better urban design	Consistent as discussed throughout this submission.

Development of Aboriginal Land Council land

This Direction is not relevant to this Planning Proposal.

Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This direction applies to all relevant planning authorities when preparing a planning proposal.

(1) A planning proposal to which this direction applies must:

- (a) Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister of public authority, and
- (b) Not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
 - i. The appropriate Minister of public authority, and
 - ii. The Planning Secretary (or an office of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and

Peter Basha
Planning & Development

- (c) Not identify development as designated development unless the relevant planning authority:
 - i. Can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and
 - ii. Has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.

The Planning Proposal is not adverse to this Direction as it not Designated Development. The subdivision will, however, be Integrated Development and will require the concurrence of the Rural Fire Service as the land is bushfire prone.

Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

- (1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:
 - (a) allow that land use to be carried out in the zone the land is situated on, or
 - (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
 - (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.
- (2) A planning proposal must not contain or refer to drawings that show details of the proposed development

In consideration of the above:

Peter Basha
Planning & Development

- The Planning Proposal is consistent with this Direction as it proposes to rezone the subject land to a zone that already exists in the Cabonne Local Environmental Plan 2012 without imposing any additional development standards or requirements that are not already contained within that zone.
- In consideration of (2), although this proposal is supported by a development concept, it is important to note that this has only been prepared to demonstrate the suitability of the site for the proposed zoning and is only a concept.

Parramatta Road Corridor Urban Transformation Strategy

This Direction is not relevant to the Planning Proposal.

Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

This Direction is not relevant to the Planning Proposal.

Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

This Direction is not relevant to the Planning Proposal.

Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

This Direction is not relevant to the Planning Proposal

Implementation of the Glenfield to Macarthur Urban Renewal Corridor

This Direction is not relevant to the Planning Proposal

Implementation of the Western Sydney Aerotropolis Plan

This Direction is not relevant to the Planning Proposal.

Implementation of the Bayside West Precincts 2036 Plan

This Direction is not relevant to the Planning Proposal.

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 35

Implementation of Planning Principles for the Cooks Cove Precinct

This Direction is not relevant to the Planning Proposal.

Implementation of the St Leonards and Crows Nest 2036 Plan

This Direction is not relevant to the Planning Proposal.

Implementation of Greater Macarthur 2040

This Direction is not relevant to the Planning Proposal.

Implementation of the Pyrmont Peninsular Place Strategy

This Direction is not relevant to the Planning Proposal.

North West Rail Link Corridor Strategy

This Direction is not relevant to the Planning Proposal.

FOCUS AREA 2: DESIGN AND PLACE

At the time of preparing this Planning Proposal, this section did not contain any Ministerial Directions.

FOCUS AREA 3: BIODIVERSITY AND CONSERVATION

Conservation Zones

Consistent. As the subject land does not contain an *environmentally sensitive area* and is not within an environment conservation/protection zone.

Heritage Conservation

The objective of this direction is conserve items, areas, objects and places of environmental significance and indigenous heritage significance.

Consistent. The subject land is not identified in Schedule 5 of the Cabonne Local Environmental Plan 2012 as containing and Item of Environmental Heritage and is not within a Heritage Conservation Area.

Peter Basha
Planning & Development

A search of the Aboriginal Heritage Information Management System does not reveal any recorded Aboriginal sites or places within or adjoining the subject land (refer *Annexure C*).

Sydney Drinking Water Catchments

This Direction is not relevant to the Planning Proposal.

Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs

This Direction is not relevant to the Planning Proposal.

Recreation Vehicle Areas

This Direction is not relevant to the Planning Proposal.

FOCUS AREA 4: RESILIENCE AND HAZARDS***Flooding***

This Direction is not relevant to the Planning Proposal as the subject land is not located within a flood planning area.

Coastal Management

This Direction is not relevant to the Planning Proposal.

Planning for Bushfire Protection

The objectives of this direction are to protect life, property and the environment from bush fire hazard, by discouraging the establishment of incompatible land uses in bushfire prone area; and encourage sound management of bush fire prone areas.

As discussed in Section 4.3b of this submission, the indicative development concept for the site demonstrates that the future development of the site can comply with the relevant provisions of Planning for Bushfire Protection 2019.

Peter Basha
Planning & Development

Remediation of Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

Consistent. A preliminary contamination investigation based on previous land use has been undertaken (refer *Annexure D*). The investigation found that in the areas that were sampled, the site appears suitable for residential land use.

Acid Sulfate Soils

This direction is not relevant to the Planning Proposal as the subject land is not identified within an area as containing Acid Sulfate Soils.

Mine Subsidence and Unstable Land

This direction is not relevant to the Planning Proposal as the subject land is not located within a declared mine subsidence district in the *Coal Mine Subsidence Compensation Regulation 2017*, or has been identified as unstable in a study, strategy, or other assessment undertaken on or behalf of Council.

FOCUS AREA 5: TRANSPORT AND INFRASTRUCTURE***Integrating Land Use Transport***

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) Improving access to housing, jobs and services by walking, cycling and public transport, and
- (b) Increasing the choice of available transport and reducing dependence on cars, and
- (c) Reducing travel demand by including the number of trips generated by development and the distances travelled, especially by car, and
- (d) Supporting the efficient and viable operation of public transport services, and

Peter Basha
Planning & Development

(e) Providing efficient movement of freight

The potential impacts associated with the Planning Proposal on the capacity and function of the road network and associated infrastructure are considered in Section 4.3b.

There are no aspects of the proposal that are inconsistent with the objectives of this Direction, particularly as:

- The existing and planned road system would be of an adequate standard to cater for the additional traffic that would be generated by this proposal.
- The proposal will not result in changes to the distance travelled by cars.
- The development concept interconnects with pedestrians and cyclists with the existing and planned public transport network; open space; and arterial and collector roads thereby creating greater transport choice for residents.

The potential traffic impacts associated with the proposal are discussed further in Section 4.3b.

Reserving Land for Public Purposes

This direction is not relevant to the Planning Proposal.

Development Near Regulated Airports and Defence Airfields

This direction is not relevant to the Planning Proposal.

Shooting Ranges

This direction is not relevant to the Planning Proposal.

FOCUS AREA 6: HOUSING

Residential Zones

The objectives of the direction are to:

- (a) Encourage a variety and choice of housing types to provide for existing and future housing needs,

Peter Basha
Planning & Development

- (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) Minimise the impact on residential development on the environment and resource lands

As discussed in the foregoing sections of this submission, the proposed rezoning of the subject land is not adverse to this direction. In this regard:

- The change in zoning will broaden the choice of building types and locations within the local market.
- The rezoning of the subject land is supported by the Cabonne Settlement Strategy 2021-2041 which identifies the subject land as a suitable site for future large lot residential development.
- The rezoning of the subject land will reduce the consumption of land for housing and associated development on the urban fringe of the nearby regional centre of Orange.
- As supported by the CSS, the proposed rezoning represents a more efficient use of the subject land without adversely affecting the provision of services. It is submitted that an increased density results in a more efficient use of services and infrastructure.

Caravan Parks and Manufactured Home Estates

The objectives of this direction are to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estates.

Although this Planning Proposal will remove the permissibility of caravan parks and manufactured home estates within the subject land, the inconsistency is justified on the basis that the subject land is identified as a candidate site for large lot residential development in the CSS.

FOCUS AREA 7: INDUSTRY AND EMPLOYMENT

Business and Industrial Zones

This direction is not relevant to this Planning Proposal as it will not affect land within an existing or proposed business or industrial zone.

Peter Basha
 Planning & Development

Reduction in non-hosted short term rental accommodation period

This direction is not relevant to the Planning Proposal as it only applies to the Byron Shire Council.

Commercial and Retail Development along the Pacific Highway, North Coast

This direction is not relevant to the Planning Proposal.

FOCUS AREA 8: RESOURCES AND ENERGY***Mining, Petroleum Production and Extractive Industries***

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development

This direction applies to all relevant planning authorities when preparing a planning proposal that would have the effect of:

- (a) Prohibiting the mining of coal or other materials, production of petroleum, or winning or obtaining of extractive materials, or
- (b) Restricting the potential development of resources of coal, other materials, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.
- (1) In the preparation of a planning proposal affected by this direction, the relevant planning authority must:
 - (a) Consult the Secretary of the Department of Primary Industries (DPI) to identify any:
 - i. Any resources of coal, other minerals, petroleum or extractive material that are of other State or regional significance.
 - ii. Existing mines, petroleum production operations or extractive industries occurring in the area subject to the planning proposal.
 - (b) Seek advice from the Secretary of DPI on the development potential of the resources identified under (1)(a)(i), and

Peter Basha
Planning & Development

- (c) Identify and take into consideration issues likely to lead to land use conflict between other land uses and:
- i. Development of resources identified under (1)(a)(i), or
 - ii. Existing development identified under 1(a)(ii)
- (2) Where a planning proposal prohibits or restricts development of resources identified under (1)(a)(i) or proposes land uses that may create land use conflicts identified under (1)(c), the relevant planning authority must:
- (a) Provide the Secretary of DPI with a copy of the planning proposal and notification of the relevant provisions,
 - (b) Allow the Secretary of DPI a period of 40 days from the date of notification to provide in writing any objections to the terms of the planning proposal, and
 - (c) Include a copy of any objection and supporting information received from the Secretary of DPI with the statement to the Planning Secretary (or an officer of the Department nominated by the Secretary before undertaking community consultation in satisfaction of Schedule 1 to the Act).

The proposal is inconsistent with this direction as the rezoning of the subject land would remove the permissibility of mining, petroleum production and extractive industries from the subject land. However, the inconsistency with this direction is justified on the basis that the subject land is:

- Identified in the Cabonne Settlement Strategy 2021-2041 as a suitable area for future large lot residential development; and
- Not identified in the 2012 Mineral Resource Audit for the Cabonne LGA.
- Located in an area that is highly fragmented by lifestyle lots. As such, due to the existing settlement pattern in and around the subject land, the exploration of minerals in and around the subject land is unlikely.

FOCUS AREA 9: PRIMARY PRODUCTION

Rural Lands

The objective of this direction is to protect agricultural production value of rural land.

Peter Basha
Planning & Development

As allowed by subclause (a), of this direction, a planning proposal may be inconsistent with the terms of the direction only if the Council can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) Justified by a strategy approved by the Planning Secretary which:
 - i. Gives consideration to the objectives of this direction, and
 - ii. Identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or
- (b) Justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) In accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning, Industry and Environment which gives consideration to the objective of this direction, or
- (d) Is of minor significance.

In response to the requirements of this Direction, this proposal is demonstrated as satisfactory as Council has recently adopted the Cabonne Settlement Strategy 2021-2041 that guides the provision of rural residential land in the LGA. Of note, is the fact that the subject land is supported for rezoning by the CSS.

Oyster Aquaculture

This direction is not relevant to the Planning Proposal as the subject land is not located in a 'Priority Oyster Aquaculture Area'.

Farmland of State and Regional Significance on the NSW Far North Coast

This direction is not relevant to the Planning Proposal.

4.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

- a) Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

 Peter Basha
 Planning & Development

The potential impacts of the proposal on critical habitat, threatened species, population, ecological communities and their habitats is discussed in *Section 4.3(b)* of this proposal.

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

The potential impacts of the Planning Proposal are considered below.

Biodiversity

Part of the subject land is identified on the LEP maps as having terrestrial biodiversity.



The eastern and western half of the subject land has been predominantly cleared for grazing with the exception of some remnant native vegetation interspersed along the property boundaries and within the paddocks.

Notwithstanding the above, the vegetation formation within the centre of the site comprises dense grassy woodland and dry sclerophyll forest. This vegetation is identified on the Broad Scale Mapping as:

- Yellow Box - Blakelys Red Gum grassy woodland on the tablelands; South Eastern Highlands Bioregion (PCT 1330) which is listed as a Critically Endangered Ecological Community under the Biodiversity Conservation Act 2016 and as Critically Endangered under the Environment Protection and Biodiversity Conservation Act. 1999, and

Peter Basha
 Planning & Development

- Red Stringybark - Inland Scribbly Gum open forest on steep hills in the Mudgee - northern section of the NSW South Western Slopes Bioregion (PCT 323).

The future development of the site is unlikely to significantly affect a threatened species or their habitats, nor is it likely to adversely impact upon any endangered or ecological communities for the following reasons:

- The subject land is not identified on the Biodiversity Values Map published under clause 7.3 of the *Biodiversity Conservation Regulation 2017*.
- The native vegetation within the subject land is fragmented due to the past and current use of the site and surrounding residential land use pattern.
- As demonstrated in the development concept, the building envelopes for the site can be positioned so as to not disturb or to disrupt the biodiversity structure.
- The ecological attributes of the site do not overly constrain the site.
- There are no known recordings of threatened species within to the subject land or within a 500 metre radius of the site.
- The surrounding vegetation pattern is highly disturbed and fragmented with the land being surrounding by rural lifestyle/hobby lots that have been moderately cleared due to past agricultural practices.
- The land is not identified as having high biodiversity value as defined by Clause 7.3(3) of the Biodiversity Conservation Regulation 2017.
- The surrounding rural residential land use pattern within the vicinity and specifically to the north of the development site poses a risk to the biodiversity from the introduction of exotic species and domestic pets.
- As depicted in the concept subdivision layout, the majority of the trees are retained, and the clearing associated with the future development of the land would unlikely trigger the clearing threshold prescribed by the *Biodiversity Conservation Act 2016*.

The inception of the Biodiversity Conservation Act 2016 means that any development that would involve the clearing of native vegetation must consider whether a Biodiversity Development Assessment Report (BDAR) is required.

Peter Basha
Planning & Development

There are four matters that may trigger the Biodiversity Offset Scheme to determine whether or not a BDAR is required.

- Whether the development occurs on land identified on the OEH Biodiversity Values Map
- Whether the amount of native vegetation being cleared exceeds the threshold area based on the minimum lot size associated with the property.
- Whether the development or activity is “likely to significantly affect threatened species”
- Whether the development or activity will be carried out in a declared area of outstanding biodiversity value.

If the future subdivision of the subject land triggers any of the above thresholds, a BDAR is required. An assessment of whether the future development of the site will trigger the BOS will be undertaken as part of the development application process.

Traffic and Access

It is submitted that the Planning Proposal can be supported in regard to access, traffic, and transport considerations. This is further reinforced through the CSS which recognises that the subject land is *‘unique in that Winter Lane is a sealed local road running along the southern edge of this development area (servicing the concessional lots to the south) providing ease of access & subdivision & avoiding the need for a new access to Ophir Road’*.

A formal traffic survey has not been undertaken and is unwarranted due to the scale of the proposal and the fact that the potential yield of the site would only generate a minor increase in traffic levels that would not cause unacceptable traffic impacts during peak periods.

According to the *RTA Guide to Traffic Generating Development Updated Traffic Surveys*, a standard urban residential allotment in a regional city may generate 7.4 daily vehicle trips and 0.71 to 0.78 weekday peak hour vehicle trips.

Based on the development concept of 3 additional lots (as one lot is already developed), the future development of the site has the potential to generate 2.13 to 2.34 weekday peak hour vehicle trips.

Peter Basha
Planning & Development

The estimated total daily traffic generated would not be concentrated and outside of the peak periods, other vehicle trips are estimated to be distributed over the remainder of the day. When daily traffic volumes are distributed over the 24 hour period (excluding 1 hour morning peak and 1 hour evening peak), the impact on local traffic levels is considered to be reasonable.

Due to the nature of the proposal and the surrounding rural residential land use pattern, typical traffic is expected to consist predominantly of cars or light commercial vehicles. Table 4.6 (below) of the RTA Guide sets out recommended Environmental Capacity performance standards for streets with direct access to residential properties.

Table 4.6 Environmental capacity performance standards on residential streets			
Road class	Road type	Maximum Speed (km/hr)	Maximum peak hour volume (veh/hr)
Local	Access way	25	100
	Street	40	200 environmental goal
			300 maximum
Collector	Street	50	300 environmental goal
			500 maximum

Winter Lane is regarded as a Local street and Ophir Road is regarded as a Collector road. Whilst formal traffic counts have not been undertaken, it is unlikely that the future development of the site, in conjunction with the existing traffic, would generate peak hour volumes along either of these roads that would exceed the environmental goals for both road types (i.e., peak hour maximum of 300 per hour for a Local road and 500 per hour for a Collector).

It is also submitted that the predicted total traffic generation would integrate satisfactorily with the existing traffic levels and capacity of Ophir Road.

On the basis of the above it is submitted that the potential traffic generation as a result of the development is expected to integrate with the existing road network without unreasonable impact.

Access

The subject land has direct frontage to Winter Lane which forms the southern boundary of the subject land. Winter Lane is a sealed road with a formed width of 6 metres and provides one lane of traffic in each direction. The speed limit for this road is unposted.

Peter Basha
Planning & Development

Winter Lane intersects with Ophir Road which is a sealed road that provides one lane of traffic in each direction. The posted speed limit for Ophir Road is 100 km/h. The intersection of Winter Lane and Ophir Road appears to operate satisfactorily as follows:

- The frontage to Winter Lane (which forms the southern boundary), eliminates the need to create an additional access onto Ophir Road.
- The majority of turns at the intersection are expected to be left from Winter Lane on to Ophir Road. And turning right from Ophir Road on to Winter Lane when approaching from Orange. It is therefore expected that the turning movements to and from the site are predicted to be very low and infrequent.
- The potential lot yield of the site does not represent traffic generating development pursuant to Clause 2.121 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- As demonstrated in the concept layout, the size and arrangement of the lots are suitable to allow for vehicles to enter and exit the site in a forward direction without the need for reverse exit onto Winter Lane.
- The modest increase in traffic levels generated as a result of the future development of the site would integrate reasonably with established traffic levels along Winter Lane and Ophir Road. The expected increase is not to the extent that it would place undue pressure upon the site access points or nearby intersections.
- Carriageway widths, trafficable lanes, and intersection controls appear satisfactory to accommodate current traffic levels.
- It must also be acknowledged that the existing residential development along Winter Lane and Ophir Road suggest that the intersection arrangements do not adversely affect vehicle movements or traffic flow.

Based on the above, it is submitted that the existing road network can accommodate the predicated traffic volumes associated with the future development of the site.

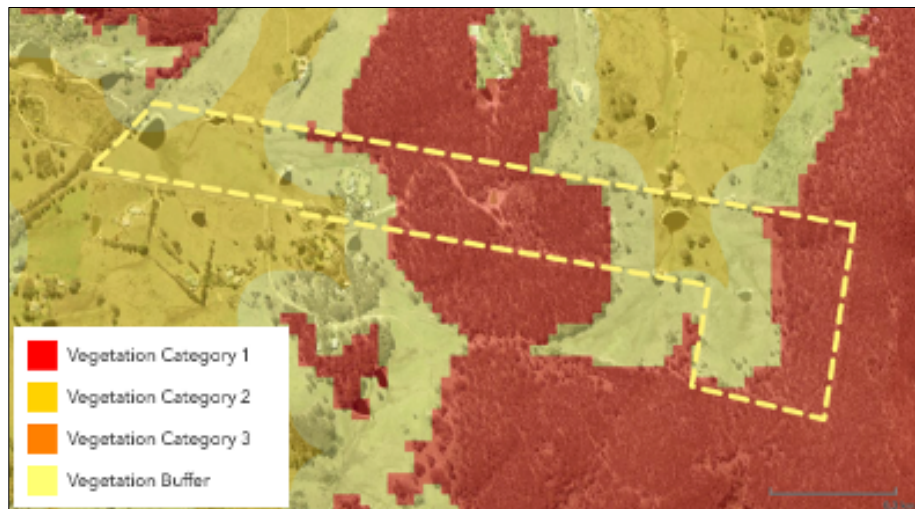
Bushfire

The subject land is identified as being bushfire prone land according to the NSW Rural Fire Service bushfire prone land mapping. Possible future dwelling sites have been defined for each proposed lot having regard to topography, bushfire hazard, and other physical constraints.

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 48



The possible sites have only been nominated for the purposes of a bushfire assessment to support the Planning Proposal. Other potential dwelling sites exist within the proposed lots.

Future development within the proposed lots will be subject to separate application and bushfire assessment at the time that future development within the lots is proposed.

An assessment has been undertaken for the indicative dwelling sites in accordance with *Planning for Bushfire Protection 2019* (PBP).

The specific objectives for rural residential subdivision under PBP are to:

- Minimise perimeters of the subdivision exposed to the bushfire hazard (hourglass shapes, which maximise perimeters and create bottlenecks should be avoided);
- Minimise vegetated corridors that permit the passage of bushfire towards buildings;
- Provide for the siting of future dwellings away from ridge-tops and steep slopes, within saddles and narrow ridge crests;
- Ensure that APZ's between a bushfire hazard and future dwellings are effectively designed to address the relevant bushfire attack mechanisms.
- Ensure the ongoing maintenance of APZs;

Peter Basha
Planning & Development

- Provide adequate access from all properties to the wider road network for residents and emergency services;
- Provide access to hazard vegetation to facilitate bushfire mitigation works and fire suppression; and
- Ensure the provision of an adequate supply of water and other services to facilitate effective firefighting.

VEGETATION

All of the subject land is mapped as bushfire prone.

The eastern section of the subject land is identified as Category 2 vegetation with the central and western sections of the land consisting of Category 1 and buffer vegetation.

Category 1 vegetation is considered to be the highest risk for bushfire. It is represented as red on the bushfire prone land map and is surrounded by a 100 metre buffer. This category of vegetation has the highest combustibility and likelihood of forming fully developed fires including heavy ember production. This category of vegetation consists of forests, woodlands, heaths, forested wetlands and timber plantation.

Category 2 vegetation is considered to be a lower bushfire risk than Category 1 vegetation. This vegetation is recognised as having lower combustibility and limited potential fire size due to the vegetation area shape and size; land geography; and management practices and as such, is surrounded by a 30 metre buffer. This category consist of grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands.

The central and part of the eastern section of the site consists of a dense eucalypt plantation with an open canopy (all mapped as Category 1 vegetation).

The remaining land and specifically around the indicative lots, has been historically used for small-scale grazing and is cleared. The predominant vegetation class in these areas is grassland.

Peter Basha
Planning & Development

SLOPE & APZ

The subject land is within the FFDI 80 Area. With reference to Table A1.12.3 of Planning for Bushfire Protection 2019 (PBP) and based on the below information relating to slope and vegetation.

The APZ required to achieve BAL-29 (<29kW/m²) for each lot is depicted in the tables below:

Proposed Lot 1

	North	South	East	West
Fire Danger Index	80	80	80	80
Vegetation	Grassland	Grassland	Grassland	Grassland
Effective Slope	0-5° downslope	0-5° upslope	0-5° upslope	5-10° downslope
Required APZ to achieve BAL-29	11 m	10 m	10 m	12 m

Proposed Lot 2

	North	South	East	West
Fire Danger Index	80	80	80	80
Vegetation	Grassland	Grassland	Grassland	Grassland
Effective Slope	0-5° downslope	0-5° upslope	0-5° upslope	5-10° downslope
Required APZ to achieve BAL-29	11 m	10 m	10 m	12 m

Proposed Lot 3

	North	South	East	West
Fire Danger Index	80	80	80	80
Vegetation	Grassland	Grassland	Grassland	Grassland
Effective Slope	0-5° downslope	0-5° upslope	0-5° upslope	5-10° downslope
Required APZ to achieve BAL-29	11 m	10 m	10 m	12 m

Peter Basha
 Planning & Development

Proposed Lot 4

Proposed Lot 4 will consist of the residual parcel with an existing dwelling house, garage and shed. Planning for Bushfire Protection 2019 requires that where practicable, the existing dwelling is to be upgraded with bushfire protection measures such as ember proofing.

It is submitted that the future subdivision of the subject land would be able to comply with the requirements of Table 5.3a of PBP (as demonstrated below) as the required APZ for each lot can be maintained within each respective lot and within the nominated building envelope.

Performance Criteria	Acceptable Solutions	Complies
Potential building footprints must not be exposed to radiant heat levels exceeding 29 kW/m ² on each proposed lot.	APZs are provided in accordance with Tables A1.12.2 and A1.12.3 based on the FFDI	Yes, can comply.
APZs are managed and maintained to prevent the spread of a fire towards the building.	APZs are managed in accordance with the requirements of Appendix 4	Yes, can comply.
The APZs is provided in perpetuity.	APZs are wholly within the boundaries of the development site	Yes, can comply.
APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimised.	APZs are located on lands with a slope less than 18 degrees	Yes, can comply.
Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignition.	Landscaping is in accordance with Appendix 4; Fencing is constructed in accordance section 7.6	Yes, can comply.

In accordance with the above compliance with the provisions in Appendix 4 of PBP can be readily achieved by adopting the requirements for trees, shrubs and grass within the Inner Protection Area and the Outer Protection Area of the APZ.

Peter Basha
Planning & Development

ACCESS

Section 5.3.2 of PBP requires the provision of safe operation access to structures and water supply for emergency services, while residents are seeking to evacuate the area.

As demonstrated in the table below, the future subdivision of the land can comply with the acceptable solutions prescribed by Table 5.3b.

Performance Criteria	Acceptable Solutions
Firefighting vehicles are provided with safe, all weather access to structures	<p>Property access roads are two-wheel drive, all-weather roads;</p> <p>Perimeter roads are provided for residential subdivisions of three or more allotments;</p> <p>Subdivisions of three or more allotments have more than one access in and out of the development;</p> <p>Traffic management devices are constructed to not prohibit access by emergency service vehicles;</p> <p>Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;</p> <p>All roads are through roads;</p> <p>Dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metre outer radius turning circle, and are clearly sign posted as a dead end;</p> <p>Where kerb and guttering is provided on perimeter roads, roll top kerbing</p>

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 53

Performance Criteria	Acceptable Solutions
	<p>should be used to the hazard side of the road;</p> <p>Where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system; and</p> <p>One way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.</p>
The capacity of access roads is adequate for firefighting vehicles	The capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
There is appropriate access to water supply	<p>Hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;</p> <p>Hydrants are provided in accordance with the relevant clauses of AS 2419:1:2005 – Fire Hydrant Installations System design, installation and commissioning; and</p> <p>There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.</p>
Access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating as well as providing a safe operational environment for emergency	<p>Are two way sealed roads;</p> <p>Minimum 8m carriageway width kerb to kerb;</p>

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 54

Performance Criteria	Acceptable Solutions
service personnel during firefighting and emergency management on the interface	<p>Parking is provided outside of the carriageway width;</p> <p>Hydrants are located clear of parking areas;</p> <p>Are through roads, and these are linked to the internal road system at an interval of no greater than 500m;</p> <p>Curves of roads have a minimum inner radius of 6m;</p> <p>The maximum grade road is 15 degrees and average grade of not more than 10 degrees;</p> <p>The road crossfall does not exceed 3 degrees; and</p> <p>A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches is provided.</p>
(Non perimeter roads) Access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating	<p>Minimum 5.5m carriageway width kerb to kerb;</p> <p>Parking is provided outside of the carriageway width;</p> <p>Hydrants are located clear of parking areas;</p> <p>Roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;</p> <p>Curves of roads have a minimum inner radius of 6m;</p> <p>The road crossfall does not exceed 3 degrees; and</p>

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 55

Performance Criteria	Acceptable Solutions
	A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
Firefighting vehicles can access the dwelling and exit the property safely	<p>There are no specific access requirements in urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kmph) that supports the operational use of emergency firefighting vehicles.</p> <p>In circumstances where this cannot occur, the following requirements apply:</p> <p>Minimum 4m carriageway width; In forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay;</p> <p>A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;</p> <p>Provide a suitable turning area in accordance with appendix 3;</p> <p>Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;</p> <p>The minimum distance between inner and outer curves is 6m;</p> <p>The crossfall is not more than 10 degrees;</p>

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 56

Performance Criteria	Acceptable Solutions
	<p>Maximum grades for sealed roads do not exceed 15 degrees for unsealed roads; and</p> <p>A development comprising more than three dwellings has access by dedication of a road and not by right of way.</p>

In accordance with the above, compliance with the provisions in Table 5.3b of PBP can be achieved as follows:

- Firefighting vehicles are to be provided with safe all weather access standard.
- The fire hazard does not warrant a perimeter road.
- The fire hazard does not warrant an alternate egress route. Egress from the subject land and along the road network is in a direction that leads away from the hazard.
- The grade of Winter Lane does not exceed 15°.
- Winter Lane exceeds 200 metres in length; however, a reduction in length is not warranted as the egress is away from the Category 1 vegetation.
- The width of Winter Lane is sufficient to allow vehicles to pass in a two-way traffic situation.
- The capacity of the existing road network and the connecting road are considered to be of sufficient standard and capability to accommodate increased traffic movements in the event of a bushfire. In this regard:
 - Winter Lane has a sealed width of 6 metres which is greater than the 5.5 metre requirement for non-perimeter roads.
 - Parking can be excluded from the carriageway width.
 - Although not a through road, the new access road will allow two way passing of vehicles and provide a cul-de-sac turning circle with a 12 metre outer radius.

Peter Basha
Planning & Development

- Winter Lane has been constructed and designed so that the maximum grade does not exceed 15⁰ and the average grade does not exceed 10⁰.
- The road is not subject to any significant overhanging obstructions. The existing roadside vegetation can be maintained so as to provide 4 metres of vertical clearance.

SERVICES – WATER, ELECTRICITY AND GAS

Section 5.3.3 of PBP requires the provision of adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as to not contribute to the risk of fire to a building.

As demonstrated in the table below, the future subdivision of the land can comply with the acceptable solutions prescribed by Table 5.3c.

Performance Criteria	Acceptable Solutions
Adequate water supplies are provided for firefighting purposes.	<p>Reticulated water is to be provided to the development where available;</p> <p>A static water and hydrant supply is provided for non-reticulated developments or where reticulated water supply cannot be guaranteed; and</p> <p>Static water supplies shall comply with Table 5.3d.</p>
<p>Water supplies are located at regular intervals; and</p> <p>The water supply is accessible and reliable for firefighting operations</p>	<p>Fire hydrant, spacing, design and sizing complies with the relevant clauses of AS 2419:1:2005</p> <p>Hydrants are not located within any road carriageway;</p> <p>Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter.</p>
Flows and pressure are appropriate	Fire hydrant flows and pressures comply with the relevant clauses of AS 2419:1:2005
The integrity of the water supply is maintained	All above ground water service pipes are metal, including up to any taps;

Peter Basha
Planning & Development

	Above-ground water storage tanks shall be of concrete or metal
Location of electricity services limits the possibility of ignition of surrounding bushland or the fabric of buildings	<p>Where practicable, electrical transmissions lines are underground;</p> <p>Where overhead, electrical transmission lines are proposed as follows:</p> <ol style="list-style-type: none"> Lines are installed with short pole space of 30 metres, unless crossing gullies, gorges or riparian areas; No part of a tree is closer to a power line than the distance set out in ISSC3 Guideline for Managing Vegetation Near Powerlines
Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings	<p>Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 – The Storage and Handling of LP Gas, the requirements of relevant authorities, and metal piping is used;</p> <p>All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;</p> <p>Connections to and from gas cylinders are metal;</p> <p>Polymers sheathed flexible gas supply lines are not used;</p> <p>Above ground gas service pipes are metal, including and up to any outlets.</p>

The minimum dedicated supply is to be a minimum of 20,000 litres per dwelling/lot. The tanks are to be separate and in addition to the 90,000-litre minimum required by Cabonne Council for domestic use. Further, and to meet the requirements of Planning for Bushfire Protection:

- Suitable connection for firefighting purposes is to be provided and located within the IPA, away from the structure.

Peter Basha
Planning & Development

- Provide a 65mm Storz outlet with a gate or ball valve.
- Gate or ball valve and pipes to be metal and adequate for water flow.
- Underground tanks to have an access hole of 200mm to allow tankers to refill direct from tank. Hardened ground surface to be provided within 4 metres of tank to facilitate truck access.
- Above ground tanks to be of metal or concrete. Stands on raised tanks are to be protected. Tanks on the hazard side of building are to be shielded to protect fire fighters.
- All above ground pipes and taps external to the building are to be metal. Pumps are to be shielded.

If all the recommendations listed in the foregoing report are adopted in terms of bushfire safety, it is submitted that the future subdivision of the subject land is likely to meet the requirements for Planning for Bushfire Protection 2019.

Contamination

A preliminary contamination investigation based on previous land use has been undertaken within the identified building envelopes (refer *Annexure D*). The investigation found that in the areas that were sampled, the site appears suitable for residential land use. In summary:

- *A review of site history indicated that historical land-use over the area was agricultural comprising grazing.*
- *Vegetation cover was generally 100%.*
- *One area of disturbed soil was identified. No contamination was identified. The area was potentially disturbed due to being used as a stock camp. No visible signs of contamination such as discolouration or staining was identified on the surface of the site.*
- *No signs of settlement or subsidence was identified on the site.*
- *No cement sheeting was observed during the site inspection.*
- *Levels of heavy metals near environmental background levels and less than adopted thresholds for human health and environment were detected.*

Peter Basha
 Planning & Development

- *Levels of hydrocarbons in the sample from the disturbed soil were below the laboratory detection limits and thresholds adopted.*

On the basis of this preliminary information, it is requested that soil testing or further investigation not be required.

Resource Management

The proposal will not generate adverse impacts in regard to vegetation, timber production, land capability (soil resources and stability) or water resources, due to the following:

- The future development of the land would not require the removal of native timber.
- The subject land does not represent a source of timber production.
- There are no aspects of the proposal that would impact upon soil resources and stability.

Water Quality

The Cabonne LEP 2012 identifies the subject land as having groundwater vulnerability. Whilst the potential impacts on water quality would become more apparent at the DA stage, the following principles should apply:

- Erosion and sediment controls are to be implemented and maintained as required to ensure that water quality is not affected as a result of construction or operational activities.
- Immediately after construction works have been completed, the exposed areas should be stabilised and re-sown with appropriate species. The erosion and sediment control devices installed at the construction phase should remain in place until revegetation of the disturbed areas has occurred.

An increase in impervious surfaces as a result of buildings and roadways will increase the volume and velocity of run-off from the site and have the potential for erosion and sedimentation downstream. Concerns in this regard may be addressed as follows:

- The stormwater drainage system is to return stormwater to the rural catchment in a manner that limits the discharge at a non-erosive velocity.

Peter Basha
Planning & Development

- Roof water should be collected in rainwater tanks for water supply which will provide an on-site water supply to satisfy BASIX requirements as well as reduce the peak run-off from the site.
- Provide appropriate drains from roads, driveway and paved areas with adequate scour protection measures as required.

As demonstrated on the development concept, a rural residential subdivision with a modest yield can occur with appropriate buffer distances incorporated into the design so as to mitigate any potential impacts on the non-perennial watercourses within the property. In this regard:

- The protection of the identified watercourses is reinforced by the low-density development pattern and the location of future dwellings outside of the riparian buffer.
- Any works within 40 metres of the identified watercourses will be subject to a Controlled Activity Approval under the Water Management Act 2000.

Groundwater

Potential impacts on the functioning of key groundwater systems will be addressed as part of any future development application that is lodged as a result of this Planning Proposal. Having regard to the objectives of the Planning Proposal, it is considered that the by its very nature, future residential development of the site is unlikely to detrimentally affect groundwater resources for the following reasons:

- Domestic wastewater for future dwellings would be disposed of via on-site means and in accordance with *On-site Sewage Management for Single Households* (which is an all of government approach to on site effluent disposal); and *AS/NZS 1547:2000 On-site Domestic Wastewater Management*. Annexure B provides a detailed assessment for the dwelling envelope within each proposed vacant lot.
- The residential use of land does not normally involve the storage or disposal of large quantities of liquid waste or chemicals.
- The proposal does not involve the extraction of groundwater and therefore does not contribute to groundwater depletion.

Peter Basha
Planning & Development

Cultural Values

The value of the subject land in terms of Aboriginal archaeology is considered minimal due to the fact that it has been highly modified for several years from its original state due to previous farming practices.

A Preliminary Aboriginal archaeology site investigation has been undertaken and is provided in *Annexure C*. The report is summarised below:

The AHIMS database was searched for Aboriginal sites in or near the investigation area. The AHIMS search was undertaken on Lot 6 DP 703806, 51 Winter lane, Summer Hill Creek NSW, with a buffer of 50 metres.

The search of the AHIMS database did not identify any recorded aboriginal sites or declared aboriginal places in or near the search location.

No aboriginal sites or places were identified on Lot 6 DP 703806, 51 Winter Lane, Summer Hill Creek NSW.

If Aboriginal objects, relics or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease and the NSW OEH and representatives from the Orange LALC shall be notified. Further archaeological investigation shall be undertaken where required. Development works in the area of the find(s) may recommence only when cleared to do so by OEH, which may require a permit to destroy the artefact under Section 90 of the National Parks and Wildlife Act 1974.

The European Heritage of Cabonne is recognised in Schedule 5 of the Cabonne Local Environmental Plan 2012 which lists items of environmental heritage that are to be protected and conserved in accordance with the relevant provisions of the LEP. With reference to Schedule 5 and the LEP mapping, there are no identified items within proximity to the site.

Agriculture

The subject land has been mapped by NSW Agriculture as being of Class 6 Agricultural Suitability. In this regard, the land is classified as having very severe limitations with few management practices available to overcome these constraints.

The Planning Proposal is considered not to adversely impact the agricultural value of the site or nearby lands for the following reasons:

Peter Basha
Planning & Development

- The subject land has been recommended for rezoning in both the now superseded Cabonne Settlement Strategy 2012 and the current Cabonne Settlement Strategy 2021-2041 as being suitable for rural residential purposes. It is therefore acknowledged that the eventual use of the site would be for rural residential purposes.
 - The land is situated within a highly fragmented land use pattern where only small-scale primary industry activities occur. The prevailing land use consists mainly of lifestyle/hobby lots with small scale grazing opportunities being undertaken on the surrounding land.
 - The proximity to adjoining rural residential land will likely see the land continue to be subject to development pressures associated with the take-up of the nearby estates including Clifton Grove, Summer Hill Creek and Spring Glen.
 - The land is not identified as Biophysical Strategic Agricultural Land.
- c) How has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal is likely to have a positive impact on employment opportunities.

The social and economic benefits of the Planning Proposal are considered to be positive.

The proposal has the potential to facilitate indirect economic benefit by providing for additional permanent population in the LGA that is also in close proximity to Orange as a major regional centre.

Facilitation of this Planning Proposal will provide a modest increase in the range and supply of rural residential land available in the locality. The proposed rezoning will positively contribute to housing supply and affordability.

The provision of residential land in a suitable location is considered to be in the public interest. The proposal would increase the number of lots and choice in an area whilst offering a high residential amenity.

Considering the significant cost in housing in Orange, there is likely to be flow-on effects for people seeking more affordable housing options which this Planning Proposal will facilitate.

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 64

4.4 STATE AND COMMONWEALTH INTERESTS

a) Is there adequate public infrastructure for the Planning Proposal?

Yes. As demonstrated in the foregoing submission, the subject land can be serviced and within the capacity of the existing network.

Electricity and telecommunications services are available and would be extended as required to service future development.

b) What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The view of State and Commonwealth public authorities are not required on the Planning Proposal until after the Gateway determination.

Peter Basha
Planning & Development

5.0 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The Gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

This Planning Proposal is considered to be a minor proposal for the following reasons:

- This Planning Proposal provides information to demonstrate that it is not adverse to the relevant strategic planning framework and that the potential impacts are not unreasonable.
- Issues pertaining to infrastructure servicing are not significant and can be adequately addressed.
- The Planning Proposal is not for a principal LEP.
- The Planning Proposal does not seek to reclassify public land.

Community consultation would involve:

- An exhibition period of 28 days.
- The community is to be notified of the commencement of the exhibition period via a notice in the local newspaper and on Council's website. The notice will:
 - Give a brief description of the objectives or intended outcomes of the planning proposal;
 - Indicate the land affected by the planning proposal;
 - State where and when the planning proposal can be inspected;
 - Provide the name and address for the receipt of submissions; and
 - Indicate the closing date for submissions.
- Written notification to adjoining and surrounding landowners.

During the exhibition period, it is expected that Council would make the following material available for inspection:

Peter Basha
Planning & Development

Planning Proposal – Rezoning of 51 Winter Lane, Summer Hill Creek
From RU1 Primary Production to R5 Large Lot Residential

Page 66

- The Planning Proposal in the form approved for community consultation by the Director General of Planning;
- Any studies (if required) relied upon by the planning proposal.

Electronic copies of relevant exhibition documentation to be made available to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made in respect of the Planning Proposal and prepare a report to Council.

Peter Basha
Planning & Development

6.0 CONCLUSION

This Planning Proposal warrants support due to the following:

- This Planning Proposal is consistent with the Cabonne Settlement Strategy 2021-2041 and is identified within the Strategy as being suitable for rural residential development.
- The subject land provides an opportunity to meet the shortfall in large lot rural residential land.
- The agricultural value of the subject land and its surrounds has been significantly diminished by the existing fragmented development pattern and surrounding land uses.
- The rezoning of the subject land represents a logical extension of the existing Spring Glen rural residential estate to the north.
- The subject land is not unduly constrained by bushfire or ecological value.
- The proposal is not unreasonably constrained by the physical characteristics of the subject land.
- The proposal has the potential to generate positive social and economic impacts for the benefit of the community.
- The potential impacts of the proposal have been foreshadowed and there are no significant issues identified that would prevent the LEP amendment proceeding to the next step of the plan-making process. In any event, there is opportunity under the Gateway determination for more detailed information to be provided, where relevant, before the LEP is finalised.

Yours faithfully

Peter Basha Planning & Development

A handwritten signature in blue ink that reads "SAM BASHA". The signature is stylized, with the first letters of each word being large and prominent.

Per:

SAM BASHA

Peter Basha
Planning & Development

Annexure A

Land Plans and Development Concept

Annexure B

Onsite Effluent Management Study

Annexure C
AHIMS Search

Annexure D

Preliminary Contamination Investigations



The General Manager,
Cabonne Council.
PO Box 17
Molong NSW 2866

Objection to proposed rezoning of 51 Winter Lane, Summer Hill Creek

Dear Mr Byrnes,

As a long-time resident and the owner of [REDACTED], Summer Hill Creek, I object to the proposed rezoning of 51 Winter Lane, Summer Hill Creek from RU1 Primary Production to R5 Large Lot Residential.

My late husband and I bought this block 28 years ago for its rural setting. We built our home and retired here from Sydney to enjoy the rural outlook and the quietness of living out of town. Since then, Cabonne Council has allowed large rural blocks to be carved up into blocks of ever decreasing size. This has resulted in increased noise from vehicles, dogs, and people. May as well be living in town. To this end, the proposed lots 1, 2 and 3 are too small for this area.

The building envelopes for the proposed development, particularly lots 1 and 2, will result in houses being built such that they block and intrude on my outlook. There will be increased noise, generated from 3 additional households being in the immediate vicinity. One of my biggest concerns is increased noise from barking dogs. There are already numerous dogs in the area that bark incessantly day and night, which Cabonne Council don't want to do anything about. The Ranger drives past once and if they don't hear anything, there's not a problem.

The proposed sub-division will substantially increase the amount of traffic in Winter Lane. The road is already in an awful state. There is inadequate drainage, the sides of the bitumen roadway have been covered over with soil and grass, and the road surface is falling apart. I can only image what it will look like if trucks start coming and going during the construction of houses. I'm also concerned about the proposed placement of the driveway for lot 1, just over a crest of the roadway. Knowing that Winter Lane is quite narrow, it's a recipe for an accident.

Yours sincerely,

[REDACTED]

[REDACTED]

Cabonne Council.
PO Box 17
Molong NSW 2866

OBJECTION to proposed rezoning of 51 Winter Lane, Summer Hill Creek from RU1 Primary Production to R5 Large Lot Residential (PP-2022-1494)

Dear Sir,

As the owners of [REDACTED], we object to the proposed rezoning of 51 Winter Lane, Summer Hill Creek from RU1 Primary Production to R5 Large Lot Residential. Our objection is based on the following grounds:

1. Proposed lot sizes are too small and not in keeping with existing R5 lot sizes in the area
2. Dams on all proposed lots exceed the maximum harvestable rights capacity
3. Increased traffic from the proposed lots will impact the road surface and decrease road safety in Winter Lane
4. Inability of proposed lots to satisfactorily manage on-site sewage
5. Potential impacts on non-perennial watercourses
6. Loss of rural amenity

Detail of these objections is provided below.

Objection 1 – Proposed lot sizes are too small and not in keeping with existing R5 lot sizes in the area

The planning proposal is to subdivide 51 Winter Lane to create 4 lots. The proposed lots are too small and do not conform to the existing R5 large lot residential developments in the Summer Hill Creek area.

Lot	Area	Proposed Use
1	2.55 hectares	Vacant and intended for Large Lot Residential Development
2	3.23 hectares	Vacant and intended for Large Lot Residential Development
3	2.98 hectares	Vacant and intended for Large Lot Residential Development
4	31.64 hectares	Existing dwelling house and associated infrastructure

Immediately to the North of the proposed development are the existing large lot (R5) residential estates of Spring Glen and Summer Hill Creek. The subdivision of Spring Glen was progressed in the 1990s and has a total of 40 lots. The Summer Hill Creek estate was established in 2020 and

has a total of 13 lots. The average lot size of these existing R5 large lot residential estates is 12ha (Source: *Settlement Options Paper – Cabonne Settlement Strategy 2021-2041*).

The planning proposal makes reference to the 3 existing concessional lots with frontage to Winter Lane, located to the South of the subject land. Whilst these blocks have small lot sizes (2.26ha, 3.06ha & 3.89ha) they were created in 1993 under completely different planning policy settings, that no longer exist, and therefore must not be used to substantiate the creation of the 3 small lots proposed by the subdivision of 51 Winter Lane.

The NSW State Government disposed of concessional lot provisions in 2007 and this was adopted by Cabonne Council in 2008 under the *Sub-Regional Rural and Industrial Land Use Strategy* (July 2008). As part of the 2008 Strategy, it was identified that concessional allotments were intended for farm workers and family members, but over time concessional lots were sold to unrelated purchasers, leading to land use conflicts. The issue with concessional lots was they were often small (around 2ha) lots scattered across the landscape. The 2008 Strategy also highlighted that the permissibility of concessional lots in Cabonne LEP provisions had greatly contributed to poorly located rural residential development in the Council's area, particularly at the local government boundaries with Orange City Council.

In approving the Spring Glen and Summer Hill Creek estates there appears to have been a desire to balance the size of Large Lot Residential development against the amenity of rural living, with minimum lot sizes of 10ha. There is no justification for changing that approach now and allowing the 3 small lots of 2ha to 3ha (lots 1,2,& 3) proposed for 51 Winter Lane. Approving these proposed small lots would also signal to other R5 landholders in the area that 2ha allotments are now considered an acceptable lot size, resulting in future development applications to further subdivide existing R5 large residential lots. Approval of the proposed rezoning and subdivision will only lead to further fragmentation of land in the Summer Hill Creek area.

Easement on proposed Lot 1

Neither the Planning Proposal nor associated documentation make mention of the statutory easement for the Macquarie River to Orange pipeline that exists on proposed Lot 1. The easement is inside the Western boundary of Lot 1 (parallel to Ophir Road) and extends across the entirety of the Lot from North to South. The planning proposal has not addressed the implication of this easement in relation to the development proposal for Lot 1.

Objection 2 – Dams on all proposed lots exceed the maximum harvestable rights capacity

The volume of water a landholder can capture and store under harvestable rights is expressed as a maximum harvestable right dam capacity for a landholding. The combined volume of all dams (or parts thereof) that capture and store harvestable rights water cannot exceed the maximum dam capacity. The *Harvestable Rights (central inland-draining catchments) Order 2022* sets the harvestable rights dam capacity for a land holding in the Summer Hill Creek area.

Under Schedule 1 of the *Water Management (General) Regulation 2018* any works impounding water that exceeds the maximum harvestable rights that were constructed before 1 January 1999 and are used solely for domestic consumption and stock watering or that do not result in the extraction of water, are excluded works and do not require a water access licence. Therefore, though the total capacity of all dams on the current property at 51 Winter Lane are in excess of the maximum harvestable rights capacity, because they were constructed before January 1999, property is currently exempt from having to comply with the maximum harvestable right requirements.

The maximum harvestable right dam capacity (MHRDC) is directly related to the size of a landholding, when you subdivide or sell part of a landholding, the MHRDC is reduced

proportionally. For example, if you sell half of your landholding, the MHRDC is halved¹. Advice from WaterNSW is that the pre-1999 dam exemption would cease to apply when a landholding is subdivided.

If a landholding is being subdivided, then some of the resultant smaller landholdings may have dams that are greater than the revised MHRDC for that new landholding size. The landholder will need to reduce the size of those dams or apply for works approvals for the dams and obtain a water access licence for the volume of water that exceeds the revised MHRDC.²

The existing capacity of dams on each proposed lot compared to the MHRDC that applies is provided below. All proposed lots will have dam capacity in excess of the MHRDC.

Lot No.	Area (ha)	Estimated existing dam capacity (ML)	Maximum harvest right capacity* (ML)	HR exceedance (ML)
1	2.55	4.5	0.2	4.3
2	3.23	1	0.26	0.74
3	2.98	1.5	0.24	1.26
4	31.64	4.5	2.53	1.97

* Calculated using the WaterNSW Maximum Harvestable Rights Dam Capacity Calculator

The planning proposal for the rezoning of 51 Winter Lane has not considered or made any recommendations for how the exceedance of MHRDC will be managed. In considering the planning proposal it would be negligent to disregard the issue. The proponent needs to identify whether the dams on each proposed lot will be filled-in with earth to make the dams compliant with the MHRDC or whether water access licences and work approvals will be obtained.

The obligation to make the dams compliant must fall on the proponent of the rezoning application. Failure to do so would shift the problem to a future landowner which may incur considerable hidden costs. Cabonne Council as the approving authority should ensure that the proposed subdivision complies with all relevant legislation, including the *Water Management Act 2000* and the *Harvestable Rights (central inland-draining catchments) Order 2022*.

Objection 3 – Increased traffic from the proposed lots will impact the road surface and decrease road safety in Winter Lane

Errors in the Planning Proposal

Page 7 of the Planning Proposal has a factual error, it states that the posted speed limit for this section of Ophir Road is 80 km/h. The posted speed limit for Ophir Road in this area is 100 km/h.

Page 47 of Planning Proposal states that Winter Lane has a formed width of 6 metres and provides one lane of traffic in each direction. The laneway may have had a formed width of 6 metres when it was initially constructed but it is no longer that wide. Currently, at its widest point Winter Lane has a width of 5 metres. At its narrowest point, Winter Lane has a width of 4.2 metres. The average width of Winter Lane is 4.5 metres.

¹ Department of Planning and Environment <https://water.dpie.nsw.gov.au/licensing-and-trade/basic-landholder-rights/harvestable-rights/coastal-draining-catchments/faqs>

² Ibid.

The roadway of Winter Lane is no longer wide enough for a motor vehicle travelling in one direction to safely pass another vehicle travelling in the opposite direction. Presently, when meeting on-coming traffic in Winter Lane, one vehicle has to slow and pull off the side of the roadway in order for the other vehicle to safely pass.



Photo 1, Winter Lane looking West.

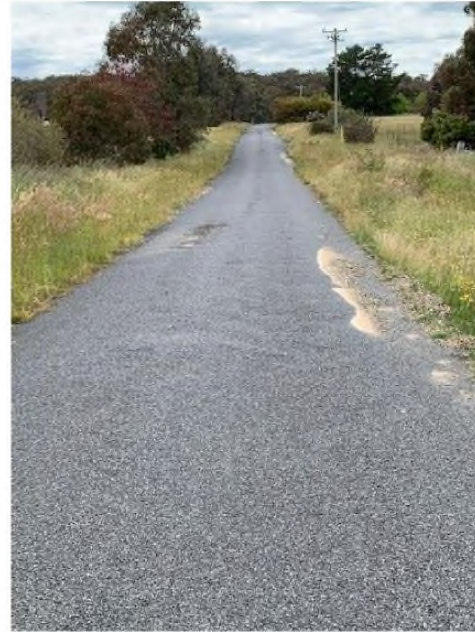


Photo 2, Winter Lane looking East.

Defects and failure of the bitumen road surface of Winter Lane

The bitumen road surface in Winter Lane has the following defects and failures:

Defect/failure	Cause
Alligator (fatigue) cracking	Most common reason is a loss of base, subbase or subgrade support from poor drainage. Water under a pavement will generally cause the underlying materials to become weak.
Edge cracking	Most common cause is poor drainage conditions and lack of support at the pavement edge. As a result, underlying base materials settle and become weakened. Heavy vegetation along the pavement edge can also be the instigator of edge cracking.
Potholes	Result of moisture infiltration and usually the end result of untreated alligator cracking. As alligator cracking becomes severe, the interconnected cracks create small chunks of pavement, which can be dislodged as vehicles drive over them.
Depressions	Subgrade settlement resulting from inadequate compaction during construction.
Rutting	Insufficient pavement thickness; lack of compaction of the asphalt, stone base or soil; weak asphalt mixes; or moisture infiltration.



The defects and failures identified in the road surface of Winter Lane are the result of several factors, including poor drainage conditions, inadequate road base construction and use of materials, insufficient pavement thickness and poor stormwater management. A lack of on-going maintenance has allowed roadside culverts and table drains to be filled with silt, resulting in stormwater running along the top of the road surface causing erosion of the bitumen surface. Also, because defects have not been addressed when they first appear, the roadway has become quite degraded, particularly along the edges of the road surface.

The problems identified in the road surface of Winter Lane, pre-date the unprecedented wet weather of the past couple of years. Winter Lane is a dead-end road, there is no through-traffic. The damage to the road surface is not from high volumes of traffic, it is from the traffic generated by the 6 households that currently live in Winter Lane.

The proposal to add 3 additional lots with access off Winter Lane will effectively increase vehicular traffic in Winter Lane by 50 percent. This will accelerate the rate of damage to the already deteriorating road surface of Winter Lane. As a result, the safety of the roadway for road users will be further reduced, increasing the potential risk for motor vehicle accidents.

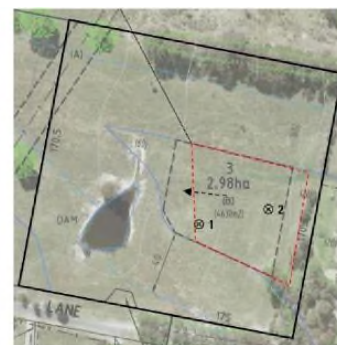
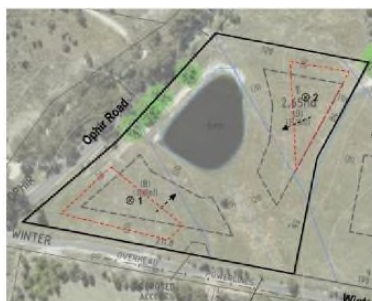
If the rezoning proposal were to be approved, Council should seek a contribution payment from the proponent to fund the repair of the bitumen surface and re-instatement of adequate stormwater drainage along Winter Lane.

Objection 4 – Inability of proposed lots to satisfactorily manage on-site sewage

The *Cabonne Settlement Strategy 2021-2041* observed in respect of the proposed rezoning that the land on which lots 1, 2 and 3 are proposed has ‘a number of 1st and 2nd order watercourses running through, resulting in poorly drained land to the north.’ As a consequence of these watercourses and the associated surface water run-off and drainage, the proposed rezoning has had to identify specific building envelopes for each lot.



The on-site effluent management studies completed by Envirowest Consulting for lots 1, 2 and 3 have recommended the use of secondary treatment systems with surface or sub-surface irrigation. Each system requires an irrigation area of 444 square metres and the studies have made recommendations for the irrigation application areas (see below). The recommended buffer zone (*On-site Sewage Management for Single Households* guidelines) for all land application systems is 40 metres from farm dams, intermittent waterways and drainage channels. For surface spray irrigation, a 15-metre buffer from dwellings is recommended. The constraints of the building envelope, irrigation application areas and buffer zones will make it difficult to satisfactorily manage on-site sewage.



The site assessments completed for each proposed lot found that all had the following moderate limitations:

- run-on and seepage is expected to be moderate and that diversion banks will be required to divert surface water.
- Site drainage is moderate.
- Sites composed of slightly dispersive topsoil over a moderately dispersive to non-dispersive subsoil.

The *On-site Sewage Management for Single Households* (1998) guidelines recommend that run-on of precipitation on to the land application area from up-gradient areas should be avoided. Run-on should be diverted around any land application area by using earthworks or an approved drainage system. The studies have advised that diversion banks will be required but what controls are in place to ensure the banks are constructed to specification when an on-site sewage system is installed in the future? Additionally, what controls are there to ensure ongoing maintenance is performed to keep the structural integrity of the diversion banks?

The *On-site Sewage Management for Single Households* (1998) guidelines recommend that on-site systems should not be installed on damp sites. Surface dampness, seepage, springs and soaks are all indicators of poor site drainage. It should be noted that the site assessment was performed in January 2022, in the middle of summer when the ground was at its driest. Having lived at this location for more than 25 years, I know that in winter the ground where these 3 lots are proposed is very wet and often waterlogged for several months. As the *Cabonne Settlement Strategy* noted, this is poorly drained land.

In relation to soil dispersiveness, the *On-site Sewage Management for Single Households* (1998) guidelines state that dispersive soils pose limitations to on-site sewage management because of the potential loss of soil structure when effluent is applied. Soil pores can become smaller or completely blocked, causing a decrease in soil permeability, which can lead to system failure.

In summary, the sites for proposed lots 1, 2 and 3 have a number of risks that limit the ability for onsite sewage to be managed in a way that protects waterways and the environment. The lots are constrained by the several watercourses that limit site locations, the land is subject to considerable surface water run-off and it is prone to poor drainage particularly during winter months.

Objection 5 – Potential impacts on non-perennial watercourses

The development concept for the proposed rural residential subdivision shows the land area is constrained by the 3 non-perennial watercourses. This has resulted in the identification of specific building envelopes on each lot to provide adequate riparian buffer. Though it should be noted that in lot 1, both building envelopes extend 20 metres into the buffer zone.



Potential to impact these water courses is greatest on lots 1 and 3. To provide vehicular access to the proposed building envelopes roads will have to traverse the watercourses. As already identified, this area is poorly drained and during winter months, or periods of high rainfall, these watercourses are very wet and waterlogged. A 'track' will not be sufficient to provide vehicle access, it will require a gravel road with substantial subbase and base build-up. A road of such construction has the potential to capture or divert surface water flowing in the watercourses. This could impact ecosystems and the hydrogeology of the area.

The Planning Proposal mentions that any works undertaken within 40 metres of an identified watercourses will be subject to a Controlled Activity Approval under the *Water Management Act 2000*. The construction of a road through a watercourse would be a controlled activity. The Proposal however has not identified any control measures to mitigate the risk to waterways due to construction on the proposed lots.

Objection 6 – Loss of rural amenity

Increased noise

The proposed subdivision would result in 3 additional dwellings in Winter Lane, with a commensurate increase in noise generation. Households generate noise through using lawn mowers, kids on motor bikes, barking dogs and the coming and going of motor vehicles. This type of noise interrupts the quietness desired and enjoyed by people living in a rural area.

Given the elevated position of our home, we are subject to much noise already from the existing large residential lots in the area. Of particular concern are the dogs that bark incessantly and the owners who are negligent in controlling them.

Further fragmentation of rural land

Although the subject land has been identified as having limited agricultural suitability, it has operated for many years as a viable small grazing pursuit equipped with stock yards and stock watering points.

The proposed small lot subdivision would fragment this already small block even further. Lots 1, 2 and 3 would be too small to run any stock, apart from a poddy sheep, and lot 4 would have lost the more productive part of the property. As a result, the land will become just lifestyle lots where weed and pest management is not undertaken. This directly impacts adjoining Primary Production landholders like us.

Wandering dogs

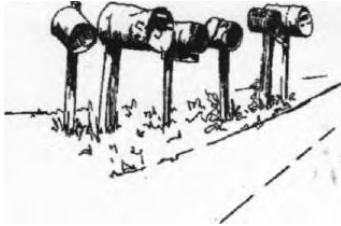
When people move 'out of town' to live on these small rural residential lots, one of the first things they do is to get the proverbial farm dog or two. However, people have to go to work and have other commitments, the dogs get bored and start to wander. When they wander, they like to chase things, fun things (for them) like lambs, sheep and kangaroos. As a consequence, people like us have lost sheep to dog attacks and found kangaroos baled-up in dams. Allowing further development of land into small blocks like those being proposed with only exacerbate the problem.

Increased NBN network congestion

Households in this area are serviced by wireless NBN. This wireless NBN network is already at capacity with peak hour congestion being experienced. There are no plans to increase the wireless NBN capacity in the area, in fact maximum download speeds were throttled back from 50 MBS to 25 MBS over 2 years ago. Adding another 3 households to this network will only make access for everyone else that little bit worse.

Yours sincerely





09/12/2022

General Manager:

Cabonne Council:

Molong :

2866

Re: Application Number: PP-2022-1494

As an adjoining landholder of lot DP 786104, I submit an objection to the current proposed application in its current form.

The current proposal is inconsistent with the large lot strategy of the direction and objectives of this area.

After inspecting the proposed lots and residential sites of proposed lots 1, 2, and 3 I have some major concerns with the suitability for housing.

- Proposed Lots 1, 2, and 3 are too small in size (2-3Ha) and not in keeping with the Spring Glen approx (10Ha) lots, this is inconsistent with the direction of the area
- Proposed Lots 1, 2, and 3 have been identified as groundwater vulnerability (LEP) and most of the land has a natural watercourse catchment.
- The existing Winter Lane Road is in poor repair and is currently unsuitable for development.
- Proposed Lot 1 has a large dam and will need adjustments to comply with current regulations.
- Dwelling envelopes as proposed are unrealistic, some with challenging access with major issues to keep within current Cabonne Council requirements and environmental factors.

Future Residential development of 4 proposed lots within the proposal **will not maintain** and **will be inconsistent** with the rural residential character of the surrounding Summer Hill Creek area.

If proposed Lots 1, 2, and 3 are combined (8.76Ha) I suggest the above concerns could be addressed in a satisfactory manner with careful consideration and could be consistent with R5 Large Lot Residential.

Yours faithfully

[REDACTED]

From: [REDACTED] >
Sent: Monday, 12 December 2022 11:36 AM
To: Cabonne Council
Subject: Objecting A Development Application 51 Winter Lane Ophir Summer Hill Creek

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

I would like to object to the building proposal for 51 winter lane Summer Hill Creek Ophir NSW Due to the noises and machinery this will cause noises pollution , Also I'm a shift worker, this will limit my sleep, Environment impact cause by run of water into the creek, increase of traffic in the area , this will take time , maybe up to five years, again building the houses more Noises pollution, and machinery pollution

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

Hi,

I would like to object to the building proposal for 51 winter lane Summer Hill Creek Ophir NSW.

Due to the noises and machinery this will cause noises pollution.

i work most week nights, this will limit my sleep.

Environment impact cause by run of water into the creek, and into the dams we have stocked with fish and other wildlife, increase of traffic in the area, this will take time, maybe up to five years, again building the houses more Noises pollution, and machinery pollution

Kind regards

A black rectangular redaction box covering the signature of the sender.

Hi,

I would like to object to the building proposal for 51 winter lane Summer Hill Creek Ophir NSW.
Due to the noises and machinery this will cause noises pollution.

Environment impact cause by run of water into the creek, and into the dams we have stocked with
fish and other wildlife, increase of traffic in the area, this will take time , maybe up to five years ,
again building the houses more Noises pollution, and machinery pollution

Kind regards

A black rectangular redaction box covering the signature of the sender.



Our Ref: L25FB21079.docx

2 March 2023

The General Manager
Cabonne Council
PO Box 17
MOLONG NSW 2866

Attention: Heather Nicholls

Dear Heather

PP 2022-1394 – PROPOSED REZONING OF LAND FROM RU1 PRIMARY PRODUCTION TO R5 LARGE LOT RESIDENTIAL AT 51 WINTER LANE, SUMMER HILL CREEK

In regard to the above Planning Proposal, we provide the following information in response to matters raised in the public submissions.

We note that the matters raised in several of the submissions are not relevant as they are outside the scope of the Planning Proposal and instead raise general concerns about the future/potential development of the subject land (i.e., construction/noise impacts etc.).

Most of the matters raised in the submissions are to be addressed if and when development consent is sought for development and is not a matter for consideration as part of the plan making process. The Land and Environment Court has consistently maintained the position that the impacts of any future development application are to be addressed if and when development consent is sought for that development (*Parrott v Kiama* [2004] NSWLEC 77).

Development Concept

As stated in the Planning Proposal, a concept subdivision plan has been prepared as a general indication of how the site could be developed in the future. It is important to note that:

- The concept plan is indicative only at this stage for the high-level purpose of a Planning Proposal.
- The concept plan in no way guarantees that the land will be limited to or used only for the purposes depicted.

PO Box 1827 Orange NSW 2800 p: 6361 2955 m: 0409 821 016 e: peter@bashaplanning.com.au

- The final development option will be subject to analysis, design, assessment, and the approvals process under Part 4 of the Environmental Planning and Assessment Act, 1979.

Lot Size

Many of the public submissions contended that the proposed Minimum Lot Size is not in keeping with the rural residential character of the area. In response:

- The proposed MLS is entirely consistent with the recommendations of the Cabonne Settlement Strategy which has been adopted by Council.
- The Cabonne Settlement Strategy is a strategic land use planning policy which provides a clear strategic direction for sustainable residential growth and development within the Cabonne LGA. The subject land is identified in the Strategy a growth area for future Large Lot Residential Development.
- The proposal is compatible and complementary to surrounding land uses. The proximity of the subject land does not pose a constraint to the proposal; it is contiguous with the settlement pattern and represents a logical extension of the existing R5 zoning located immediately to the north of the subject land.
- As supported by the Cabonne Settlement Strategy, the proposed rezoning represents a more efficient use of the subject land without adversely affecting the provision of services. It is submitted that indicative yield/density results in a more efficient use of services and infrastructure.
- The rezoning of the subject land will reinforce and complement the existing settlement pattern of lifestyle/hobby lots and does not introduce a new land use zone within the immediate area.
- This Planning Proposal would involve a slight increase in the range and supply of rural residential land that is available in the locality that would positively contribute to housing supply and affordability.

It should also be recognised that the Cabonne Settlement Strategy provided an option for the proponent to reduce the MLS to less than 2 hectares; however, this was not considered practicable due to the constraints and opportunities of the site.

An excerpt of the recommended MLS for the subject land is provided below:

Peter Basha
Planning & Development

It is suggested that an MLS of 2ha is likely to balance yield with protecting the surrounding larger lot character and watercourse & drainage constraints on the site. This would produce a yield of around 3-4 lots due to constraints.

[The subject land] is a small area but is a logical extension to the south of the Spring Glen area with minimal impacts on agriculture. At an indicative MLS of 2ha is [sic] could achieve 3-4 additional lots (though a slightly lower MLS could be tested by the applicant).

In this regard, the proposed 2 hectare MLS is entirely consistent with the recommendations of the Cabonne Settlement Strategy.

Macquarie River Pipeline

One objector made reference to an easement for the Macquarie River Pipeline affecting the subject land. In response:

- The easement for the Macquarie River Pipeline runs adjacent to the western boundary of the subject land and has a variable width of 13.245 metres and 8.935 metres.
- This easement has no implications whatsoever on the development potential of the subject land as it contained entirely within the 20 metre setback from Ophir Road.

Harvestable Rights

Some submissions made reference to the subject land containing a dam that exceeded the maximum harvestable rights.

This matter is not relevant to the Planning Proposal. In any event, it is understood that the existing farm dam was constructed prior to 1 January 1999 and would therefore be exempt from the harvestable rights calculations pursuant to Schedule 1, Part 6 of the Water Management (General) Regulation 2018.

Road and Traffic

Several submissions raised concerns about the poor road condition and lack of maintenance on Winter Lane. In response:

- The lack of maintenance on Winter Lane is not the responsibility of the proponent. The proponent cannot be held responsible for the maintenance of Winter Lane, especially if the constructed road class surpasses the level required for the number of lots it serves.

*Peter Basha
Planning & Development*

- Based on the traffic assessment undertaken as part of the Planning Proposal, the future development of the site has the potential to generate 2.13 to 2.34 weekday peak hour vehicle trips which is not excessive and well below the threshold (200 lots for a non-classified road) that represents traffic generating development in Schedule 3 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- This modest increase in traffic levels as would integrate reasonably with established traffic levels along Winter Lane and Ophir Road. The expected increase is not to the extent that it would place undue pressure upon the site access points or nearby intersections.

It should also be recognised that traffic related impacts associated with the future subdivision of the subject land is a matter that is to be addressed if and when future development is proposed.

Standards and approval pathways

One of the submissions made several assumptions about the approval pathways and standards that are required to be adhered to.

This is not relevant to the Planning Proposal. It will be a matter for consideration during the development application process if and when future development is proposed.

On-site sewage management

One of the submissions received raised concerns regarding the management of sewage from future dwellings.

A detailed assessment was undertaken for each lot which demonstrated the suitability of the site to manage effluent on-site. Effluent disposal is to be undertaken in accordance with *On-site Sewage Management for Single Households* (which is an all of government approach to on site effluent disposal); and *AS/NZS 1547:2000 On-site Domestic Wastewater Management* (refer to Annexure B of the Planning Proposal).

Building envelopes

Some of the submissions received made reference to the size and location of the building envelopes. In response:

- Indicative future dwelling sites have been defined for each lot which demonstrate a future dwelling can be erected within each lot having regard to topography, watercourses, and the other physical constraints of the site.

Peter Basha
Planning & Development

- The nominated building envelopes are conceptual only.
- The envelopes are located 20 metres from property boundaries which is consistent with the setback requirements for large lot residential areas.
- As demonstrated on the development concept, a rural residential subdivision with a modest yield can occur with appropriate buffer distances incorporated into the design so as to mitigate any potential impacts on the non-perennial watercourses within the property.
- The protection of the identified watercourses is reinforced by the low-density development pattern and the location of future dwellings outside of the riparian buffer.

In any event, this will be a matter for consideration at the development application stage if and when future development is proposed.

Noise

Many of the submissions raised concerns regarding the noise implications of 3 additional dwellings. In response:

- This is not a matter for consideration as part of the Planning Proposal process.
- The potential noise implications of future development will be a matter for consideration if and when future development is proposed.
- In any event, rural residential land use is not considered to be a noise generating source.

Keeping of animals

Many of the submissions referred to the impacts associated with the keeping of domestic animals (i.e., dogs).

This is not relevant to the Planning Proposal.

Fragmentation of rural land and land use conflicts

Some of the submissions objected to the Planning Proposal due to the potential for rural land use conflicts and fragmentation of rural land. The Planning Proposal sufficiently addressed these matters as follows:

Peter Basha
Planning & Development

- The subject land has been mapped by NSW Agriculture as being of Class 6 Agricultural Suitability. In this regard, the land has very severe limitations for a wide range of land uses due to the presence of moderately steep slopes and shallow rocky soils.
- The land is situated within a highly fragmented land use pattern where only small-scale primary industry activities occur. The prevailing land use consists mainly of lifestyle/hobby lots with small scale grazing opportunities being undertaken on the surrounding land.
- The rezoning of the subject land will integrate with the planned residential land use pattern for the area and would thus allow for the orderly growth of land uses while minimising conflict between land uses within any beyond the zone.
- The subject land has been recommended for rezoning in the Cabonne Settlement Strategy 2021-2041 as being suitable for rural residential purposes. It is therefore acknowledged that the eventual use of the site would be for rural residential purposes.
- The land is not identified as Biophysical Strategic Agricultural Land.

Telecommunications and NBN

Some of the submissions received raised issue with the congestion of the NBN in the area. This is not a matter for consideration as part of the Planning Proposal process and the responsibility of addressing network congestion does not fall on the proponent.

View loss

Many of the submissions objected to the Planning Proposal on the basis that future development within the land would result in “view loss”.

This will be a matter for consideration during the development application process if and when future development is proposed within the respective lots.

Conclusion

Overall, this Planning Proposal warrants support due to the following:

- This Planning Proposal is consistent with the Cabonne Settlement Strategy 2021-2041 and is identified within the Strategy as being suitable for rural residential development.

Peter Basha
Planning & Development

Proposed Rezoning of 51 Winter Lane, Summer Hill Creek

Page 7

- The subject land provides an opportunity to meet the shortfall in large lot rural residential land.
- The agricultural value of the subject land and its surrounds has been significantly diminished by the existing fragmented development pattern and surrounding land uses.
- The rezoning of the subject land represents a logical extension of the existing Spring Glen rural residential estate to the north.
- The subject land is not unduly constrained by bushfire or ecological values.
- The proposal is not unreasonably constrained by the physical characteristics of the subject land.
- The proposal has the potential to generate positive social and economic impacts for the benefit of the community.
- The potential impacts of the proposal have been foreshadowed in the draft Planning Proposal and there are no significant issues identified that would prevent the LEP amendment proceeding to the next step of the plan-making process.

We trust that this information is satisfactory and look forward to Council finalising the proposed amendments to the Local Environmental Plan.

Yours faithfully

Peter Basha Planning & Development



Per:

SAM BASHA

Peter Basha
Planning & Development



**PLANNING
POTENTIAL™**

PLANNING PROPOSAL

Lot 3 DP 549987

**1093 Mitchell Highway
Orange**

Winderera East Pty Ltd

October 2021 & Revised November
2022

URBAN, RURAL & REGIONAL PLANNING CONSULTANTS

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



TABLE OF CONTENTS

PART 0	GATEWAY REQUIREMENTS.....	3
PART 1	OBJECTIVES & INTENDED OUTCOMES.....	4
PART 2	EXPLANATION OF PROVISIONS.....	4
PART 3	JUSTIFICATION.....	5
SECTION A	NEED FOR THE PLANNING PROPOSAL	14
Question 1	Is the planning proposal a result of any strategic study or report?	
Question 2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	
SECTION B	RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	15
Question 3	Will the planning proposal give effect to the objectives and actions of the region, district plan or strategy?	
Question 4	Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?	
Question 5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	
Question 6	Is the planning proposal consistent with applicable State Environmental Planning Policies?	
Question 7	Is the planning proposal consistent with applicable Ministerial Directions?	
SECTION C	ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS	28
Question 8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal?	
Question 9	Are there any other likely environmental effects as a result of the planning proposal and how are they likely to be managed?	
Question 10	Has the planning proposal adequately addressed any social and economic effects?	
SECTION D	STATE AND COMMONWEALTH INTERESTS	30
Question 11	Is there adequate public infrastructure for the planning proposal?	
Question 12	What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	
PART 4	MAPPING	31
PART 5	COMMUNITY CONSULTATION	32
PART 6	PROJECT TIMELINE.....	34

Page | 1

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



FIGURES

Figure 1: The subject site & locality.....	11
Figure 2: Aerial view.....	11
Figure 3: Weighted constraints mapping.....	12
Figure 4: Existing Zone R5 Large Lot Residential area.....	13
Figure 5: Concept Lot Layout – Lot 3 DP 5449987.....	14
Figure 6: SA6 Concept Lot Layout.....	14
Figure 7: Existing and Proposed Land Use Zone.....	31
Figure 8: Existing and Proposed Minimum Lot Size.....	31

Page | 2

TABLES

Table 1: State Environmental Planning Policies.....	35
Table 2: Section 9.1 Ministerial Directions.....	35

SUPPORTING DOCUMENTATION

Local Environmental Study by Planning Potential
 Land Use Conflict Risk Assessment by Planning Potential
 Ecological Assessment by Eco Logical Australia
 Aboriginal Heritage Due Diligence Assessment by Everick Heritage
 Preliminary Contamination Investigation Assessment by Envirowest Consulting Pty Ltd
 Onsite Effluent Management Assessments by Envirowest Consulting Pty Ltd
 Traffic Impact Assessment by Traffic Solutions Pty Ltd
 Concept Subdivision Plan by Heath Consulting Pty Ltd
 Overall Concept Layout for Area SA6 by Heath Consulting Pty Ltd

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



PART 0 – GATEWAY REQUIREMENTS

The following matters were required to be addressed prior to community consultation of the planning proposal:

- Indicate the change to minimum lot size to the site to the site in Part 1 Objectives and Intended Outcomes;
- Include maps showing the current and proposed zoning and minimum lot size changes;
- Indicate the proposed minimum lot size as 2ha throughout the document;
- Provide reasons for only including a part rezoning of the Strategy Area 6, rather than the entire area identified in the Cabonne Settlement Strategy;
- Include discussion on the road access options for the whole of Strategy Area 6;
- Include a conceptual lot layout for the land to which the proposal applies reflecting site constraints and showing the proposed new allotment and proposed road access;
- Update the planning proposal to reflect revised numbering and content of Section 9.1 Directions and relevant SEPPs; and
- Update the Project Timeline of the proposal to reflect the submission of the proposal in June 2022 and subsequent milestones to ensure the Plan is finalized in 9 months.

Page | 3

These matters have been subsequently incorporated into the Planning Proposal document and Study where necessary.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



PART 1 - OBJECTIVES AND INTENDED OUTCOMES

The objective of the Planning Proposal is to enable the rezoning of the site at 1093 Mitchell Highway, Orange from RU1 Primary Production to R5 Large Lot Residential which would provide additional supply of rural residential living opportunities and an extension of the existing rural residential estate of Windera.

The objective for the site is to identify an appropriate density for rural residential opportunities ensuring key environmental values are taken into consideration. The minimum lot size will change from 100 hectares to 2 hectares with the change in land zoning.

Page | 4

The planning proposal will be consistent with the following R5 Large Lot Residential Zone objectives:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The planning proposal will create the opportunity to subdivide the land to create 16 lots in total. One lot will incorporate the existing dwelling.

PART 2 – EXPLANATION OF PROVISIONS

This planning proposal seeks to achieve the objectives outlined in Part 1 through the following amendments to the existing zones and minimum lot sizes.

Site Description	Existing Zone	Amended Zone	Existing Lot Size (ha)	Amended Lot Size (ha)
Lot 3 DP 549987	RU1	R5	100ha	2ha

The planning proposal will seek to amend the Cabonne Local Environmental Plan 2012 (LEP) by:

- Rezoning Lot 3 DP 549987 from RU1 Primary Production to R5 Large Lot Residential and subsequently amend the land zone Map Sheet LZN_004B; and
- Amending the lot size map to reflect a change in the required minimum lot size from 100 hectares to 2 hectare on Map Sheet LSZ_004B for Lot 3 DP 549987.

A future development application would be required (post gazettal of the Planning Proposal) to subdivide the land as per the submitted concept plan.

There is no text required to be amended/changed to the LEP on the basis that the objectives of the zone and the land uses permitted with, without consent and prohibited, by virtue of the land use tables for RU1 and R5 zones, would remain unaltered.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



PART 3 - JUSTIFICATION

BACKGROUND

The Planning Proposal aims to amend the Cabonne Local Environmental Plan (LEP) 2012 to rezone land at Lot 3 DP 549987, 1093 Mitchell Highway, Orange from RU1 Primary Production to R5 Large Lot Residential under the provisions of the Cabonne Local Environmental Plan 2012 to enable the future subdivision and development of the land. Subsequently, the minimum lot size will change from 100 hectares (existing minimum lot size for RU1 zoned land) to 2 hectares (for R5 zoned land).

Page | 5

The subject site is known as Lot 3 DP 549987, 1093 Mitchell Highway, Orange and is located in the Parish of Boreenore County of Wellington. The subject land is located on the western side of the Mitchell Highway and has a site area of approximately 35.38 hectares. The site is located approximately 12.3km to the northwest of Orange Central Business District (CBD) and in excess of 23km to the centre of Molong.

The site has been used for agricultural purposes (namely grazing), and includes some remnant vegetation, planted vegetation, a dwelling and two dams. The surrounding locality consists of a large lot residential estate, Windera, to the north and west; with land to the south predominantly used for agricultural purposes. The land to the south has also been identified as land for future rezoning potential for large lot residential development.

The subject site locality and context is shown in Figure 1 & 2. The land forms a part of the SA6 area that was originally identified for future rezoning (large lot residential land use) in the Blayney Cabonne & Orange Sub Regional Rural and Industrial Land Use Strategy (2008). The SA6 area has now been included in the Cabonne Settlement Strategy (2021-2041). The SA6 area has been investigated on numerous occasions for rezoning since its inclusion in the 2008 study. To date, no application has progressed to the Planning Proposal phase.

The Planning Proposal does not include the whole of the SA6 strategy area, only Lot 3 DP549987. Land ownership in the SA6 strategy area consists of multiple landowners who are not currently seeking inclusion for the rezoning of their land at this time. The control of land ownership and landowners consent does not currently allow for the whole strategy area to be included with the Planning Proposal. The northern lot (subject lot) is the only land that has been on the market for the Proponent to purchase. Owners of the land that forms the remainder of the SA6 strategy have been approached as a part of this process for inclusion in the Planning Proposal. The remaining landowners did not wish to include their land holdings as a part of the Planning Proposal at the time.

Whilst the additional land forms a part of the SA6 strategy area, there is no onus on other land owners to rezone. There may be independent financial implications (including but limited to rating and land value increases) that influence the landowners decisions to not proceed at this stage. Furthermore, the cost of extending studies over the entire SA6 strategy area was cost prohibitive if other owners were not contributing to the cost and/or not consenting for the additional studies to take place on the land itself through onsite surveys, and studies.

The above matters have influenced the Proponent to proceed with the subject land only. The northern extent of the SA6 strategy area offers the benefit of a logical and orderly pattern of development by commencing with an area that adjoins the existing large lot residential estate of Windera. The development of this portion of SA6 can also directly link the two areas with a connecting road.

The Planning Proposal however does see land that has been identified for rezoning to be utilised for its intended purpose which provides some certainty for its strategic planning pathway. The rezoning and subsequent subdivision provides Council with additional rates and opportunities for future housing which addresses and supports the Central West and Orana Regional Plan 2036 goals and directions.

As the PP does not incorporate the whole of the SA6 strategy area, a conceptual layout has been designed to demonstrate how Lot 3 DP 549987 and the remaining SA6 land could be developed (as shown in Figure 5 and 6). The overall layout shows the areas connections to the existing Windera

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



residential estate. The lot layout considers topography, road connections, road access, vegetation, lot areas and buffers. The conceptual lot layout considers the use of Horspool Way to provide access to the land at the southern portion of the SA6 strategy area. The layout also demonstrates how the areas can be connected and integrated via the extension of a local road. The road network would consist of a link road that minimises cul-de-sacs and battle-axe allotments across the whole of the SA6 area.

Furthermore, the following principles consider the remaining SA6 strategy area land and identify the constraints and opportunities that would allow this area to be rezoned (in the future) and subsequently developed for the purposes of future subdivision. These include:

Page | 6

Use

The remaining SA6 area is currently used for predominantly grazing and lifestyle purposes. Future use would be for large lot residential purposes. The subdivision concept plan is based on the land being rezoned for residential purposes (large lot residential).

Conceptual Lot Layout

A conceptual lot layout (as shown in Figure 5) has been provided for the subject site that demonstrates access to the land is able to be provided via a new road off Windera Drive (subsequently allowing deletion of the existing access point off Mitchell Highway that services the existing dwelling), retention of existing vegetation where feasible, provision of adequate site areas to allow for future dwelling construction and sufficient effluent disposal areas and buffer distances. The justification for the Planning Proposal is supported through the Local Environmental Study and additional reports that address Aboriginal Heritage, Biodiversity, Contamination, Traffic, Onsite Effluent and Land Use Conflict Risk assessment.

A conceptual lot layout has also been provided for the whole of the SA6 strategy area to demonstrate the integration of Windera with the SA6 area as shown in Figure 6.

Staging

The development of the northern extent of SA6 provides for an orderly and logical pattern of development with direct connection and extension to the existing Windera Residential Estate.

Development of the northern land parcel (subject of this Planning Proposal) does not isolate or preclude development of the remainder of the SA6 strategy area. Furthermore, the remainder of the strategy area has a greater opportunity to provide future connections via Horspool Way which has been identified in the Cabonne Settlement Strategy.

Traffic

A traffic assessment has been prepared to assess the adequacy of the existing intersection of Mitchell Highway and Windera Drive and any impact with increased traffic generation by virtue of the proposed development, the location of a new road and intersection with Windera Drive, and crash data for accident history in the vicinity of the Mitchell Highway and Windera Drive intersection. The Traffic Impact Assessment demonstrates the proposed rezoning of the land will not decrease the level of service at the Mitchell Highway intersection or alter the Degree of Saturation and Total Average Delays. Sight distance is satisfactory in both directions for both the Mitchell Highway intersection and Windera Drive. The new access road off, Windera Drive, to serve a future subdivision is suitably located and exceeds safe intersection sight distance requirements.

Access & future connections

The concept plan considers the wider SA6 strategy area and how the road connections could be integrated for the remainder of SA6. The Settlement Strategy specifically identifies that a road access could be extended from SA6 to the existing Windera road network for improved connectivity (Windera Drive). The lot layout identifies access off Horspool Way for the southern extent of the SA6 strategy

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



area with a future road off Horspool Way. This would provide alternate access points in case one access point was blocked during an emergency. This also ensures the majority of new traffic generation would result in the use of Horspool Way as the primary entrance and exit. The new local road would connect with the new road access off both Windera Drive at the northern extent of the SA6 area and at Horspool Way at the south.

Horspool Way and its intersection will ultimately require upgrades and appropriate engineering design when the remaining SA6 area is proposed for rezoning to ensure safety and compliance with both Cabonne Council's engineering specifications and any further requirements by Transport for NSW. Ultimately there will be an agreement between Council and landowners for a contributions plan for the future road construction. This is supported by Section 10.5.5 of the Settlement Strategy which recommends agreement between owners and/or a Structure Plan/DCP to promote connections between lots and payment for infrastructure with suitable staging as well as compliance with design requirements by TransportfNSW and Council for access point location, construction and any upgrade for intersection design and construction.

Page | 7

The overall concept plan proposes a loop ring road that provides for efficient access and layout, road frontage to most lots, ease of navigation, and alternative emergency pathways if one part of the loop is blocked. Battle-axe allotments and cul-de-sacs are limited supporting the lot layout and road design. These factors have been incorporated into the concept design resulting from the recommendations from the Strategy (Section 10.5.5 of the Cabonne Settlement Strategy).

The proposed new road off Windera Drive has been designed to ensure integration with the remaining SA6 land and that future roads can be easily further developed and constructed in a logical manner along with any future rezoning.

This Planning Proposal site (Lot 3 DP 549987) includes the deletion of its current residential access off Mitchell Highway allowing the future subdivision to be connected via a new local road off Windera Drive. This connection ensures appropriate utilisation of existing entrance to the Windera residential estate and the integration of the existing estate with the new residential area. The Settlement Strategy supports the deletion of access points from the Mitchell Highway as well as the integration of the original Windera development to the new as discussed in the recommendations outlined in Section 10.5.5 (of the Strategy).

Topography

The proposed concept plan has been designed having regard to site topography which ensures creek crossings are minimised and adequate buffers are provided between adjoining agricultural land and future dwellings. The topography has influenced the lot layout, road layout and connections. Adequate lot size and shape also ensures there are suitable areas for future dwelling. The topography and concept design furthermore, responds to stormwater capture, drainage and effluent disposal as well as considering the distance between dwellings on adjoining lands.

Dwellings

The concept plan will be appropriately designed to the locality to ensure future dwellings can incorporate energy efficiency through passive design. Consideration of lot and dwelling orientation, location, materials and colours will ensure future development addresses sustainability and presents appropriately to the rural character of Windera.

The existing dwellings in the SA6 area would be retained and incorporated into any subdivision design. Furthermore, the subdivision design supports the internal access road thereby reducing the need for direct driveways to the Mitchell Highway. The deletion of existing access points off the Mitchell Highway reduces risk and ensures there is only dedicated intersections via Horspool Way and Windera Drive. Transport for NSW would also support the deletion of existing access where feasible to do so.

Dwellings would be limited on ridge lines so as to minimise visual impact on the character and rural locality.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Section 10.5.5 of the Strategy recommends minimising new dwellings on sensitive visual areas (such as ridgelines) and incorporating the existing dwellings within the SA6 area into any future concept design. These recommendations have been taken into consideration in the design process and are evident in the submitted concept plan.

Lot Size and Design

The concept plan has been designed to ensure lot size, shape, width and depth is suitable for future dwelling construction.

Page | 8

Adequate lot size ensures there is adequate buffer distances between adjoining land, setbacks from watercourses and road frontages, retention of significant vegetation whilst minimising risk to bushfire hazard and the need for significant cut and fill. This is supported by the recommendations of the Settlement Strategy (Section 10.5.5(i)).

Consideration of the overhead power line easement and buffer distances for suitable dwelling construction as recommended by the Settlement Strategy (10.5.5 of the Settlement Strategy) is reflected in the concept design.

Dwelling envelopes are often identified to demonstrate setbacks from boundaries and neighbouring land to ensure the new location of dwellings does not adversely impact the locality.

Lot sizes have been restricted to around 2 hectares in size. Lots down to 1ha on less constrained land could be further investigated if there was support from both Council and the Department of Planning. Technology is available to address appropriate effluent management systems which could be used to support a decrease of MLS and improve lot yield across the SA6 area. As discussed in the recommendations from the Settlement Strategy this would reduce land consumption and improve yield. Whilst this Planning Proposal does not propose to reduce the MLS from 2 hectares (consistent with the original Windera Estate), open dialogue between all parties for future investigations would be beneficial.

Earthworks and Drainage

Future earthworks would be required to form future roads and access.

Road corridors would be encouraged to be used for stormwater drainage.

Future engineering design would ensure the concept plan allows for adequate fall to address drainage and erosion.

As set out in the recommendation of 10.5.5 of the Strategy, stormwater detention and onsite water quality management would be investigated and implemented prior to any discharge to the Bell River to ensure adverse impacts on the watercourse do not result from any future subdivision.

Fencing

Fencing can be detailed to Council as a part of any future DA for subdivision. Fencing would be rural in nature and be of an appropriate height and materials.

Watercourses

The SA6 area is located outside of the Molong Dam drinking water catchment.

Bell River is located on the eastern side of the Mitchell Highway. There may be some limited constraints from 1st and 2nd order watercourse that flow into the Bell River however, impacts can be minimised through appropriate lot size, subdivision pattern and buffer setbacks.

The proposed loop road seeks to minimise watercourse crossings and supports the local topography and subdivision pattern.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Stormwater

Lots will generally be oriented to allow drainage directly to the adjacent roads and road corridors.

Biodiversity, Vegetation and Bushfire

The site has scattered remnant native vegetation with no major clusters or ecological connections to adjacent lands. The land has a history of grazing which dominates agricultural pursuits across the SA6 area. Historical aerials show there have been few changes since the 1960's to present.

Page | 9

Whilst there are areas of Biodiversity identified on LEP mapping and constraints mapping in Figures 3 and 4, any future Planning proposal would require further investigation and assessment to ensure flora and fauna is not adversely impacted. The concept design is flexible enough to be able to respond to the outcomes of these investigations.

Significant vegetation would be retained to ensure the existing landscape features are incorporated into the concept design making the location a desirable place to live.

Council's Bush Fire Prone Land Map (BFPLM) identifies the site as having Vegetation- Category 3. A bushfire assessment report will be provided as a part any future DA to demonstrate compliance with Planning for Bushfire Protection (2019).

NOA

The site is mapped in an area with low naturally occurring asbestos potential. Based on the outcomes of the pre-liminary contamination assessment for the northern extent of the SA6 strategy area (subject application), it is unlikely the remaining SA6 area would have occurrences of NOA.

Any future rezoning of the remainder of SA6 would be required to undertake further investigations to demonstrate the site does not contain any NOA on the site surface.

Contamination

A Pre-liminary Contamination Assessment was undertaken for the northern extent of the SA6 strategy area. This is examined further in the LES (Refer to Section 4.9). The report concluded that there have been few changes on the site since the 1960's and that the main agricultural activities consisted of grazing. The site had no evidence of fill, mines, sheep dips, mixing sheds or contaminating industrial activities based on site history and a site walk over. All substances evaluated were below the adopted thresholds for residential land-use with access to soil. The preliminary investigation concluded the area was suitable for proposed residential land use (for the purposes of large lot residential) and no further investigations were required. Any further analysis required by the Aboriginal Cultural Heritage Assessment Report (ACHAR) and any subsequent Aboriginal Heritage Impact Permit (AHIP) are not anticipated to impact the conclusions outlined by the preliminary contamination investigation.

As the overall concept design allows for a higher end use and the land use zone is proposed to alter from rural to residential (large lot residential), a further pre-liminary contamination assessment would be required to determine the soil contamination status and its suitability for end use (ie residential use).

Past agricultural activities, types of potential contamination and site conditions would be required to be identified to determine whether there is a need for any additional investigations to ensure the site is suitable for residential land use.

Aboriginal History

Based on the outcomes from the Due Diligence Assessment for this Planning Proposal (ie the northern extent of the SA6 strategy area as discussed in Section 4.8 of the LES), it is anticipated an additional Aboriginal Heritage Due Diligence Assessment would be required to determine any visual relics and

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



any areas of potential archaeological deposit (PAD). Any future concept design would need to take into account any outcomes from the investigation.

Services

The locality is not serviced by either reticulated water or sewer services. Onsite provisions would be required to ensure potable water is available and sufficient disposal area for effluent. The concept design allows generally for reasonable site areas of around 2 hectares which ensures an on site waste water system would have adequate effluent disposal areas. Any future application for a Planning Proposal would need to support the concept design plan with effluent assessments for lot suitability.

Page | 10

Telecommunications and the provision of power would need to be addressed at DA stage. Lot layout would need to consider overhead high voltage electricity lines and any requirement for buffer distances for future construction works as recommended by the Settlement Strategy.

Figures 3 and 4 illustrates the whole of the SA6 strategy area and the constraints present across the area.

The following opportunities identified in the Cabonne Settlement Strategy for growth and support the proposed concept design for the SA6 strategy area include (but not limited to):

- The site has a low level constraints –as identified in the 2008 Land Use Strategy and further acknowledged in the Cabonne Settlement Strategy 2021-2041;
- The site is located outside of Molong Dam drinking water catchment area;
- There is opportunity to link the northern extent of SA6 (current proposal) with the remaining land via a new local road and connect to Horspool Way;
- Class 3 agricultural land capability area which has a lower potential for agricultural productivity;
- Is an endorsed area for growth through the 2008 and 2021 land use strategies;
- Fragmented land ownership and small rural land holdings suggests high productivity for agricultural activities would remain unlikely;
- Minimises the interface with rural land and land use conflicts;
- Not identified as Biophysical Strategic Land (BSAL);
- No heritage items;
- No conflicts with known mineral potential areas;
- Bushfire hazard does not constrain the future use of the site for residential purposes;
- No matters of contamination have been identified;
- Proximity to Orange and Molong centres;
- Strong demand based on the driving demand of the Orange housing market and
- People looking to downsize from larger rural holdings.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Page | 11

Figure 1: The subject site and adjoining Windera Estate

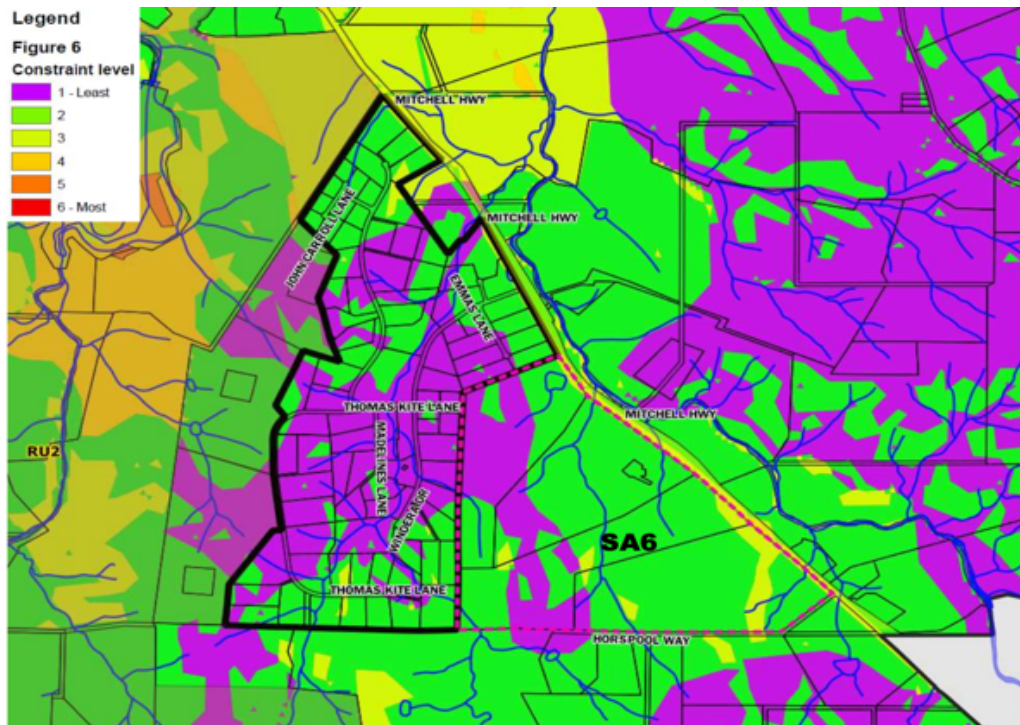


Figure 2: Aerial view of subject site

PO Box 2512 Orange NSW 2800 ☎ 0408 292 495 ✉ info@planningpotential.com.au www.planningpotential.com.au

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Page | 12

Figure 3: Weighted constraints mapping (2008 Subregional Strategy – Figure 6)

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal

PLANNING
POTENTIAL

Page | 13

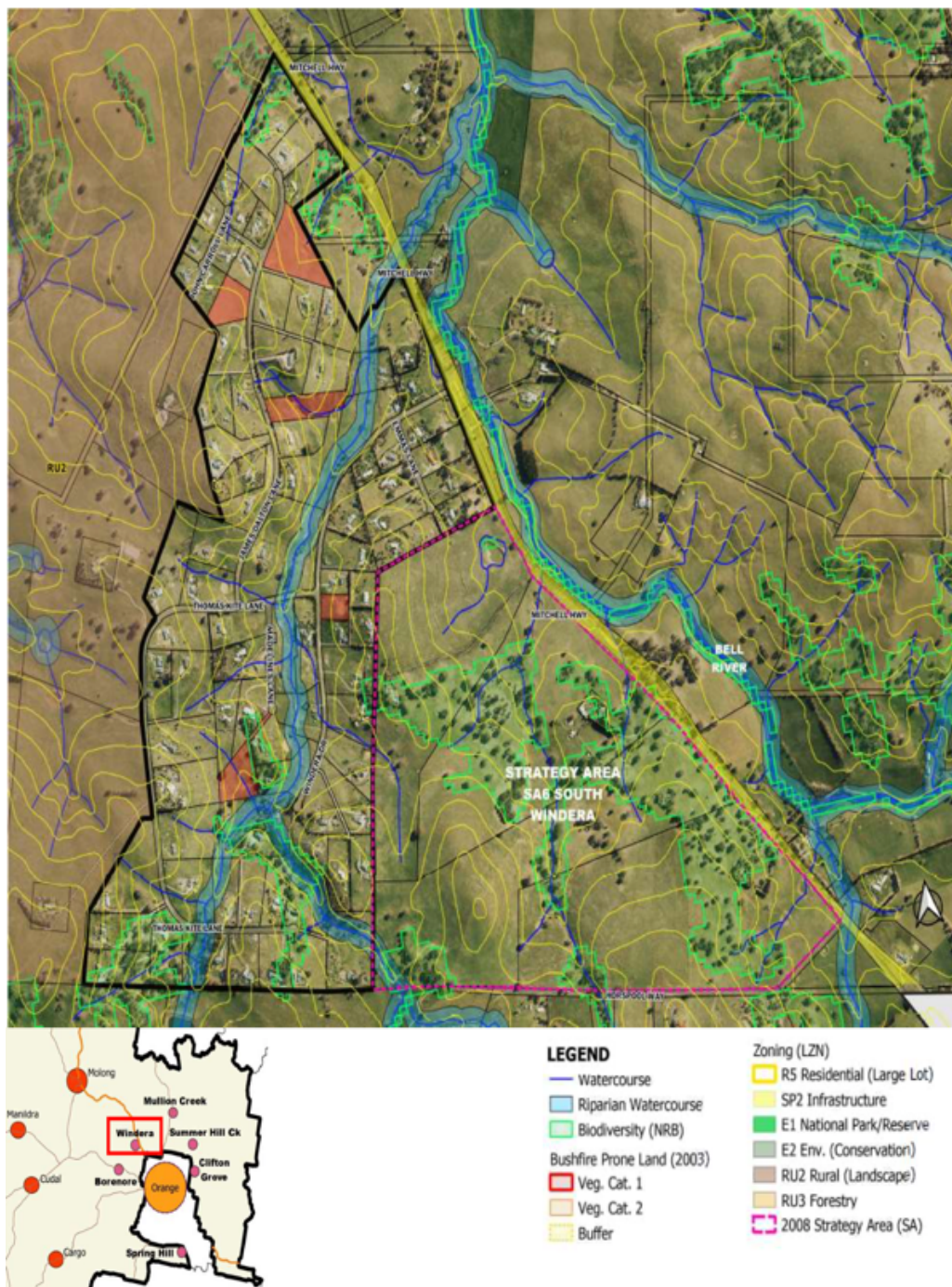


Figure 4: Existing Zone R5 Large Lot Residential area with vacant/constrained land & 2008 Subregional Strategy (Growth) Area SA6

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Page | 14

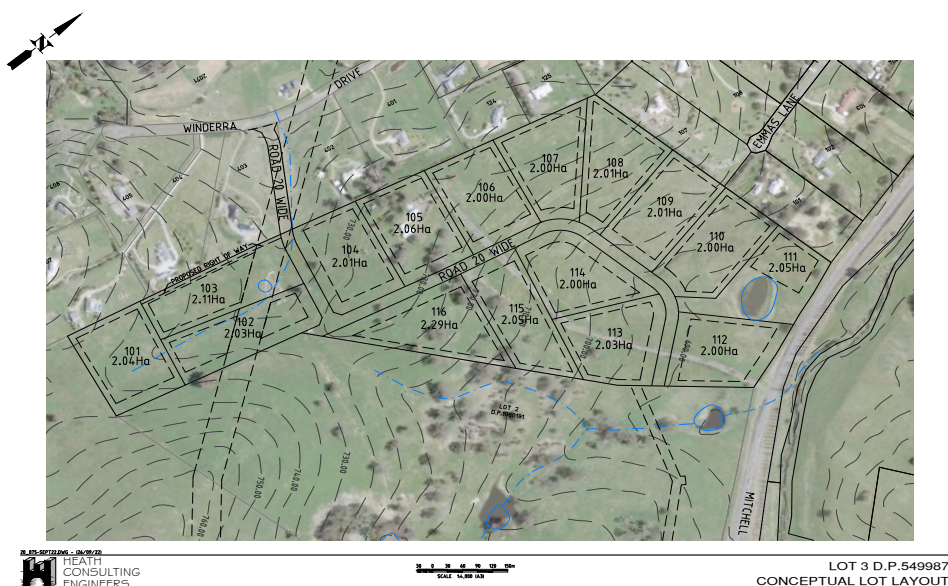


Figure 5: Concept Lot Layout – Lot 3 DP 549987

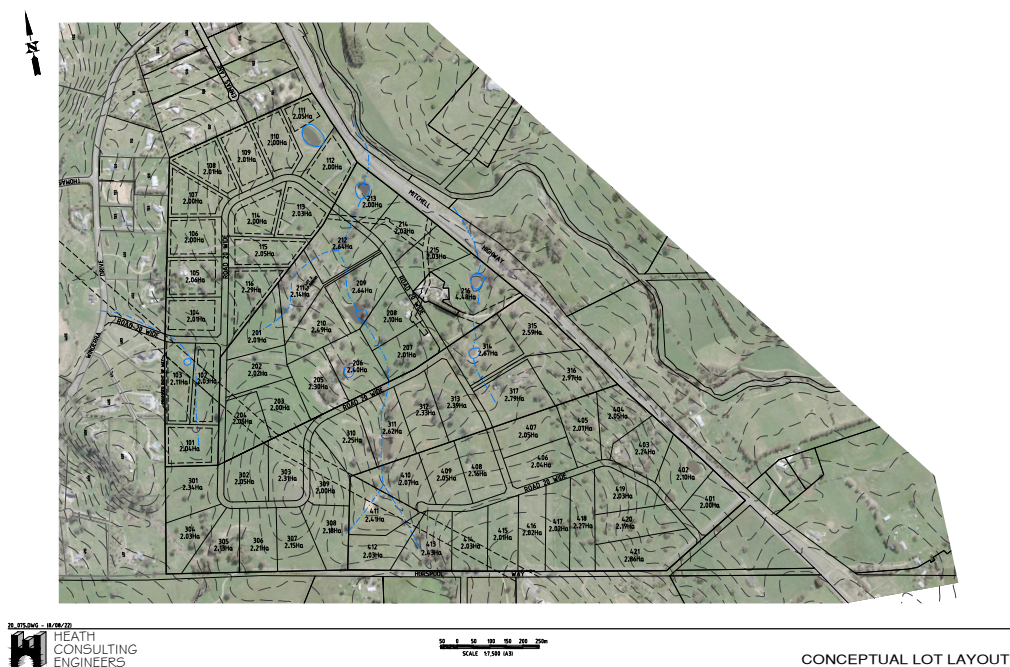


Figure 6: SA6 Concept Lot Layout

PO Box 2512 Orange NSW 2800 ☎ 0408 292 495 ✉ info@planningpotential.com.au www.planningpotential.com.au

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



SECTION A - Need for the Planning Proposal

Q1 - Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The proposal is based on the recommendations from Cabonne Settlement Strategy 2021-2041. The Blayney Cabonne & Orange Sub Regional Rural and Industrial Land Use Strategy (2008) originally identified areas for future rezoning; of which SA6 was one of those areas identified for future rezoning. This proposal forms a part of SA6 – Windera.

Page | 15

The Planning Proposal does not include the whole of the SA6 strategy area, only Lot 3 DP549987. Land ownership in the SA6 strategy area consists of multiple landowners who are not currently seeking inclusion for the rezoning of their land at this time. Whilst the additional land that forms a part of the SA6 strategy area, there is no onus on other land owners to rezone. The rezoning of the land prior to the landowners being ready to develop their land may have rating implications, affect land values and have other personal economic implications. The cost of extending studies over the entire SA6 strategy area was cost prohibitive if other owners were not contributing to the cost and/or not consenting for the additional studies to take place on the land itself through onsite surveys, and studies.

The northern lot (subject lot) is the only land that has been on the market for the Proponent to purchase. Therefore, the northern extent of SA6 strategy area offers a logical starting point and orderly pattern of development (for rezoning) as it adjoins the existing Windera Estate and provides access to the existing estate via a new access road off Windera Drive.

The land is identified in Council's Cabonne Settlement Strategy 2021-2041 as SA6 – Windera as an area that continues to offer limited constraints for future rezoning to provide additional large lot residential land for development.

Q2 - Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the only method of amending a local environmental plan to re-zone agricultural land for the purpose of providing large lot residential lots within proximity to Orange and the adjoining Windera large lot residential estate. This outcome cannot be achieved without re-zoning the land in the first instance.

The proposed approach of amending the zoning and lot design is the most transparent approach in understanding planning controls in comparison to additional permitted uses or specific site clauses. This considered the best and most appropriate means of achieving the desired outcome.

SECTION B - Relationship to Strategic Planning Framework

Q3 – Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Central West and Orana Regional Plan 2036

The Central West and Orana Regional Plan represents the NSW State Government's proposed framework to support growth, protect the environment and respond to competing land uses, whilst in turn recognising and preserving key regional values.

The planning proposal is consistent with the actions of the Central West and Orana Regional Plan 2036 as follows:

Direction	Assessment
Goal 1 – The most diverse regional economy in NSW	

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal

PLANNING
POTENTIAL

Page | 16

Direction 1- Protect the region's diverse and productive agricultural land		<p>The land whilst agricultural land, is fragmented in land ownership and lot size reduces ongoing viability as an agricultural enterprise. The land also adjoins large lot residential land to the north and west of the site so ongoing use of this land requires consideration of managing land use conflicts that may arise. A Landuse Conflict Risk Assessment has been submitted with the proposal to identify potential risks that may arise through the process between adjoining rural land (south & east) and large lot residential land (north & west).</p> <p>The land is not mapped as Strategic Agricultural Land and has been identified as a strategy area for future growth and development since the 2008 Sub Regional Land Use Strategy was endorsed. This future growth area SA6 has been endorsed in Councils updated Cabonne Settlement Strategy. The PP incorporates part of the SA6 strategy area only, however an overall concept plan has been developed to demonstrate the integration of the PP with the remaining SA6 land.</p>
Direction 12 – Plan for greater land use capability		<p>Land use conflicts can be addressed through lot design, buffer distances and consideration of natural hazards, biodiversity and any other identifiable environmental constraints. Land use conflicts can also be managed through communication, community engagement and community education.</p> <p>The Cabonne Settlement Strategy supports the retention of strategy area SA6 Windera East from the previous endorsed plan – Blayney Cabonne & Orange Rural & Industrial Land Use Strategy (2008). The Settlement Strategy has been subsequently endorsed by Council. This Strategy is yet to be adopted by the NSW Department of Planning.</p> <p>The Settlement Strategy also identified those areas of land that can be used for future development which addresses the balance between environmental constraints and rural residential lifestyles.</p>
Goal 2 – A stronger, healthier environment and diverse heritage		
Direction 13 - Protect and manage environmental assets		<p>The site is not mapped for flooding. The site is however mapped as bushfire prone land. A bushfire assessment report will be provided as a part of the Subdivision DA demonstrating the risk is manageable through compliance with Planning for Bushfire Protection 2019. Biodiversity and Aboriginal cultural assets are considered through onsite surveys. Impacts can be minimised with appropriate lot size, concept</p>

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal

PLANNING
POTENTIAL

Page | 17

		subdivision pattern, retention of significant vegetation and appropriate buffers for interface with agricultural land.
Direction 15 – Increase resilience to natural hazards and climate change		<p>The land is not affected by localised flooding however is identified as a bushfire prone area. Councils Bush Fire Prone Land Map (BFPLM) identifies the site as having Vegetation – Category 3. A Bushfire assessment report will be provided as a part of the Subdivision DA to demonstrate compliance with Planning for Bushfire Protection (2019) and Section 100B of the Rural Fires Act for the subdivision of land for residential purposes.</p> <p>Naturally Occurring Asbestos (NOA) is mapped as have low potential in this locality. The Preliminary Contamination Investigation for the site did not identify any NOA during site survey walkover.</p>
Direction 16 – Respect and protect Aboriginal heritage assets		<p>There are no registered sites within the Project Area on the AHIMS database.</p> <p>An Aboriginal Heritage Due Diligence assessment has been prepared for the site. An Aboriginal Cultural Heritage Assessment Report (ACHAR) and an Aboriginal Heritage Impact Permit (AHIP) ACHAR are recommended as a part of further archaeological assessment. The proposal will protect, manage and respect Aboriginal objects and places in accordance with legislative requirements.</p> <p>Refer to Question 9.</p>
Goal 3 – Quality freight, transport and infrastructure networks		
Direction 21- Coordinate utility infrastructure investment		<p>Future developments should be monitored to ensure that infrastructure is responsive to investment opportunities.</p> <p>This proposal seeks to utilise an existing intersection, both a classified road and local road to access the new subdivision. An existing access point off a highway would be deleted at subdivision stage. A new road via a local road would also be required.</p> <p>Existing services of road, electricity and telecommunications may require upgrades or extension. Any upgrades would be at the developers expense.</p>
Goal 4 – Dynamic, vibrant and healthy communities		
Direction 22- Manage growth and change in regional cities and strategic and local centres		The proposal seeks to consolidate the rural residential growth in high demand areas near

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



		existing development and infrastructure. Noting this land has been earmarked for future transition from rural use to large lot residential use since 2008.
Direction 25 – Increase housing diversity and choice		<p>The Settlement Strategy identifies land for growth and rezoning including former strategy areas that were previously identified in the Blayney Cabonne Orange Rural and Industrial Land Use Strategy; namely rural residential land.</p> <p>The subject land, by its location provides clear proximity to both Orange and Molong as centres to access both jobs, education, health and associated services.</p>
Direction 28 - Manage rural residential development		<p>The proposal supports the action of this direction through its location, proximity to both Molong and Orange town centres, an extension of the existing Windera estate, an endorsed strategy for rezoning in both the Cabonne Settlement Strategy and the endorsed 2008 Sub Regional Strategy.</p> <p>The holding is too small to support viable continued agricultural production with the land adjoining the existing large lot residential estate of Windera requiring management of land use conflicts.</p> <p>Land constraints for this area is low-medium as identified in both the 2008 Subregional Strategy and the Cabonne Settlement Strategy.</p>
Direction 29 – Deliver healthy built environments and improved urban design		<p>This direction relates mainly to urban development however the principles of incorporating elements of the landscape and environment into future subdivision design can positively contribute to the landscape and locality providing residents with improved living opportunities. The retention of native vegetation will be included in future subdivision design plans.</p>

Page | 18

Q4 – will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement (LSPS)

The Cabonne Local Strategic Planning Statement (LSPS) sets out the 20 year vision for land use planning across the Cabonne Shire, outlining how growth and change will be managed.

The plan works in conjunction with the Council's LEP and Community Strategic Plan to give effect to the NSW Government's Central West & Orana Regional Plan at a local level. The LSPS planning priorities, strategic directions and actions provide the rationale for the decisions about how the land will be used to achieve the community's broader goals.

PO Box 2512 Orange NSW 2800 ☎ 0408 292 495 ✉ info@planningpotential.com.au www.planningpotential.com.au

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



The following planning priorities are considered relevant to the Planning Proposal and include:

- **Planning Priority 1:** Support the diversification in agriculture and protect agricultural land from urban settlement.

The subject site is identified within the Cabonne Settlement Strategy as part of a future strategy area suitable for redevelopment for rural residential landuse. It is acknowledged in the land use strategy that the land is too small to be an ongoing viable agricultural holding with the whole of the SA6 area having a pattern of fragmented land ownership. Land use is limited to grazing.

A Landuse Conflict Risk Assessment (LUCRA) has been prepared to demonstrate that any potential land use conflict can be managed appropriately at the interface.

- **Planning Priority 4:** Support and promote sustainable development within our villages and celebrate our history.

The proposal is consistent with the Cabonne Settlement Strategy, in identifying land suitable for future higher end residential use in addition to guiding the overarching strategic direction of future land use across the LGA.

- **Planning Priority 5:** Provide opportunities to ensure a variety of housing types are available across our shire.

The outcomes of this Planning Proposal provides opportunities to contribute towards a variety of housing types.

- **Planning Priority 6:** Ensure infrastructure and facilities cater for the changing needs of our community.

The Proposal will require services and infrastructure to support the future development of the site. These services and infrastructure are to be provided by the developer and will not impose upon Council or the rate payer to bear burden any cost imposition.

- **Planning Priority 7:** Protect and enhance our landscape, biodiversity and waterways.

The concept plan has been designed to minimise disturbance to existing vegetation, ensuring satisfactory site areas to accommodate effluent disposal, adequate buffer setbacks to watercourse (Bell River),

- **Planning Priority 8:** Manage natural hazards to mitigate their impacts on our communities.

The site area is not mapped as being affected by flooding. The site is approximately 50m from the Bell River and situated on the western side of the Mitchell Highway. The concept design has taken into consideration the topography of the land, proximity to waterways and minimised creek crossings.

The land is identified as bushfire prone land. Councils Bush Fire Prone Land Map (BFPLM) identifies the site as having Vegetation – Category 3. A bushfire assessment report will be provided as a part of the Subdivision DA demonstrating the risk is manageable through compliance with Planning for Bushfire Protection 2019.

- **Planning Priority 9:** Mitigate and adapt to climate change.

All future development will need to consider the implications of climate change. Development currently requires compliance with BASIX for both thermal and water efficiency measures. The

Page | 19

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



adoption of future climate change measures may also require incorporation into building construction.

Blayney Cabonne & Orange Sub Regional Rural and Industrial Land Use Strategy

The Blayney Cabonne Orange Sub Regional and Industrial Land Use Strategy (2008) was prepared to provide a strategic framework for future development across the three Council areas over a 30 year period. Chapter 6 of the Strategy identified a number of areas across the three LGAs that were considered suitable for more intensive rural residential development.

Page | 20

The subject land is identified in the Departments Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy 2008. The land is identified as the northern extent of SA6 – Windera which was identified as a Strategy Area with the potential to expand the existing large lot residential estate of Windera to which the subject land adjoins.

This area was identified for lifestyle type development as a logical growth area. The Cabonne Settlement Strategy now addresses the potential for future rezoning of large lot residential land in Windera.

Draft Subregional Rural and Industrial Lands Strategy (2019 to 2036)

The Elton Consulting (2020) Subregional Rural and Industrial Lands Strategy (2019 to 2036) was publicly exhibited by Cabonne Council in 2020 however its exhibition with Orange City Council was delayed and has yet to be adopted. It will replace the 2008 Subregional Strategy upon formal adoption.

A key digression from the 2008 Strategy has been not to include a review of R5 Large Lot Residential. Each LGA would further review their supply of R5 land independently of the 2008 Strategy.

Cabonne Settlement Strategy 2021-2041

The Strategy aims to guide decision making by Council and the NSW Government on areas for future business and residential expansion over the next 20 years. It will consider locations for infill development in urban areas and (if required) expansion of urban areas into rural areas.

Furthermore, the Strategy builds on the Cabonne Settlement Strategy 2012 that informed the preparation of the Cabonne Local Environmental Plan 2012. Additionally, this Strategy also seeks to incorporate the large lot residential areas that were previously covered by the GHD (2008) Councils of Blayney, Cabonne & Orange – Subregional Rural & Industrial Land Use Strategy.

Strategy Area SA6 Windera East has been further reviewed in the Cabonne Settlement Strategy and proposes to retain this area as a logical growth area for large lot residential based on its previous endorsement in the 2008 Strategy.

The following opportunities identified in the strategy for growth in this location include (but not limited to):

- The site has a low level constraints –as identified in the 2008 Land Use Strategy in addition to the Cabonne Settlement Strategy 2021-2041;
- The site is located outside of Molong Dam drinking water catchment area;
- There is opportunity delete the existing access point off Mitchell Highway via a new connecting road off Windera Drive;
- Class 3 agricultural land capability area which has a lower potential for agricultural productivity;
- Is an endorsed area for growth through the 2008 and 2021 land use strategies;
- Fragmented land ownership and small rural land holdings suggests high productivity for agricultural activities would remain unlikely;
- Not identified as Biophysical Strategic Land (BSAL);
- No heritage items;
- No conflicts with known mineral potential areas;

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



- No matters of contamination has been identified;
- Proximity to Orange and Molong centres;
- Strong demand based on the driving demand of the Orange housing market and
- People looking to downsize from larger rural holdings.

Figure 3 & 4 identify opportunities and constraints mapping for the land.

Page | 21

Further constraints analysis is provided in the Study. Refer to Section 4.13 Site Constraints Analysis.

Community Strategic Plan 2025

The proposal is also consistent with the Cabonne Community Strategic Plan and the Integrated Planning and Reporting documentation which includes the Future Directions set out below.

- Direction 1 – Connect Cabonne to each other and the world
- Direction 2 – Build business and generate employment
- Direction 3 – Provide and develop community facilities
- Direction 4 – Grow Cabonne's culture and community
- Direction 5 – Manage our natural resources

Whilst the directions from the Community Strategic Plan do not specifically relate to the proposal, the strategic outcomes are relevant particularly Direction 4: Grow Cabonne's culture and community and CSP 4.1 A successful balance of village and rural living and Direction 5: Manage our natural resources.

The strategic plan highlights the importance the citizens of Cabonne view their LGA and their wish to maintain and manage growth to benefit as many as possible.

Q5 – Is the planning proposal consistent with any other applicable State and regional studies and strategies?

Net Zero Plan Stage 1 202-2030

Priority 1 aims to drive the uptake of proven emissions reduction technologies. Whilst not directly related to the planning proposal, indirectly there will be additional land for future housing. Household uptake of roof top solar to reduce household running costs and reduce carbon emissions supports the plan.

20 Year Economic Vision for Regional NSW

The plan aims to support good transport and freight infrastructure, digital connectivity and secure and sustainable access to water and energy to enable and foster increased economic growth highlighting Orange, Blayney and Cabonne as a growth centre.

This proposal supports the continued growth of regional NSW.

Regional Development Framework

The frameworks main principles include:

- Improved regional structures to facilitate regional development
- Building the evidence-base for investment in regional development
- Attracting investment and co-investment
- Building regional workforce capability

The framework supports the 20 Year Economic Vision for Regional NSW.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



The implementation of these frameworks, policies and plans supports the planning proposal and its outcomes which continues to further support economic growth of regional NSW and in particular the Cabonne LGA.

Q6 - Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies.

Page | 22

POLICY	ASSESSMENT
<p>State Environmental Planning Policy (BASIX) 2004</p> <p>The SEPP requires compliance with environmental sustainability for residential development for water, thermal comfort and energy.</p>	<p>The proposal does not affect the application of BASIX to the dwellings. This will be incorporated to any future development assessment for individual dwellings.</p>
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p> <p>Division 17 – Roads and Traffic</p> <p>This SEPP facilitates the delivery of Infrastructure across the state.</p>	<p>The proposal is an extension of the existing large lot residential area into rural land. Whilst the existing site has direct access to the Mitchell Highway, the planning proposal does not seek future access from this point. A new access road is proposed off a local road, Windera Drive. The proposal is not considered to impact significantly upon any regional transport corridors.</p> <p>An overall concept plan has been developed which demonstrates the integration of the existing residential estate (Windera), the proposed PP (incorporating part of the SA6 land) and the remainder of the SA6 land. The concept plan demonstrates that an additional access point off Horspool Way could be provided, therefore demonstrating no additional access points off the Mitchell Highway would be required in order to provide alternate access options.</p>
<p>State Environmental Planning Policy (Resources and Energy) 2021</p> <p>Chapter 2 – Mining, Petroleum Production and Extractive Industries</p> <p>This SEPP standardises the approach throughout NSW to the assessment and approval of mining activities under Part 4 of the EP&A Act. Under the SEPP, the relevant consent authority in determining an application must consider the compatibility of the proposed development with mining, petroleum production or extractive industry.</p>	<p>The Planning proposal does not seek to allow mining, petroleum production, or extractive industry within the subject area.</p> <p>The site is not known to contain any resources that are of state or regional significance.</p> <p>Due to the sites location, fragmented land holdings and proximity to the adjoining rural residential estate of Windera, any future rezoning would be unlikely to affect any future development of the land for mining activities or extractive industries.</p>
<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p> <p>Chapter 4 – Remediation of Land</p> <p>This SEPP introduces planning controls for the remediation of contaminated land. The policy states that land must not be developed if contamination</p>	<p>In accordance with Clause 4.6 of the SEPP, the subject area has been considered in respect to the likelihood of contamination. Cabonne Council's records indicate that the subject area is not identified as being contaminated.</p>

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



renders it unsuitable for a proposed use. If the land is unsuitable, remediation must take place before the land is developed.	<p>The investigation area is not listed on NSW EPA register of contaminated sites or sites notified to the EPA.</p> <p>A Pre-liminary Contamination Investigation assessment report has been prepared and included in the submitted documentation which indicates that the subject land is suitable for future residential use and development.</p>
<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p> <p>Chapter 3 - Koala Habitat Protection 2020</p> <p>The Koala SEPP applies to RU1 land in Cabonne. The SEPP aims to encourage the conservation and management of natural vegetation areas that provide habitat for koala's to ensure koala populations will be maintained.</p> <p>The remainder of the SEPP discusses vegetation clearance in non-rural areas, the protection of riverine environment in the Murray River, protection of Sydney Drinking Water Catchment, Hawkesbury Nepean River, Sydney Harbour catchment, Foreshores and Waterways, Georges River Catchment, Heritage provisions and the Willandra Lakes Region World Heritage Map.</p>	<p>An ecological assessment of the site has been completed which identified two trees identified as Koala feed tree species on the site. No koalas, nor any Koala scratches or scats were identified during the site surveys.</p> <p>It is likely that there will be low or no impact on koalas or koala habitat resulting from the rezoning or future subdivision development.</p> <p>Impact on koala or koala habitat will be further assessed at the development application stage for subdivision.</p> <p>Refer to Question 7.</p> <p>Not applicable.</p>
<p>State Environmental Planning Policy (Primary Production) 2020</p> <p>The SEPP regulates aquaculture activities and aims to encourage sustainable aquaculture, including sustainable oyster aquaculture.</p> <p>The SEPP also regulates state significant agricultural land and livestock industries.</p> <p>Subdivision of dwellings on rural land also need to take into account principles of minimising rural land fragmentation, minimisation of rural land use conflicts, whether or not the development is likely to have a significant impact on land uses, and any measures proposed to avoid or minimise any incompatibility (if there is incompatibility).</p>	<p>The schedule identifies EPIs to which these matters apply.</p> <p>Cabonne Local Environmental Plan 2012 is not listed in any of the schedules listed.</p>

Page | 23

The proposal is considered to be acceptable in terms of the relevant SEPPs.

Q7 - Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The Planning Proposal is considered to be consistent with the applicable Ministerial Directions.

Section 9.1 Ministerial Directions

Assessment/Compliance

Focus Area 1: Planning Systems

PO Box 2512 Orange NSW 2800 ☎ 0408 292 495 ✉ info@planningpotential.com.au www.planningpotential.com.au

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



1.1 Implementation of Regional Plans	Yes, the Central West & Orana Regional Plan applies. The proposal is consistent with the Regional Plan, its goals and directions. This is addressed in further detail in Question 3 (Relationship to Strategic Planning Framework)
1.2 Development of Aboriginal Land Council land	Not applicable. Applies to the Central Coast only.
1.3 Approval and Referral Requirements	No change in referrals proposed.
1.4 Site Specific Provisions	The Planning Proposal does not propose to create, alter or reduce existing zonings or reservations of land for public purposes.
Focus Area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of the Bays West Place Strategy	Not applicable
Focus Area 2: Design and Place	
	Has not been adopted to date.
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The site does not have a conservation zone zoning. No further assessment is required.
3.2 Heritage Conservation	The site and locality are not identified as area of heritage conservation. No further assessment required.
3.3 Sydney Drinking Water Catchments	The land is not located within the Sydney Drinking Water Catchment.

Page | 24

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



3.4 Application of C2 and C3 zones and Environmental Overlays in Far North Coast LEPS	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
3.6 Strategic Conservation Planning	N/A
Focus Area 4: Resilience and Hazards	
4.1 Flooding	<p>The land is not specifically identified as being flood prone land.</p> <p>The concept plan has been designed to minimise creek crossings and ensure adequate buffers are provided between future dwellings and watercourse.</p> <p>The concept design complements the sites topography which allows for suitable areas for future dwelling construction and ensures adequate area for stormwater capture, drainage, and effluent disposal.</p>
4.2 Coastal Management	Not applicable.
4.3 Planning for Bushfire Protection	The land is mapped as bushfire prone land. Councils Bush Fire Prone Land Map (BFPLM) identifies the site as having Vegetation – Category 3. A bushfire assessment report will be provided as a part of the Subdivision DA demonstrating the risk is manageable through compliance with Planning for Bushfire Protection 2019.
4.4 Remediation of Contaminated Land	<p>The potential for contamination has been addressed within the SEPP (Resilience and Hazards) 2021 Chapter 4 - Remediation of Land.</p> <p>The investigation area is not listed on NSW EPA register of contaminated sites or sites notified to the EPA.</p> <p>A Pre-liminary Contamination Investigation assessment has been undertaken for the site which demonstrates that no further studies are required and that the land is suitable for a future use of residential (large lot residential).</p>
4.5 Acid Sulfate Soils	Does not apply as the land is not mapped as acid sulfate prone land.
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	The planning proposal does not include land for urban purposes.
5.2 Reserving Land for Public Purposes	Not applicable
5.3 Development near Regulated Airports and Defence Airfields	Not applicable

Page | 25

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



5.4 Shooting Ranges	Not applicable. There are no known rifle ranges on the subject site.
Focus Area 6: Housing	
6.1 Residential Zones	<p>This direction applies to the planning proposal with a change in land use zoning from rural to large lot residential. The rezoning would allow for increased yield and dwelling opportunity taking into consideration environmental and any infrastructure limitations. Previous land use strategies have identified this area (SA6) for re-zoning with a transition from rural land to a higher end use for large lot residential purposes.</p> <p>The proposal includes the northern extent of the SA6 strategy area only which is currently limited by multiple landowners who do not wish to pursue rezoning at this time.</p>
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus Area 7: Industry and Employment	
7.1 Business and Industrial Zones	Not applicable
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable as the direction only applies to Byron Bay.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	There are no existing mines, petroleum production operations or extractive industries that occur in the area of the planning proposal. Further, this area is not known to contain any resources that are of state or regional significance.
Focus Area 9: Primary Production	
9.1 Rural Zones	<p>This direction applies to the Planning Proposal. The inconsistency is justified by the endorsed Blayney Cabonne Orange Sub-Regional Rural & Industrial Land Use Strategy which clearly identifies the subject land as an area for future re-zoning as the northern extent of SA6 – Windera. The land has been further endorsed in the updated Cabonne Settlement Strategy. This is further discussed in Question 1 and Question 4.</p> <p>The majority of the land has limited agricultural capability being identified as Class 3 & 4 which is used for grazing purposes. Land capability, land size</p>

Page | 26

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Page | 27

	<p>and land ownership limits productivity for sustainable agricultural production and high end agricultural use.</p> <p>The site borders adjoining large lot residential zoned land to the north and west. The land to the south whilst zoned for agricultural production is included as a part of the SA6 strategy area. Furthermore, the remainder of the SA6 land has fragmented land ownership and limited viability for agricultural production based on the size of the land holdings.</p> <p>Land ownership has restricted the extent of the SA6 area included within this Planning Proposal to the northern extent of SA6 only.</p>
9.2 Rural Lands	<p>This direction applies as the subject land is zoned RU1 in a LGA that the direction applies to.</p> <p>The proposal is consistent with the endorsed recommendations in the Blayney Cabonne Orange Sub-Regional Rural & Industrial Land Use Strategy (2008) and the Cabonne Settlement Strategy (2021-2041)</p> <p>Furthermore, this Planning Proposal will:</p> <ul style="list-style-type: none"> • Not enable the fragmentation of high quality agricultural land; • Not enable the potential for additional rural land use conflicts; • Provide rural residential opportunities compatible with the natural and physical characteristics of the land and that will integrate with surrounding and existing rural residential developments; and • Provide rural residential opportunities close to both Molong and Orange centers.
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

The proposal is considered to be acceptable in terms of the relevant directions.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



SECTION C - Environmental, Social and Economic Impacts

Q8 - Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, would be adversely affected as a result of the proposal?

An ecological assessment of the site was completed by Eco Logical Australia. A copy of the assessment is provided as support documentation for the planning proposal.

Page | 28

A field survey was conducted by ecologists which confirmed the presence of three vegetation communities within the site study area.

These validated vegetation communities include:

- PCT 277 Blakely's Red Gum – Yellow Box grassy tall woodland of the NSW South Western Slopes Bioregion;
- Planted native and exotic vegetation; and
- Exotic pasture

PCT 227 Blakely's Red Gum – Yellow Box grassy tall woodland was identified in the central portion of the site which formed a band running west to east. The canopy was dominated by *Eucalyptus melliodora* (Yellow Box), *Eucalyptus blakelyi* (Blakely's Red Gum), *Eucalyptus rubida* (Candlebark) and *Eucalyptus albens* (White Box). The midstorey was absent with the groundcover, where present, was sparse and dominated by exotic species showing high levels of ongoing disturbance associated with cattle grazing and pasture improvement. This community is identified as a threatened ecological community which was assigned to *White-Box Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions*.

Planted native and exotic vegetation were present in and around the sites existing dwelling, gardens and driveway entrance.

Exotic cover was present across the vast majority of the site which included *Phalaris* sp., and *Paspalum dilatatum*. The exotic cover compromised approximately 99.5% of the sites total groundcover.

No threatened flora or fauna species were identified during the survey period. Whilst the area could provide potential habitat for some fauna species (such as Regent Honeyeater, Dusky Woodswallow, Grey Falcon, Eastern False Pipistrelle, Little Lorikeet, Swift Parrot, Koala, Superb Parrot, Grey-crowned Babbler and Grey-headed Flying Fox) in the form of hollow bearing trees and native vegetation, the proposed concept design aims to retain native vegetation wherever possible with limited removal. Furthermore, many of these species are highly mobile and unlikely to be solely reliant upon the habitat present on site.

No threatened flora species are considered likely to occur due to the high level of ongoing disturbance across the site.

Two secondary Koala feed tree species were identified on the site. No koalas, nor any Koala scratches or scats were identified during the site surveys. It is likely that there will be low or no impact on koalas or koala habitat resulting from the rezoning or future subdivision development. An assessment of Koala Habitat Protection will be considered further at any DA stage for future development.

Section 7.9 of the Biodiversity Conservation Act 2016 requires consideration as to whether any future development would trigger the Biodiversity Offsets Scheme (BOS). If future development results in the clearance of greater than 1 ha of native vegetation, then it is likely the BOS would be triggered and a Biodiversity Development Assessment Report (BDAR) would be required as a part of the development application process.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Q9 - Are there any other likely environmental effects as a result of the planning proposal and how are they to be managed?

Aboriginal Heritage has been considered as a potential environmental impact which is considered below:

Aboriginal Heritage

Page | 29

Aboriginal Heritage has been addressed through an Aboriginal Heritage Due Diligence Assessment for the site. There are no registered recorded Aboriginal sites within the study area on the AHIMS database.

The results of the visual inspection were generally reflective of the predictive model for the Project Area which included:

- The most common site type likely to be found in the project area are stone artefact scatters and campsites
- Campsite and artefact scatters are most likely to be situated on elevated, well drained ground within 500m of a waterway
- Ground surface visibility (vegetation cover) will be the major determining factor in the detection of Aboriginal objects.

Five (5) Aboriginal sites were located and recorded for the area based on the visual inspection undertaken by the Consultant Archaeologist and a representative from the Orange Local Aboriginal Land Council (LALC).

In the northern paddock, one quartz artefact and one quartz artefact scatter were located. In the southern paddock, one quartz flake, one basalt artefact and one scarred tree were identified. Four (4) areas of potential archaeological deposit (PAD) were also identified across the site.

The area of PAD located on the upper and mid-hill slope is considered of low archaeological sensitivity and potential. The remaining PADs are of moderate-high archaeological sensitivity and potential. Overall, the study area was assessed as demonstrating moderate archaeological sensitivity and potential.

The report assessment makes recommendations for further archaeological assessment and test excavations to ensure mitigation and management measures are able to be implemented.

It is anticipated that an Aboriginal Cultural Heritage Assessment Report and an Aboriginal Heritage Impact Permit may be required based on the findings of the Aboriginal Heritage Due Diligence Assessment.

It is unlikely that the proposed amendments to the Cabonne Local Environmental Plan 2012 discussed within this Planning Proposal will result in development creating environmental effects that cannot be readily controlled and managed.

Other environmental impacts associated with the proposal are considered in detail in Section 4 of the attached study; in particular consideration of Biodiversity, Traffic and Access, Riparian Corridors, Flooding, Bushfire, Contamination, Visual Amenity, Services and Land Resources. The analysis finds that the development is unlikely to lead to any unintended or inappropriate environmental impacts. Supporting documentation is provided in the form of an Ecological Assessment, Traffic Study, Aboriginal Heritage Due Diligence Assessment, Effluent Management Studies, and Preliminary Contamination assessments. Management measures and strategies can be implemented in accordance with report recommendations and can be addressed and implemented through conditions of consent at the DA stage.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Q10 - Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is likely to have a positive social and economic impact on Windera East through the provision of additional large residential allotments, enhancing the supply and diversity residential land (large lot residential land) available in the local area.

The proposal to rezone the land is based on site opportunities to optimise use of the land that is currently used for low intensity agricultural activities (namely grazing). A higher end use allows the proposal to be economically viable to proceed and responds to a strong demand for land with a rural landscape and rural character within the commuter zone from both Orange and Molong.

Page | 30

Positive economic benefits arise from the engagement of local contractors and services for surveying, civil and infrastructure construction and at a later time through building contractors for new residential construction.

The social and economic benefits of the Planning Proposal are considered to be positive through liveability and proximity to Orange for employment, education, health and other services. The Planning Proposal contributes towards the Cabonne community as a place of culture and community, balancing access to services with rural living whilst also managing the natural resources of the locality.

SECTION D - State and Commonwealth Interests

Q11 - Is there adequate public infrastructure for the planning proposal?

Given the scale of the proposed zoning for rural residential development and the location adjacent to the existing rural residential estate of Windera, it is considered that the existing public infrastructure is adequate to accommodate additional demands generated by future development.

The site is already connected to services – electricity, potable on site provisions of water and effluent management. The rezoning would require a new access road from Windera Lane and the extension of electricity services. Future dwellings would require on site provision of both potable water supply via rainwater tanks and the installation of onsite effluent management systems.

A Traffic Impact Assessment has been prepared to assess the traffic implications of a future subdivision using the Mitchell Highway and Windera Drive to access the future subdivision via a new local road. This is provided with the supporting documentation. Additional analysis and assessment is provided in Section 4.3 of the Study.

Q12 - What are the views of the state and commonwealth public authorities consulted in accordance with the Gateway Determination?

The views of the state and commonwealth public authorities would be ascertained in accordance with the comments contained in the Gateway Determination.

Government agencies identified for consultation with regard to this Planning Proposal include:

- NSW Heritage
- Biodiversity Conservation & Science Directorate
- Orange City Council

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



PART 4 - MAPPING

There are two (2) necessary mapping changes resulting from the planning proposal: -

- The amendment of Sheet LZN_004B 1400_COM_LZN_004B_020_20121101 and dated 18 January 2013; and
- The amendment of Sheet LSZ_004B 1400_COM_LSZ_004B_020_20120903 dated 18 January 2013

Page | 31

Figure 7 below provides an extract from the Map Sheet LZN_004B which shows that the current land use zone for the site and the adjoining locality. Mapping changes will require the subject site zoning to be changed from RU1 to R5. Figure 8 shows an extract from the Map Sheet LSZ_004B which provides information on the lot size for the site and locality based on colour and land zone. This will also require changing from 100 hectares (existing MLZ) to 2 hectare (proposed MLZ).

No other mapping changes, or changes to text or existing clauses/provisions/development standards within the LEP are required as a result of the planning proposal.

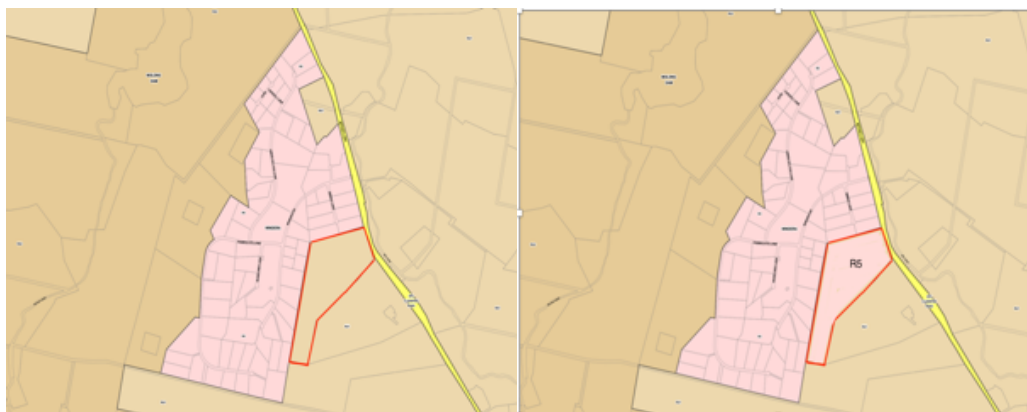


Figure 7: Existing and Proposed Land Use Zones

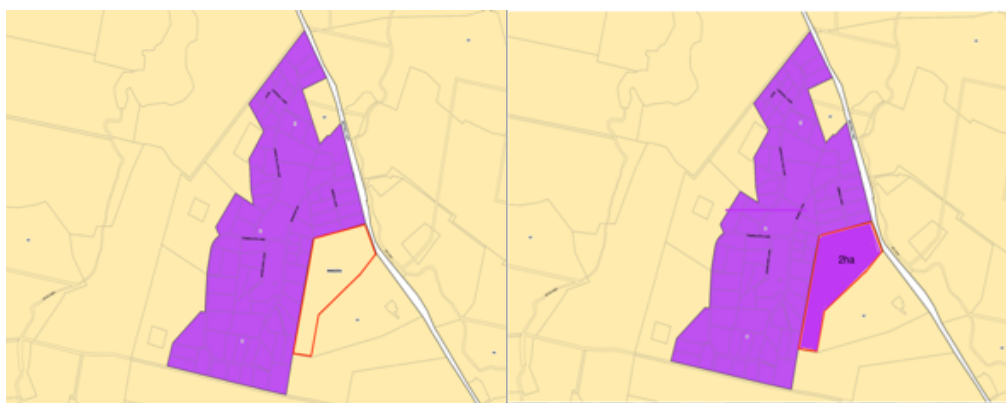


Figure 8: Existing and Proposed Minimum Lot Sizes

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



PART 5 - COMMUNITY CONSULTATION

The Gateway Determination will confirm community consultation requirements. If this Planning Proposal is supported, it is likely that the Proposal will be exhibited as a "Standard proposal" for a period of not less than 28 days in accordance with Department of Planning, Industry and Environment: Local Environmental Plan Making Guideline.

Page | 32

- *Consistent with the pattern of surrounding land use zones and/or land uses;*

This proposal seeks to extend the rural residential area of Windera which would reflect a consistent land pattern approach. Adjoining land along the Mitchell Highway (to the south and east) is inconsistent with the proposed change of land use zone. Justification for the inconsistent land use pattern is the site and adjoining agricultural land are fragmented, small holdings that are also included in SA6 identified for future rezoning and development for rural residential purposes as per the recommendations of the Blayney Cabonne Orange Sub-regional Rural and Industrial Land Use Strategy and Cabonne Settlement Strategy (2020-2021).

- *Consistent with the strategic planning framework;*

Responses have been provided detailing the proposals compliance with local and regional planning strategies, SEPPs and ministerial directions.

- *Presents no issues with regards to infrastructure servicing;*

The site is already connected to services – electricity, potable on site provisions of water and effluent management. The rezoning would require a new access road from Windera Lane and the extension of electricity services. Future dwellings would require on site provision of both potable water supply via rainwater tanks and the installation of onsite effluent management systems.

- *Not a principle LEP; and*

The planning proposal is not for a principle LEP.

- *Does not reclassify public land.*

The planning proposal does not seek to reclassify public land.

In accordance with the responses to the above points, the planning proposal is considered to be of low impact.

Community consultation will be undertaken by the Local Government Authority and will commence by giving notice of the public exhibition of the Planning Proposal:

- a) In a newspaper that circulates in the area affected by the Planning Proposal;
- b) On the Cabonne Council's website at www.cabonne.nsw.gov.au

It is considered that written notice will be provided to relevant Government Departments and agencies, services providers and other key stakeholders where required in the Gateway Determination by the local authority.

The written notice will provide the following: -

- c) a description of the objectives or intended outcomes of the Planning Proposal;
- d) the land affected by the Planning Proposal;
- e) advice where and when the Planning Proposal can be located and viewed;

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



- f) the contact information for the receipt of submissions;
- g) the closing date for submissions; and
- h) advice on whether the Minister has chosen to delegate the making of the LEP to the Council.

During the exhibition period, it is anticipated that the following material will be made available:

Page | 33

- a) the Planning Proposal, including appendixes and attachments, in the form approved for community consultation by the Gateway Determination;
- b) the Gateway Determination; and
- c) any technical or other information relied upon by the Planning Proposal.

At the conclusion of the notification and public exhibition period Council staff will consider any submissions made concerning the proposed LEP and will further prepare a report to Council.

It is considered that a Public Hearing will not be required to be undertaken.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



PART 6 – PROJECT TIMELINE

The project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to Cabonne Local Environmental LEP 2012 will be completed by March 2023.

Estimated Timeline

Page | 34

Key Stages of Consultation and Approval	Estimated Timeframe
Submit a Planning Proposal to Council for approval to the Department	
Commencement date (Gateway determination)	June
Government agency consultation	October
Commencement and completion for public exhibition period	November
Dates for public hearing (if required)	N/A
Consideration of submissions	December
Consideration of proposal post exhibition	January
Date of submission to the Department to finalise LEP	January
Anticipated date RPA will make the plan	February
Anticipated date RPA will forward to the Department for notification	March

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Table 1 - STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy		Compliance
SEPP	(Building Sustainability Index: BASIX) 2004	N/A
SEPP	(Biodiversity and Conservation) 2021	Consistent
SEPP	(Exempt and Complying Development Codes) 2008	N/A
SEPP	(Housing) 2021	N/A
SEPP	(Industry and Employment) 2021	N/A
SEPP	(Planning Systems) 2021	Consistent
SEPP	(Precincts – Central River City) 2021	N/A
SEPP	(Precincts – Eastern Harbour City) 2021	N/A
SEPP	(Precincts – Regional) 2021	N/A
SEPP	(Precincts – Western Parkland City) 2021	N/A
SEPP	(Primary Production) 2021	Consistent
SEPP	(Resilience and Hazards) 2021	Consistent
SEPP	(Resources and Energy) 2021	Consistent
SEPP	(Sustainable Buildings) 2022	N/A
SEPP	(Transport and Infrastructure) 2021	Consistent
SEPP No. 65	Design Quality of Residential Apartment Development	N/A

Page | 35

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



Table 2 - SECTION 9.1 MINISTERIAL DIRECTIONS

Section 9.1 Ministerial Directions	Compliance
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent; Central West and Orana Regional Plan 2036
1.2 Development of Aboriginal Land Council land	N/A
1.3 Approval and Referral Requirements	Consistent
1.4 Site Specific Provisions	Consistent
Focus Area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land use and Infrastructure Implementation Plan	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
1.10 Implementation of Western Sydney Aerotropolis Plan	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A
1.14 Implementation of Greater Macarthur 2040	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A
1.16 North West Rail Link Corridor Strategy	N/A
1.17 Implementation of the Bays West Place Strategy	N/A
Focus Area 2: Design and Place	
	N/A
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	N/A
3.2 Heritage Conservation	Consistent
3.3 Sydney Drinking Water Catchments	N/A
3.4 Application of C2 and C3 zones and Environmental Overlays in Far North Coast LEPS	N/A
3.5 Recreation Vehicle Areas	N/A
3.6 Strategic Conservation Planning	N/A
Focus Area 4: Resilience and Hazards	
4.1 Flooding	N/A
4.2 Coastal Management	N/A
4.3 Planning for Bushfire Protection	N/A
4.4 Remediation of Contaminated Land	Consistent
4.5 Acid Sulfate Soils	N/A
4.6 Mine Subsidence and Unstable Land	N/A
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	?
5.2 Reserving Land for Public Purposes	N/A
5.3 Development near Regulated Airports and Defence Airfields	N/A
5.4 Shooting Ranges	N/A
Focus Area 6: Housing	
6.1 Residential Zones	Inconsistent use supported by strategies
6.2 Caravan Parks and Manufactured Home Estates	N/A
Focus Area 7: Industry and Employment	
7.1 Business and Industrial Zones	N/A
7.2 Reduction in non-hosted short-term rental accommodation period	N/A

Page | 36

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Planning Proposal



7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	N/A
Focus Area 9: Primary Production	
9.1 Rural Zones	Justified in accordance with strategy
9.2 Rural Lands	Consistent
9.3 Oyster Aquaculture	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A

Page | 37



**PLANNING
POTENTIAL™**

Response to Submissions

Lot 3 DP 549987

1093 Mitchell Highway, Orange

Prepared for Cabonne Council

Response to Submissions
March 2023

URBAN, RURAL & REGIONAL PLANNING CONSULTANTS

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information



1.1 DEVELOPMENT DETAILS

Applicant:	Winderera East Pty Ltd c/o: Planning Potential
Owner:	Winderera East Pty Ltd
Proposal:	Planning Proposal to rezone from RU1 to R5 for the creation of 16 lots with a MLS of 2 hectares
Location:	Lot 3 DP 549987, 1093 Mitchell Highway, Orange
Zone:	Current Zone – RU1 Primary Production Proposed Zone – R5 Large Lot Residential

Page | 1

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information



Request to address submissions

Following Gateway Determination and the need to address additional matters outlined in the Gateway Determination, the Planning Proposal was placed on Exhibition for a period of 28 days with the exhibition phase closing on Monday 13 February 2023.

On Tuesday 28th February 2023, a copy of the submission received by Council from the local community were provided to review and provide an opportunity to respond to the main issues raised.

Page | 2

The main issues raised include noise (from traffic generation), congestion, access via Windera Drive, traffic, emergency access, drainage, road construction, right of way, underground water resources, bushfire measures, bores & bore licencing, no benefit to Cabonne, lack of public open space, pedestrian and bike pathways, setbacks, consultation, loss of trees and agricultural land, change in visual landscape, infrastructure services.

These matters are discussed further below:

TRAFFIC	
Noise	<p>It is acknowledged that there will be some additional noise generated from increased traffic movements from the Proposal.</p> <p>There are approximately 14 houses with frontage to Windera Drive that may experience increased passing traffic. Lots with road setbacks less than 40m include Lots 1, 3, 101, 103 and 121. The remaining lots all have increased dwelling setbacks from the Windera Drive frontage. All lots, with the exception of Lot 3 have setbacks to dwellings of 20m or greater.</p> <p>The most affected lots resulting from a new access road would be Lots 402, 403 and 101. Lot 101 has a front boundary setback of approximately 24m (from Windera Drive), with Lot 403 having a setback of approximately 63 from the new road frontage and 130m from Windera Drive. Note negotiations between the Applicant and Landowner of Lot 403 have taken place to allow for the construction of a new access road whilst also ensuring adequate amenity is able to be provided to the landowner and dwelling occupants.</p> <p>The setback of Lot 402 from Windera Drive is approximately 130m and approximately 84m to the road boundary for the proposed new access road. The dwelling is oriented to the west with access provided directly off Windera Drive. Landscaping frames the length of the driveway to the dwelling. To the immediate south of the dwelling are a detached shed and garage. Water tanks are located to the south west of the house and sheds. The location of the dwelling and other outbuildings and structures are situated at a distance satisfactory to provide adequate distance from the new proposed access road.</p> <p>Proposed and existing setbacks to road frontages are considered satisfactory with impacts (such as noise from traffic generation) unlikely to be different to normal rural residential type of developments.</p>

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information

PLANNING
POTENTIAL

Page | 3

	<p>It is also important to note that the development of the Strategy Area SA6 has been identified since 2008 in Council's adopted land use strategies and road connectivity between different release areas is sometimes a necessary and preferred outcome of that growth.</p> <p>It is accepted that people purchase large lot residential land for both rural outlook and amenity. However, the large lot sizes, dwelling setbacks and limited densities are consistent with standard expansion of the Windera Estate.</p>
Traffic Congestion	<p>A Traffic Impact Assessment based on more lots than currently proposed (by Traffic Solutions dated February 2021) has been provided in support of the Planning Proposal. The traffic assessment considers the impact of using the existing entrance off Mitchell Highway, Windera Drive and the construction of a new road off Windera Drive. Consistent with TfNSW Guidelines, new access driveways to highways are generally not supported when alternative local road access can be provided and utilised. The Windera Drive intersection with the Mitchell Highway has existing turn and slip lanes and good sight-lines in both directions. We suggest the Proposal provided a short term outcome until connection to Horspool Way is created. This option is both safe and logical and is supported by a Traffic Assessment and preliminary discussions with TfNSW.</p> <p>A number of submissions assume that the additional traffic will automatically make the road unsafe or cause congestion without supporting traffic engineering evidence. It is important that Council make decisions with traffic advice measured according to the NSW guidelines. The Traffic assessment has been prepared in accordance with TfNSW requirements.</p> <p>The Traffic Report (based on 23 lots) concludes that the "Level of Service at the Mitchell Highway and Windera Drive will not change with the estimated additional traffic generation of the proposed development". Therefore the amount of traffic congestion associated with 16 lots is not likely to exceed intersection capacity or unduly increase wait times.</p>
Use of Windera Drive for access	<p>The Applicant is unable to provide access from Horspool Way as it does not own the land between the subject land and Horspool Way. Transport for NSW does not support a further intersection on the Mitchell Highway in circumstances where the existing intersection to Windera is adequate (as concluded by the Traffic Assessment). Whilst the Strategy stated 'ideally' all of SA6 should be developed at the same time, the word 'ideally' recognizes this is not always the case. It remains the intention that as the remainder of the Strategy Area SA6 is developed that an additional road connection is constructed to Horspool Way.</p> <p>The Applicant will be required to contribute to a contribution plan to go toward the funding of the Horspool Way intersection when it is built. That will occur when the other owners within the strategy area obtain rezoning of their land to allow the roads to link in the manner referred to in this application.</p>

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information

PLANNING
POTENTIAL

Page | 4


	<p>A number of submissions refer to building the access to the highway at Horspool Way first and then work back to lot 3 using the access road that has been proposed. These submissions are inconsistent with those which seek to raise the traffic issues associated with use of the proposed access on to Windera Drive.</p> <p>The Strategy identifies an additional access road from either Windera Drive or Emmas Lane would provide an opportunity or a constraint (if unable to gain access rights) for the rezoning of SA6. This PP therefore provides opportunity for a new access road via Windera Drive and connectivity to the existing Windera Estate. This new road then provides further connectivity to any remaining rezoning of SA6 and future development to Horspool Way.</p> <p>The use of the new road through Lot 403 to Lot 3 demonstrates this rezoning can proceed in an orderly and logical pattern having direct connection and extension to the existing Windera Estate.</p> <p>The Traffic Impact Assessment advises the proposed access road is suitably located and provides for good sight distance in both directions and will exceed the Safe Intersection Sight Distance requirements of AUSTRROADS.</p>
Vehicle Movements	<p>A number of submissions assume that the additional traffic will automatically cause congestion on the road without supporting traffic engineering evidence. The Traffic Assessment has been prepared in accordance with TfNSW requirements which concludes that the additional traffic demand is satisfactory. The assessment was based on a larger number of lots (23 lots) than the 16 lots proposed.</p>
Emergency Access	<p>The proposed layout for the precinct considers creating a road network for the precinct which will provide an additional emergency access at Horspool Way which will significantly improve access available for emergency vehicles and a second egress point for residents of the existing Windera Estate.</p>
Road access to Windera Drive	<p>One submission dated 7.2.2023 another submission dated 8.2.2023 states that the proposed road access was rejected as part of an earlier DA to consolidate the road with lot 3. This development application was withdrawn as it could not proceed at that time due to the inability to meet the minimum lot size requirements (based on the zoning of the land). It was always anticipated that an application for consolidation would be relodged following and rezoning of Lot 3 to large lot residential.</p> <p>The mechanism for creating the new public road is part of a future DA to subdivide Lot 3 which will incorporate part of Lot 3 to be dedicated as public road upon registration of the plan.</p>
Run-off from the construction of a new road	<p>Stormwater from road construction will be addressed at the DA stage for any future subdivision.</p> <p>All road design must address stormwater prior to construction to ensure stormwater flows do not adversely impact adjoining land or the catchment. Roads will be designed by Engineers to Australian standards and Council specifications. Construction of any new road will be in accordance with the approved design.</p>

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information

PLANNING
POTENTIAL

Page | 5

Standard of Road Construction	<p>All roads within the existing Windera Estate were constructed to the standard required at the time of approval for rural residential subdivisions.</p> <p>The current surface standard and maintenance matters for roads in Windera are not matters to be addressed by this Planning Proposal. They are separate matters and should be addressed to Council's Engineering Department for maintenance follow up. It is acknowledged that Council has significant demands on its resources to repair and rebuild roads within the LGA.</p> <p>It is acknowledged however, that any future DA will assess the condition of Windera Drive and its threshold for additional traffic generation.</p> <p>Any new roads for future subdivision will be required to be designed and constructed in accordance with the Australian Standard and Councils Engineering specifications for road construction.</p>
Right of Way to Proposed Lot 101	<p>The right of way is to provide temporary access to Proposed Lot 101 until such time as a road is constructed to its frontage in accordance with the Precinct Concept Subdivision Plan. The right of way will be required to be maintained by the owner of Lot 101.</p> <p>This right of way is to be released should the remainder of SA6 be zoned and developed at a later date.</p> <p>The current location of the right of way can be amended to be situated between Lot 102 and Lot 103 so as reduce any adverse impact upon the adjoining landowners to the west. There is also the potential for access to the three lots (Lots 101-103) to be via a shared driveway.</p> 

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information

PLANNING
POTENTIAL

Page | 6

WATER

Pressure on underground water resources

The existing lots in the Windera subdivision have access to a water users scheme derived from bores located within the existing subdivision. The proposed rezoning has no access to that existing water users scheme and it is not the current intention to seek access to the scheme.

The majority of the land in the strategy area (for rezoning) is to the east of the ridgeline and will therefore rely on its own underground water resources subject to the appropriate approvals from the NSW Office of Water.

Bushfire controls

The existing water users scheme will not be used or accessed by any future subdivision as a part of this Planning Proposal. RFS, under their emergency powers however can still use local water sources for their purposes in the event of an emergency or natural disaster.

As a part of the later subdivision and development approvals, it is likely that water for bush firefighting purposes will need to be provided by each lot at the time of dwelling construction.

Since the Planning Proposal was submitted the land is now identified as being bushfire prone land (as mapped by the RFS). Any future subdivision will be forwarded to the RFS for their consideration and assessment as required by the Rural Fires Act. Any future DA's for subdivision or dwellings must meet the requirements of Planning for Bushfire Protection and address appropriate bushfire measures.

Allocation of future bore licences

There appears to be concern that every lot in the proposed subdivision will have a bore. Under the policy of the NSW Office of Water, bores require approval and licensing. Any applications for individual bores would be the responsibility of the landowner. Applications would be assessed under the guidelines of NSW Office of Water at the time of application.

It may be the case that a community water scheme, similar to the one which the residents of Windera Estate currently enjoy (which was constructed and installed by the current Applicants) would be implemented subject to approval by the NSW Office of Water.

Future bore testing and groundwater investigations would be at the Applicants discretion prior to lodging any future DA for subdivision.

DRAINAGE

Run-off to the west

Stormwater created from hard surfaces such as roads and dwellings will be addressed at DA stage.

All road design must address stormwater prior to construction to ensure stormwater flows do not adversely impact adjoining land or the catchment. Roads will be designed by Engineers to Australian

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information

PLANNING
POTENTIAL

	<p>standards and Council specifications. Construction of any new road will be in accordance with the approved design.</p> <p>Stormwater captured off dwelling and shed structures are typically captured through rainwater tanks. As the proposed lots are 2 hectares in area, the lots are of a size that can satisfactorily address stormwater capture and release without increasing flows to neighbouring properties. Any future DA for construction will require a stormwater management plan to accompany the application. There are many options available to address the disposal of stormwater.</p>
--	--

Page | 7

BENEFIT TO CABONNE

Economic benefit is not to Cabonne but primarily to Orange

While this is not a relevant submission in relation to the PP as it is really a matter addressing the inclusion of this land into the Strategy Area and the Settlement Strategy itself. There is no evidence that Cabonne businesses won't benefit from construction or employment opportunities even though the Site is in close proximity to Orange.

There is a benefit to Cabonne in creating high quality large lot residential lots in the Windera locality as well as payment of contributions to Cabonne under any applicable contribution plan(s). Currently, there are a number of Windera residents who commute to and from Molong and to other employers such as farms and vineyards within the Cabonne LGA.

In addition, every lot owner in Windera is a Cabonne Council ratepayer which adds to the financial sustainability of the LGA and further supports its independence and helps negate any push for merger which its residents strongly resisted.

PUBLIC OPEN SPACE

Consideration of public open space for residents

The proposed zoning foreshadowed under the terms of the strategy to provide for large lot residential allotments. An increase of 16 lots (as part of this Proposal) on top of the existing Windera lots is unlikely to achieve sufficient generation or density to support local open space. These lots are rural in nature rather than urban and hence different public open space considerations apply. Section 10.2.7 of the Settlement Strategy did not identify the need for additional open space in Windera or SA6 at this time. The proposed lot sizes provide substantial open space within each allotment. Rural roads do not include curb and guttering, nor provide any pedestrian or bike paths. Any public park, open space or walking tracks would be dedicated to Council and require Council to maintain them.

It is recognized that Windera residents utilise the local roads for walking, cycling and recreation. It is suggested that the additional

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information

PLANNING
POTENTIAL

	traffic generation compared to existing traffic is not significant enough to prevent people from utilising the road corridors for this purpose and is better controlled by appropriate signage, road speeds and education of residents.
No footpaths to Windera streets	<p>Windera Estate is a large lot rural residential subdivision. Pedestrian pathways and bike paths are not required to be included by Council's Engineering Guidelines for large lot residential development. These amenities are usually reserved for urban developments.</p> <p>To be noted no other large lot residential development in Cabonne has been required to provide these amenities. The existing Windera Estate equally does not have these amenities (ie bike and pedestrian pathways).</p>

Page | 8

LAYOUT

Setbacks	<p>The setbacks for building envelopes can be amended in accordance with Council requirements.</p> <p>20m building setback to the existing Windera Estate can be accommodated where required by Council.</p>
-----------------	--

DEVELOPMENT OF
ADJOINING LAND

Contact with adjoining landowners	<p>Mr Peter Colless in a submission dated 8.2.2023 states that he hasn't been approached regarding a rezoning of his land. It is our understanding that Mr Colless was approached by Mr Jim Oates of McCarron Cullinane in relation to the possible sale of his land to enable it to be incorporated in the re-zoning proposal but was not interested at the time. If Mr Colless is interested in applying for the rezoning of his land now we would support that application. That would include a discussion of the proposed road layout to accommodate any concerns he may have.</p> <p>Other landowners have been approached for inclusion in the proposal; however at the time they did not wish to be included in the Proposal. The Developer respects those decisions and subsequently has proceeded to rezone Lot 3 (only) with opportunity to connect Lot 3 to Windera Drive through the construction of a new access point and local road.</p>
Settlement Strategy 10.3.2	Whilst development of the whole of the SA6 area would be welcomed by the Applicant, it would require the consent of all the respective land owners and their contribution to the supporting plans and studies.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information

PLANNING
POTENTIAL

Page | 9

A submission dated 8.2.2023 refers to the Strategy saying that “ideally, it requires co-ordination of all 4-5 landowners to support the rezoning & a coordinated access/subdivision pattern”. The Applicant would be happy to support any joint approach to the rezoning of the SA6 area however, the reality is that this land has been identified as future large lot residential and until this application, no land owner that we are aware of has made an application to have any parcel within the strategy area rezoned.

The Settlement Strategy also identifies that there is no “current or nominated road connection from SA6 to Windera Estate unless an adjacent landowner in Emma’s Lane or off Windera Drive could be convinced to sell part of their land for access”. The PP proposes access off Windera Drive which therefore allows the northern end of the SA6 area to be independently rezoned and developed irrespective of Horspool Way. It does, however, provide the opportunity for connectivity to future development of the rest of the Strategy SA6 lands with the intent that roads are constructed to Horspool Way as an alternative access point.

GENERAL MATTERS

Loss of Agricultural Land

Strategy Area SA6 has been consistently identified for large lot residential growth (and endorsed by the NSW Government) since the 2008 Subregional Rural & Industrial Strategy and most recently in Council’s Settlement Strategy 2021-2041.

Most recently Councils Settlement Strategy identifies the agricultural land as being an endorsed area for growth, is not identified as Biophysical Strategic Agricultural Land (BSAL), having fragmented land ownership, small rural holdings (less than 40ha) and topography suggesting that high productivity agriculture is unlikely to be viable.

The previous land use strategies sought to balance agricultural requirements with the needs for a range of diverse housing opportunities.

One principle of Council’s strategies was to expand existing large lot residential areas rather than identify new stand-alone or isolated areas to minimise the amount of perimeter area for land use conflict with agriculture.

Section 10.3.3 of the Strategy states that the SA6 area forms a natural extension of the original Windera Estate and is sufficient proximity to Orange to promote access to services/employment and more sustainable development. The interface between this area and surrounding agricultural land is not significantly increased because it buffered Windera to the west and north-west, Mitchell Highway to the north-east and a number of smaller lifestyle lots south of Horspool Way.

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information

PLANNING
POTENTIAL

Page | 10

Removal of trees	<p>An ecological assessment was undertaken for the submitted Planning Proposal. The assessment concluded that the majority of the area proposed for rezoning was highly modified and predominantly cleared of native vegetation. Those areas that have been identified as a threatened ecological community have been appropriately assessed and identified as being in poor condition. Planted native and exotic vegetation and large areas of exotic cover (in the form of pasture grass) were also present.</p> <p>The Indicative Subdivision Concept (subject to DA) supporting the Planning Proposal has located the majority of the trees in the centre of the site within Proposed Lot 105 along with the existing dwelling and its gardens. Except for Proposed Lots 115 & 116, most other lots do not have many significant native trees. New public roads are located to minimise any impact upon trees.</p> <p>Lots fronting the highway have sufficient depth to promote setbacks of dwellings and additional future plantings along the highway frontage and ridgelines to improve visual amenity.</p> <p>Any tree removal would be specifically addressed at the DA stage and final subdivision design phase. It is common for vegetation replacement to be required as a condition of consent for subdivision or building works if deemed necessary by the Council.</p> <p>Experience from rural residential subdivisions (such as Windera) is that more trees are planted by owners than are lost. Consideration of plant species for replacement would need to be further considered in consultation with the Applicants Consultant Ecologist.</p>
Adverse visual impact	<p>The existing Windera Estate comprises over 100 large residential allotments. The current proposal is for 16 lots most of which are to the east of the ridgeline and not visible from the current subdivision. In addition, one of those 16 lots comprises the existing dwelling on Kildara. Many of the submissions raise concern with visual impact a greater distance away from their own residence despite the visual impact of other existing dwellings in proximity to their own residence.</p> <p>It is acknowledged that there will be a visual change in the landscape should the land be rezoned for large lot residential purposes. The location and size of future building envelopes, location and design of future dwellings will all have influences on the future visual landscape of the area. This is not to say that change is necessarily bad or adverse.</p> <p>Concern of the visual impact along the highway can be addressed through deeper lots fronting the highway enabling increased setbacks for dwellings (closer to the new internal road) and potential for additional landscape plantings along the highway (through vegetation or screening buffers).</p> <p>Matters relating to visual impact will be further addressed at the DA stage for subdivision.</p>

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information



Negative effect on telecommunications	Congestion of NBNs shared Fixed Wireless Network has been suggested. There is no clear or supporting evidence provided to which we are aware that additional connections will have an adverse impact upon telecommunication services generally or specifically for this locality. Connection and design of telecommunication services for both Telstra and NBN would be a part of the subdivision design phase. Consultation with these organisations will be undertaken prior to any lodgement for subdivision to ensure adequate services can be provided for the locality.
Net Zero Plan	<p>The Net Zero Plan is a government initiative to pursue net zero emissions by 2050.</p> <p>Stage 1 priorities include:</p> <ol style="list-style-type: none"> 1. Drive uptake of proven emissions reduction technologies 2. Empower consumers and businesses to make sustainable choices 3. Invest in the next wave of emissions reduction innovation; and 4. Ensure the NSW Government leads by example. <p>Whilst not directly related to the rezoning of land, the PP must consider the NSW Governments main policy priorities and how it relates to development.</p> <p>Future household uptake roof top solar, solar passive house design, implementation of improved technologies in construction materials (resulting from the rezoning of the land) and appliances all supports a reduction in household running costs and a reduction in carbon emissions which supports the Governments priority plan.</p>
Developer Covenants	The use of developer or private building covenants are used as a means to protect visual outcomes and often includes building materials, minimum or maximum size of outbuildings and dwellings. Covenants in relation to buildings are overridden by the Councils power to consider a Development Application on its merits. Any building works on any future allotment is subject to the DA process to which Council is the consent authority.
Availability of Reports	All required documentation has been submitted in support of the proposal and has been provided to both Council and lodged through the NSW Planning Portal. Could Council please confirm that the reports requested have been made available to the public during the Exhibition period.
Electricity Supply	Electricity will be supplied in accordance with Essential Energy's requirements for rural residential subdivisions. Any upgrades required to service a future subdivision would be addressed through the service provider.
Poplars on the current driveway to Kildara	The poplars located on the existing driveway are an introduced species and therefore do not form a part of the ecological

Page | 11

Lot 3 DP 549987, 1093 Mitchell Highway, Orange

Additional Information



Page | 12

	assessment. The Planning Proposal has no effect on the existing poplars though the indicative Subdivision Concept lots are likely to cut across the existing driveway. Future lots may retain elements of the existing driveway and plantings, however this is not an ecological imperative. More appropriate native species can be introduced and planted to provide improvements in native vegetation for the area. These matters are for DA consideration for subdivision and not specifically for a Planning Proposal.
Dam on proposed Lot 111	This is a matter to be addressed at the DA stage for subdivision as part of the stormwater drainage plans and is not a matter for consideration for the planning proposal.
History of Strategy Area SA6	<p>The existing Windera Estate was developed in the early 2000's over a number of staged releases. The SA6 area has been identified as a future area for growth and rezoning from agricultural land to large lot residential land since 2008.</p> <p>Landowners and residents of Windera Estate have been provided the opportunity to make submissions to Council's adopted land use strategies including the identification of SA6 for future growth in several strategies since 2008. This proposal seeks to develop land within SA6 consistent largely with the Strategy recommendations.</p>
Design of Future Subdivision	<p>The submitted future subdivision design is a concept layout only. Further investigations are required prior to finalising any subdivision design and submission of DA.</p> <p>The concept design is provided to demonstrate, how a lot layout for the area could be developed and an indicative lot yield for a preliminary assessment. The Precinct concept plan equally is provided to demonstrate how the remainder of the SA6 area could be connected to the rezoning of Lot 3.</p> <p>The final road layout and lot design for this land is a matter for consultation between the landowners, the Applicant and Council which will need to take into consideration the areas site constraints.</p>
Bushfire Provisions	<p>The land is now mapped as bushfire prone land. Cabonne Council's Bush Fire Prone Land Map (BFPLM) identifies the site as having Vegetation – Category 3. A bushfire assessment will be required to be provided as a part of any subdivision DA demonstrating risk is manageable through compliance with Planning for Bushfire Protection 2019.</p> <p>Furthermore, the DA will be referred to the RFS at subdivision phase for their assessment.</p> <p>There was no requirement to refer the planning proposal to the RFS as a part of the Gateway Determination.</p>

Jann Ferguson

From: [REDACTED] McGuire@newforest.com.au
Sent: Friday, 20 January 2023 1:12 PM
To: Cabonne Council
Subject: LOT 3 DP 549987 Windera East Pty Ltd objection

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon.

To who it may concern I am writing this email to once again object to the proposed Lot 3 DP 549987 Windera East. I have also not received any formal notification / letter of this new application from Cabonne Council only finding out about this via neighbours. I have read the traffic management report before writing this email and I find the conclusions insufficient. The reasons are the same as before, the development of an access road from Windera East to Windera Drive WILL increase traffic NOISE and CONGESTION onto Windera drive and onto the Mitchell highway. There was no mention of potential development in the conveyancing report when our property was purchased almost 10 years ago. The reason we built our home in Windera was to experience the quite peaceful lifestyle that the estate has to offer. The increase in traffic numbers and congestion will impact on that especially if heavy equipment and the flow of trades vehicles use Windera Drive for the building of the proposed properties. How long will that go on for? The residence who live a long Windera Drive will be impacted by increased noise and traffic and the residences who live next to the proposed connecting road will be impacted twice and they objected to this road proposal before.

To use Windera Drive appears to be a cost cutting and quick fix solution for this development to proceed by the land owner / developer instead of using an existing access point Horspool road. Then there is the existing driveway of the property owner? If he / she wants to sell and develop his / her land why not propose using that as an entrance and exit for his / her subdivisions?

Council should strongly consider the existing road Horspool Road off the Mitchell highway. Why not expand and widen that road in collaboration with land owner and developer to allow access and egress for heavy equipment and trades vehicles? Plus in the event of an emergency or natural disaster having only one entrance / exit will cause disruption and congestion for exciting residence and responding emergency vehicles. How will the traffic flow at the intersection of Thomas Kite Lane and Windera drive flow? As it is now or will that have to change due to the increase in potential traffic movements therefore increasing the potential for accidents?


To finish I would like to reiterate that I reject and object this development application for Lot 3 DP 549987 due to the potential of a connecting road to the existing Windera Drive...Noise, Congestion and Safety. Please feel free to respond to this email as I would welcome any information and feedback from Cabonne Council regarding this matter.

Yours Sincerely,

[REDACTED]

This email (including all attachments) is intended solely for the named recipients. You should only read, transmit, distribute or act in reliance on this email, or communicate all or any part of its content, if you are the intended recipient and are authorised by the sender to do so.

This email is confidential and may be subject to legal or other professional privilege. Any confidentiality or privilege is not waived or lost because this email has been sent to you by mistake. This email may also include personal information which is subject to requirements of specific laws relating to privacy and the protection of personal information.



If you have received this email in error, please let us know by reply email, delete it from your system and destroy any copies.

You should be aware that emails may contain computer viruses or other defects and may not be successfully replicated on other systems. Neither Newcrest nor the sender of this email gives any warranties in relation to these matters.



[REDACTED]
Windera

NSW 2800

22.1.2023

The General Manager
P.O. Box 17
Melong 2866

Dear Sir/Madam,

As a concerned resident of Windera I am writing to strongly object to rezoning and development of PD-2021-6607

My main two reasons for objection are that the proposed new development will put undue pressure on the already overstressed underground water resource - which failed totally for some residents in 2019-20.

Secondly without a separate entrance & exit to the Mitchell Highway the extra traffic on an already heavily used and sometimes dangerous road system would definitely increase the chance of accidents.

Yours sincerely

~~[Signature]~~[REDACTED]
[REDACTED]
WINDERA 2800

NSW,

Jann Ferguson

From:
Sent: Sunday, 5 February 2023 3:40 PM
To: Cabonne Council
Subject: Planning Proposal - Rezoning of Lot 3, 1093 Mitchell Hwy, Orange

You don't often get email from

1. [Learn why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

I, Peter McGee, am a Cabonne Council resident at 9 James Dalton Lane, Windera, a short distance from the proposed rezoning.

I raise a number of areas of concern with the current proposal before council:

1. Access and Traffic

The current proposal intends to avoid any additional access from the Mitchell Highway and instead provide access through Windera Drive. This is considered unacceptable for a number of reasons:

- The report indicates an additional 145 vehicle movements per day which will make the current Windera Drive cul-de-sac unsafe for occupants
- Relying on a single access point from the expanded estate to Mitchell Highway creates safety issues if emergency access is required. Emergency access could be required during bushfire, or also during a traffic incident, which will become significantly more likely with the increased traffic.
- It is questionable whether the condition of Windera drive will support the additional traffic, particular during development stages. Pavement will need to be upgraded to support additional traffic. Edge protection will need to be installed at the Northern end of Windera drive as the road goes over a small rise, the western edge presents a significant fall that would need protection.

We would strongly recommend any development require an additional access point onto Mitchell Highway.

2. Benefit to Cabonne

Whilst the DA states alignment with planning priority, the fact is all economic benefit from this development will flow to Orange and not to Cabonne. This includes local contracts during construction, retail and jobs for residents of the new area.

3. Groundwater

The current DA does not acknowledge the existing of a residents scheme, which takes water from a bore and distributes to residents in Windera for use on gardens. This presents two issues:

- a) The current infrastructure for the residents bore will not support an expansion of the scheme to support additional residents. The developer should contribute to upgrade of the infrastructure, or alternatively new residents made clear they do not have access to the scheme.
- b) There has been no assessment to date of what the potential impact would be on groundwater capacity for the current resident bore.

4. Public Space

As a residential area such as Windera expands there should be some consideration of public space for occupants. Residents currently walk dogs, ride bikes, jog, using the roads, with no verge or paths suitable for

such activity. With an increase in traffic, this becomes less safe. There should be some consideration of provision of a park or at least walking tracks to enhance the local amenity and to ensure public safety.

5. Maintain Landscape

The proposed development contains landscape that is visual appealing and is enjoyed by many Windera residents. This should not be impacted by any proposed development.

I would like to hear of any future developments for this development.

Best Regards,

Co-Founder

VICTUAL

M +61 410 017 824

Level 5, 77 Pacific Highway
North Sydney 2060 NSW Australia
victual.com.au

Victual is a registered trademark of Victual Pty Ltd. All rights reserved. © 2023 Victual Pty Ltd. All rights reserved. Victual is a registered trademark of Victual Pty Ltd. All rights reserved. © 2023 Victual Pty Ltd. All rights reserved.

Windera 2800

5th February 2023

To whom it may concern,

Re Planning Proposal- Rezoning Lot 3, 1093 Mitchell
Highway, Orange 2800.

Having purchased and lived in Windera Estate since December 2009 on 5 acres we have enjoyed watching the estate develop and people build on the blocks created by Mr Evers but have been disappointed with Cabonne Council in changing rules and regulations for example: building permits ie colorbond sheds and building envelops.

With regards to the proposed rezoning, we are concerned that this will affect all Windera residents with the additional increased traffic flow onto Windera Drive and the blind spots some driveways already experience. The roadway has not been designed to take a significant increase in traffic. We foresee the biggest impact will be on 19 Windera Drive with a proposed new road which will have a detrimental impact on this property and its value; as well as surrounding poperties. Windera residents enjoy safely walking, walking their dogs, children walking after bus drops them off and riding bikes but with increased traffic and no walkway infrastructure this pastime will be impossible.

This current proposal as it stands is of no benefit to Windera residents but saves the developer the cost of upgrading Horspool Way and the intersection with the Mitchell Highway. The environmental impact will be endured by Windera residents. Access must be provided from Horspool Way, as per the Settlement Options Paper, before any blocks are sold and homes built.

With surrounding and adjoining properties already exposing a risk of grass fires one exit for residents is already pragmatic in the case of an emergency as most blocks have at least 2 cars. Adding additional homes as proposed will make it worse and a bottle neck situation.

Consultation with the local RFS is required to ensure that adequate water supply for firefighting is available. Our local bore scheme and aquifer are in danger of drying back if extended to cater for increased blocks and houses.

A dry year little water in aquifer leaves the whole area exposed during bush fire seasons our supply of underground water is not inexhaustible. An extension to our scheme will leave household even more vulnerable in future.

We foresee this development as no benefit to Cabonne as additional rates will be allocated to future upgrades and maintenance of roads as well as garbage services. Orange will most certainly benefit economically.

The concept plan as it stands shows building envelopes with 10m setback to side and rear boundaries. Windera has maintained 20m, which should continue to be maintained. This is a reason people have bought here and not in a town to have some distance and a buffer from neighbours.

We fully support the Windera Committee views on this subject as they have the local residence interests at heart.

Regards

Jann Ferguson

From:
Sent: Saturday, 4 February 2023 12:24 PM
To: Cabonne Council
Subject: PP-2021-6607 - Rezoning Proposal of Lot 3 DP 549987

You don't often get emails like this. [Learn why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I have been reviewing this development and note considerable public interest and concern including my own. I note that there are only 4 documents attached on the council website being:

1. The Planning Proposal
2. The Local Environment Study
3. The Lot 3 Concept plan
4. The Concept Lot layout.

The planning proposal at the bottom of page 2 indicates 6 other supporting documents which should be available and have not been provided for review. Including:

1. Land Use Conflict Risk Assessment
2. Ecological Assessment by Eco Logical Australia.
3. Aboriginal Heritage Due Diligence Assessment by Everick Heritage
4. Preliminary Contamination Investigation Assessment by Envirowest consulting Pty Ltd
5. Onsite Effluent Management Assessments by Envirowest Consulting Pty Ltd
6. Traffic Impact Assessment by Traffic Solutions Pty Ltd

I understand as part of the gateway determination process for public exhibition and as advised on page 33 of the planning proposal these should have also been made available.

Can you please load these to the council web site and extend the closing date for a full fresh term for responses.

Thank you.

ORANGE NSW 2800

Jann Ferguson

From:
Sent: Tuesday, 7 February 2023 4:27 PM
To: Cabonne Council
Subject: FW: Submission of objection to planning proposal - Rezoning of Lot 3, 1093 Mitchell Highway Orange.

You don't often get email from council@cabonne.nsw.gov.au. [Learn why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

My apologies I forgot to sign off the email.

Sent: Tuesday, 7 February 2023 4:24 PM
To: Cabonne Council <council@cabonne.nsw.gov.au>
Subject: Submission of objection to planning proposal - Rezoning of Lot 3, 1093 Mitchell Highway Orange.

Good afternoon,

To whom it may concern, this email is a submission of rejection to the planning proposal – Rezoning of Lot 3, 1093 Mitchell Highway Orange. I have written several emails regarding this proposal under the first DA application for the same rezoning. My reasons remain and always will remain the same, the roadway in the proposed plan to link the new rezoned Lot 3 to Windera Drive hence onto the Mitchell Highway. This roadway was rejected last time this matter was raised with the residents of Windera and the matter was considered closed due to overwhelming objection. The residents who bought properties / homes, especially those who live on Windera Drive will be affected by an increase in traffic movements and traffic noise, not only whilst in their homes but whilst in their gardens, walking their children, dogs, riding bicycles and the movement of stock as well.

The residents on either side of this 20 meter link road will be most affected and the value of their property will decrease as a result of not only the road but properties backing onto their boundaries which are proposed to be 10m instead of 20m. The proposed new road will also cause excessive run off from not only its surface but potential drainage and kerbing to the residents at the end of the road causing water inundation to their property if not houses. The intersection of Windera Drive and Thomas Kite Lane could also become a potential black spot for accidents with increased traffic flow. The residents off the Mitchell highway will also have to put up with the increased traffic and noise and pollution with an increase in traffic numbers and flow.

The increased traffic movements caused by this link road will also result in increased traffic movement onto and off the Mitchell highway at the Windera Estate entrance / exit. This could lead to potential traffic accidents at that intersection with more cars and or trucks overtaking on the painted traffic island and the unbroken white line leading to it. I have seen on several occasions trucks and cars travelling towards Molong overtake myself on that island whilst other residents are waiting to turn towards Orange. The overtaking space of broken white lines is also short and too close to the Windera Entrance to allow for safe overtaking.

Having only the Windera Estate access / egress point onto the Mitchell Highway will be a major bottleneck in the case of a natural disaster where all residence would have to evacuate, for example grass fires or excessive rainfall causing flooding. If that were the case this would also cause congestion for responding

emergency vehicles and first responders. The only solution would be for Horspool Road to be widened and used as a second egress point to ease congestion in the case of natural disasters.

Productive and astatically pleasing agricultural land will be lost to yet another land developing land grab with houses and sheds filling the hill / s sides, natural old growth tress will potentially be cut down and removed from the view / landscape. The natural and or improved pasture along with pre-existing trees capture CO2 gas, reduce erosion and provide habitats for native flora and fauna. Houses will reduce habitat, increase pollution, rubbish, run off and extra light and noise pollution.

I have mentioned this before in other rejection letters / emails about this proposal to rezone Lot 3, 1039 Mitchell highway that it is obvious that the developer / owner / seller of the land, weather it be into Lot 1, Lot 2. Lot 3 or 4 of what ever size acreage / hectares, do not want to spent the necessary money to build a proper entrance point / road like the one that was for Windera Estate when it was first established. They want to minimise expenditure and costs by taking a short cut through into Windera Estate. They will have to construct and build road infrastructure and install drainage and possibly property entrances, so why not apply to Cabonne Council for a DA to widen Horspool Road, submit an application to the NSW roads to put in place safe and effective turning lanes into Horspool road? The residence of Windera Estate have to cop the laziness and cost cutting of a developer / land owner / seller who will make many more millions of dollars selling subdivided land than it would to widen Horspool Road and make a proper safer more astatically pleasing entrance to a new Estate if it were to go ahead. People who may purchase these blocks will work, shop, school and dine in Orange before Molong as it is bigger, closer and has more selection. Cabonne Council will bare the cost of road maintenance and up keep within the new Estate if it were to go ahead.

This email (including all attachments) is intended solely for the named recipients. You should only read, transmit, distribute or act in reliance on this email, or communicate all or any part of its content, if you are the intended recipient and are authorised by the sender to do so.

This email is confidential and may be subject to legal or other professional privilege. Any confidentiality or privilege is not waived or lost because this email has been sent to you by mistake. This email may also include personal information which is subject to requirements of specific laws relating to privacy and the protection of personal information.

If you have received this email in error, please let us know by reply email, delete it from your system and destroy any copies.

You should be aware that emails may contain computer viruses or other defects and may not be successfully replicated on other systems. Neither Newcrest nor the sender of this email gives any warranties in relation to these matters.

Jann Ferguson

From:
Sent: Wednesday, 8 February 2023 11:30 AM
To: Cabonne Council
Cc: Pete Colless
Subject: Development Application PP-2021-6607, 1093 Mitchell Highway Orange

You don't often get email

[is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

Re above Development Application we are writing to express a couple of concerns.

1. It is stated that in the planning proposal that the owners of the land that forms the remainder of the SA6 strategy (which would be us, our block being Warriewood 1039 Mitchell Highway Orange) have been approached. We have never been approached re a potential subdivision.
2. If we were to decide to develop, the proposed SA6 Concept Lot Layout makes our block very dependant on our immediate neighbours to develop their land either prior or at the same time as we choose.

Would appreciate your input on the above

Thanking you

P

Sent from [Mail](#) for Windows

The General Manager - Cabonne Council

8/2/2023

We wish to register our opposition to Planning Proposal, PP-2021-6607, based on the following:

Executive Summary - Objections

1. The 'Road 20 wide', shown as the sole means of access to the proposed Lot 3 DP 549987 subdivision, does not exist and a previous application to create it was withdrawn.
2. The Settlement Strategy (referred to 33 times in the Planning Proposal), recommended that access be provided to East Windera via Horspool Way. It did not envisage the piecemeal development of individual properties within the SA6 envelope.
Settlement Strategy 10.3.2 states: "Ideally, it requires co-ordination of all 4-5 landowners to support the rezoning & a coordinated access/subdivision pattern (subject to agreement on land value)."
3. The road infrastructure within Windera already exhibits damage from existing traffic and the additional load from a Lot 3 subdivision will make this situation worse.
4. The development of Lot 3 will increase water runoff into drainage systems which already overflow in heavy rain.
5. The creation of additional dwellings within the Windera region will negatively impact an already sensitive groundwater area.
6. The construction of buildings on the proposed subdivision will negatively impact visual and landscape amenity of existing areas, rather than protect them.
7. A subdivision arising from additional 2-hectare blocks in Windera will have a negative impact on existing telecommunications services.

Objection Detail - Access

1. Access to the entire area of Lot 3 is shown as provided by 'Road 20 wide' from Windera Drive along the northern boundary of 21 Windera Drive.
 - a) What planning instrument creates this (new) 'Road 20 wide'?
 - b) Is this the same road proposed in DA 2021/0239?
 - i) If so, Council advised on 28/7/2021 that DA 2021/0239 had been Withdrawn under Clause 52 of the Environmental Planning and Assessment Regulation 2000
 - ii) If DA 2021/0239 was withdrawn, how can 'Road 20 wide' be shown in support of the Planning Proposal for Lot 3 DP 549987?
2. Planning Proposal document 'Access & future connections' states: "This Planning Proposal site (Lot 3 DP 549987) includes the **deletion** of its current residential access off Mitchell Highway **allowing** the future subdivision to be connected via a new local road off Windera Drive."
 - i) The deletion of the current residential access off Mitchell Highway does not automatically ALLOW connection via a new local road.
 - ii) The 'new local road' would need to be created by some planning instrument.
3. The discussion in the Settlement Strategy recommendations outlined in Section 10.5.5.e) states: "Attempt to negotiate road (**or possibly just pedestrian**) connection to Windera for improved connectivity."
 - a) Furthermore, Settlement Strategy 10.5.5.d) states: "Provision of at least two (2) access points to Horspool Way in case of emergency egress or blockage".
 - b) This highlights the fact that vehicular access to the proposed subdivision should be primarily from an upgraded Horspool Way and not depend on Windera drive.
 - c) Given that only Lot 3 is available for subdivision and access via Horspool Way will not be available in the foreseeable future, the logical access method for this Planning Proposal should be via retention of its current residential access off Mitchell Highway.
4. Pavement condition of Windera Drive from Mitchell Hwy intersection to 21 Windera Drive
 - a) Windera Drive from Thomas Kite Lane intersection to No 21 Windera Drive has no centreline marking.

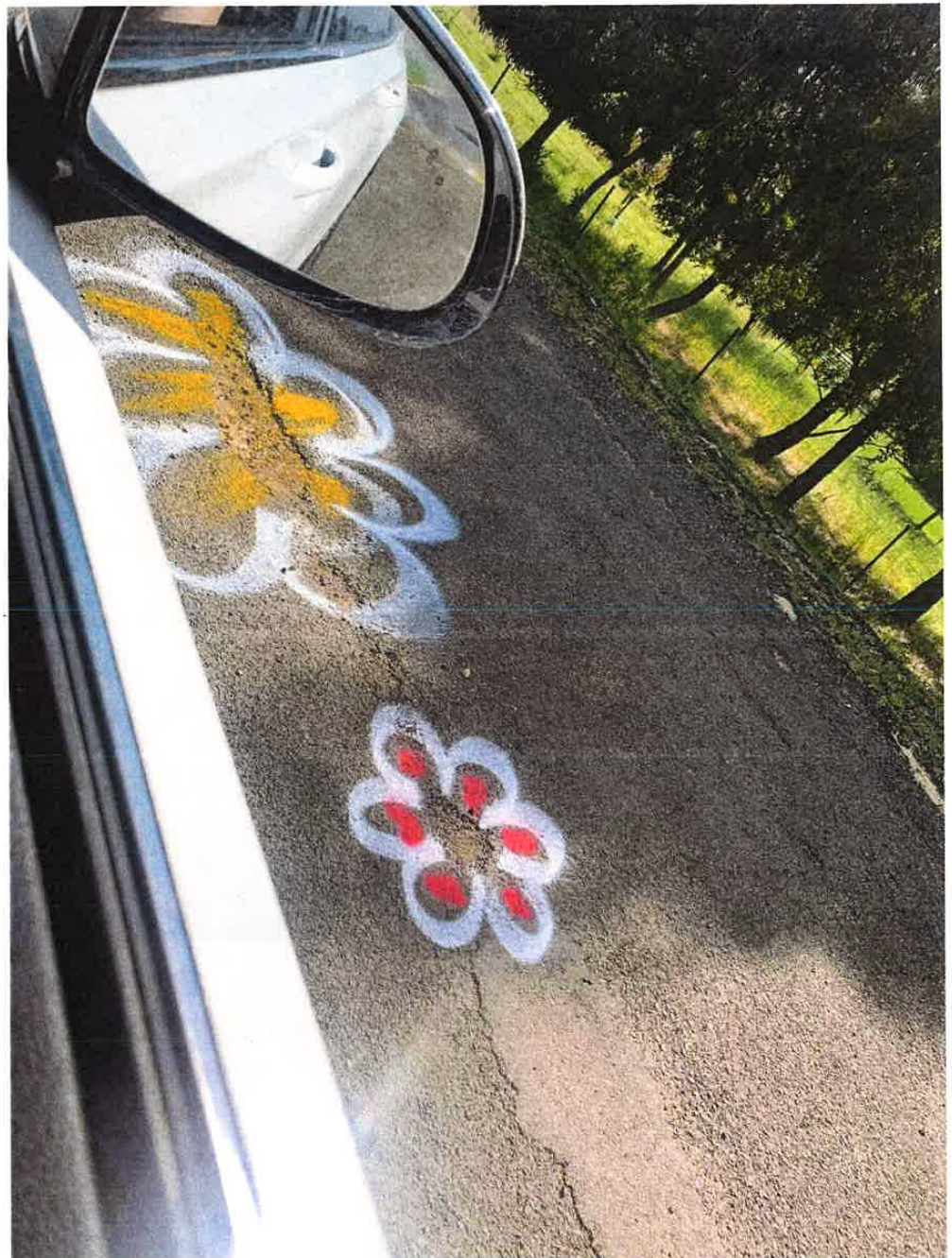


('Windera Drive - No 21')

- b) The sealed width, edges and pavement strength are barely adequate to support existing traffic to the five (5) properties south of No 21 Windera Drive.
- c) Adding sixteen (16) more properties on Lot 3 DP 549987 will create a corresponding increase in surface degradation.
- d) Maintenance of Windera Drive is demonstrably a low priority for Cabonne Council
- e) It is common for Potholes to suffer increased damage over 6 months.
- f) Some Potholes remain for so long they are converted into Street Art:









('Potholes-1 to Potholes-4')

5. Lot 3 Conceptual layout shows a "Proposed right of way" (ROW) running approx. NNE-SSW on the western boundary of proposed Lot 103:
- a) There is no reference to this ROW in either the submitted 'Planning Proposal' or 'Local Environmental Study' documents.
 - b) It appears the ROW forms part of the Lot 103 land parcel and will provide access to Lot 101.
 - i) Is this the case?
 - ii) If this is the case, then:
 - . What is the proposed width and surface of the ROW?
 - a. Is it intended to support vehicular traffic?
 - b. If so, what is the maximum weight limit for the ROW?
 - c. What drainage system will be applied to the ROW?
 - d. Will the ROW abut the eastern boundary of 23 Windera Drive?
 - e. Who is responsible for maintaining the condition and edges of the ROW?
 - f. Who is responsible for paying rates on the ROW land area?
 - g. What will become of the ROW if sections 2, 3 and 4 of SA6 provide direct road frontage to Lot 101?

Objection Detail - Water

Bores

1. The addition of up to fifteen (15) additional bores on Lot 3 is likely to have a negative impact on the efficacy of existing Windera bores, both community and private.
2. The Local Environmental Study has not addressed the capacity of the Windera Aquifer to support additional bores.
3. The Settlement Options Paper 10.3.2 states:
"Like Windera, the entire area is groundwater sensitive & should minimise new bores".
4. The Planning Proposal makes no mention of limiting the provision of new bores.

Stormwater

Local Environmental Study - 3.2 Water

1. The stormwater from hard surfaces on at least six (6) proposed Lots and associated roadways, will drain towards the West.
2. The 1st Order Stream in Figure 2 of 'Local-Environmental-Study-Windera-East' will receive the additional runoff from these properties.
3. This stream currently runs under Windera Drive and into an open drain on the Southern edge of 18 Windera Drive



(Drain - No 18 - Surface)



4. This Drain flows into an unnamed creek behind 18 Windera Drive and several other properties on its path under Thomas Kite Lane and Mitchell Highway towards the Bell River.
5. The Planning Proposal does not provide details of "Provision of some stormwater detention & on-site water quality management before discharge to the Bell River" as described in Settlement Strategy 10.5.5.j)
6. The additional runoff from new hard surfaces and roadways in Lot 3 will exacerbate flooding regularly experienced along the creek described in 4) above.

Objection Detail – Environment

Net Zero Plan Stage 1 202-2030 (sic)

1. Planning Proposal document Q5 states: "Household uptake of roof top solar to reduce household running costs and reduce carbon emissions supports the plan".
 - a) This is nonsense! The retention of trees and pasture on Lot 3 DP 549987, instead of the emissions from clearing land and manufacturing building materials for new houses, would have a greater impact on reducing carbon emissions.

Site disturbance

1. 'Planning Proposal Q8' states: "No threatened flora species are considered likely to occur due to the high level of ongoing disturbance across the site".
2. 'Local Environmental Study - Executive Summary' states: "The site has a history of grazing, and a review of historical aerials indicates *relatively few changes on the site since 1963*."
3. 'Local Environmental Study - 4.9 Contamination' states: "The site has a history of grazing, and a review of historical aerials indicates *relatively few changes on the site since 1963*."
4. 'Local Environmental Study - 4.13 Site constraints analysis' states: "No threatened flora species are considered likely to occur due to the high level of ongoing disturbance across the site."
5. The statements in 1) and 4) are at odds with the statements in 2) and 3) above (my underline and italics).
6. The construction of buildings on Lots 101 - 112 inc. will be in plain view of existing blocks in Windera.
 - a) Hence, they will negatively impact, rather than "Protect the visual & landscape amenity of the existing & proposed LLR areas & maintain the landscape features that make this area desirable including retaining significant vegetation", as described in Strategic Strategy 10.5.5.m)

Objection Detail - Infrastructure

- 0. 'Planning Proposal Part 5 - Community Consultation' states:
 - "Presents no issues with regards to infrastructure servicing."
 - a. This statement makes no mention of the provision of telecommunications infrastructure.
 - b. The NBN's shared Fixed Wireless Network will suffer increased congestion with connections to additional properties.
 - c. This congestion will negatively impact existing Windera residents.

Yours faithfully,

Via email

The General Manager
Cabonne Council
PO Box 17
MOLONG NSW 2866
PP-2021-6607 Development Address Lot 3 DP 549987 1093 Mitchell Hwy Orange

We write to you as concerned residents of Windera regarding the above proposal.

We have listed below our concerns.

1. If this proposal proceeds, this will result in an increase in traffic in Windera which only has one exit/entry point in case of emergency. It will particularly be challenging and dangerous on Windera Drive and onto the highway. Already, this can be busy at times and with cars travelling at 100KM/hour along the Mitchell Highway, there are significant risks.
2. There will be an increase in traffic noise for residents on Windera Drive.
3. There are no footpaths in Windera's streets, pedestrians must use the roadway in many locations on Windera Drive. The current situation is already hazardous for pedestrians and any increase in traffic volume will exacerbate this.
5. We believe that there will be an increase in costs to Cabonne Council (garbage etc) and yet, most economic benefits flow to Orange Council.

Yours faithfully,

Cabonne Council

RECEIVED

9 FEB 2023

Referred to

Windera NSW 2800

9.02.2023.

The General Manager

Cabonne Council

Molong NSW 2866.

Re Development of Lot 3 DP 549987, 1093 Mitchell Highway.

Sir,

We do not have a problem with the planned development but we do definitely oppose the use of Windera Drive as an access to this development.

1. In its present condition the use of Windera Drive by vehicles needed for the new building sites, is asking for an accident to happen. The road is too narrow and is certainly not tough enough for heavy vehicles, especially those transporting graders, front-end loaders etc.
2. Vision is limited for drivers on the curve and ascent of Windera Drive. (See map ref 2)
3. There is no safety barrier on Windera Drive on its northern side where the land descends sharply. (See map ref 3)
4. The approach lane for exiting Mitchell Highway is too short for heavy vehicles and the increased traffic that will be the result of the development. (See map ref 4)

Each of these points is a safety issue that needs to be solved before development proceeds.

Yours faithfully,



Jann Ferguson

From:
Sent: Thursday, 9 February 2023 6:14 PM
To: Cabonne Council
Subject: Objection / Comments Regarding PP-2021-6607 - Rezoning of Lot 3 in DP 549987 from RU1 Primary Production to R5 Large Lot Residential amending the minimum lot size from 100 to 2 hectares

You don't often get email

[n why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

I am writing to the council as an adversely affected private landowner within the eastern boundary of the existing Windera Estate. This letter is regarding the planning proposal currently on exhibition for comment by the public.

I have major concerns and questions regarding this proposal. I do not believe the submission has adequately addressed identified concerns below based on the documents provided by the proponent.

A. Background

I have recently received a council letter to adjoining landholders dated 12th January 2023 advising that objections are to be submitted by Monday 13th February 2023.

I have also previously submitted an initial response on Saturday 4th February 2023 to the council's email address advising that 6 of the 10 documents were not available on the council website. In this response I requested a fresh response period for the public to review and express legitimate concerns to the planning proposal's full suite of documents.

B. Review of the Planning Proposal Document

Supporting Documentation - I note that six of the mentioned supporting documents are currently not available for review by the public. As mentioned above in the background, I have written to council requesting that these documents be provided and that the time for public review be extended accordingly.

PART 0 - Gateway Requirements - Gateway requirements as defined on page 3 have clearly not been achieved as point 5 has not adequately been addressed. Currently, Lot 3 has no legal access to Windera Drive. Lot 3 does not adjoin nor have access to Windera Drive as a public road. The proposal, therefore, should have provided multiple options of potential access to review for council, state government and the public. The proposal should presume something which does not currently exist and is not yet approved as the only option. How is it that the submission presumes access via Windera Drive? It is noted that the proponent previously submitted and subsequently withdrew a prior proposal for a "boundary adjustment" in May 2021 (DA2021/0239). This submission was, at the time, perceived by the Windera community as a "sneaky" attempt to acquire the land to secure a second private road access without informing the public of the true underlying intent. At the time, the community, including myself, could see no other reason for this acquisition, other than for the potential "betterment" of Lot 3. This acquisition was clearly to avoid significant future development costs associated with access off the highway (being Lot 3's current only legal access point) for any future sub-division. Additionally, the proposal should only be considered in terms of the entire SA6 area commencing off Hosepool Way and not a piecemeal approach. In this regard, the current submission itself identifies the need for multiple road access points in emergency situations,

such as bushfires. As the submission currently stands, multiple access points will not exist until the final stage of SA6 development. If these future stages do not occur or take considerable time to develop, then the current Windera community and new residents of the proposed Windera East will be at significant risk.

PART 1 - Objectives and Intended Outcomes - Paragraph 3 outlines four objectives to be consistent with the R5 Large Lot Residential Zone objectives. However, the proposal fails on all four points at this current time based on the objections outlined in this response.

PART 3 - Justification - Background - The planning proposal specifically covers only a small portion of the SA6 strategy area, as the other landholders within this area do not wish to participate in the planning proposal. Surely Council should only proceed with a gateway process "once" for the entire proposal of rezoning and not proceed with a piecemeal rezoning approach. This planning proposal does give suitable clarity on a significant number of challenges regarding the development of this area and instead presumes that these issues will be solved in uncertain future stages.

PART 3 - Justification - Concept Lot Layout - Please refer to my comments below under Section C.

PART 3 - Justification - Staging - The argument here states the staging will be "an orderly and logical pattern of development with direct connection and extension to the existing Windera Residential Estate." However, the more logical approach would be to commence development stages via Horsepool Way with the entire SA6 rezoning planning proposal submitted fully instead of taking a piecemeal approach. By default, this would eventually either join the existing Windera Estate road network in the final stages (to achieve the proposed secondary road access) or via the current legal access of Lot 3.

PART 3 - Justification - Traffic - The submission appears to focus on access only being provided via Windera Drive and does not correctly address nor suitably consider the alternative option of separate access and its subsequent benefits/costs. Where is the traffic report? Please also refer to comments below under '2.1 - SEPP Policy Division 7 Road and Traffic', '3.10 Traffic', and '4.30 Traffic and Access' under section D. My concern is that, if access is eventually approved via Windera Drive, the road would need considerable upgrade; road widening, improved road maintenance, improved shoulder clearance, improved visibility, signage, improved guide post reflectors and a barrier at the steep section of Windera Drive, and improved turning lanes at the highway intersection. A specific traffic report needs to consider the actual current traffic movement versus forecast additional traffic movements and not be based on a 20+ year old estimate.

PART 3 - Justification - Access and Future Connections - This planning proposal should address the entire SA6 area for potential rezoning and not propose a piecemeal approach to development (as is currently the case). As stated above, the proposal does not correctly consider the impacts of these initially proposed lots, and I am not confident that issues regarding traffic have been addressed because the traffic study was not provided to the community. Thus, this proposal should be refused, and the development of the SA6 area should only be considered if the stages commence in reverse, with stage one being off Horsepool way. Linkage to the Windera Estate should then only be considered in the final stage of development. The proposal itself mentions developing this road exit link to protect in an emergency if the other was blocked. Surely this justifies reversing the development stages or alternatively forcing the retention of Lot 3's direct access to the highway as the primary link to a public road.

PART 3 - Justification - Dwellings - The proposal states that "dwellings be limited on ridgelines so as to minimise the visual impact on the character and rural locality" This preservation of rural locality does not seem to be true based on the proposed building envelopes outlined in the concept lot layout. Please provide more explanation on how this is being achieved. Please also confirm if the development will have reasonable house/shed size/materials covenants. Many in the Windera community will expect these covenants to be in line with the existing specific covenants in the Windera Estate if SA6 is linked to Windera Estate.

PART 3 - Justification - Services - Refer to my comments under section D below for '3.11 Services', '4.11 Services - Effluent Assessments', '4.11 Services - Telecommunications', and '4.11 Services - Electricity'.

C. Comments on the Concept Lot Layout for Lot 3

I object to the planned "right of way" shown in this document to allow access to proposed Lot 101. This "right of way" should not traverse along the boundary of the existing Windera estate lots, as these existing residences were not built to account for the dust, amenity and noise caused by a "right of way" in close proximity. Instead, this "right of way" should traverse between Lots 103 and 102, whose dwellings can be built to minimise impacts of dust, amenity and noise. Alternatively, Lot 101 should not be developed until a later stage when the more suitable bitumen public road is constructed within Lot 3 along the boundary to the south east.

D. Comments on the Local Environmental Study

2.1 - SEPP Policy Division 7 Roads and Traffic - The current road network supporting Windera Estate was developed in line with the traffic expected from the original planned lots within the estate. Some additional sub-division has already occurred within Windera, placing additional pressure on the estate's road network. There have been close calls for children walking home from the bus due to the inadequate slashing/maintenance on the side of the road (shoulder). Additional traffic would exacerbate this safety concern and other traffic issues. To address these issues, the road width would need to be widened, improved line marking and road quality would be required from the access point to the highway should this proposal be approved. Additionally, the intersection of Windera Drive and the highway already receives a considerable line up at busy times and this additional pressure would likely cause dangerous circumstances. To alleviate these safety concerns a left and right turning lane would need to be extended with considerable road widening to accommodate the additional traffic from the Windera East. Drainage is also an issue on the current road and remains unaddressed by Council. Thus drainage would need to be upgraded along the proposed public road access point. As I noted above, the traffic report was not loaded for public review and thus I am not confident these traffic issues I have outlined will be addressed by the proponent. Therefore the whole proposal should either be placed on public exhibition for a fresh term to allow for the community to assess and comment on the traffic report or withdrawn. The subdivision should have its primary access separate from the current Windera Estate and only a secondary access be considered at a future stage of development.

3.2 Water - The report indicates a first order stream which runs through from the south in the centre of Lot 3 then heads west into the Windera Estate and eventually into the Bell River. Above I highlighted concerns regarding the proposed road access near this stream and note there will need to be improved water management along the existing public road. The report does not suitably address how the proposed subdivision parcels will be monitored for effluent disposal systems once constructed. What assurances can be given that effluent systems installed will be suitably inspected for performance and not impacting on the waterways and surrounding settlements?

3.6 Natural Hazards - The report itself indicates the site is mapped as bushfire prone land by NSW RFS mapping. In this regard, suitable separate access is considered necessary and should not rely upon the same access as the existing Windera Estate to minimise exit risk. The development should have separate access to the Highway as its primary access, and only be linked into the Windera road network at a future/final stage (if necessary). Additionally, with the increased numbers of lots overall in Windera, consideration should be given to land being set aside for a specific Windera RFS shed due to the distance to the nearest RFS facility. The following RFS Planning for Bushfire Protection document is a guide for Councils and Developers. This document supports the need for ensuring suitable multiple access/exits for emergency services which has been pushed onto the future development stages. https://www.rfs.nsw.gov.au/data/assets/pdf_file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf

3.10 Traffic - Refer to previous comments/ objections regarding the new proposed estate needing separate public road access to the Highway to mitigate impacts on the existing Windera Estate (Windera Drive) public road users to minimise fire, noise, safety, movements, and water runoff control. Significant upgrades would be required from the access point on Windera Drive through to the Highway if Windera East is approved to proceed with this proposed access point. I note the traffic report has not been made

available for review with this process. Please confirm if an actual study of vehicle movements was completed or if reliance was simply based on a dated guideline more than 20 years old (2002)? This does not seem suitable to understand the true impacts in this instance.

3.11 Services - Refer to my earlier comment regarding the first order stream which traverses the subject development land. What assurances can the council and the developer give that effluent systems close to this stream are suitably inspected to ensure no runoff enters the stream? Can Council confirm they are already inspecting aerated systems throughout Windera on a regular basis to ensure compliance?

4.30 Traffic and Access - Refer above 3.10 comments/objection. Additionally, it appears entirely suitable that Windera East requires its own separate primary access point to the Mitchell Highway. The proposal should also not presume that a secondary access will be built in the future development stage. Secondary access should be part of the initial planning and stage 1 if Windera Drive is used as the primary access point. I again note that the traffic study was not provided, and therefore could not be critically reviewed or reasonably assessed.

4.7 Bushfire - The report indicates the land is identified as bushfire prone under RFS mapping, which impacts traffic and road planning. Refer the comments above under Section 3.6 - Natural Hazards.

4.10 Visual Amenity - The report states "the development would consider and enhance the qualities of the landscape". This consideration has not been adequately addressed. We note that the current landscape of rolling hills provide far more visual amenity, and the plans make no reference to any buffers being established to protect and allow for native vegetation. The existing Windera estate has numerous examples of poor development controls by Council and the prior developer with car bodies, lack of weed and fire control, and enforcement. What guarantees can the proponent and Council provide that the outlook up the valley to the Northeast will be as visually appealing post-development, and will not devalue our properties as a result?

4.11 Services - Effluent Assessments - We have not been provided with the effluent assessment by the consultant. The summary provided in this section indicates that the soil on most of the proposed lots are to be via surface or subsurface irrigation system (presumably aerated). These systems require regular maintenance and inspection for correct performance to ensure water runoff does not impact the existing ecosystem and infrastructure.. Can the council confirm these will be regularly inspected /checked?

4.11 Services - Telecommunications - The current fixed wireless system and NBN tower is under considerable pressure and the pipeline speeds have been considerably affected/reduced over recent years. This additional pressure will require greater investment to ensure all residents of Windera and Windera East have access to reasonable access speeds and should be a condition of development.

4.11 Services - Electricity - The submission appears silent on how the lots would be provided electricity. These need to be all underground to ensure minimal impact on visual amenity and should be a condition of approval. Has consideration been given to increased demand via Electric Vehicles and impacts of greater solar uptake?

4.13 Site Constraint Analysis - This section states "negotiations have taken place with the owners of Lot 403 DP 1083051 which would provide an opportunity for access between Windera Drive and the development site." It is understood that the DA 2021/0239 for boundary adjustment was withdrawn after various submissions of objection were submitted. How can this planning proposal be approved when no legal access currently exists? Compensation would need to be paid to the neighbouring property to the north (directly adjoining the proposed public road) as it would impact their land value and amenity. Additionally, other landowners should be given the right to comment/respond to such a plan. Considerable objection exists within the Windera community to this proposal, evident in the public meeting held Thursday 2nd February 2023. In this meeting considerable objections/concerns were raised. The comment in the planning proposal and local environmental study that a future development would see a secondary access "potentially" established via horsepool way should be required to be secured, before this initial development proceeds.

Regards,

.....

Windera, NSW, 2800

.....

February 9, 2023

The General Manager
Cabonne Council
PO Box 17
Molong, NSW, 2866
Email: council@cabonne.nsw.gov.au

Dear Sir,

Re: Development Application PP-2021-6607
Lot 3 DP 549987, 1093 Mitchell Hwy, Orange

My name is John Wheatley and we purchased 8 Emmas Lane, Windera, about one year ago. As you would be aware, number 8 Emmas Lane borders directly on the proposed redevelopment, and we have a long southern boundary that backs on to two of the new proposed lots – 108 and 109. **I would like to make a written submission against the proposed development.**

In general, **we are not supportive of the proposal as it stands** for the following reasons:

1. The land is currently productive rural land which easily supports grazing and always has good feed cover. To us it seems to be very productive rural land (as opposed to what is claimed in the DA). I would think it is commercially viable and seems better rural land than the current Windera Estate would have been. It would seem a shame to lose productive rural land. There is good water supply available on the land from the large dam at the front of the property (which will not be suitable for the smaller residential lots).
 2. The large dam seems problematic for the small lot 111 at the front, and will be difficult for them to manage and may represent a significant safety risk for the new owners and surrounding lots. There is nothing in the proposal about removing it and remediating the land.
 3. The current access driveway to the property from the Mitchell Highway has a magnificent line of fully mature poplar trees growing along most of the length. These are a highly visible and well recognised feature of the local landscape environment and should be preserved at all costs. No development should be allowed to touch these trees or remove them, particularly as the change in land is from rural to large residential, where trees should not need to be removed. I am
-

February 9, 2023

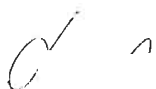
Page 2

concerned that the dwelling envelopes drawn on the plan include the line of trees which may permit their removal without a tree preservation order. I am also very concerned that the Conceptual Lot Layout for Windera East seems to have been doctored to remove the trees from the background of the lot layout – while other trees are still on the plan, the row of poplars has disappeared, I presume so as not to draw attention to them during this stage of the DA consideration. You should go out and view the site in person.

4. The lot plans should be re-aligned/re-planned so that the poplar trees form a boundary line along planned boundaries for the lots (outside the dwelling envelopes), and not run through the middle of lots and their dwelling envelopes where they will be unwanted and likely removed. The poplars should be subject to a tree preservation order.
5. Finally, the dwelling envelopes as drawn on the Conceptual Lot Layout for Windera East are not in keeping with the current dwelling envelopes in the Windera Estate. They are much larger and closer to the boundaries than the current ones for our existing Windera properties. The dwelling envelopes should be more central on the lots to encourage the new housing development to be off the boundaries and not close to any neighbours in order to maintain the current nature and character of the Windera Estate. The current drawn dwelling envelopes are right on the boundary of my property (and others) and would permit new houses to be built backing up on my fence line to which I strongly object. This is not in keeping with the current Windera Estate development and would significantly change the character of the local neighbourhood. With the current lots, everyone will want to build right at the rear of the blocks to maximise views, which will then be intrusive on neighbours and out of character in the neighbourhood.
6. The access road details are unclear to me, but it does not seem reasonable to bring all the additional construction and local traffic in through the Windera estate to construct and access this development. It is a very distant access point for the new development. Any construction equipment will likely destroy the Windera Drive, and I am sure the developers will not be paying for the repairs and resurfacing. Additional traffic in the Windera Estate will be unwanted. For traffic reasons we are opposed to the current site of the access road.

We would appreciate updates on the progress or outcome of the application.

Yours sincerely



Via email

10 February 2023

PLANNING PROPOSAL

Lot 3 DP 549987

1093 Mitchell Highway ORANGE

The Planning Proposal seeks to amend the Cabonne Local Environmental plan to change the Zoning of Lot 3 in DP 549987 from its current rural zoning (RU1) to large lot residential (R5), and to change the minimum lot size from 100Ha to 2Ha.

The proposal only applies to 1 of 5 lots that make up the area know as SA6 in the Cabonne Settlement Strategy. The Settlement Strategy proposes that all lots be rezoned for large lot residential.

We have reviewed the documents submitted by the proponent and have serious concerns, particularly related to the conceptual layouts. Although these are only conceptual they provide an insight into the proponent's intentions for development of the subject site and of the remainder of the SA6 area.

Access and Traffic.

The conceptual layouts submitted with the application show access to the new subdivision via new road connecting to Windera Drive through No 21 Windera Drive.

The lot numbering shown on the layout for the whole SA6 area indicates an intention to develop the area in stages, from west to east. It is only in the last stage that a single connection is made to Horspool Way.

This is inconsistent with the "Preliminary Rezoning/Subdivision Principles" (Principles) set out in the Settlement Strategy, which states that the whole of the area should be accessed from Horspool Way, with at least two separate connection points to allow for emergency egress.

It is logical and sensible to access SA6 from Horspool Way – it is the most direct route to Orange, where it is expected that most residents will work and shop. (what benefit to Cabonne?)

There is no mention of the Principles in the documents submitted with the application, even though they are an integral part of the Settlement Options Paper which is relied on to support the rezoning proposal. The Principles should not be discarded for convenience or to reduce development costs.

The traffic generation figures presented in the Local Environmental Study relate only to the Lot 3 proposal, indicating 15 additional dwellings generating 135 trips per day. Given that the existing dwelling will also have to utilise the proposed access, the number of trips per day should be 144.

When we add in the 2nd & 3rd stages of the development, the 49 dwellings shown will generate 441 trips per day.

Even if only the Lot 3 development proceeds, with access from Windera Drive, there will be a significant, detrimental impact on existing properties adjacent to the proposed access, in particular No 19 Windera Drive. The amenity of this property will be seriously impacted by the new road proposed adjacent to the southern boundary of the property.

Traffic volumes on Windera Drive south of the intersection with Thomas Kite Lane will double. Sight lines at the intersection of Windera Drive & Thomas Kite Lane are poor, due to vegetation on private property.

Winderera drive requires regular maintenance, the additional traffic load will lead to the need for more frequent maintenance. Construction traffic will only make matters worse.

There is no benefit to Winderera residents from this proposal, yet the environmental impacts are borne by Winderera residents. This is unjustifiable, given that the proposed development is not critical.

Fire Risk & Emergency Egress

Both Winderera and the SA6 area are within a bushfire prone area. Grass fires can develop and spread rapidly.

Currently, Winderera Drive is the only access to and egress from Winderera. There is no alternate egress for residents to use in the event of an emergency.

Adding additional dwellings with access only from Winderera Drive will only exacerbate this situation. The requirement for an alternative egress from SA6 is contained within the Principles, yet is ignored in the proposal.

Ready access to water is essential in combatting bushfires and grassfires. A readily accessible filling point for RFS tankers should be provided within the SA6 area to complement the existing fill point in Winderera.

Building Envelopes

The Concept plan for Lot 3 shows building envelopes with a 10m setback to side & rear boundaries. In Winderera these setbacks are 20m, which should be maintained to minimise loss of amenity to adjoining Winderera residents and to provide privacy and access to views for any new lots.

Existing trees

Mature poplars line both sides of the existing driveway to Lot 3 from the Mitchell Highway. The concept lot layout ignores these trees, which are located within the building envelopes of 2 lots. Despite being an introduced species, they are a significant landscape feature when viewed from the Mitchell Highway, westbound, and should not be allowed to be removed.

There are also a number of other mature trees on the site which also should be retained to maintain the character of the site as far as possible.








Conclusion

Although the subdivision details will be the subject of further applications should the rezoning proceed, the issues of access and egress are of great concern to residents of Winderera. A clear understanding of how these issues are to be resolved without environmental impacts on Winderera residents should be required before any rezoning of land takes place.

Yours Sincerely,



Jann Ferguson

From:       
Sent: Friday, 10 February 2023 12:55 PM
To: Cabonne Council
Subject: Planning proposal Lot 3 DP549987

[You don't often get email from  learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Sent from my iPad

Dear Sir/Madam,

I am writing in response to the above subdivision application, which I am opposing. The reasons for my objection are as follows.

I do not believe the subdivision should go ahead until access to these blocks is fully resolved. At the moment the only access seems to be via Windera Drive and a proposed new road through number 21.

The amount of traffic both residential and construction would be totally unacceptable. Windera Drive is narrow with poorly maintained verges. Residents do maintain where possible, but due to the gradient some areas require specialised equipment. This results in steep drops being camouflaged by long grass, this is extremely dangerous even with current traffic volume.

Also Windera Drive is the only access in or out of Windera, if a fire breaks out this is the only means to evacuate. If this subdivision is to go ahead, access via Horspool Way should be established from the outset.

Yours sincerely

Jann Ferguson

From:
Sent: Friday, 10 February 2023 1:26 PM
To: Cabonne Council
Subject: PP-2021-6607 Rezoning RU1 to R5, Lot 3 DP549987, 1093 Mitchell Hwy

[You don't often get email from this sender, so we thought this is important at
<https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

J A Rogers
27 Windera Drive
Windera NSW 2800

The General Manager
Cabonne Council
PO Box 17
Molong NSW 2866

Dear Sir/Madam

I am in receipt of your correspondence dated 12 January 2023 regarding the proposed development at the above address.

I object to the development for the following reasons: Loss of amenity, additional traffic, lack of green space in the proposed development, noise, raised dust, fire hazards, and drainage issues.

1. We would suffer a loss of amenity due to the development. We currently enjoy rural views to the NE. That would change if this development is approved.

2. Windera Drive. A poorly maintained road would be burdened by additional traffic.

3. Access to the new development (if approved) should be via an alternative entrance/ exit to the Mitchell Highway. Windera should not be burdened by more cars and trucks.

4. If approved Council will continue with an existing planning error by not insisting on public space within the development. To that end houses constructed on the Windera flat are often subject to flooding. In the last twelve months one property in particular has been surrounded by water on a number of occasions. This land should have been reserved as public green space to be maintained by the community. The space should have included facilities including a fire shed.

This error should not be replicated.

5. If approved the properties nearest the proposed development will be subject to noise, raised dust, and potentially fire as the farmland is torn apart.

6. Drainage is already an issue for some property owners. The proposed access road from Windera Drive is up a water course. The house directly below this road (if constructed) will be subject to further flooding in heavy rainfall. This is the only (existing) prestigious development in the entire Cabonne local government area. Any further development must be better planned than the Windera estate as we currently know it.

Yours sincerely

Sent from my iPad

Jann Ferguson

From:
Sent: Friday, 10 February 2023 1:51 PM
To: Cabonne Council
Subject: Planning Proposal Lot 3 DP549987

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam,

I have reviewed the documents submitted with the Planning Proposal, and make the following comments:

The Cabonne Settlement Strategy Options Paper deals with area SA6 as a whole, and assumes that all 4 of the large lots within the area are to be rezoned for large lot residential use. The Options Paper sets out "Preliminary Rezoning/Subdivision Principles" which are to apply to the future development of the SA6 area. A significant principle is that access to the SA6 area be from Horspool Way and that two separate access points be provided to allow for alternative access in an emergency. Access from Horspool Way to the two westernmost lots in SA6 can only be through Lot 8 DP569090. Given that the owner of this lot, and the owners of Lot 2 DP1060191 and Lot 25 DP849775 are currently unwilling to include their land in this rezoning proposal must mean that development of area SA6 cannot proceed at this time. This also calls into question assumptions made in the Options Paper and the Environmental Study that these lots are not viable as agricultural land. The owners would seem to disagree.

The proponent is proposing that access to the subject lot be created by a new road connected to Windera Drive. This is strongly opposed by Windera residents, who will bear the impacts arising from additional traffic, yet will receive no benefit from the development. This is unreasonable. Council will bear the costs of increased maintenance resulting from the increased traffic.

The SA6 area is classified as bushfire as bushfire prone. Following the experiences of the 2019/2020 Black Summer, is it sensible to be building more homes in bushfire prone areas? If development does proceed then it is essential that alternative egress points are provided and that water supplies other than those provided for individual homes are provided for firefighting purposes.

Until such time as issues related to access and egress are resolved in accordance with the Principles set out in the Options Paper, rezoning of Lot 3 should be deferred.

Yours Sincerely,

Orange NSW 2800
2/2/23

General Manager Cabonne Council

Dear Sir/Madam,

In relation to **Application Number PP-2021-6607**

My Wife and I received a letter from Council in relation to the Development application Rezoning of Lot 3 1093 Mitchell Hwy, Orange.

As we were informed in the letter the Council is being the Consent Authority. The letter goes onto inform us that an Assessment Report will be prepared and should we seek any further information to contact Council.

We choose to take the time to visit Council on two occasions to seek a meeting for further information regarding this matter. To our disbelief we were informed by Council staff that we needed to address our questions to the developer so that they may answer our concerns as Council would act as a conduit between the developer.

In what appeared to us to be the Council's willingness to please the "Developers need for Greed" we were spoken to in a manner that would leave you in no doubt that it was a forgone conclusion and that we were told that we needed to "Evolve to the Change".

We were left with no further information other than a copy of the applicants Planning Proposal and Local Environmental Study and sent on our way. After spending a lot of additional time researching on the internet and considerable time reading these documents there were a number of huge concerns raised in the documents.

There are many incorrect statements and false claims made throughout this document and in some cases only opinions passed off as facts, when in actual fact the claims never occurred at all. On page 5 of the Planning Proposal in **Part 3 – JUSTIFICATION** paragraph 5 there are a number of false claims and misleading statements made in relation to ownership of area SA6, the applicant clearly states the owners of the other properties of SA6 have been approached as part of this process for inclusion in the Planning Proposal. This statement is misleading as we have spoken to the other owners of SA6 and they have told us that some were approached only to sell their land but were not involved in the design of the concept plan or any studies of the site of SA6.

As the owners of the smaller lot in SA6 we were never notified in any way by the developer or anyone else until the arrival of the Council Letter. It was also evident from Council Documents that the developer had influenced and had discussions in relationship to SA6 and our submission, as can be seen by the replies to it in the Cabonne Settlement Strategy 2021 -2041 by the consultant and before the document was even passed by Council. It was also around this time that Horspool Lane suddenly became known as Horspool Way.

Cabonne Council
RECEIVED

10 FEB 2023

Referred to ...

An interesting fact when you research the meaning or definition of Lane verse a Way and from this one can only believe it is with the intention of further or future development. It was also interesting to find out that land owners with property on this road in SA6 were not notified as to the sudden need to change the definition of the street name.

The Document continues with opinions and implies that with the other owners of SA6 that "there may be independent financial implications that influence the landowner's decisions to not proceed at this stage". The developer uses this misleading and false claim to justify why he has not extended studies over the entire area SA6 as being Cost Prohibitive. At no point has the applicant sought or been granted access to the other properties.

The statement regarding the Planning Proposal seeing the land identified for rezoning to be utilized for the intended purpose and raise additional rates as justification for its needs, but at no time does it address the Councils own documents "Cabonne Settlement Strategy 2021 2041" in relation to the future development constraints that have been placed on SA6. Yet they also go on to provide Conceptual layout plans to which they have had no input from the other SA6 owners and no control over the area but have used the Conceptual Layout to demonstrate or promote their own agenda. None of the future development constraints have been addressed in any way that resolve the issues raised in the SA6 development only short sited fixes based on the benefit of the developers short term gains.

In the Council's Settlement Options Paper – Summary which is currently on the Council website it states in O.1 Supply/ Growth. Section. O7 point 2 Generally, "urban land is needed more than large lot residential." Point 4 **Growth should be focused around existing settlements with services.**

Orange City Council has already allowed a large number of additional LLR sites of growth closer to Orange and with better services in recent years. This would greatly affect any benefit or the need to supply that any additional 16 lots in this proposal could provide. Letters of support by two self-interested local Real Estate Agents is hardly an endorsement or validated reason to rezone agricultural land only to benefit one developers pockets. Hard to see any real benefits to the residents of Cabonne that 16 new lots of rates would provide.

Again regarding future development of SA6 the Councils CSS page 6 refers to **Comments/Details relating to Windera SA6 as access issues to be resolved.** Again the Planning Proposal documents attempts to mislead by addressing only the access of developers lots and not the area of SA6 as a whole yet provides only misleading and poorly researched options in a Conceptual Plan and does not address the **Constraints clearly identified in the CSS 10.3.2. regarding the development of SA6.** Horspool Way and the Mitchell Hwy being one of the major constraints for development of SA6 and the upgrades cost is a major challenge to the development of this land.

It goes on to mention that there should be a co-ordination of all 4 larger land owners to support the rezoning & a co –ordinated access/subdivision plan. **None of this has been overcome in anyway.** Part of Lot 2 which has 98 acres is affected by driveway access right of way, Pumping rights to a dam and the additional fact that some of the 98 acres of this lot is actually across the other side of Mitchell Hwy and has the boundary of Bell River. This little parcel seems to be conveniently left off the SA6 area.

Absolutely none of the constraints stated by Council's own documents as a reason to allow future development of SA6 site has been dealt with or occurred in this application proposal and to allow such poorly planned rezoning of just a small 16 lot subdivision without fully investigation and without the full support of all the owners of SA6 should not be permitted to proceed. Not following the Council's own planning and development documents regarding this area only leaves one to believe that Council's interests lie more with the developer than the best interests of its own rate payers.

In our opinion to allow the rezoning of lot 3, using the PP Document would be totally irresponsible and only in the developer's interest. There are many concerns and constraints that have been clearly identified and this is only as it affects SA6 let alone the effects on the Windera Residents and added traffic etc. Not to mention the rural visual amenity damage to Mitchell Hwy.

Without the full consultation of those affected, the building envelopes of the smaller lots identified, or the future risk of further subdivision, the adequate supply of enough water to service the lots, lack of town water and the increased traffic risks or the full implications of costs to Council and the future development implication to the other SA6 affected residents regarding the Horspool Way, Mitchell Highway intersection this Rezoning proposal should be not allowed to proceed.

In the PP Documents under the heading of **Staging**, again has the misleading statement of not isolating future development when in fact it clearly does as the document attempts to suggest that future connections could come via Horspool Way as identified in the Cabonne Settlement Strategy. How very strange that the developer quotes this document when it suits his needs but clearly chooses to avoid addressing any constraints or implications or costs to the SA6 area yet supplies a Conceptual Plan. On page 7 the PP attempts to deal with some of the Horspool Way issues by suggesting some form of agreement between Council and landowners (of which he is the only one of SA6 seeking rezoning) for contributions to future road construction.

What triggers would be put in place in regards to future development? At what stage in the next 5 to 10 years would this occur if ever, once the current developer has rezoned the land, sold his properties, made his money and disappeared.

The provided concept plan has so many problems associated with its design, one of which has a road passing at the very boundary of our property which is so close that it would hugely affect the operation of our current businesses our privacy, the security of our property and buildings having a road so close to the buildings on our boundary. The reasons that we chose to purchase our property would be detrimentally and permanently affected only to please the whims of the developer's pockets thru a poorly design Concept plan.

Under the heading of **Dwellings**, again we see more promises of concept plans (thought bubbles) which make claims that are never followed or enforced by laws in any way about protecting the sustainability and rural character of Windera and its visual impact. Having the backyards of the properties facing the Highway is hardly improving the Visual or Rural amenity which again is the poor design of the Concept plan.

This all comes down to someone's opinion or interpretation and what they can get away with in the Planning Proposal to convince rezoning of the parts lot of SA6. To make such unobtainable statements about the plans has to be questioned.

To suggest that the removal of one driveway access point is a justifiable reason to allow rezoning to occur is also laughable. There is no supplied proof from Transport for NSW that it has supported the deletion of the existing access driveway onto Mitchell Highway, again only opinion.

The document addresses **Lot Size and Design**, again it states adequate lot sizes ensure adequate buffer distances, yet no building envelopes have been provided. But in the last paragraph goes on to suggest the clear intentions could be to further increase the lot yield across the SA6 area. This for us is just another example of an opinion and the developer's greed. We have also become aware through discussions with a Councilor from another Shire and a water hydrologist that lots under 2 hectares are not usually granted planning permission without town water, so further increase in lot yield is hard to be supported.

Under the heading of **Water Courses** the PP Document it guesses that there may be some limited constraints and the impact may be minimized. How can they know any of this without more detailed planning and investigation being carried out? We have met and spoken to a local Water Hydrologist, about this site, who works for a number of local Councils in this area and amongst his concerns is that water supply via the use of rainwater tanks alone in this area has been found to be inadequate, and with the continued expansion of the Orange housing estates ever increasing sprawl, water supply needs to be a huge influencing factor in future rezoning of rural lands. The addressing of the full impact of the part development or full development of SA6 on the Bell River and the downstream affects have not been adequately dealt with in the PP.

From the information supplied in the Planning Proposal we find it hard to see how this rezoning will benefit **Planning Priority 1 : Support the diversification in agriculture and protect agricultural land from urban settlement.** The fact that the site was identified many years ago and none of the constraints have been dealt with effectively or adequately over the years highlights to us why development has not occurred. Previous attempts have also failed for similar reasons. To suggest again that the developer's opinion is fact, in relation to ongoing viability of agricultural value is limited to grazing, is irrelevant and not sufficient reason to grant rezoning to his parcel of land in Lot 3.

Planning Priority 4: Support and Promote sustainable development within our villages. This rezoning attempt has in no way any benefit in relation to this Planning Priority what so ever with a 25km trip each way to the nearest village of Cabonne and only a 12-15km trip to Orange it is clear to all that Orange will be the only place to benefit or to be able offer services. Identifying an area for development is not reason alone, or gives the developer the guarantee or right to promote a small part of SA6 for their profit and particularly when it fails to meet the requirements and basis the majority of the proposal on poor concepts.

Planning Priority 5: Provide opportunities to ensure a variety of housing types across the shire. The statement that this rezoning would contribute towards providing a variety of housing types is another misleading statement as clearly the proposed rezoning has been aimed at the high end small acreage market and in no way contributes to a variety of housing types.

To make sure the developer has covered all the current buzz or trendy words or phrases, and in keeping with Government and Media spin, we have the statement made in **Planning Priority 9:** Climate change gets a mention and how it can be incorporated into building construction. None of which the Developer has any say in or are they able to police now or in the future.

In the Council's CSS 2021-2041 own predictions it shows no need or requirement for development in this area. Only that it was highlighted many years ago, this area of SA6 was proposed to be taken off the future areas of development in the community expressions and comments in the lead up to the current 2021 2041 Documents. For some unexplained reason by Council it was once again included for another 5 years even though no developments had occurred in SA6 for over 20 years. One could only guess that as the developers documents were being initially developed in 2021 and there was only one comment made in relation to SA6 remaining on the list that the decision was made to support the chance of a potential DA for rezoning by leaving the area in the strategy for at least another 5 years. Clearly had there been such a need for development in this area or the required planning triggers achieved in the Windera Estate then earlier DA's would have been presented in the previous 20 years.

The document goes on to talk about Fragmented ownership, Household roof top solar uptake to reduce running costs, digital connectivity, secure and sustainable water access, community consultation, positive economical benefits to local contractors etc. to support their application when in fact they have absolutely no control or responsibility whatsoever on any of these points.

Let's not loose site of the facts that the published known constraints and issues of SA6 have not been properly discussed, researched or planned. For Cabonne Council to suggest to its residents that this DA is in the best interest of the community by supporting the rezoning of this small parcel of land is hard to justify, and unfortunately, leads one to believe that the interests of developers far out ways the interests of the wider community.

In case we have failed to make it clear in this submission of our grounds of objection, my wife and I strongly object to this proposed rezoning on a number of grounds as identified in the above correspondence. Without further open community consultation/planning and meetings the constraints of SA6 area and how concerns over the poor concept plan have not been adequately addressed we look forward to constructive answers from the Council to the issues we have raised on how these problems can or will be overcome.

Regards

L [redacted]
[redacted]
[redacted]

Jann Ferguson

From:
Sent: Monday, 13 February 2023 9:31 AM
To: Cabonne Council
Subject: Re: Development on Exhibition Rezoning of Lot 3 1093 Mitchell Highway Orange

You don't often get email from

[learn why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear General Manager,

We are writing to voice our objection to the rezoning of Lot 3 1093 Mitchel Highway Orange. We believe if this rezoning goes ahead then the approval for the proposed building lots that are proposed will have a stark detrimental effect on the residents that make up the present Windera Estate, for the following reasons:

1.

At the moment there is only one exit from Windera - with increased residents and traffic the potential fire risk will be catastrophic if a fire breaks out near the Highway with the residents unable to get out. The proponents have given no thought to this, regardless of what the RMS say re another entrance to the estate, a second entrance is imperative.

2.

Already the safety of the children on the existing school bus is threatened should a fire breakout on/adjacent to the Windera estate without that second entrance. With the increased vehicle traffic on already congested roads, a second entrance to service the proposed blocks is imperative.

3.

Reliable water access would be a problem - there is a bore licence in the subdivision proposal that will be activated. This would mean an additional pull on the existing bores in the area.

We suggest a major study on the aquifers in the area be done before any rezoning goes ahead, let alone development considered.

4.

We don't see how the so called " WINDERA EAST PTY LTD " can put a proposal to the Cabonne Council for rezoning of the land and subsequent development of that land when –

- a) they do not own the land
 - b) it is our understanding two of the land holders have no intention of selling.
- It is our view that Council is not within its rights to even consider this proposal.

Totally inadequate planning and lack of consideration to any of the above pertinent points is all evident in the Council's document, and very obviously in the developers' proposal.

The negative impact on the environment and the impact that this will have on existing Windera estate occupants is abundantly evident in this ill prepared and ill-considered proposal.

Therefore, we would not support any proposed rezoning and certainly not the Proposed Development put forward by the so called Windera East P/L developers.

Windera 2800

OBJECTION TO –**PLANNING PROPOSAL- REZONING OF LOT 3 , 1093 MITCHELL HIGHWAY, ORANGE.**

As residents of Windera, we wish to object to the above planning proposal lodged with Cabonne Council.

Our reasons for this objection are as follows:

1. The proposal to develop 16 blocks on the south-eastern side of Windera with the only exit road from all blocks to be *through* Windera, along Windera Drive will create heavier use of Windera Drive. This road will need to accommodate many heavy construction vehicles during the development of the blocks as well as many more vehicles for the construction of residential houses.
The current road infrastructure would need to be greatly improved to be able to sustain the increased traffic flow. This cost would be bourn by Cabonne Council.
2. Access should be provided from Horspool Way, as per the Settlement Options Paper *BEFORE* any development and houses are built.
3. There is no benefit to Windera residents from this proposal. In fact there is a detriment , as this area is used by walkers and children on bikes daily creating a major safety concern in this quiet and peaceful estate.
4. The current proposal saves the proponent the cost of upgrading Horspool Way and it's intersection with the Mitchell Highway , yet creating major safety concerns for Windera residents.
5. Conceptual lot layout by Heath Consulting Engineers shows that the development as planned has *NO* road access or exit for Lot 101 .
6. The Windera residents have access to a water supply which is owned by the residents , which can be used for fire protection. What plans are proposed for fire protection in the new development ?

7. Can Council explain how a road width of 20 metres wide is able to be taken from an existing Windera property ? Does this not contravene Windera subdivision rules and leads to setting a precedent for other land holders ?
8. Please also advise Heath Consulting Engineers that *Windera* is the correct spelling for Windera Drive , not Winderra.

We look forward to your responses to *EACH* points and questions in the near future.

Yours faithfully

A handwritten signature in black ink, appearing to be 'R. ...', written over the printed name 'R. ...'.

R

Windera . 2800

Jann Ferguson

From:
Sent: Sunday, 12 February 2023 6:41 PM
To: Cabonne Council
Cc: winderacommittees@gmail.com
Subject: Planning Proposal - Rezoning of Lot 3, 1093 Mitchell Hwy, Orange

You don't often get email from [...n why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

We write to you regarding the above planning proposal, as a concerned residents of Windera and as the owners of 2 James Dalton Lane, Windera, which has a boundary on Windera Drive.

We have a number of concerns we would like to raise as well as to voice our displeasure at how this proposal has been put forward without any thought for the impact on the current residents of Windera.

Firstly, Windera Drive was never developed with the intention of carrying this additional load of traffic. As it currently stands it can be dangerous for people, young children and animals to walk along Windera Drive with the number of vehicles passing through. To add to this number only stands to increase the risk of harm to residents looking to enjoy the local area.

On top of this the current condition of the road and the lack of maintenance will only ensure more damage is done to the road, in particular during any building phase when heavy vehicles would be using it to enter and exit. We have personally had to replace 2 damaged rims on one of our vehicles after striking a pot hole on Windera Drive after recent rains.

Furthermore, as council is no doubt aware, the only point of entry and exit to/from Windera is via Windera Drive. This could pose a risk if there were to be any grass fires in the area to current residents. Adding further traffic to this road will only serve to heighten the risk.

The above three issues can only be mitigated by ensuring a second point of entry/exit via Horspool Way is mandated as part of any future development. This cost needs to be borne by the developer. Without this, the costs are being unfairly forced onto the current residents of Windera.

Putting the obvious access issues to one side, there are also concerns as to the proposals impact on the local environment.

Altering setbacks from 20m (as they are for us in Windera) to 10m will have particular impact on those bordering any proposed development as well as those of us that will have a view toward it. Current setbacks of 20m should be maintained.

Also, the proposed removal of the line of trees at the current entrance on Mitchell Highway flies in the face of councils desire to reduce environmental impact of any developments. These trees are a significant feature and should not be allowed to be removed.

Thought also must be given to access to water, in particular if there was to be any fire within Windera. The water table cannot be sustained if more residents are allowed access. There also needs to be consideration given to where any future development would procure water from for any building works.

Finally, it must be noted that any proposed development would have minimal positive financial impact on Cabonne Council. If you take away from any rate income the additional cost of garbage services and future road maintenance, the economic benefit is marginal at best. It should be noted that most residents will work, shop, school their children and spend their money in adjoining Orange Council areas.

We, as current Windera residents cannot support this proposal as it stands. We trust Council will take into account these issues into account when looking at the current rezoning proposal.

Regards,

Cabonne Council

council@cabonne.nsw.gov.au

12/2/23

Re: Planning Proposal - Rezoning of Lot 3, 1093 Mitchell Hwy, Orange

I wish to lodge my objection to an aspect of the proposed rezoning of Lot 3, 1093 Mitchell Hwy.

I purchased at Windera specifically to enjoy a quiet environment. All residents in Windera share a desire for the peaceful amenity that has been created, to be retained.

My property directly faces the proposed 20m road joining Windera Drive. This will result in a substantial increase in traffic through Windera. Windera Drive is frequently used by families walking dogs and by young children riding their pushbikes. It is a quiet flat road that provides a wonderful opportunity for families to enjoy this peaceful rural environment.

Windera residents appreciate their privacy and the opportunity to connect as a community. We are able to do this because of the quiet and peaceful surrounds in which we live.

The 20m road from the new development onto Windera Rd will substantially change the nature of this small community. There will be a significant increase in traffic, noise, pollution, headlights etc. There will be delays exiting Windera Drive. Windera will lose the look and feel of a small rural community and become a traffic thoroughfare. This 20m road and the subsequent traffic increase that would flow from this is of serious concern for all residents of Windera.

This can be avoided by requiring the developer to upgrade Horspool Way and its intersection with the Mitchell Highway. The developer should bear the cost of the road infrastructure required to support that development. Windera should not be negatively impacted simply to save the developer this cost. The new development should be accessing the Mitchell Hwy from Horspool Way. This should be a

requirement of the developer and should be undertaken before any other work commences.

I am also concerned about the impact of this proposed road on flooding. During heavy rainfall, there is a substantial amount of water that runs down that slope where the proposed road would be. This water flows across Windera Drive at great force and floods the low-lying paddocks along Windera Drive. Windera Drive has had water across the road at the point where this proposed road would exit. How will residents of the new development exit their properties if the road is flooded?

I am very surprised that Council would allow the construction of a road that is likely to contribute to more serious flooding along Windera Drive. The photo below was taken on the 15th September 2022. You can see the water running down from Windera Drive to the creek. Water has covered the river flats along Windera Drive and the road has been impassable. There has been water lapping at the back door of the house seen in this photo and has extended back towards Madelines Lane.



Given the recent flooding in many parts of Cabonne it is incredulous that a location where there is an existing flooding concern could be made worse. Water will flow down the proposed 20m road with greater ease, seriously impacting properties on the flat.

The 20m road through Windera will have a devastating effect on this community.

I strongly object to this.

Regards

Windera 2800

Mr Bradley Byrnes
General Manager
Cabonne Shire Council
PO Box 17
MOLONG NSW 2866

N

WINDERA NSW 2800

13th February 2023

Re: Rezoning of Lot 3 DP 549987, 1093 Mitchell Highway, Orange
Application Number: PP-2021-6607

Dear Mr Byrnes

I am writing to you to object to the rezoning of Lot 3, 1093 Mitchell Highway, Orange. As a resident of an adjoining property in the existing Windera Estate I wish the following to be noted.

While the application is for the rezoning from RU1 Primary Production to R5 Large Lot Residential to enable the minimum lot size to change from 100 hectares to 2 hectares and is not yet regarding the redevelopment of Lot 3 to rural residential lots, my objections are aimed at the reason for the rezoning and the future impact on the existing Windera Estate.

- The proposed long-term plan adding a future sixty plus lots would see Windera become a "super" estate which affects the existing ambience.
- With Windera being this size, the area becomes a village or small township, so does Cabonne Council intend to include amenities such as footpaths, parkland, a community hall and a Rural Fire Service shed?
- The proposal to have Windera East take (monetary) advantage of the existing Windera road network brings concerns of increased traffic, noise and issues of safety for all road users and pedestrians.
- There is also the issue of increasing the number of people who would need to use the existing entrance to exit the estate in the case of an emergency, namely a grass fire.
- Currently, Cabonne Council does not adequately maintain the southern end of Windera Drive where the proposed entrance to the new estate would be. The road surface would require upgrading and the flow of water during storm/rain events would also need to be substantially improved.
- As a property owner on the eastern boundary of the existing Windera Estate, I am concerned with the proposal to have a private road on our boundary and that of our neighbours at number 23. Both our properties would be impacted by an increase of noise, dust and the devaluing of our properties. Any impact should be minimal on existing land owners, however, in the proposal's concept plan the value of Lot 102 is maximised by putting the access to Lot 101 beside our properties.
- As an existing neighbour of Lot 3, 1093 Mitchell Highway, we will endure a financial burden to maintain the existing aesthetic we currently enjoy. This will include the loss of our uninterrupted view which gives additional value to our property, and the need to plant

trees along our fence line, along with other expenses to improve the privacy of our established house.

- There is an existing water flow way that the concept plan shows as a road. Along with the issues this proposes for movement of water during storm/rain events, it will increase the likelihood of new dwellings being built closer to our property boundary.
- I am unsure how this new area will be adjoined to Windera Drive as my understanding is the application for the proposed change to the lot size of 21 Windera Drive, along with a change to the boundary of Lot 3, 1093 Mitchell Highway, was withdrawn.
- Finally, the long-term concept plan does not show a secondary entrance until the final stage. This being off Horspool Way, which is currently incapable of servicing this many residences both in structure and entrance onto the Mitchell Highway.

Once again, while the application is merely regarding rezoning, there is only one reason for this to occur and it is to create an extension of the existing Windera Estate. This has profound impact on the existing residents and despite claims to the contrary, will have an impact on the established aesthetic.


We chose to live in Windera to be away from the clutter of town living and chose our block to maximise our privacy. The application for rezoning, which ultimately leads to redevelopment, impedes on the qualities we hold dear.

Thank you for consideration of my objection to the rezoning of Lot 3, 1093 Mitchell Highway, Orange.

Yours sincerely,

S

Jann Ferguson

From: 
Sent: Sunday, 12 February 2023 6:58 PM
To: Cabonne Council
Subject: Planning Proposal - Rezoning of Lot 3, 1093 Mitchell Highway, Orange

You don't often get email from

[n why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

General Manager
Cabonne Council
Molong. NSW. 2866

I wish to register my objections to the above mentioned Planning Proposal on the following grounds.

1. Increased traffic on existing roads in Windera and the intersection with Mitchell Highway.
 - a) The use of heavy, slow-moving construction machinery necessary to develop the proposed new sub-division will have a large impact on the residents of Windera if this machinery is using our current road system. This will be because of increased noise levels and also increased traffic hazard on our internal roads and the intersection with the Mitchell Highway.
 - b) If the development of East Windera is approved the next phase would involve the construction of homes, sheds, landscaping etc. This would involve numerous trade vehicles and building supply trucks over a very long period of time impacting on our roads and also our access to the Mitchell Highway. This increase in traffic volume would also increase the noise levels within our area.
 - c) Once homes are built and families move in the volume of traffic/ noise levels would certainly not diminish. Most households are at least two vehicle households. But if there are teenage children/ young adults involved this number could rise to three or four vehicles per household. Although this planning proposal is for 15 lots it is highly likely the number will increase by stages to 80 or more lots. The volume of traffic will be quite significant especially at peak times trying to access the intersection with the Mitchell Highway. Also if developed in stages the combination of household traffic with trade vehicles will greatly add to the overall volume.
 - d) The Guide to Traffic Generating Development for the intersection of Windera Drive and the Mitchell Highway is based on the rezoning for 15 lots. No figures are given for the likelihood of

the number of lots increasing substantially with further stages of this subdivision opening up. This will just be the start. Consideration must be given to future planning and not just for the moment.

2. Bore water supply and effluent runoff.

a) Windera residents have access to bore water via a community bore which is administered by a residents committee. Our usage of this water is metered and billed accordingly. We are extremely grateful for this resource and conscious that it is not a resource to be abused. If the proposed new East Windera sub-division were to go ahead and also sink a bore it would be hoped it would not drain our aquifer.

b) There appear to be a number of water courses on the proposed new development. Due diligence should be applied to ensure any effluent runoff would not pollute our community bore.

3. Aboriginal sites and environmental sensitive areas.

a) Further investigation of significant aboriginal sites may need to be considered to alleviate possible damage to these areas.

b) PCT 277 Blakelys Red Gum - Yellow Box areas also need to be given careful consideration. In the Planning Proposal a large number of fauna species (some endangered) is listed as using these areas for habitat. It is also suggested the species "are highly mobile and unlikely to be solely reliant upon the habitat present on site". What it doesn't state is that it may also be an intrinsic part of their migratory lifestyle.

I appreciate your consideration of my objections to this planning proposal and would like to be kept informed of future decisions on this matter.

Windera NSW 2800

Pl
12th February 2023

Sent from my iPad

Cabonne Council
RECEIVED

13 FEB 2023

Referred to

Windera. 2800

10.02.2023.

Planning Proposal – Rezoning of Lot 3, 1093 Mitchell Highway, Orange

Thank you for the opportunity to respond to the planning proposal for the above address.

There are a number of issues of concern on which comment will be made:

A. Access and Traffic.

1. The proposal would possibly bring a major increase in the exiting and entrancing of traffic through Windera. With the additional traffic usage, the safety of residents, especially children, could be in danger. This is concerning considering the number of property exits to Windera drive, for example. Further, for students waiting for school bus transport would need to be considered to have designated 'bus stop' available.
2. Residents in Windera Drive especially will be adversely affected by the increase in traffic flow. There may be a need to consider speeds signs for the area.
3. The large number of vehicles entering and exiting would have safety issues at the current entrance. Many vehicles on Mitchell Highway seem to be travelling at the maximum allowable speed, and with the increased vehicle numbers there are additional safety concerns. The major concern is with the size/speed of large transport trailers travelling to and from Molong.
4. Increased traffic on the current proposed access road may give rise to the need of some further attention and maintenance, with perhaps additional signage.

5. The size of the proposed development area seems out of proportion to the size of the needs at the entrance/exit to Windera.

B. Access during Possible Emergencies/Fire.

Some surrounding areas, current and proposed, are open to a risk of fire. This may cause concerns and difficulties during an emergency with proposed limited access. There is only one way in/out (see above) for Winderians at the moment and may be a potential problem in such an emergency. If a second access way is available, even listed for 'emergency purposes only' through current nearby lanes/roads this would be of benefit if and when needed.

C. Benefit to Cabonne.

It seems that the major local benefit would flow through to the nearby city of Orange. The ease of access to shops, garages, schools, medical services would be to Cabonne/Molong loss. Cabonne Council would benefit through rates. Orange will benefit from a large amount of commercial activity.

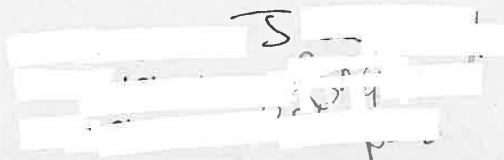
D. Water Availability.

Currently bore water availability is linked to current properties (on payment for usage). If the additional development is proposing to have access to this facility, the main major concern is the effect on the current supply availability.

E. Other Concerns.

At the moment, these are our major concerns. We may contact the office if additional concerns arise.

Yours sincerely,

A handwritten signature, possibly 'S. [unclear]', is written over several lines of text that has been redacted with white boxes.

Jann Ferguson

From: [redacted]@a [redacted]rat.com>
Sent: Monday, 13 February 2023 11:02 AM
To: Cabonne Council
Cc: [redacted]ail.com
Subject: Objection to application PP-2021-6607

You don't often get email from chris [redacted]@a [redacted]rat.com. [Learn why this is important](#)

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

We write in regard to the Planning Proposal for Rezoning of Lot 3, 1093 Mitchell Hwy, Orange referred to in your letter as application number PP-2021-6607.

Having reviewed all your documents relating to the application including the previously published Cabonne Settlement Strategy 2021 – 2041 which outlines considerations for SA6 East Windera we would like to object to this proposal on several grounds however the most significant being access to the development and associated traffic impacts.

The current proposal with access being gained through the existing single entry to Windera will have a significant negative impact on all residents of Windera, in particular those living on Windera Drive. This impact will occur both during subdivision and construction and of course post when residents move in. With this current access point often already in poor condition I can only imagine this will be exacerbated and existing residents will continue to incur challenges driving throughout Windera. From what I have read there is absolutely no benefit to the existing residents of Windera with this proposal despite the negative environmental impacts. Instead this proposal solely benefits the developer by reducing costs of upgrading alternative access points such as Horspool way. These negative impacts have already been identified by council and it was proposed in the settlement options paper that alternative access would be required. Council should not approve applications that negatively impact its existing residents simply to support a developer whose sole purpose is financial gain. As such alternative access must be provided before any rezoning should be considered in line with council's own SA6 plan. On this point it is worth noting access from Windera to this new area is actually hypothetical anyway as no such road exists and any application would be subject to its own approval process and not guaranteed unless of course there is a lack of transparency and the developer believes they will get some sort of preferential treatment.

The most serious consequence of this proposal and its failure to provide alternative access would eventuate in an emergency situation. Windera and the SA6 area are currently at significant risk of grass fires from within or adjoining areas. Only a few weeks ago several grass fires burned in a triangle surrounding the area and with only 1 way in and 1 way out for residents and emergency services the risk to human and livestock life is very real. We have not seen anything in the documentation required that would indicate support from the RFS, confirmation of their ability to respond in such a situation or confirmation that adequate water supply would be available if needed.

Residents of Windera have a right to be safe and the impacts of this proposal both regards traffic and an emergency situation would unfairly take that right away.

Whilst covid saw an influx of residents moving from major cities to reginal areas driving up demand it also highlighted for us the importance of prime farming land which the identified area currently is. Since being acquired by the developer this land has largely gone unused and wasted at a time when our country must rely more on local farming and agricultural supplies. The permanent rezoning would eliminate this in its entirety and have a negative impact on the landscape visible from the Mitchell Highway.

We also note in the application a change to the building envelope from the exiting Windera requirements. A 10m setback to side & rear boundaries in this new development where properties would be neighbouring existing properties bound by a 20m requirement would have a negative impact on existing residents for the benefit of the developer and future residents.

We have referenced the negative environmental impacts on residents of Windera which are both physical and visual but we would also like to draw councils attention to the existing trees on the lot. Very visible from the Mitchell Highway are rows of mature poplars. They are a pleasant visual feature of the area (not just SA6) and should be required to remain in place with any development having no negative impact on these established, mature trees.

We would also like to address letters of support previously made public relating to this potential development. Letters of support from real estate agencies only serves to advise there is demand anywhere in the area however this demand in no way negates the detrimental impact of the proposal on neighbouring communities.

Lastly whilst we support the need for Cabonne to provide an increase in housing supply I am extremely surprised they are so actively pursuing this strategy which long term will have little to no benefit to Cabonne council or its ratepayers. Whilst additional income will come from rates of the subdivided lots this will be spent on the provision of services such as garbage and roads maintenance and with residents living circa 10 minutes from Orange majority of the other economic benefits will be directed to Orange where people will eat, shop and go for entertainment. Alternative proposals in councils settlement strategy will have far greater economic benefit for the existing Cabonne communities which should be a priority.

Please feel free to contact us should you wish to discuss further

Regards


Catherine M. Whinnie
15 May 2023

IMPORTANT CONFIDENTIALITY NOTICE:

This e-mail (including any documents referred to in, or attached to, this e-mail) may contain information that is personal, confidential or the subject of copyright, privilege or other proprietary rights in favour of Aristocrat, its affiliates (which includes Pixel United, Big Fish Games, and Product Madness) or third parties. This e-mail is intended only for the named addressee. Any privacy, confidentiality, legal professional privilege, copyright or other proprietary rights in favour of Aristocrat, its affiliates (which includes Pixel United, Big Fish Games, and Product Madness) or third parties, is not lost nor waived if this e-mail has been sent to you in error.

If you have received this e-mail in error you should: (i) not copy, disclose, distribute or otherwise use it or its contents without the consent of Aristocrat or the owner of the relevant rights; and (ii) delete it from your system and destroy all copies.

Any personal information contained in this e-mail must be handled in accordance with applicable privacy laws.

Electronic and internet communications can be interfered with or affected by viruses and other defects. As a result, such communications may not be successfully received or, if received, may cause interference with the integrity of receiving, processing or related systems (including hardware, software and data or information on, or using, that hardware or software). Aristocrat gives no assurances and accepts no liability in relation to these matters.

The Deputy GM; Cabonne Services
Cabonne Shire Council
PO Box 17
Molong NSW 2866
council@cabonne.nsw.gov.au

Subject: Development Application PP-2021-6607 Lot 3 DP 549987 1093 Mitchell Hwy; Windera East;
Objection and Conditions of Approval Sought

Dear Sir/Madam

Set out below are a series of objections and conditions sought, should planning approval proceed, along with a number of points of rebuttal, arising from Planning Potential's Report.

My property is known as Willawong; Lot2 DP1060191 1041 Mitchell Hwy. It is both zoned and used for agricultural purposes. I have over 1km of direct boundary frontage to the proposed development. As such, I have a considerable stake in the outcome at hand. My property is also included within the general SA6 planning precinct.

My fundamental position is; **I do not have an in-principle objection to the overall re-zoning concept and subdivision of Lot 3. I do have significant objections to the current design and to the overall concept plan**, which in the advent of planning approval for lot 3, then becomes surreptitiously adopted as the Master Plan, going forward. I will cover each of these separate objections in the following subsections.

The overall case for rezoning Lot 3, along with Lot 2, Lot 8, Lot 25, are all part of Strategic Area SA 6, proposed for subdivision since 2008, to convert land from Agricultural use to Large Lot Residential. My property was purchased in 2014, with the explicit knowledge of future subdivision potential, but is used currently and into the foreseeable future, for agricultural purposes. It is acknowledged that the purpose of plans and land use strategy documents, is to provide a level of certainty around future land use, so that developers, landowners, the local community and the general public are aware of future land use options. But at this point, I remain firm in my intention to continue with the current agricultural zoning and land use of my property.

Although I wish to run Lot 2 as an agricultural property, I accept land use changes over time and I would like to see its investment potential realized into the future (time period being determined by circumstance and other factors). Orange, Cabonne and Blayney Councils jointly reviewed their settlement strategy, 2 years ago, and SA6 was again adopted as part of the overall plan. This was a widely consulted, considered proposal, and has remained in force for some time. As this has been re-adopted by Council, after due public consultation and discourse, it should carry some weight in the overall DA approval process. SA6 remains a planning concept only; it does not confer any land use entitlements, but rather offers some visibility of a potential change. Whilst I have no specific objections, to the concept of the subdivision, I have very specific reservations about the detail, from both a private and community-based perspective.

My objections to the Overall Concept Plan

As a very long-time resident along the agricultural precinct of the Molong Rd/Mitchell Hwy, I do not want to see an essentially rural landscape trashed, with little regard to retention of the precinct's scenic qualities. From the public domain of the Mitchell Hwy, the original Windera subdivision,

visually impacted the scenic agricultural landscape bordering the highway, and Cabonne Council has acknowledged (privately if not publicly) that it oversaw a ribbon development along this section of the Molong Rd, with numerous houses and sheds positioned with full highway frontage and exposure to the public domain. It appears that a common or reserve was at least positioned on the northern frontage to Molong Rd, to offer some rural landscape relief. In the intervening 25 years since that concept plan was developed, a more sensitive design, (rather than regressive) is sought, to provide protection to the natural landscape and better moderate a built landscape, that will be highly visible and uncomplimentary to the rural hinterland. **A rural residential development needs to retain and provide a higher standard of rural amenity**, than a mere extension of any urban growth development directly adjoining Orange. **A higher standard again should be available for the gateway entrance into Orange.**

The overall conceptual issue against Lot 3 in its proposed form, is that the layered landscape with the rising slope towards the top of the ridgeline and orientated towards the easterly direction of the Bell River and highway frontage, with its numerous 2HA allotments, will be a mass convergence of dwellings and associated buildings. This is made worse from the public domain of the highway and the gateway entrance into Orange, and it will be a blur of highly prominent buildings. No amount of vegetative screening within Lot 3, can conceal this inevitability. Driving towards Molong, this convergence of buildings will remain in full sight.

Proposed Lot 112 (the current highway entrance way to Lot 3 is a low-lying wetland, that as a minimum, should be protected to offer some screening potential, and preferably retained in part or whole, as a reserve or common. The highway entrance should also be retained as a potential exit, for emergencies, such as bushfires. If Lot 112 were to proceed as a building allotment, it occupies a highly visible position, but owing to its lesser site aspect and placed in a wetland, would in all likelihood, result in a poorer quality dwelling in a highly prominent, showcase position.

Proposed Lot 111 has a narrow entrance that follows the natural watercourse, that could be better overcome with an improved design. The internal roadway providing access to proposed lots 109 and 110, appears to track closely to the water course that feeds the large dam in proposed lot 111. What mitigation is proposed to minimize water course disturbance?

The current design has little regard for the longer-term visibility impact. **By reducing allotment yield**, and increasing the size of more prominent aspects of the site, it assists to lessen the inevitable ribbon, **and worse, multi-layered appearance of the development.** This would at least increase the visual appeal, with some retention and sense of space for a rural environment, along with enhancing the overall prestige of Windera. Quality allotments over quantity, is a better planning result, than, an assortment of lesser standard, layered allotments. Smaller allotments will in all likelihood lead to poorer quality visual impacts and dwellings of a lesser architectural merit and if the tradeoff is that the attractive rural hinterland is replaced by a better quality, built landscape from that proposed, some compromise is at least available. Creating larger allotments and premium size and design, offers a stronger potential for this to eventuate. Planning principles should have regard to protection of the scenic qualities of the precinct, rather than development yield, where the extraction of this maximum yield, highlights the natural limitations of the site, where it is not possible for any built landscape, to blend in with the natural rural landscape, on such a visually prominent site.

It seems highly inappropriate, that this rural landscape should surrender all of its land to development, without the environmental offset of some part to be retained and preserved for the local community and public in general. Overall rural visual harmony, should be the guiding principle, rather than the pure economics of delivering yield, where this offset is available to the affected community. Under the current proposal, nothing is conceded to either the environment or to the

public domain. As a minimum there needs to be some, amelioration of the excesses of ribbon development.

When SA6 was initially presented and canvassed, it was stated that development may be at **"2HA or greater"**. The public was and is entitled to think that the **"greater"** may share a similar weight to the **"2 HA"**, yet 16 allotments proposed average 2.04HA, with the largest allotment at 2.29HA. Yield appears to be the driving directive, when aesthetic placement of development within a rural landscape should be the primary and ecological sustainable consideration. When **"greater than 2HA"** was adopted through the same strategy documents, process and public discourse, via the overall SA6 concept, the community should be entitled to think that the overall development, will have a sizable proportion of allotments, **larger than 2HA**, on such a highly visible hill and rise. **It is entirely selective and disingenuous to take the favorable aspects of development plans, but ignore the less convenient and economically less viable considerations, from the same plan.**

The insensitivity to the community and travelling public aside, there is a lack of either awareness or understanding to my agricultural operations, where cattle production and closely settled residential properties, generate considerable and well documented conflict potential, with no concessions proposed.

By way of explanation, I will digress slightly to offer some background on the genesis of the current Windera subdivision.

Current Windera

Windera comprises approximately 100 large lot residential allotments, and it is understood, this is an average of approx. 2.4 HA. This data conveniently ignores at least 3 properties which appear to be zoned, as primary production. Windera Lots 221, 219 and 217 were created to minimize the conflict that arises from incompatible land uses. In this case it was agricultural use, water catchment protection and large lot residential, and a remedial buffer zone was embedded when Windera was originally created, to provide a compromised separation, so that the original Ermington property (current DP 1127177, (Lots 105, 106, 107,108) did not have to deal with the conflict of multiple, large lot residences, and mixed land uses.

What I am seeking is a similar consideration, albeit on a smaller scale. **If rural scenery and hinterland is to be protected, and at the same time, avoid land use conflict, those larger lots need to be placed adjacent to my agricultural property.** Under the current proposal, I will have 6 direct residential neighbors, and the development principals are aware that I run a cattle breeding operation. Cattle have a propensity to jump fences, in search of breeding partners, feed, spooked by kangaroos and the like, or just through willful exploration and curiosity. Prior to Lot 3's current proposal, my agricultural-based neighbors were entirely compatible with my operations, and cattle jumping fences were easily managed across boundary fences, through open communication, resource sharing and "give and take" cooperation.

An improved design to offer consideration to my agricultural operations and my acknowledged "right to farm", it that as a minimum, proposed Lots 113, 114, 115 are reconfigured so that I have less neighbors, and larger land lots bordering my agricultural property and the wetland within Lot 112 is retained as either a vegetated corridor, or community common.

My property remains agricultural in nature and as such rights to farm and principles around avoidance of interzonal conflict should be available to my agricultural property. Concessions need to be made available to compensate for any amelioration to this requirement. As indicated, I am not

against the developmental proposal, but negotiated concessions are sought, as best practice standards of design should be applied, and my property remains agricultural in nature, land use and zoning.

It is perhaps pertinent at this stage to **refute a planning myth** that seems to be perpetuated into a succession of planning documents, including into the current Development Application, **that small acreages are “unviable”**. The real concept needs to be whether small holdings are **productive to their size and value add**. The concept of “unviable”, ignores the issues around multiple holdings, advantages in separation of property features, leasing options, the variety and types of agricultural uses available, intensity of agricultural use, where the misstatement of “unviability” fails to recognize the value of diversification and horizontal integration and the changing face of agriculture. By way of specific example, production of different breeds of cattle (eg wagyu, angus, dairy breeds), can lead to vastly different revenue streams. Stud operations differ to more generalized breeding operations. Breeding vs fattening of stores stock, also produce different revenue streams. In my case, multiple properties offer different features, and Lot 2 as such offers permanent water, where my other property holdings are less reliable in this regard.

The undeniable proposition is that the SA6 properties have collectively and individually remained in active agricultural production for well over 100 years, contributing in a productive capacity. When these properties are eventually consumed into rural lifestyle developments, yielding zero productive capacity, and being an unproductive “lifestyle” land use, it begins to demonstrate the real fallacy of what “unviable” rural land really means, and instead, highlight, the excesses of rural “lifestyle” residences, that have no connection to land management or generation of productive land output. Rural residential living ignores the indirect costs of the widening distribution of the population base, a lesser capacity to access higher order services, public transport, community water sources. In addition to the increased environmental impact by intensive development, there is an increased risk of biodiversity loss in a rural hinterland (not necessarily threatened species being the minimum standard that needs to be met).

There is no certainty in either the current DA and more particularly the overall SA6 precinct concept plan (or any of the other large lot residential plans), that existing natural features will be retained, that terrain, earthworks and spoil will be minimized, road network and access and connection issues are addressed, or that riparian strips, waterways or existing vegetation corridors will be retained and complemented.

Approximately 10 of the proposed 16 allotments are orientated in full or partial visibility of the major gateway entrance into Orange. As the preliminary development of SA6, it is not an example of showcasing a sensitive design that incorporates the conservation of biological diversity and ecological integrity and life support systems and the creation of any community green zone, nor attempt to mitigate potential agricultural conflict, where a redesigned proposal and effective conflict resolution options, are available.

It is inappropriate to assume that other landowners will contribute towards the creation of green zones, whilst the proposed DA currently contributes zero towards this necessary objective for the rural community, or provide for mixed land use conflict. Taking all and not giving anything back, whilst converting something into nothing, is at odds with what the wider public seeks for sensitive planning concepts, in a more environmentally aware era.

My agricultural property will remain agricultural into the foreseeable future, until I am satisfied that any eventual development which takes place, will be sensitive to best practice standards where any built environment, at least meets the quality of the natural rural environment, that is displaced. **The**

development which is eventually approved for lot 3, will provide a standard on whether best practice of sensitive rural subdivisions practice is applied, or not.

Whilst the layering of allotments and the visible depth of buildings, at the bare minimum of 2HA, is in itself, an aesthetics transgression, the breaches to well considered design, does not stop there.

The most serious oversight of a well-considered overall planning development, however, is with the absence of a through road via Lot 3 itself, to directly link up with Lot 8. The original Windera development has been bedeviled by the absence of a through road network, as highlighted by the right of way, now eventually leveraged off Windera Drive, when the logical extension should always have been planned well beforehand, in the very initial Windera Plan. (through Emma's Lane).

We now have a similar short sighted approach, whereby future development of SA6 is limited because Lot 8 under separate ownership and unknown development interests, is effectively land tied. The development of Lot 8 is dependent on the release of land from my property (Lot2), for Lot 8 to progress, when a progressive alternative is readily available within Lot 3.

The development proposal should redraw proposed lots 101, 102, 103 to permit the road network to progress through the proposed development through Lot 3, and avoid the assumption that Lot 2 will yield to promote ongoing development, whilst forfeiting its own yield potential in time. If the developer needs to surrender yield potential to accommodate repositioning of the road network, that is a consequence of a site that is not entirely compatible with finely calibrated large lot residential development.

With the understanding that the SA 6 area, comprises a number of landowners, where fragmentation remains a potential detriment for the entire area to realize its SA 6 long-term planning ambitions, the developments proposalacerbates the very fragmentation that the concept plan attempts to overcome.

It remains somewhat disconcerting that there has been a lack of consultation around the final proposals. A more collegiate approach would have been to the betterment of the proposal.

Overall Concept Plan Failures

The concept plan's road design, gives the appearance of being unduly designed to facilitate maximum yield, and minimize road construction costs, to the detriment of a road design and hence future allotment configuration that best considers natural features, protection of rural habitat, and retention of an essentially rural character.

It is worth re-emphasising the limitation of the road network in context of proposed Lots 101, 102 and 103. **The internal road network needs to be fully contained within Lot 3.**

Almost as serious is the lack of consideration in relation to Lot 1 (the land locked homestead of Willawong). Its current road access is through Lot 2, as a right of way. Any future redevelopment of Lot 2 and/or Lot 8, is likely to be the closure of the current highway access, in favour of the extension of the internal road network, to permit Lot 1 to easily and independently access this internal road. Under the proposal, no direct access is available, unless existing buildings are removed. A better proposal is that any concept plan permit direct and independent access to the internal road network, from the rear and fully parallel to Lot 1 (rather than any reliance on the artificial configuration of proposed Lot 214). The owners of Lot 1 homestead will have their own

views, but they need to be in accord with existing use rights and in collaboration with myself as co-owner of Lot 2.

It is apparent that the road design has been put together with so little thought, that it runs directly through a dam on proposed Lot 402.

Proposed lots 205 and 206, have no access points, unless Lot 8 is developed in conjunction with Lot 2. This seems a highly unlikely proposition.

The advantage that existing lots 8 and 25 and to a lesser extent Lot 2 have, is that there is some natural landform concealment of dwellings etc. Yet the Concept Plan allows for larger allotments, in these areas, when the landform and lay of the land for Lot 3, suggests that this is the land that should assume larger allotments. Existing Lots 8 and 25 offer natural public concealment and the concept plan should recognize these natural advantages.

As mentioned previously, both proposed lots 112 and 213 comprise sections of environmental wetlands, and land so affected, should be preserved and retained as natural wetlands. For obvious edification, walk the land and check the size of the massive water culverts under the Mitchell Hwy. The Bell River is immediately adjacent to these wetlands giving rise to a potential wetland corridor (if managed sensitively). Retention of land for open green space and thought around wildlife corridors and native vegetation seems to be a planning oversight, that needs redress.

Furthermore, any number of proposed allotments across Lots 2, 8 and 25 have boundaries drawn directly through existing and heavily wooded sections of each property. I cannot speak for these other property owners, but why would I surrender any of my land for re-development on the evidence of an environmentally insensitive proposal that wrecks the natural scenic landscape of the area, and have little regard for active passage of wildlife through vegetated corridors, or allotment design, that best accords with riparian strips.

Cabonne Development Control Plan 5

Cabonne has a number of controls and protections available to provide assessment criteria. I will draw attention to several of these within context of my general objections

Cabonne DCP5. Cl 2.4.2. states that "existing agricultural operations must be protected. The proposed subdivision must not compromise or adversely affect adjoining properties. In particular existing agricultural operations must be protected". This is a self-explanatory statement that has received no consideration from the development proposal.

Cl 2.5.3, indicates that "larger lot size should be available to provide for agricultural land buffers". My comment is that this provision should be applied to my existing and ongoing agricultural operations

Cl 4.13 requires evacuation or refuge measures to be in place for moderate fire prone areas. My suggestion is that Lot 112 is modified in addition to wetland and environmental support and buffer zone considerations, but also as a likely escape route and separate exit point. For the overall Windera rural community with approx. 400 residents, to have a single access point is inappropriate and a potential risk/culpability exposure, should a critical emergency event arise and this potentiality, should have been reasonably foreseen, where a mitigation option was available, but not applied. The RFS classifies Windera as a bush fire prone area. Has NSW Department of Planning and Environment Gateway approval considered the bushfire status and single point exit of Windera?

Council's Rural Small Holdings DCP, indicates a **range of allotment mix and sizes be provided**. As already presented, instead of a "range", the design seems to be a uniform sizing of box like allotments. (Worse, from the public domain of the highway, it will be likely that a collection of 3 and 4 deep dwellings/buildings will be readily visible, with no natural visibility abatement available from the any landform shape, or even vegetative screening). A rural development needs to retain the essential character of a rural landscape. Reference to both Cabonne Settlement Plans and Orange Cabonne Blayney Rural Lands Strategy indicate that SA6 needs to overcome the problem of an unnecessary ribbon development appearance, yet the design coupled with the graduated, bowl landform of Lot 3, will promote an unworthy appearance. An improved design should be more forthcoming, if developmental consent is to be provided.

DCP 6 cl 4.2 states that dwellings and associated buildings "should generally be sited in a manner that maintains the rural character of the countryside", and that "new buildings should be sited to blend with the natural topography in order to reduce visual impact". The allotment design, sizing and extensive building envelope fails to address this requirement. Cl 4.7 specifically references ribbon development, and the "use of variable setbacks, building separation and screening by existing trees and/or new plantings etc". The building envelopes are too large and general in nature. As a minimum the building envelopes need to be more specific to provide stronger guidance and greater definition and certainty on how the built landscape will appear before individual landowners provide their own unintended convergence of buildings in the same linear alignment. (less an issue for Lots 116, 115 and 106, but lots 106 to 114 are more problematic).

General Rural Zone DCP, cl 2.7.10, generalises that protection is required for established agricultural practices, where a perimeter buffer of 100m is suggested. Whilst I have already expressed my view on this, such a distance is not practical in my case; nevertheless, greater consideration of my agricultural practices is sought, along with greater protections to minimise alienation of an essentially rural character.

DCP 6 cl 1.2 indicates that rural small holdings need to be of a **high quality, which enhance the character and function of the rural countryside**. Furthermore, it is to protect and conserve land which has been identified as being environmentally sensitive. Lot 112 is substantially an unidentified wetland, and Cl 1.2 indicates a requirement to protect and conserve land which has been identified as being environmentally sensitive. Excessive extraction of allotments, gives no confidence that **rural and aesthetic quality**, was of any consideration in the proposed development.

Both lots 111 and 112 in the existing shape and definition have significant drainage line issues, along with sensitive environmental and excessively prominent building locations. The row of poplars are a **deciduous tree line**, that neither provides effective nor enduring screening capacity; they are not endemic, **nor long lived trees**.

Natural drainage paths should not be used as roadways. Lot 111 is a natural depression and is subject to waterlogging (as mentioned, it harbors a natural wetland).

Best Practice Concepts for rural residential developments

The following are points of address that some progressive Councils appear to have adopted in their assessment of rural large lot residential allotments.

1. Buildings should not be allowed on the ridgeline. Building and effluent disposal envelopes of building exclusion zones, need to be better defined, but as a minimum 30m from boundaries, to avoid the appearance of convergence of the built landscape.
2. For reasons such as retention of rural amenity and hinterland, the principle needs to be that, the higher the visibility to the public domain, the necessity for larger lots creation (and in excess of 2HA). Enforcing the minimum lot size as 2HA, (as an absolute and not as an average), is essential, so that where larger lots are required, allotments below 2HA are not conceded for averaging purposes.
3. Allotment with areas larger than the minimum should be provided in the immediate vicinity of agriculture, with increasing distance from the city centre, or fronting arterial roads or to accommodate environmentally sensitive land that is not reserved under public ownership. Cabonne needs to apply the condition that **"greater"** within the "2HA or greater" indication, is made available to address concerns expressed.
4. Best practice subdivision design should avoid right of carriageway or battleaxe access, unless it has been demonstrated that due to unusual site conditions, right of carriageway is the only means of achieving access to the land and the lot layout and design is consistent with other development control plans.
5. Specific recommendations are sought for the conservation of all remnant vegetation into the future and in a sustainable manner. All existing and significant native vegetation on site be retained and protected, with adequate buffer retained between the highway frontage and building sites (ie across lots 111 and 112) in addition to the sequestering of Lot 111 as a designated wetland/green zone. Best practice would indicate that a riparian zone of local native vegetation should be maintained adjacent to rivers and wetlands.
6. Layout and subdivision design should maximize the retention of existing vegetation. The proposal lacks commitment to maintaining biological diversity, ecological connectivity, sustainable habitat, and improving aesthetics. Native vegetation is critical in providing adequate and functional habitat, corridors and linkages for native fauna. In assessing the management needs of native fauna, a comprehensive fauna survey should have been carried out as part of the initial site assessment for all properties. The survey should **cover all forms of native fauna**, including amphibians, mammals, reptiles, birds and invertebrates, as a viable biodiverse community requires the full spectrum of fauna. (On my adjoining property at Lot 2, I have documented the presence of well over 50 species of birds, wallabies and kangaroos, a pair of echidnas, a lace monitor and other reptiles, to mention but a few)
7. The Australian Capital Territory has dog and cat containment provisions to be applied to prospective land owners; it may be a stretch, but adoption of similar provisions in a dedicated DCP would be at the frontier of environmental protection in the Central West.
8. The principle for vegetation management should be the avoid the clearance of vegetation, but ensure that an offset is provided in the case of unavoidable clearance. (avoid, minimize, offset as 3 step principle). As Windera East is a rural hinterland, the planning of exotic species of vegetation should be discouraged and native species are required to be planted to offer a screening buffer.

Supply and Demand

The Local Environmental Study claims that there is built up demand for “affordable” housing. There is little opportunity for affordable housing that is **11km from the city of Orange**, necessitating in most cases a minimum of 2 cars, and self-reliance to provide for residences own water infrastructure, septic facilities, site leveling, roadway from initial access points, extensive landscaping, etc. Living out of town comes at a significant cost premium, and to suggest it is “affordable living” is a mis-statement.

No evidence and only subjective anecdote was presented to create an impression of demand. In the current DA, a mere 15 houses are at stake, across a 35 HA property. To give some context, a 35HA property would under normal urban settings, deliver approx. 350-400 residences. It gives some demonstration of the extravagance of 15 vs 350 residences; it amplifies the wasteful and inefficient delivery of housing via lifestyle developments.

For the 100 or so dwellings that have been built at Windera, it has taken over 20 years to deliver a build stage. Orange has a population in excess of 40,000 residents. Any demand does not seem to be derived from any level of real housing necessity, yet for the sake of squeezing 1 or 2 extra allotments, land use and retention of a rural setting conflict is at stake, whilst the returns to the public via a mere 15 extra housing allotments, are meagre.

The reality is that the DA Report fails to acknowledge housing turnover. Demand is not just met by additions, but also through continual trade of existing Windera housing stocks, and over 20 years to exhaust the local supply, is not a strong indicator of surging demand.

The Windera East development is less than **11km from Orange** on the Mitchell Hwy. The 11HA solar farm recently approved by an NSW Planning Panel for a life of 35 years, is **7km from Orange** on the same Mitchell Hwy, **rejected the proposition that the subject solar farm land (agriculture zoned land), may be required for future housing development, out to the year 2057**. It seems incongruous that the Development Proposal, has a more insightful vision of “affordable” housing land requirements, when the supporting and extensive Orange City Report projecting housing requirements for the next 20 years, indicated there was already sufficient housing and land stocks around Orange, and for not just 20 years, but also foreseeably for 35 years.

As a general comment, the continued fragmentation of primary production lands, for rural lifestyle development is an inefficient form of land use. The justification that this is based on supply and demand, should be of little consideration, driven by false impression where the demand is highly subjective (real estate agents vested interests, prospective residents unaware of the potential isolation and hidden costs) and the public costs to meet remote and defrayed services, where indirect costs are under measured. Supply and demand on lifestyle blocks of land should not be the barometer; it should be sound, future-leaning policy that sits above under-regulated market mechanisms. As mentioned, lifestyle blocks lead to a diminution of agricultural land use over successive years, leading to a misallocation of productive land and defraying service delivery and increasing service costs; in this case, by Cabonne’s own hand.

A factor that could be of some consideration for Cabonne-based businesses and community in general, as the scale of future Windera East development increases, is that the positioning of a sanctioned residential subdivision on the edge of its territory, and so proximate to its succession rival in Orange City Council, is that residents will be encouraged to purchase and consume services in Orange, to the detriment of the Cabonne area. Worse, from Cabonne’s independent autonomy and

strategic positioning, is the perception that in time, Cabonne and Orange will geographically and visibly blend together, not just in adjoining housing, so why not also in entity!

As mentioned, one of the current detractors in this particular rezoning, is the lack of real engagement, inclusiveness and broad community involvement. Contemporary development should require the delivery of best practice in regards to flow-on design, environmentally sustainable development and showcasing an aesthetically pleasing, high class development, where an involved local community takes some pride in the environmental, public safety and social outcomes.

Winderera is a community and it is doubtful that this development in its present form, attempts to foster local community cohesion, nor provide for any sustainability in terms of rural amenity, water security, energy, community facilities or public safety design standards for fire prone areas, or independent development of the precinct. The consent threshold for development along the gateway to Orange/Cabonne, should **not be** that the development just meets the bare minimum statutory and regulatory standards, but seeks a visionary commitment for the creation of a niche and prestige development, that offers benefit to Winderera as well. It is in everyone's interests, particularly within the local community and the passing public, that this development is **not perceived** in any way, as a high visibility, mediocre, rapacious rural development that only satisfies development yield, **but rather**, one that addresses local community expectations, satisfies sensitive rural amenity and meets best practice rural residential subdivision design and environmental standards.

Conditions for approval sought

1. The proposed master plan is flawed; active engagement and effective consultation in the precinct master plan, is sought by SA6 landowners. Greater certainty and definition is required from the master plan, so that any immediate works undertaken by current landowners, remain complementary to the future design and land use of the precinct,
2. Redrawing of Conceptual Lot 3 layout required, for a series of factors based on above objections
3. All new fences to be constructed in non- flammable materials (ie steel, rather than wooden posts)
4. Connection of lots to Electricity mains via Underground (rather than Overhead) to minimize potential fire ignition
5. 1km boundary fence to be fully upgraded and also made fully dog proof. In addition, electric fencing installed and solar generator installed to help eliminate cattle movements into residential allotments
6. Lots 112, 113 and 115 redesigned to minimize rural property exposure to existing Lot 2 cattle production. Lot 112 should be redrawn as a reserve or common, with access point to highway retained to provide an emergency exit point in the case of bushfire.
7. Proposed road at the western end of my Lot 2 property to be moved into Lot 3 so that Lot 8 is not dependent on Lot 2 development beforehand.
8. Roadway at the eastern end of Lot 2, to extend alongside the back of Lot 1, for direct access purposes.
9. Lots 205 and 206 have no access point, unless Lot 8 is developed. This requires a redesign.
10. From my part, negotiated and concessional outcomes directly affecting my property, to further the overall precinct are potentially available, if a more conciliatory development and terms and conditions are offered. (Sound fundamental design and planning principles and protection to the general community and other neighbors, is only within Cabonne's consent authority remit, and is clearly beyond any capacity from myself).

I'm not against the concept of re-zoning Lot 3, but in its present form, the proposed and unmodified 16 lot subdivision at Windera East will create a proliferation of concentrated, urban-like dwellings and associated buildings, within an essentially, rural landscape. Without some form of modification, this leads to a blurring of the rural character, identity and amenity, which impacts the scenic quality of the existing rural landscape. The current roadway design and subsequent allotment sizing/positioning of Lot 3 actually fragments ongoing development of the SA6 precinct, and needs redress through re-design/negotiation.

A more sensitive design and larger allotments should be available to provide relief to the wider community and my agricultural operations, without being limited in my capacity to operate optimally. Sustainable land development and retention of rural amenity should be the primary objective, and a best practice development is sought, where appropriate offsets for my pre-existing land use, commercial operations and general environmental protections, are required.

Jann Ferguson

From: <kerstenphilippe@bigpond.com>
Sent: Monday, 13 February 2023 4:10 PM
To: Cabonne Council
Subject: Submission Re: Planning Proposal - Rezoning of Lot 3, 1093 Mitchell Highway, Orange

[You don't often get email from kerstenphilippe@bigpond.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from an external source. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear General Manager

We are writing to object to the Planning Proposal for the rezoning of Lot 3, 1093 Mitchell Highway, Orange.

We are very concerned that the planning proposal is premature and does not adequately or appropriately address the Gateway Requirement to provide justification for only including part of Strategy Area 6 (SA6) being included in the planning proposal.

The reasons given for this appear to be financial, with the documentation stating that it would be cost prohibitive to undertake the necessary studies and surveys across the whole of SA6, rather than justifying the exclusion of a significant portion of SA6 on proper planning grounds.

Further, the general proposal for SA6 assumed access from the Horspool way. If such access has not been investigated (and in fact has been suggested to be unlikely given the current owners do not wish to develop their land), it seems entirely illogical to rezone part of the area to allow a lot layout which assumes that such access will be provided at some point in the future.

With that in mind, it must be assumed that the only traffic access to the new lots would be via the existing Windera road network which is already restricted particularly in the case of an emergency/natural disaster, and unable to be kept to a reasonable level of maintenance with the current traffic flows.

Accordingly, we request that Council consider rejecting this proposal on the basis that the proposal has not fully and properly investigated the rezoning of the entire SA6 area.

Regards,

Windera
NSW 2800

13 February, 2023

The General Manager
Cabonne Council
Molong 2866, NSW

Re: Lot 3 DP 549987, 1093 Mitchell Highway, Orange - Application Number PP-2021-6607

Dear Sir,

We are property owners in Emmas Lane, Windera, and would like to take this opportunity to share our concerns regarding the Development Application to rezone the above property from RU1 Primary Production to R5 Large Lot Residential.

We note, in sharing this concern, that we also communicated with Council in 2021 regarding a similar proposal that required rezoning Lot 403 in the existing Windera Estate development to allow road access to the proposed development. We are uncertain if this rezoning has been, or will be approved, as we have had no feedback to initial submission. We also note that this access is critical to the current proposal and remains the core of our concerns.

We also acknowledge the existence of Cabonne Council Land Use Strategy SA6 which forms part of the Cabonne Settlement Strategy 2021-2041.

We wish to submit our objection to the current Windera East Proposal PP02021-6607 requiring rezoning of Lot3 in DP549987.

Our concerns include, but are not necessarily limited to, the following:

Access and Traffic

Our primary concern is the unnecessary increase in traffic within the existing Windera Estate. The submission suggests that an increase, based on projections, of close to 20%, will have limited impact; we would respectfully disagree! An assumption that such an increase is acceptable does not reflect the experience of current owners with both the condition and design of the main access road, Windera Drive. For some time, this road has been a safety concern, and in particular the lack of a provision for pedestrian safety.

In our view, Windera Drive, as the single access road for the existing Windera Estate (90+ properties) is not suitable for additional traffic.

SA6 indicates an upgrade to Horspool Way would be required if the full development proceeds. The intent to proceed ultimately with the full development is clear with other owners no doubt waiting for the outcome of this rezoning application. With a focus on ensuring infrastructure is in place to support development in NSW, and not simply in response to development, we strongly request Cabonne Council and the applicant reconsider the decision to hold off on the development of enhanced access via Horspool Way until sometime in the future. Approving this prevailing proposal, without guarantees or requirements to develop Horspool Way, risks the whole SA6 development proceeding with access only via Windera Drive. That risk is too high!

Alternatively, and despite the clear reluctance, we suggest that if the Horspool Way development is rejected, upgrade of the existing roadway off the Mitchell Highway be more aggressively considered. While RMS objections seem to fund the lack of consideration, there should be ample opportunity to review this decision.

Access via Windera Drive will have significant impact on 19 Windera Dr, with a new road proposed for their southern boundary. This is a significant detrimental impact on this property; one that would not have been known when the owners made the decision to purchase the property.

In summary, the application seems reliant on minimising the cost to the developer and discounting any impact to the existing properties in the Windera Estate. There is no benefit at all for Windera residents from the current proposal, while all the environmental impacts will be borne by those residents

Emergency Egress / Fire Risk

Windera & the SA6 area are exposed to the risk of grass fires entering from adjoining land. There is only one way in & out of Windera - potentially a significant problem in an emergency. The additional East Windera development, as proposed, only exacerbates this emergency concern

Consultation with the RFS is required to ensure that adequate water supply for firefighting is available.

Economic and Other Benefit

There is no discernible benefit to either Cabonne or existing residents/owners in Windera contained within this proposal.

Most economic benefits will flow to Orange LGA and not Cabonne. This is clearly recognised by the applicant who seeks to support/justify the proposed development by the existing housing situation in the Orange LGA.

Additional rates levied by Cabonne will be spent on garbage service & future liabilities for maintenance of roads.

Existing owners made their property purchase decisions on prevailing plans and strategies. Access to a SA6 development from the existing Windera Estate was not contemplated.

The proposed development with access via Windera Drive could be argued as a “disbenefit” to existing owners in Windera whose situation receives no recognition in the proposal. For example, Cabonne Council could impose a requirement on the developer to contribute to the creation of “green space” as a condition of approval. Such a contribution could come from the balance of Lot 403 once a new road was constructed off Windera Drive. An area of “green space” would allow Cabonne Council to provide additional and much needed amenity (eg playground area) to residents of Windera. We believe there are surely other examples where, should Cabonne Council approve the application, to secure greater benefit for the existing and future residents of Windera.

Building Envelopes

The Concept Plan indicates building envelopes with 10m setback to the side and rear boundaries. In the existing Windera development the setback is 20m, which should be maintained. The change contained in the proposed development will significantly impact all existing properties in Windera with common boundaries to the proposed development.

Existing Vegetation

Mature poplars line both sides of the existing driveway on the area proposed for development from the Mitchell Highway. They are a significant landscape feature when viewed from the Mitchell Highway, westbound, and should not be allowed to be removed.

In conclusion, we trust our concerns will be considered when making the decision regarding this application for rezoning. Those concerns are not directly related to the proposal to implement aspects of SA6. Our primary issues are related to detrimental impact, contained within the proposed development, on the existing properties in Windera and specifically to proposal to provide access via new road off Windera Drive.

Thank you for the opportunity to provide feedback on the proposed rezoning of Lot 3, DP 549987.

Your faithfully,

Development Application PP-2021-6607

Dear Sir/Madam

m writing today to submit my written submission objecting to the above development. I feel that there should be more consultation with energy providers - as at the moment Windera is experiencing several problems with electricity supply due to overload on existing infrastructure. There has been two transformers replaced in my street in the past few years. Essential energy have told us that the existing infrastructure cannot continue to function with the households it has at the moment - let alone another 80 residential blocks added to the system. But my main concern is for the native wildlife which will lose their habitat if the land is cleared. We have a family of Wedge-tailed eagles that frequent the Horspool Way back to Windera area. We also have on occasion had wombats frequent the area. Losing all that beautiful viable rural land would certainly be a great loss to the native wildlife. Large established native trees will have to be removed to accommodate the large lot residential blocks. The land is not the same as Windera. Windera Estate is built on extremely rocky sloping ground - not like the proposed large lot development which is beautiful productive land capable of sustaining rural production.

Thank you

INDERA NSW 2800

DRAFT REASONS OF REFUSAL

THAT Development Application 2023/0073 for a dwelling house on land described as Lot 8 Section 14 DP 758311, known as 47 Toogong Street, Cudal be refused for the following reasons:

1. The development for which consent is sought is inconsistent with the aims of the *Cabonne Local Environmental Plan 2012*.
2. The development for which consent is sought is inconsistent with the objectives of the RU5 Village zone of the *Cabonne Local Environmental Plan 2012*.
3. The development for which consent is sought is inconsistent with the heritage conservation provisions of Clause 5.10 of the *Cabonne Local Environmental Plan 2012*.
4. The development for which consent is sought is inconsistent with the flood planning provisions of Clause 5.21 of the *Cabonne Local Environmental Plan 2012*.
5. The development for which consent is sought is inconsistent with Council's *Building Alignment Policy*.
6. The development for which consent is sought will unreasonably and unnecessarily impact on flood behaviour due to poor siting and design, detrimentally impacting on the subject property and neighbouring properties, and adversely impacting on safe occupation and efficient evacuation of the proposed dwelling.
7. The development for which consent is sought will result in adverse visual amenity and neighbourhood character impacts on adjacent neighbours, the streetscape, and the surrounds due to poor siting and design.
8. The development for which consent is sought will detrimentally impact on the significance of the adjacent heritage item due to poor siting and design, and lack of consideration to the heritage setting.
9. The development for which consent is sought will adversely impact on safety, security and crime prevention due to poor siting and design.
10. The development for which consent is sought will adversely impact on traffic sightlines and safety due to poor siting and design.
11. The development for which consent is sought will result in adverse cumulative impacts for the street, surrounds, and overall Cudal community due to poor design and siting, as it would set an unacceptable and undesirable precedent in the neighbourhood.
12. The granting of development consent is not in the public interest.



A WBC STRATEGIC ALLIANCE PARTNER
"WORKING FOR OUR COMMUNITIES".



TABLE OF CONTENTS

ITEM 1	RESOLUTIONS REGISTER - INFOCOUNCIL - ACTIONS REPORTING.....	1
ITEM 2	COMMUNITY FACILITATION FUND	1
ITEM 3	RATES SUMMARY	2
ITEM 4	INVESTMENT SUMMARY	3
ITEM 5	FLOOD RECOVERY UPDATE.....	4
ITEM 6	GASKILL STREET CANOWINDRA CBD PIGEON POPULATIONS	7
ITEM 7	TRANSPORT INFRASTRUCTURE UPDATE	8
ITEM 8	DEVELOPMENT APPLICATIONS APPROVED DURING APRIL 2023	12
ITEM 9	DEVELOPMENT APPLICATIONS RECEIVED DURING APRIL 2023	15
ITEM 10	MEDIAN PROCESSING TIMES 2023	18

ANNEXURE ITEMS

ANNEXURE 1.1	COUNCIL	19
ANNEXURE 3.1	RATES GRAPH - APRIL 2023	56
ANNEXURE 4.1	INVESTMENTS APRIL 2023	57

**ITEM 1 - RESOLUTIONS REGISTER - INFOCOUNCIL - ACTIONS
REPORTING**

REPORT IN BRIEF

Reason For Report	To provide Council with a report on progress made in actioning its resolutions up to last month's Council meeting and any committee meetings held.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	1. Council 1
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\RESOLUTION REGISTER - 1530658

GENERAL MANAGER'S REPORT

InfoCouncil generated reports are annexed including actions up to the previous month's meetings resolutions.

Progress comments are provided until the final action comment which will also show "COMPLETE": that item will then be removed from the register once resolved by the council.

Attached also is the "traffic light" indicator system that enables the council to identify potential areas of concern at a glance.

Councillors should raise any issues directly with the deputy general managers as per the mayor's request.

ITEM 2 - COMMUNITY FACILITATION FUND

REPORT IN BRIEF

Reason For Report	To report on approved expenditure under the Community Facilitation Fund (CFF)
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.1.1.1f - Staff are complying with procedures and practices.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\COMMUNITY FACILITATION FUND - 1527775

GENERAL MANAGER'S REPORT

Council adopted guidelines for the Community Facilitation Fund (CFF) in March 2015. The CFF was created for smaller community projects not originally included in the council's budget, to be allocated at the discretion of the Mayor and Deputy Mayor.

As a reminder, the guidelines for the CFF are as follows:

1. Projects where no existing vote for the works has been allocated or the vote is insufficient to complete the project.
2. Recipients must be community based not-for-profit groups.
3. Mayor and Deputy Mayor to jointly approve funds (with the General Manager as proxy if one is not available).
4. Allocation of funds to be reported to the next available council meeting.
5. Limit of \$3,000 per allocation unless other approved by council.

There were NIL allocation of funds processed in the last month.

ITEM 3 - RATES SUMMARY

REPORT IN BRIEF

Reason For Report	Information provided in relation to Council's Rates collection.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.1.1.2a - Levying Rates & Charges in accordance with the Local Government Act.
Annexures	1. Rates Graph - April 2023 ↓
File Number	\\OFFICIAL RECORDS LIBRARY\FINANCIAL MANAGEMENT\FINANCIAL REPORTING\FINANCIAL REPORTS TO COUNCIL - 1530679

DEPARTMENT LEADER - FINANCE'S REPORT

The Rate Collection Summary to 30 April 2023 is attached for council's information. The percentage collected at this time is 78.03% which is the average for April.

Note: the rate percentage collected for March 2023 was 77.18%.

May 2023 should see a marked increase as the 4th quarter rates instalment is due by 31 May 2023

ITEM 4 - INVESTMENT SUMMARY

REPORT IN BRIEF

Reason For Report	Information provided in relation to Council's Investment Schedule
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.1.1.2b - Maximise income sources through investments.
Annexures	1. Investments April 2023 ↓
File Number	\\OFFICIAL RECORDS LIBRARY\FINANCIAL MANAGEMENT\FINANCIAL REPORTING\FINANCIAL REPORTS TO COUNCIL - 1536508

DEPARTMENT LEADER - FINANCE'S REPORT

Council's investments as 30 April 2023 stand at a total of \$34,905,894.27.

Council's average interest rate as of 30 April 2023 was 3.71%. The effect of the increased cash rate is starting to have a positive impact on term deposit rates offered by financial institutions. The Reserve Bank's official cash rate remained at 3.60% during the month of April 2023. Council's Performance Benchmark is the 30 Day Bank Bill Swap Rate and Council is currently performing above the April 2023 Performance Benchmark of 3.6142%.

Council had four Term Deposit maturities during April 2023, three of which, due to the current high level and volume of expenditure recouping from the Natural Disaster Events at the end of 2022, had to be redeemed to cover costs. It is anticipated that once Council starts to receive reimbursements for this expenditure through various forms of funding, that these investments could be reinstated.

Shorter reinvestment terms are being selected as it is anticipated that rates may increase again in mid to late 2023. This can be noted with the steady increase in interest rates on all new reinvestments and the RBA interest rate increase at the beginning of May 2023.

Council's investments are held with multiple Australian financial Institutions with varying credit ratings according to council's Investment Policy. The annexure to this report shows a breakup of each individual institution that council invests with and its "Standard and Poor's" Credit Rating.

The Schedule of Investments for April 2023 is attached for council's information.

ITEM 5 - FLOOD RECOVERY UPDATE

REPORT IN BRIEF

Reason For Report	To provide a monthly report on flood recovery activities.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.1.5.1d - Lobby State and Federal Governments and other key stakeholders on key community needs - e.g. improved digital connectivity.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\EMERGENCY SERVICES\\REPORTING\\FLOODS - NOVEMBER 2022\\REGIONAL RECOVERY COMMITTEE - 1539177

LEADER - COMMUNITY AND ECONOMY REPORT

This report will be provided as a standing item for council meetings and provides a monthly update on recovery projects and initiatives within the 4 Cabonne Recovery Themes:

1. Restore council's infrastructure
2. Support communities to recover and rebuild
3. Support business and the regional economy
4. Environmental restoration and adaptation

Theme 5 is operational in nature, and therefore is not reported on:

5. Managing council's resources/recovery planning and oversight.

RECOVERY THEME 1: RESTORE COUNCIL'S INFRASTRUCTURE

Council's role: Advocacy and Delivery

Council's roads crew are continuing to work hard to repair road damage following the floods.

Council staff have recently completed the following flood repair works:

- Patching on Banjo Paterson Way (between Cumnock and Molong) was undertaken at the water tank section Bicton Lane.
- Resealing works on Banjo Paterson Way, between Cumnock and Molong (at Marriotts), and also between Cumnock and Yeoval (near the cemetery). The patchwork is due to be sealed next month, with patches re-rubbed prior to sealing commencing.
- Gumble Road, Manildra

- Euchareena Road, Molong
- Garra Road, Molong
- Norah Creek Road, Molong
- Patching has been completed at Old Orange Road, Manildra
- Heavy patching is currently underway on The Escort Way.
- The carpark near The Fat Parcel on Pye St has been sealed. Council has also sealed the roadway in front of the Catholic School.
- Council has recently gravel re-sheeted Nanami Lane, Meadowbank Road, and Trajere Lane.
- Council will be complete pothole patching on Payten's Bridge Road and Casuarina Drive over the next month.
- Drainage, vegetation clearing, and road rehabilitation on between Cargo and Canowindra on Cargo Road.
- Storm damage repairs have been undertaken on Back Mogong Road, Eulimore Road, Murray's Road, Edinboro Lane, Ryan's lane, Baghdad Road, Daveys Plains Road, Settlement Bridge Road, Wilsons Lane, Kings Road, Cooper Street, Canomodine Lane, Back Nyrang Road, Quarry Road, McKeys Creek Road, Reedy Creek Road, Glassons Road, Longs Corner Road, Mount Pleasant Road, Ingledel Road, Barrigan Road, Dripping Rock Road, Battery Lane, and Robards Lane.
- The Nyrang Creek side-track is still closed. To resolve this ongoing issue with flooding causing closures of the sidetrack, Council will be putting in a concrete causeway. This will be commencing in 2 weeks. Council will need to close the road for 5 days whilst the causeway is installed. The detour would be via Ryans Lane and/or Warraderry Way.
- Council has been working with contractors to review locations for services to enable the replacement of RMS signs, street signs, and the school bus signs.

The Pye Street footbridge in Eugowra has been replaced, with new footpaths also complete.

Council staff have also completed the following community infrastructure works:

- The Eugowra pool fence has been replaced.
- Power has been restored to the Museum.
- The replacement of the missing bricks for the Nanami Street gardens is due to be completed in the next month.
- Council will be going out for tender this month for the rebuild of the Eugowra Self-Care Units.
- Council is currently working with the contractor on finalising the Eugowra Medical Centre. This work is due to be completed in coming weeks, with an official opening being discussed with the Eugowra Medical Centre Committee.

**RECOVERY THEME 2: SUPPORT COMMUNITIES TO RECOVER &
REBUILD**

Council's role: Advocacy, Facilitation, and Delivery

Council continues to maintain a daily presence through a temporary Eugowra office, and participation in community meetings. Council also continues to work through town and village progress associations to understand community priorities, which is reflected in the Mayor's advocacy at both a State and Federal level.

Council is currently working to develop a Cabonne Recovery Plan following the flooding event that devastated our region on 13 and 14 November 2022. The Plan will outline the measures the community and Council are taking in response to the flood event, estimated costs to repair critical infrastructure throughout Cabonne, as well as the cost to local homes, businesses, the environment, and the wellbeing of our communities.

The Plan also looks to the future with plans to restart our regional economy and build back better, so our community is more resilient to future natural disasters.

All flood impacted residents have received a survey via mail and/or online which asked them about key priorities as part of the recovery. The feedback from the survey will contribute to the Recovery Plan.

Council will also be conducting a series of community information sessions in early June 2023 to share the Recovery Plan, whilst the Plan is open for public submission. All impacted and interested community members will be welcome to attend.

Council will formally adopt the Cabonne Recovery Plan at its June Council meeting.

The community information sessions are being held as follows:

Eugowra:

6.00pm – 8.00pm
Monday 5 June 2023
Eugowra Bowling Club

Molong: 6.00pm - 8.00pm

Tuesday 6 June 2023
Molong RSL Club

Canowindra: 6.00pm - 8.00pm

Monday 19 June 2023
Canowindra Services Club

Cudal: 6.00pm – 8.00pm
Tuesday 20 June 2023
Cudal Community Centre

RECOVERY THEME 3: SUPPORT BUSINESS & REGIONAL ECONOMY

Council's role: Advocacy and Facilitation

The Molong Main Street Activation project commenced on 15 April 2023, starting at the top end of Bank Street (from Gidley St to Shields Lane).

Council staff have begun a street walk in Molong to meet with businesses regarding the new street furniture that will be delivered through the Molong Main Street Activation project.

Council staff have continued to meet with businesses regarding the new street furniture that will be delivered through the Canowindra Main Street Activation project.

As part of the Canowindra Main Street Activation project a request for quotation process will be commencing to seek interested artists to submit designs for a steel plate, laser-cut art panels. It is proposed that the panels be installed in the existing garden bed along Blatchford Street at the corner with Gaskill Street adjacent to the Ex Services building.

The intention of the project is to improve the presentation of this area as one of the main entries to the town center. The panels will be a permanent installation and will be located prominently in town.

RECOVERY THEME 4: ENVIRONMENTAL RESTORATION & ADAPTATION

Council's role: Advocacy, Facilitation and Delivery

Council staff are continuing to support work by the Environment Protection Authority (EPA) and Avcon as they clear large flood debris from waterways in Eugowra, Cudal and Molong. This includes the removal of hazardous materials.

ITEM 6 - GASKILL STREET CANOWINDRA CBD PIGEON POPULATIONS

REPORT IN BRIEF

Reason For Report	To provide an update on the measure taken to control the pigeon population in Gaskill Street Canowindra.
Policy Implications	NIL
Budget Implications	NIL
IPR Linkage	2.1.1.5a - Carry out inspections and maintenance in accordance with agreed levels of service.
Annexures	Nil

File Number	\\OFFICIAL RECORDS LIBRARY\\ENVIRONMENTAL MANAGEMENT\\MONITORING\\HOUSE AND PROPERTY COMPLAINTS - 1533991
--------------------	---

**DEPUTY GENERAL MANAGER - CABONNE INFRASTRUCTURE'S
REPORT**

Council officers have carried out investigations for control methods of invasive pigeons within the CBD of Canowindra following approaches from local businesses. This investigation follows a question on notice raised at Council's April 2023 Ordinary Meeting.

Council's Environmental Officer has been leading the project and has advised of progress so far:

- Monday 1 May 2023 – Council's Environmental Officer met with representatives from Bathurst based business Canham Pest Control and carried out an inspection of the Canowindra CBD. Canham Pest Control have previously undertaken similar works for both Bathurst Regional Council and Orange City Council.
- Canham Pest Control will prepare and provide a quote advising proposed methods week ending 12 May 2023.
- Officers will review costs and if approved will approach businesses week ending 19 May 2023 regarding the proposal and gain permission to access property infrastructure.

A further update will be provided to Council as further developments are made.

ITEM 7 - TRANSPORT INFRASTRUCTURE UPDATE

REPORT IN BRIEF

Reason For Report	To provide the committee members an update within the Transport Infrastructure department.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	2.2.1.1a - Undertake road maintenance and routine activities.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\ROADS and BRIDGES\\MEETINGS\\OPERATIONS MEETINGS - 1534625

**DEPUTY GENERAL MANAGER - CABONNE INFRASTRUCTURE'S
REPORT**

The following report provides an update on major projects up to the end of March 2023.

Casuarina Drive

Work has been completed.

Borenore Road

Work has been completed.

Gowan Road

No further progress due to storm events.

Kangarooobie Road

Work has been completed.

Burrendong Road – Construction

Work has been completed.

Four Mile Creek Road

- Work to clean up the lower landslide has commenced.
- Design works are nearing completion. Tendering is due to commence in end of May 2023.
- Council is negotiating a bypass road which may allow some traffic to be able to traverse the location.



Clean up of the Lower Landslide

Washpen Creek Bridge

Due to increased volume of agricultural harvesting plant, it was recommended that council replace the single lane bridge with a dual lane appropriate structure.

- Survey has been completed
- Concept design to be finalised

Peak Hill Road Upgrade – Roads of Significant Importance (ROSI)

Under Roads of Significant Importance (ROSI) investment initiative from the Federal Government, Cabonne Council has put in a proposal to upgrade Peak Hill Road, serving as a freight corridor to address the flooding/safety concerns while contributing to the competitiveness of Australia's agricultural and mining sectors.

- Survey is complete
- Geological Investigations & Pavement Design is completed
- REF has been sent back to council and council's Environmental Officer has done the initial review
- Flood study to be completed
- Working on Final Design

Molong Main Street Trial

- Block 1
 - Site Setup
 - Location of underground services
 - Saw cutting of existing pavement
 - Installation of new water sub main which connects the businesses on the Northern side of Bank Street to the water main on the Southern side of Bank Street.
 - Excavation and installation of drainage line from Strata Vault to storm water pit
 - Excavations for Strata Vault
 - Forming up walls for Strata Vault (first concrete pour will occur on 04 May 2023). Expecting that all walls in block 1 will be formed up and poured by 12 May 2023.
 - Installation of drainage layer and Strata Vault will commenced on Monday 08 May 2023



Molong Main Street Project

East Area of Cabonne

Works completed has included:

Grading:

- Caluela Road (storm damage)
- Tantallon Road (storm damage)

Gravel Resheeting:

- Belgravia Road (storm damage)
- Loewenthal Lane (storm damage)
- Akhurst Road (maintenance grading)

Drainage/Clearing Culverts/Excavator Works:

- Fannings Road (new culvert installed)
- Dalton Road (new culvert installed)

Patching Crews:

Local Roads (Cold Mix)

- Bradleys Road
- Boree Lane
- Vittoria Road
- Spring Hill Road
- Kent Road
- Davis Road
- Orchard Road
- Strachan Road
- Old Canobolas Road
- Darley Road
- Stagecoach Road
- Emu Swamp Road

Regional Roads (Cold Mix)

- Burrendong Road
- Cargo Road

Construction/Heavy Patching/Sealing:

Heavy Patching

- Approx 10,000m² on Belgravia Road, Bevan Road, Fanning Road, Kent Road and Kangarooie Road (storm damage)

South Area of Cabonne

Works completed have included:

Patching, Tree Veg, Guidepost Repairs, Sign Repairs and Inspections

- MR310
- MR377
- MR359
- MR61

North Area of Cabonne

Maintenance grading and patching has occurred in the north area of Cabonne. Roads included:

Grading

- Jennings Lane
- Whiteheads Road
- Heckendorfs Road
- Carrolls Road
- Merriburra Road
- Thomas Road
- Rangoon Lane
- William Neville Drive
- Rutherford Road
- Avondale Road
- Burrawong Road

Ongoing Wet Weather Conditions/Storm Damage

Ongoing storm damage works are progressing by council staff and contractors. Due to waterlogged unsealed roads, it has not been possible to deploy plant and machinery, although temporary works have occurred to make roads and access available to property owners and the community.

Council officers will continue to inspect and prioritise works as resources are available.

ITEM 8 - DEVELOPMENT APPLICATIONS APPROVED DURING APRIL 2023

REPORT IN BRIEF

Reason For Report	Details of development applications approved during the preceding month.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	Nil

File Number	\\OFFICIAL RECORDS LIBRARY\\DEVELOPMENT AND BUILDING CONTROLS\\BUILDING AND DEVELOPMENT APPLICATIONS\\REPORTING - DEVELOPMENT APPLICATIONS TO COUNCIL - 1530802
--------------------	--

DEPARTMENT LEADER - DEVELOPMENT SERVICES' REPORT

Development Applications have been approved during the period 1 April 2023 to 30 April 2023 as detailed below.

SUMMARY OF DEVELOPMENT APPLICATIONS APPROVED

DA Number	Application Description Of Work	Development Value	Applicants Name	Property Address
2023/0105	Alterations & Additions to Dwelling	\$40,000	John Robert Wheatley	Lot 107 DP 1028445, 8 Emmas Lane, Windera
2008/52/1	Subdivision & Dwelling	\$0	Peter Basha	Lot 2 DP 1176364, Forest Rd, Spring Hill
2017/0003/1	Dwelling & Demolition of Existing Dwelling	\$0	Brian Gordon Meiklejohn	Lot 184 DP 1088682 and Lot 104 & 138 DP 753251, 681 Burgoon Lane, Molong
2023/0137	Shed	\$56,200	Michael John Patrick Perry	Lot 114 DP 750170, King St, Molong
2019/0052/1	Alterations & Additions to Existing Dwelling	\$0	Planning Potential	Lot 535 DP 845508, 1193 Packham Dr, Garra
2023/0138	Deck Around Swimming Pool	\$19,500	Marion Jean Philpott	Lot 2 DP 1092364, 37 Deervale Lane, Clifton Grove
2021/0153/1	Alterations & Additions to Recreational Facility (Outdoor)	\$0	Molong Golf Club	Lot 2 & 3 DP 504411 and Lot 130 DP 756883, 184 Euchareena Rd, Molong
2023/0139	Shed	\$32,000	Dennis Arthur Treacy	Lot 100 DP 1219197, 293 Lower Lewis Ponds Rd, Clifton Grove

**GENERAL MANAGER'S REPORT ON MATTERS FOR NOTATION SUBMITTED TO THE
ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY 23 MAY, 2023**

Page 14

2023/0136	Alterations & Additions to Commercial Development	\$40,000	The Rural Centre	Lot A DP 20207, Lot 10 DP 667840 and Lot 1 DP 945270, 59 Kiewa St, Manildra
2022/0161/1	Animal Boarding Facility	\$0	Jason David Harmer	Lot 9 DP 846719, 1722 Packham Dr, Manildra
2023/0141	Dwelling	\$855,000	Peter Basha Planning & Dev	Lot 101 DP 1285481, 142 Kerrs Creek Rd, Kerrs Creek
2008/192/1	Subdivision	\$0	Keith Phillip Donlan	Lot 195 DP 753251, 175 Burgoon Lane, Molong
2023/0127	Dwelling With Attached Garage	\$877,000	Cavalier Homes Central West Nsw	Lot 9 DP 1193183, 20 Foy's Drive, Molong
2023/0144	Shed	\$9,000	William George Peacock	Lot 1 DP 539265, 91 Kiewa St, Manildra NSW 2865
2022/0154/1	Subdivision	\$0	Arete Survey	Lot 1 & 2 DP 1104000, Lot 1 DP 974302 and Lot 2 DP 186102, 112 Battys Lane, Canowindra
2023/0112/1	Detached Storage Shed	\$0	Zac Peter Philpott	Lot 8 DP 1273335, 191 Shreeves Rd, Molong
2023/0054/1	Storage Shed	\$0	Peter Basha Planning & Dev	Lot 4 DP 758643, 6 Kiewa St, Manildra NSW 2865
2023/0062/1	Alterations & Additions to Existing Dwelling	\$0	James Edward Mann	Lot 100 DP 1276807, 36 Molong St, Molong
2023/0145	Farm Building	\$21,000	Andrew Raymond Pulbrook	Lot 59 DP 750381, 287 Post Office Lane, Lewis Ponds

**GENERAL MANAGER'S REPORT ON MATTERS FOR NOTATION SUBMITTED TO THE
ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY 23 MAY, 2023**

Page 15

2023/0148	Fence	\$8,000	Susan Jeanette Hardie	Lot 100 DP 1173008, 74 Hill St, Molong
2022/0109/1	Subdivision	\$0	Arete Survey	Lot 184 DP 750186, Broad St, Eugowra
2023/0142	Garage	\$37,000	Christopher John Milne	Lot 5 DP 759140, 7 King St, Yeoval
2023/0150	Shed	\$18,500	Emma Louise German	Lot 37 DP 750389, 1017 Gowan Rd, Lewis Ponds
2023/0141/1	Dwelling	\$0	Peter Basha Planning & Dev	Lot 101 DP 1285481, 142 Kerrs Creek Rd, Kerrs Creek
TOTAL: 24		\$2,013,200		

**SUMMARY OF COMPLYING DEVELOPMENT APPLICATIONS
APPROVED**

DA Number	Application Description of Work	Development Value	Applicants Name	Property Address
TOTAL: 0		\$0.00		
GRAND TOTAL: 24		\$2,013,200		

ITEM 9 - DEVELOPMENT APPLICATIONS RECEIVED DURING APRIL 2023

REPORT IN BRIEF

Reason For Report	Details of development applications received during the preceding month.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\DEVELOPMENT AND BUILDING CONTROLS\\BUILDING AND DEVELOPMENT APPLICATIONS\\REPORTING - DEVELOPMENT APPLICATIONS TO COUNCIL - 1530815

DEPARTMENT LEADER - DEVELOPMENT SERVICES' REPORT

Development Applications have been received during the period 1 April 2023 to 30 April 2023, as detailed below.

SUMMARY OF DEVELOPMENT APPLICATIONS RECEIVED

DA Number	Application Description Of Work	Development Value	Applicants Name	Property Address
2023/0147	Demolition of existing Dwelling	\$0	Brock Mathew Nixon	Lot 2 & 3 DP 758226, 41 Belmore St, Cargo
2023/0112/1	Detached Storage Shed	\$0	Zac Peter Philpott	Lot 8 DP 1273335, 191 Shreeves Rd, Molong
2023/0062/1	Alterations & Additions to Existing Dwelling	\$0	James Edward Mann	Lot 100 DP 1276807, 36 Molong St, Molong
2023/0148	Fence	\$8,000	Susan Jeanette Hardie	Lot 100 DP 1173008, 74 Hill St, Molong
2023/0054/1	Storage Shed	\$0	Peter Basha Planning & Dev	Loy 4 DP 758643, 6 Kiewa St, Manildra
2023/0149	Boundary Adjustment	\$0	David Bruce Grant	Lot 198 & 88 DP 750147, 223 Moorbel Dr, Moorbel
2023/0150	Shed	\$18,500	Emma Louise German	Lot 37 DP 750389, 1017 Gowan Rd, Lewis Ponds
2023/0153	Dwelling	\$650,000	Clinton Gregory Royce Jarman	Lot 2 DP 1253354, 2235 The Escort Way, Boree
2023/0152	Amenities Facility	\$47,000	Country Womens Assoc (Borenore)	Lot 1 DP 355631, 5 Convent Lane, Borenore
2023/0151	Alterations to Building - New Restaurant/Cafe	\$135,000	Jacquelyn Grace Fowler	Lot 11 DP 576630, 4 Main St, Cudal

**GENERAL MANAGER'S REPORT ON MATTERS FOR NOTATION SUBMITTED TO THE
ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY 23 MAY, 2023**

Page 17

2022/0221/1	11 Lot Subdivision	\$0	Hugh Victor Foy li	Lot 2 DP 758693, 59 Speedy St, Molong
2023/0154	Alterations and Additions to an Existing Winery	\$700,000	Christophe Olivier Maurice Derrez	Lot 11 DP 1135183, 949 Canobolas Rd, Canobolas NSW 2800
2023/0155	Dwelling	\$218,000	Peter Newbery	Lot 171 DP 750182, Willbe St, Eugowra
2023/0156	Farm Building	\$41,000	Jennifer Louise Grant	Lot 2 DP 1238423, 1591 Cargo Rd, Lidster
2023/0100/1	Storage Shed	\$0	Anthony Kenneth Jones	Lot 131 DP 1288454, 33 Strachan Rd, Spring Hill
2023/0157	Alterations & Additions to Dwelling	\$350,000	Daniel Christian Mees	Lot 1 DP 393674 and Lot D DP 393924, 993 Cargo Rd, Lidster
2023/0158	Demolition of existing Dwelling	\$0	Jessica Therese Milnes	Lot 10 DP 758643, 54 Loftus St, Manildra
2023/0141/1	Dwelling	\$0	Peter Basha Planning & Dev	Lot 101 DP 1285481, 142 Kerrs Creek Rd, Kerrs Creek
2023/0159	Dwelling	\$450,000	Jacob Robert Fitzsimmons	Lot 101 DP 1283506, 62 Main St, Cudal
Total: 19		\$2,617,500		

SUMMARY OF COMPLYING DEVELOPMENT APPLICATIONS RECEIVED

CDC Number	Application Description of Work	Development Value	Applicants Name	Property Address
Total: 0		\$0.00		
GRAND TOTAL: 19		\$2,617,500		

ITEM 10 - MEDIAN PROCESSING TIMES 2023

REPORT IN BRIEF

Reason For Report	To provide information on median processing times.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\DEVELOPMENT AND BUILDING CONTROLS\\BUILDING AND DEVELOPMENT APPLICATIONS\\REPORTING - DEVELOPMENT APPLICATIONS TO COUNCIL - 1530823

DEPARTMENT LEADER - DEVELOPMENT SERVICES' REPORT

Summary of median Application Processing Times over the last five years for the month of April:

YEAR	MEDIAN ACTUAL DAYS
2018	21.5
2019	25
2020	28
2021	20.5
2022	43

Summary of median Application Processing Times for 2023

MONTH	MEDIAN ACTUAL DAYS
January	57
February	38
March	22
April	23
May	
June	
July	
August	
September	
October	
November	
December	

Action Sheets Report		Division: Committee: Council Officer:	Date From: Date To: Printed: Monday, 15 May 2023 11:14:15 AM
Meeting	Officer/Director	Section	Subject
Council 28/07/2020	Thornberry, Heidi Byrnes, Bradley	For Determination	COMPULSORY ACQUISITION OF EASEMENTS OVER CROWN LAND FOR PIPELINE AT ORANGE
<p><u>MOTION</u> (Durkin/Nash)</p> <p>THAT Council:</p> <ol style="list-style-type: none"> Pursuant to Sections 186 and 187 of the <i>Local Government Act 1993 (NSW)</i> compulsorily acquire easements over the land ("Land") described as: <ol style="list-style-type: none"> Crown land/Crown waterway located within/adjacent to the area of Lot 7001 DP 1000813; Crown land/Crown waterway located within/adjacent to the area of Lot 12 DP 718922 <p>for the purpose of an Easement for Water Supply as defined in Schedule 4A of the <i>Conveyancing Act 1919</i> in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</p> Gives authority to the General Manager to negotiate the terms of the acquisition on behalf of Council. Make an application to the Minister for Local Government and the Governor for the compulsory acquisition of the Land. Grant authority to affix the Common Seal of Council to any acquisition documentation associated with the land. <p>30 Jul 2020 3:35pm Thornberry, Heidi Awaiting document to affix seal</p> <p>08 Sep 2020 4:31pm Thornberry, Heidi Awaiting document to affix seal</p> <p>14 Oct 2020 8:45am Thornberry, Heidi Awaiting document to affix seal</p> <p>02 Nov 2020 12:25pm Thornberry, Heidi As per Surendra's comment - Council via Solicitor has lodged an application to OLG for approval to go for the compulsory acquisition. Awaiting the response from OLG. - Awaiting to affix seal</p> <p>03 Dec 2020 11:00am Thornberry, Heidi Awaiting to affix seal</p> <p>12 Feb 2021 8:55am Thornberry, Heidi</p>			

	Division: Committee: Council Officer:	Date From: Date To:
Action Sheets Report		Printed: Monday, 15 May 2023 11:14:15 AM
<p>Comment by Surendra : Solicitor Messenger & Messenger is dealing with the Aboriginal Land Council and Office of Local Government for the issuance of PAN - in progress</p> <p>15 Mar 2021 1:54pm Thornberry, Heidi Awaiting document</p> <p>15 Apr 2021 12:30pm Thornberry, Heidi Awaiting document</p> <p>17 May 2021 8:51am Thornberry, Heidi Awaiting document</p> <p>08 Jun 2021 9:40am Thornberry, Heidi Awaiting document</p> <p>13 Jul 2021 2:33pm Thornberry, Heidi Awaiting document</p> <p>05 Aug 2021 3:25pm Thornberry, Heidi Awaiting document</p> <p>16 Sep 2021 12:50pm Thornberry, Heidi Awaiting document</p> <p>14 Oct 2021 11:18am Thornberry, Heidi Awaiting document</p> <p>09 Nov 2021 2:37pm Thornberry, Heidi Comment from DGMI - Easement acquisition still under lands claim assessment. No new progress to report., -----, Still awaiting document to affix seal</p> <p>08 Feb 2022 4:08pm Thornberry, Heidi Awaiting document</p> <p>07 Mar 2022 11:43am Thornberry, Heidi Awaiting document</p> <p>05 Apr 2022 1:01pm Thornberry, Heidi Awaiting document</p> <p>09 May 2022 2:17pm Thornberry, Heidi Awaiting document</p> <p>16 Jun 2022 10:55am Thornberry, Heidi Awaiting document</p> <p>14 Jul 2022 2:54pm Thornberry, Heidi Awaiting document</p> <p>09 Aug 2022 10:09am Thornberry, Heidi Awaiting document to affix seal</p> <p>10 Aug 2022 3:37pm Thornberry, Heidi Awaiting document to affix seal</p>		

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

15 Sep 2022 9:26am Thornberry, Heidi

Awaiting document to affix seal

13 Oct 2022 1:48pm Thornberry, Heidi

Update from DGMI: Resurvey has been ordered on advice from Crown Lands. Aboriginal Lands Claim has been resolved. Acquisition proceeding., Awaiting document

09 Nov 2022 11:19am Thornberry, Heidi

Awaiting document

30 Nov 2022 3:40pm Thornberry, Heidi

Awaiting document

16 Feb 2023 2:13pm Thornberry, Heidi

Awaiting document

13 Mar 2023 4:43pm Thornberry, Heidi

Have requested an update from DL Urban Services

03 Apr 2023 4:51pm Thornberry, Heidi

Awaiting response

08 May 2023 10:23am Thornberry, Heidi

Awaiting document

Meeting	Officer/Director	Section	Subject
Council 28/07/2020	Christensen, Matthew Christensen, Matthew	For Determination	COMPULSORY ACQUISITION OF EASEMENTS OVER CROWN LAND FOR PIPELINE AT ORANGE
<u>MOTION</u> (Durkin/Nash)			
THAT Council:			
<ol style="list-style-type: none"> Pursuant to Sections 186 and 187 of the <i>Local Government Act 1993 (NSW)</i> compulsorily acquire easements over the land ("Land") described as: <ol style="list-style-type: none"> Crown land/Crown waterway located within/adjacent to the area of Lot 7001 DP 1000813; Crown land/Crown waterway located within/adjacent to the area of Lot 12 DP 718922 <p>for the purpose of an Easement for Water Supply as defined in Schedule 4A of the <i>Conveyancing Act 1919</i> in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</p> Gives authority to the General Manager to negotiate the terms of the acquisition on behalf of Council. 			

Action Sheets Report	Division: Committee: Council Officer:	Date From: Date To: Printed: Monday, 15 May 2023 11:14:15 AM
<p>3. Make an application to the Minister for Local Government and the Governor for the compulsory acquisition of the Land.</p> <p>4. Grant authority to affix the Common Seal of Council to any acquisition documentation associated with the land.</p> <p>15 Oct 2020 2:43pm Sapkota, Surendra Under progress. Coucillor Solicitor is coordinating with the relevant government agencies.</p> <p>15 Oct 2020 3:51pm Sapkota, Surendra Council via Solicitor has lodged an application to OLG for approval to go for the compulsory acquisition. Awaiting the response from OLG.</p> <p>13 Nov 2020 12:19pm Sapkota, Surendra Awaiting response from OLG in this regard.</p> <p>03 Dec 2020 2:48pm Sapkota, Surendra Council Solicitor is dealing with Office of Local Government re issuance of PAN and the matter is in progress.</p> <p>08 Feb 2021 10:59am Sapkota, Surendra Solicitor- Messenger & Messenger is dealing with Office of Local Government and Aboriginal Land Council for the issuance of the PAN - in progress.</p> <p>09 Feb 2021 9:28am Sapkota, Surendra Solicitor Messenger & Messenger is dealing with the Aboriginal Land Council and Office of Local Government for the issuance of PAN - in progress</p> <p>03 Mar 2021 9:44am Thornberry, Heidi Action reassigned to Matthew Christensen by: Heidi Thornberry</p> <p>11 Mar 2021 2:27pm Christensen, Matthew Correspondening with Department Crown Lands to progress.</p> <p>15 Apr 2021 10:42am Christensen, Matthew In progress. Council's Solicitor working with government agencies to progress.</p> <p>13 May 2021 9:14am Christensen, Matthew In progress. Council's Solicitor working with government agencies to progress.</p> <p>09 Jun 2021 11:46am Little, Robyn No new information received from Council's solicitor on this matter - in progress.</p> <p>19 Jul 2021 1:50pm Christensen, Matthew No new information received from Council's solicitor on this matter - in progress.</p> <p>12 Aug 2021 9:18am Christensen, Matthew No new information. Council's Solicitor working through acquisition.</p> <p>16 Sep 2021 11:53am Christensen, Matthew Matter being consider under land claims issues. Has stalled whilst being negotiated.</p> <p>08 Nov 2021 1:45pm Christensen, Matthew Easement acquisition still under lands claim assessment. No new progress to report.</p> <p>09 Feb 2022 3:04pm Christensen, Matthew</p>		

Action Sheets Report	Division: Committee: Council Officer:	Date From: Date To: Printed: Monday, 15 May 2023 11:14:15 AM
<p>Easement acquisition still under lands claim assessment. No new progress to report.</p> <p>08 Mar 2022 3:38pm Christensen, Matthew Easement acquisition still under lands claim assessment. No new progress to report.</p> <p>07 Apr 2022 8:16am Christensen, Matthew Under progress. Coucillor Solicitor is coordinating with the relevant government agencies.</p> <p>10 May 2022 8:14am Christensen, Matthew Under progress. Coucillor Solicitor is coordinating with the relevant government agencies.</p> <p>15 Jun 2022 1:24pm Christensen, Matthew Under progress. Coucillor Solicitor is coordinating with the relevant government agencies.</p> <p>14 Sep 2022 1:25pm Christensen, Matthew Resurvey has been ordered on advice from Crown Lands. Aboriginal Lands Claim has been resolved. Acquisition proceeding.</p> <p>11 Nov 2022 8:45am Christensen, Matthew No further update at this stage.</p> <p>29 Nov 2022 9:43am Christensen, Matthew Resurvey has been completed. Will be reported to Council seeking new resolution to proceed.</p> <p>06 Apr 2023 10:28am Christensen, Matthew Resurvey has been completed. Will be reported to Council seeking new resolution to proceed.</p> <p>11 May 2023 10:26am Christensen, Matthew Report to be presented to Council at its June 2023 Ordinary Meeting.</p>		

Meeting	Officer/Director	Section	Subject
Council 23/03/2021	Christensen, Matthew Christensen, Matthew	For Determination	ROAD RESUMPTION CHARLOTTE STREET, CANOWINDRA
<p><u>MOTION</u> (Durkin/Weaver)</p> <p>THAT Council:</p> <ol style="list-style-type: none"> 1. Approve the resumption of the identified land on Charlotte Street, Canowindra by the Department of Education. 2. Authorise the General Manager to execute all associated documentation to facilitate the road closure and dedication, and 3. Authorise the application of Council Seal to necessary documentation. <p><u>MOTION</u> (Oldham/Weaver)</p> <p>THAT Council receive a report in relation to the following matters:</p>			

Action Sheets Report	Division: Committee: Council Officer:	Date From: Date To: Printed: Monday, 15 May 2023 11:14:15 AM
<ol style="list-style-type: none"> 1. Council's A+ rating investment options, and the possibility of other banks coming to Molong. 2. Approach the Orange Mountain Bike Club to seek their views/opinions on the Mt Canobolas bike track and how they intend to use the facility. <p>15 Jul 2021 12:52pm Bailey, Rachel Process is ongoing. Section 138 licence for the fence erection within the road corridor, is signed and approved. Following the road closure steps as per process.</p> <p>11 Aug 2021 10:35am Bailey, Rachel In Progress. Road gazettal information confirmed. Letter advice to utilities and newspaper notification drafted as per process.</p> <p>26 Oct 2021 11:32am Smith, Nyssa Progressing. No submissions received against. Surveyor is to prepare and send through finalised plan and associated documents for signatures and consents (subdivision certificates, s88B instrument)</p> <p>08 Nov 2021 3:46pm Bailey, Rachel Public consultation for 28 days completed - no comments against. Instruction to surveyor to prepare and forward the plan and associated documentation. Documentation completed and sent through to me. Then forwarded to Crown Lands for their signature on documents. Awaiting that signature and documentation return from Crown</p> <p>08 Feb 2022 4:45pm Thornberry, Heidi Action reassigned to Charlie Harris by: Heidi Thornberry</p> <p>09 Feb 2022 4:59pm Christensen, Matthew Currently with Crown Lands Department to concur with proposal.</p> <p>10 May 2022 9:02am Thornberry, Heidi Action reassigned to Willson Wang by: Heidi Thornberry</p> <p>16 Jun 2022 11:04am Wang, Willson Site inspection has been conducted and it seems like the work has been carried out. But not sure about the paper-work wise and will chase up to see if the paper work has been finished as per the job</p> <p>13 Oct 2022 4:08pm Thornberry, Heidi Action reassigned to Matthew Christensen by: Heidi Thornberry</p> <p>11 Nov 2022 8:51am Christensen, Matthew Awaiting update from Crown Lands on status of resumption.</p> <p>29 Nov 2022 9:42am Christensen, Matthew Awaiting Crown Lands approval. Have escalated within Department Planning and Environment.</p> <p>06 Apr 2023 10:34am Christensen, Matthew Awaiting Crown Lands approval. Have escalated within Department Planning and Environment.</p> <p>11 May 2023 10:25am Christensen, Matthew Still awaiting response from Crown Lands for approval to finalise.</p>		

Meeting	Officer/Director	Section	Subject
---------	------------------	---------	---------

Action Sheets Report	Division: Committee: Council Officer:	Date From: Date To: Printed: Monday, 15 May 2023 11:14:15 AM
-----------------------------	--	---

Council 23/03/2021 Thornberry, Heidi For Determination ROAD RESUMPTION CHARLOTTE STREET, CANOWINDRA
 Byrnes, Bradley

MOTION (Durkin/Weaver)

THAT Council:

1. Approve the resumption of the identified land on Charlotte Street, Canowindra by the Department of Education.
2. Authorise the General Manager to execute all associated documentation to facilitate the road closure and dedication, and
3. Authorise the application of Council Seal to necessary documentation.

MOTION (Oldham/Weaver)

THAT Council receive a report in relation to the following matters:

1. Council's A+ rating investment options, and the possibility of other banks coming to Molong.
2. Approach the Orange Mountain Bike Club to seek their views/opinions on the Mt Canobolas bike track and how they intend to use the facility.

15 Apr 2021 12:01pm Thornberry, Heidi
 Awaiting document to affix seal

17 May 2021 9:21am Thornberry, Heidi
 Awaiting document to affix seal

08 Jun 2021 9:39am Thornberry, Heidi
 Awaiting document to affix seal

13 Jul 2021 2:33pm Thornberry, Heidi
 Awaiting document to affix seal

05 Aug 2021 3:20pm Thornberry, Heidi
 Awaiting document to affix seal

16 Sep 2021 12:51pm Thornberry, Heidi
 Awaiting document to affix seal

14 Oct 2021 11:20am Thornberry, Heidi
 Awaiting document to affix seal

09 Nov 2021 3:00pm Thornberry, Heidi
 Document with Crown Lands for signing. Awaiting document to affix seal.

08 Feb 2022 4:08pm Thornberry, Heidi

Action Sheets Report	Division: Committee: Council Officer:	Date From: Date To: Printed: Monday, 15 May 2023 11:14:15 AM
<p><u>MOTION</u> (Durkin/Weaver)</p> <p>THAT Council:</p> <ol style="list-style-type: none"> 1. Approve the resumption of the identified land on Charlotte Street, Canowindra by the Department of Education. 2. Authorise the General Manager to execute all associated documentation to facilitate the road closure and dedication, and 3. Authorise the application of Council Seal to necessary documentation. <p><u>MOTION</u> (Oldham/Weaver)</p> <p>THAT Council receive a report in relation to the following matters:</p> <ol style="list-style-type: none"> 1. Council's A+ rating investment options, and the possibility of other banks coming to Molong. 2. Approach the Orange Mountain Bike Club to seek their views/opinions on the Mt Canobolas bike track and how they intend to use the facility. <p>15 Apr 2021 12:54pm Christensen, Matthew Progressing through paperwork. Have provided information to Department of Education.</p> <p>13 May 2021 9:17am Christensen, Matthew Documentation with Department of Education for signing.</p> <p>09 Jun 2021 11:56am Little, Robyn Approval from Dpt of Education received. Community Consultation process will now commence.</p> <p>12 Aug 2021 9:09am Christensen, Matthew Stakeholder engagement proceeding.</p> <p>15 Sep 2021 1:35pm Christensen, Matthew On public exhibition until end of September 2021.</p> <p>08 Nov 2021 2:53pm Christensen, Matthew No objections raised during public consultation. Has been forwarded to Crown Lands for concurrence.</p> <p>09 Feb 2022 3:06pm Christensen, Matthew Awaiting Crown Land concurrence for the proposal.</p> <p>08 Mar 2022 3:37pm Christensen, Matthew Awaiting Crown Land concurrence for the proposal.</p> <p>07 Apr 2022 8:16am Christensen, Matthew Awaiting Crown Land concurrence for the proposal.</p> <p>10 May 2022 8:14am Christensen, Matthew</p>		

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM

Action Sheets Report

Awaiting Crown Land concurrence for the proposal.

15 Jun 2022 1:24pm Christensen, Matthew

Awaiting Crown Land concurrence for the proposal.

14 Sep 2022 1:27pm Christensen, Matthew

Awaiting Crown Land concurrence for the proposal.

11 Nov 2022 8:56am Christensen, Matthew

Duplicate Action. COMPLETE

01 Dec 2022 3:57pm Thornberry, Heidi

Error when running report, please refer to second motion.

16 Mar 2023 10:54am Christensen, Matthew

Duplicate Action for another report. Not Required. COMPLETED

06 Apr 2023 10:35am Christensen, Matthew

Duplicate Action for another report. Not Required. COMPLETED

11 May 2023 10:26am Christensen, Matthew

No further action required. COMPLETE

Meeting	Officer/Director	Section	Subject
Council 22/06/2021	Harris, Charlie Christensen, Matthew	For Determination	BORENORE DAM WATER SUPPLY FACILITY - UNAUTHORISED DWELLING
<u>MOTION</u> (Treavors/Oldham)			
THAT Council take necessary actions to require the relocation of an unauthorised building from the foreshore of the Borenore Dam Water Supply Facility.			
12 Jul 2021 10:30am Nicholls, Heather			
noted. NFA from services on asset matter. COMPLETE			
02 Aug 2021 12:49pm Thornberry, Heidi			
Action reassigned to Rachel Bailey by: Heidi Thornberry			
11 Aug 2021 10:41am Bailey, Rachel			
In progress. Investigations will continue from the Infrastructure department.			
08 Nov 2021 4:13pm Bailey, Rachel			
In process. Investigations continuing			
08 Feb 2022 4:45pm Thornberry, Heidi			
Action reassigned to Charlie Harris by: Heidi Thornberry			
09 Feb 2022 5:06pm Harris, Charlie			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			
<p>Dam Safety Audit personel to attend on 9 March. Discussions to be had with them as to strategy. , Position for Urban Infrastructure will be to instruct Planning to undertake necessary action to have the premesis removed and any septic or waste from the site to be appropriately disposed of.</p> <p>12 May 2022 9:48am Harris, Charlie Dam Safety have advised it is an issue for Council to resolve. Consideration of de-registering Borenore Dam is on process</p> <p>16 Jun 2022 1:51pm Thornberry, Heidi In progress</p> <p>11 Jul 2022 1:30pm Harris, Charlie In progress</p> <p>11 Aug 2022 2:47pm Thornberry, Heidi Continuing to progress</p> <p>18 Oct 2022 12:09pm Harris, Charlie PWA inspecting dam in consideration of declassifying it as a dam. This will remove the Health classification and enable negotiation on options with the owner</p> <p>16 Feb 2023 8:44am Harris, Charlie Intention to proceed with declassifying this Dam and removing components of the wall to ensure it no longer acts as a dam.</p> <p>15 Mar 2023 5:55pm Harris, Charlie No progress at this point</p> <p>08 May 2023 10:01am Harris, Charlie No progression of this matter</p>			

Meeting	Officer/Director	Section	Subject
Council 28/06/2022	Christensen, Matthew Christensen, Matthew	For Determination	PROPOSED ROAD NAMING - DA-2022-0084-SUBDIVISION LOT 101 DP 1282584,CEMETERY ROAD, MOLONG
<u>MOTION</u> (Weaver/Nash)			
THAT Council:			
<ol style="list-style-type: none"> 1. Proceed with public consultation proposing to name the road identified in the report as "Penrose Drive"; and 2. Should no objections be received, Council proceed with the naming of the road as "Penrose Drive" in accordance with Section 162 of the Roads Act, 1993. 			
<p>11 Aug 2022 9:26am Wang, Willson have fromally summibit the naming proposal to Geographic Naming Board to approv.</p> <p>12 Sep 2022 9:27am Wang, Willson</p>			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

Geographic naming Borading is not satified with road type being Drive as the Drive donest reflect the characteristics of cul de sac. Type Close has been proposed and aggreed by both Geographic Naming board and the develpoer. Therefore the final naming is now Penrose Close for this proposed road under the DA2022-0084.

04 May 2023 4:13pm Thornberry, Heidi - Reallocation

Action reassigned to Christensen, Matthew by Thornberry, Heidi

Meeting	Officer/Director	Section	Subject
Council 23/08/2022	Watts, Penny Byrnes, Bradley	For Determination	EVENTS ASSISTANCE PROGRAM
<u>MOTION</u> (Nash/Pull)			
THAT council endorse under its 2022/23 Event Assistance Program:			
<ol style="list-style-type: none"> 1. \$2,000 for the Orange Region Vignerons Association (ORVA). 2. \$1,000 for the Central West Disc Golf 3. \$1,000 for the Canowindra CWA Branch 			
25 Aug 2022 3:21pm Lewis-Minogue, Laura			
Documents collated and outcome letters sent. Awaiting invoices			
13 Oct 2022 2:08pm Lewis-Minogue, Laura			
Invoices been processed. Awaiting aquittal			
09 Nov 2022 9:05am Lewis-Minogue, Laura			
awaiting aquital			
01 Dec 2022 2:50pm Lewis-Minogue, Laura			
Awaiting aquital			
20 Feb 2023 1:15pm Thornberry, Heidi			
Action reassigned to Penny Watts by: Heidi Thornberry			
21 Mar 2023 4:44pm Watts, Penny			
Follow-up emails sent to confirm Accquital documents			
23 Mar 2023 3:48pm Watts, Penny			
Central West Disc Golf Fully acquitted Doc ID 1504171.			
27 Mar 2023 10:32am Watts, Penny			
CWA fully acquitted DOC ID 1504815			

Meeting	Officer/Director	Section	Subject
Council 23/08/2022	Christensen, Matthew	Confidential Items	REQUEST FOR TENDER FOR PEAK HILL ROAD UPGRADE-SURVEY & DESIGN

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

Christensen, Matthew			
<u>RECOMMENDATION</u> (Nash/Batten)			
THAT council:			
1. Resolve to accept the tender of Mitchel Hanlon Consulting Pty Ltd for \$234,638.30 (excl. GST) for the survey and design of the Peak Hill Road Upgrade under contract number 1410085.			
2. Authorise any variation to the contract for the works provided the variations are contained within the overall approved budget.			
12 Sep 2022 9:37am Wang, Willson			
Contacts are in the process to print out and signed by us and contractor.			
04 May 2023 4:14pm Thornberry, Heidi - Reallocation			
Action reassigned to Christensen, Matthew by Thornberry, Heidi			
11 May 2023 10:20am Christensen, Matthew			
Contracts have been exchanged and work is well advanced. COMPLETE			

Meeting	Officer/Director	Section	Subject
Council 27/09/2022	Polain, Chris Byrnes, Bradley	For Determination	POLICY REGISTER - REVIEW BY COUNCIL WITHIN 12 MONTHS OF ELECTION
<u>MOTION</u> (Rawson/Batten)			
THAT the policies listed in the report detailed "minor changes" be re-adopted.			

Meeting	Officer/Director	Section	Subject
Council 27/09/2022	Watts, Penny Byrnes, Bradley	For Determination	EVENTS ASSISTANCE PROGRAM
<u>MOTION</u> (Nash/Weaver)			
THAT council endorse under its 2022/23 Event Assistance Program:			
1. \$3,000 for the Eugowra Masters of the Mandagery,			
2. \$5,000 for the Eugowra Harness Racing Club Canola Cup Family Picnic Day.			
13 Oct 2022 2:07pm Lewis-Minogue, Laura			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed: Monday, 15 May 2023 11:14:15 AM	

Action Sheets Report

Documents collated and sent. Awaiting invoices

09 Nov 2022 9:05am Lewis-Minogue, Laura

invoices paid. Awaiting aquital

01 Dec 2022 2:50pm Lewis-Minogue, Laura

Processing payments

01 Dec 2022 2:51pm Lewis-Minogue, Laura

awaiting aquital

20 Feb 2023 1:15pm Thornberry, Heidi

Action reassigned to Penny Watts by: Heidi Thornberry

Meeting	Officer/Director	Section	Subject
Council 27/10/2022	Whiley, Stacy Nicholls, Heather	For Determination	REQUEST FOR DONATION
<u>MOTION</u> (Jones/Nash)			
THAT council donate \$150 to Eugowra St Joseph's Primary School P&F.			
07 Nov 2022 5:53pm Whiley, Stacy			
DOC ID 1456899 email notification of successful donation request , creditor form required			
20 Dec 2022 2:59pm Whiley, Stacy			
Email follow up sent to Jen Webb 7/11/22 DOC ID 1456899, no response to date			
14 Mar 2023 1:52pm Whiley, Stacy			
DOC ID 1500807 contact with St Jospehs school for follow up			
05 Apr 2023 9:48am Whiley, Stacy			
No response after last contact with school seeking further details that woudl enable payment to be made., DGMS advised to wait until end of FY, then consider closing action			

Meeting	Officer/Director	Section	Subject
Council 27/10/2022	Saxelby, Todd Nicholls, Heather	For Determination	QUESTIONS FOR NEXT MEETING
<u>MOTION</u> (Weaver/Jones)			
THAT council:			
1. Notify the Rural Fire Service and UGL Regional Linx of the overgrown land at the Canowindra Railway Precinct;			
2. Receive a progress report regarding Essential Energy and the Bluebell Estate, Canowindra;			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed: Monday, 15 May 2023 11:14:15 AM	
Action Sheets Report			

3. Arrange a presentation, at a future meeting/workshop, from the Cabonne/Orange Roads Safety Officer;
4. Forward to the Cabonne Traffic Committee a request to undertake traffic counter activities in Cargo and Cumnock;
5. Receive a report regarding youth engagement activities in Cabonne; and
6. Receive an analysis report regarding traffic blisters at Cumnock.

Meeting	Officer/Director	Section	Subject
Council 27/10/2022	Stubberfield, Nathan Nicholls, Heather	Confidential Items	MID-SCALE SOLAR PLANT UPDATE
<u>RECOMMENDATION</u> (Batten/Rawson)			
THAT:			
<ol style="list-style-type: none"> 1. Council borrow the required funding from an appropriate lending institution for up to the reported amount to finance the Mid-Scale Solar project, excluding the battery energy storage system component. 2. The above is subject to receiving the requisite approvals and grant funding from the Resources for Regions program. 3. Receive a further report upon the approvals being granted and finalised costings determined prior to going out to market. 			
16 Mar 2023 11:57am Stubberfield, Nathan			
Working through required approvals. Application for Resources for Regions funding was successful, with approx. \$1.5m allocated to purchase a battery energy storage system (BESS)			
12 May 2023 11:44am Stubberfield, Nathan			
Continuing to work through approvals process. Council staff have begun discussions with T-Corp in regards to funding and are working through requirements.			

Meeting	Officer/Director	Section	Subject
Council 27/10/2022	Christensen, Matthew Christensen, Matthew	For Determination	QUESTIONS FOR NEXT MEETING
<u>MOTION</u> (Weaver/Jones)			
THAT council:			
<ol style="list-style-type: none"> 1. Notify the Rural Fire Service and UGL Regional Linx of the overgrown land at the Canowindra Railway Precinct; 			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

2. Receive a progress report regarding Essential Energy and the Bluebell Estate, Canowindra;
3. Arrange a presentation, at a future meeting/workshop, from the Cabonne/Orange Roads Safety Officer;
4. Forward to the Cabonne Traffic Committee a request to undertake traffic counter activities in Cargo and Cumnock;
5. Receive a report regarding youth engagement activities in Cabonne; and
6. Receive an analysis report regarding traffic blisters at Cumnock.

06 Apr 2023 10:36am Christensen, Matthew

Speeding issues have been raised at Local Traffic Committee. Formal report to be provided at next meeting.

Meeting	Officer/Director	Section	Subject
Council 22/11/2022	Smith, Nyssa Christensen, Matthew	For Determination	CONFIRMATION OF THE ROADS ADVISORY COMMITTEE MEETING MINUTES
<u>MOTION</u> (Rawson/Batten)			
THAT the minutes of the Roads Advisory Committee of Cabonne Council held on 25 October 2022 be adopted.			
27 Apr 2023 3:09pm Smith, Nyssa			
Noted. COMPLETED			

Meeting	Officer/Director	Section	Subject
Council 13/12/2022	Watts, Penny Byrnes, Bradley	For Determination	EVENTS ASSISTANCE PROGRAM
<u>MOTION</u> (Oldham/Jones)			
THAT council endorse \$2,000 for the Rotary Club of Orange through the 2022/23 Event Assistance Program.			
20 Feb 2023 1:15pm Thornberry, Heidi			
Action reassigned to Penny Watts by: Heidi Thornberry			

Meeting	Officer/Director	Section	Subject
Council 13/12/2022	Christensen, Matthew Christensen, Matthew	For Determination	Longs Corner Estate Canowindra - Stage Two

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

MOTION (Pull/Weaver)

THAT Council:

1. Endorse the progression of Stage 2 of the Longs Corner Estate within the 2022/23 works program;
2. Receive a further report considering the funding of civil construction works for the estate.

16 Mar 2023 12:39pm Christensen, Matthew

Report to come to April Council meeting for consideration of funding for development.

11 May 2023 10:16am Christensen, Matthew

Report for funding considered at April 2023 Ordinary Meeting and resolved. Project has been scheduled for 2023/24 project period. COMPLETE

Meeting	Officer/Director	Section	Subject
Council 13/12/2022	Christensen, Matthew Christensen, Matthew	For Determination	QUESTIONS FOR NEXT MEETING
MOTION (Jones/Batten)			
THAT Council receive a report to a future Council meeting in relation to costs and location of the half-court basketball facility for Molong.			

Meeting	Officer/Director	Section	Subject
Council 13/12/2022	Fitzgerald, Michael Christensen, Matthew	Confidential Items	PLANT REPLACEMENT
RECOMMENDATION (Jones/Weaver)			
THAT Council endorse the purchase from Westrac Pty Ltd, two Caterpillar SC68B smooth drum rollers for a total purchase of \$388,000 excl. GST.			

Meeting	Officer/Director	Section	Subject
Council 13/12/2022	Fitzgerald, Michael Christensen, Matthew	Confidential Items	PLANT REPLACEMENT

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed: Monday, 15 May 2023 11:14:15 AM	
Action Sheets Report			

MOTION (Batten/Jones)

THAT Council endorse the purchase from METELE Pty Ltd, Wagga Trucks for a Mack Superliner, for the purchase price of \$337,800 excl. GST

Meeting	Officer/Director	Section	Subject
Council 13/12/2022	Thornberry, Heidi Byrnes, Bradley	Confidential Items	EVALUATION OF SUBMISSIONS TENDER: "NETWASTE TENDER FOR PROCESSING OF GARDEN ORGANICS, WOOD AND TIMBER" F2923 / F3928
RECOMMENDATION (Weaver/O'Ryan)			
THAT:			
<ol style="list-style-type: none"> 1. Tender F3928 for the Processing of Garden Organics, Wood and Timber be awarded to Davis Earthmoving Pty Ltd for their tendered price as set out in this report for the initial two (2) year term with the option of two (2) x 12-month available extensions. 2. As the existing contract expiry date (14 November 2022) has surpassed, a new contract start date for the two (2) year term will be advised by NetWaste upon endorsement from the NetWaste Steering Committee, and engagement of Davis Earthmoving Pty Ltd. 3. Delegate the authority to execute the contracts for the Processing of Garden Organics, Wood and Timber to the Chief Executive Officer and permission be granted for the use of the Council Seal on any relevant document if required. 			
16 Feb 2023 2:16pm Thornberry, Heidi Awaiting Information			
13 Mar 2023 4:46pm Thornberry, Heidi Awaiting information			
06 Apr 2023 1:07pm Thornberry, Heidi Awaiting information			
08 May 2023 10:24am Thornberry, Heidi Awaiting information			

Meeting	Officer/Director	Section	Subject
Council 28/02/2023	Nicholls, Heather Nicholls, Heather	For Determination	DELEGATES TO OTHER ORGANISATIONS - JOINT REGIONAL PLANNING PANEL FOR THE YEAR 2023/2024
MOTION (Pull/Weaver)			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed: Monday, 15 May 2023 11:14:15 AM	
Action Sheets Report			

THAT Council:

1. Endorse the Director Planning and Environmental Services, Blayney Shire Council, Andrew Muir, as its technical delegate to the Western Region Joint Planning Panel (Cabonne panel),
2. Appoint Cllr Nash as the second representative to the Western Regional Joint Planning Panel for Cabonne Council;
3. That both delegates be appointed for the balance of the 2023/2024 year; and
4. The Joint Regional Planning Panel secretariat be advised of council's resolution.

09 May 2023 10:22am Stewart, Sarah

Advice sent to Planning Panels Secretariat. COMPLETE

Meeting	Officer/Director	Section	Subject
Council 28/02/2023	Watts, Penny Byrnes, Bradley	For Determination	EVENTS ASSISTANCE PROGRAM
<u>MOTION</u> (Pull/Rawson)			
THAT Council approves under its 2022/23 Event Assistance Program:			
<ol style="list-style-type: none"> 1. \$2,000 for the Cargo 2 Grenfell (C2G) Fundraiser Walk, 2. \$1,000 for the Molong Poetry Brawl by the Molong Advancement Group (MAG), 3. \$500 for Canowindra Pony Club Showjumping Competition, and 4. \$3,900 for F.O.O.D Week Incorporated. 			
04 Apr 2023 12:46pm Watts, Penny			
Acquittal documents sent. Awaiting replies.			
04 Apr 2023 12:47pm Watts, Penny			
Cargo 2 Grenfell walk funding acquitted			

Meeting	Officer/Director	Section	Subject
Council 28/02/2023	Watts, Penny Byrnes, Bradley	For Determination	SPONSORSHIP PROGRAM
<u>MOTION</u> (Pull/Nash)			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

THAT Council provides \$5,000 from the 2022/2023 Sponsorship Program to *The Long White Lunch*.

Meeting	Officer/Director	Section	Subject
Council 28/02/2023	Polain, Chris Byrnes, Bradley	For Determination	PLANNING CONFLICT OF INTEREST
<u>RECOMMENDATION</u> (Rawson/Nash)			
THAT the attached draft Council-related Development Applications Conflict-of-interest Policy be placed on public exhibition for 28 working days.			

Meeting	Officer/Director	Section	Subject
Council 28/02/2023	Pearson, Jolene Byrnes, Bradley	Confidential Items	COUNCIL PROPERTY - 68-74 BANK STREET, MOLONG
<u>MOTION</u> (Nash/Pull)			
THAT Council authorise the Mayor and General Manager to enter into lease negotiations as per the proposal detailed in the report.			
16 Mar 2023 11:40am Thornberry, Heidi Comment for Jolene Pearson: Progressing.			
06 Apr 2023 1:12pm Pearson, Jolene Draft lease currently being prepared for consideration.			
08 May 2023 9:59am Pearson, Jolene Heads of Agreement being developed prior to lease agreement finalisation. Report to be presented to the May Council meeting.			

Meeting	Officer/Director	Section	Subject
Council 28/02/2023	Pearson, Jolene Byrnes, Bradley	Confidential Items	DOCTOR FOR CUDAL
<u>RECOMMENDATION</u> (Oldham/Rawson)			
THAT Council:			
<ol style="list-style-type: none"> 1. Advertise its intention to alter its Operational Plan 2022/23; and 2. Advertise for expressions of interest to assist in establishing a doctor service in Cudal. 			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

16 Mar 2023 11:43am Thornberry, Heidi

Comment for Jolene Pearson: Public notice for alteration of Operation Plan 22/23 and expression of interest advertised, closing date for submissions 7 April 2023.

06 Apr 2023 1:12pm Pearson, Jolene

Submissions and EOI close 7 April, report will be presented to the April Council meeting for consideration.

08 May 2023 10:01am Pearson, Jolene

Nil submission, report presented to the April Council meeting - COMPLETE

Meeting	Officer/Director	Section	Subject
Council 28/02/2023	Harris, Charlie Christensen, Matthew	Confidential Items	REQUEST FOR REDUCTION IN WATER CONSUMPTION COSTS ON ACCOUNT 893000000
<u>RECOMMENDATION</u> (Weaver/Nash)			
THAT the item be deferred to a future meeting.			
10 May 2023 9:34am Thornberry, Heidi			
Comment for Charlie - NFA required - COMPLETE			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Size, Dale Nicholls, Heather	For Determination	DRAFT INVESTMENT POLICY
<u>MOTION</u> (Weaver/O'Ryan)			
THAT Council endorse the draft Investment Policy and place the draft Investment Policy on public exhibition for 28 days, with a further report following conclusion of the exhibition phase.			
06 Apr 2023 12:38pm Size, Dale			
sent email to Rebecca J & Jolene P to check on next procedure for Public Display. Have marked 28 days on my calender to ensure follow up after ending period so that final council report can be written			
05 May 2023 12:45pm Size, Dale			
NFA			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Watts, Penny Byrnes, Bradley	For Determination	EVENTS ASSISTANCE PROGRAM
<u>MOTION</u> (Weaver/Jones)			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed: Monday, 15 May 2023 11:14:15 AM	

Action Sheets Report

THAT Council approves under its 2022/23 Event Assistance Program \$2,500 to Cudal Community Children's Centre for the Black-Tie Ball.

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Watts, Penny Byrnes, Bradley	For Determination	SPONSORSHIP PROGRAM
<u>MOTION</u> (Rawson/Weaver)			
THAT Council provides \$20,000 from the 2022/2023 Sponsorship Program to the Canowindra Challenge Incorporated for naming rights and sponsorship of the Cabonne Community Glow.			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Staines, Mandy Christensen, Matthew	For Determination	CUMNOCK VILLAGE PRESCHOOL- LICENCE AGREEMENT
<u>MOTION</u> (Batten/Nash)			
THAT Council:			
<ol style="list-style-type: none"> 1. Enters into a Licence Agreement with Cumnock Village Pre-School for the use of part of Lot 6/1/DP5907 and Lot 5/1/DP5907 for a Pre-School, 2. Donates \$27,825.00 (equivalent to market rent) for a period of 12 months as per the Licence Agreement, to Cumnock Village Pre-School for the use of 44 Obley Street, Cumnock NSW 2867 (Cumnock War Memorial Hall), and 3. Authorise the General Manager to sign and execute the Licence Agreement. 			
04 May 2023 3:32pm Staines, Mandy			
The licence agreement is with Council's lawyer, Messenger and Messenger who are preparing to execute the licence.			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Christensen, Matthew Christensen, Matthew	For Determination	PROPOSED ROAD RESERVE PURCHASE ADJACENT TO LOT 1184 DP1179438
<u>MOTION</u> (Nash/O'Ryan)			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

THAT Council:

1. Approve the public exhibition of the proposal for purchase of road reserve adjacent to Lot 1184 DP 1179438; and
2. Receive a report following the public exhibition to determine the proposed purchase of road reserve.

04 May 2023 4:14pm Thornberry, Heidi - Reallocation

Action reassigned to Christensen, Matthew by Thornberry, Heidi

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Christensen, Matthew Christensen, Matthew	For Determination	PROPOSED ROAD RESERVE PURCHASE WITHIN LOT 12 DP616527
<u>MOTION</u> (Pull/Nash)			
THAT Council:			
<ol style="list-style-type: none"> 1. Approve the public exhibition of the proposal for purchase of partial road reserve through Lot 12 DP 616527; and 2. Receive a report following the public exhibition to determine the proposed purchase of road reserve. 			
04 May 2023 4:15pm Thornberry, Heidi - Reallocation			
Action reassigned to Christensen, Matthew by Thornberry, Heidi			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Christensen, Matthew Christensen, Matthew	For Determination	PROPOSED ROAD RESERVE PURCHASE ADJACENT TO LOT 255 DP702687
<u>MOTION</u> (Jones/Pull)			
THAT Council:			
<ol style="list-style-type: none"> 1. Approve the public exhibition of the proposal for purchase of road reserve adjacent to Lot 255 DP 702687; and 2. Receive a report following the public exhibition to determine the proposed purchase of road reserve. 			
04 May 2023 4:14pm Thornberry, Heidi - Reallocation			
Action reassigned to Christensen, Matthew by Thornberry, Heidi			

Action Sheets Report	Division: Committee: Council Officer:	Date From: Date To: Printed: Monday, 15 May 2023 11:14:15 AM
--------------------------------------	--	---

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Smith, Nyssa Christensen, Matthew	For Determination	CONFIRMATION OF THE CABONNE LOCAL TRAFFIC COMMITTEE MEETING MINUTES
<u>MOTION</u> (Nash/Batten) THAT the minutes of the Cabonne Local Traffic Committee held 06 March 2023 be adopted. 27 Apr 2023 3:10pm Smith, Nyssa NOTED. Minutes distributed. COMPLETED			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Nicholls, Heather Nicholls, Heather	For Determination	DEVELOPMENT APPLICATION 2021/269 PROPOSED MEDIUM DENSITY DEVELOPMENT FOR 10 KITE STREET MOLONG BEING LOT 16 SECTION 17 DP 758693
<u>MOTION</u> (Nash/Pull) THAT Development Application 2021/269 for multi dwelling housing, being five 3-bedroom units upon land described as Lot 16 Section 17 DP 758693 at 10 Kite Street, Molong, be refused as insufficient information has been provided with the application to enable assessment of the proposal. 08 May 2023 1:31pm Stewart, Sarah Notice of Refusal issued. COMPLETE			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Pamplin, Richard Nicholls, Heather	For Determination	DEVELOPMENT APPLICATION 2023/0077 FOR EUGOWRA SOLAR FARM AT 255 CASUARINA DRIVE, EUGOWRA
<u>MOTION</u> (Weaver/Batten) THAT Development Application 2023/0077 for Eugowra Solar Farm on Lot 85 DP 870963 – 255 Casuarina Drive, Eugowra, be granted consent subject to the conditions attached. 08 May 2023 10:52am Pamplin, Richard Consent dated 28 March 2023 provided under cover letter dated 30 March 2023 - COMPLETE			

Meeting	Officer/Director	Section	Subject
---------	------------------	---------	---------

Action Sheets Report		Division: Committee: Council Officer:	Date From: Date To: Printed: Monday, 15 May 2023 11:14:15 AM
Council 28/03/2023 Johnson, Rebecca For Notation FLOOD RECOVERY UPDATE Byrnes, Bradley THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_ReportName_14264) CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT DOCUMENT: C:\USERS\REGANEV\FOCOUNCIL\CO_28032023_MIN.DOCX Resolution not found			
Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Smith, Nyssa Christensen, Matthew	For Notation	TRANSPORT INFRASTRUCTURE UPDATE
THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_ReportName_14258) CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT DOCUMENT: C:\USERS\REGANEV\FOCOUNCIL\CO_28032023_MIN.DOCX Resolution not found 27 Apr 2023 3:10pm Smith, Nyssa COMPLETED			
Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Thornberry, Heidi Byrnes, Bradley	For Determination	ANZAC DAY 2023
RECOMMENDATION (Batten/Nash) <p>THAT Council:</p> <ol style="list-style-type: none"> 1. Authorise Councillors to represent Council at ANZAC Day services throughout Cabonne as detailed in the proceedings in brief; and 2. Advise the Police that Council offers no objection to the temporary closure of streets involved, subject to compliance with local police regulations, in any of the towns and villages which are to conduct ANZAC Day marches in the Cabonne LGA. 08 May 2023 10:24am Thornberry, Heidi NFA - COMPLETE			
Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Smith, Nyssa Christensen, Matthew	For Determination	WATER MANAGEMENT CONFERENCE 2023
RECOMMENDATION (Nash/Rawson)			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

THAT Council be represented at the Water Management Conference 2023 by Clr Nash.

27 Apr 2023 3:12pm Smith, Nyssa

NOTED - Bookings have been made and emailed to Clr Nash. COMPLETED

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Smith, Nyssa Christensen, Matthew	For Determination	CONFIRMATION OF THE POOLS ADVISORY COMMITTEE MEETING MINUTES
<u>RECOMMENDATION</u> (Nash/Weaver)			
THAT the minutes of the Pools Advisory Committee of Cabonne Council held on 14 March 2023 be adopted.			
27 Apr 2023 3:13pm Smith, Nyssa			
NOTED. Minutes distributed to Committee Members. COMPLETED			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Fitzgerald, Michael Christensen, Matthew	Confidential Items	PLANT REPLACEMENT
<u>RECOMMENDATION</u> (Nash/Weaver)			
THAT Council endorse the purchase from WesTrac Pty Ltd, a Caterpillar 432F-2 Backhoe, for the purchase price of \$212,500 excl GST.			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Harris, Charlie Christensen, Matthew	Confidential Items	TENDER 1476194 FOR THE SUPPLY OF GOODS, SERVICES AND PLANT HIRE
<u>RECOMMENDATION</u> (Batten/Weaver)			
THAT Council:			
1. Adopt submissions to the Tender 1476194 for the Supply of Goods and Services and Plant Hire 2023-26; and			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

2. Delegate authority to the General Manager for approval to any further submissions for inclusion on the panel pending assessment as per the tender guidelines, in accordance with provisions of s.377 of the Local Government Act 1993.

08 May 2023 10:02am Harris, Charlie
Complete

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Stubberfield, Nathan Nicholls, Heather	Confidential Items	ENERGY UPDATE
<u>RECOMMENDATION</u> (Jones/Nash)			
THAT the information in the report be noted.			
12 May 2023 11:43am Stubberfield, Nathan COMPLETE.			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Johnson, Rebecca Byrnes, Bradley	For Determination	DRAFT INVESTMENT POLICY
<u>MOTION</u> (Weaver/O'Ryan)			
THAT Council endorse the draft Investment Policy and place the draft Investment Policy on public exhibition for 28 days, with a further report following conclusion of the exhibition phase.			
08 May 2023 2:21pm Johnson, Rebecca Complete.			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Stansbury, Hayley Byrnes, Bradley	For Determination	DRAFT INVESTMENT POLICY
<u>MOTION</u> (Weaver/O'Ryan)			
THAT Council endorse the draft Investment Policy and place the draft Investment Policy on public exhibition for 28 days, with a further report following conclusion of the exhibition phase.			
03 May 2023 9:35am Stansbury, Hayley			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM

Action Sheets Report

Policy is an operational policy and was reported to council in error, so no further action required - ACTION COMPLETE

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Stansbury, Hayley Byrnes, Bradley	For Determination	FINANCIAL RESERVES POLICY
MOTION (Jones/Batten)			
THAT Council adopt the Financial Reserves Policy.			
17 Apr 2023 11:37am Stansbury, Hayley			
Policy has been finalised, added to the policy register and, as a strategic policy, is now available on council's website. ACTION COMPLETE			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Johnson, Rebecca Byrnes, Bradley	For Determination	PROPOSED ROAD RESERVE PURCHASE ADJACENT TO LOT 1184 DP1179438
MOTION (Nash/O'Ryan)			
THAT Council:			
<ol style="list-style-type: none"> 1. Approve the public exhibition of the proposal for purchase of road reserve adjacent to Lot 1184 DP 1179438; and 2. Receive a report following the public exhibition to determine the proposed purchase of road reserve. 			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Johnson, Rebecca Byrnes, Bradley	For Determination	PROPOSED ROAD RESERVE PURCHASE WITHIN LOT 12 DP616527
MOTION (Pull/Nash)			
THAT Council:			
<ol style="list-style-type: none"> 1. Approve the public exhibition of the proposal for purchase of partial road reserve through Lot 12 DP 616527; and 2. Receive a report following the public exhibition to determine the proposed purchase of road reserve. 			

Meeting	Officer/Director	Section	Subject
---------	------------------	---------	---------

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

Council 28/03/2023	Johnson, Rebecca Byrnes, Bradley	For Determination	PROPOSED ROAD RESERVE PURCHASE ADJACENT TO LOT 255 DP702687
<u>MOTION</u> (Jones/Pull)			
THAT Council:			
<ol style="list-style-type: none"> 1. Approve the public exhibition of the proposal for purchase of road reserve adjacent to Lot 255 DP 702687; and 2. Receive a report following the public exhibition to determine the proposed purchase of road reserve. 			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Christensen, Matthew Christensen, Matthew	For Determination	QUESTIONS FOR NEXT MEETING
<u>MOTION</u> (Nash/Weaver)			
THAT Council:			
<ol style="list-style-type: none"> 1. Staff follow up a previous request to notify the Rural Fire Service and UGL Regional Linx of the overgrown land at the Canowindra Railway Precinct; and 2. Arrange a presentation, at a future meeting/workshop, on Council's strategy of employment of trainees, apprentices and cadets. 			
06 Apr 2023 10:38am Christensen, Matthew			
Correspondence forwarded to NSW Rural Fire Service and UGL Regional Linx.			

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Meehan, Glenn Byrnes, Bradley	For Determination	QUESTIONS FOR NEXT MEETING
<u>MOTION</u> (Nash/Weaver)			
THAT Council:			
<ol style="list-style-type: none"> 1. Staff follow up a previous request to notify the Rural Fire Service and UGL Regional Linx of the overgrown land at the Canowindra Railway Precinct; and 			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed: Monday, 15 May 2023 11:14:15 AM	
Action Sheets Report			

2. Arrange a presentation, at a future meeting/workshop, on Council's strategy of employment of trainees, apprentices and cadets.

Meeting	Officer/Director	Section	Subject
Council 28/03/2023	Thornberry, Heidi Byrnes, Bradley	Confidential Items	PLANT REPLACEMENT
<u>RECOMMENDATION</u> (Nash/Weaver)			
THAT Council endorse the purchase from WesTrac Pty Ltd, a Caterpillar 432F-2 Backhoe, for the purchase price of \$212,500 excl GST.			
08 May 2023 10:24am Thornberry, Heidi Awaiting Information			

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Little, Robyn Byrnes, Bradley	For Determination	MAYORAL MINUTE
<u>MOTION</u> (Beatty-)			
THAT Council coordinate a Certificate of Appreciation and/or community bbq event with Orange City Council in recognition of the flood recovery work provided by the Fridgy's for Eugowra team and other support groups.			
24 Apr 2023 10:55am Little, Robyn Liaising with OCC to organise appropriate recognition. Date to be advised.			

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Pearson, Jolene Byrnes, Bradley	For Determination	INTEGRATED PLANNING AND REPORTING - PUBLIC EXHIBITION
<u>MOTION</u> (Batten/Weaver)			
THAT:			
<ol style="list-style-type: none"> 1. The draft Delivery Program 2022-2026 (revised), the draft Operational Plan 2023-2024, including Activities, Budget, Statement of Revenue Policy, and the draft Fees & Charges, be placed on public exhibition for 28 days; and 2. Council note a further report will be presented to council outlining outcomes of the public exhibition. 			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed: Monday, 15 May 2023 11:14:15 AM	
Action Sheets Report			

08 May 2023 10:01am Pearson, Jolene

Documents on public exhibition. Any submissions received will be reported to the May Council meeting for consideration.

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Pearson, Jolene Byrnes, Bradley	For Determination	DOCTOR FOR CUDAL
<u>MOTION</u> (Weaver/Nash)			
THAT Council:			
<ol style="list-style-type: none"> 1. Note there were nil submissions received in relation to altering council's Operational Plan 2022-2023; 2. Note there were nil expressions of interest received in relation to obtaining general practitioner services for Cudal; 3. Agree to enter into a 3-Year Funding Deed Agreement with Molong HealthOne General Practice to establish a doctor at Cudal; 4. Authorise funding of \$10,860.48 (excl. GST), to be funded from a transfer from the Office of the General Manager vote to the Doctor for Cudal (Community Services) vote; 5. Make provision for funding the remaining term of the agreement in future budgets; 6. Authorise the affixing of the Common Seal to the Funding Deed Agreement. 			
08 May 2023 10:04am Pearson, Jolene			
Agreement being finalised and awaiting signatures.			

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Johnson, Rebecca Byrnes, Bradley	For Determination	COMMUNITY ASSISTANCE PROGRAM 2022-23
<u>MOTION</u> (Nash/Jones)			
THAT Council approve the applications of the listed projects:			
<ol style="list-style-type: none"> 1. Cudal Pony Club for \$948.88 to upgrade accessible toilet amenities; 2. Cumnock Show Society for \$970 to plant shade trees at showground; 3. Eugowra Promotion and Progress Association for \$709.50 to install weatherproof power points at Apex Park; 4. Cudal Central Incorporated for \$1,000 for landscaping supplies for Cudal Pump Track; 5. Yeoval Central School Parents and Citizens for \$675.95 for purchase of gazebo, barbecue and banner; and 6. Eugowra Historical Museum and Bushranger Centre for \$998 for purchase of two vacuums for museum. 			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed: Monday, 15 May 2023 11:14:15 AM	

Action Sheets Report**08 May 2023 2:24pm Johnson, Rebecca**

Penny has sent letters to CAP recipients. Awaiting invoices and completion of acceptance documents.

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Johnson, Rebecca Byrnes, Bradley	For Determination	EVENTS ASSISTANCE PROGRAM

MOTION (Weaver/O'Ryan)

THAT Council endorse under its 2022/23 Event Assistance Program:

1. \$2,000 for the Canowindra New Vogue and Social Dancing Group 12-hour dance event; and
2. \$1,000 for the Eugowra Community Children's Centre High Tea event.

08 May 2023 2:26pm Johnson, Rebecca
Penny has sent letters to EAP recipients. Awaiting invoices and completion of acceptance documents.

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Christensen, Matthew Christensen, Matthew	For Determination	BLUEBELL ESTATE (LONGS CORNER ROAD) CANOWINDRA - STAGE TWO

MOTION (Weaver/Nash)

THAT Council:

1. Fund the Bluebell Estate stage two civil works as an internal reserve joint loan from the Canowindra Town Improvement Reserve and the Aged Care Living Reserve, to the amount of \$393,500 from each, and;
2. Include the construction of Bluebell Estate stage 2 civil works within the 2023/24 Cabonne Council Operational Plan.

11 May 2023 10:12am Christensen, Matthew
Project has been added to the 2023/24 Works Program. Construction planning is underway. COMPLETED

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Smith, Nyssa Christensen, Matthew	For Determination	CONFIRMATION OF THE CABONNE FLOODPLAIN ADVISORY COMMITTEE MEETING MINUTES

MOTION (Weaver/Rawson)

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM

Action Sheets Report

THAT Council:

1. Adopt the minutes of the Cabonne Floodplain Advisory Committee held 28 March 2023, and;
2. Make funding applications for acquisition under the Eugowra Floodplain Voluntary Purchase Program 2022/23, being:
 - 8 North Street
 - 2 North Street

27 Apr 2023 3:15pm Smith, Nyssa

Noted. Property owners updated. Funding application submitted. COMPLETED

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Smith, Nyssa Christensen, Matthew	For Determination	CONFIRMATION OF THE ROADS ADVISORY COMMITTEE MEETING MINUTES

MOTION (Batten/Jones)

THAT the minutes of the Roads Advisory Committee of Cabonne Council held on 4 April 2023 be adopted and Council prepare scoping documentation for future funding for Lake Canobolas Road, Obley Road and Gumble Road.

27 Apr 2023 3:14pm Smith, Nyssa

Noted. Recommendation amended at Infrastructure (Transport) Meeting. Committee members advised. COMPLETED

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Walker, Kelly Nicholls, Heather	For Determination	LOCAL GOVERNMENT HERITAGE GRANTS 2023-25

MOTION (Weaver/Oldham)

THAT Council:

1. Accept the NSW Local Government Heritage grant funding for 2023-25 from Heritage NSW valued at \$25,000 (being a maximum payment of \$12,500 for the financial year 2023-24, and another maximum payment of \$12,500 for the financial year 2024-25).
2. Agree to retain council's ongoing commitment to the heritage program valued at \$12,500 each year for the next two financial years 2023-24 and 2024-25 (total \$25,000 over two years).
3. Issue 'Expression of Interest' letters to all landowners of heritage listed items and properties within the heritage conservation areas inviting applications for small heritage grant funding.

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

4. Establish an operational panel to review small heritage grant applications, and that the panel's recommendations be reported back to Council later in the year for endorsement of funding to applicants.

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Walker, Kelly Nicholls, Heather	For Determination	DEVELOPMENT APPLICATION 2008/192/1 FOR SUBDIVISION (MODIFICATION) AT LOT 195 DP 753251, 175 BURGOON LANE, MOLONG
<u>MOTION</u> (Nash/Jones)			
THAT Modification of Development Application 2008/192/1 for Subdivision (4 Lots) at Lot 195 DP 753251, 175 Burgoon Lane, Molong, be granted consent subject to the conditions attached to the report.			
26 Apr 2023 10:32am Walker, Kelly			
DA issued on Planning Portal on 26/04/2023 as per resolution. COMPLETED			

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Walker, Kelly Nicholls, Heather	For Determination	DEVELOPMENT APPLICATION 2022/161/1 FOR AN ANIMAL BOARDING OR TRAINING ESTABLISHMENT (GREYHOUND FACILITY) (MODIFICATION) AT LOT 9 DP 846719, 1722 PACKHAM DRIVE, MANILDRA
<u>MOTION</u> (Nash/Jones)			
THAT Modification of Development Application 2022/161/1 for an Animal Boarding or Training Establishment (Greyhound Facility) at Lot 9 DP 846719, 1722 Packham Drive, Manildra, be granted consent subject to the conditions attached to the report.			
26 Apr 2023 10:31am Walker, Kelly			
DA issued on Planning Portal on 26/04/2023 as per resolution. COMPLETED			

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Christensen, Matthew Christensen, Matthew	For Determination	QUESTIONS FOR NEXT MEETING
<u>MOTION</u> (Weaver/Jones)			
THAT:			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM
Action Sheets Report			

1. Council receive a report regarding options to eradicate the pigeon issue in the Canowindra central business district, and notify the community that the matter is being investigated; and
2. A reduction to the speed limit on Long Point Road, Mullion Creek be referred to the Local Traffic Committee for consideration.

11 May 2023 10:10am Christensen, Matthew

Update report regarding pigeon issues in Canowindra has been provided to Council for May 2023 Ordinary Meeting., Investigation has commenced for presentation to Traffic Committee regarding Longs Point Road speed concerns.

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Jackson, Chris Christensen, Matthew	For Notation	SPORTSGROUND LIGHTING / BULB REPLACEMENT - CABONNE FOOTBALL GROUNDS - UPDATE
<u>MOTION</u> (Jones/Nash)			
THAT the information be noted.			
10 May 2023 9:23am Jackson, Chris			
Noted - Council report response			

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Smith, Bronson Nicholls, Heather	For Determination	QUARTERLY BUDGET REVIEW
<u>MOTION</u> (Jones/Nash)			
THAT Council note the variances in the report and authorise those changes to be included in the 2022/2023 Council Budget.			

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Pamplin, Richard Nicholls, Heather	For Determination	DRAFT COUNCIL-RELATED DEVELOPMENT APPLICATIONS CONFLICT OF INTEREST POLICY
<u>MOTION</u> (O'Ryan/Jones)			
THAT the attached draft Council-related Development Applications Conflict of Interest Policy be adopted as exhibited.			
08 May 2023 10:54am Pamplin, Richard			

Division:	Council	Date From:	
Committee:		Date To:	
Officer:		Printed:	Monday, 15 May 2023 11:14:15 AM

Action Sheets Report

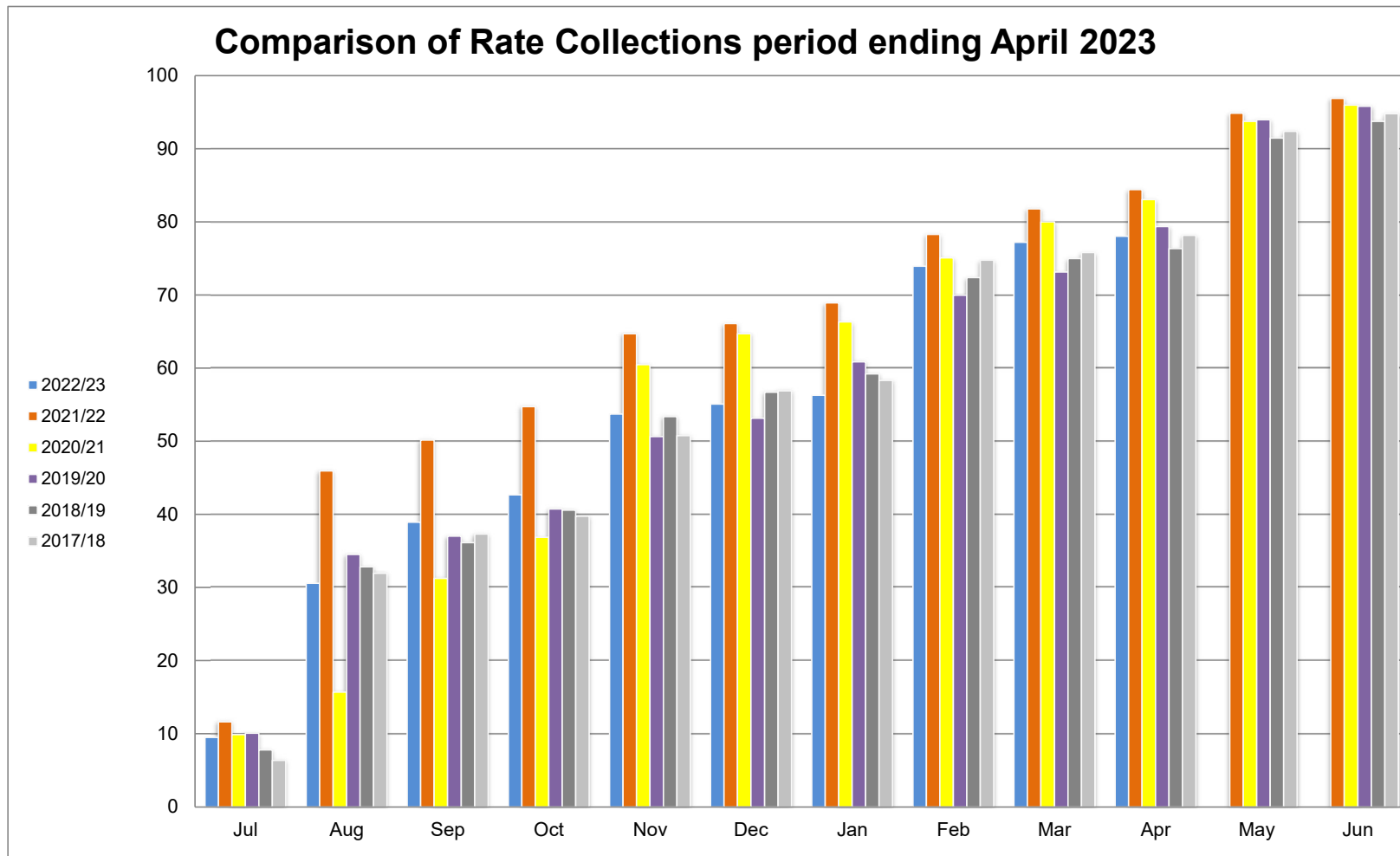
New Policy added to council's policy register and placed on council's website - COMPLETE

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Johnson, Rebecca Byrnes, Bradley	For Determination	VILLAGE ENHANCEMENT FUND 2022-2023
<u>MOTION</u> (Weaver/Jones)			
<p>THAT Council approve Eugowra and Cudal Progress Associations accessing \$1,709.50 from the Village Enhancement Fund.</p> <p>08 May 2023 2:26pm Johnson, Rebecca Letters sent to VEF recipients. Awaiting invoices and completion of acceptance documents.</p>			

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Thornberry, Heidi Byrnes, Bradley	For Determination	DOCTOR FOR CUDAL
<u>MOTION</u> (Weaver/Nash)			
<p>THAT Council:</p> <ol style="list-style-type: none"> 1. Note there were nil submissions received in relation to altering council's Operational Plan 2022-2023; 2. Note there were nil expressions of interest received in relation to obtaining general practitioner services for Cudal; 3. Agree to enter into a 3-Year Funding Deed Agreement with Molong HealthOne General Practice to establish a doctor at Cudal; 4. Authorise funding of \$10,860.48 (excl. GST), to be funded from a transfer from the Office of the General Manager vote to the Doctor for Cudal (Community Services) vote; 5. Make provision for funding the remaining term of the agreement in future budgets; 6. Authorise the affixing of the Common Seal to the Funding Deed Agreement. <p>08 May 2023 10:25am Thornberry, Heidi Awaiting document</p>			

Meeting	Officer/Director	Section	Subject
Council 18/04/2023	Stansbury, Hayley Byrnes, Bradley	For Determination	DRAFT COUNCIL-RELATED DEVELOPMENT APPLICATIONS CONFLICT OF INTEREST POLICY
<u>MOTION</u> (O'Ryan/Jones)			
<p>THAT the attached draft Council-related Development Applications Conflict of Interest Policy be adopted as exhibited.</p>			

Action Sheets Report	Division: Committee: Council Officer:	Date From: Date To: Printed: Monday, 15 May 2023 11:14:15 AM
27 Apr 2023 11:00am Stansbury, Hayley Council-related Development Application Conflict of Interest Policy has been finalised, added to the policy register in Pulse and is available on council's website. ACTION COMPLETE		



Cabonne Council
Schedule of Investments as at 31/03/2023

Annexure - Item 2

GENERAL FUND

Investing Institution	Credit Rating	Amount Invested	Interest Rate	Terms (Days)	Maturity Date	
ANZ Bank	A1+	3,000,000	3.37%	273	29/08/2022	29/05/2023
ANZ Bank	A1+	2,000,000	3.37%	273	29/08/2022	29/05/2023
ANZ Bank	A1+	1,000,000	3.45%	304	9/09/2022	10/07/2023
Bank of Qld / ME Bank	A2	500,000	4.45%	276	15/07/2022	17/04/2023
Bank of Qld / ME Bank	A2	1,500,000	4.40%	182	30/01/2023	31/07/2023
Commonwealth Bank	A1+	2,000,000	4.00%	154	12/12/2022	15/05/2023
Commonwealth Bank	A1+	2,000,000	4.16%	273	19/10/2022	19/07/2023
Commonwealth Bank	A1+	147,894	0.25%	24 Hour at call account		
Commonwealth Bank	A1+	3,100,000	3.85%	Business Online Saver		
Illawarra Mutual Build Society	A2	250,000	4.20%	182	9/01/2023	10/07/2023
Illawarra Mutual Build Society	A2	500,000	4.20%	182	9/01/2023	10/07/2023
National Australia Bank	A1+	2,000,000	4.10%	182	21/11/2022	22/05/2023
National Australia Bank	A1+	3,000,000	3.85%	300	23/08/2022	19/06/2023
National Australia Bank	A1+	1,000,000	4.30%	210	30/01/2023	28/08/2023
National Australia Bank	A1+	2,000,000	4.10%	367	2/09/2022	4/09/2023
Reliance Credit Union	Unrated	500,000	3.90%	365	21/09/2022	21/09/2023
Reliance Credit Union	Unrated	250,000	4.48%	365	31/10/2022	31/10/2023
Suncorp-Metway	A1	2,000,000	4.13%	180	17/11/2022	16/05/2023
Suncorp-Metway	A1	1,000,000	4.15%	182	21/11/2022	22/05/2023
Suncorp-Metway	A1	2,000,000	4.34%	273	31/10/2022	31/07/2023
Westpac Bank	A1+	3,000,000	2.75%	278	17/08/2022	22/05/2023
Westpac Bank	A1+	1,000,000	2.22%	304	1/08/2022	1/06/2023
Westpac Bank	A1+	1,000,000	3.35%	307	8/11/2022	11/09/2023

GENERAL FUND INVESTMENTS

\$ 34,747,894

TRUST FUND

Investing Institution	Credit Rating	Amount Invested	Interest Rate	Terms (Days)
Commonwealth Bank	A1+	158,000	3.85%	BOS 24 Hour at call account

TRUST FUND INVESTMENTS

\$ 158,000

TOTAL INVESTMENTS

\$ 34,905,894

INVESTMENT POLICY

Council's Investment policy states the aggregate of investments should not exceed the following percentages:

Council's Current Exposure of Total Investments

Standard & Poors Credit Term Rating	Short Term Rating	Maximum Percentage Total Investments		
A1+		100%	76%	\$ 26,405,894
A1 & A1-		50%	14%	\$ 5,000,000
A2		10%	8%	\$ 2,750,000
Unrated		2%	2%	\$ 750,000
			Total Investments	\$ 34,905,894

Council's Investment policy states the amount invested with any one financial institution should not exceed the following percentages:

	Standard & Poors Credit Short Term Rating	Percentage per Institution	Council's Current Exposure per Institution	
Commonwealth Bank	A1+	30%	21%	\$ 7,405,894
National Australia Bank	A1+	30%	23%	\$ 8,000,000
Westpac Bank	A1+	30%	14%	\$ 5,000,000
ANZ	A1+	30%	17%	\$ 6,000,000
Suncorp-Metway	A1	20%	14%	\$ 5,000,000
Bank of Qld / Me Bank	A2	10%	6%	\$ 2,000,000
Illawarra Mutual Building Society	A2	10%	2%	\$ 750,000
Reliance Credit Union	Unrated	2%	2%	\$ 750,000
			Total Investments	\$ 34,905,894

INVESTMENT MOVEMENTS

Council's Overall Total Investments have remained steady during the month of March.

	This Month	Last Month	July 2022
Total Investments	\$ 34,905,894	\$ 41,405,894	\$ 41,835,894
% Change	3.71%	3.70%	-19.85%

INTEREST RATE PERFORMANCE

Council's Average Interest rate for the month was 3.71%. The average rate movement increased slightly due to the cash rate and the flow on effect to term deposit rates offered in the market. The Reserve Bank's official cash rate remained at 3.60% in April.

Council's Performance Benchmark is the 30 Day Bank Bill Swap Rate and Council is currently performing above the April 2023 Performance Benchmark of 3.6142%.

Performance Benchmark 30 Day Bank Bill Swap Rate	Av Interest Rate Month	This Av Interest Rate Last Month	Av Interest Rate July 2022
3.6142%	3.71%	3.70%	0.91%

Heather Nicholls

Responsible Accounting Officer

I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investment policy number POL 08/52.