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Planning Proposal

for

36-42 Short Street, Mudgee, NSW, 2850

V3.2 February 2025
(revised to remove 42A & 44 Short Street, Mudgee, NSW 2850 & attach technical investigations)

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Executive Summary

The Planning Proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (Act) and the relevant Department of Planning, Industry and Environment (DPIE) Guidelines and provides the following:

- Objectives or Intended Outcomes
- Explanation of Provisions
- Justification
- Mapping
- Community Consultation
- Project Timeline

The Planning Proposal seeks to amend Mid-Western Regional Local Environmental Plan 2012 (MRLEP) in relation to 36-42 Short Street, Mudgee, NSW, 2850 being Lot 1 DP 702951 (2,635m^2) (Site); to amend the maximum Height of Building development standard to 10.5m

The proposal will facilitate a 3rd level of residential units, resulting in an additional 8 x 2 bedroom units on a proposed residential flat building. Residential flat buildings are currently permitted in the zone with development consent, and there is no change to the zone required.

The Site, located on the northeastern corner of Short Street and Court Street, approximately 150m to the north west of the edge of the Mudgee CBD. Adjoining the Site to the north and east is Walkers Oval, which is zoned RE1 Public Recreation.

The Site is currently used as a gymnasium and, as such, it is highly modified and has no significant native vegetation.

It is proposed to construct medium density housing on the Site. The Owner has commissioned architectural plans for this development that are included with this Planning Proposal for information purposes. It should be noted that the landowner is willing to lodge a Development Application (DA) in parallel to this Planning Proposal to give Council and the community certainty as to the built form outcome for the Site.

The Planning Proposal is aligned with the strategic economic objectives and future vision for the Mid-Western Regional Council (MWRC). Through supporting diverse residential uses, the Planning Proposal will help deliver on a number of strategic objectives, including providing multi-unit housing within walking distance of the Mudgee town centre, increasing housing supply and diversity of stock, and helping to deliver additional housing that can support local residents and workers.

A key component of the supporting studies for this Planning Proposal is a Supply and Demand Analysis. This Analysis indicates that identified future housing supply will only be able to accommodate half of projected implied dwelling demand expected to be required within the MWRC over the period to 2041.

This shortfall in housing supply will add to affordability pressures for households within the MWRC, with vulnerable segments of the community likely to be disproportionately impacted by increased housing stress and affordability pressures.

Other economic impacts associated with an increasing housing shortfall may include the inability of businesses and future infrastructure projects within MWRC to attract and retain skilled workers as well as the loss of potential residential expenditure that could be directed to local businesses within MWRC.

This Supply and Demand Study demonstrates the need for additional housing to be delivered within MWRC. The Planning Proposal responds to the identified housing need and will assist MWRC in the delivery of appropriate and much needed housing supply within a well-located and high amenity location within Mudgee.

In addition to the Housing Supply and Demand Analysis, the Planning Proposal is supported by a Statement of Heritage Impact, Detailed AHIMS search, Flood Impact Assessment, Traffic and Parking Impact Assessment, Preliminary Site Investigation (Contamination), Geotechnical Investigation Report, Infrastructure Services Review and Architectural Concept Plans have been prepared and are submitted for consideration.

This material is included as Attachments to this Planning Proposal.

It is important to note that any of the findings of this material as they relate 42A & 44 Short Street, Mudgee, NSW 2850 should be disregarded as these properties do not form part of this Planning Proposal.

Part 1 - Objectives or Intended Outcomes

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objective of the Planning Proposal is to amend the MRLEP to increase the Height of Building development standard for the Site to 10.5m.

The Site, located on the north eastern corner of Short Street and Court Street, approximately 150m to the north west of the edge of the Mudgee CBD. Adjoining the Site to the north and east is Walkers Oval, which is zoned RE1 Public Recreation. The Site is currently used as a gymnasium and, as such, it is highly modified and has no significant native vegetation.

It is proposed to construct medium density housing on the Site and the Owner has commissioned architectural plans for the proposed development. These plans are included with this Planning Proposal for information purposes. It should be noted that the landowner is willing to lodge a Development Application (DA) in parallel to this Planning Proposal to give Council and the community certainty as to the ultimate built form outcome for the Site.

These Plans include a total of 28 dwellings; consisting of 4 penthouse style units over basement parking on the northern boundary of the Site and 24 two bedroom units in a three storey built form over basement parking on the Short Street frontage.

There are 36 parking spaces including 6 visitor spaces and 3 accessible spaces. Dedicated bicycle parking will also be provided. Access is from Short Street, on the western edge of Lot 1 DP 702951 and the units are serviced by a lift.

The penthouse style units range in size from 158m^2 to 165m^2 in internal floorspace and the remaining units range in size from 78m^2 to 119m^2 in internal floorspace.

The units are all below the proposed 10.5m height limit and it is only the lift tower and roof top open space that exceeds this height. This rooftop structure is set back from the edge of the building and will have minimal impact at street level. It is proposed that this element would be subject to a Clause 4.6 exception to development standard at DA stage rather than increasing the maximum Height of Building over the whole Site or considered as a roof top architectural structure, within a new definition.

The outcome provides high quality medium density housing close to Mudgee CBD and this outcome is consistent with the relevant Planning Strategies and is supported by appropriate specialist investigations.

Location Diagrams and extracts from the Architectural Concept Plans are shown in the following Figures:

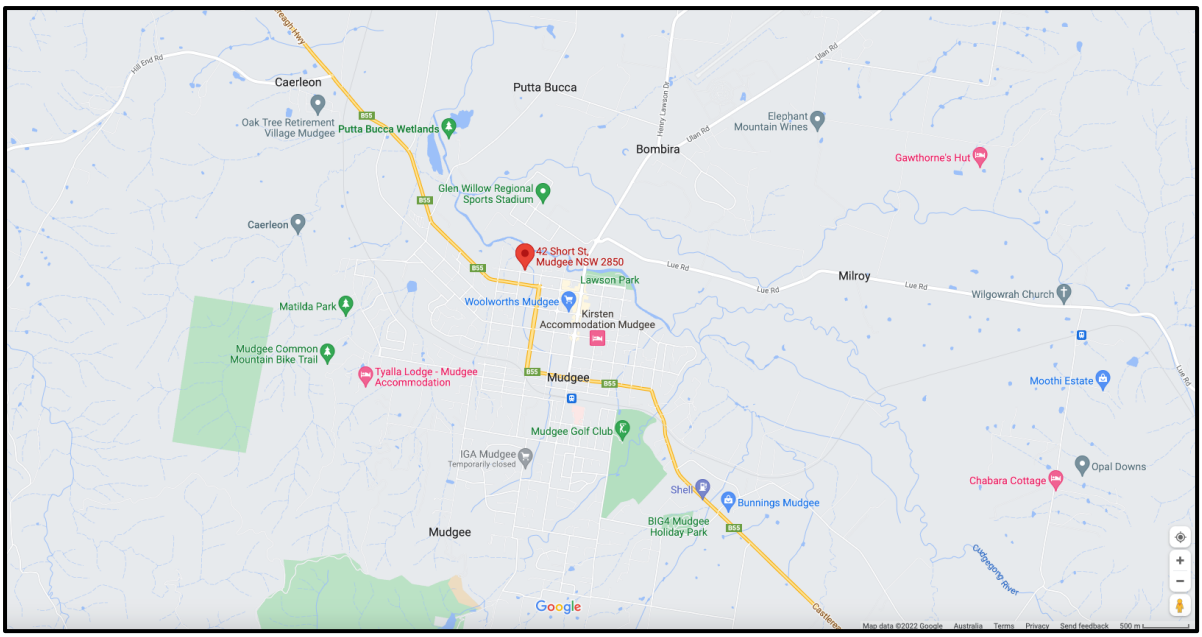

Figure 1 - Regional Location

Figure 2 - Subject Site - Aerial View

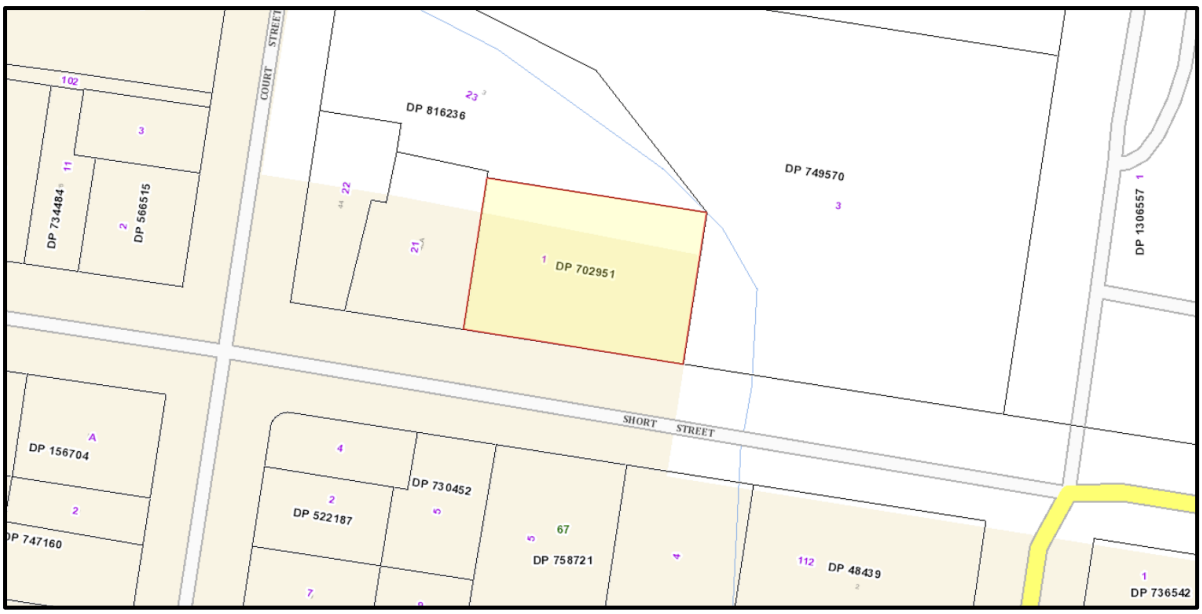

Figure 3 - Subject Site - Lot View

Figure 4 – Drone Photograph of Site

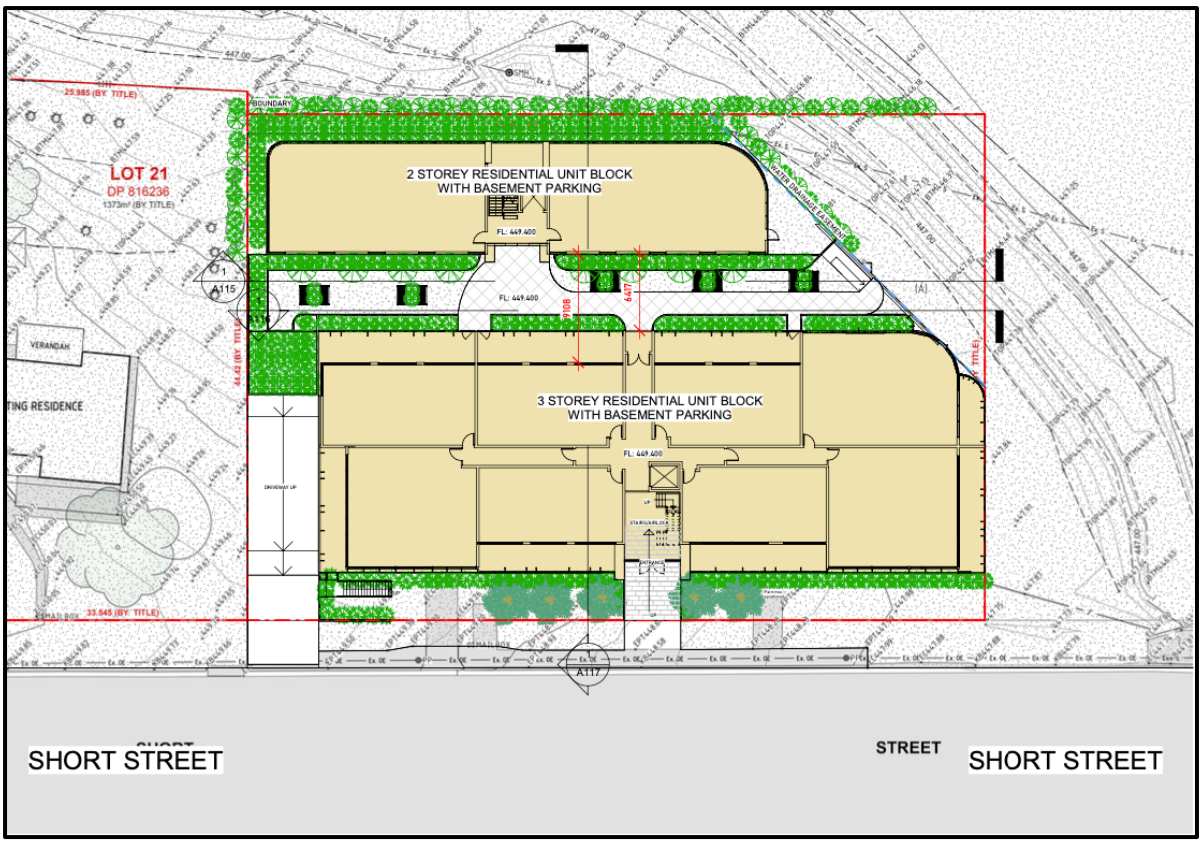

Figure 5 – Proposed Site Plan

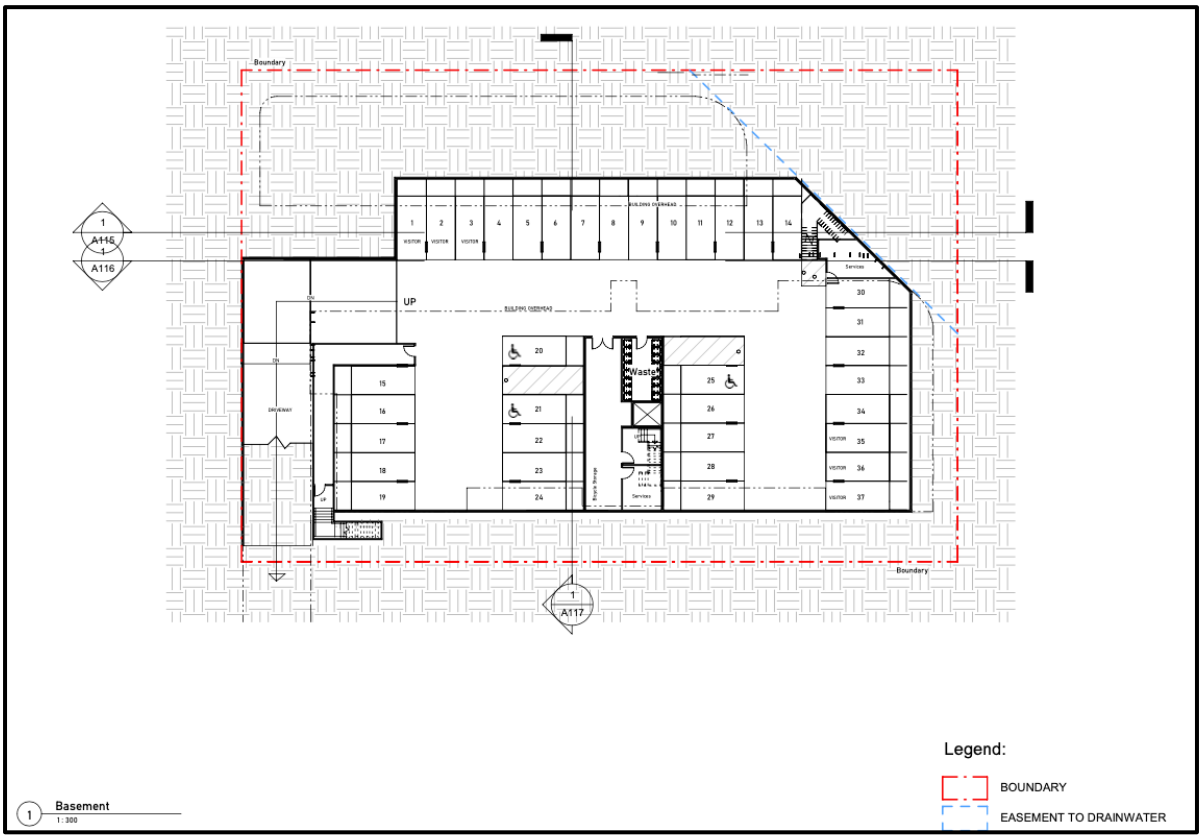

Figure 6 - Proposed Basement Level

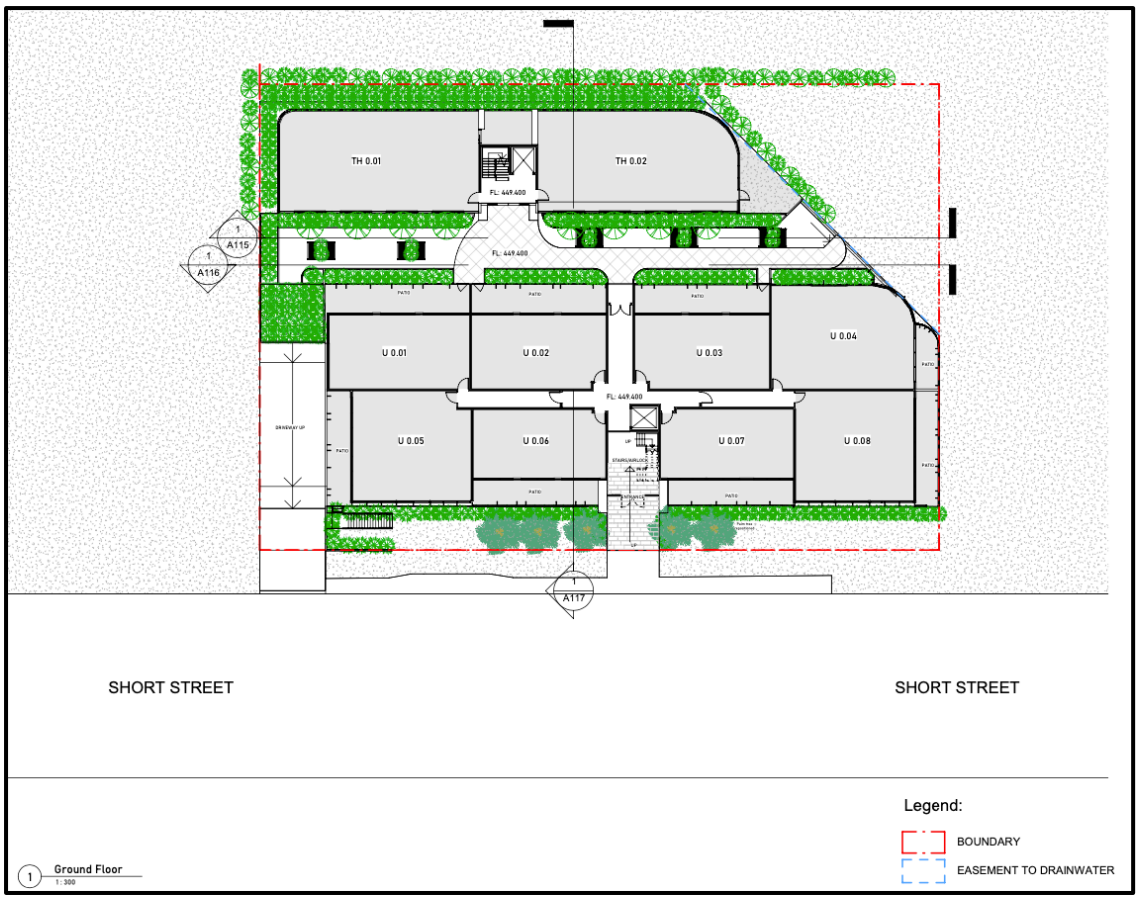

Figure 7 - Proposed Ground Floor

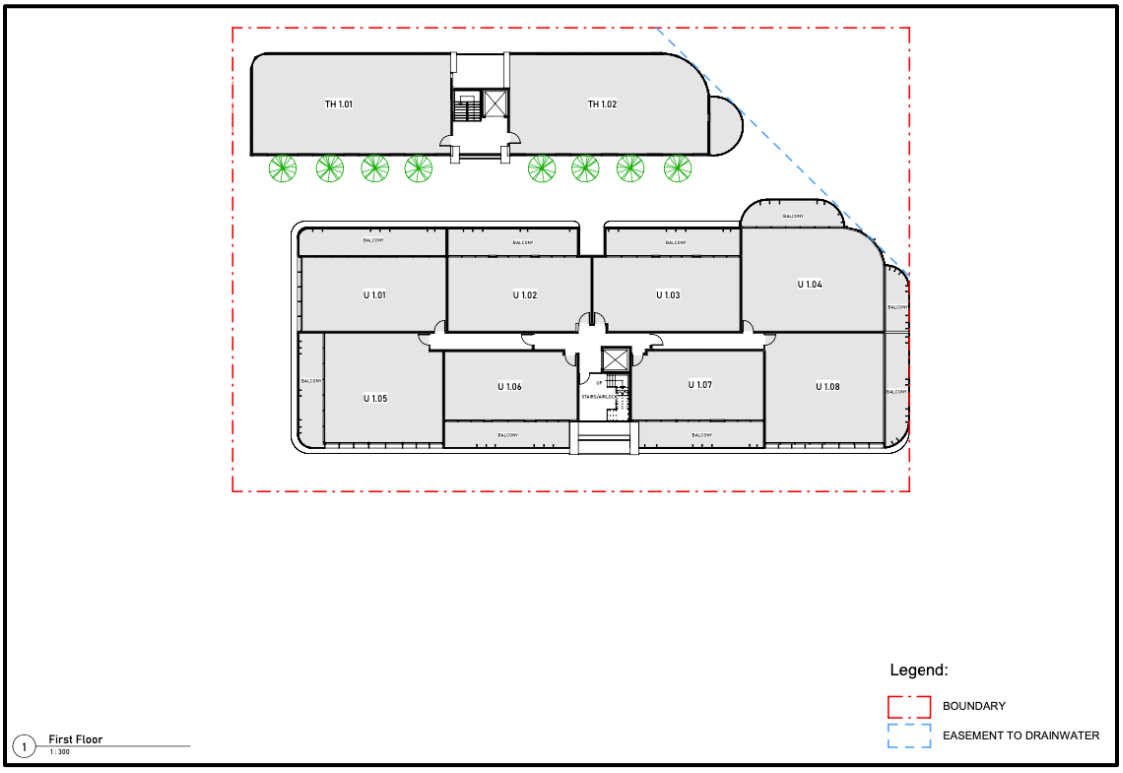

Figure 8 - Proposed First Floor

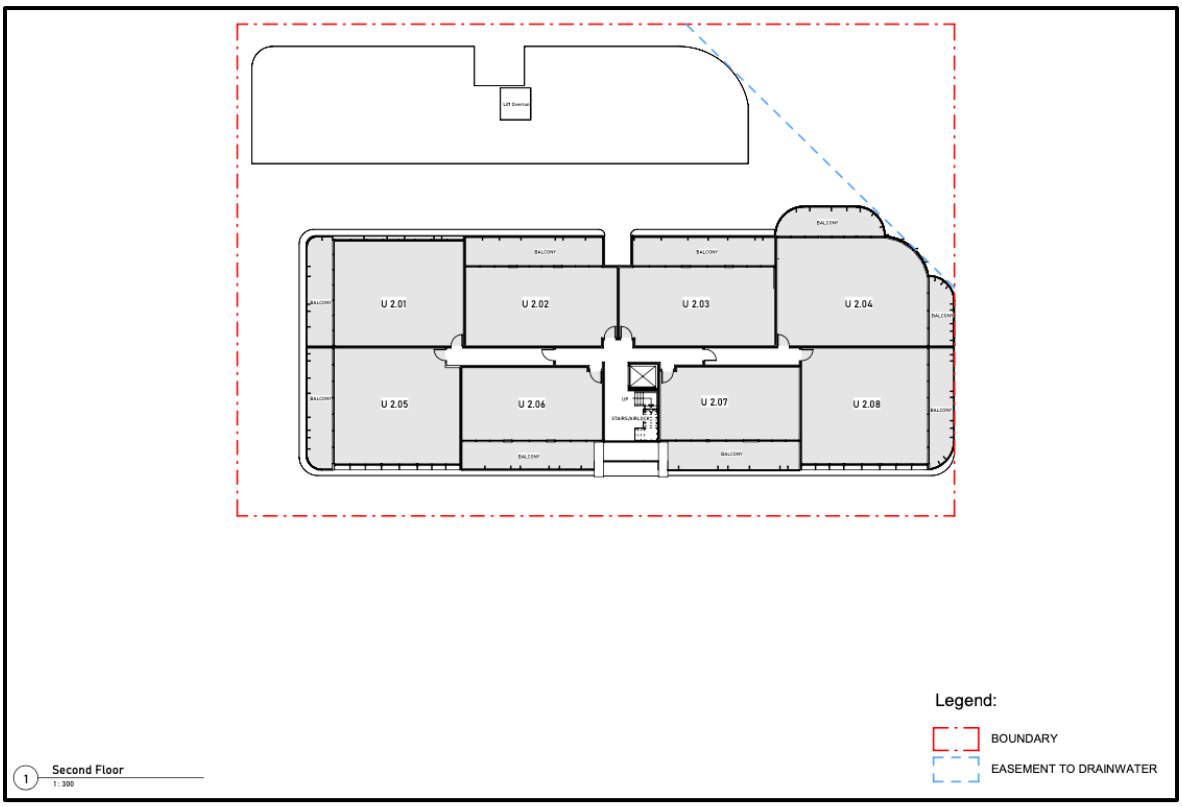

Figure 9 - Proposed Second Floor

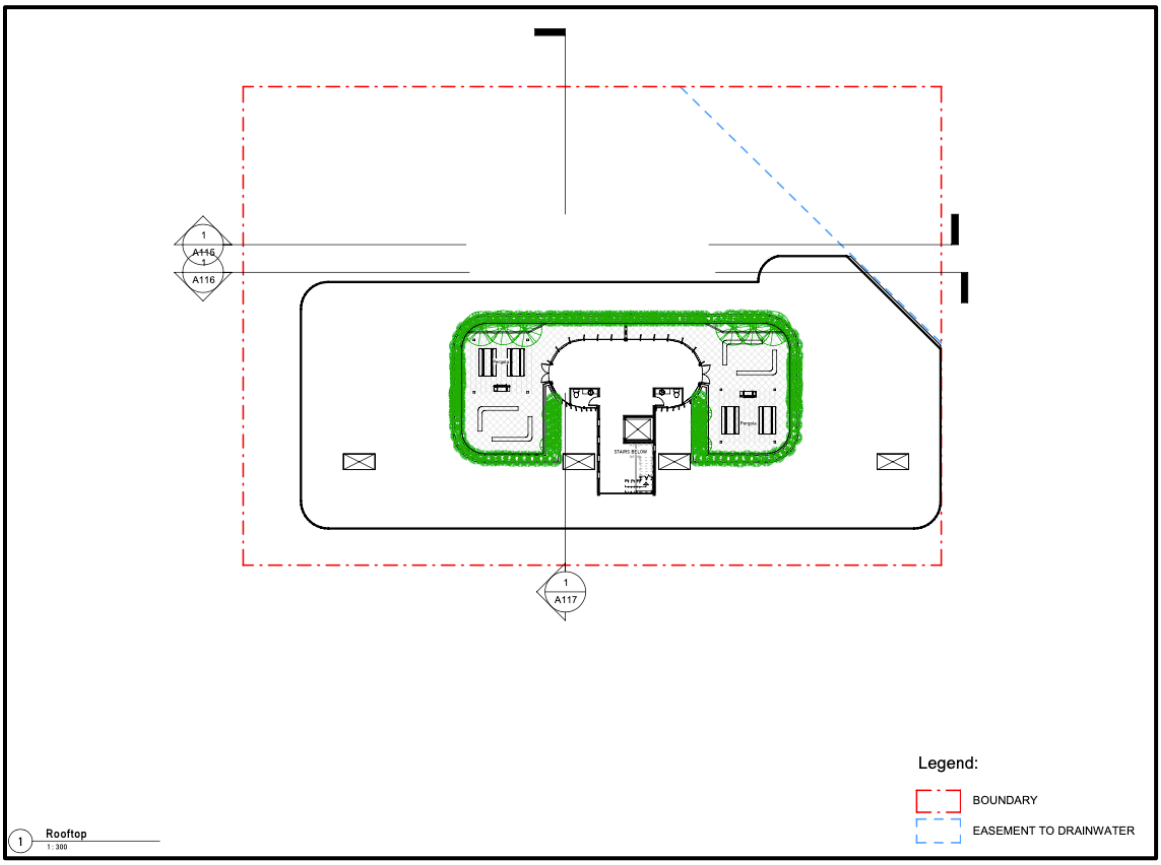

Figure 10 - Proposed Rooftop

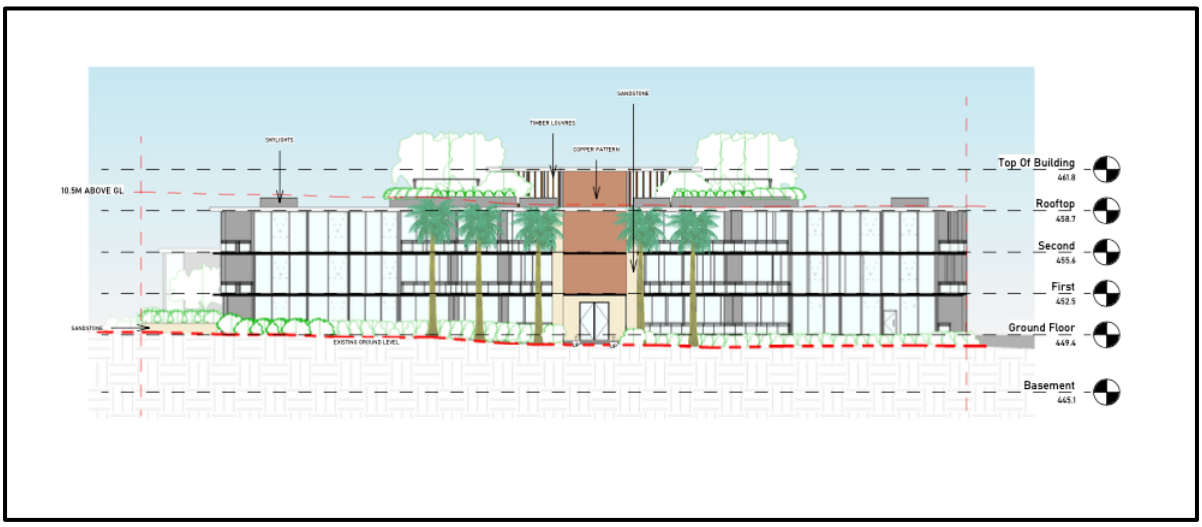

Figure 11 - Proposed *Short Street Elevation*

Figure 12 - CGI Render showing Short Street view

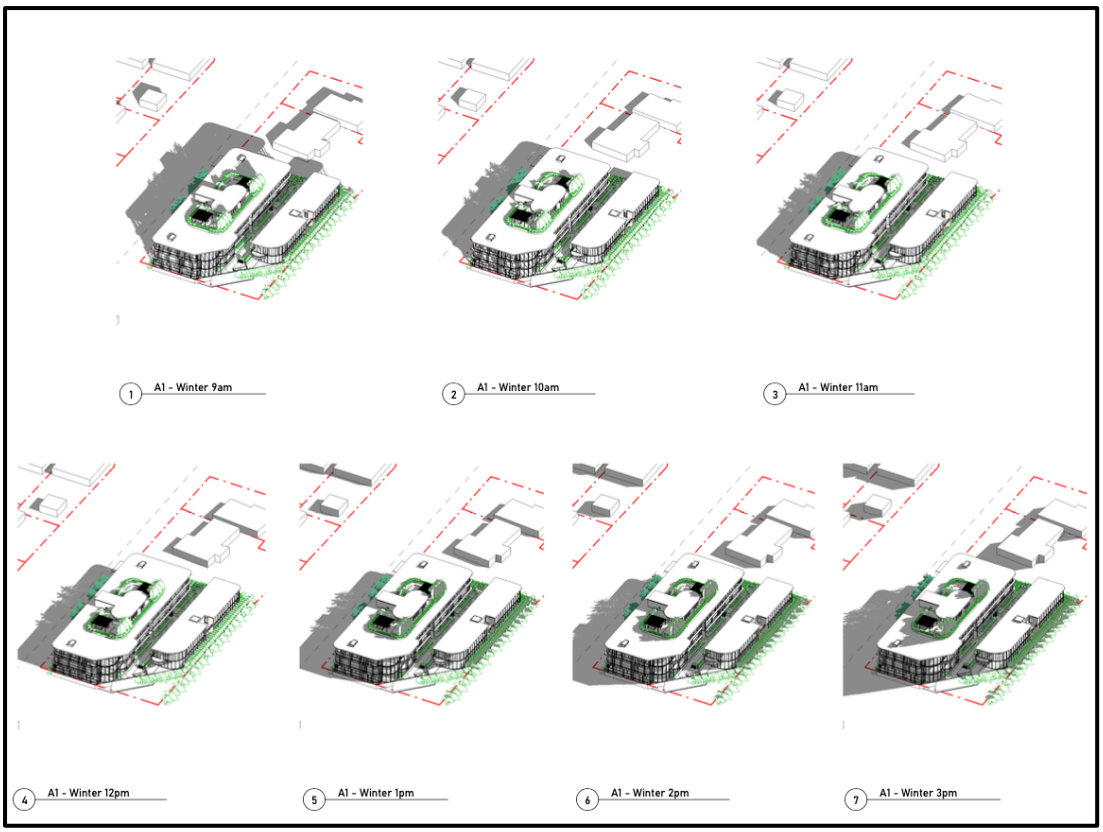

Figure 13 - Extract from Winter Shadow Analysis

Figure 14 - Extract from 3D View

Part 2 - Explanation of Provisions

(s.3.33(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The Site is currently zoned R1 General Residential and has a maximum Height of Building of 8.5m pursuant to MRLEP.

It is proposed to amend the maximum Height of Building for the Site pursuant to MRLEP to 10.5m.

The proposed outcomes of the Planning Proposal will be achieved by amending:

- MRLEP Height of Buildings Map – Sheet HOB_006G

The proposed amendment is included in Part 4.

Part 3 - Justification

(s.3.33(2)(c)Justification for the objectives or intended outcomes and the process for their implementation)

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is a result of market pressures which are demanding more housing, not only in Mudgee but across the State and Country.

This housing pressure is recognised in several Strategic Plans and Strategies and also in a specific Housing Supply and Demand Analysis completed with this Planning Proposal.

Having established that there is clear demand for housing within Mudgee via the Strategic Studies and Housing Supply and Demand Analysis, we then examine the characteristics of the Site which make it suitable to accommodate additional residential density through the increase in height.

Strategic Studies

The Planning Proposal is consistent with relevant strategic plans including the Mid-Western Regional Comprehensive Land Use Strategy (MWRCLUS) and Central West and Orana Regional Plan 2041 (Regional Plan) is a direct result of commercial forces acting to address the identified housing crisis and lack of diversity in housing stock within the LGA.

In this regard, the Regional Plan makes the following statements regarding housing affordability:

> *While regional NSW continues to experience economic growth and industry diversification, there is growing evidence of housing stress and homelessness.*
>
> *Housing affordability is becoming an increasing issue for the region. Between 2017 and 2020 average house prices in the region grew by 10%, which is above the NSW average of 6% for the same period.*
>
> *Increasing average house sale price was most pronounced in Mid-Western Regional and Orange LGAs where prices rose by 23 and 22% respectively. The average weekly rents in the region also increased above the State average over the period, rising 9% compared to a reduction of one per cent for NSW. Greatest increases in weekly median rent were experienced in the Orange LGA which rose by 20% and the Mid-Western Regional and Cabonne LGAs which each rose by 18%.*

The MWRCLUS is examined in detail under Section B, however this strategy document clearly identifies the need for medium density and more diversity in dwelling stock within Mudgee and identifies the Site for medium density in the Mudgee Town Structure Plan at Figure 3.1.

Housing Supply and Demand Analysis

A Housing Supply and Demand Analysis was completed in November 2023 to provide an independent housing supply and demand analysis to inform the need for the Planning Proposal.

The findings and conclusions from this Analysis are as follows (our emphasis):

> *A review of the local and regional context indicates that residential uses at the Subject Site would be aligned with, and highly complementary to facilities within the surrounding area. Future residents of the Subject Site would be able to access a range of retail, education, health services and facilities within Mudgee as well as employment opportunities both within Mudgee and in the surrounding region.*
>
> *The Proposed Development is aligned with the strategic economic objectives and future vision for the MWRC. Through supporting diverse residential uses, the Proposed Development will help deliver on a number of strategic objectives, including development in Mudgee's medium density zones, providing multi-unit housing within walking distance of the Mudgee town centre, increasing housing supply and diversity of stock, and helping to deliver additional housing that can support local residents and workers.*
>
> *A review of the economic context for the MWRC indicates that the delivery of residential uses at the Subject Site would be aligned to trends in the residential demographic profile and anticipated population growth. Mudgee is anticipated to be the key location for much of anticipated future residential population growth across MWRC. In order to accommodate future population growth in Mudgee, which is anticipated to be represent a much higher proportion of future growth than it has historically, the delivery of additional dwellings would be required. This includes alternative housing supply that is currently under represented in the market (such as apartments) and which could be provided through in-fill development such as the Subject Site.*
>
> *The Proposed Development will align with trends and indicators observed across the housing market and will help to respond to the need to provide additional residential density helping to support housing supply and affordability. The Proposed Development has the ability to provide for increased housing stock and dwelling diversity in a high amenity and walkable location, in proximity to a range of goods and services.*
>
> *This analysis indicates that identified future housing supply will only be able to accommodate half of projected implied dwelling demand expected to be required within the MWRC over the period to 2041. This shortfall in*

housing supply will add to affordability pressures for households within the MWRC, with vulnerable segments of the community likely to be disproportionately impacted by increased housing stress and affordability pressures. Other economic impacts associated with an increasing housing shortfall may include the inability of businesses and future infrastructure projects within MWRC to attract and retain skilled workers as well as the loss of potential residential expenditure that could be directed to local businesses within MWRC.

This housing supply and demand analysis has demonstrated the need for additional housing to be delivered within MWRC. The Proposed Development will respond to the identified housing need, and will assist MWRC in the delivery of appropriate and much needed housing supply within a well-located and high amenity location within Mudgee.

The Analysis goes on to state that from an economic perspective, a moderate relaxation of height controls at the Site would provide a range of benefits to the MWRC and the local community including:

- increasing housing supply and diversity
- improving housing affordability through increased supply and dwelling typologies
- improving the alignment between typical household sizes and dwelling sizes currently provided
- reducing the anticipated housing shortfall helping to support overall growth in Mudgee and the region.

On this basis, it is clear that the Housing Supply and Demand Analysis is supportive of the Planning Proposal.

Why is this Site Suitable?

The Site has physical characteristics that suit the proposal in that it is:

- large enough to accommodate the quantum of units to make the project feasible;
- very close to Mudgee CBD and all the facilities and services it provides;
- relatively isolated from adjoining residential neighbours who could potentially be affected by amenity impacts resulting for the increased building height;
- one of a limited number of Sites over 2,500m^2 with a residential zone in close proximity to Mudgee CBD;

- environmentally suitable as supported by a Statement of Heritage Impact, Detailed AHIMS search, Flood Impact Assessment, Traffic and Parking Impact Assessment, Preliminary Site Investigation (Contamination), Geotechnical Investigation Report and Infrastructure Services Review; and

- owned by an entity willing to invest the significant capital to navigate the approval process to make the project a reality.

In summary, the Strategic Plans identify the LGA as being in a housing crisis and that more and diverse housing stock is needed. The Planning Proposal responds by providing well located medium density housing stock.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, the Planning Proposal is the best and most efficient means of achieving the objective and intended outcomes.

Residential Flat Buildings and Multi dwelling housing are already permissible within the existing R1 General residential zone and it is only the Height of Building Control that needs to be amended to accommodate the proposed development.

The Act does not prevent a proponent from lodging, nor a consent authority considering a concurrent DA. As such, the Applicant is willing to lodge a Development Application to be considered in parallel to the Planning Proposal to demonstrate the built form proposed for the Site.

In terms of alternative options to facilitate the project, we note that the NSW planning system provides flexibility in planning controls by providing the ability for a council to vary development standards via clause 4.6 of all Standard Instrument LEPs in NSW to achieve better planning outcomes and where the objectives of the LEP are achieved.

In situations where the existing zoning permits a proposed development, it may be possible to seek a variation of the development standards to enable a development that would otherwise be incapable of satisfying those standards.

The Applicant explored this option for the Project with senior Council Officers and the use of Clause 4.6 of MWLEP to accommodate the third level of the units and was rejected; leaving a Planning Proposal the only avenue for the proposal to proceed.

Therefore, changing the Height of Building development standard for the Site is the only approach available to facilitate the project.

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)?

Yes. The Planning Proposal is assessed as consistent with the Central West and Orana Regional Plan 2041.

A summary of the Planning Proposal's consistency is provided in **Appendix 1** of this Planning Proposal.

Q4. Will the planning proposal give effect to Council's strategic planning statement or another endorsed local strategy or strategic plan?

Yes. This Planning Proposal is generally consistent with Council's Community Strategic Plan and other local strategic plans.

Mid-Western Region Community Plan (Community Plan)

The Community Plan sets out where the community wants to be in the year 2040. It is a future vision developed collaboratively between the community and Council and represents the aspirations of the people who live and work within the Mid-Western Region and strategies for achieving these goals.

The relevant matters under the Community Plan for consideration within this Planning Proposal, are documented within the following table.

Community Plan	
Relevant Provision	**Comment**
Theme 1 – Looking After Our Community	
GOAL 2 - Vibrant towns and villages	
2.1 Respect and enhance the historic character of our region and heritage value of our towns and villages	The Planning Proposal is accompanied by a Statement of Heritage Impact; which supports the proposed built form.
2.3 Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning	The proposal facilitates unit and townhouse development which will increase the supply of well located medium density housing in Mudgee and offer residents greater choice in housing typology to enable older residents to potentially downsize and an opportunity for smaller households to gain entry into the housing market.

2.4 Maintain and promote the aesthetic appeal of the towns and villages within the region	The Project Architect has provided the following comments in relation to the proposed design; *The form of the proposal comprises of two buildings in the round on the edge of the Mudgee CBD.* *The contemporary architectural style presents a point in time which will contribute to the history of Mudgee.* *The penthouse style town houses overlook the green space to the north providing multi-dwelling residential housing whereas the 3 level apartment building, is set away to the south of the smaller building looking over the top with a magnificent roof top architectural common open space engaging with the vista.*
Theme 2 – Protecting Our Natural Environment	
GOAL 1 - *Protect and enhance our natural environment*	
1.1 Ensure land use planning and management enhances and protects biodiversity and natural heritage	The Site is highly modified and poses no environmental concerns and is accompanied by Statement of Heritage Impact and a recent AHIMS Search.
Theme 4 – Connecting Our Region	
GOAL 3 - An active travel network within the region	
3.1 Develop and enhance walking and cycling networks across the region	The proposal will have dedicated bike parking and storage.

As such, this Planning Proposal aligns with the Planning Priorities of the Community Plan.

Mid-Western Regional Comprehensive Land Use Strategy – Part C (MWRCLUS)

The MWRCLUS Revision E was prepared with the financial assistance of the NSW Department of Planning.

It appears it was original drafted in 2008 and has had various Revisions, with the most recent being February 2017.

The MWRCLUS provides a basis for identifying options for Mid-Western Regional local government area to meet long term urban and rural growth needs.

Among the underlying purposes of the MWRCLUS are;

- *Provide clear long term strategic planning direction - the Strategy provides a method for Council to be proactive to ensure a sustainable future.*

- *Determine the optimal location for development - the Strategy ensures that future development is appropriately located and sensitive to surrounding land uses.*

- *Achieve infrastructure certainty - the Strategy will assist Council in determining infrastructure and service requirements for future development and plan with certainty future infrastructure and service needs.*

- *Achieve more liveable communities - the Strategy will promote vibrant, high amenity communities to be enforced via local planning controls.*

The relevant matters under the MWRCLUS for consideration within this Planning Proposal, are documented within the following table.

<table>
<tr><th colspan="2">MWRCLUS</th></tr>
<tr><th>Provision</th><th>Comment</th></tr>
<tr><td>1. Introduction</td><td></td></tr>
<tr><td>Table 1-1 Mid-Western Regional Council housing types
<table><tr><th></th><th>Mid-Western Regional local government area</th><th>NSW</th></tr><tr><td>Dwelling types</td><td></td><td></td></tr><tr><td>Separate detached dwellings</td><td>93.7%</td><td>77.4%</td></tr><tr><td>Semi-detached, row, terrace houses or townhouses</td><td>1.5%</td><td>8.0%</td></tr><tr><td>Flats, units or apartments</td><td>2.1%</td><td>12.8%</td></tr><tr><td>Ownership</td><td></td><td></td></tr><tr><td>Dwellings fully owned or being purchased</td><td>67.4%</td><td>63.7%</td></tr><tr><td>Dwellings rented</td><td>21.0%</td><td>27.5%</td></tr><tr><td>Dwellings rented from the Public Housing Authority</td><td>3.4%</td><td>4.9%</td></tr></table>Source: Australian Bureau of Statistics, 2001
*Note this data includes 100% of the former Mudgee and Rylstone Shire Councils</td><td>We note from Table 1.1 that within the Mid-Western Regional local government area total housing stock, only 1.5% is either semi-detached, row, terrace house or townhouses, and only 2.1% is flats, units or apartments.

On this basis, the Proposal will add diversity to the existing housing stock.</td></tr>
</table>

<table>
<tr>
<td>
Table 1-2 Possible implications of demographic change
<table>
<tr><th>Demographic issues for Mid-Western Regional local government area</th><th>Implications</th></tr>
<tr><td>Increasing population</td><td>The Mid-Western Regional local government areas population is representative of many local government areas in the Central West.
Need to ensure that necessary residential, employment and open space land requirements and infrastructure services are provided.</td></tr>
<tr><td>Increasing average age</td><td>The average age has increased by 2 years since 1996. The large amount of tertiary age people migrating from the area is contributing to this as well as the ageing population. Department of Planning estimates that the median age will increase from 37 in 2001 to 47 in 2031.</td></tr>
<tr><td>Smaller household sizes</td><td>Smaller household sizes with fewer people living in each house will have an impact on the supply and demand of dwellings. As a result of the declining household sizes, it is likely that more dwellings will be required to accommodate for the increasing population.</td></tr>
<tr><td>Increasing amount of people aged over 65</td><td>In 2001, 13.7 percent of the population were aged over 65 and this is estimated to increase to 27% by 2031. Facilities and services need to be provided to accommodate for the ageing population. This may include retirement homes, medical facilities and public transport options for the elderly.</td></tr>
<tr><td>Large proportion of detached dwellings in the local government area compared to NSW</td><td>The desire for detached dwellings means more land will be required for any new potential residential development. This will accommodate larger amounts of space required for detached dwellings compared to medium density dwellings.</td></tr>
</table>
</td>
<td>We note from Table 1.2 that the demographic changes within Mid-Western Regional local government area result in the population generally is increasing and getting older. In addition, households are getting smaller.

All of these factors lead to an appropriate planning response being to provide more medium density housing in appropriate locations.</td>
</tr>
<tr><td colspan="2">1. Guiding Principles for the Strategy</td></tr>
<tr><td>2.2 Urban Land</td><td></td></tr>
<tr><td>Defining a physical limit to Mudgee's future growth
One of the key principles identified for Mudgee is to develop a 'hard edge' for the urban area.

A 'hard edge' is representative of the future growth boundary of the urban area and effectively provides a limit to growth. The long term boundaries for urban growth (i.e. "hard-edge') are shown on the Mudgee Structure Plan (Refer Figure 3-1).</td><td>Facilitating increased density within a short distance from the CBD will take the pressure off the need to provide green fields housing developments that lead to urban sprawl.

As such, the proposal will assist in containing the “hard edge” to the existing urban area.</td></tr>
<tr><td>Encouraging contained town centres
New retail and service facilities should be developed within the existing core commercial area of each town in order to facilitate consolidation of development and maintain the settlement hierarchy as identified geographically on Figure 4-1 Rural Areas Map and in Figure 2-1 below.</td><td>Greater residential density close to the Mudgee CBD will assist in supporting new retail and service facilities.</td></tr>
<tr><td>Concentrating development in locations with access to services
Maintain the settlement hierarchy where services are available and accessible. Future development in the minor rural settlements should only occur to feasible thresholds for service provision including water supply, effluent management, waste management, access
and road upgrading and community facilities.</td><td>The Site is within a very easy walk from Mudgee CBD where services are available and accessible.</td></tr>
<tr><td>Avoiding environmentally sensitive areas
Manage environmentally sensitive areas in a sustainable manner so as to ensure that they are not affected by inappropriate development. Future development should</td><td>The Site is not environmentally sensitive.</td></tr>
</table>

have regard to and minimise risk to identified environmentally sensitive areas.	
2. Urban Area – Local Area Strategies	
3.1 Residential Development	
3.1.1 Infill Development and housing diversity	
Medium density housing types, such as townhouses and villas, should be encouraged in Mudgee through sympathetic redevelopment of older housing stock and in infill areas, so as not to compromise built heritage. The highest housing densities will need to be located within close proximity to the Mudgee CBD. A 5 to 10 minute walkable distance from the CBD is considered acceptable for more intensive housing development. To achieve these objectives, it is considered that the land defined by the Mudgee heritage conservation area retain a medium density land use. The land outside of this, which is currently zoned Medium Density under the Interim Local Environmental Plan 2008, should be identified for general residential purposes. The general residential use should permit dual occupancies and possibly villas, where appropriate, as identified ni a relevant DCP having regard ot lots size and capability. A Lot Size Map wil be used control subdivision and redevelopment within the general residential area.	According to this Strategy, Mudgee has only approximately 3.6% of its housing stock as any form of medium density typology. The proposal will facilitate medium density housing within a 5 minute walk of the Mudgee CBD and is therefore "considered acceptable". The age of this paragraph is apparent by the reference to LEP 2008; which was superseded by MWLEP 2012, which itself is now over 11 years old. We note that the Site is within the heritage conservation area, accompanied by Statement of Heritage Impact and the Planning Proposal will facilitate efficient medium density land use. Residential flat buildings are permissible with development consent within the Site's current zone. All consistent outcomes with these paragraphs. Further, there is no relevant definition of High Density Housing in MWLEP or MWRCLUS and it cannot be reasonably asserted that an additional 2m of building height, in these circumstances, crosses a threshold to take the proposal from medium density housing to high density housing. The Australian Housing and Urban Research Institute defines housing density in the following terms (our emphasis):

	Housing density refers to the number of dwellings on an area of land. Density is typically referred to as high-density (characterised as multi-storey apartment buildings), medium-density (characterised as attached townhouses and three or four storey low level apartment buildings), and low density (characterised as stand alone, detached housing). Even if the proposal was defined as High Density Housing (which we do not agree that it does) MWRCLUS is silent in relation to High Density Housing; and is therefore the Proposal is not inconsistent. The clear objective of this section of MWRCLUS is to encourage residential density, that is sympathetic to the applicable heritage values, close to Mudgee CBD. This Planning Proposal achieves that objective. That is a good planning outcome, particularly in a housing crisis.
3.1.2 Housing for the ageing	
As identified in Part A (refer Section 8 Demographic and socio-economic profile), the local government area has an aging population which is expected to significantly increase over the next 25 years. In order to manage the increasingly aging population, land close to existing services and facilities is most appropriate for seniors living. State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 provides for more housing for the ageing population. Mudgee is ideal for the location for Senior's housing with its role as the District Centre and the proximity to existing services, facilities and transport. A site in Perry Street, Mudgee, located adjacent to the Mudgee CBD is considered to be suited for seniors living subject to an	The provision of town houses and units provides older residents an opportunity to down size and move to a home that has less upkeep and maintenance. The corollary of this is that housing stock is made available for families and larger households, which may take the pressure off green fields subdivisions.

analysis of land capability. Generally housing for seniors should be provided through the facilitation of multi-unit housing within walking distance of the Mudgee CBD. This Strategy encourages housing diversity, which will go some way towards providing additional housing choices to the community.	
Figure 3.1 Mudgee town structure plan	The Site is shown on the Structure Plan as "Medium Density Residential" and the proposal is consistent with this Structure Plan.
3.1.4 Development Staging	
The following are considered short term supply options: (refer Mudgee Town Structure Map) • Infill development within the existing urban area, including town houses and villas, where appropriate.	The proposal is for infill development within an existing urban area on an appropriate Site.

Mid-Western Regional Local Strategic Planning Statement (LSPP)

The LSPP is dated May 2020 and sets outs the 20 year vision for land use within the Local Government Area, outlining how growth and change will be managed into the future.

The LSPS identifies 12 Planning Priorities to guide the focus of future strategic planning work within the Region. These 12 Planning Priorities are consistent with the applicable directions of the Central West and Orana Regional Plan and Council's Community Strategic Plan Mid-Western Region Community Plan – Towards 2030.

The relevant matters under the LSPP for consideration within this Planning Proposal, are documented within the following table.

LSPP	
Provision	**Comment**
Theme 1 – Looking After Our Community	
Planning Priority 1 – Respect and enhance the historic character of our Region and heritage value of our towns.	
Council will; • Support and assist preservation of important historical sites in the Region	The Planning Proposal is accompanied by Statement of Heritage Impact.

Planning Priority 2 - Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning.	
Rationale A diversity of housing is important to attract new residents to the Region and to ensure existing residents have a choice of housing to suit their needs as their circumstances change. Varying forms of housing options are evident across the Region in the four towns, villages and rural areas. It is important that this variety is maintained and the Region continues to cater for different dwelling sizes and prices.	According to the MWRCLUS only 2.1% of the LGAs housing stock is flats, units or apartments. The LSPP calls for greater diversity of housing and this Planning Proposal provides 28 dwellings in the lowest represented housing typology.
Council will: • Promote affordable housing options across the Region	Providing greater housing choice and supply can only assist in address affordability issues within the Region.
Planning Priority 3 - Maintain and promote the aesthetic appeal of the towns and villages within the Region.	
Council will: • Apply appropriate building and development controls to protect and enhance the natural and built environment in the Region	The Project Architect has provided the following comments in relation to the proposed design; *The form of the proposal comprises of two buildings in the round on the edge of the CBD.* *The contemporary architectural style presents a point in time which will contribute to the history of Mudgee.* *The smaller 2 level town houses overlook the green space to the north providing multi-dwelling residential housing whereas the 3 level apartment building, is set away to the south of the smaller building looking over the top with a magnificent roof top architectural common open space engaging with the vista.*

Theme 2 – Protecting Our Natural Environment	
Planning Priority 5 - Ensure land use planning and management enhances and protects biodiversity and natural heritage.	
Land Use Actions a. Locate and map the locations of high environmental assets in the Region. c. Update the LEP Flood Mapping. d. Review DCP and include provisions relating to water sensitive urban design.	This Planning Proposal is accompanied by a Flood Impact Assessment.

As such, this Planning Proposal aligns with the Planning Priorities of the LSPP.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is assessed to be generally consistent with applicable State Environmental Planning Policies.

A summary of the Planning Proposal's consistency with applicable State Environmental Planning Policies is provided in **Appendix 2** of this Planning Proposal.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is assessed to be generally consistent with applicable s.9.1 Ministerial Directions.

A summary of the Planning Proposal's consistency with relevant s.9.1 Ministerial Directions is provided in **Appendix 3** of this Planning Proposal.

Section C – Environmental, Social and Economic Impact

Q7. 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?

There is no change to the existing zoning and no clearing or vegetation removal required to facilitate the development foreshadowed for the Site.

As such, the Proposal does not trigger the requirements for production of a Biodiversity Development Assessment Report (BDAR) and the proposal is appropriate from an ecological perspective.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

To assess the potential environmental impacts of the planning proposal, the following specialist reports have been prepared:

- Housing Supply and Demand Analysis
- Statement of Heritage Impact
- AHIMS search
- Flood Impact Assessment
- Traffic and Parking Assessment
- Preliminary Site Investigation (Contamination)
- Geotechnical Investigation Report
- Infrastructure Services Review

The findings of these reports support the outcome of the Planning Proposal and are summarised below, with a specific assessment and consideration of any additional land use conflict resulting from the Planning Proposal.

It is important to note however that the findings of any of these Reports as they relate 42A & 44 Short Street, Mudgee, NSW 2850 is to be disregarded as these properties do not form part of this Planning Proposal.

Housing Supply and Demand Analysis

The Proponent has prepared a detailed Housing Supply and Demand Analysis. This is reviewed in detail in Section A and includes the following relevant finding (our emphasis);

> *This analysis indicates that identified future housing supply will only be able to accommodate half of projected implied dwelling demand expected to be required within the MWRC over the period to 2041. This shortfall in housing supply will add to affordability pressures for households within the MWRC, with vulnerable segments of the community likely to be disproportionately impacted by increased housing stress and affordability pressures. Other economic impacts associated with an increasing housing shortfall may include the inability of businesses and future infrastructure projects within MWRC to attract and retain skilled workers as well as the loss of potential residential expenditure that could be directed to local businesses within MWRC.*

> *This housing supply and demand analysis has demonstrated the need for additional housing to be delivered within MWRC. The Proposed Development will respond to the identified housing need, and will assist MWRC in the delivery of appropriate and much needed housing supply within a well-located and high amenity location within Mudgee.*

On this basis, the Housing Supply and Demand Analysis supports the outcome of the Planning Proposal.

Statement of Heritage Impact

A Statement of Heritage Impact was completed in November 2023 to assess the impacts of the Planning Proposal on the Heritage Significance of the locality and accompanies this Planning Proposal.

This Statement concludes that:

> *Heritage 21 is therefore of the opinion that the planning proposal would comply with pertinent heritage controls and would engender minimal impact on the heritage significance of the subject site, the Mudgee heritage conservation area and heritage items in the vicinity. We therefore recommend that Mid-West Regional Council view the planning proposal favourably on heritage grounds.*

On this basis, the heritage impact of the Planning Proposal is considered acceptable.

AHIMS Extensive Search

AHIMS Extensive Search was conducted on 6 November 2023 and showed no Aboriginal Sites or Places with 200m of the Site.

Flood Impact Assessment

A Flood Impact Assessment was completed in November 2023 to assess to provide an assessment of the impacts of flooding for Planning Proposal and a detailed assessment of the Planning Proposal's compliance with the Ministerial Direction *Focus Area 4: Resilience and Hazards.*

This Report makes the following conclusions (our emphasis):

> *The site and surrounding area sit within the Cudgegong River catchment. Inundation within the site and surrounding area drains into the formed channel to the east of the site, which discharges into Cudgegong River, approximately 450 m north west of the site. The existing conditions as presented in the Mudgee Flood Study (WMAwater, 2021), was reviewed and deemed appropriate for the purpose of this assessment.*
>
> *The proposed scenario for the 1% AEP event showed that the development results in a reduction in flood water, and no change for the 5% AEP event. In addition, there is no change in flood behaviour on the surrounding land or*

neighbouring properties for both the 1% and 5% AEP events, as a result of the proposed development.

The proposed development is located within the flood planning area, as defined in the Mid-Western Regional Council LEP (2012). The assessment has determined that the proposed development appropriately meets the directions outlined in Focus Area 4: Resilience and Hazards, as required by the Ministerial Local Planning Directions.

On this basis, the flood impact is not only acceptable, but the situation is improved as a result of the Planning Proposal, and it is in compliance with the Ministerial Direction *Focus Area 4: Resilience and Hazards.*

A detailed analysis of the proposal's compliance with the Ministerial Direction *Focus Area 4: Resilience and Hazards is contained in Appendix 3.*

Traffic and Parking Assessment

An assessment of the Traffic and Parking Assessment has been carried out and accompanies this Planning Proposal.

This assessment is based on a yield of 28 dwellings on the Site and relevantly concludes in relation to the relevant parking ;

The proposed development satisfies these requirements with the provision of 36 off-street car parking spaces comprising 30 resident spaces and 6 visitor spaces.

The basement carpark and vehicular access arrangements will be designed to satisfy the following requirements of the Australian Standards AS/NZS2890.1:2004:

In terms of traffic generating potential, it finds that traffic will be reduced by the proposal and concludes that:

It will be readily appreciated that in circumstances where a proposal will potentially generate less traffic than an existing development, it can be concluded that the planning proposal will not have any noticeable or unacceptable effect on the road network serving the site in terms of road network capacity or traffic-related environmental effect.
In the circumstances, it can be concluded that the planning proposal has no unacceptable traffic or parking implications.

On this basis, there are sufficient parking spaces shown in the concept plan and traffic impacts will, in fact, be improved.

As such, there are no traffic or parking reasons why the Planning Proposal should not proceed.

Preliminary Site Investigation (Contamination)

A Preliminary Site Investigation (PSI) was completed in October 2023 to assess potential contamination risks across the Site. The PSI makes the following conclusions and recommendations:

> *Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are moderate in the context of the proposed use of the site. The site can be made suitable for the proposed development, subject to the following recommendations:*
>
> - *Preparation of a Detailed Site Investigation (Phase 2 Environmental Site assessment) by a suitably qualified Environmental Consultant.*
> - *A hazardous materials assessment is recommended to be completed prior to demolition of the buildings on site.*
> - *Any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014).*
>
> *If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.*

On this basis, subject to Phase 2 Environmental Assessment being completed at DA stage and appropriate conditions of any ensuing Consent, there are no contamination reasons why the Planning Proposal should not proceed.

Infrastructure Services Review

An Infrastructure Services Review was completed in October 2023 to assess infrastructure capability to support the Planning Proposal.

This Report concludes there are services and capacity for the Planning Proposal in relation to water supply, sanitation, NBN, telephone and power.

Geotechnical Investigation Report

A Geotechnical Investigation Report was completed in October 2023 to assess surface and subsurface conditions and to provide geotechnical recommendations for the design and construction of the proposed development.

This Report makes the following conclusion:

> *It is considered that the proposed development is feasible in this site if the recommendations provided in this report are adopted and considered relevant during the design and construction phase of this development.*

Potential for Land Use Conflict

The Site is currently zoned R1 General Residential under MWLEP 2012. Within this zone, the proposed development is currently permissible with development consent.

That is, if the Proponent wished to lodge a DA that complied with the existing 8.5m height of building limit, there would be no need for this Planning Proposal.

As such, given the land use is currently permissible, the only possible and potential source of land use conflict created by the Planning Proposal is related to the physical amenity impacts from the built form resulting from the additional 8 x 2 bedroom units the Planning Proposal facilitates. These are amenity impacts are matters such as over shadowing, privacy and streetscape and traffic impacts.

In terms of overshadowing, the Project Architect has prepared shadow diagrams which show no impact on adjoining properties. This is partly as a result of its location on the north eastern corner of an intersection and adjacent to open space zone, meaning it has no immediate southern neighbours and the majority of shadowing falls onto streets. This is relatively unusual and supports the proposition that the Site is an appropriate location for increased height.

Given the Site has no direct adjoining, privately owned neighbours (Lot 21 DP 816236 is owned by a related entity to the Owner of the Site), having RE1 Public Recreation land adjoining to the north and east and Court and Short Street adjoining to the west and south, there are no privacy impacts resulting from the Planning Proposal.

The existing structures on the Site are unremarkable and have no positive impact on the streetscape. The concept plan shows a modern building that will contribute to the streetscape and the Heritage Impact Statement supports this position. Further, it should also be noted that there are several buildings within Mudgee that are over the 8.5m height limit. On this basis, there is no land use conflict created because of streetscape issues.

The Site's primary current use is as a gymnasium. The Traffic and Parking Impact assessment demonstrates the Planning Proposal will result in less traffic than is currently generated; meaning any existing land use conflict is reduced and the situation is improved.

In summary, the general land use is currently permissible with development consent, there are no overshadowing impacts, there are no privacy impacts the concept plans have been assessed and are acceptable from a heritage impact and streetscape perspective and the proposal improves traffic impact.

In conclusion, there is no land use conflict created by the Planning Proposal.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The social and economic impacts of the Planning Proposal are positive for the Local Government Area and the local community; many of which are examined and discussed in the Housing Supply and Demand Analysis.

In summary, amending the Height of Building development standard will to facilitate high quality medium density residential development and will have the following positive social and economic effects:

- Providing housing within walking distance of the Mudgee CBD which will provide increased population to support existing businesses and service.

- Providing housing stock of an underrepresented housing typology which will help relieve the well documented housing affordability pressure within Mudgee and provide residents with housing choice.

- Create of economic activity through the building and development process.

- Support population growth, business opportunities, providing a catalyst for economic growth.

- Support jobs in local industry, supporting a walkable community, helping to enhance Mudgee's economic.

- Revitalising an underutilised, well-located site.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

The Site is currently being used as a gymnasium and dwelling houses and is within the Mudgee CBD. As such, all required essential services are currently provided to the Site and available.

Nevertheless, an Infrastructure Services Review was completed in October 2023 to assess infrastructure capability to support the Planning Proposal.

This Report concludes there are services and capacity for the Planning Proposal in relation to water supply, sanitation, NBN, telephone and power.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Formal consultation has not yet been undertaken with State and Commonwealth agencies and given the recent focus on the housing crisis at all levels of

Government, we would expect a project such as this to be strongly endorsed.

We note that the Gateway Determination states:

> *No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.*

Part 4 - Mapping

(s.3.33(2)(d) Maps to be adopted by the proposed instrument)

The proposed outcomes of the Planning Proposal will be achieved by amending:

- MRLEP Height of Buildings Map – Sheet HOB_006G

Extracts of both the existing Height of Buildings Map Sheet HOB_006G (with the Site outlined) and the proposed Height of Buildings Map amendments are included below.

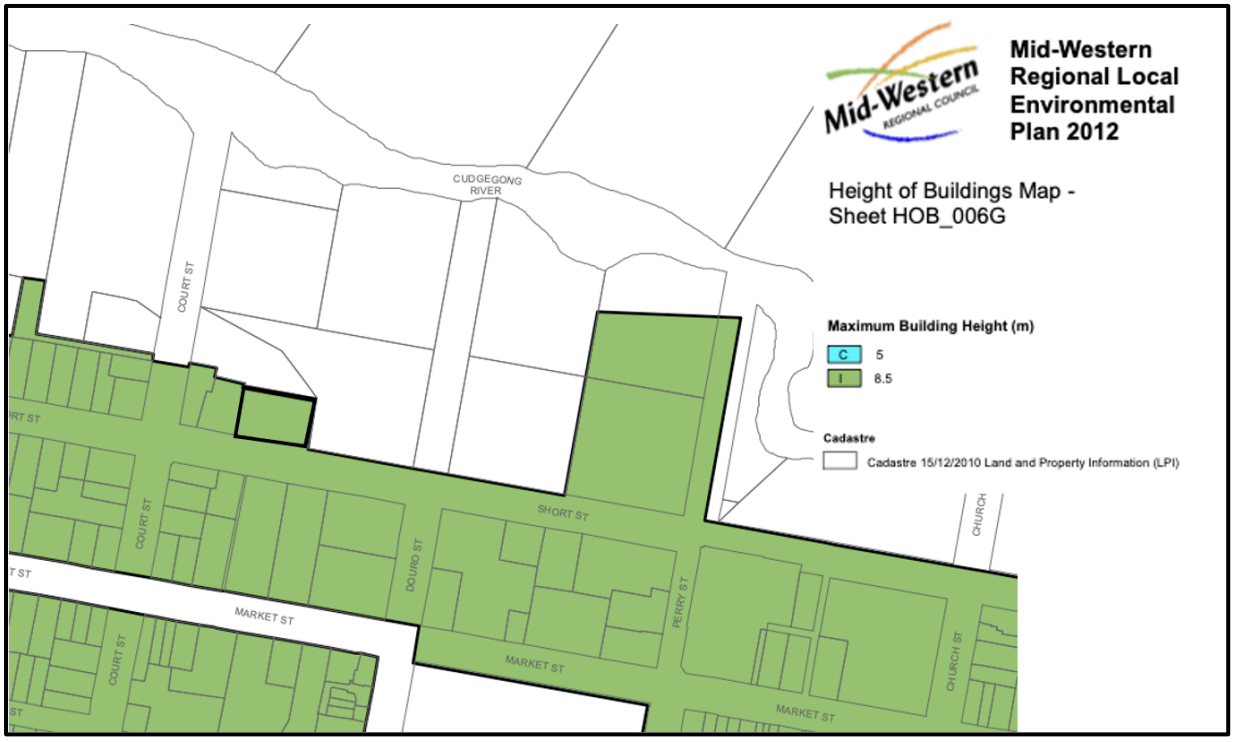

Figure 15 - Extract from existing Height of Buildings Map with Site outlined

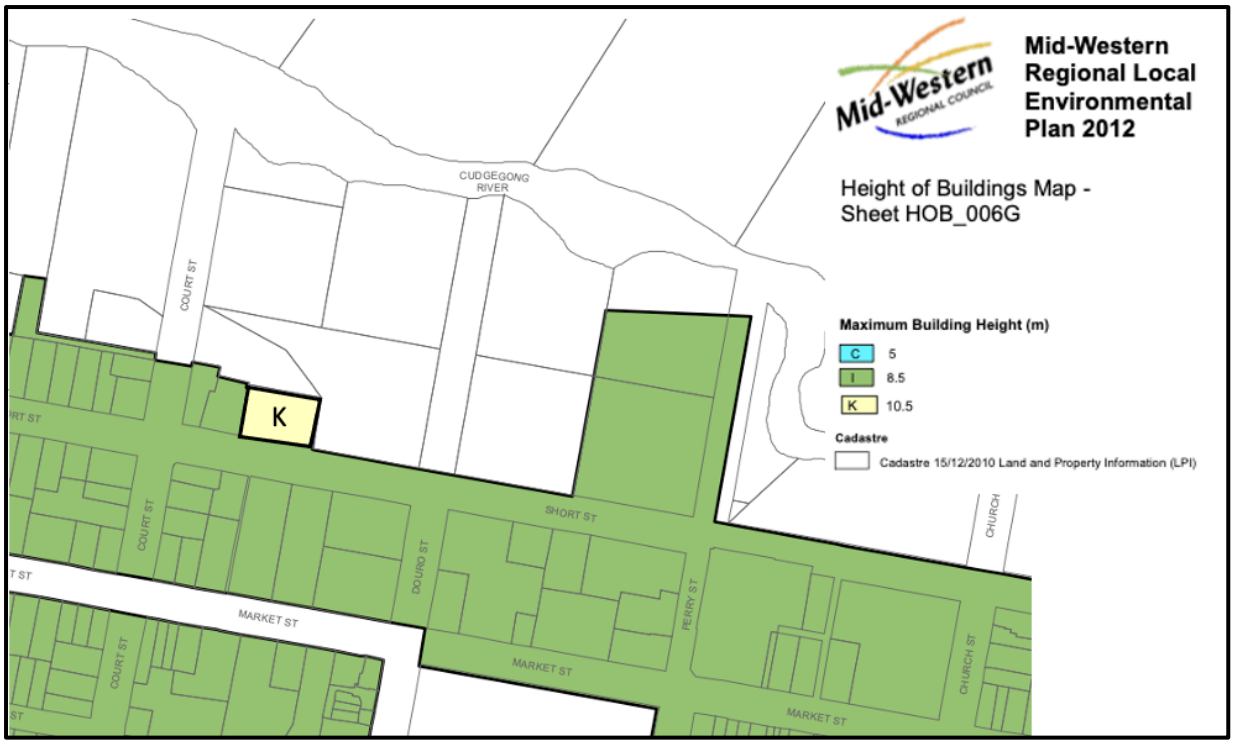

Figure 16 – Proposed amendment to the Height of Building Map

Part 5 - Community Consultation

(s.3.33(2)(e) community consultation required)

In accordance with Section 3.34(2)(c) of the *Environmental Planning and Assessment Act* 1979, and the Gateway Determination this Planning Proposal will be made available for public comment for a minimum of 20 working days.

In accordance Council's adopted consultation protocols the following will also be undertaken:

- Direct mail notification to adjacent and adjoining land owners;

- Exhibition material and all relevant documents will be available at Council's Administration Offices;

- Exhibition material and all relevant documents will be available on NSW Planning Portal

- Exhibition material and all relevant documents will be available on Council's website.

Part 6 - Project Timeline

In accordance with the Department of Planning and Environment guidelines, the following timeline is provided, which includes the tasks deemed necessary for the making of this local environmental plan.

Task	**Responsibility**	**Timeframe**	**Date (approximate)**
Council resolution to support the Planning Proposal	Council	-	July 2024
Lodgement of Planning Proposal for Gateway Determination	Council	-	July 2024
Gateway Determination Issued	Minister for Planning	-	October 2024
Public exhibition of Planning Proposal	Council	Minimum 20 working days	February 2025
Report to Council	Council	-	April 2025
Making of local environmental plan	Council as delegate	4-8 weeks	June 2025

Part 7 – Conclusion

The primary aim of the Planning Proposal is to amend the MRLEP as it relates to the Site to allow a maximum Height of Building development standard to 10.5m.

The proposal has been subject to extensive investigation and found to be appropriate in terms of:

- Housing Supply and Demand Analysis
- Heritage Impact
- Flood Impact Assessment
- Traffic and Parking impact Assessment
- Contamination
- Geotechnical
- Infrastructure Availability

The Proposal is consistent with MWRCLUS, the Regional Plan and all other relevant planning policies and Ministerial Directions.

It should also be noted that none of the Strategies specifically prohibit the amendment of the Height of Building development standard.

It is considered the proposal has strategic merit as it will:

- Utilise a suitable site to provide medium density housing to service the local community, responding to a significant and proven supply deficit.
- Provide positive social and economic impacts.
- Result in no undue amenity impacts or land use conflict.
- Have no unacceptable environmental impacts.
- Have no unacceptable heritage impact.
- Improve impacts on traffic.
- Improve flooding impacts.

On this basis, it is recommended that Council adopt and finalise this Planning Proposal.

Appendix 1 – Consistency with Regional Plan

The primary purpose of the Regional Plan is to guide the NSW Government's land use planning priorities and decisions to the year 2041.

The Regional establishes a strategic framework, vision and direction for land use, addressing future needs for housing, jobs, infrastructure, a healthy environment, access to green spaces and connected communities.

The Regional Plan is not intended to be a step-by-step approach to all land use planning. Rather, it is an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions.

Whilst many of the Strategies are not specifically relevant to this Planning Proposal, it is consistent with the overall Vision of the Plan.

The relevant matters under the Regional Plan for consideration within this Planning Proposal, are documented within the following table.

Regional Plan	
Part 2 - A sustainable and resilient place	
Objective 6: Support connected and healthy communities	
Strategy 6.2 Strategic planning and local plans should consider opportunities to: • ensure new residential areas provide sufficient public and open space and link to existing pedestrian and cycle networks • demonstrate how the quantity of, and access to, high quality and diverse existing public space is maintained, embellished and improved.	The location of the Site, adjacent to the CBD, will provide easy walking access to many services and facilities and the proposed development will incorporate bicycle storage facilities.
OBJECTIVE 7: Plan for resilient places and communities	
Strategy 7.1 Reducing the level of vulnerability and risk for communities will involve early consideration of natural hazards and avoidance and mitigation for both existing and new development areas. To achieve this strategic and local planning must:	The Planning Proposal is accompanied by a Flood Impact Assessment; which shows the Planning Proposal and concept plans improve the flood risk.

• locate development away from areas of known high bushfire, salinity and flooding risk	
Strategy 7.3 Strategic planning and local plans should encourage: • energy efficient building design and practices that respond to the natural environment • initiatives that reduce carbon emissions through the application of low carbon strategies.	The proposed building will have the appropriate BASIX Certification and it provides an opportunity for electric vehicle charging points to be included as well as energy and water efficient fittings. These measures can be adopted more widely within a new development as opposed to retro-fitting existing housing stock.
OBJECTIVE 8: Secure resilient regional water resources	
Strategy 8.1 Strategic water and land use planning, at the regional and local scale, must consider opportunities to: • encourage the re-use of water in new development, for irrigation purposes, including dual water systems • improve provision for stormwater management and the application of green infrastructure	The development will reuse water as far as possible and include water efficient fittings. The new development will also provide an opportunity to review and improvement stormwater management for the Site.
OBJECTIVE 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	
Strategy 9.1 Strategic and local planning will strengthen the amenity in centres across the region by: • identifying and protecting scenic and cultural landscapes • providing guidance for new development to ensure that views of scenic and cultural landscapes, particularly views from the public realm, are protected • elevating the importance of design quality and design excellence • reflecting local built form, heritage and character in new and intensified housing areas.	The Planning Proposal is accompanied by a supportive Statement of Heritage Impact and Detailed AHIMS Search which show no sites nearby.

Part 3 – People, centres, housing and communities	
The region's centres will provide a mixture of housing that meets the population's changing needs and reflects the unique local character and needs of each community. The housing mix will include diverse and affordable housing, with a variety of smaller housing types, shop top housing and higher-density development to provide housing for seniors, students and key workers.	The proposal will provide housing in Mudgee that is currently very underrepresented which will assist in providing diversity of housing to meet the needs of the changing population.
OBJECTIVE 11: Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities	
The region's projected population growth will be greatest in the regional cities, with a combined growth of 30,062 people (in the regional cities and surrounding LGAs) over the next 20 years. The regional cities of Bathurst, Dubbo and Orange share the common strategic vision of sustainable growth supported by well-planned infrastructure and open space that embraces local character and cultural and built heritage. The regional cities provide regional-scale health, education, transport, civic and administrative functions for dispersed rural communities. They are a focal point for aged care, community services and government jobs, while also being sporting, tourism and event destinations.	The Site is located in Mudgee. Mudgee is not included in any provisions within this Objective and the proposed increase in height on the Site has no impact or relevance to relative strength of Bathurst, Dubbo and Orange as innovative and progressive regional cities.
OBJECTIVE 12: Sustain a network of healthy and prosperous centres	
Strategy 12.2 Use local strategic planning and local plans to strengthen commercial cores by: • reinforcing the centres hierarchy when planning for commercial and retail development • incentivising medium density residential and mixed-use	The Planning Proposal provides increased population within walking distance to the CBD, which will help support and reinforce commercial and retail development. The Planning Proposal offers incentive to the Owner of the Site to be able to feasibility construct medium density residential housing within walking distance of the Mudgee CBD.

development in appropriate locations in and around centres	
Strategy 12.4 Use strategic planning and local plans to strengthen connectivity within centres by: • promoting redevelopment and higher densities within walking distance to town centres, public spaces and transport interchanges • enabling provision of secure bicycle parking and end-of-trip facilities	The Planning Proposal will facilitate medium density development within walking distance of the Mudgee CBD and associated facilities. The proposal will have dedicated bike storage facilities.
OBJECTIVE 13: Provide well located housing options to meet demand	
The Central West and Orana region needs an adequate supply of affordable, well-designed housing in the places where people want to live. Future residential growth will be predominantly accommodated in existing urban areas or in new development areas identified in local housing strategies. Regional cities and strategic centres will be the focus of growing populations and service provision for the region. The region's centres will support housing by making efficient use of existing infrastructure and services. This will involve identifying areas for intensification and renewal, prioritising the development of unused or underutilised land and identifying new areas for growth.	The Planning Proposal will facilitate medium density residential development walking distance from Mudgee's CBD on a Site that is currently underutilised. The Housing Supply and Demand Analysis proves there is demand for the proposed development.
Strategy 13.1 To ensure an adequate and timely supply of housing, in the right locations, strategic and local planning should: • respond to environmental, employment and investment considerations, and population dynamics when identifying new housing opportunities • provide new housing capacity where it can use existing infrastructure capacity or support the timely delivery of new infrastructure.	The Planning Proposal will facilitate additional yield on the Site which makes the proposal feasible; and shows that the local planning is responding to investment considerations in facilitating new housing opportunities. The Proposal uses existing infrastructure capacity and is supported by an Infrastructure Report which confirms availability of services.

Infill development and renewal projects While the conservation of historic town centres is a challenge, higher-density development can still be encouraged in and around the centres of the regional cities and strategic centres to take advantage of existing services and infrastructure and to help revitalise central areas. Re-using and repurposing sites where the historic land use is no longer needed, or buildings have been abandoned or destroyed, avoids the cost of developing new infrastructure. This process is as important in larger centres where greater housing choice is needed as it is for smaller centres where well-located development can sustain rural services and communities.	The Planning Proposal will facilitate medium density development on an infill Site within walking distance to Mudgee CBD which can utilise existing services and infrastructure and to contribute to Mudgee's vitality. The Proposal creates a greater mix of housing within Mudgee.
Strategy 13.3 Use strategic planning and local plans to facilitate a diversity of housing in urban areas by: • creating flexible and feasible planning controls, including a greater mix of housing in new release areas • aligning infrastructure and service provision to housing supply needs • exploring public space improvements to encourage higher densities near town centres and transit orientated development along key passenger transport routes. • reviewing policies and processes to improve certainty and streamline development processes.	The Proposal creates a diversity of housing within Mudgee; and in effect, flexible and feasible planning controls.
OBJECTIVE 14: Plan for diverse, affordable, resilient and inclusive housing	
Housing affordability is becoming an increasing issue for the region. Between 2017 and 2020 average house prices in the region grew by 10%, which is above the NSW average of 6% for the same period. Increasing average house sale price was most pronounced in Mid-Western Regional and Orange LGAs where	Housing affordable in MWRC is at lower levels than NSW. The Housing Supply and Demand Study highlights this issue and the massive undersupply that MWRC is facing. The Planning Proposal will facilitate increased housing stock in the most

prices rose by 23 and 22% respectively. The average weekly rents in the region also increased above the State average over the period, rising 9% compared to a reduction of one per cent for NSW. Greatest increases in weekly median rent were experienced in the Orange LGA which rose by 20% and the Mid-Western Regional and Cabonne LGAs which each rose by 18%. The size of households is changing, with more single person households and a decrease in the average number of occupants in each household. Planning for a diversity of housing choices for existing and future residents will give people more options at different stages of life.	underrepresented form of housing in the LGA; which will help provide a diversity of housing choices for residents and give people more housing options at different stages of life.
Strategy 14.1 To improve housing diversity, strategic and local planning should: • allow a diversity of housing, including affordable housing, student housing, shop top housing, more dense housing types and housing choices for seniors close to existing services, and on land free from hazards • improve certainty of development outcomes and streamline development processes.	This Planning Proposal is a genuine and tangible opportunity for local planning to allow diversity of housing within Mudgee. The Planning Proposal is supported by a detailed Housing Supply and Demand Analysis.
Strategy 14.2 Plan for a range of sustainable housing choices in strategic planning and local plans including: • a diversity of housing types and lot sizes, through appropriate development standards, including minimum lot sizes, minimum frontage and floor space ratio • housing that is more appropriate for seniors, including low-care accommodation • innovative solutions for older people, multigeneration families, group housing, people with special needs or people from different cultural backgrounds • sustainable housing solutions that can reduce costs and	The Planning Proposal is an opportunity to facilitate sustainable housing choices and diversity through amending a development standard. The proposed units have lift access and common community facilities making them ideal for seniors.

environmental impacts of household operations.	
Local Government Narratives – Mid-Western Regional	
Priorities	
making available diverse, sustainable, adaptable and affordable housing options through effective land use planning	The Planning Proposal will make feasible a development that will improve stock and provide much needed diversity to the Mudgee housing market. The Planning Proposal is supported by a detailed Supply and Demand Analysis which clearly demonstrates the need for the project.
respecting and enhancing the historic character and aesthetic appeal of the towns and villages within the Region	The Planning Proposal is supported by Statement of Heritage Impact.

Appendix 2 – Consistency with State Environmental Planning Policies

Consistency of the Planning Proposal with State Environmental Planning Policies is assessed in the following Table with specific comments in relation to the more relevant SEPPs provided after the Table.

State Environmental Planning Policies	**Consistency with SEPP**
State Environmental Planning Policy (Primary Production) 2021	N/A
State Environmental Planning Policy (Resources and Energy) 2021	N/A
State Environmental Planning Policy (Resilience and Hazards) 2021	✓ See below
State Environmental Planning Policy (Industry and Employment) 2021	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021	✓
State Environmental Planning Policy (Biodiversity and Conservation) 2021	✓ See below
State Environmental Planning Policy (Planning Systems) 2021	N/A
State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021	N/A
State Environmental Planning Policy (Precincts - Central River City) 2021	N/A
State Environmental Planning Policy (Precincts - Western Parkland City) 2021	N/A
State Environmental Planning Policy (Precincts – Regional) 2021	N/A

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of this SEPP aims to promote the remediation of contaminated land for the purpose of reducing risks to people and the environment by specifying certain considerations that are relevant in rezoning land and in determining development applications in general.

Clause 4.6 of the SEPP provides that the Council must not grant consent unless it has considered whether the land is contaminated and, if so, whether it is suitable for the use.

In these circumstances, the zone of the land is not proposed to be changed and there is currently no DA lodged for consideration. This Planning Proposal simply alters a development standard to an already permissible use; as such an assessment pursuant to this SEPP is not triggered.

Nevertheless, a Preliminary Site Investigation (PSI) was completed in October 2023 to assess potential contamination risks across the Site. The PSI makes the following conclusions and recommendations:

> *Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are moderate in the context of the proposed use of the site. The site can be made suitable for the proposed development, subject to the following recommendations:*
>
> - *Preparation of a Detailed Site Investigation (Phase 2 Environmental Site assessment) by a suitably qualified Environmental Consultant.*
>
> - *A hazardous materials assessment is recommended to be completed prior to demolition of the buildings on site.*
>
> - *Any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014).*
>
> *If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.*

On this basis, subject to Phase 2 Environmental Assessment being completed at DA stage and appropriate conditions of any ensuing Consent, there are no contamination reasons why the Planning Proposal should not proceed.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Site is developed and highly modified and the proposal does not require the removal of native vegetation and does not contain any vegetation declared by a development control plan to be vegetation to which Part 2 of this SEPP applies. On this basis the Planning Proposal is consistent with this SEPP.

Appendix 3 – Consistency with s.9.1 Ministerial Directions

s.9.1 Ministerial Direction		Comment
Focus area 1: Planning Systems		
1.1	Implementation of Regional Plans	The Planning Proposal is consistent with the relevant Regional Plan as demonstrated in Appendix 1.
1.2	Development of Aboriginal Land Council land	N/A
1.3	Approval and Referral Requirements	This Planning Proposal does not increase concurrence or referral requirements on the Site.
1.4	Site Specific Provisions	No restrictive site-specific provisions are proposed for this Site.
Focus area 1: 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 the 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

s.9.1 Ministerial Direction	Comment
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	
Blank	
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	N/A
3.2 Heritage Conservation	This Planning Proposal proposes no change to the Heritage Conservation provisions within MRLEP and is accompanied by Statement of Heritage Impact. In additional the Planning Proposal is also accompanied by a recent AHIMS Search.
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	A Flood Impact Assessment accompanies this Planning Proposal The assessment has determined that the proposal appropriately meets the directions outlined in Focus Area 4: Resilience and Hazards, as required by the Ministerial Local Planning Directions. A Section by Section analysis is included in that Assessment.

s.9.1 Ministerial Direction		Comment
4.2	Coastal Management	N/A
4.3	Planning for Bushfire Protection	N/A
4.4	Remediation of Contaminated Land	N/A
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	The Planning Proposal does not create, alter or remove a zone or a provision relating to urban land; the land zoning remains the same and therefore this Direction does not apply.
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	The Planning Proposal is consistent with this Direction as it will; - Increase the variety and choice of housing types available in Mudgee, - utilise existing infrastructure and services as the Site is an easy walk from Mudgee CBD; - reduce the consumption of land for housing and associated urban development on the urban fringe, and - be of good design. This Planning Proposal will increase the permissible residential density of the Site.
6.2	Caravan Parks and Manufactured Home Estates	N/A

s.9.1 Ministerial Direction		Comment
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
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	N/A
9.2	Rural Lands	N/A
9.3	Oyster Aquaculture	N/A
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	N/A

Attachment 1 - Concept Architectural Plans

Concept Architectural Plans are to exclude 42a & 44 Short Street, Mudgee as per Gateway Determination.

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Proposed Development

36-42A SHORT STREET, MUDGEE

Planning Proposal

Existing Development

Sheet List		
Sheet Number	Sheet Name	Current Revision
A000	Cover Sheet	C
A100	Site Location	C
A101	Existing Site Plan	C
A102	Demolition Plan	C
A103	Proposed Site	C
A104	Proposed Site Plan	C
A105	Boundary/Easement Plan	C
A106	Site Analysis	C
A107	Basement	C
A108	Ground Floor	C
A109	First Floor	C
A110	Second Floor	C
A111	Rooftop	C
A112	North Elevation	C
A113	South Elevation	C
A114	East and West Elevation	C
A115	Section 1	C
A116	Section 2	C
A117	Section 3	C
A118	Section 4	C
A119	Common Open Space	C
A120	GFA Calculations	C
A121	Deep Soil	C
A122	Cross Ventilation	C
A123	Solar Access	C
A124	Summer Shadows	C
A125	Autumn Shadows	C
A126	Winter Shadows	C
A127	Spring Shadows	C
A128	Heat Diagrams	C
A129	3D VIEW 1	C
A130	3D VIEW 2	C
A131	3D VIEW 3	C

42 & 44 Short St Mudgee
Prepared on behalf of Sregan the Mansion of

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disregard the inclusion of 42a & 44 Short Street, Mudgee

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Notes

Planning Proposal

C	16/11/23	November 2023	Adam Bennett
Issue	Date	Description	Drawn

Sheet: A100	Issue: C

Drawing Name:
Site Location

Site:
36-42a Short Street, Mudgee

Scale: NTS	Date: 16/11/23
Drawn: AB	Checked: CT

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Architect Reg Number: 5143

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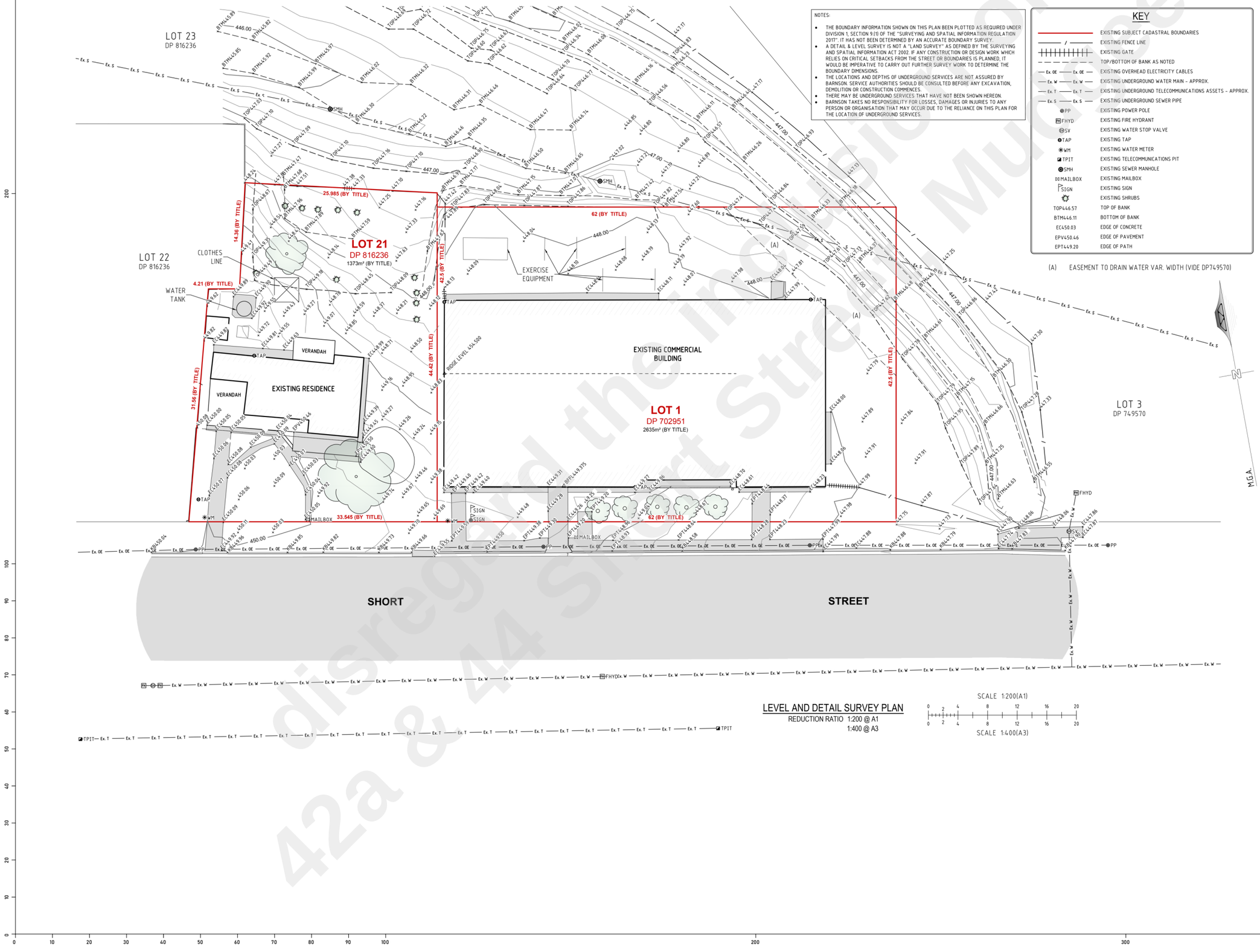

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KEY

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— / —	EXISTING FENCE LINE
	EXISTING GATE
	TOP/BOTTOM OF BANK AS NOTED
— Ex. OE — Ex. OE —	EXISTING OVERHEAD ELECTRICITY CABLES
— Ex. W — Ex. W —	EXISTING UNDERGROUND WATER MAIN - APPROX.
— Ex. T — Ex. T —	EXISTING UNDERGROUND TELECOMMUNICATIONS ASSETS - APPROX.
— Ex. S — Ex. S —	EXISTING UNDERGROUND SEWER PIPE
PP	EXISTING POWER POLE
FHYD	EXISTING FIRE HYDRANT
SV	EXISTING WATER STOP VALVE
TAP	EXISTING TAP
WM	EXISTING WATER METER
TPIT	EXISTING TELECOMMUNICATIONS PIT
SMH	EXISTING SEWER MANHOLE
MAILBOX	EXISTING MAILBOX
SIGN	EXISTING SIGN
	EXISTING SHRUBS
TOP446.57	TOP OF BANK
BTM446.11	BOTTOM OF BANK
EC450.03	EDGE OF CONCRETE
EPV450.46	EDGE OF PAVEMENT
EPT449.20	EDGE OF PATH

LEVEL AND DETAIL SURVEY PLAN
REDUCTION RATIO 1:200 @ A1
1:400 @ A3

SCALE 1:200(A1)
0 2 4 8 12 16 20

SCALE 1:400(A3)
0 2 4 8 12 16 20

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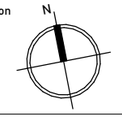

Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A101	Issue: C

Drawing Name:
Existing Site Plan

Site:
36-42a Short Street, Mudgee

Scale: 1:500 @ A3	Date: 16/11/23
Drawn: AB	Checked: CT

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Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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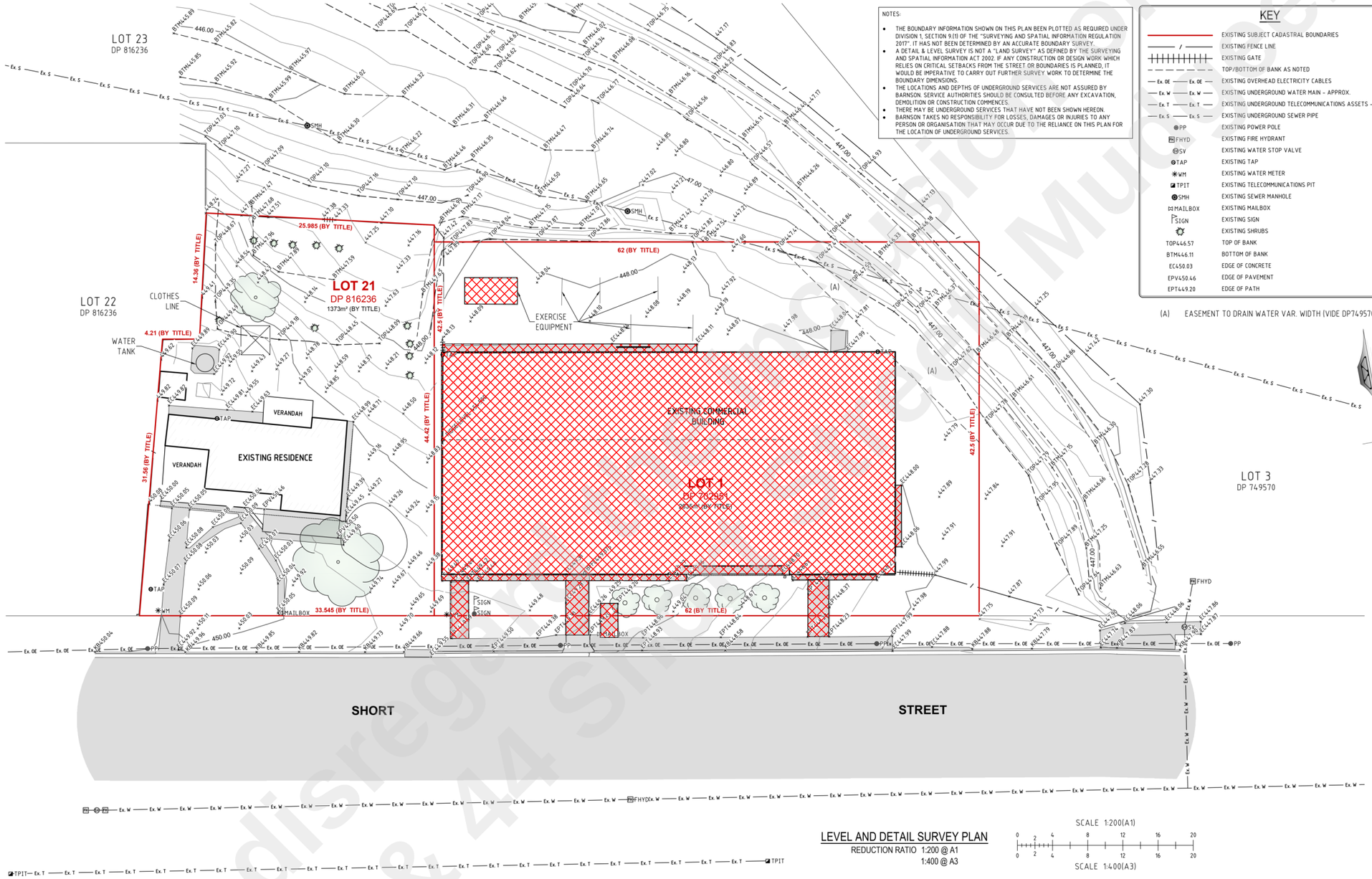

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KEY

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- MAILBOX — EXISTING MAILBOX
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- EXISTING SHRUBS
- TOP446.57 — TOP OF BANK
- BTM446.11 — BOTTOM OF BANK
- EC450.03 — EDGE OF CONCRETE
- EPV450.46 — EDGE OF PAVEMENT
- EPT449.20 — EDGE OF PATH

(A) EASEMENT TO DRAIN WATER VAR. WIDTH (VIDE DP749570)

LEVEL AND DETAIL SURVEY PLAN
REDUCTION RATIO 1:200 @ A1
1:400 @ A3

SCALE 1:200(A1)
SCALE 1:400(A3)

1 Demolition Plan
1 : 500

disregard of
42a & 44 Short Street Mudgee.

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Notes

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Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A102 | Issue: C

Drawing Name:
Demolition Plan

Site:
36-42a Short Street, Mudgee

Scale: 1:500 @ A3 | Date: 16/11/23

Drawn: AB | Checked: CT

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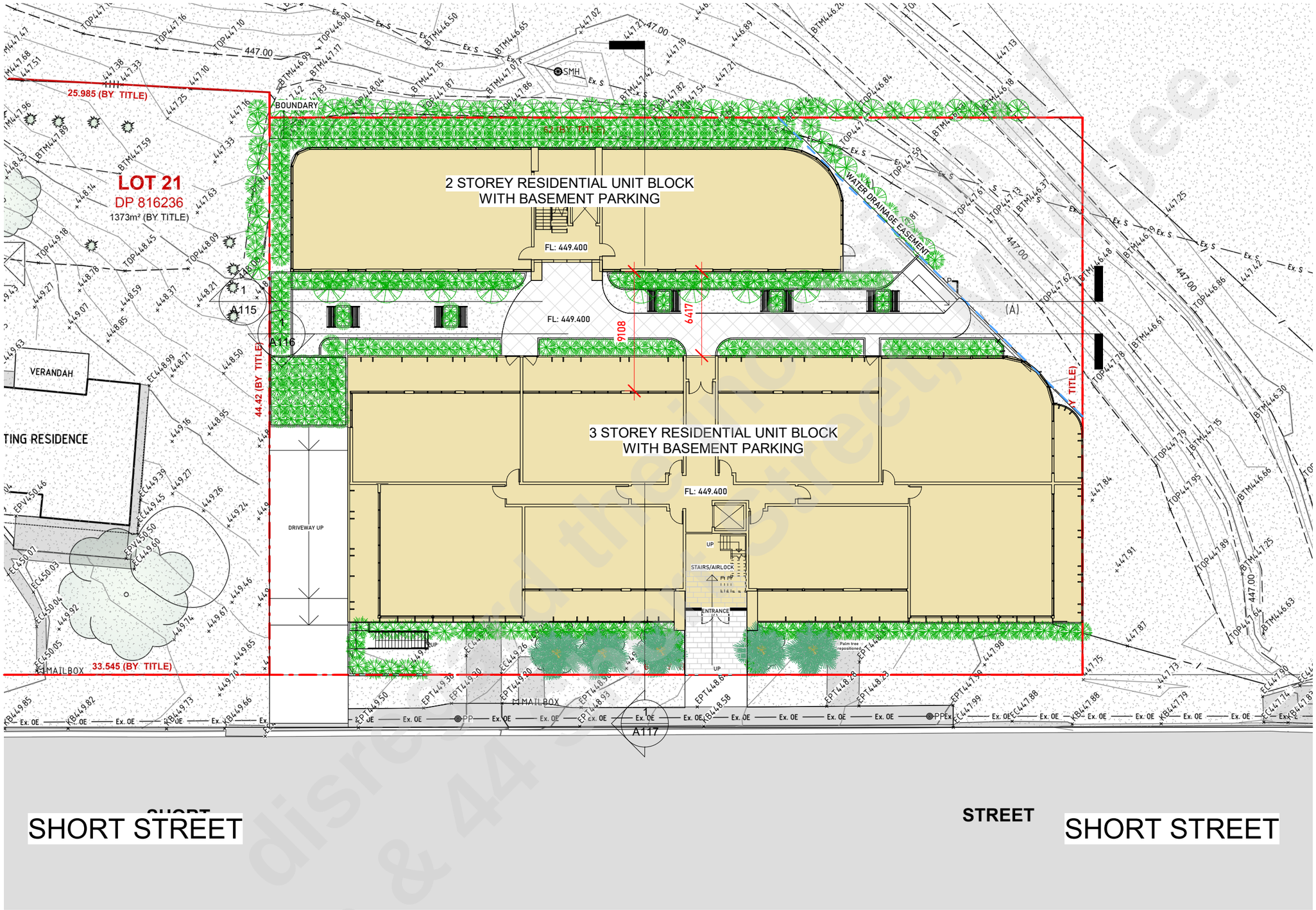

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Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A103	Issue: C

Drawing Name:
Proposed Site

Site:
36-42a Short Street, Mudgee

Scale:	Date:
1:300 @ A3	16/11/23
Drawn: AB	Checked: CT

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Legend:

BOUNDARY

EASEMENT TO DRAINWATER

1 **Proposed Site**
1 : 300

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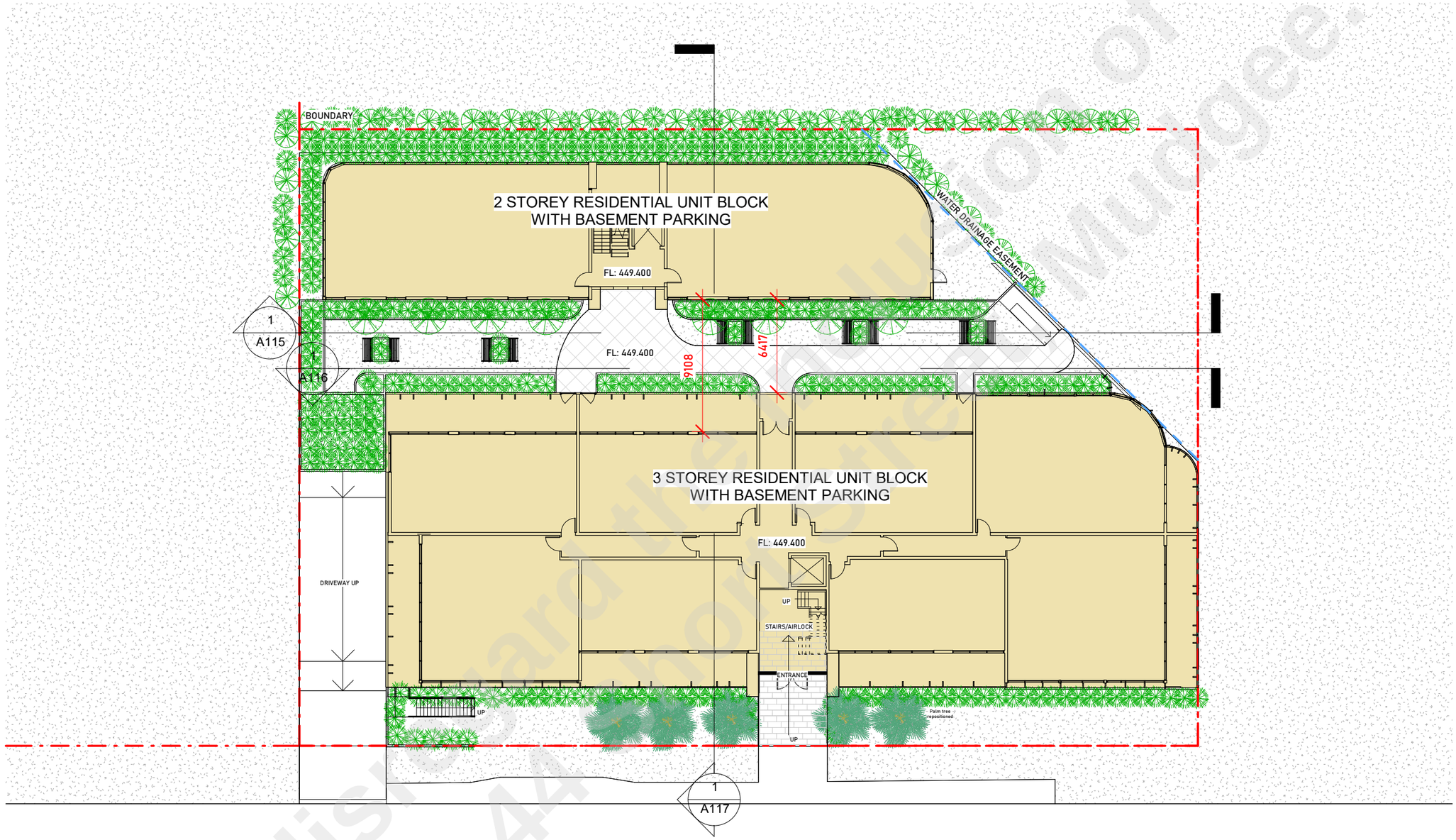

SHORT STREET

SHORT STREET

1 Proposed Site Plan
1 : 300

Legend:

BOUNDARY

EASEMENT TO DRAINWATER

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Issue	Date	Description	Drawn

Sheet: A104	Issue: C

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Proposed Site Plan

Site:
36-42a Short Street, Mudgee

Scale: 1:300 @ A3	Date: 11/16/23
Drawn: AB	Checked: CT

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Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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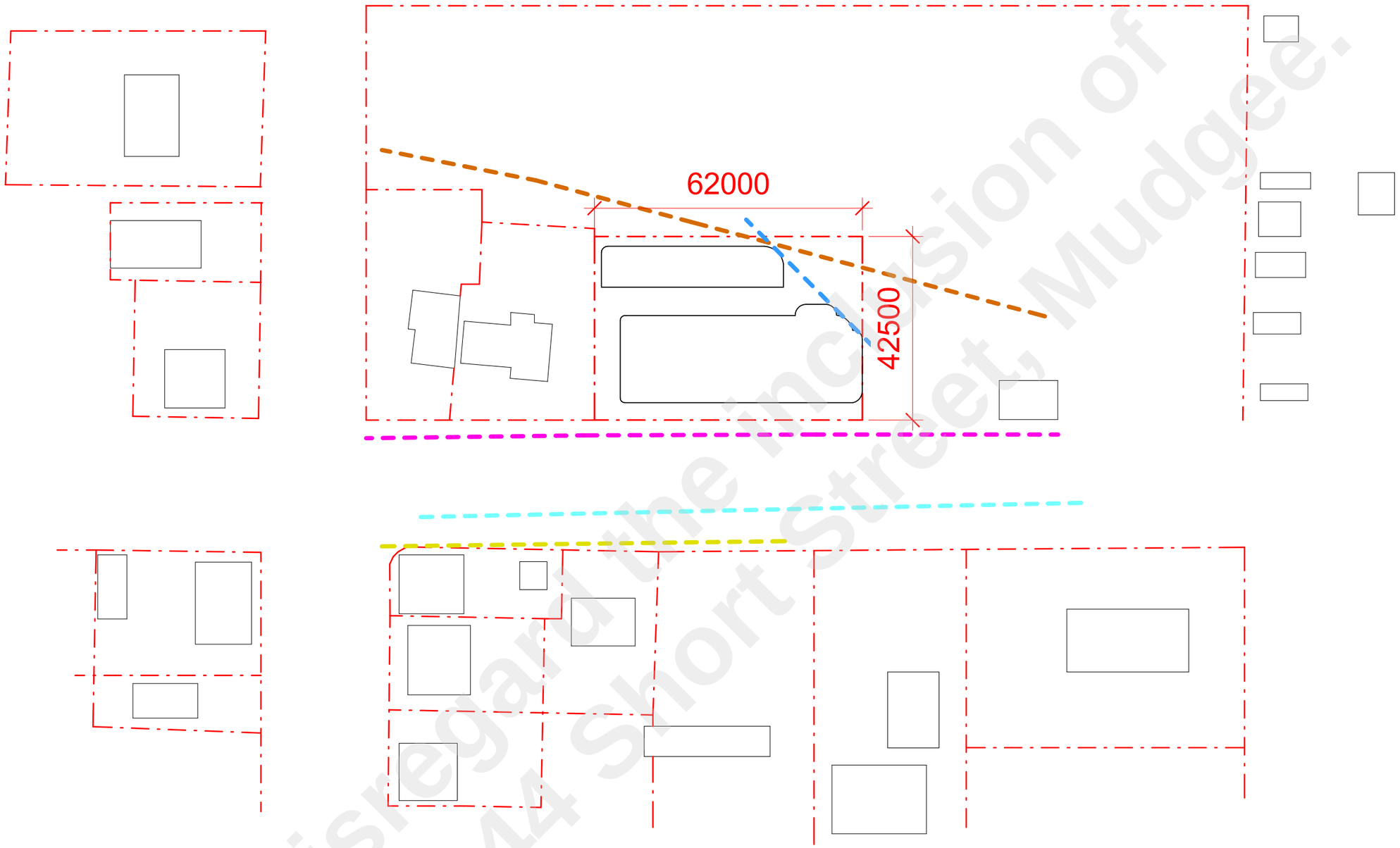

1 Boundary and Easement Plan
1 : 1000

LEGEND

- BOUNDARY
- EASEMENT TO DRAINWATER
- UNDERGROUND SEWER PIPE
- UNDERGROUND WATER MAIN
- UNDERGROUND TELECOMMUNICATIONS
- OVERHEAD POWERLINES

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Notes

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Author

Sheet: A105 Issue: C

Drawing Name:
Boundary/Easement Plan

Site:
36-42a Short Street, Mudgee

Scale: 1:1000 @ A3
Date: 16/11/23

Drawn: AB
Checked: CT

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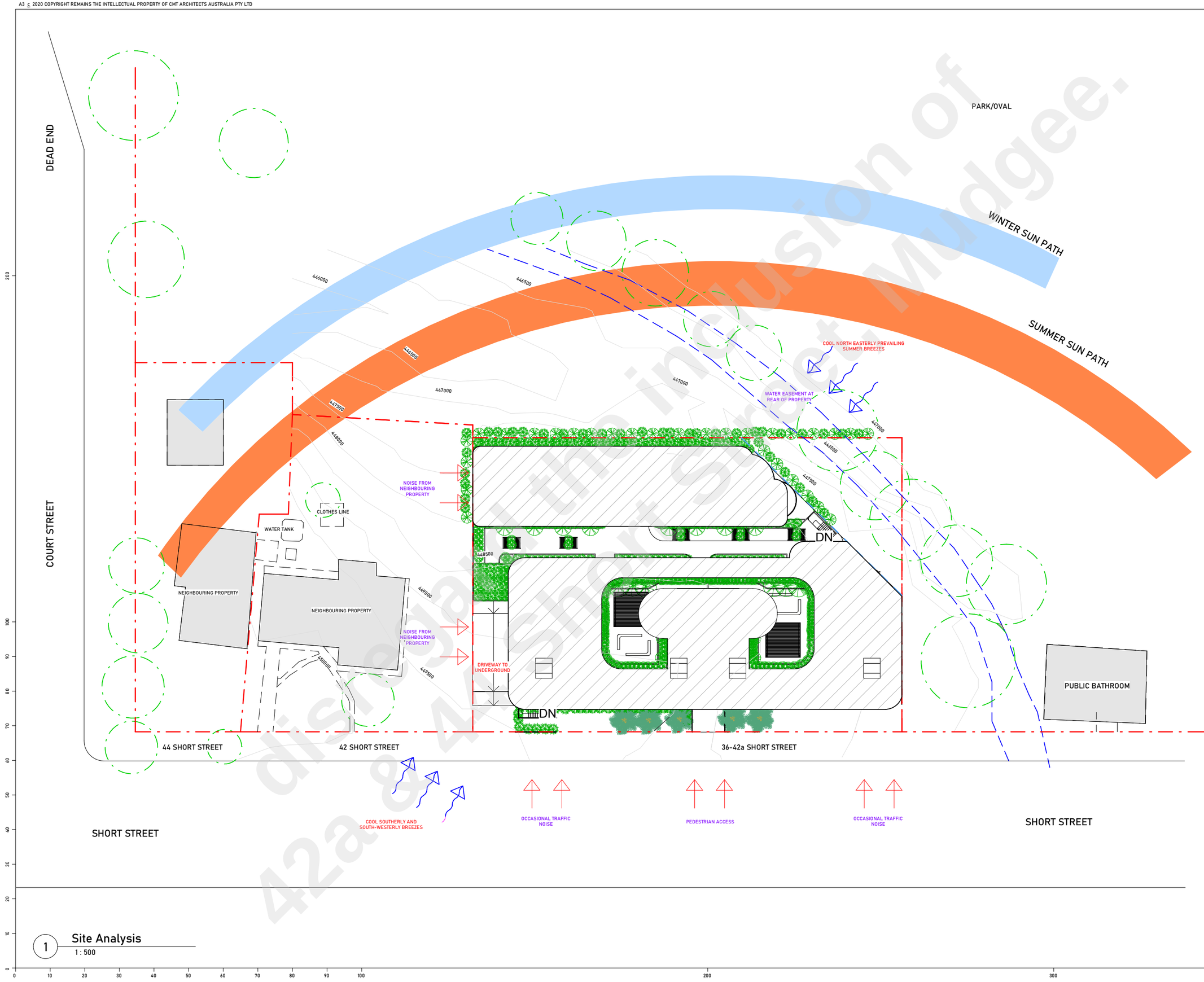

1 Site Analysis
1 : 500

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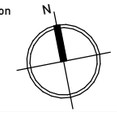

Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A106 Issue: C

Drawing Name:
Site Analysis

Site:
36-42a Short Street, Mudgee

Scale: 1:500 @ A3

Date: 16/11/23

Drawn: AB

Checked: CT

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AUSTRALIA PTY LTD

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E: info@cmtarchitects.com
Web: www.cmtarchitects.com

Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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discussion of the 42a & 44 Short Street Mudgee.

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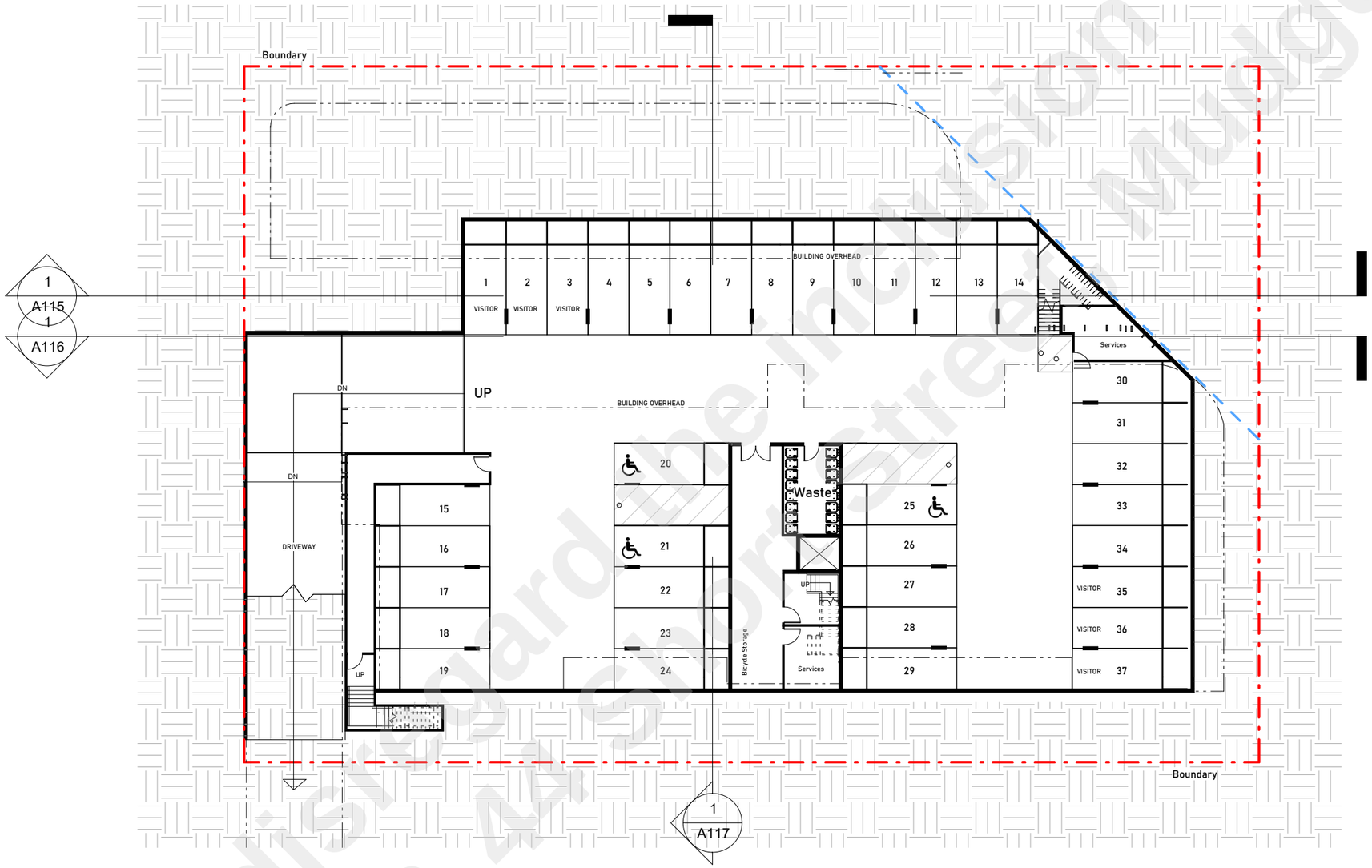

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Orientation

N

Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A107	Issue: C

Drawing Name:
Basement

Site:
36-42a Short Street, Mudgee

Scale:	Date:
1:300 @ A3	16/11/23
Drawn: AB	Checked: CT

Legend:

BOUNDARY

EASEMENT TO DRAINWATER

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Architect Reg Number: 5143

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1 Basement
1 : 300

development application
42a & 42 Short Street, Mudgee

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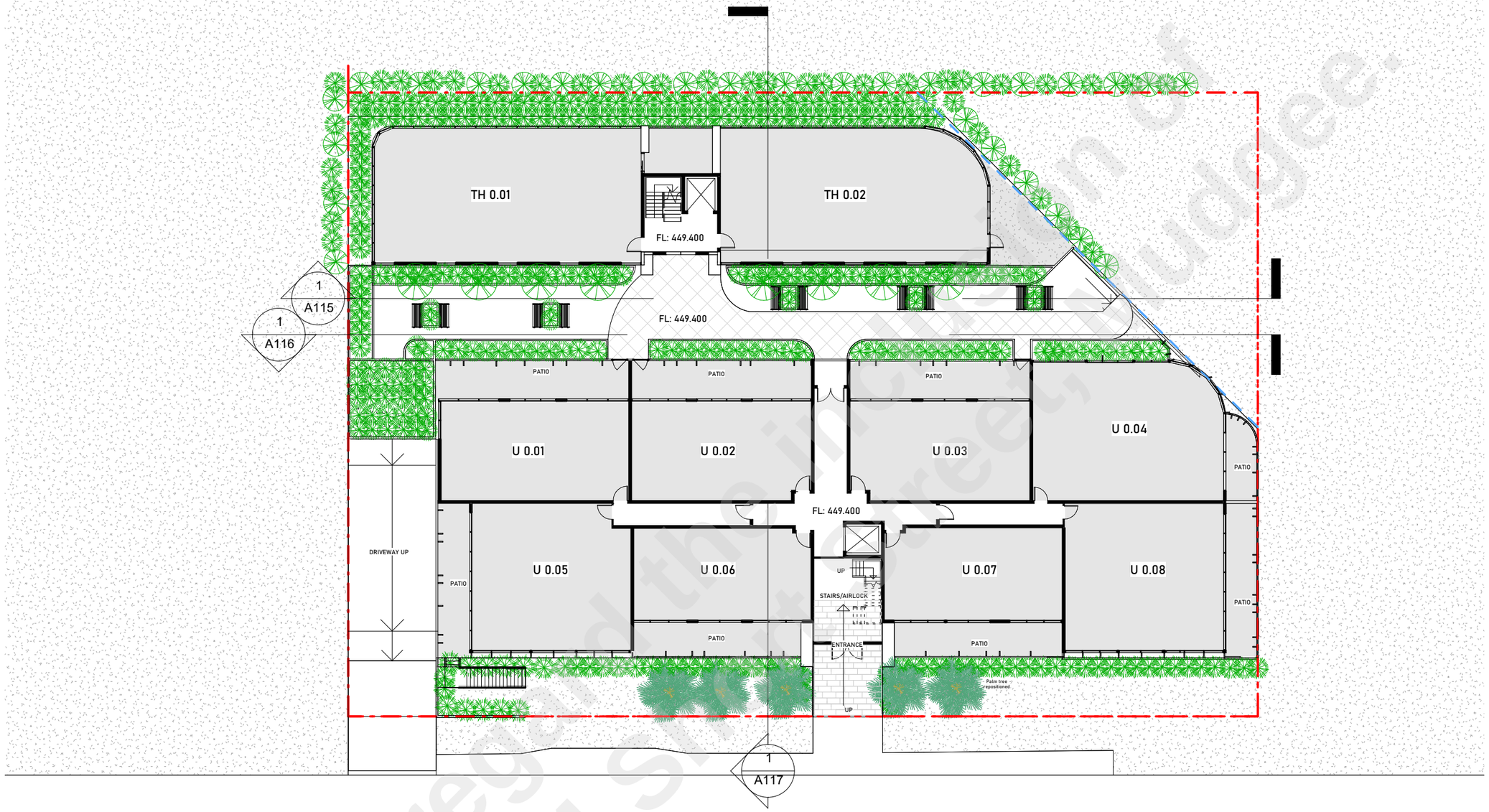

disregard the information shown
42a & 44 Short Street

1 Ground Floor
1 : 300

Legend:

BOUNDARY

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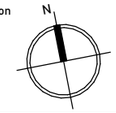

Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A108	Issue: C

Drawing Name:
Ground Floor

Site:
36-42a Short Street, Mudgee

Scale:	Date:
1:300 @ A3	16/11/23
Drawn: AB	Checked: CT

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0 10 20 30 40 50 60 70 80 90 100 200 300 390

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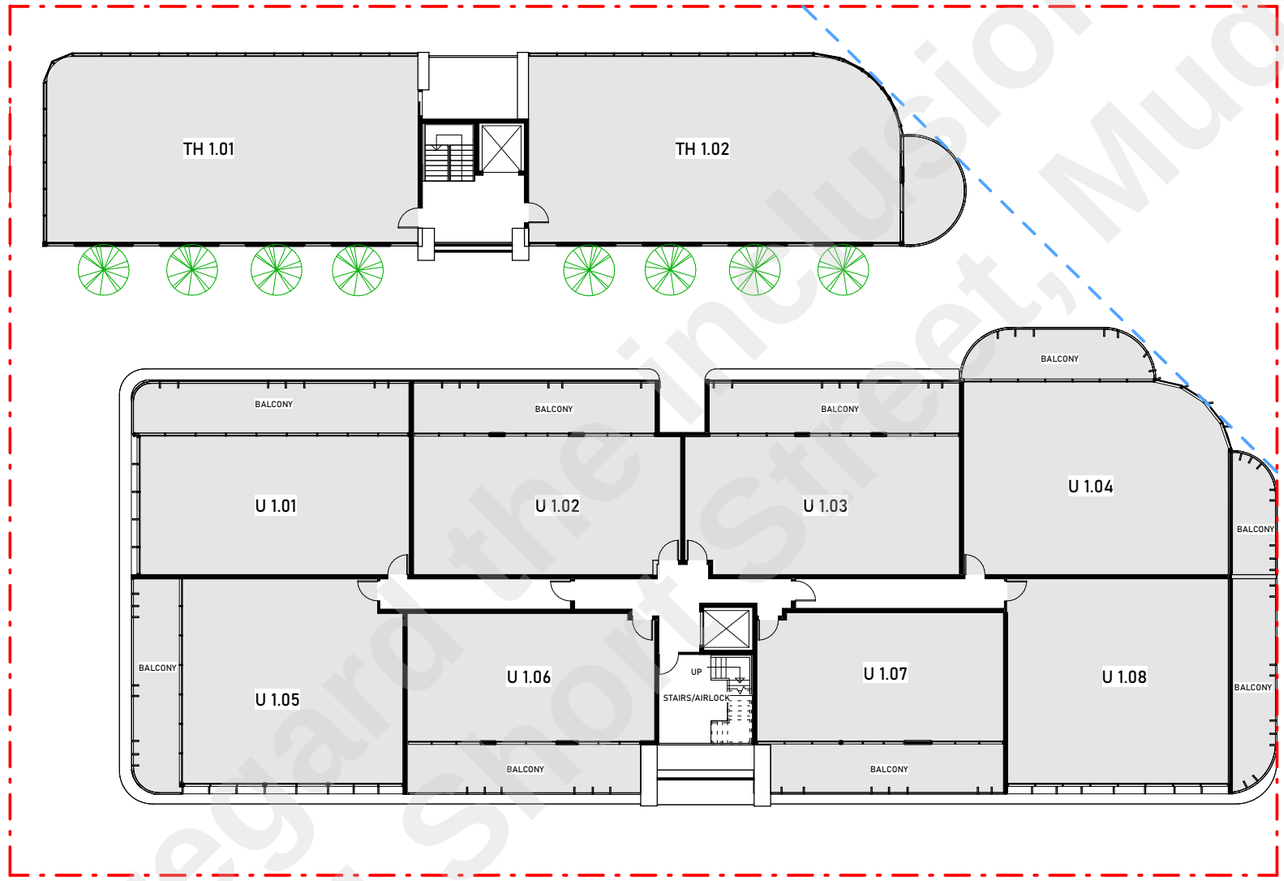

1 First Floor
1 : 300

Legend:

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Notes

Planning Proposal

Issue	Date	Description	Drawn
C	14/11/23	November 2023	Adam Bennett

Sheet: A109 Issue: C

Drawing Name:
First Floor

Site:
36-42a Short Street, Mudgee

Scale: 1:300 @ A3

Date: 14/11/23

Drawn: AB

Checked: CT

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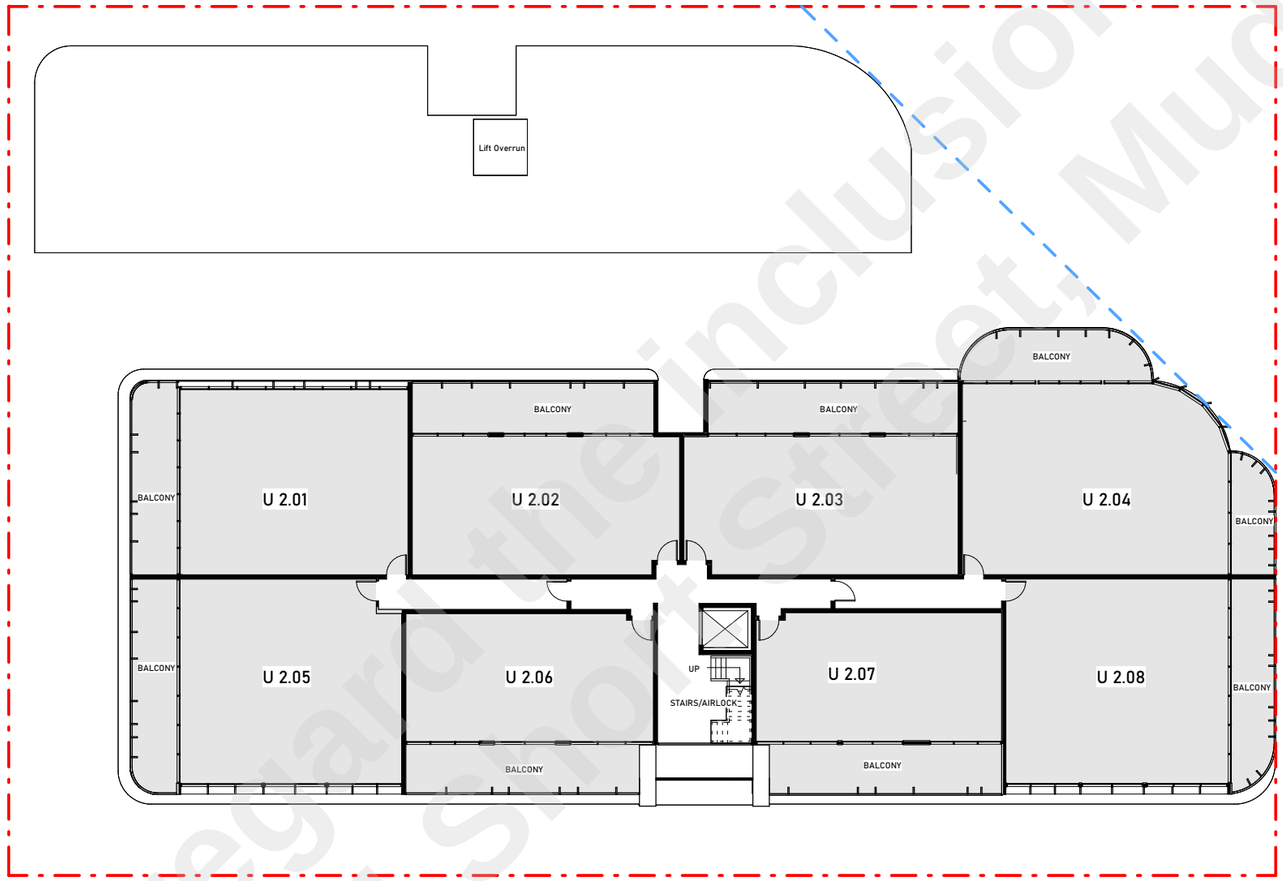

1 Second Floor
1 : 300

Legend:

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Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A110	Issue: C

Drawing Name:
Second Floor

Site:
36-42a Short Street, Mudgee

Scale:	Date:
1:300 @ A3	16/11/23
Drawn: AB	Checked: CT

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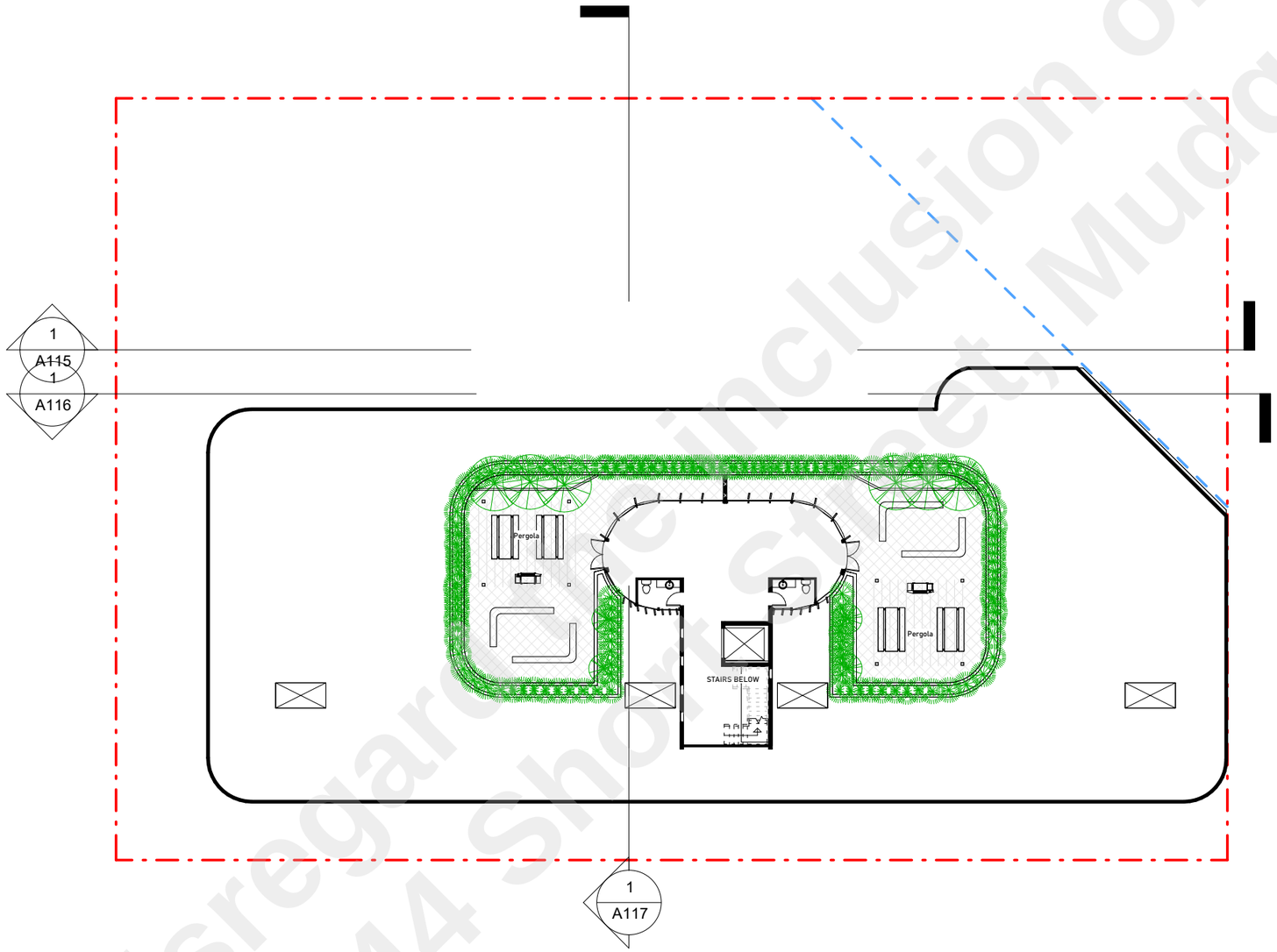

1 Rooftop
1 : 300

Legend:

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Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A111	Issue: C

Drawing Name:
Rooftop

Site:
36-42a Short Street, Mudgee

Scale: 1:300 @ A3	Date: 16/11/23
Drawn: AB	Checked: CT

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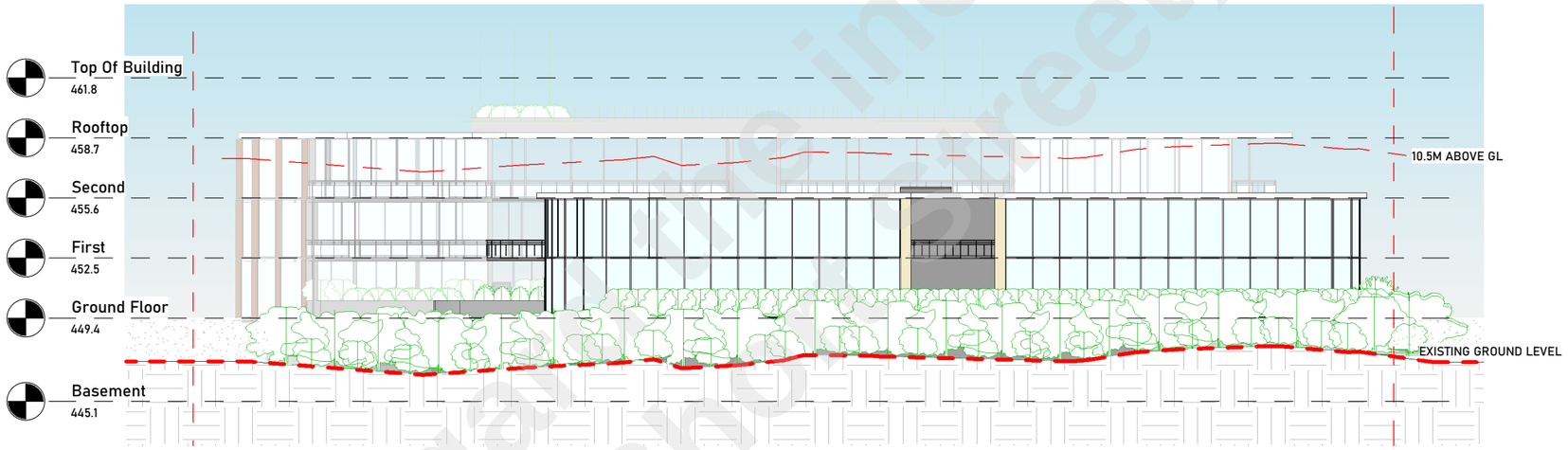

1 North Elevation
1 : 300

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Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A112	Issue: C

Drawing Name:
North Elevation

Site:
36-42a Short Street, Mudgee

Scale:	Date:
1:300 @ A3	16/11/23
Drawn: AB	Checked: CT

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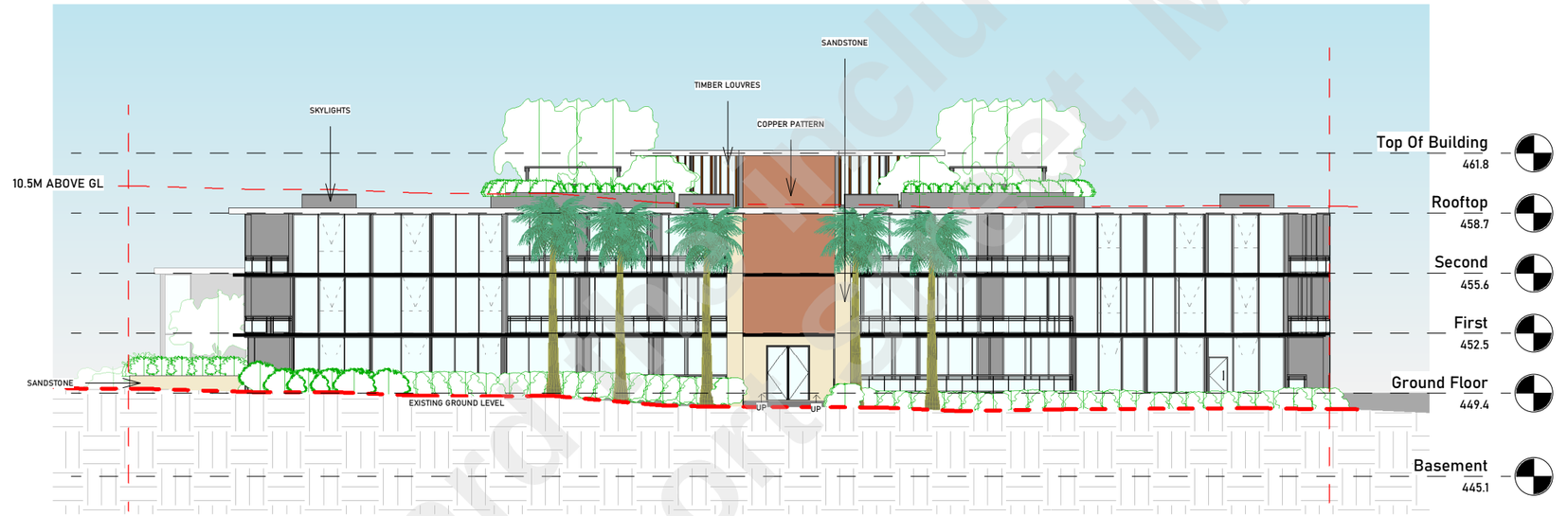

1 South Elevation
1 : 300

disregard
42a & 44 Short
Inclusion of
Street, Mudgee.

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Planning Proposal

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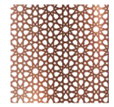

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A113 | Issue: C

Drawing Name:
South Elevation

Site:
36-42a Short Street, Mudgee

Scale: 1:300 @ A3 | Date: 16/11/23

Drawn: AB | Checked: CT

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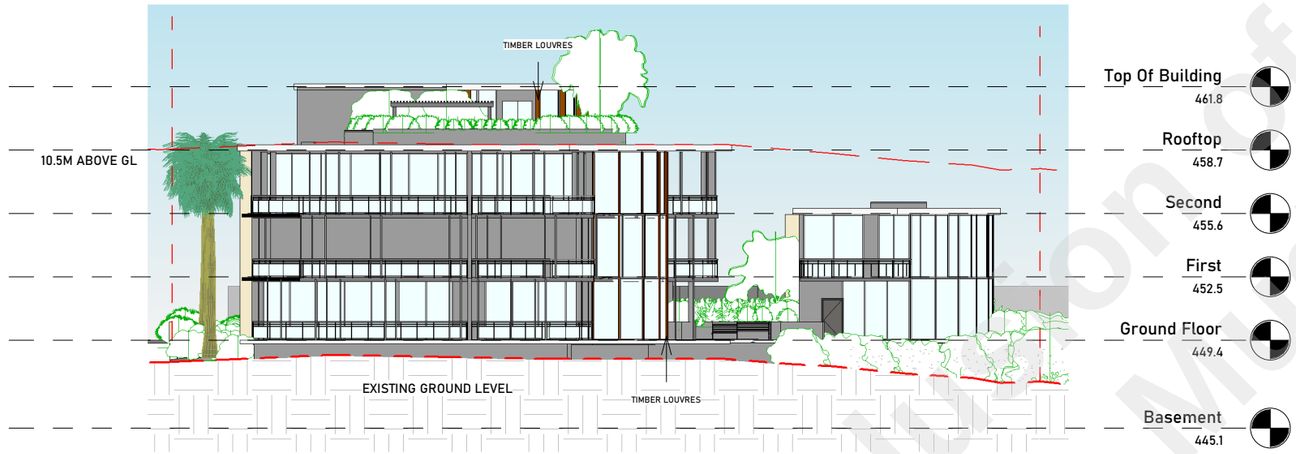
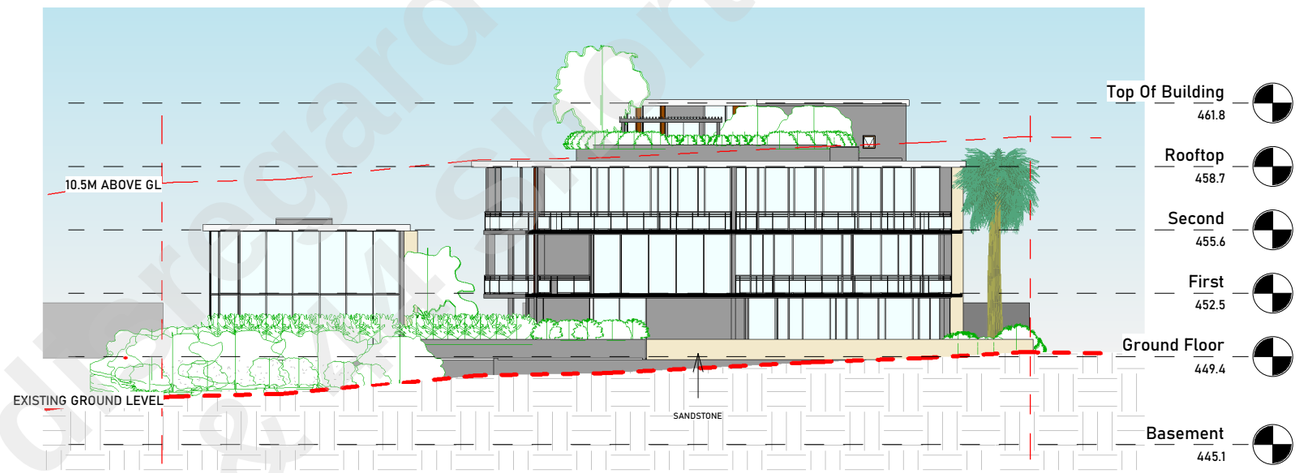


1 East Elevation
1 : 300



2 West Elevation
1 : 300

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Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A114	Issue: C

Drawing Name:
East and West Elevation

Site:
36-42a Short Street, Mudgee

Scale:	Date:
1:300 @ A3	16/11/23
Drawn: AB	Checked: CT

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Unregard the inclusion of
42a gainst Short Street, Mudgee.

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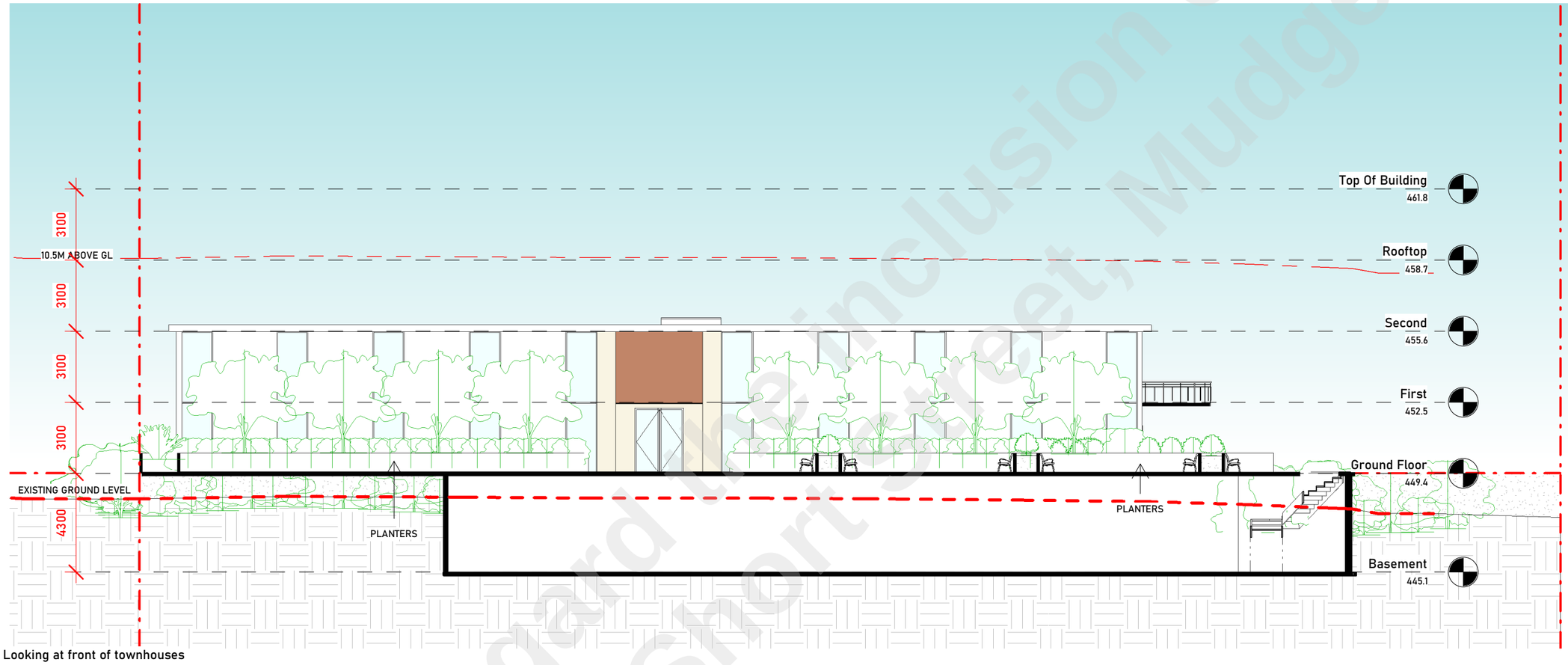

Looking at front of townhouses

1 Section 1
1 : 200

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Notes

Planning Proposal

PLANT HEIGHTS/SPECIES NOT FINAL

COPPER PATTERN

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A115 Issue: C

Drawing Name:
Section 1

Site:
36-42a Short Street, Mudgee

Scale: 1:200 @ A3

Date: 16/11/23

Drawn: AB

Checked: CT

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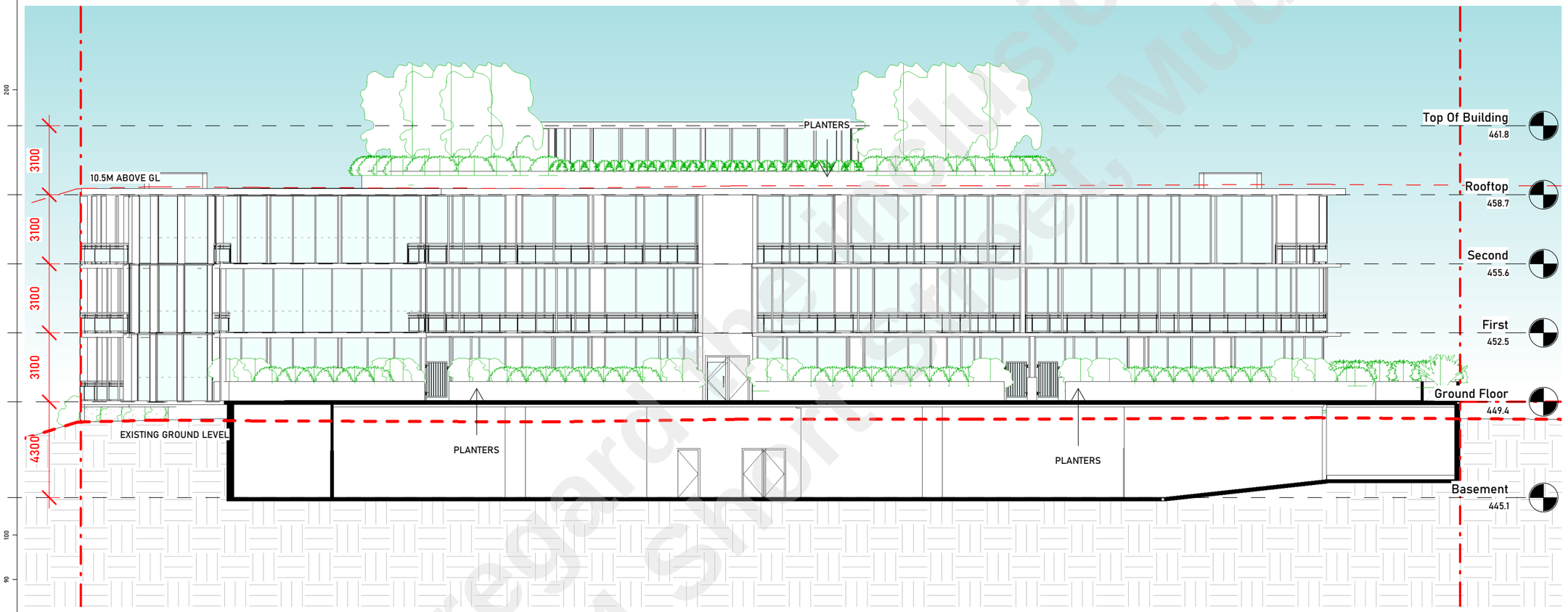

Looking at rear of unit block

1 Section 2
1 : 200

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Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A116 Issue: C

Drawing Name:
Section 2

Site:
36-42a Short Street, Mudgee

Scale: 1:200 @ A3

Date: 16/11/23

Drawn: AB

Checked: CT

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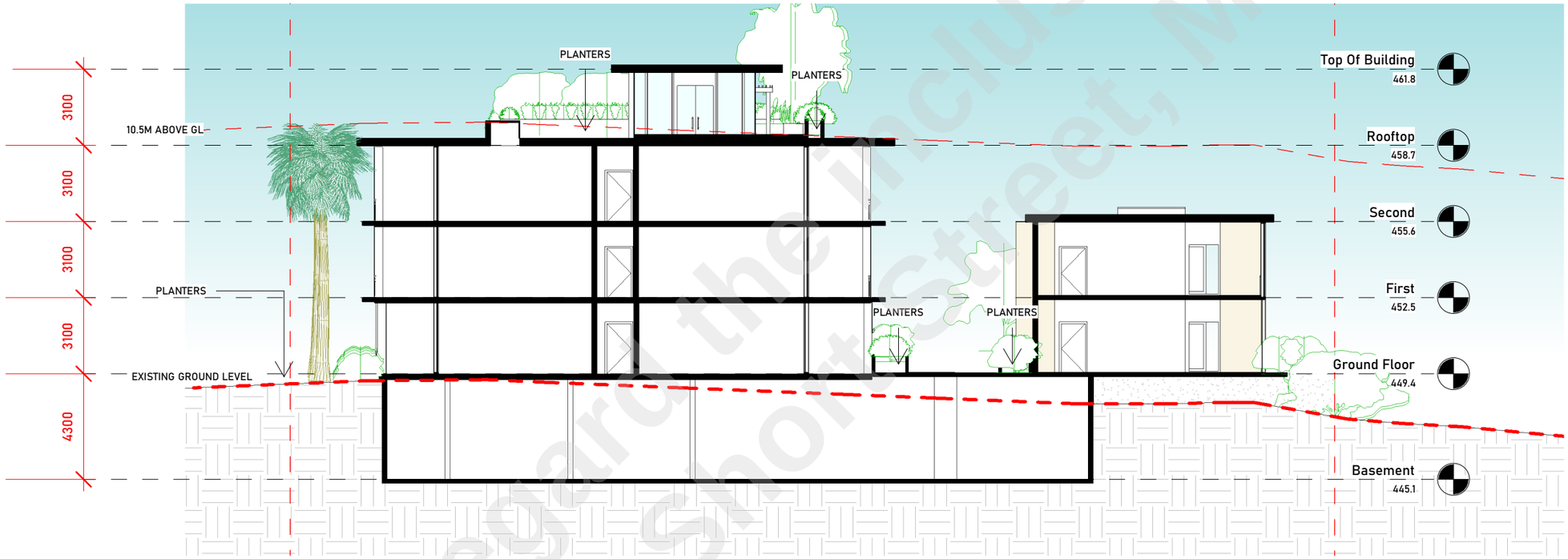

Cut section through middle of unit block

1 Section 3
1 : 200

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Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A117	Issue: C

Drawing Name:
Section 3

Site:
36-42a Short Street, Mudgee

Scale: 1:200 @ A3	Date: 16/11/23
Drawn: AB	Checked: CT

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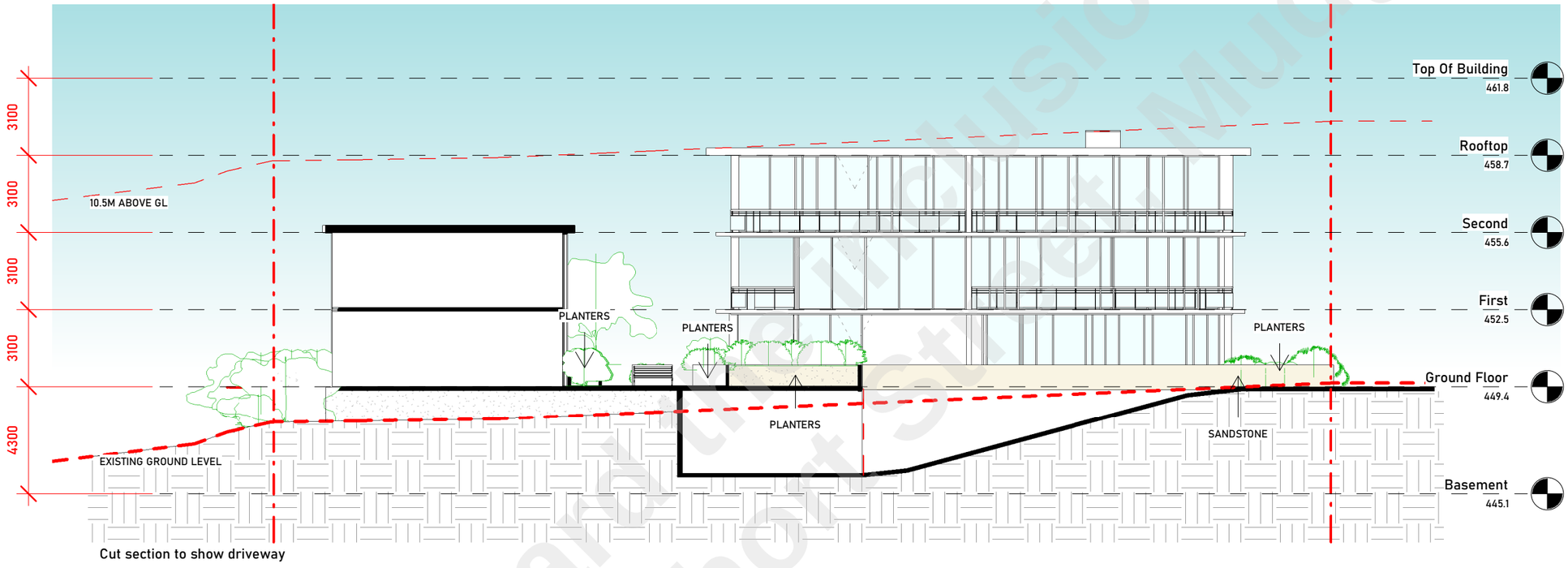

Cut section to show driveway

1 Section 4
1 : 200

disregard due to inclusion of 42a & 44 Short Street Mudgee.

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Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Adam Bennett

Sheet: A118 | Issue: C

Drawing Name:
Section 4

Site:
36-42a Short Street, Mudgee

Scale: 1:200 @ A3 | Date: 16/11/23

Drawn: AB | Checked: CT

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Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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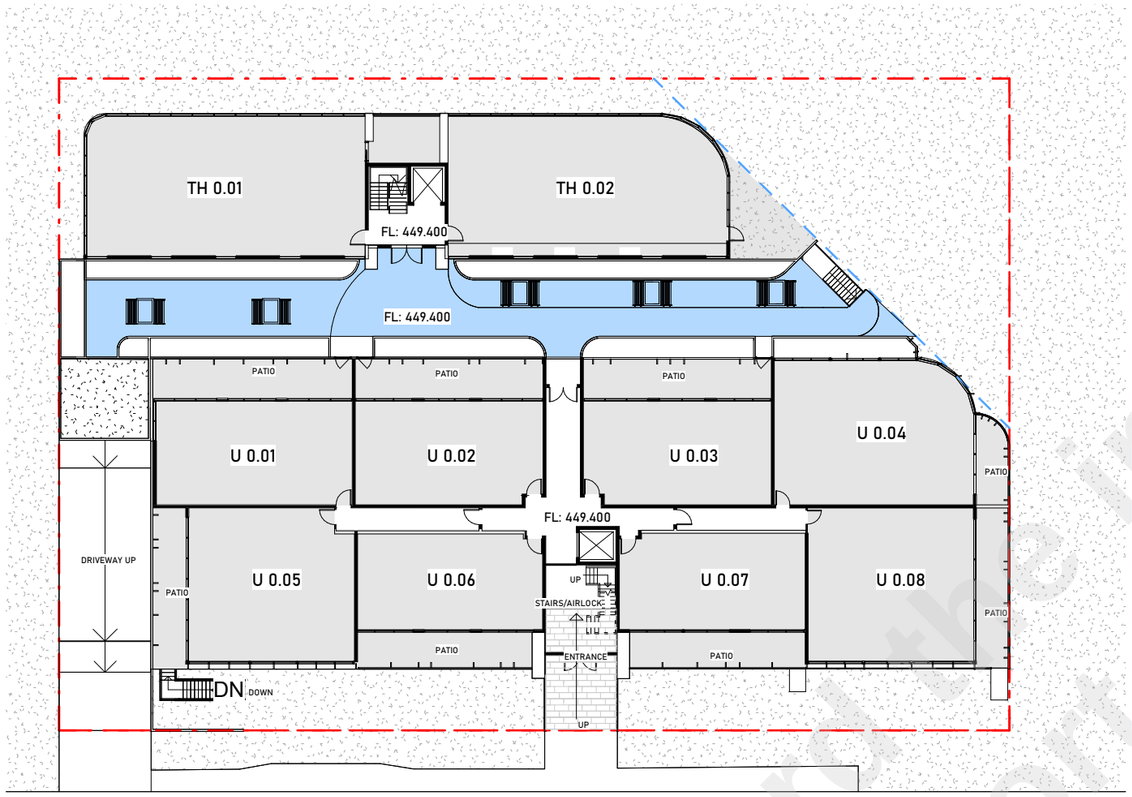
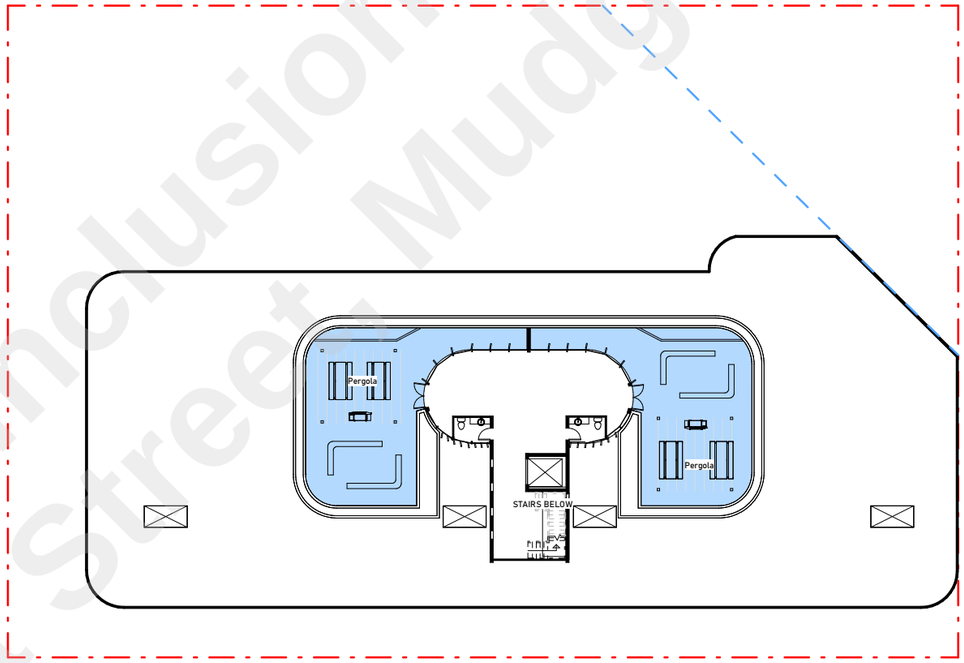


1 Ground Floor - Common Open Space
1 : 400



2 Rooftop - Common Open Space
1 : 400

COMMON OPEN SPACE

AREA PER FLOOR (m2)	
GROUND FLOOR	209
ROOFTOP	192
TOTAL PROPOSED	**401**

TOTAL PROPOSED COS	401m2
TOTAL SITE AREA	2635m2
PROPOSED PERCENTAGE	**15%**

disregard the inclusion of 42a & 44 Short Street Mudgee.

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Orientation

Notes

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Author

Sheet: A119 | Issue: C

Drawing Name:
Common Open Space

Site:
36-42a Short Street, Mudgee

Scale: 1:400 @ A3 | Date: 16/11/23

Drawn: AB | Checked: CT

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Web: www.cmtarchitects.com
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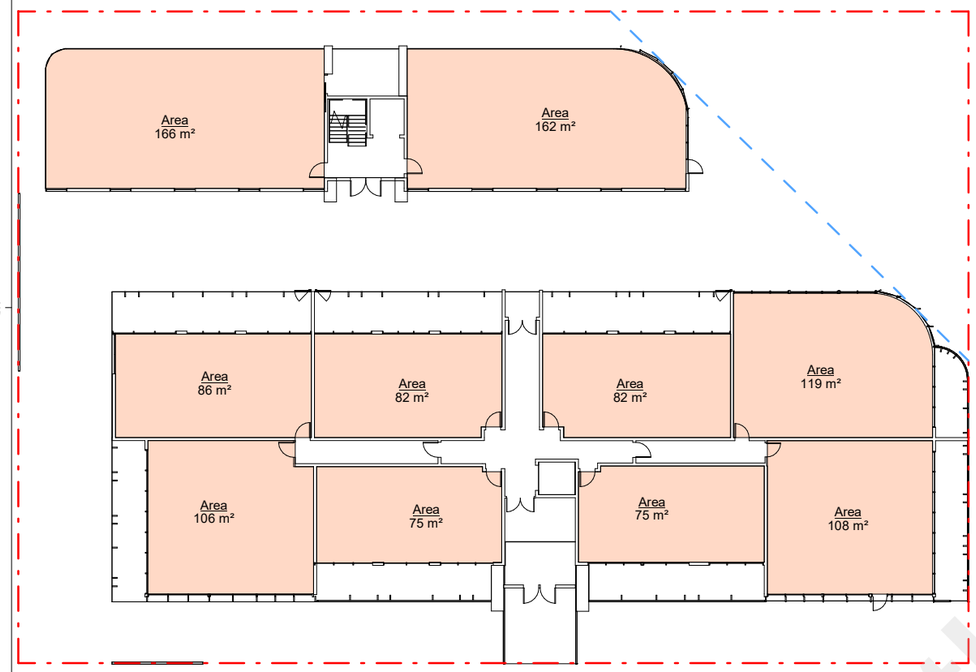
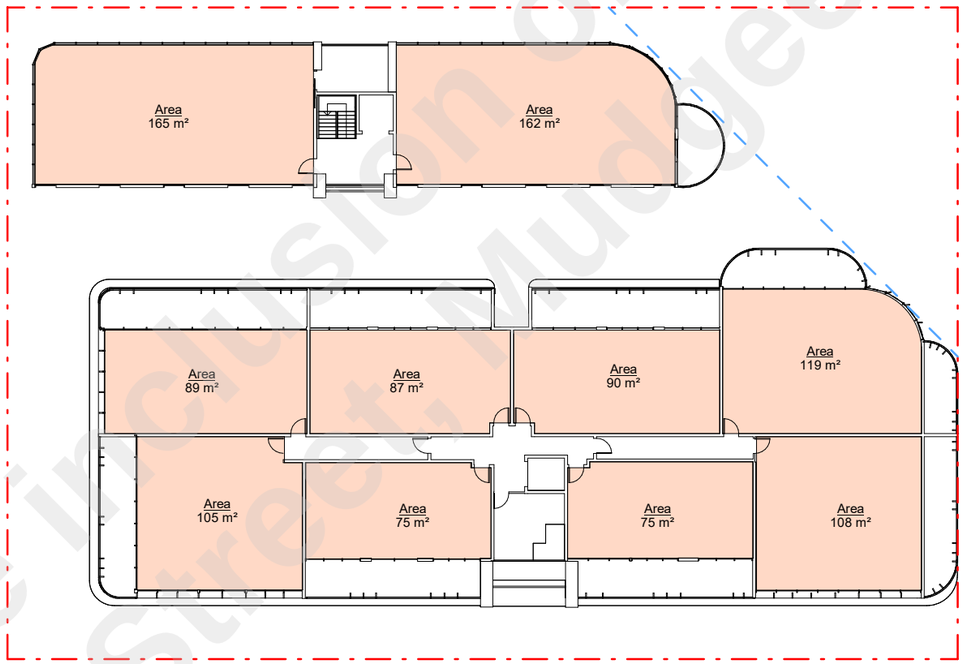
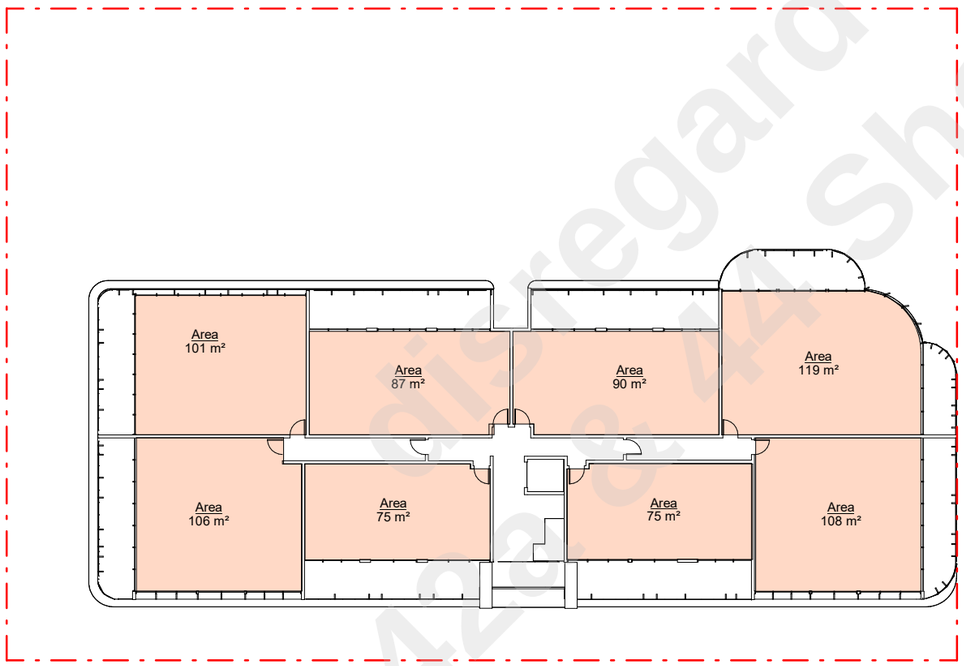


1061m2



1075m2



761m2

GFA CALCULATIONS

AREA PER FLOOR		GFA	
GROUND FLOOR	1061	TOTAL PROPOSED GFA	2897m2
LEVEL 1	1075		
LEVEL 2	761	TOTAL SITE AREA	2635m2
TOTAL PROPOSED	**2897**	PROPOSED FSR	1.1 : 1

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Orientation

Notes

Planning Proposal

Site: 2635m2
GFA: 2912m2

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Author

Sheet: A120 | Issue: C

Drawing Name:
GFA Calculations

Site:
36-42a Short Street, Mudgee

Scale:
1:400 @ A3

Date:
16/11/23

AB_wn: | Ch^CT_ked:

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Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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disregard the inclusion of
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SHORT STREET

SHORT STREET

disregard the inclusion of 42a & 44 Short Street Mudgee.

DEEP SOIL CALCULATION

GROUND FLOOR	571	TOTAL PROPOSED DEEP SOIL	571m2
TOTAL PROPOSED	**571m2**	TOTAL SITE AREA	2635m2
		PROPOSED PERCENTAGE	**21.6%**

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Orientation

Notes

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Author

Sheet: A121	Issue: C

Drawing Name:
Deep Soil

Site:
36-42a Short Street, Mudgee

Scale:	Date:
1:300 @ A3	16/11/23
Drawn: AB	Checked: CT

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0 10 20 30 40 50 60 70 80 90 100 200 300 390

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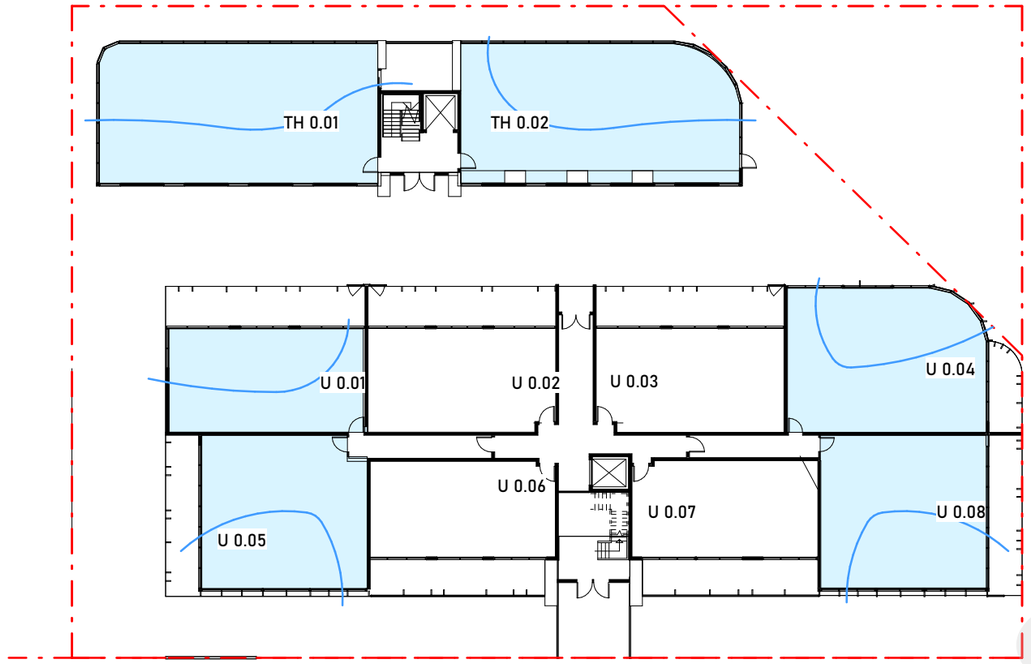

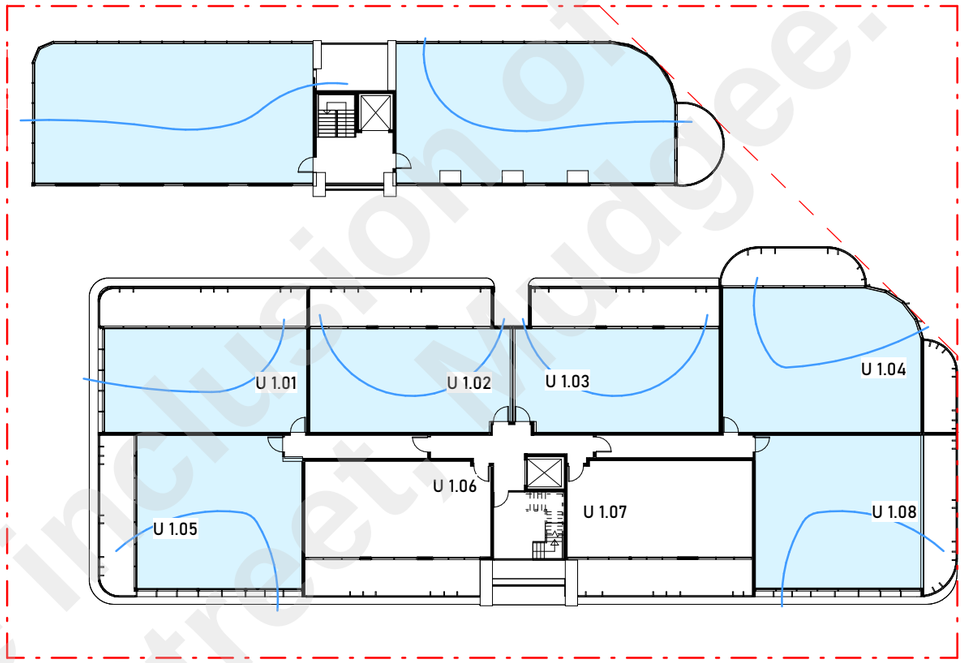

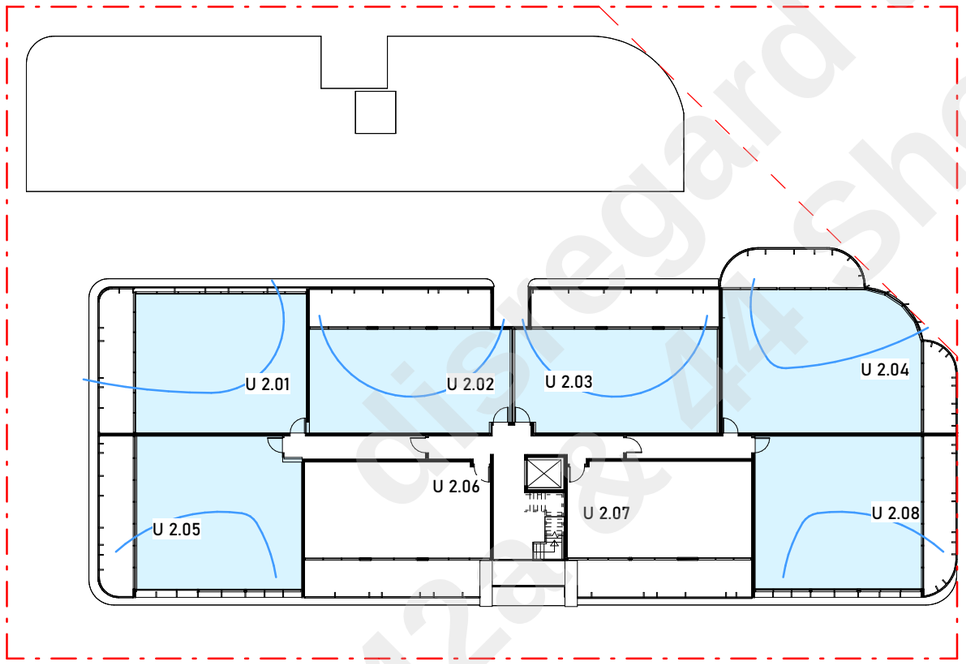

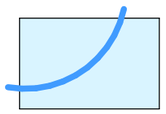

CROSS VENTILATED UNITS

	CROSS VENTILATED	TOTAL UNITS	PERCENTAGE
GROUND FLOOR	6	10	60%
LEVEL 1	8	10	80%
LEVEL 2	6	8	75%
TOTAL	**20**	**28**	**71%**

Disregard the inclusion of 42a & 44 Short Street Mudgee.

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Orientation

Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Author

Sheet: A122	Issue: C

Drawing Name:
Cross Ventilation

Site:
36-42a Short Street, Mudgee

Scale: 1:400 @ A3	Date: 16/11/23
Drawn: AB	Checked: CT

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Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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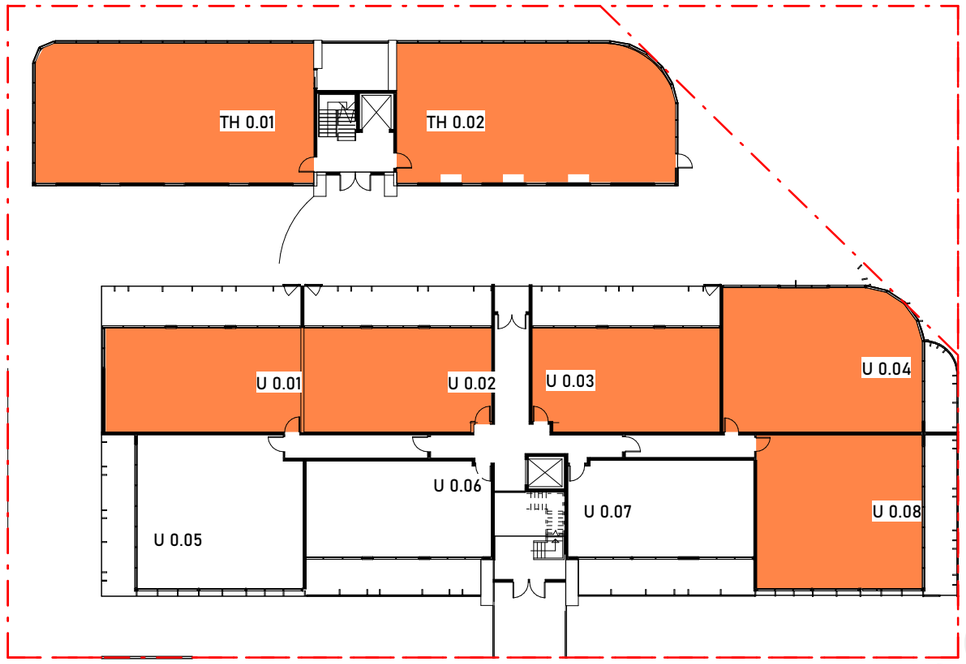

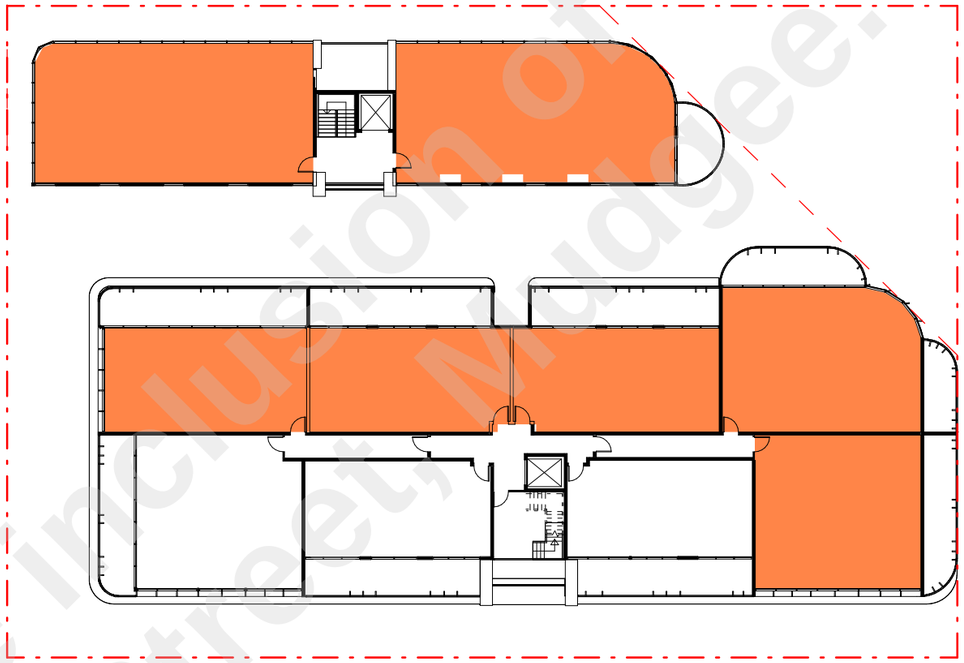

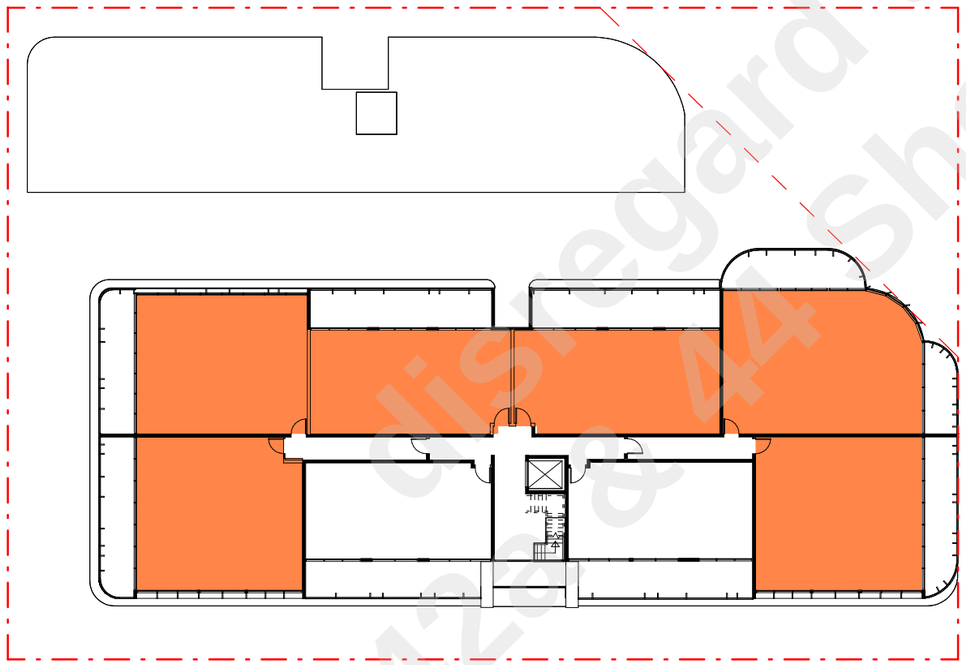

SOLAR ACCESS UNITS

	SOLAR ACCESS	TOTAL UNITS	PERCENTAGE
GROUND FLOOR	7	10	70%
LEVEL 1	7	10	70%
LEVEL 2	6	8	75%
TOTAL	**20**	**28**	**71%**

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Orientation

Notes

Planning Proposal

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Author

Sheet: A123	Issue: C

Drawing Name:
Solar Access

Site:
36-42a Short Street, Mudgee

Scale: 1:400 @ A3	Date: 16/11/23
Drawn: AB	Checked: CT

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Web: www.cmtarchitects.com

Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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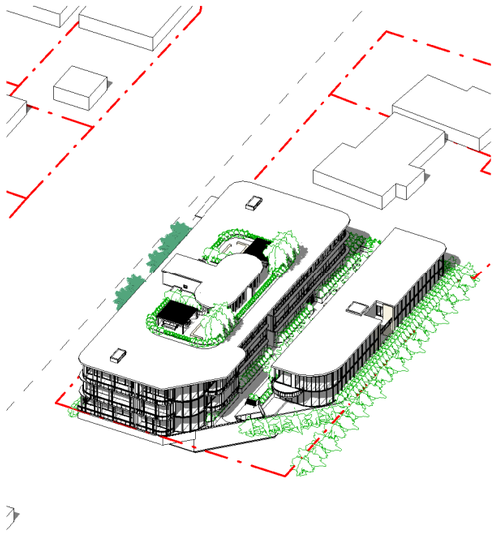
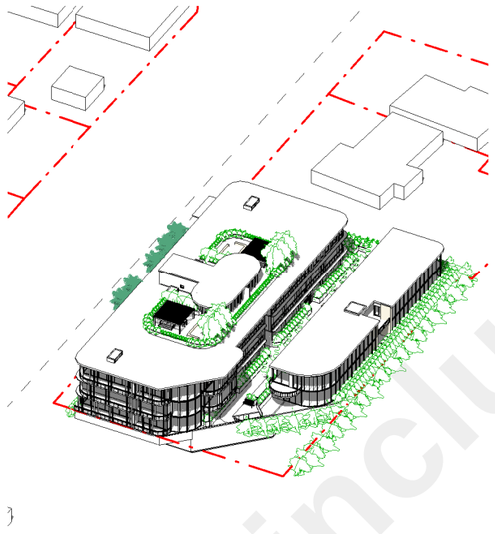
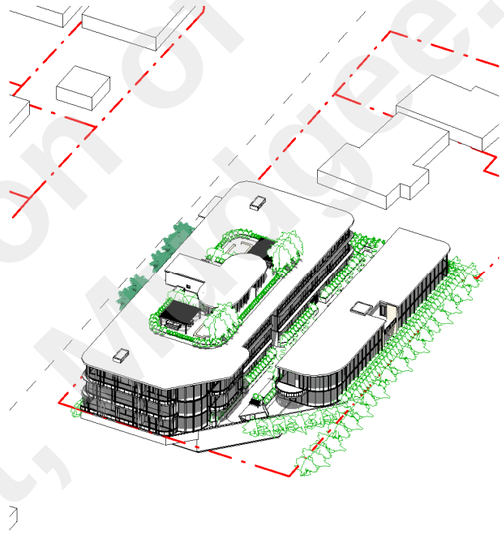


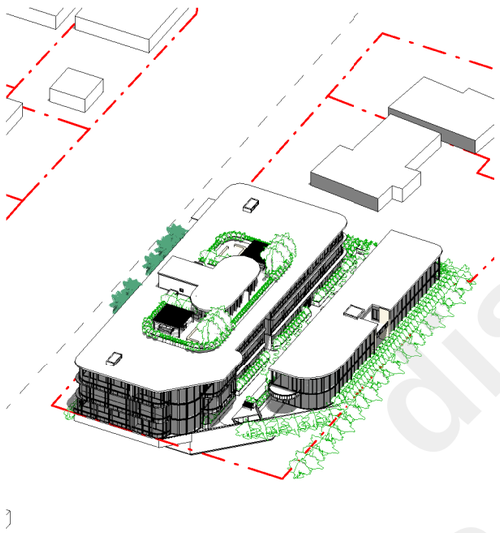
1 A1 - Summer 9am



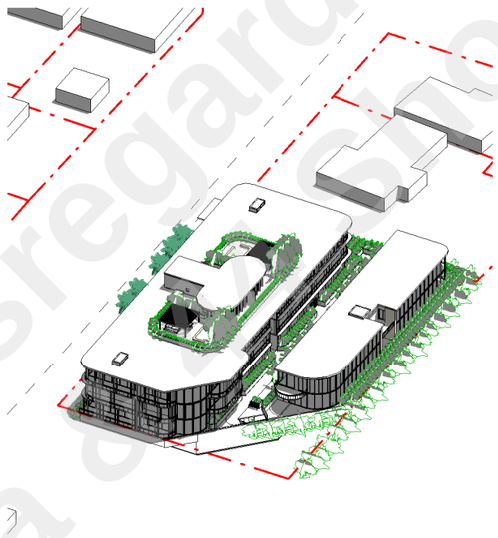
2 A1 - Summer 10am



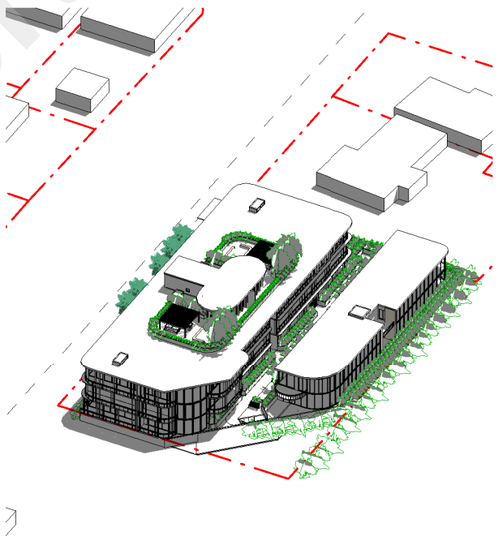
3 A1 - Summer 11am



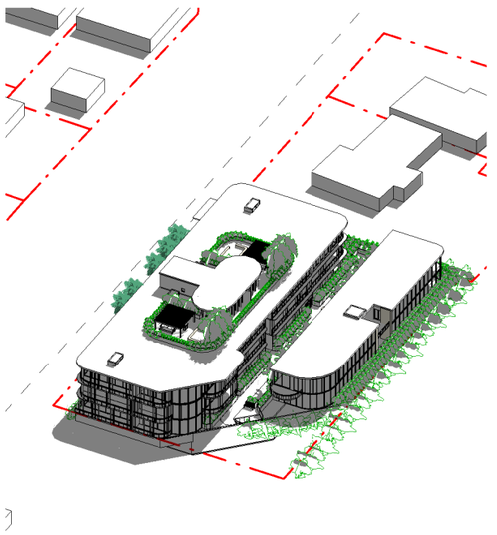
4 A1 - Summer 12pm



5 A1 - Summer 1pm



6 A1 - Summer 2pm



7 A1 - Summer 3pm

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Orientation

Notes

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Author

Sheet: A124 | Issue: C

Drawing Name:
Summer Shadows

Site:
36-42a Short Street, Mudgee

Scale: NTS | Date: 16/11/23

Drawn: AB | Checked: CT

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Architect Reg Number: 5143

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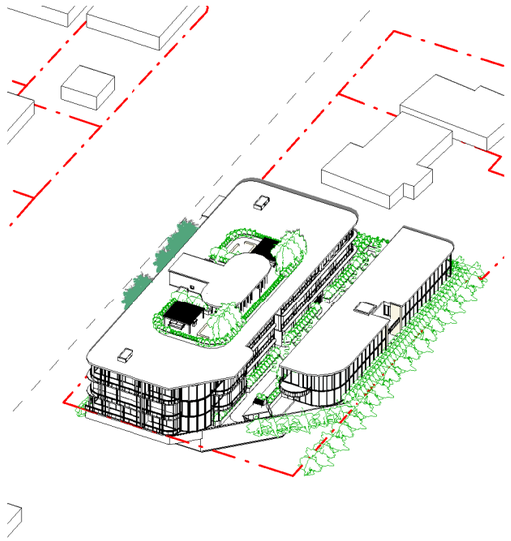
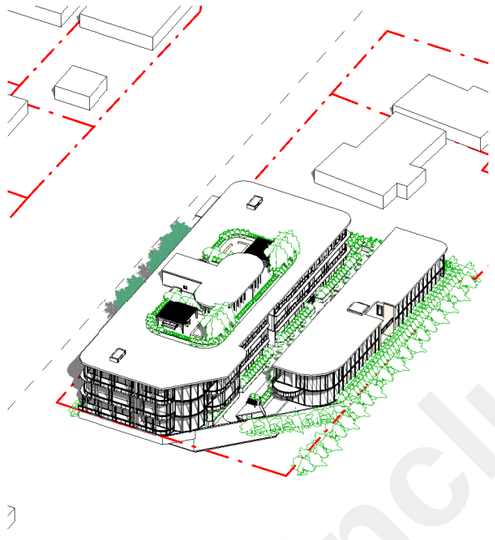
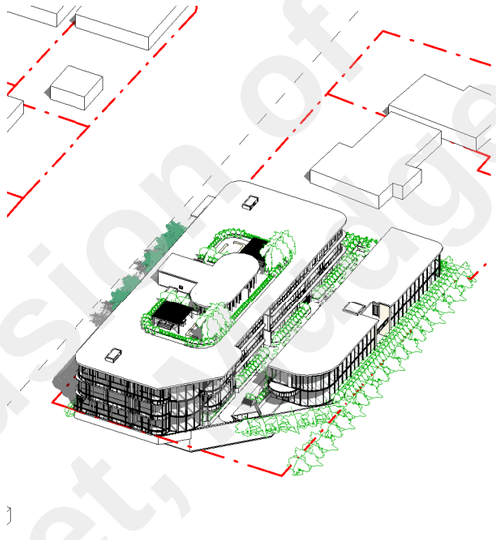


1 A1 - Autumn 9am



2 A1 - Autumn 10am



3 A1 - Autumn 11am

4 A1 - Autumn 12pm

5 A1 - Autumn 1pm

6 A1 - Autumn 2pm

7 A1 - Autumn 3pm

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Orientation

Notes

Issue	Date	Description	Drawn
C	16/11/23	November 2023	Author

Sheet: A125 | Issue: C

Drawing Name:
Autumn Shadows

Site:
36-42a Short Street, Mudgee

Scale: NTS | Date: 16/11/23

Drawn: AB | Checked: CT

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Architect Reg Number: 5143

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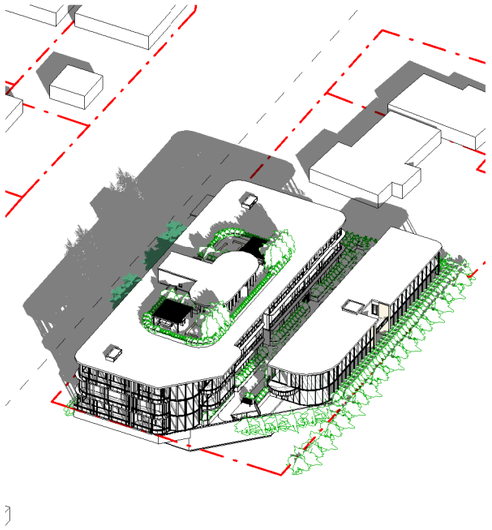
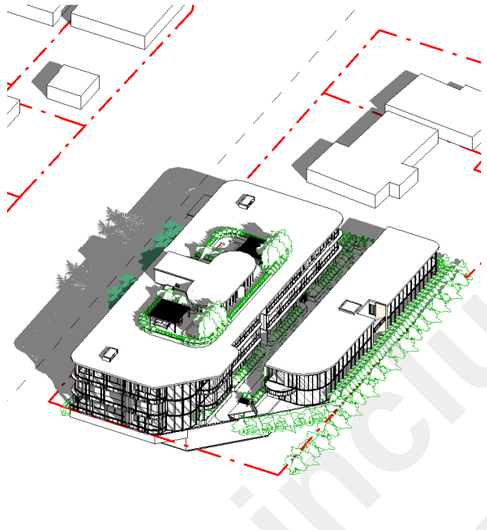
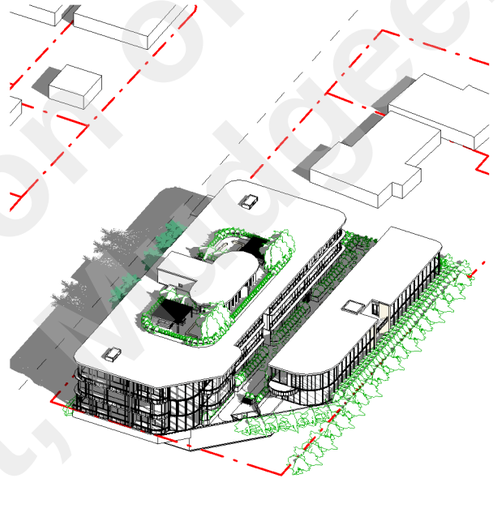


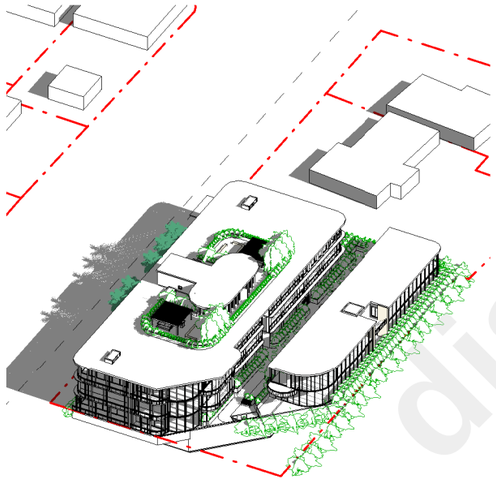
1 A1 - Winter 9am



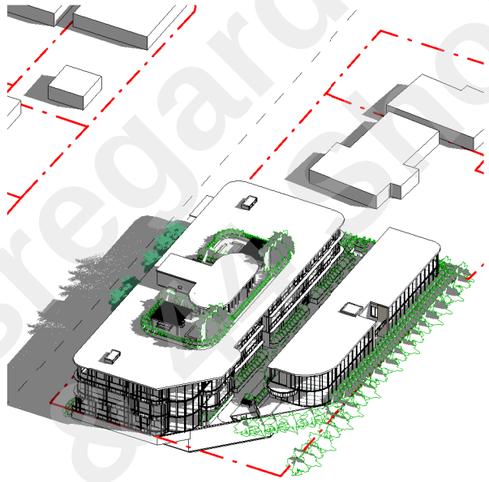
2 A1 - Winter 10am



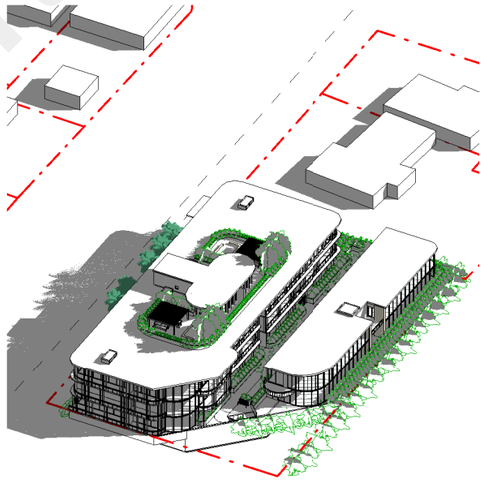
3 A1 - Winter 11am



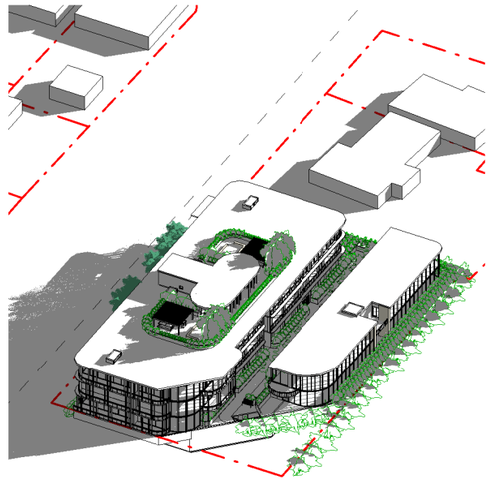
4 A1 - Winter 12pm



5 A1 - Winter 1pm



6 A1 - Winter 2pm



7 A1 - Winter 3pm

disregard the inclusion of 42a & 36 Short Street, Mudgee.

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Issue	Date	Description	Drawn
C	16/11/23	November 2023	Author

Sheet: A126	Issue: C

Drawing Name:
Winter Shadows

Site:
36-42a Short Street, Mudgee

Scale: NTS	Date: 16/11/23
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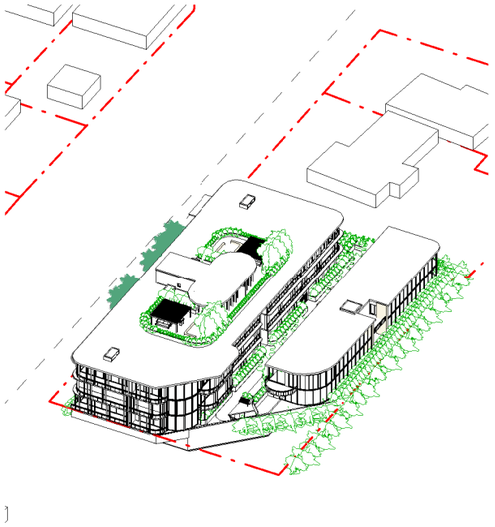

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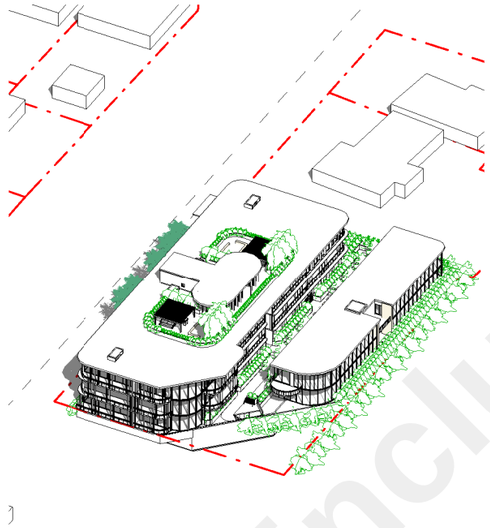

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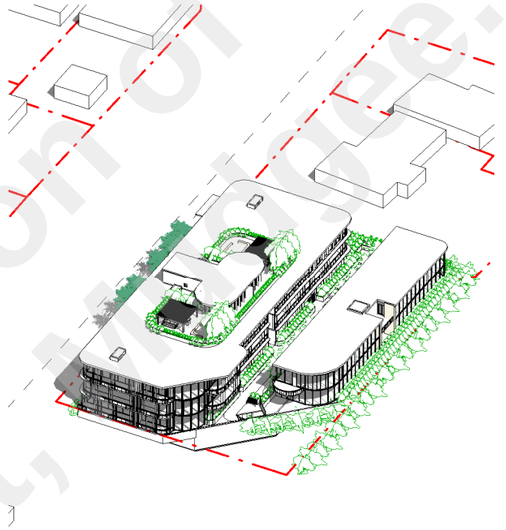

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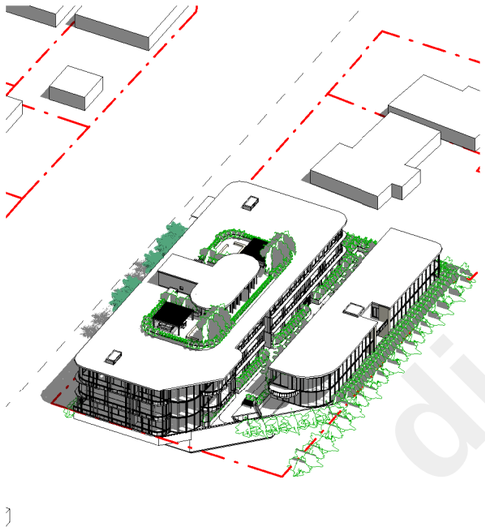

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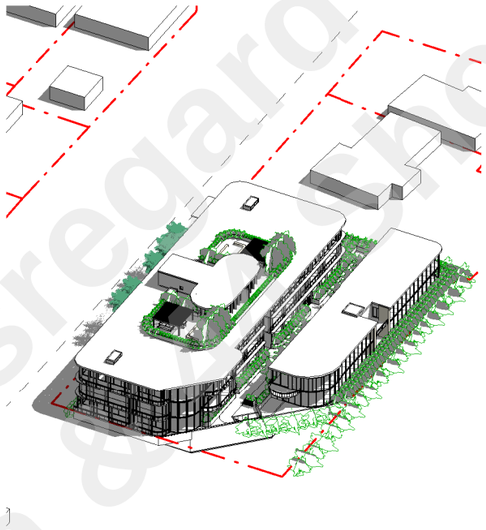

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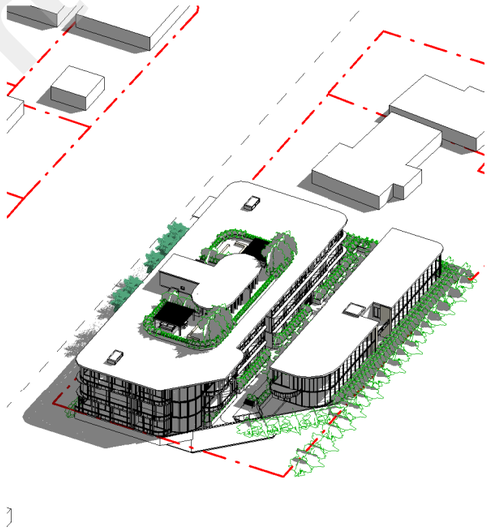

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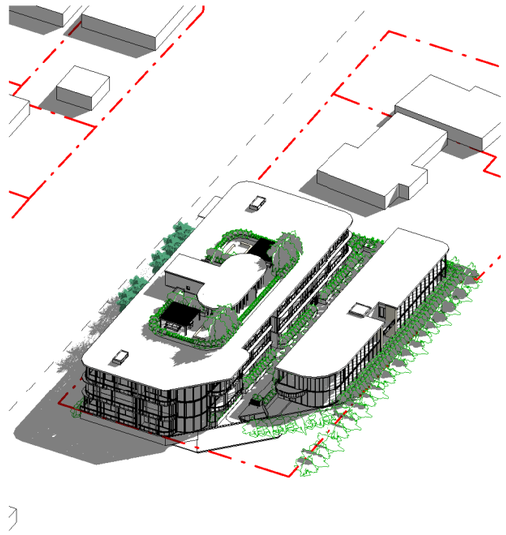

7 A1 - Spring 3pm

disregard the inclusion of 42a & 42b Short Street, Mudgee.

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Spring Shadows

Site:
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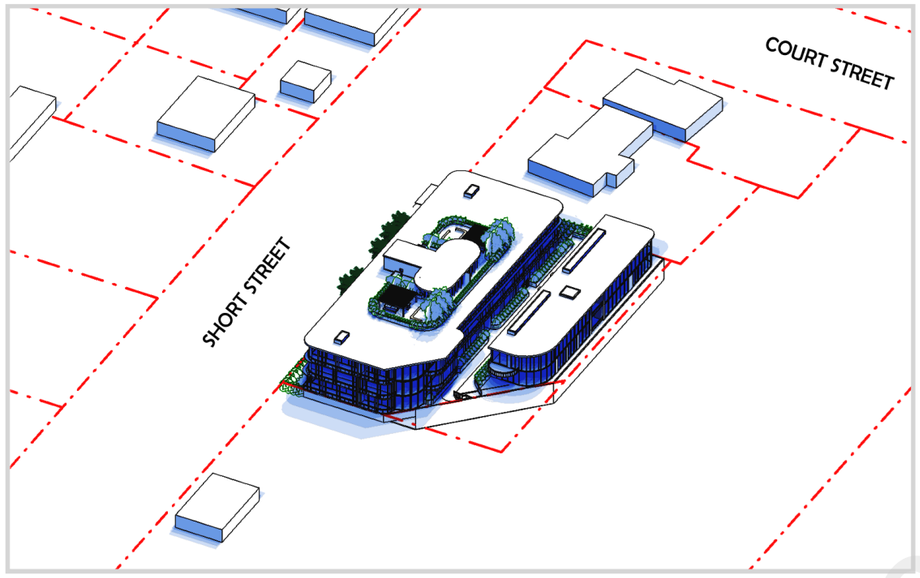

36-42a Short Street, Mudgee
Summer Equinox

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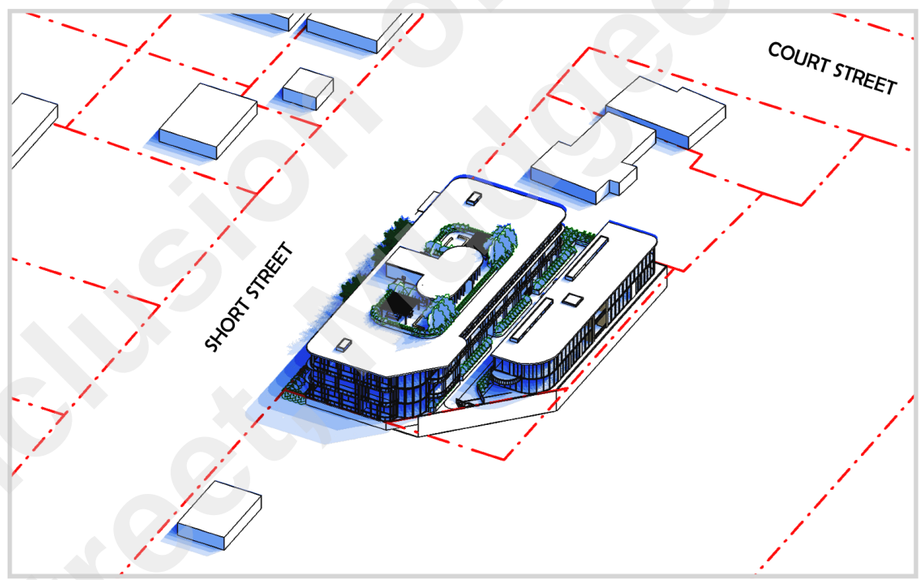

36-42a Short Street, Mudgee
Autumn Equinox

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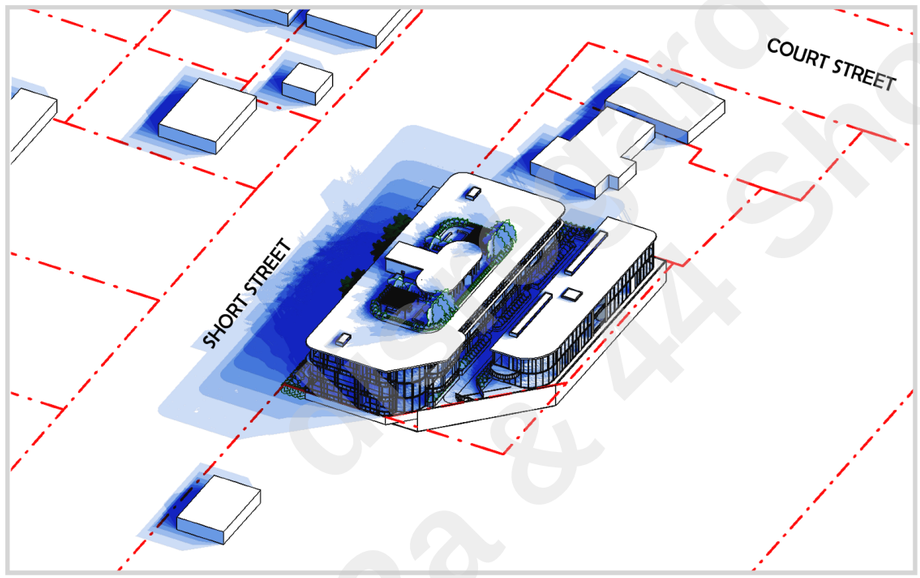

36-42a Short Street, Mudgee
Winter Equinox

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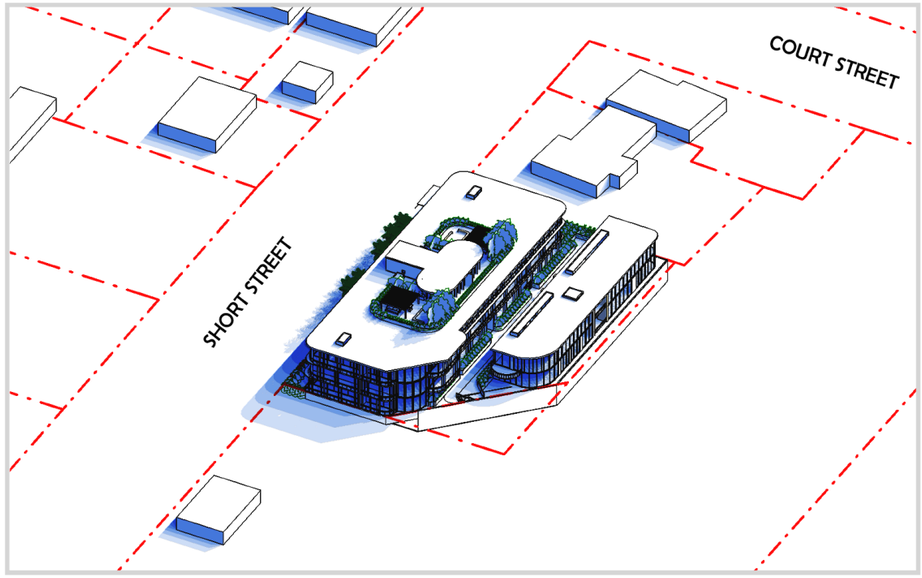

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Spring Equinox

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42a & 44 Short Street Mudgee
Attachment 1 - Applicant's Submission - Planning Proposal - Inclusion of

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disregard
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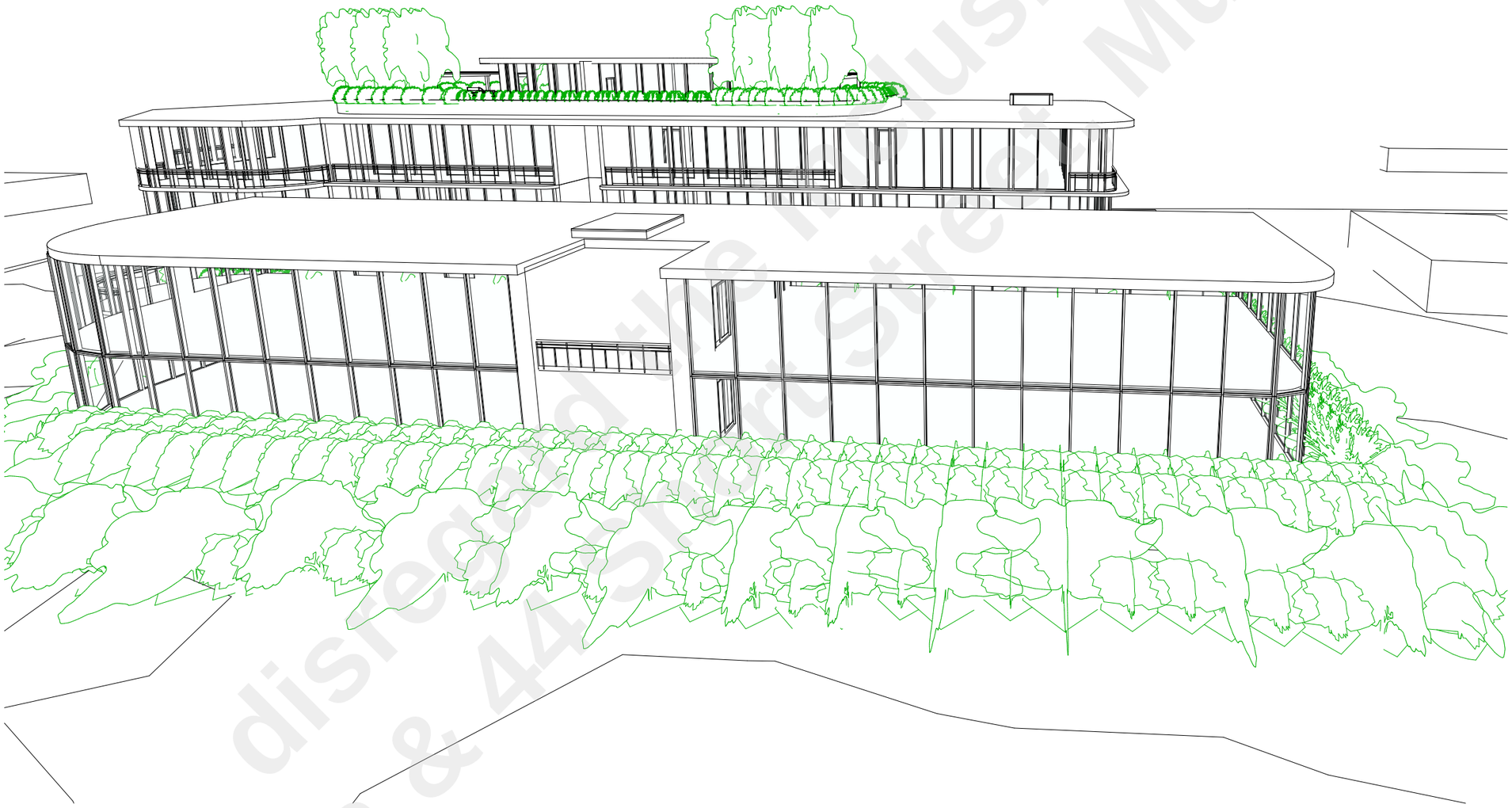

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Attachment 2 - Housing Supply and Demand Analysis

Housing Supply and Demand Analysis to exclude 42a & 44 Short Street, Mudgee as per Gateway Determination.

Housing Supply and Demand Analysis

36-42, 42A & 44 Short Street, Mudgee

Submitted to: Mid-Western Regional Council

Submitted on behalf of: CMT Architects Australia

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Ethos Urban

Prepared by Ethos Urban

Date: 08 November 2023
Project No.: 2230299

'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.

'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Contact:	Lee Clkuts Director	lcikuts@ethosurban.com 0422 042 652

This document has been prepared by:		**This document has been reviewed by:**	
Hamish Watkins/Mark McManus	18/08/2023	**Project Reviewer**	18/08/2023

Version No.	**Date of issue**	**Prepared by**	**Approved by**
1.0 (DRAFT)	18/08/2023	HW/MM	LC
2.0 (FINAL)	08/11/2023	MM	

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disregard the inclusion of 42a & 44 Short Street, Mudgee.

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Executive Summary

Purpose and Background

The purpose of this Report is to provide an independent housing supply and demand analysis to inform the need for additional multi-unit dwellings and an increase in building height at 36-42, 42A & 44 Short Street, Mudgee (the Subject Site).

CMT Architects are seeking to deliver a medium density, residential development consisting of two buildings (providing 28 dwellings), basement level for car parking and private recreational spaces. In order to deliver this housing, an increase in height is required to accommodate the lift tower and roof top open space (which exceed the current height controls).

A Planning Proposal was issued to Mid-Western Regional Council (MWRC) in December 2022 which sought to amend the Mid-Western Regional Local Environmental Plan 2012 (MRLEP) to change the maximum Height of Building development standard to 10.5m (up from 8.5m).

In response, MWRC have requested a *detailed supply and demand analysis for the additional residential land, specifically, for residential flat building and multi-unit housing, generated from an increased height of buildings.*

Summary of Findings

Local Context and Proposed Development

- **Subject Site**: The Subject Site is located at 36-42, 42A & 44 Short Street, Mudgee and is situated approximately 600m from the Mudgee Commercial Core focused around Church Street.
- **Local Context**: The Subject Site is located at the northern end of the existing town which is characterised as a regional centre within the municipality. There are a range of community uses within proximity to the Subject Site including retail, health, education, social and community facilities as well as open space.
- **Regional Context:** The Subject Site and Mudgee is positioned in a central location within the MWRC and is surrounded by a diverse range of uses within the broader region, including industrial, recreation, retail, education and commercial uses. There are a number of regionally significant centres such as Dubbo, Lithgow, Bathurst and Orange in the broader area and which provide access to higher order goods and services, employment opportunities, retail facilities, as well as health and education services.
- The **Proposed Development** of the Subject Site seeks to deliver a mix of residential dwellings consisting of townhouses and apartments, delivering a total of 28 dwellings. In addition, the scheme provides for basement car parking, bicycle spaces and a communal rooftop area.

A review of the local and regional context indicates that residential uses at the Subject Site would be aligned with, and highly complementary to facilities within the surrounding area. Future residents of the Subject Site would be able to access a range of retail, education, health services and facilities within Mudgee as well as employment opportunities both within Mudgee and in the surrounding region.

Strategic Context

- A review of the strategic policy context from an economic perspective emphasises a range of key economic themes and policy drivers of relevance to the Proposed Development including:
  - **Role and Function**. Mudgee is identified as a strategic centre and is anticipated to accommodate the majority of future resident population growth within the MWRC. It provides a range of goods and services for the residents of Mudgee and the surrounding region.
  - **Diversity of housing for residents and workers**. Strategic policy documents highlight the need to provide diverse housing to ensure existing residents have a choice of housing to suit their needs including as their circumstances change, and to attract new residents to the region. Strategic policy documents also highlight that businesses may not be able to attract and retain skilled workers unless adequate housing and housing choice is provided. If not address, this may result in broader negative economic impacts to the community.
  - **Growth of the Central West and Orana region**. The MWRC is one of regional NSW's fastest growing areas. Strategic policies focus on supporting continued growth in the region with +33,870 additional residents anticipated in the broader Central West and Orana region by 2041. There is a

discussion of the inclusion of 42A & 44 Short Street, Mudgee.

key focus on the delivery of major investment projects in the region that will help to support growth, including renewable energy projects and the inland freight rail line.

The Proposed Development is aligned with the strategic economic objectives and future vision for the MWRC. Through supporting diverse residential uses, the Proposed Development will help deliver on a number of strategic objectives, including development in Mudgee's medium density zones, providing multi-unit housing within walking distance of the Mudgee town centre, increasing housing supply and diversity of stock, and helping to deliver additional housing that can support local residents and workers.

Economic Context

- The administrative boundaries of the MWRC has been adopted as the primary study area and local housing market that has been assessed for the purposes of this housing supply and demand analysis.
- A review of the residential demographic profile for the MWRC area reveals that residents are typically younger and live in higher income households. These households tend to be slightly larger and represented by a higher proportion of couple families with children and lone person households. Most dwellings comprise separate houses, with a relatively limited provision of apartment, flats and units.
- A review of official population projections for the MWRC area indicates that the resident population is anticipated to grow in the years to 2041 with an additional +3,940 residents. The vast majority of population growth in MWRC is anticipated to occur within Mudgee (83.0%). This is well above the historic share of growth that has occurred in Mudgee which accounted for 56.1% of MWRC growth during the period from 2011 to 2023. This implies the need for a greater rate of housing delivery in the coming years than has historically occurred in Mudgee in order to accommodate this future population growth.

A review of the economic context for the MWRC indicates that the delivery of residential uses at the Subject Site would be aligned to trends in the residential demographic profile and anticipated population growth. Mudgee is anticipated to be the key location for much of anticipated future residential population growth across MWRC. In order to accommodate future population growth in Mudgee, which is anticipated to be represent a much higher proportion of future growth than it has historically, the delivery of additional dwellings would be required. This includes alternative housing supply that is currently under represented in the market (such as apartments) and which could be provided through in-fill development such as the Subject Site.

Housing Market Overview

- Key regional centres across regional NSW are continuing to evolve with areas of medium density residential development. This trend will remain as the population of these centres continues to grow, and with the focus for growth in the town centres and urban areas, rather than on surrounding agricultural and productive lands. Proximity to a range of services and facilities is critical to ensure the viability of medium density residential uses.
- A review of the trend in house and unit sales and rents demonstrates the strong demand and potential for additional medium density living in MWRC. There is a premium attached to house and unit sales prices and rents for dwellings within MWRC, which highlights strong market demand to live within the MWRC.
- A review of housing suitability indicates that there is currently a misalignment between typical household sizes and dwelling sizes within MWRC, which is leading to overcrowding within dwellings for certain segments of the community, and underutilised houses with spare bedrooms for other segments of the community. This could be addressed through the increased provision of smaller units and apartments in appropriate locations, allowing additional opportunities for households to move to more suitable accommodation options – by supporting down-sizing opportunities and more affordable accommodation options through townhouses, units and apartments, as compared to separate dwellings (houses).
- Housing affordability in NSW remains a social, economic and political challenge. A review of housing affordability indicators shows that 33.4% of households who are renting are facing rental stress, and 11.9% of households who own a property on a mortgage are facing mortgage stress, with these households facing housings costs that exceeded 30% of household income. In recent years, household stress is likely to have increased further as mortgage interest rates have increased along with increases in rental levels. This is likely impacting the most vulnerable segments of the community.
- Housing undersupply remains a critical challenge across NSW with a projected undersupply of 100,000 dwellings expected by 2038. The effects of housing undersupply will add pressure to housing markets across the state, including regional area, through reduced housing affordability and availability. Residents that are unable to locate in a preferred location or centre due to housing affordability, may

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consider locate to other less preferred areas based on what that they can afford. This in turn will add to widespread housing affordability pressures. Restrictions on housing supply is identified by the Productivity Commission as the primary cause of housing affordability pressure.

The Proposed Development will align with trends and indicators observed across the housing market and will help to respond to the need to provide additional residential density helping to support housing supply and affordability. The Proposed Development has the ability to provide for increased housing stock and dwelling diversity in a high amenity and walkable location, in proximity to a range of goods and services.

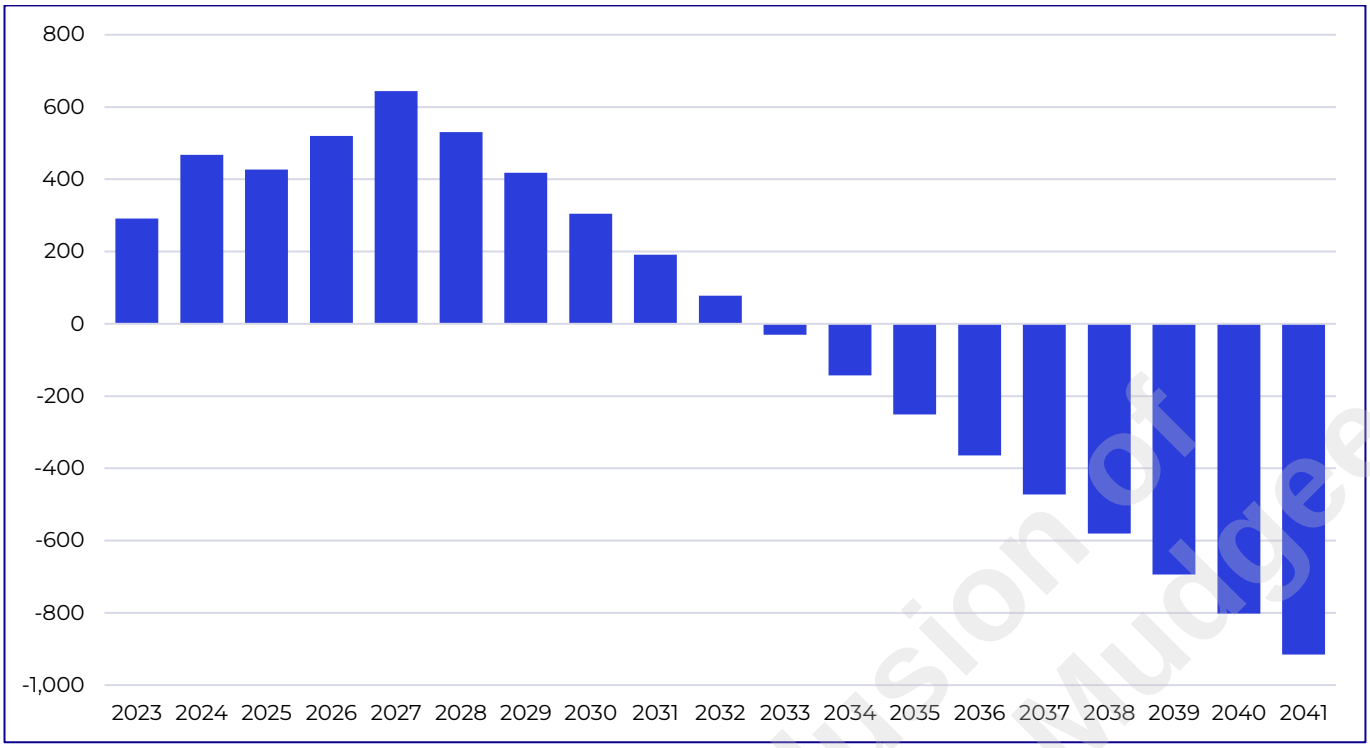
Housing Supply and Demand

- A review of Australian Bureau of Statistics (ABS) building approvals data indicates that in the period 2016 to 2019, the delivery of housing supply in MWRC was relatively low, averaging just 18 approvals a year. Since 2020, the number of approvals has increased to an average of 90 approvals a year. Approvals for multi-unit dwellings has also increased from 8.3% in 2016 to 2019, to 35.2% of approvals since 2020.
- A review of the future residential development pipeline within the MWRC highlights that some 1,215 dwellings are identified in the pipeline. A number of projects (28.7% of the development pipeline) have no estimated year of completion and have remained at the development approval stage (or early stages within the development process) for several years. For the purposes of the housing supply and demand analysis, these projects are anticipated to still be delivered in the near term.
- A review of implied dwelling demand, which has been derived using assumptions from Department of Planning and Environment (DPE) and expected future population growth (as outlined in Chapter 4), indicates that there is anticipated to be implied demand for an additional +2,130 dwellings within the MWRC over the period from 2023 to 2041.
- As a result, it is anticipated that there will be insufficient supply of housing in MWRC by 2041, with a shortfall of -915 dwellings. As Mudgee is anticipated to accommodate the majority of future population growth within MWRC by 2041 (at 82.9% of all MWRC growth), it will be important to Mudgee to unlock additional dwelling supply in order to address this housing shortfall.

This analysis indicates that identified future housing supply will only be able to accommodate half of projected implied dwelling demand expected to be required within the MWRC over the period to 2041. This shortfall in housing supply will add to affordability pressures for households within the MWRC, with vulnerable segments of the community likely to be disproportionately impacted by increased housing stress and affordability pressures. Other economic impacts associated with an increasing housing shortfall may include the inability of businesses and future infrastructure projects within MWRC to attract and retain skilled workers as well as the loss of potential residential expenditure that could be directed to local businesses within MWRC.

This housing supply and demand analysis has demonstrated the need for additional housing to be delivered within MWRC. The Proposed Development will respond to the identified housing need, and will assist MWRC in the delivery of appropriate and much needed housing supply within a well-located and high amenity location within Mudgee.

disregard the inclusion of
42a & 44 Short Street, Mudgee.



Cumulative Shortfall in Housing Supply (Dwellings) within Mid-Western Regional Council
Source; Ethos Urban

Opportunities for the Subject Site

- The Proposed Development will respond to the trend and requirement for medium density living through the delivery of some 28 dwellings at the Subject Site. The Subject Site is well located and has a number of attributes that make it suitable for medium density residential use, including being under single ownership on a relatively flat site that is located inproximity to range of services and facilities, accessible to employment opportunities, and provides high levels of amenity including supporting walkability.
- This housing supply and demand review shows that from an economic perspective, a moderate relaxation of height controls at the Subject Site would provide a range of benefits to the MWRC and the local community including:
  - increasing housing supply and diversity
  - improving housing affordability through increased supply and dwelling typologies
  - improving the alignment between typical household sizes and dwelling sizes currently provided
  - reducing the anticipated housing shortfall helping to support overall growth in Mudgee and the region.

The Proposed Development will deliver an array of economic benefits to the local and regional community. This would include supporting population growth, business opportunities, providing a catalyst for economic growth, supporting jobs in local industry, supporting a walkable community, helping to enhance Mudgee's economic role and function, and revitalising an underutilised well-located site. Furthermore, development of the Subject Site is aligned with key strategic objectives and growth targets for MWRC and the broader region.

It should be noted that there may be capacity to deliver additional dwellings on the Subject Site at a later through partnerships with adjoining owners.

Overall, a modest relaxation of height controls at the Subject Site to 10.5m (up from 8.5m) is recommended on the basis on this housing supply and demand analysis. There is a demonstratable need for additional residential supply, particularly medium density housing.

Objection to inclusion of 12a Short Street, Mudgee.

1.0 Introduction

The purpose of this Report is to provide an independent housing supply and demand analysis to inform the need for additional multi-unit dwellings and an increase in building height at 36-42, 42A & 44 Short Street, Mudgee (the Subject Site).

This Chapter provides a summary of the background to the Report, the aim and objectives, approach and data sources and assumptions used throughout the Report. This Report adopts industry best practice including review of official and industry data sources.

1.1 Background

CMT Architects are seeking to deliver a medium density, residential development consisting of two buildings (providing 28 dwellings), basement level for car parking and private recreational spaces. In order to deliver this housing, an increase in height is required to accommodate the lift tower and roof top open space (which exceed the current height controls).

A Planning Proposal was issued to Mid-Western Regional Council (MWRC) in December 2022 which sought to amend the Mid-Western Regional Local Environmental Plan 2012 (MRLEP) to change the maximum Height of Building development standard to 10.5m (up from 8.5m).

In response, MWRC have requested a *detailed supply and demand analysis for the additional residential land, specifically, for residential flat building and multi-unit housing, generated from an increased height of buildings.*

1.2 Approach

The key objective of this Report is to respond to MWRC's request for additional information and determine housing need for residential flat building and multi-unit housing, generated from an increase in the height of buildings from 8.5 to 10.5m.

To complete this Report and to address the aims and objectives, a methodology that follows industry best practice has been applied and is set out as follows:

1. Summary of the existing site, location and key site attributes with a focus on residential uses and the growth outlook for Mudgee and MWRC.
2. A high-level review and commentary of key strategic planning policy documents to inform an understanding of MWRC's strategic priorities.
3. Defining a local housing market for the purposes of understanding demographic profile and housing need as well as a review of the socio-economic characteristics of the local market
4. High-level commentary on key housing market issues and trends of relevance to the Proposed Development.
5. High-level demand and supply analysis of the local housing market that considers the need for medium-density residential uses at the Subject Site.
6. Commentary on the key economic benefits associated with the Proposed Development and the suitability of the Subject Site.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

1.3 Report Structure

This Report contains the following chapters:

- **Chapter 1** – Introduction
- **Chapter 2** – Local Context and Proposed Development
- **Chapter 3** – Strategic Context
- **Chapter 4** – Economic Context
- **Chapter 5** – Housing Market Overview
- **Chapter 6** – Housing Supply and Demand
- **Chapter 7** – Opportunities for the Subject Site

1.4 Data Sources and Assumptions

A list of data sources used in this report include:

- ABS Census 2016 and 2021
- ABS 2023 Estimated Resident Population
- ABS 2023 Building Approvals
- CordellConnect 2023 Residential Development Pipeline (accessed August 2023)
- Pricefinder 2023 house and unit sales data (accessed August 2023)
- Transport for NSW. 2022 Population projections
- Department of Planning. 2022 Population, household and implied housing demand projections.

Key assumptions applied in undertaking this Report are outlined as follows:

- The key findings of the background studies and technical reports are accurate.
- Socio-economic data for each study area accurately reflects the community demographic profile.
- ABS ERP provides an accurate estimate of historic population.
- Transport for NSW population projections data provide an accurate outlook for future population growth for each of the study areas.
- Pricefinder data accurately reflects state of housing market (trends in prices and rents).
- CordellConnect provides an accurate representation of the residential development pipeline.
- DPE household sizes and implied housing demand assumptions and projections accurately reflect future demographic profile for the study areas.
- Industry data and other publicly available information compiled for the assessment accurately reflects current and future residential market conditions in the MWRC and Mudgee.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

2.0 Local Context and Proposed Development

This Chapter provides a review of the Subject Site, the regional and local context and site attributes as they relate to potential uses at the Subject Site.

Key Findings:

- **Subject Site**: The Subject Site is located at 36-42, 42A & 44 Short Street, Mudgee and is situated approximately 600m from the Mudgee Commercial Core focused around Church Street.
- **Local Context**: The Subject Site is located at the northern end of the existing town which is characterised as a regional centre within the municipality. There are a range of community uses within proximity to the Subject Site including retail, health, education, social and community facilities as well as open space.
- **Regional Context:** The Subject Site and Mudgee is positioned in a central location within the MWRC and is surrounded by a diverse range of uses within the broader region, including industrial, recreation, retail, education and commercial uses. There are a number of regionally significant centres such as Dubbo, Lithgow, Bathurst and Orange in the broader area and which provide access to higher order goods and services, employment opportunities, retail facilities, as well as health and education services.
- The **Proposed Development** of the Subject Site seeks to deliver a mix of residential dwellings consisting of townhouses and apartments, delivering a total of 28 dwellings. In addition, the scheme provides for basement car parking, bicycle spaces and a communal rooftop area.
- **A review of the local and regional context indicates that residential uses at the Subject Site would be aligned with, and highly complementary to facilities within the surrounding area. Future residents of the Subject Site would be able to access a range of retail, education, health services and facilities within Mudgee as well as employment opportunities both within Mudgee and in the surrounding region.**

2.1 Subject Site

The Subject Site is located at 36-42A, 42 & 44 Short Street, Mudgee, in the central west of NSW. Adjoining the site to the north and east is Walkers Oval, which is zoned RE1 Public Recreation.

The Subject Site contains 3 lots legally described as Lot 1 DP 702951 (2,625m), Lot 21 DP 816236 (1,373m) and Lot 22 DP 816236 (1,028m). Height controls at the Subject Site permit heights up to 8.5m and the site is currently zoned R1 General Residential. A summary of relevant Subject Site attributes is provided below.

Address and Title	• 36-42, 42A & 44 Short Street, Mudgee • Located 660m from the Mudgee CBD within the MWRC. • Legally described as: – Lot 1 DP 702951 (2,625m) – Lot 21 DP 816236 (1,373m) – Lot 22 DP 816236 (1,028m) (under different ownership)
Site Area	• 5ha
Zoning and Relevant Controls	• R1 – General Residential • Height Controls: 8.5m
Existing Uses	• Lot 1 currently operates as a gymnasium • Lot 21 and Lot 22 each have a dwelling house on them
Ownership	• Lot 1 and Lot 21 are currently under single ownership • Lot 22 is currently under different ownership; however, this lot could be consolidated into the development at a later stage.
Site Attributes	• Relatively flat with existing structures in place. • Surrounded by open oval and park space to the north and east of the site • Subject Site has good exposure to Short Street; which connects residents living north-east of the Mudgee to its town centre.

disregard the 42a & 44 Short Street Mudgee.

Figure 1 Subject Site
Source: QGIS; Nearmap

2.2 Local Context

The Subject Site is located within the Mudgee town centre and located 660m northwest of the Mudgee CBD.

There are a range of uses and services within proximity and walking distance to the Subject Site including open space, retail, education, health and social and community facilities and infrastructure.

Short Street is located between the Cudgegong River and Castlereagh Highway and currently acts as an extension of the Mudgee CBD, with the Mudgee Police Station, Mudgee Arts Precinct, Walker Oval and Mudgee Local Court being located within close proximity to the Subject Site. The MWRC Chambers is located 250m south-east of the Subject Site and several home businesses as well as accommodation providers are located south of the Castlereagh Highway. Further North and West of the Subject Site exists small primary production lots and acreage transition zones.

A summary of the local context is outlined below.

disregard the
42a & 42b Short Street

North	Immediately North of the subject site is Walkers Oval, Mudgee Bike and Walking Path as well as the Cudgegong River. Beyond the river is the Glen Willow Sporting Complex which includes an off-leash dog park, a playground, a Regional Sports Stadium, several playing fields, soccer and rugby clubhouses as well as several netball courts.
South	Immediately South of the Subject Site are low density residential dwellings, with several accommodation operators located within this vicinity of Mudgee. Castlereagh Highway, which is orientated in an east-west direction, is also south of the site.
East	To the East of the Subject Site is Mudgee Riverside Caravan and Tourist Park and beyond that is a new 27 lots residential subdivision. South-east of the Subject Site lies Mudgee CBD and its main street laid out in a grid pattern. Further to the east is the Lawson Park and Mudgee Swimming Pool.
West	To the West of the Subject Site are low density residential dwellings, with several accommodation operators located along Castlereagh Highway and Market Street. Further to the West are several small new residential housing developments with larger lot residential areas separating newer housing subdivisions.

2.3 Regional Context

The Subject Site is in a central location surrounded by a diverse range of uses within the broader regional area, including open space and recreation, retail, education, industrial and commercial uses.

The Subject Site forms part of the existing town structure and is a part of existing residential zone boundary. In addition, the site is also within the heritage conservation area and has been identified as being a part of Mudgee's broader medium density residential zone which could provide a key role for housing and accommodating smaller household sizes.

Mudgee is located approximately 100km north of Bathurst and 100km southeast of Dubbo and is located within the Central West and Orana region of NSW, west of the Hunter.

Located within the MWRC, Mudgee is a largely self-contained regional centre that functions as the district centre providing access to higher order goods and services, employment opportunities, retail facilities, and health and education services. The economy of MWRC is strong with significant representation from the primary production industries including agriculture and mining.

MWRC is part of the broader Central West and Orana Region has evolved into a valuable economic region for the NSW economy. Some $12.6 billion of investment expected to occur in major projects within the region over the next 5 years. The region is set to hugely benefit from the projects such as the Parkes Special Activation Precinct (Parkes SAP), Inland Rail, Great Western Highway Upgrade and the Fast Rail. These projects will a significant number of workers to be complete, with part of the workforce likely to comprise of temporary workers. These temporary workers will add to demand for housing within the broader region.

The Central West and Orana region is also one of five regions identified as being transformed into transforming the NSW energy grid, with a Renewable Energy Zone (REZ) being located within the region, capturing the townships of Dubbo, Wellington, Narromine and Mudgee. It is predicted that the Central West and Orana REZ will produce 3 gigawatts of new network capacity to power 1.4 million homes by the mid-2020s.

A summary of regional attributes is summarised below and **Figure 2** illustrated the broader region.

Visual aid for inclusion of 428 & 44 Short Street, Mudgee.

Public Transport Infrastructure	Subject Site has good accessibility to key public transport infrastructure. Key public transport infrastructure includes: • **Mudgee Town Coach Stop** – provides residents with good connectivity to nearby regional centres. Currently all 13 bus routes travel to or from Lithgow. • **Mudgee Airport** – is a council owned and managed asset which connects locals and visitors with regular passenger services to Mudgee and several other regional centres, in addition to Sydney Railway reactivation has been identified as a priority in the Central West and Orana Regional Plan. Whilst passenger trains have not been running through Mudgee for nearly 40 years, there has been recent feasibility being conducted in 2023 to determine the viability of rail services.
Road Infrastructure	The Subject Site has good accessibility to key roads infrastructure. Key infrastructure includes: • **Castlereagh Highway**. Provides good northwest to southeast connectivity across the MWRC, which links to other key centres and highways • **Church Street/Ulan Road**. Is a major road providing north-south connectivity between the Golden Highway and Mudgee
Key Regional Centres	Like much of regional NSW, Mudgee functions as a relatively self-contained centre. Various regional centres exist within the Central West and Orana region, all with a different economic base and with different employment opportunities. Key Centres include: • **Lithgow** (128km) • **Bathurst** (129km) • **Dubbo** (135km) • **Orange** (183km)
Health facilities and infrastructure	There are a number of key health facilities and infrastructure within the Central West and Orana region. These include: • **Mudgee Hospital** (2.3km) • **Lithgow Hospital** (128km) • **Bathurst Base Hospital** (130km)
Education	There are a number of key education facilities and precincts in the Central West and Orana region, including: • **TAFE Mudgee** (3.8km) • **TAFE Dunedoo** (73.2km) • **Western Sydney University, Lithgow Campus** (128km) • **University of Notre Dame** (128km)
Retail	There is a small provision of shopping centres and a large selection of retailers within the Mudgee commercial core, which includes: • **Mudgee Metroplaza** – Neighbourhood centre with 1 major retail anchor tenant and 8 speciality stores • **The Town Centre, Mudgee** – Neighbourhood centre with 1 major retail anchor tenant and 18 speciality stores

disregard exclusion of 42a & 44 Short Street, Mudgee.

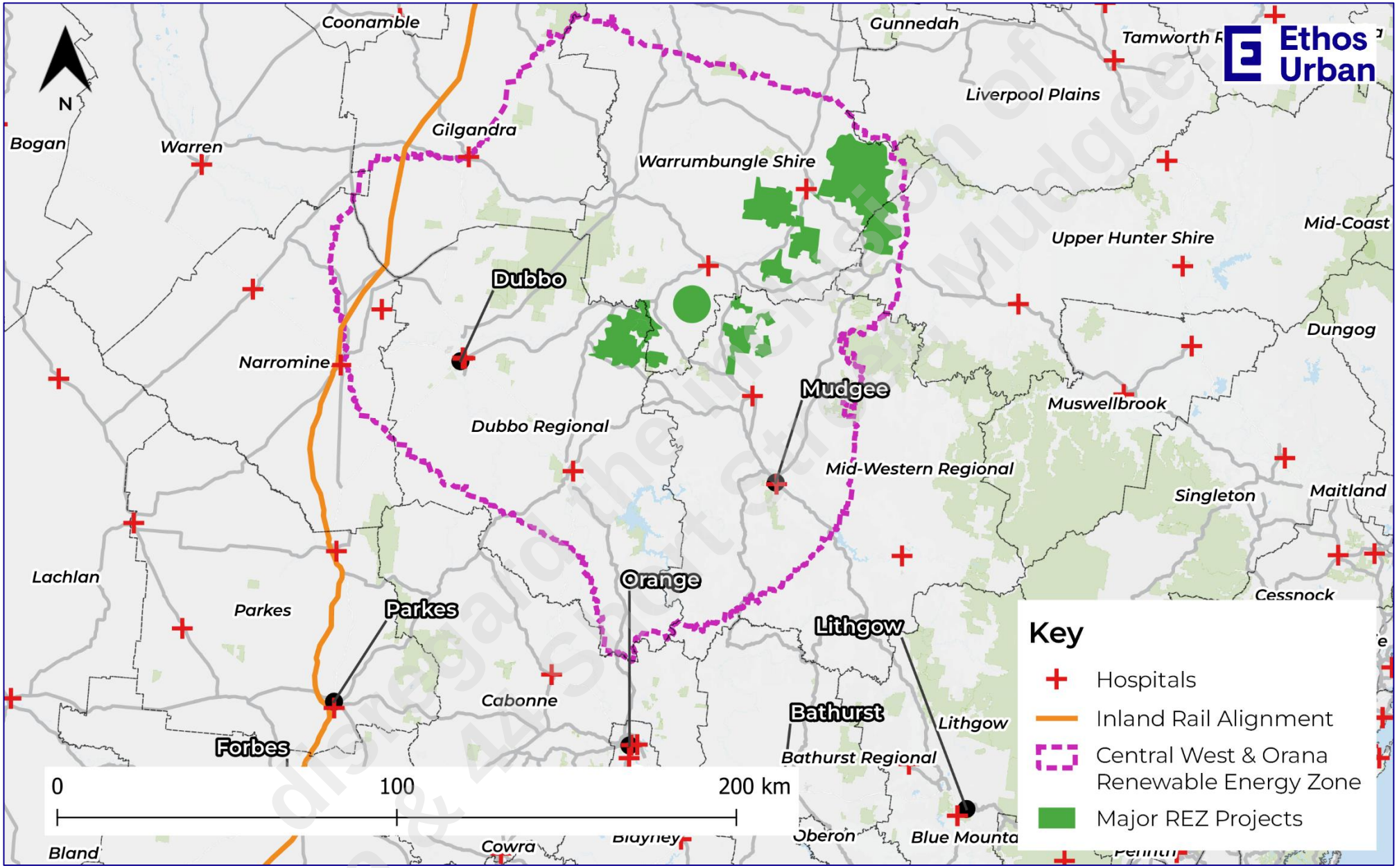


Figure 2 Regional Context

Source: QGIS; Ethos Urban

draft for consultation of Mudgee 42a & 44 Short Street

2.4 Proposed Development

The Proposed Development of the Subject Site seeks to deliver a mix of residential dwellings consisting of townhouses and units as well as an underground carpark and rooftop communal space. Key details of the proposed development include:

- Construction of a new residential development comprising of two new buildings ranging between two to three storeys specifically, the following is proposed:
  - 24 apartments and 8 townhouses, a total of 28 dwellings,
  - Communal residential amenity facilities located throughout the building.
- Basement carparking, comprising car parking spaces as well as several bicycle spaces
- Vehicular access provided via Short Street for residential use and waste removal.
- Associated landscaping and public domain works; and
- Augmentation of, and connection to, existing utilities as required.

For a detailed project description refer to the Draft Planning Proposal prepared by Catalyze Property Consulting.

Figure 3 Proposed Development
Source: CMT Architects

disregarding the Incorporation of 42a & 44 Short Street, Mudgee.

Figure 4 Proposed Landscape Plan
Source: CMT Architects

2.5 Implications for the Proposed Development

A review of the local and regional context indicates that residential uses at the Subject Site would be well aligned with the surrounding area and highlights the role and function for Mudgee as accommodating housing demand. Key insights include:

- At a location in proximity to a range of retail, education, health services and facilities within Mudgee.
- Within a largely self-contained regional centre that provides a range of goods and services.
- Within a broader region that is continuing to grow and anticipated to experience significant levels of investment across a number of key projects in the transport and energy sector. Major investment projects will require a temporary workforce to complete adding to demand for housing within the region.

disregard the inclusion of 42a & 44 Short Street Mudgee.

3.0 Strategic Context

This Chapter provides a high-level review of the strategic policies and objectives from an economic perspective for the local area and the role of the Proposed Development.

Key Findings:

- A review of the strategic policy context from an economic perspective emphasises a range of key economic themes and policy drivers of relevance to the Proposed Development including:
  - **Role and Function**. Mudgee is identified as a strategic centre and is anticipated to accommodate the majority of future resident population growth within the MWRC. It provides a range of goods and services for the residents of Mudgee and the surrounding region.
  - **Diversity of housing for residents and workers**. Strategic policy documents highlight the need to provide diverse housing to ensure existing residents have a choice of housing to suit their needs including as their circumstances change, and to attract new residents to the region. Strategic policy documents also highlight that businesses may not be able to attract and retain skilled workers unless adequate housing and housing choice is provided. If not address, this may result in broader negative economic impacts to the community.
  - **Growth of the Central West and Orana region**. The MWRC is one of regional NSW's fastest growing areas. Strategic policies focus on supporting continued growth in the region with +33,870 additional residents anticipated in the broader Central West and Orana region by 2041. There is a key focus on the delivery of major investment projects in the region that will help to support growth, including renewable energy projects and the inland freight rail line.
- **The Proposed Development is aligned with the strategic economic objectives and future vision for the MWRC. Through supporting diverse residential uses, the Proposed Development will help deliver on a number of strategic objectives, including development in Mudgee's medium density zones, providing multi-unit housing within walking distance of the Mudgee town centre, increasing housing supply and diversity of stock, and helping to deliver additional housing that can support local residents and workers.**

3.1 Strategic Policy Review

A range of regional and local strategic plans and policies exist which collectively outline the future growth and development vision for the local area. Analysing this framework from an economics perspective provides an understanding of the strategic objectives for the area, as well as identifying potential growth drivers, opportunities and policy settings that will influence the potential for different uses at the Subject Site. Ultimately, from an economic perspective, developments that align with strategic policy priorities and vision have a higher chance of success both through the approval process and in the future once the project is complete and operational.

Government plans, policies and guidelines relevant to the Project's strategic context include:

- Housing 2041
- Future Transport 2056 – *Central West and Orana Regional Transport Plan* (Transport for NSW, 2018)
- Central West and Orana Regional Plan 2041
- Mid-Western Regional Local Strategic Planning Statement – *Our Place* (LSPS, 2040)
- Mid-Western Regional Comprehensive Land Use Strategy 2010
- Mid-Western Regional Economic Development Strategy – 2023 Update
- Mid-Western Regional Community Plan 2030

Key strategic themes and concepts of relevance to the Subject Site are now summarised.

Disregard the Notion of 420 & 44 Short Stay Lodge.

Housing 2041	Housing 2041 is a whole-of-government housing supply approach that establishes a 20-year vision for the people of NSW. It sets a long-term strategy for better housing outcomes, focusing on supply, affordability, diversity and resilience. The strategy also acknowledges that housing needs change over time in line with a person's stage in life, life events, goals and capacity. Across Regional NSW, the strategy highlights that increased demand for housing has resulted in prices and rents rising throughout 2020. In addition to this, Regional NSW is home to about 40% of the NSW's population, with important consideration to be given to accessing greater housing diversity and choice.
Future Transport 2056 – *Central West and Orana Regional Transport Plan*	The Plan supports the goals and objectives of NSW Future Transport 2056 as they relate to the Central West and Orana region. The plan provides a blueprint for transforming the way people and goods travel within, to and through the Central West region over the next 20 years. There are opportunities to deliver a safer, more efficient, and more accessible transport network to better support the region. The Plan has outlined that key regional centre, such as Mudgee, will be provided with more travel choices and at times of their choosing. The strategy has also specifically stated that Transport NSW will continue to investigate enhancing public transport catchments in and around Mudgee.
Central West and Orana Regional Plan 2041	The Central West and Orana Regional Plan is a document that establishes a strategic framework vision and direction for land use, addressing future needs for housing, jobs, infrastructure, a healthy environment, access to green spaces and connected communities. The plan has identified Mudgee as a centre that is set to grow and benefit from its proximity to Newcastle. It also states that one of the main priorities for MWRC are making available diverse, sustainable, adaptable and affordable housing options through effective land use planning. The document further states that the regions centres will support housing by making efficient use of existing infrastructure and services. This will involve identifying areas for intensification and renewal, prioritising the development of unused or underutilised land and identifying new areas for growth. This is highlighted in Strategy 13.1 and Strategy 13.3, with heavy emphasis placed on new housing opportunities created through infill development which would result in taking advantage of already existing infrastructure. In order to improve housing diversity, strategy 14.1 states that strategic and local planning should, "allow a diversity of housing, including … more dense housing types … close to existing services and on land free from hazards"
Our Place 2041	Our Place 2041 the MWRC Local Strategic Planning Statement (LSPS) and sets out the 20-year vision for land use planning within the MWRC boundaries. To support a growing community, the LSPS has reiterated MWRC will continue to ensure a range of residential housing options are available. A diversity of housing is important to attract new residents to the region and to ensure existing residents have a choice of housing to suit their needs as their circumstances change. This includes housing choice for seniors and delivering a range of accommodation options for seasonal, itinerant and mining workforces as identified in object 14 and 16 of the Central West and Orana Regional Plan. This is of particular importance for the MWRC as the ageing population of the region is predicted to significantly increase over the next 25 years and as the Central West and Orana, while the Renewable Energy Zone (REZ) brings new jobs and a more fluctuating workforce and resident population. These trends are supported by land use actions under Planning Priority 2 in the LSPS which aim to amend the land and housing supply monitor to include medium density residential to ensure adequate supply. Additionally, the LSPS states that, "**The region has a sufficient supply of low density residential zoned land across the four towns to meet the long term 20 year demand . . . Medium density housing is encouraged in Mudgee**"

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Mid-Western Regional Comprehensive Land Use Strategy 2010	The Mid-Western Regional Comprehensive Land Use Strategy provides a basis for identifying options for the council to meet long term urban and rural needs. The plan has since been incorporated into the existing statutory framework, being the LEP, however, not all recommendations have been adopted. The strategy makes clear that Mudgee is a district centre and acknowledges that in the case of Mudgee, the demand and ad-hoc nature of supply makes it difficult to achieve development in the most appropriate locations all of the time. Suggestions brought forward in the strategy were that medium density housing types, such as townhouses and villas, should be encouraged in Mudgee through sympathetic redevelopment of older housing stock and in infill areas, so as not to comprise built heritage. The strategy has added further detail on this suggestion by stating that, "higher densities will need to be located within proximity to the Mudgee CBD. A 5 to 10 minute walkable distance from the CBD is considered acceptable for more intensive housing development". As a summary, the strategy outlined that as a result of this type of development, "there should be a gradual reduction in housing densities with distance from the town centre and the future residential release areas should be low density in nature." This strategy encourages housing diversity, which will go some way towards providing additional housing choices to the community. This includes housing for seniors which the strategy says, "should be provided through the facilitation of multi-unit housing within walking distance of the Mudgee CBD.". With the strategy identifying vacant large lot residential land as having an estimated supply of 253-273 lots over a combined 64-68 years, the various precincts identified in the structure plan have the potential to provide for the housing needs of Mudgee for the next 37 years. This does not include infill development and redevelopment within the medium density areas, despite, infill development within the existing urban area, including town houses and villas, being considered by the strategy as short and medium term residential supply options. The strategy aims to protect areas suitable for continuing agricultural land uses and to minimise potential for land use conflicts. This can be seen in defining a physical limit to Mudgee's future growth, with one of the key principles being to develop a 'hard edge' for the urban area resulting in a more contained town centre, which is another objective for urban lands within the strategy. Under the Mudgee town structure plan (within the strategy), the proposal has been supported with the subject site located inside the town centres desired medium density residential zone.
Mid-Western Regional Economic Development Strategy 2023	The Mid-Western Regional Economic Development Strategy has been developed by the NSW Government to provide an updated evidence base to guide governments in making policy and investment decisions. The 2023 updated stressed that, "**declining housing availability and affordability may constrain the ability of businesses to attract and retain skilled workers**". The strategy cites that the issues is likely due to population growth as well as increased worker housing demand associated with planned major projects, in particular, the Central West-Orana REZ. As a result, residential vacancy rates dropped from 2.7% in 2018 to 0.7% in August 2022. The strategy outlines that due to heightened demand, median house prices grew by 62% between June 2018 and June 2022, in the Mid-Western Region and that sustained price increases such as these were likely to contribute to the inability to retain key workers for major project delivery and meet demand in population-serving industries.
Mid-Western Regional Community Plan 2030	The Mid-Western Regional Community Plan sets out the community's vision for the future across a range of categories including good governance, environmental protection, infrastructure, community and economics. The plan highlights that under Theme 1, Goal 2, Strategy 2.3, that the creation of diverse, sustainable, adaptable and affordable housing options through effective land use planning will be necessary in creating vibrant towns and villages.

3.2 Implications for the Proposed Development

The Proposed Development is aligned to the key strategic documents and objectives including:

- Delivering additional housing supply.
- Delivery of additional housing choice and diversity, in particular medium density housing.
- Support local workers with a place to live, and support a range of workers through providing additional housing diversity.
- Support population growth and investment in MWRC and Regional NSW.
- May help to assist businesses to attract and retain skilled workers through supporting additional dwelling supply.

disregard the inclusion of 42 & 44 Short Street, Mudgee.

4.0 Economic Context

This Chapter provides an overview of the economic context for the Subject Site including population trends, and population projections.

Key Findings:

- The administrative boundaries of the MWRC has been adopted as the primary study area and local housing market that has been assessed for the purposes of this housing supply and demand analysis.
- A review of the residential demographic profile for the MWRC area reveals that residents are typically younger and live in higher income households. These households tend to be slightly larger and represented by a higher proportion of couple families with children and lone person households. Most dwellings comprise separate houses, with a relatively limited provision of apartment, flats and units.
- A review of official population projections for the MWRC area indicates that the resident population is anticipated to grow in the years to 2041 with an additional +3,940 residents. The vast majority of population growth in MWRC is anticipated to occur within Mudgee (83.0%). This is well above the historic share of growth that has occurred in Mudgee which accounted for 56.1% of MWRC growth during the period from 2011 to 2023. This implies the need for a greater rate of housing delivery in the coming years than has historically occurred in Mudgee in order to accommodate this future population growth.
- **A review of the economic context for the MWRC indicates that the delivery of residential uses at the Subject Site would be aligned to trends in the residential demographic profile and anticipated population growth. Mudgee is anticipated to be the key location for much of anticipated future residential population growth across MWRC. In order to accommodate future population growth in Mudgee, which is anticipated to be represent a much higher proportion of future growth than it has historically, the delivery of additional dwellings would be required. This includes alternative housing supply that is currently under represented in the market (such as apartments) and which could be provided through in-fill development such as the Subject Site.**

4.1 Study Area Definition

A study area has been defined to represent the resident demographic profile of the general area surrounding Subject Site. Factors considered to define the boundary of the primary study area in this Report include the following:

- Location of the Subject Site;
- Existing and future regional transport network which influences travel time to and from the Subject Site;
- Location of natural and engineering boundaries such as local conservation areas, national parks, waterways and heavy infrastructure;
- Perceptual and psychological boundaries which affect perceptions of convenience, accessibility, community and relationship to the Subject Site and surrounding communities;
- Existing provision and demand for retail and commercial at the Subject Site;
- Location and nature of existing town centres, activities and surrounding key land uses; and
- Statistical and administrative boundaries such as ABS statistical areas.

For the purposes of this Report a primary study area has been defined along with secondary study area for the purposes of identifying unique attributes and drivers of relevance to the immediate locality around the Subject Site. The study areas adopted in this Report have been defined as follows (see **Figure 2**):

Primary	• **Mid-Western Regional Council (MWRC)** – defined as the SA1s that best align with the 2021 administrative boundary.
Secondary	• **Mudgee** – defined as the SA1s that best align with 2021 ASGS Edition 3 Suburbs and Localities (SALs) boundary for the suburb of Mudgee
Benchmark	• **Regional NSW** – defined using the 2021 Greater Capital City Statistical Area (GCCSA) boundary for the Rest of NSW.

disregard the 42a 42a Short Street Mudgee.

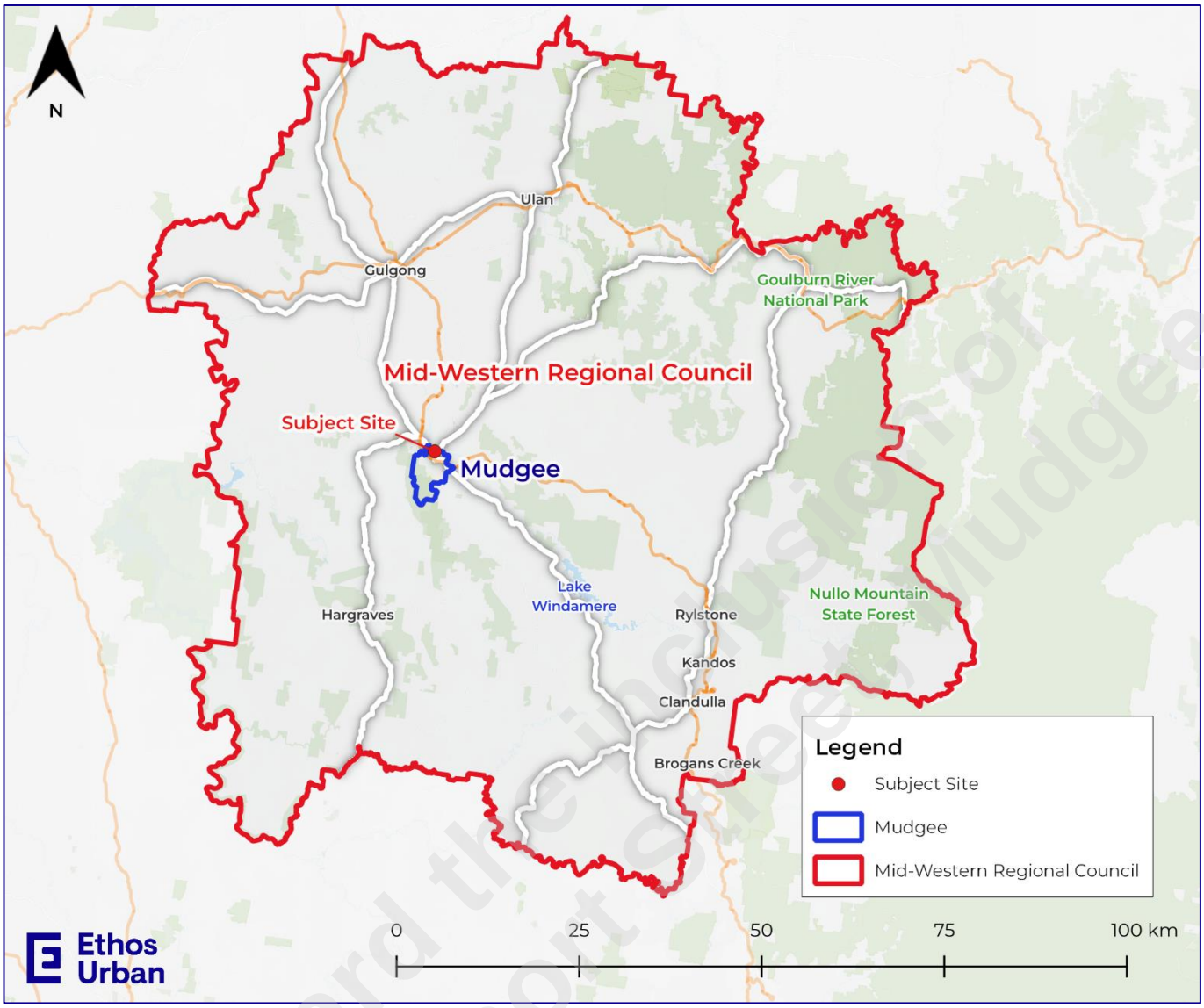


Figure 5 Study Area Map
Source: QGIS; Ethos Urban

4.2 Residential Demographic Profile

This sub-section provides a summary of the local resident population characteristics of the identified study areas is presented in **Table 1** below. Demographic data has been drawn from the ABS Census of Population and Housing 2021. The analysis provides a general overview of the demographic characteristics of residents within the MWRC and is compared to the Regional NSW benchmark. Key demographic characteristics of the study area include:

- **Household Income**: The median household income within the MWRC was $80,180. This was +6.5% higher compared to the for Regional NSW median of $75,280.
- **Age Structure**: The median age of residents within the MWRC was 41.9 years. This is 0.5 years younger than the Regional NSW benchmark of 42.4 years. A notable share of residents were aged 0-19 years within the MWRC (25.4%), when compared to the Regional NSW average of 23.6%. The share of residents aged 35-64 was also slightly greater at 38.3%, compared to the Regional NSW share of 37.2%.
- **Household Composition**: Within the MWRC, a relatively high share of households were couple families with no children at 27.5%, which was greater than the Regional NSW benchmark of 26.6%. The share of lone person households (28.5%) was also slightly higher in the MWRC compared to the Regional NSW benchmark (28.0%), while the share of one parent families was lower (10.2% compared to 11.7% in Regional NSW).
- **Dwelling Type**: the majority of dwelling within the MWRC were separate houses which comprised 91.8% of all occupied dwellings, which was well above the Regional NSW benchmark of 82.9%. The share of

Disregard the inclusion of 4&4A Short Street Mudgee.

semi-detached, row or terrace house, townhouses (6.3%) was lower than the Regional NSW benchmark (9.9%). The average household size of the MWRC was 2.5 persons per households, which was slightly higher than the Regional NSW benchmark of 2.4 persons per household.

- **Tenure Type**: Within the MWRC a higher share of households were purchased outright (40.0%) or with a mortgage (33.3%) when compared to Regional NSW at 38.9% and 32.0%, respectively.
- **Mortgage costs**: The median monthly mortgage repayments within the MWRC was $1,679 and comprised 25.1% of median household income and was -2.1% lower than the Regional NSW benchmark of $1,715.
- **Rental costs**: Within the MWRC, median weekly rents were $346, and were +1.6% higher than the Regional NSW benchmark of $340. Median rent made up 22.4% of median household income within the MWRC.
- **Occupation**: Residents of the MWRC tended to work in white collar occupations at 57.6%, which was well below the Regional NSW share of white-collar workers at 67.1% and highlights the significant of blue collar occupations for residents of the MWRC.
- **Industry of Employment**: Within the MWRC, the two largest industries of employment among residents was mining, at 16.6%, and health care and social assistance, at 11.6%. Mining made up a notably higher share of employment compared to the Regional NSW share of 2.5%. After health care and social assistance, retail and construction industries were also common industries of employment across the MWRC.

Overall, residents within the MWRC are slightly younger with a high share working in blue collar occupations. Residents live in households that earn higher incomes compared to Regional NSW and these households tend to be slightly larger and represented by couple families and lone person households, as compared to the balance of Regional NSW. Nearly all dwellings were separate residential dwellings and more than a third of dwellings were being rented.

By comparison to the MWRC, residents within Mudgee specifically were more likely to:

- Live in households with higher median household incomes.
- Be of a younger age.
- Live in more diverse dwelling structures.
- Live in couple family with children and lone person households.
- Rent their place of residence.
- Pay more in mortgage repayments and rental payments.

A review of key changes in the MWRC demographic profile can be undertaken by investigating trends which have occurred between the 2016 and 2021 Census (see **Figure 6** below). Key findings include:

- **Household incomes have increased**: Between 2016 and 2021, annual household income within the MWRC increased by +$21,040. By comparison, median household incomes across Regional NSW have risen by +$14,080 indicating incomes has risen more quickly in the MWRC than the balance of Regional NSW.
- **Younger age structure:** The median age decreased by -1.1 years from 43.0 years in 2016. However, the share of residents aged 65-85 years increased by +0.7pp between 2016 and 2021, which was the largest growth by share across all age groups. By comparison, Regional NSW saw a +1.6pp share increase in the same age group.
- **An increase in couple families with no children**: this household type increased by +1.3pp, while the share of most other household types declined. By comparison, couple families with no children across Regional NSW only increased by +0.5% between 2016 and 2021.
- **An increase in semi-detached dwellings and a decline in apartment dwellings**: Between 2016 and 2021, the share of semi-detached dwellings increased by +2.5%, whilst the share across Regional NSW only increased by +0.7%. On the other hand, Flat, unit or apartment type dwellings within the MWRC declined by -4.1% over the same period.
- **A decline in dwellings rented**: The share of dwellings rented between 2016-2021 declined by -4.1% whilst dwelling ownership with a mortgage and dwelling ownership outright both increased by +1.7% and +0.8%, respectively.

Disregard the inclusion of 128-134 Short Street, Mudgee.

Table 1 Residential Demographic Profile, 2021

Category	Mudgee	MWRC	Regional NSW
Income			
Median household income (annual)	$89,960	$80,180	$75,280
Variation from Regional NSW median	+19.5%	+6.5%	n.a.
Age Structure			
Median Age (years)	37.3	41.9	42.4
Household Composition			
Couple family with no children	27.2%	30.2%	29.7%
Couple family with children	27.7%	27.5%	26.6%
One parent family	11.7%	10.2%	11.7%
Other families	0.7%	0.6%	0.8%
Family households - Total	67.3%	68.5%	68.8%
Lone person household	29.0%	28.5%	28.0%
Group household	3.7%	3.0%	3.2%
Dwelling Structure (Occupied Private Dwellings)			
Separate house	84.8%	91.8%	82.9%
Semi-detached, row or terrace house, townhouse etc.	12.7%	6.3%	9.9%
Flat, unit or apartment	0.9%	0.7%	6.2%
Occupancy rate	87.5%	84.9%	88.8%
Average household size	2.4	2.5	2.4
Tenure Type (Occupied Private Dwellings)			
Owned outright	31.0%	40.0%	38.9%
Owned with a mortgage	33.0%	33.3%	32.0%
Rented	35.5%	24.5%	26.9%
Housing Costs			
Median monthly mortgage repayment	$1,708	$1,679	$1,715
Variation from Regional NSW median	-0.4%	-2.1%	n.a.
Median mortgage as a share of median household income	22.8%	25.1%	27.3%
Median weekly rents	$377	$346	$340
Variation from Regional NSW median	+10.9%	+1.6%	n.a.
Median rent as a share of median household income	21.8%	22.4%	23.5%
Occupation			
Blue-collar	42.6%	42.4%	32.9%
White-collar	57.4%	57.6%	67.1%
Industry of Employment (employed persons aged 15 years and over)			
Agriculture, forestry and fishing	1.7%	7.3%	5.3%
Mining	18.7%	16.6%	2.5%
Manufacturing	4.5%	4.6%	5.9%
Electricity, gas, water and waste services	0.8%	0.8%	1.2%
Construction	8.7%	8.9%	9.8%
Wholesale trade	2.5%	2.1%	2.0%
Retail trade	10.6%	9.7%	9.9%
Accommodation and food services	9.5%	8.2%	7.9%
Transport, postal and warehousing	2.1%	2.7%	3.9%
Information, media and telecommunications	0.4%	0.4%	0.6%
Financial and insurance services	1.0%	0.8%	1.9%
Rental hiring and real estate services	1.2%	1.2%	1.2%
Professional, scientific and technical services	3.4%	3.7%	5.1%
Administrative and support services	3.6%	3.2%	3.3%
Public administration and safety	4.7%	4.5%	7.5%
Education and training	8.5%	8.4%	9.7%
Health care and social assistance	12.5%	11.6%	17.1%
Arts and recreation services	1.1%	1.1%	1.2%
Other services	4.6%	4.2%	4.0%

Source: ABS, 2021; Ethos Urban

Disregard the inclusion of 42a & 44 Short Street, Mudgee.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Figure 6 Change in Demographic Trends between 2016 and 2021 Census period

Source: ABS, Ethos Urban

4.3 Residential Population Trends and Projections

Resident population projections have been prepared using latest official projections from Transport for NSW (TfNSW) and rebased to account for the latest ABS historic population estimates. These projections have been crossed checked against the Department of Planning (DPE) population projections to ensure consistency.

A detailed summary of population projections is presented in **Table 2**, and the key findings include:

- In 2023, the MWRC had an estimated resident population of 25,980, having increased from 23,040 residents in 2011.
- The Population of MWRC is projected to increase by +3,940 residents between 2023 and 2041. This will result in a residential population of 29,920 residents by 2041.
- The vast majority of population growth in MWRC is anticipated to occur within Mudgee (83.0%). This is well above the historic share of growth occurring in Mudgee (56.1%) for the period 2011 to 2023.
- Future growth is anticipated to be weaker than historic growth across the balance of the MWRC with anticipated average annual growth below historic. However, within Mudgee, future growth is anticipated to be stronger than historic growth.

A review of population trends and projections highlights the importance of the Mudgee in accommodating future population growth with MWRC.

Residential population growth within the MWRC will generate demand for new and diverse housing stock, both over the short, medium and long term. Greater levels of housing delivery will be required primarily in Mudgee in order to support this future population growth.

Table 2 Official Population Projections, 2016-2041

	2011	2016	2023	2026	2036	2041	2011-2023	2023-2041
Population (no.)								
Mudgee	10,160	11,240	11,810	12,360	14,180	15,080	+1,650	+3,270
MWRC	23,040	24,570	25,980	26,670	28,850	29,920	+2,940	+3,940
Rest of NSW	2,609,580	2,707,940	2,879,200	2,941,190	3,172,490	3,297,470	+171,260	+418,270
Average Annual Growth (no.)		**2011 - 2016**	**2016 - 2023**	**2023 - 2026**	**2026 - 2036**	**2036 - 2041**	**2016 - 2023**	**2023 - 2041**
Mudgee		+220	+80	+180	+180	+180	+140	+180
MWRC		+310	+200	+230	+220	+210	+250	+220
Rest of NSW		+19,672	+24,466	+20,663	+23,130	+24,996	+24,470	+23,240
Average Annual Growth Rate (%)		**2011 - 2016**	**2016 - 2023**	**2023 - 2026**	**2026 - 2036**	**2036 - 2041**	**2016 - 2023**	**2023 - 2041**
Mudgee		2.0%	0.7%	1.5%	1.4%	1.2%	1.3%	1.4%
MWRC		1.3%	0.8%	0.9%	0.8%	0.7%	1.0%	0.8%
Rest of NSW		0.7%	0.9%	0.7%	0.8%	0.8%	0.9%	0.8%

Source: ABS, 2023; TfNSW, 2022; Ethos Urban
Note: Figures rounded

4.4 Implications for the Proposed Development

A review of the economic context for the MWRC indicates that the delivery of residential uses at the Subject Site would be supported by observed trends in the residential demographic profile for MWRC and anticipated population growth. Mudgee is anticipated to be a key location for much of the future residential population growth across MWRC and this population growth in Mudgee is anticipated to be greater than historic. As a result, rate of housing delivery in Mudgee will need to exceed historic rates in order to adequately accommodate this future residential population.

Currently, Mudgee and MWRC does not provide a diversity of housing stock, with only 0.7-0.9% of all dwellings classified as flats/units and apartments, well below the Regional NSW average of 6.2%. The result is limited range of price points and dwelling typology that can align with the demographic requirements and help to support future growth.

Disregard the inclusion of 42a & 44 Short Street, Mudgee.

5.0 Housing Market Overview

This Chapter provides a high-level overview of broad housing market indicators and trends within the MWRC that are of relevance to the Proposed Development.

For the purposes of highlight unique trends within the MWRC some market indicators have been compared against other local government areas within the Central West and Orana region.

Key Findings:

- Key regional centres across regional NSW are continuing to evolve with areas of medium density residential development. This trend will remain as the population of these centres continues to grow, and with the focus for growth in the town centres and urban areas, rather than on surrounding agricultural and productive lands. Proximity to a range of services and facilities is critical to ensure the viability of medium density residential uses.
- A review of the trend in house and unit sales and rents demonstrates the strong demand and potential for additional medium density living in MWRC. There is a premium attached to house and unit sales prices and rents for dwellings within MWRC, which highlights strong market demand to live within the MWRC.
- A review of housing suitability indicates that there is currently a misalignment between typical household sizes and dwelling sizes within MWRC, which is leading to overcrowding within dwellings for certain segments of the community, and underutilised houses with spare bedrooms for other segments of the community. This could be addressed through the increased provision of smaller units and apartments in appropriate locations, allowing additional opportunities for households to move to more suitable accommodation options – by supporting down-sizing opportunities and more affordable accommodation options through townhouses, units and apartments, as compared to separate dwellings (houses).
- Housing affordability in NSW remains a social, economic and political challenge. A review of housing affordability indicators shows that 33.4% of households who are renting are facing rental stress, and 11.9% of households who own a property on a mortgage are facing mortgage stress, with these households facing housings costs that exceeded 30% of household income. In recent years, household stress is likely to have increased further as mortgage interest rates have increased along with increases in rental levels. This is likely impacting the most vulnerable segments of the community.
- Housing undersupply remains a critical challenge across NSW with a projected undersupply of 100,000 dwellings expected by 2038. The effects of housing undersupply will add pressure to housing markets across the state, including regional area, through reduced housing affordability and availability. Residents that are unable to locate in a preferred location or centre due to housing affordability, may consider locate to other less preferred areas based on what that they can afford. This in turn will add to widespread housing affordability pressures. Restrictions on housing supply is identified by the Productivity Commission as the primary cause of housing affordability pressure.
- **The Proposed Development will align with trends and indicators observed across the housing market and will help to respond to the need to provide additional residential density helping to support housing supply and affordability. The Proposed Development has the ability to provide for increased housing stock and dwelling diversity in a high amenity and walkable location, in proximity to a range of goods and services.**

5.1 Medium Density Living in Regional NSW

Key regions and centres across regional NSW are continuing to evolve with areas of medium density residential uses, particularly within regional centres. This trend will remain as the population of these centres continues to grow. In addition, regional towns typically face the challenge of managing and protect productive rural lands from encroachment of other uses such as residential. The result is increased demand for locations where people can reside that is close to employment, amenities, as well as community and social infrastructure.

Some of the key success factors attributed to a vibrant medium density precinct in regional NSW include:

- Walkability and access to key services and facilities.
- Adjacent to retail facilities.
- Accessibility to employment opportunities (town centre and surrounding region).

- Accessibility to education and health facilities.
- Vibrancy and amenity.
- Access to quality public open spaces.

The Proposed Development responds to this trend by providing for medium density housing at a site that is well located within Mudgee. Mudgee is a highly self-contained regional centre with job opportunities provided within the town centre and surrounding region. Within proximity of the site is access to retail, community, education.

5.2 Market Prices

House prices provide an indication of demand by residents who want to live in a particular area and provide an indication of how supply may be responding to demand.

A review of house and unit sales price trends within the MWRC has been sourced from Pricefinder and shows the following key trends over the past 15 years:

- As of 2022, the median sales price for a house in the MWRC was $660,000. Since 2009, the median price has increased by +$392,000 with strong price growth recorded since 2020 in part driven by the impacts of COVID-19 and increased internal net migration from capital cities to the regions (see **Figure 7**)
- Compared to other LGAs, house price trends in MWRC broadly align to the trends experienced in other key LGAs including Orange City Council and Bathurst Regional Council. There is a large premium attached to houses in these LGAs compared to other LGAs (e.g. Lithgow and Dubbo) and this highlights the relatively high levels of demand and relative scarcity of available detached dwellings available in these LGAs.
- Units within the MWRC are more affordable compared to house, with the median sales price for a unit of $515,000 in MWRC in the year 2022. While unit prices have experienced some volatility, overall, there has been a positive trend with the median unit price increase by +295,000 since 2009 (see **Figure 8**)
- Compared to other LGAs within the surrounding region, there has been a slight premium attached unit prices within MWRC; however, overall, unit price trends have been broadly comparable price trends in Orange City Council and Bathurst Regional Council.
- This unit price premium and trend likely highlights strong demand for units within MWRC including Mudgee and relatively scarcity of available multi-unit dwellings.
- Since 2022, and based on current available data for 2023, median prices growth has started to weaken and even decline. These price declines are relatively broad based and are also being experienced in the capital city housing markets and likely reflect the impacts of high interest rates on the willingness and capacity of borrowers to purchase housing.

Notwithstanding recent weaknesses in median price growth, examination of house and unit prices and trends demonstrate demand to live within MWRC and in centres such as Mudgee. The Proposed Development responds to this demand by providing a much needed housing within a high amenity area close to retail and community facilities.

The Proposed Development at the Subject Site will ensure a range of price points and products are delivered to Mudgee to the benefit a larger segment of the population, than if exclusively lower density dwellings were delivered.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

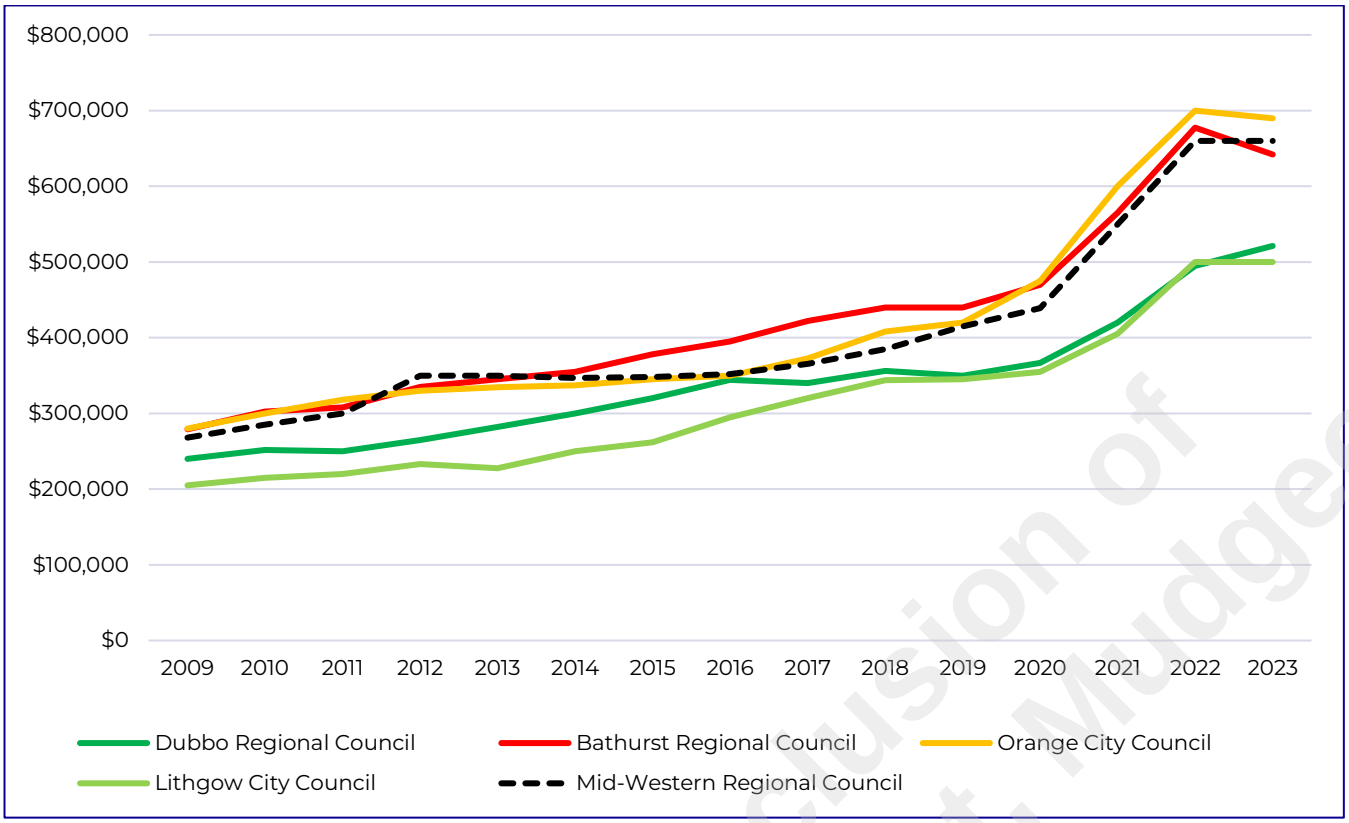


Figure 7 House Price Trends Across Selected LGAs, 2009 – 2023 (YTD)

Source: Pricefinder (2023); Ethos Urban

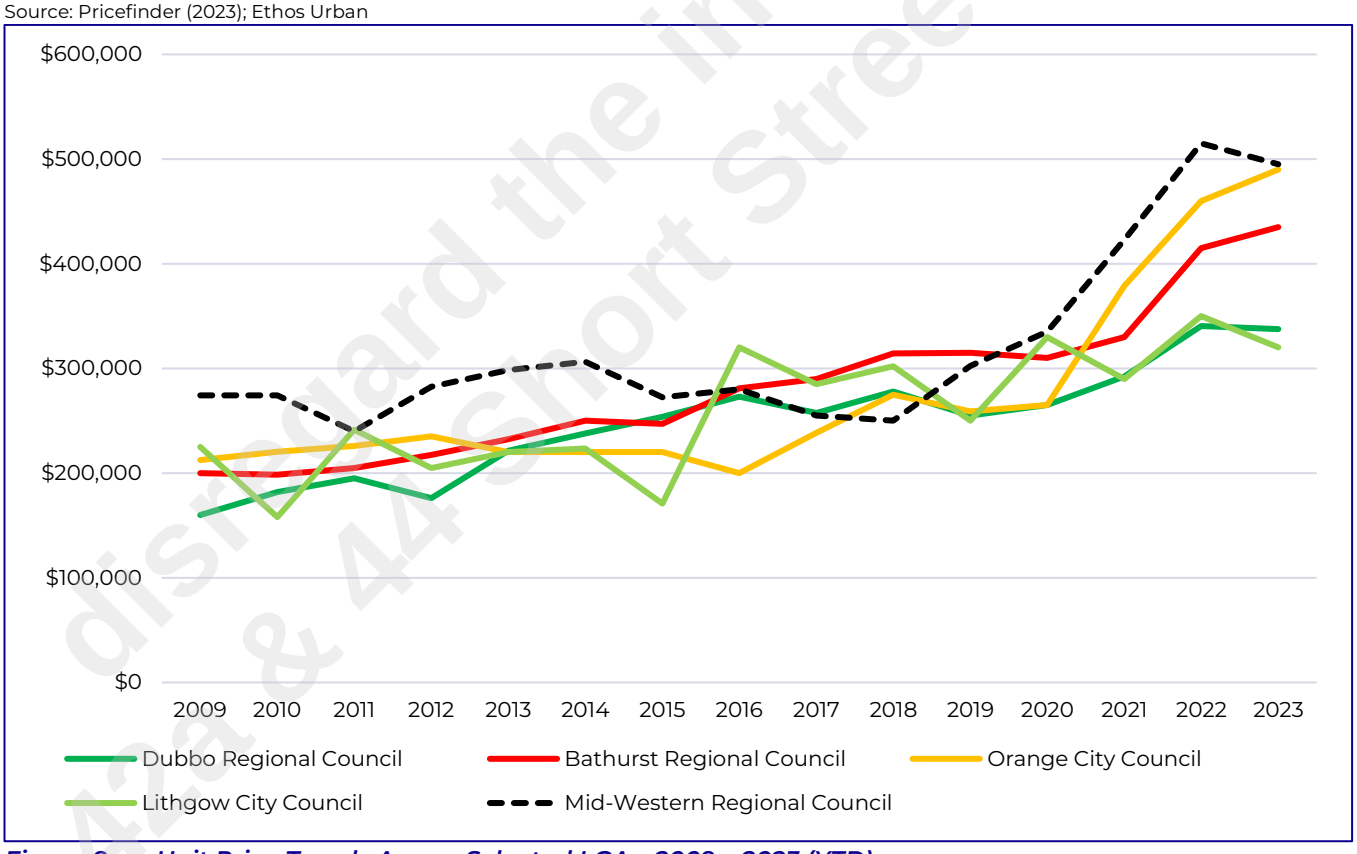


Figure 8 Unit Price Trends Across Selected LGAs, 2009 – 2023 (YTD)

Source: Pricefinder (2023); Ethos Urban

disregard the inclusion of 42a & 44 Short Street, Mudgee.

5.3 Market Rents

Overall, a review of market trends indicates that tight conditions within the housing market, premium attached to housing within the MWRC.

Market rent data can be used as an indicator of the demand and desirability to live within a local area. Rental data is sourced from the Department of Family and Community Services (FACS) which provides median weekly rents for all dwelling types, houses, flat/units, and townhouses. Median rental data was examined for 2019 and 2022, a summary of the findings is as follows (see **Table 3**):

- Across both the MWRC and Regional NSW weekly median rents have increased across all dwelling types, with dwellings with 3 or more bedrooms typically experiencing the largest increases in median rental growth.
- Median rents within MWRC have increased faster than compared to the Regional NSW benchmark across all dwelling types and dwelling sizes. Similarly, there is a premium attached to rented dwellings in the MWRC compared to Regional NSW.
- Across both the MWRC and Regional NSW, median rents are typically higher for houses and lower than flat/units, indicating better rental affordability for flat/units.

In the first half of 2023, median rents have increased only slightly within MWRC, most of the recorded rental growth has been in flat/units compared to houses. Median rental growth has been higher in MWRC compared to Regional NSW.

Overall, rental data indicates that MWRC is a desirable place to live and rent. It is noted that rental growth in recent years has likely contributed to reduced rental affordability for households within MWRC. These rental affordability challenges are likely to continue to increase in the near term on the back of strong population growth driven by strong net overseas migration and net internal migration.

Table 3 Median Rents MWRC to Rest of NSW, 2019 and 2022

Dwelling Size	Total	House	Flat/Unit	Town Houses	Total	House	Flat/Unit	Town Houses
	2019				2022			
MWRC								
Bedsitter	**-**	-	-	-	**-**	-	-	-
1 bedroom	**$219**	-	-	-	**$308**	-	-	-
2 bedrooms	**$289**	$288	$288	-	**$392**	$396	$375	-
3 bedrooms	**$374**	$373	$350	-	**$489**	$488	-	-
4 or more	**$448**	$451	-	-	**$599**	$603	-	-
Total	**$374**	**$385**	**$288**	**$408**	**$483**	**$494**	**$348**	**-**
Regional NSW[a]								
Bedsitter	**$218**	**-**	$204	**-**	**$259**	**-**	**-**	**-**
1 bedroom	**$215**	$219	$213	$303	**$283**	$274	$283	$361
2 bedrooms	**$284**	$294	$274	$335	**$365**	$369	$350	$428
3 bedrooms	**$355**	$353	$353	$405	**$461**	$454	$457	$533
4 or more	**$443**	$443	$408	$454	**$570**	$573	$486	$586
Total	**$343**	**$364**	**$271**	**$380**	**$435**	**$465**	**$350**	**$478**

Source: FACS, Ethos Urban

a. Rest of State defined as NSW excluding Greater Metropolitan Region of Sydney (which includes Greater Sydney and Wollongong)

5.4 Housing Suitability

There is a current misalignment between the typical household size and dwelling size provided in MWRC, which is leading to overcrowding for certain segments of the community, and underutilisation of houses for other segments of the community.

Data from the 2021 Census provides a measure of the alignment of dwelling size to household size. This measure of housing suitability compares the number of bedrooms required (based on population) with the actual number

Unsighed the inclusion of 424 24 Short Street, Mudgee.

of bedrooms provided in the dwelling. This measure considers factors such as number of residents within a household, their relationship with each other, their age and their sex. This measure helps to identify if a dwelling is either under or over utilised based on the needs of the residents/household.

This housing suitability data for MWRC compared to the Regional NSW benchmark is illustrated in **Figure 9** . which classifies dwellings in terms of housing suitability and bedroom requirements. Key findings are as follows:

- Of the dwellings within the MWRC, 13.1% of dwellings are in 'equilibrium' which indicates that all bedrooms are fully utilised. This share is below the NSW regional benchmark indicating that a lower share of dwellings are being fully utilised across the MWRC.
- The vast majority (84.7%) of dwellings have at least one bedroom spare, with 35.2% of dwellings having at least two bedrooms spare. This share is above the NSW benchmark which indicates that a higher share of dwellings within the MWRC are not being fully utilised compared to the balance of NSW and this could indicate barriers to downsizing for these households.
- A smaller share of households (2.1%) require at least one additional bedroom. This segment of the community are likely facing overcrowded housing conditions and are living in dwellings that are over utilised. This share of households is slightly below the NSW Regional benchmark.

A further detailed analysis of households requiring at least one additional bedroom is illustrated in **Figure 10**. Overall, this analysis indicates that the vast majority of households requiring at least one additional bedroom consist of family households.

As a result, the Proposed Development will assist in helping to alleviate the misalignment between typical household size and dwelling size within the MWRC through providing increased smaller dwellings helping to provide for downsizing opportunities to the benefit of the overall community.

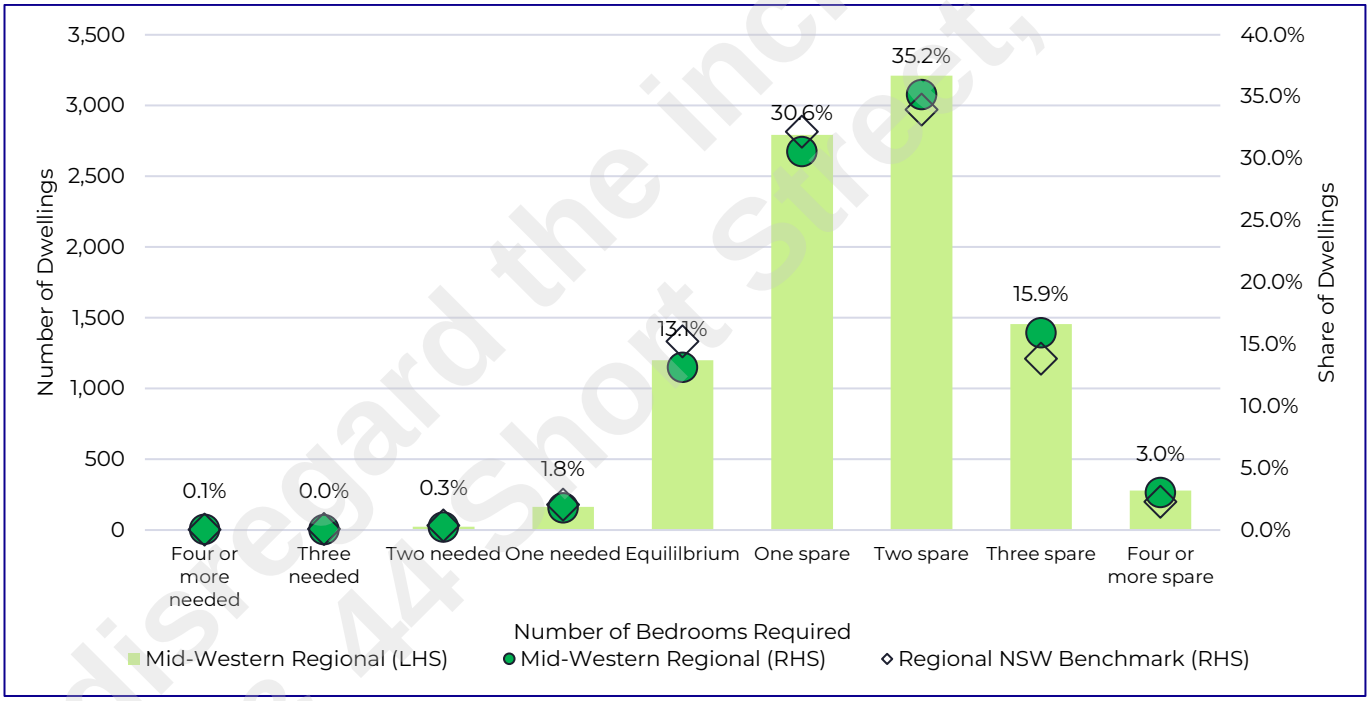


Figure 9 Housing Suitability in MWRC, 2021
Source: ABS, 2021; Ethos Urban

Disregard the inclusion of 42a & 44 Short Street, Nudgee.

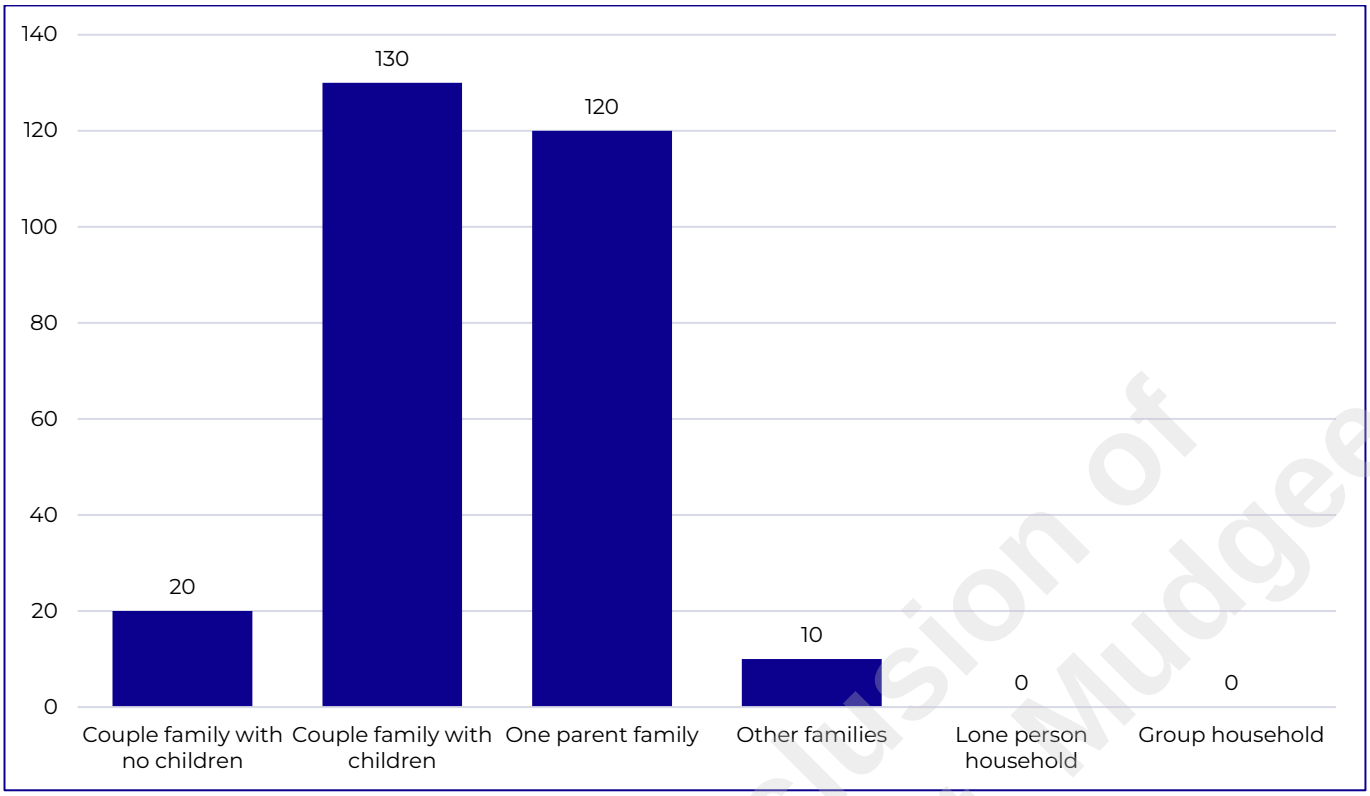


Figure 10 Dwellings Requiring At Least One Additional Dwelling by Household Composition, MWRC, 2021
Source: ABS, 2021; Ethos Urban

5.5 Housing Affordability and Stress

Housing affordability in NSW remains a social, economic and political challenge. The ability to provide for increased housing stock and diversity (across a range of sizes and price points) in key strategic centres and regional centres, will support affordability and result in increased community benefits.

Measuring housing affordability is a key metric to provide an insight into household welfare and there are a number of different ways to measure housing affordability. A typical measure of reviewing housing affordability is expressed as the ratio of housing costs to gross household income.[1] At each Census period, the ABS releases this measure, with 2021 results summarised in **Table 4.** Key insights from this data include:

- Of dwellings being rented in MWRC, 33.4% of households were facing rental stress with rents greater than 30% of household income. This was below the Regional NSW benchmark of 36.3% indicating that while a higher share of households were facing rental stress, this share is lower than the balance across Regional NSW.
- Of the dwellings owned with a mortgage in MWRC, 11.9% of households were facing mortgage stress, with mortgage repayments greater than 30% of household income. This is slightly below the Regional NSW benchmark.

Since the 2021 Census, household stress is likely to have increased in line with rising mortgage interest rates and increases in weekly rents. As such, it is likely the figures summarised below likely understate the housing affordability challenge for households in both MWRC and Regional NSW.

The ability to provide for increased housing supply and additionally dwellings across a range of sizes and price points will help deliver more affordable housing options for the local community.

In this context, the Proposed Development will assist in reducing housing stress and help to improve housing affordability by delivering additional housing stock at lower price points due to the provision of units/apartments. This will benefit the local community and in particular more vulnerable segments of community.

[1] See ABS (Australian Bureau of Statistics) 2019. Housing occupancy and costs, 2017–18-. Canberra: ABS; and https://www.aihw.gov.au/reports/australias-welfare/housing-affordability (accessed January 2023)

Unregistered inclusion of 42 & 44 Short Street, Mudgee.

Table 4 Measures of Housing Stress, 2021

Measure	MWRC	Regional NSW
Weekly rent payments		
Renter households where rent payments are less than or equal to 30% of household income	56.4%	54.1%
Renter households with rent payments greater than 30% of household income	**33.4%**	**36.0%**
Unable to determine[a]	10.0%	9.9%
Monthly mortgage repayments		
Owner with mortgage households where mortgage repayments are less than or equal to 30% of household income	76.0%	75.6%
Owner with mortgage households with mortgage repayments greater than 30% of household income	**11.9%**	**12.7%**
Unable to determine[a]	12.2%	11.7%

Source: ABS, 2021
Notes: [a] Unable to determine includes those households in which income and/or housing costs were not, or were only partially stated, by persons in the household.

5.6 Housing Undersupply

The Productivity Commission 2021 White Paper details how NSW can reboot its economy in a post-COVID-19 world. Of relevance to this report is the analysis and findings related to housing. A key finding of the report is that since 2006, NSW (including Regional NSW) has not kept pace with demand or state targets, resulting in dwelling shortage, as illustrated in **Figure 11**.

The undersupply of housing began to decline around 2014 this was driven by record high residential approvals and completions. More recently, declines in net immigration due to border closured associated with COVID-19 has further reduced the undersupply to 54,000 dwellings in 2020. The Productivity Commission, having published the white paper in May 2021, anticipated that this trend of negative net immigration would likely continue for a few more years, which would further result a reduction in the undersupply of housing.

The Productivity Commission anticipates that once conditions return to normal in a Post-COVID-19 environment, that the undersupply of housing will continue to worsen, with a projected undersupply of 100,000 dwellings by 2038.

While much of this undersupply will be located in Greater Sydney, the effects of housing undersupply will add pressure to housing markets across the state through reduced housing affordability and availability. Residents that are unable to locate in one housing market, may consider relocating to locations that they can afford. This in turn will add to housing affordability pressures in these locations.

A key driver behind the undersupply of housing in NSW is due to the market not being able to quickly respond to shifts in demand for housing. The Productivity Commission notes recent housing market activity in recent years as an example of the inability of the market to respond to increases in demand for housing associated with faster than expected population growth and record low interest rates. In consequence, house prices and rents have increases significantly, and housing affordability has worsened.

Restrictions on the ability of the market to deliver housing in terms of location, typology and density is noted as the primary cause of the market not being able to respond to shifts in housing demand. Furthermore, the Productivity Commission notes that development applications is also further restricting supply, by increasing the length of time it takes for a residential investment to become construction complete and occupied by residents.

In consequence, the undersupply of housing in NSW has raised the cost of living for households and made NSW a less attractive place to live and work. Residents are forced to locate further away from their desired locations, and away from places of work, and other critical retail, community and social facilities and infrastructure.

For self-contained regional centres such as Mudgee, the consequences of housing undersupply will be immediately felt through inability of residents to live within Mudgee and for businesses to no longer adequately

Uncontrolled when printed. Part of the Inclusion of 44 Short Street, Mudgee.

source workers. For some segments of the community that are unable to relocate, housing affordability pressures could lead to less than desirable housing conditions such as overcrowding.

Overall, the Productivity Commission note the following in regard to housing undersupply and household welfare:

> *Restrictions on the location, nature and density of housing are limiting choice and leaving people with less income to spend on other goods and services (Productivity Commission 2021 White Paper, 2021, p. 40).*

In this context, the Proposed Development at the Subject Site, can assist in reducing housing undersupply, improve affordability, and improve household welfare for current and future residents of MWRC and Mudgee.

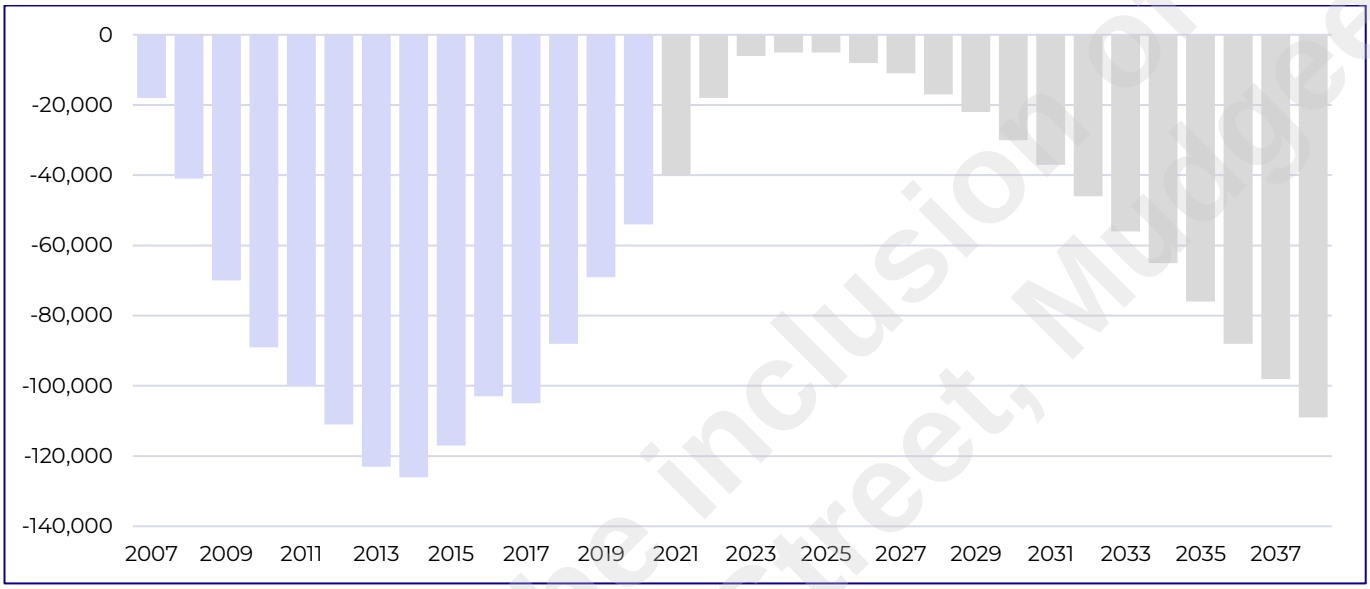


Figure 11 NSW Cumulative Undersupply of Housing, 2006-2038
Source: Productivity Commission 2021 White Paper

5.7 Implications for the Proposed Development

This Chapter has considered some of the key trends that are shaping the residential sector. The Proposed Development responds to many of these trends, for example through providing medium density living in a key location in proximity to a range of services and facilities.

Long term trends in house and unit prices and rents indicate that MWRC is a desirable place to live, and this is likely to remain in the future based on the role and function of the region, current key investment projects, and role and function of key centres including Mudgee.

The Proposed Development aligns with these trend and the need to provide additional residential density in locations such as Mudgee. The Proposed Development has the ability to provide for increased housing stock and dwelling diversity (across a range of sizes and price points) in a highly walkable location in proximity to a range of goods and services.

Disregard the inclusion of 42a & 44 Short Street, Mudgee.

6.0 Housing Supply and Demand

This Chapter provides a high-level supply and demand analysis to determine need for additional house supply within the MWRC and Mudgee.

Key Findings:

- A review of Australian Bureau of Statistics (ABS) building approvals data indicates that in the period 2016 to 2019, the delivery of housing supply in MWRC was relatively low, averaging just 18 approvals a year. Since 2020, the number of approvals has increased to an average of 90 approvals a year. Approvals for multi-unit dwellings has also increased from 8.3% in 2016 to 2019, to 35.2% of approvals since 2020.
- A review of the future residential development pipeline within the MWRC highlights that some 1,215 dwellings are identified in the pipeline. A number of projects (28.7% of the development pipeline) have no estimated year of completion and have remained at the development approval stage (or early stages within the development process) for several years. For the purposes of the housing supply and demand analysis, these projects are anticipated to still be delivered in the near term.
- A review of implied dwelling demand, which has been derived using assumptions from Department of Planning and Environment (DPE) and expected future population growth (as outlined in Chapter 4), indicates that there is anticipated to be implied demand for an additional +2,130 dwellings within the MWRC over the period from 2023 to 2041.
- As a result, it is anticipated that there will be insufficient supply of housing in MWRC by 2041, with a shortfall of -915 dwellings. As Mudgee is anticipated to accommodate the majority of future population growth within MWRC by 2041 (at 82.9% of all MWRC growth), it will be important to Mudgee to unlock additional dwelling supply in order to address this housing shortfall.
- **This analysis indicates that identified future housing supply will only be able to accommodate half of projected implied dwelling demand expected to be required within the MWRC over the period to 2041. This shortfall in housing supply will add to affordability pressures for households within the MWRC, with vulnerable segments of the community likely to be disproportionately impacted by increased housing stress and affordability pressures. Other economic impacts associated with an increasing housing shortfall may include the inability of businesses and future infrastructure projects within MWRC to attract and retain skilled workers as well as the loss of potential residential expenditure that could be directed to local businesses within MWRC.**
- **This housing supply and demand analysis has demonstrated the need for additional housing to be delivered within MWRC. The Proposed Development will respond to the identified housing need, and will assist MWRC in the delivery of appropriate and much needed housing supply within a well-located and high amenity location within Mudgee.**

6.1 Housing Supply

This sub-section considers housing supply within the MWRC. Housing supply is considered in terms of ABS building approvals data, which provides an indication of historic trends in housing delivery, and a review of the future housing delivering based on the residential development pipeline (sourced from the CordellConnect database).

ABS building approvals

A review of building approvals over the last seven years is illustrated in **Figure 12** and key insights are as follows:

- Prior to 2020, there was an average of 18 approvals each year; however, since 2020, the average number of approvals each year has increased to 90 approvals a year. In 2020, there were 38 approvals, and this has increased to 178 approvals in 2022.
- Detached dwellings have comprised the majority of approvals, accounting for 70% of approvals since 2016.
- There has been a shift to towards multi-unit developments with the multi-unit approvals accounting for 35.2% of approvals since 2020 compared to 8.3% for the period 2016 to 2019. This indicates the market appetite for the delivery of multi-unit dwellings inline with the viability of this multi-unit dwellings across the MWRC.

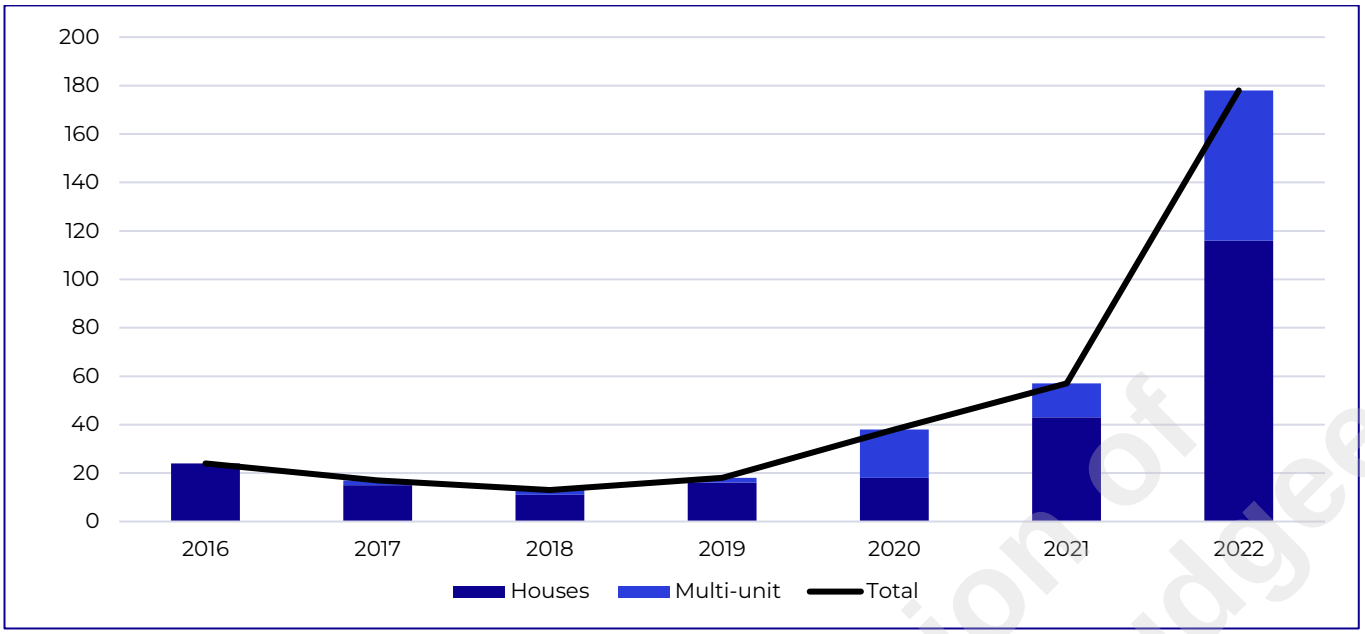


Figure 12 Building Approvals 2016 to 2022
Source: ABS, 2023; Ethos Urban
Notes: first half of 2016 estimated based on approvals in second half

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Residential Development Pipeline

A review of the development pipeline as sourced from the CordellConnect database reveals the following insights regarding anticipated future housing supply (see **Figure 13**):

- There is some $151.4 million of residential investment within the development pipeline comprising an estimated 1,215 dwellings.
- The development pipeline is comprised of multi-units (44.3%), residential subdivision (34.2%), and retirement living, aged care and seniors living (21.1%).
- A number of projects have no estimated year of completion and have remained at the development approval stage or other early stages within the development process for several years. These projects account for 349 dwellings or 28.7% of the development pipeline. For the purposes of analysing supply and demand, these projects are assumed to be able to be completed at any time depending on implied demand.

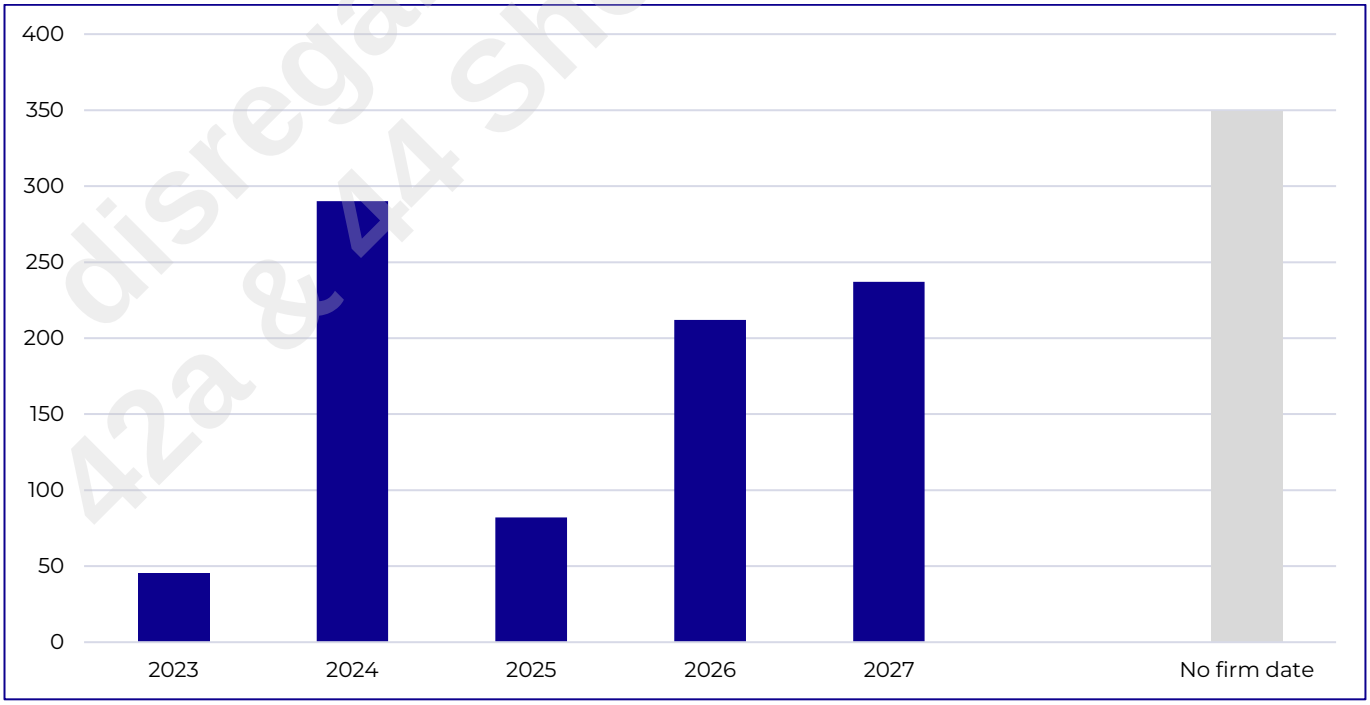


Figure 13 Residential Development Pipeline, MWRC, 2023 to 2027
Source: CordellConnect, 2023; Ethos Urban

6.2 Housing Demand

This sub-section considers the implied demand for housing within the MWRC. Implied demand figures have been calculated from assumptions regarding average household sizes and dwelling occupancy. These assumptions have been based on 2021 Census and DPE projections and assumptions for MWRC.

Based on the above assumptions and future population growth as outlined in **Chapter 4**, there is anticipated to be implied housing demand for an +2,130 dwellings within the MWRC (see **Table 5**). The vast majority of this implied demand is anticipated for Mudgee which will account for 82.9% of the implied housing demand across the MWRC.

Table 5 Implied Housing Demand

	Anticipated Population Growth (2022 to 2041)[a]	Average Household Size[b]	Occupancy Rate[b]	Implied Housing Demand
Mudgee	+3,430	2.3	84.5%	+1,770
MWRC	**+4,140**	**2.3**	**84.5%**	**+2,130**

Source: ABS, 2023; TfNSW, 2022; DOE, 2022; Ethos Urban
Note: Figures rounded

a. Demand analysis includes additional
b. Average household size and occupancy rate assumptions derived from 2021 Census and DPE household size and implied housing demand assumptions and projections for the MWRC.

6.3 Housing Need

This sub-section considers the interaction of housing supply and demand to determine future housing need for the MWRC.

Based on implied pipeline of residential developments, and assuming that projects with no confirmed completion date can be readily delivered to respond to housing demand, it is anticipated that there will be insufficient supply of housing by 2033 with a shortfall of -30 dwellings (see **Figure 14**). By 2041, the undersupply of housing is anticipated to increase to -915 dwellings. As Mudgee is anticipated to accommodate 82.9% of implied housing demand much of this housing shortfall will be located in Mudgee.

The housing supply and demand analysis indicates that there is housing supply to accommodate only half of projected implied dwelling demand within the MWRC. This shortfall in housing supply will add to affordability pressures for households within the MWRC with more vulnerable segments of the community likely to be more impacted by housing stress an affordability pressures. Other economic impacts associated with housing shortfall could include the ability of businesses and key infrastructure projects within MWRC to attract and retain skilled workers and loss of residential expenditure that could be directed to businesses within MWRC.

Overall, this projected undersupply of housing represents a highly conservative estimate of housing need for the following reasons:

- Assumes market is in equilibrium in 2022; however, as findings of **Chapter 5** demonstrate, there is significant levels of undersupply across NSW. Furthermore, there is a premium attached to housing and units within the MWRC which likely indicates existing unmet demand (i.e. there already exists an undersupply of housing).
- Nearly all projects within the development pipeline are anticipated to be delivered across the projection time horizon and projects with no anticipated delivery date are still expected to be delivered.
- Excludes demand for housing by temporary workers including workers on major investment projects and seasonal workforce.

Disregard the inclusion of 439 & 441 Short Street, Mudgee.

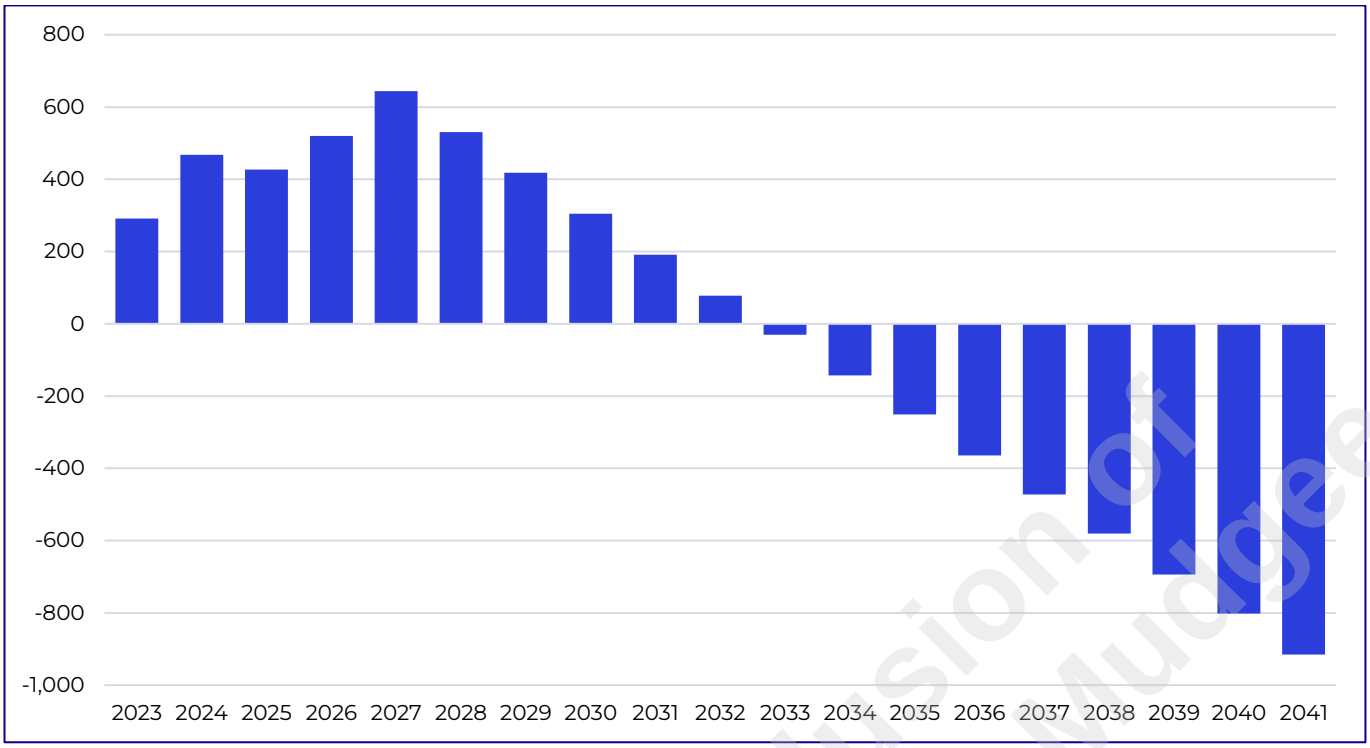


Figure 14 Cumulative Shortfall in Housing Supply (Dwellings) within Mid-Western Regional Council
Source: Ethos Urban

6.4 Implications for the Proposed Development

This Chapter has demonstrated based on housing supply and demand analysis the need for additional housing to be delivered within MWRC. The Proposed Development will respond to this housing need and will assist MWRC in delivery of much needed housing supply at a well located site within Mudgee.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

7.0 Opportunities for the Subject Site

The previous Chapters of this Report have demonstrated the need for additional housing, in particular medium density housing in MWRC and Mudgee. This Chapter provides an overview of the suitability of the Proposed Development at the Subject Site for residential development, and the benefits to the local community and region if the Subject Site were developed in line with the proposed masterplan.

Key findings:

- The Proposed Development will respond to the trend and requirement for medium density living through the delivery of some 28 dwellings at the Subject Site. The Subject Site is well located and has a number of attributes that make it suitable for medium density residential use, including being under single ownership on a relatively flat site that is located inproximity to range of services and facilities, accessible to employment opportunities, and provides high levels of amenity including supporting walkability.
- This housing supply and demand review shows that from an economic perspective, a moderate relaxation of height controls at the Subject Site would provide a range of benefits to the MWRC and the local community including:
  - increasing housing supply and diversity
  - improving housing affordability through increased supply and dwelling typologies
  - improving the alignment between typical household sizes and dwelling sizes currently provided
  - reducing the anticipated housing shortfall helping to support overall growth in Mudgee and the region.
- The Proposed Development will deliver an array of economic benefits to the local and regional community. This would include supporting population growth, business opportunities, providing a catalyst for economic growth, supporting jobs in local industry, supporting a walkable community, helping to enhance Mudgee's economic role and function, and revitalising an underutilised well-located site. Furthermore, development of the Subject Site is aligned with key strategic objectives and growth targets for MWRC and the broader region.
- It should be noted that there may be capacity to deliver additional dwellings on the Subject Site at a later through partnerships with adjoining owners.
- **Overall, a modest relaxation of height controls at the Subject Site to 10.5m (up from 8.5m) is recommended on the basis on this housing supply and demand analysis. There is a demonstratable need for additional residential supply, particularly medium density housing.**

7.1 Suitability of the Subject Site

The Proposed Development responds to the trend towards medium and higher density living through the delivery of 28 dwellings at the Subject Site. The Subject Site also has the capacity to deliver additional dwellings at a future stage. The Subject Site is well located and has a number of attributes that make it suitable for medium density residential including:

- Single ownership and relatively large flat site.
- Walkable distance and in proximity to key retail, health, education and social and community facilities and infrastructure all within walking distance of the Subject Site.
- Accessible to key employment opportunities within Mudgee and within the surrounding region.
- Overall high levels of amenity in the Mudgee, supporting walkability.

A moderate relaxation of height controls at the Subject Site would provide the following benefits of relevance to this housing supply and demand review:

- **Increasing housing supply and diversity** and improving choice through the proposed 28 dwellings comprising apartments and townhouses.
- **Improve housing affordability** including through the delivery of new housing supply opportunities and price points in a highly suitable and logical location for housing.

Planning Proposal - 426 & 434 Short Street, Mudgee.

- **Reduce the misalignment between typical household size and dwelling size.** Through providing additional housing across a range of dwelling sizes in a highly logical and suitable location. This will assist households seeking more appropriate dwelling sizes such as downsizes, which will in turn free up larger dwellings for other segments of the community. The need to deliver smaller dwelling sizes to accommodate smaller households have been recognised as a strategic priority.
- **Reduce anticipated housing shortfall within the MWRC**. There is anticipated to be a housing shortfall of -915 dwellings by 2041. This indicates that just under half (45.1%) of future implied housing demand would be able to be accommodated. As such, residential projects need to be considered to support growth and deliver much needed housing supply.
- **Attract and retain skilled workers.** The above benefits will also enable Mudgee and MWRC to better attract and retain skilled workers for the benefit of businesses and the local community.

Overall, the Proposed Development represents an opportunity to assist MWRC in supporting growth, providing additional housing supply, reducing the misalignment between typical household size and dwelling size as well as promoting a number of other benefits including housing affordability and housing diversity and choice.

7.2 Other Benefits

A high-level summary of key benefits that the Proposed Development is likely to produce include:

- **Supporting local business opportunities** through increased activity associated with increased visitation from additional future residents at the Subject Site. These customers will support additional activity and retail expenditure throughout MWRC and Mudgee enhancing local employment and business opportunities during weekdays and also after-hours and on weekends. In addition, it will assist in the ability of businesses to attract and retain skilled workers.
- **Providing a catalyst for economic growth**, through stimulating investment, construction and business activity.
- **Supporting jobs in the construction industry** and flow-on economic activity during the construction phase of the Proposed Development.
- **Supporting walkable communities** by providing residential in proximity and walkable distance to nearby retail, social, education, health, and employment facilities and infrastructure.
- **delivering highest and best use** development of the Subject Site, transforming the site into a medium density residential, community for the benefit of the local community and future residents.
- **Enhancing Mudgee's role and function as regional centre** and support the local community by enhancing the centre's vibrancy and amenity, and providing a location for residents to live close to their place of work.
- **Revitalising the site** that has become dated and need of revitalisation. The Proposed Development will enhance local amenity through the delivery of a modern residential development.

There is also capacity to accommodate additional housing delivery at the Subject Site should additional housing delivery be sought on Lot 22.

Overall, a modest relaxation of height controls at the Subject Site to 10.5m (up from 8.5m) is recommended based on this housing supply and demand analysis. There is demonstratable need for additional residential supply particularly medium density housing.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Attachment 3 - Statement of Heritage Impact

Statement of Heritage Impact to exclude 42a & 44 Short Street, Mudgee as per Gateway Determination.

STATEMENT OF HERITAGE IMPACT

Proposed Development at

36-42, 42A & 44 Short Street

MUDGEE

Job No. 9763
November 2023

Heritage 21
CULTURAL BUILT HERITAGE IN THE 21ST CENTURY

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CONSERVATION ARCHITECTS AND HERITAGE CONSULTANTS
Suite 48, 20-28 Maddox Street, Alexandria, NSW 2015
(02) 9519 2521
info@heritage21.com.au

disregard the version of
42a & 44 Short Street Mudgee.

Heritage Impact Statements	Conservation Management Plans	On-site Conservation Architects
Photographic Archival Recordings	Interpretation Strategies	Expert Heritage Advice
Fabric Analyses	Heritage Approvals & Reports	Schedules of Conservation Work

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disregard the inclusion of 42A & 44 Short Street, Mudgee.

Acknowledgement of Country

Heritage 21 wishes to acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respects to them and their cultures and to elders both past and present.

disregard the inclusion of 42A & 44 Short Street, Mudgee.

Cover page: Subject site at 36-42A Short Street, Mudgee, from Short Street looking to the front façade. (Source: Client, 11 December 2022)

The following table forms part of the quality management control undertaken by Heritage 21 regarding the monitoring of its intellectual property as issued.

Issue	Description	Date	Written by	Reviewed by	Issued by
1	Draft report (D1) issued for comment.	04.08.2023	KT	AP	KT
2	Report Issued (RI).	06.11.2023	KT	-	KT
3	Report Issued (RI 2).	20.11.2023	KT	-	KT

1.0 INTRODUCTION

1.1 Background

This Statement of Heritage Impact ("SOHI" or "report") has been prepared on behalf of CMT Architects Australia Pty Ltd who have been engaged to submit a Planning Proposal to provide the framework for future development on the site.

The Planning Proposal seeks to amend Mid-Western Regional Local Environmental Plan 2012 (MRLEP) in relation to 36-42, 42A & 44 Short Street, Mudgee, NSW, 2850 being Lot 1 DP 702951 (2,635m2), Lot 21 DP 816236 (1,373m2) and Lot 22 DP 816236 (1,028m2)(Site); to amend the maximum Height of Building development standard to 10.5m.

The Site, located on the north eastern corner of Short Street and Court Street, approximately 150m to the north west of the edge of the Mudgee CBD. Adjoining the Site to the north and east is Walkers Oval, which is zoned RE1 Public Recreation. Lot 1 DP 702951is currently used as a gymnasium and Lots 21 and 22 DP 816236 have dwelling houses on them. As such, it is highly modified and has no significant native vegetation.

Lot 1 DP 702951and Lot 21 DP 816236 and in single ownership; and it is proposed to construct medium density housing on Lot 1 DP 702951. The Owner has commissioned architectural plans for this development that are included with this Planning Proposal for information purposes. It should be noted that the landowner is willing to lodge a Development Application (DA) in parallel to this Planning Proposal to give Council and the community certainty as to the built form outcome for the Site.

Lot 22 DP 816236 is currently in different ownership. However, it is also included in the Planning Proposal as it could ultimately form another significant development site if consolidated with Lot 21 DP 816236; at a timing that suited that suited both landowners.

1.2 Site Identification

The subject site is located at 36-42, 42A and 44 Short Street, Mudgee, which falls within the boundaries of the Mid-Western Regional Local Government Area ("LGA") and it comprises Lot 1 DP 702951, Lot 21 DP 816236 and Lot 22 DP 816236. As depicted in Figure 1 below, the site is located on the northern side of Short Street, near the intersection of Short Street and Court Street and opposite the Mudgee Local Court and Mudgee Police Station. The setting and topography of the site will be more fully described in Section 3.0 below.

disregard the inclusion of 42A & 44 Short Street, Mudgee.

Figure 1. Aerial view of the subject site, which is highlighted in yellow (Source: NSW Spatial Services, "SIX Maps," accessed 03 August 2023 http://maps.six.nsw.gov.au/, annotated by Heritage 21).

disregard this
42a & 44 Short Street Mudgee.

1.3 Heritage Context

1.3.1 Heritage Listings

The subject site **is not** listed as an item of environmental heritage under Schedule 5 of the *Mid-Western Regional Local Environmental Plan* ("MWRLEP") *2012*. It **is not** listed on the NSW State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the National Trust Register (NSW), or the former Register of the National Estate.[1]

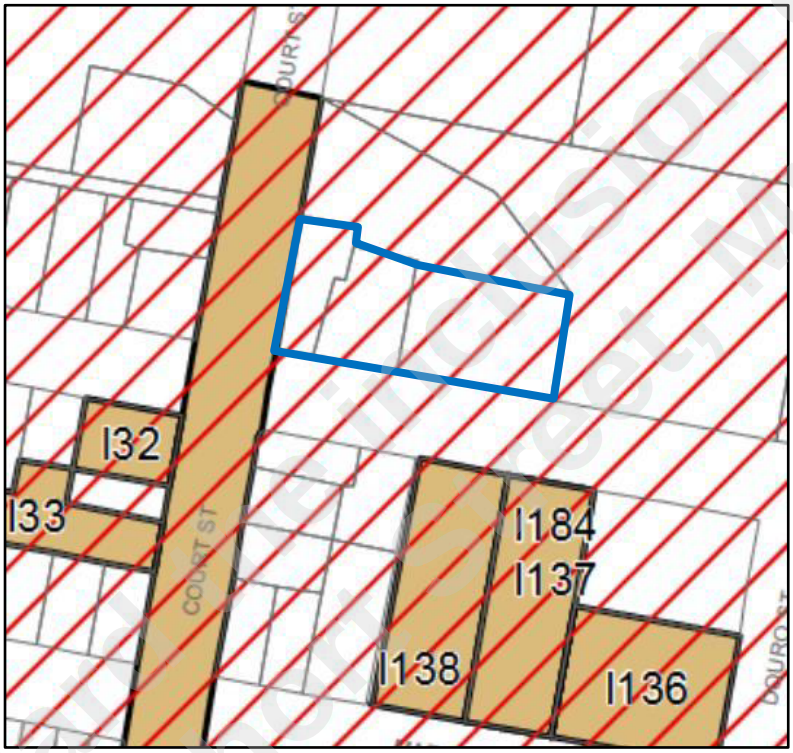

Figure 2. Detail from Heritage Map HER_006B. The site is outlined in blue, heritage items shaded brown and heritage conservation areas are hatched red (Source: NSW Legislation Online, https://eplanningdlprod.blob.core.windows.net/pdfmaps/5270_COM_HER_006G_010_20120618.pdf, annotated by Heritage 21).

1.3.2 Heritage Conservation Areas

As depicted in Figure 2 above, the subject site **is** located within the boundaries of the Mudgee Heritage Conservation Area ("HCA"), listed under Schedule 5 of the *Mid-Western Regional LEP 2012.*

Statutory List – Legislative Requirements				
List	**Item Name**	**Address**	**Significance**	**Item No.**
Mid-Western Regional Local Environmental Plan 2012	Mudgee Heritage Conservation Area	-	Local	C1

[1] The Register of the National Estate ceased as a statutory heritage list in 2007, but it continues to exist as an inventory of Australian heritage places.

disclosure of the contents of this report is prohibited without the permission of 42 & 44 Short Street, Mudgee.

Properties located within Heritage Conservation Areas typically fall into one of the three classifications:

- Contributory Item – The property makes a positive contribution to the character and heritage significance of the HCA.
- Neutral Item – The property does not contribute nor detract from the character and heritage significance of the HCA.
- Non-Contributory Item – The property detracts from the character and heritage significance of the HCA.

Heritage 21 is of the opinion that the subject site is a neutral item within the context of the Mudgee Heritage Conservation Area. This is because the residence and commercial buildings appear to be contemporary dwellings and were not constructed during the Victorian and Federation periods.

1.3.3 Heritage Items in the Vicinity

As depicted in Figure 2 above, the subject site is situated within the general vicinity of the following heritage items listed under Schedule 5 of the *MWRLEP 2012.* The details of the listings follow:

Item/HCA Name	Address	Significance	Item Number
Pitched stone kerb and gutter	West side Court Street, between Nos 50 and 76	Local	I187
Terrace Houses	8-10 Court Street	Local	I32
House	14-16 Court Street	Local	I33
Government Offices (old Council Chambers)	90 Market Street	Local	I136
Court House Annex	94 Market Street	Local	I137
Court House	98 Market Street	Local	I138
River Red Gum tree	Short Street, Police Station Property	Local	I184

Among the heritage items in the vicinity listed above, the subject site is adjacent to or within the visual catchment of Item I187, I132, I138, I137 and I184, all of which are listed under Schedule 5 of the *MWRLEP 2012*.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

1.4 Purpose

The subject site is located within the Mudgee Heritage Conservation Area and is located in the vicinity of heritage items, all of which are listed under Schedule 5 of the *MWRLEP 2012*. Sections 5.10(4) and 5.10(5) of the *MWRLEP 2012* require Mid-Western Regional Council to assess the potential heritage impact of non-exempt development, such as the proposed works (refer to Section 5.0), on the heritage significance of the abovementioned heritage items and heritage conservation area and, also, to assess the extent (whether negative, neutral or positive) to which the proposal would impact the heritage significance of those heritage items and heritage conservation area. This assessment is carried out in Section 6.0 below.

Accordingly, this SOHI provides the necessary information for Council to make an assessment of the proposal on heritage grounds.

1.5 Methodology

The methodology used in this SOHI is consistent with *Statements of Heritage Impact 1996* and *Assessing Heritage Significance 2001* published by the Heritage Division of the NSW Office of Environment and Heritage and has been prepared in accordance with the principles contained in the most recent edition of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013.*

1.6 Authors

This Statement of Heritage Impact ("SOHI" or "report") has been prepared by Kieran Moss, reviewed by Ankita Powale and overseen by Paul Rappoport, of Heritage 21, Heritage Consultants.

disregard the inclusion of 42a & 44 Short Street Mudgee.

1.7 Limitations

- This SOHI is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the BCA and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.
- This SOHI essentially relies on secondary sources. Primary research has not necessarily been included in this report, other than the general assessment of the physical evidence on site.
- It is beyond the scope of this report to address Indigenous associations with the subject site.
- It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the subject site or elsewhere.
- It is beyond the scope of this report to assess items of movable heritage.
- Any specifics regarding views should be assessed by a view expert. Heritage 21 does not consider itself to be a view expert and any comments in this report are opinion based.
- Heritage 21 has only assessed aspects of the subject site that were visually apparent and not blocked or closed or to which access was not given or was barred, obstructed or unsafe on the day of the arranged inspection.

1.8 Copyright

Heritage 21 holds copyright for this report. Any reference to or copying of the report or information contained in it must be referenced and acknowledged, stating the full name and date of the report as well as Heritage 21's authorship.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

2.0 HISTORICAL CONTEXT

2.1 Local History

The following historical information has been sourced from the Heritage Inventory Sheet for the Mudgee Railway Precinct:[2]

The official opening of the Mudgee line in September 1884 was the culmination of over twenty years effort on the part of the Mudgee community to secure a rail line to Mudgee and surrounding districts. Agitation for a railway service to Mudgee was led by a committee of local residents which was formed in 1870 and later became the Mudgee Railway League (Sheedy, 1988). A line from Bathurst to Mudgee and Walgett was proposed in 1873 but never constructed, with a later survey (in 1876) confirming the eventual route via Wallerawang and Capertee.

By 1879 the NSW Government confirmed that the line to Mudgee would be built and on 15 May 1881 the line opened as far as Capertee. In the same year a contract was awarded for construction of the remaining section of the line (from Capertee to Mudgee) and in 1883 a contract let for construction of the passenger station, Station Master's house, two gatekeepers' cottages, accommodation for guards, engine drivers and porters, a goods shed, engine house, coal stage, water tank and a 50-foot turntable (Sheedy, 1988).

The arrival of the mail train on 10 September 1884 marked the opening of the line and the beginning of two days of festivities, including a large picnic at Market Square (now Robertson Park) which was attended by most of the population of Mudgee. Six trains arrived from Sydney with dignitaries including the Premier, Edmund Barton, the Railway Commissioner, and local members of Parliament. On the next day, 11 September, despite heavy rain there was a procession, outdoor feast, banquet and ball to celebrate the opening of the railway line (Sheedy, 1988; Cottee, 2004).The station building was, at the time of its opening, regarded as one of a select group of significant railway structures in NSW, surpassed only by regional stations in Newcastle, Albury and Hay and categorised as one of approximately twenty 'first class' stations built between 1870 and 1890 (Sheedy, 1988).

Between 1884 and 1987, various buildings and other structures were erected, and numerous changes made to the original station and yard. These included the addition of a loco store and engine shed in 1891, installation of a 60 foot turntable and picket fence in 1903, a truck weighbridge in 1909, railway refreshment rooms and a parcels office in 1911, a foot warming furnace in 1912, railway refreshment room in 1917, conversion of the 'Out of' room into a bar and provision of a new 'Out of' room and lamp room in 1917, and the construction of a Railway Institute building and telegraph office in 1920. Electric power and lighting were switched on in 1924 (Sheedy, 1988; Cottee, 2004). The line was extended to Gulgong and Dunedoo in 1910

[2] NSW Environment and Heritage, Mudgee Railway Precinct, https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=3150064

disclaimer the inclusion of 42A & 44 Short Street, Mudgee.

and to Coonabarabran in 1917. By the late 20th century several structures were demolished, including the Station Master's residence in 1973, but as late as 1987 a new barracks building was erected. Mudgee Station was classified by the National Trust (NSW) in 1977 and listed on the Register of the National Estate in 1978. Passenger train services ceased in 1985 but in subsequent years the station building has been used as accommodation for Freightcorp and Pacific National and has been leased by community groups. In 2005, much of the station building was repaired and the main part of the station building converted into a restaurant, café, and bar which opened in February 2006.

Although, initial research did not bring to light the exact date when the subject lot was subdivided and removed from the state significant Mudgee Railway Station precinct, it is plausible that the existing train crew facility would have been moved from the main Railway Station Building when the redevelopment and reuse to the restaurant and bar was undertaken in the 1990s.

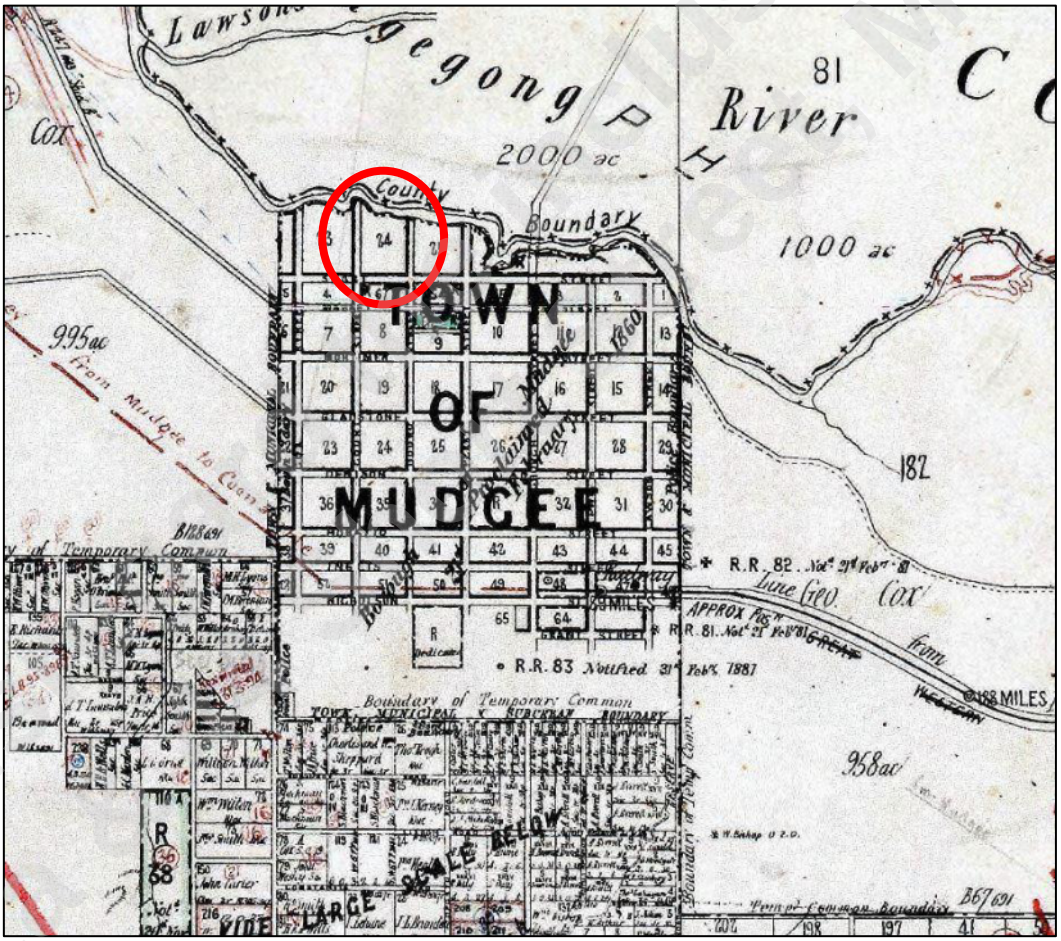

Figure 3. Excerpt from an 1884 Parish Map of Mudgee. The approximate location of the subject site is outlined in red (Source: NSW Historic Land Records Viewer, https://hlrv.nswlrs.com.au/).

digital reproduction of 42-44 Short Street, Mudgee.

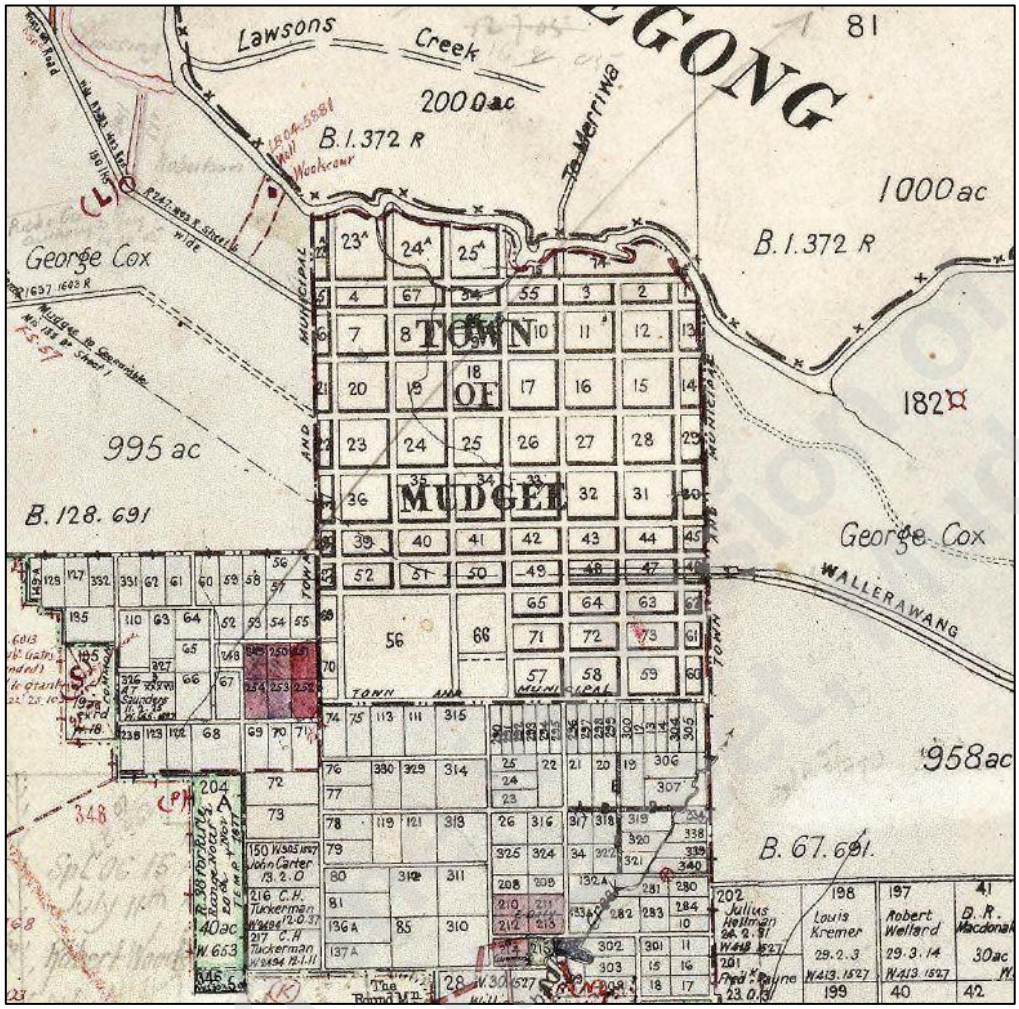

Figure 4. An excerpt from an 1896 Parish Map of Mudgee (Source: NSW Historic Land Records Viewer, https://hlrv.nswlrs.com.au/).

disregard 42a & 44 Short

2.2 Site Specific History

The land containing the subject site was initially dedicated as part of the planned Town of Mudgee. An 1893 map of the Town of Mudgee indicates that the parcels designated 24A were initially owned by George Cox via Crown Grant in 1839 (see Figure 5 below). Parcels within the Town of Mudgee were being subdivided and sold during this period, with land to the south of the subject site being reserved for the Mudgee Court House and Police Station being purchased and reserved in 1891.[3]

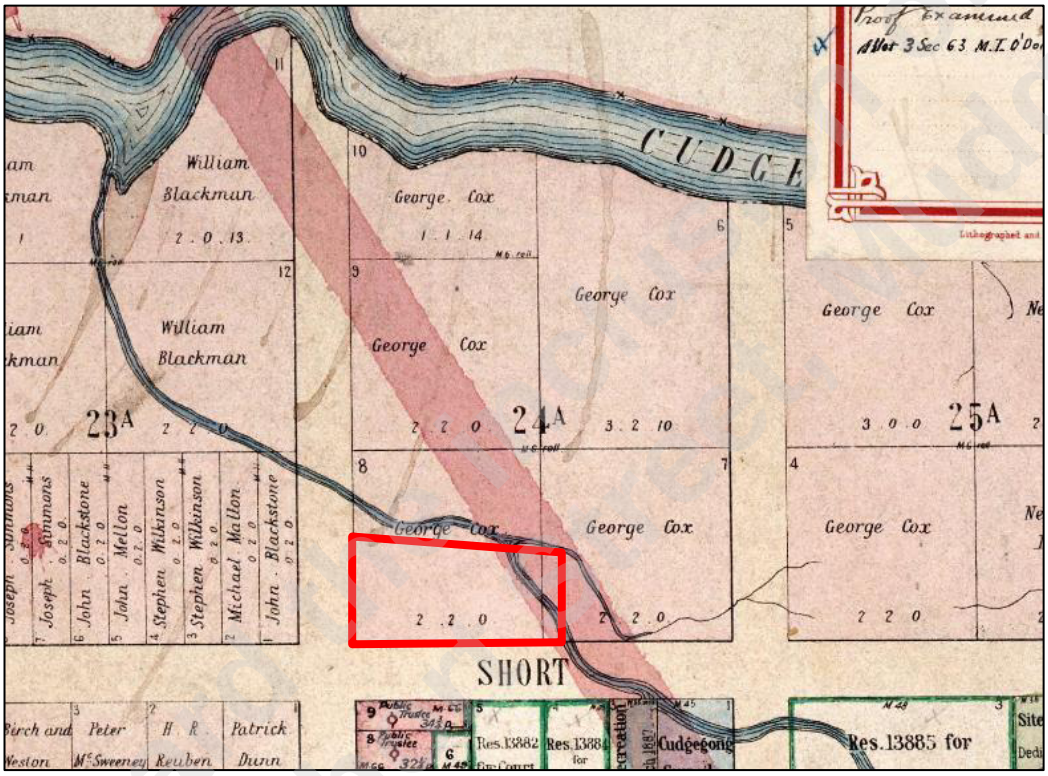

Figure 5. Extract from a 1893 Map of the Town of Mudgee, showing part of the estate owned by George Cox. The approximate location of the subject site is outlined in red (Source: NSW Land Registry Services, https://hlrv.nswlrs.com.au/, annotated by Heritage 21).

As the town attracted new residents, lots that were part of the Town of Mudgee were progressively subdivided and sold between 1893 and 1903.[4] A map of the Town of Mudgee indicates that George Cox retained his ownership of the site during this period (refer to Figure 6 below). By this period, the majority of the parcels within the Mudgee township had been subdivided and sold. The subject site most likely remained undeveloped during this period. It should be noted that George Cox passed away in 1901, Town of Mudgee maps do not indicate subsequent owners of the subject site.

[3] NSW Land Registry Services, *NSW Historic Land Records Viewer,* Town of Mudgee, 1893, accessed 03 August 2023.
[4] NSW Land Registry Services, *NSW Historic Land Records Viewer,* Town of Mudgee, 1903, accessed 03 August 2023.

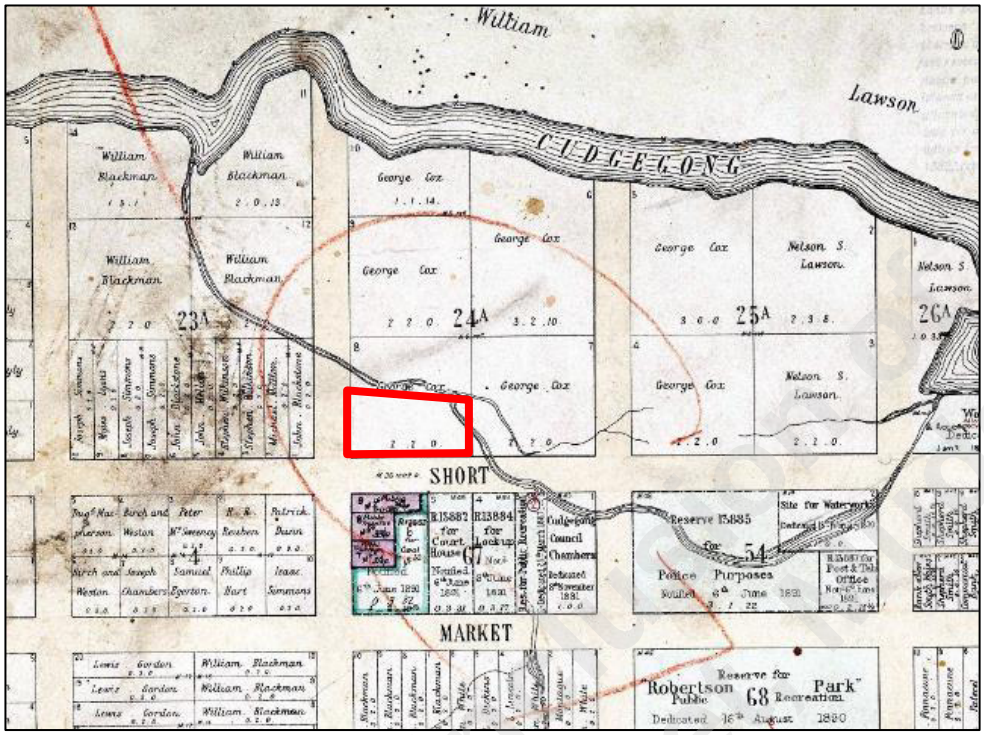

Figure 6. Extract from a 1903 map of the Town of Mudgee, showing part of the estate first owned by George Cox. The approximate location of the subject site is outlined in red (Source: NSW Land Registry Services, https://hlrv.nswlrs.com.au/, annotated by Heritage 21).

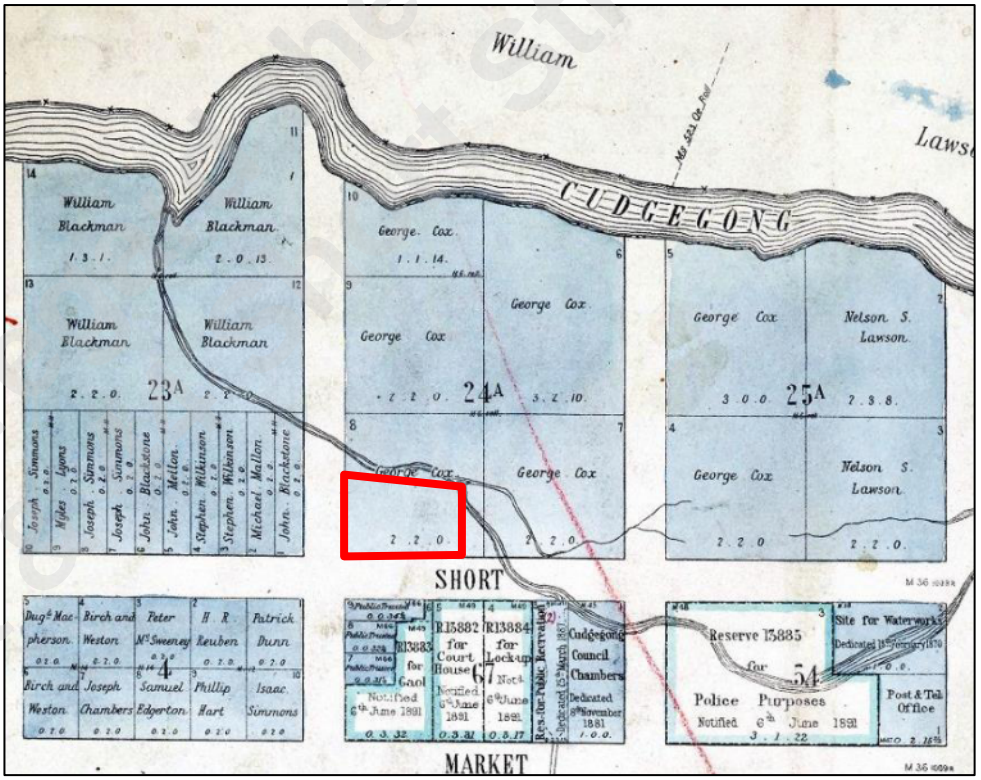

Figure 7. Extract from 1924 map of the Town of Mudgee, showing part of the estate owned by George Cox. The approximate location of the subject site is outlined in red (Source: NSW Land Registry Services, https://hlrv.nswlrs.com.au/, annotated by Heritage 21).

1965 aerial photography indicates that the subject site remained relatively undeveloped since the original crown grant to George Cox in 1839. It appears that a residence at the north-east corner of Court and Short Streets was present, and an auxiliary shed may have been present within the bounds of the subject site (refer to Figure 8 below).

Figure 8. Extract from 1964 aerial photography, showing the approximate location of the subject site, outlined in red (Source: NSW Historical Imagery, https://portal.spatial.nsw.gov.au/download/historic/1296/1296_02_123.jp2.jpeg, annotated by Heritage 21).

1970 aerial photography indicates that the subject site continued to remain relatively undeveloped (see Figure 9 below). It appears that the nearby structure at the north-east corner of Court and Short Streets had been demolished and replaced with two new buildings. By 1987, the existing commercial structure had been constructed (refer to Figure 10 below).

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Figure 9. Extract from 1970 aerial photography, showing the approximate location of the subject site, outlined in red (Source: NSW Historical Imagery, https://portal.spatial.nsw.gov.au/download/historic/1962/1962_02_085.jp2.jpeg, annotated by Heritage 21).

Figure 10. Extract from 1987 aerial photography, showing the approximate location of the subject site, outlined in red (Source: NSW Historical Imagery, https://portal.spatial.nsw.gov.au/download/historic/3601/3601_02_172.jp2.jpeg, annotated by Heritage 21).

Figure 11. Extract from 1993 aerial photography, showing the approximate location of the subject site, outlined in red (Source: NSW Historical Imagery, https://portal.spatial.nsw.gov.au/download/historic/4234/4234_03_147.jp2.jpeg, annotated by Heritage 21).

disregard the information of
42a & 44 Short Street, Mudgee.

3.0 PHYSICAL EVIDENCE

3.1 The Setting

The site is located at 36-42A Short Street, Mudgee. The town of Mudgee is located 261 kilometres north-east of Sydney and is the largest town in the Mid-Western Regional Council local government area.

The portion of Short Street within the vicinity of the subject site is wide, with rear-to-curb street parking on its northern side. The street features a gentle downhill slope to the east. Short Street features green verges on either side of the road, with a concrete footpath on the northern side. The northern side of Short Street features sparse residential developments, with Walkers Oval occupying much of the northern side of the road. The southern side of Short Street features some residential development, with the Mudgee Local Court and Mudgee Police Station being bounded to the rear by Short Street.

3.2 Physical Description

The site at 36-42, Short Street, Mudgee consists of a single storey commercial building constructed of face brick, built between 1970 and 1987. The primary façade features vertically proportioned windows and recessed doorways. The front garden of the site features five palm trees and a short setback of the building from Short Street. The rear garden of the site includes contemporary exercise equipment. The roof of the commercial building includes solar panels.

The site at 42A Short Street, Mudgee consists of a single storey dwelling constructed between 1964 and 1970. The façade of the dwelling features horizontal cladding and a carport integrated under the flat roof form. The residence is placed at an angle to Short Street, with a large setback. The site includes an irregular lot shape, with a large rear garden.

3.3 Condition and Integrity

The current form of the buildings has retained legibility of their original scale and character. The exterior of the sites appear to have been modified since their original construction and are in a good to fair condition.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

3.4 Images

The following photographs have been taken by the client during a site inspection undertaken on 11 August 2022, unless stated otherwise.

Figure 12. Exterior view of the site at 36-42 Short Street, Mudgee. Taken from Short Street, facing north-east.

Figure 13. Exterior view of the site at 36-42 Short Street, Mudgee. Taken from Short Street, facing north-west.

Figure 14. Exterior view of the site at 36-42 Short Street, Mudgee. Taken from Short Street, facing north.

Figure 15. Exterior view of the site at 36-42 Short Street, Mudgee. Taken from Short Street, facing north.

Figure 16. Exterior view of the site at 42A Short Street, Mudgee. Taken from Short Street, facing north.

Figure 17. Exterior view of the nearby Walkers Oval. Taken from Short Street, facing north-east.

draft for consultation of 42a & 44 Short Street, Mudgee.

Figure 18. Exterior view of the properties in the vicinity of the subject site. Taken from Short Street, facing west.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

4.0 HERITAGE SIGNIFICANCE

In order to assess the impact of the proposed works on the heritage significance of the subject site, the Mudgee Heritage Conservation Area (in which the subject site is located) and heritage items in the vicinity of the site, it is necessary to first ascertain the heritage significance of these places. Accordingly, Statements of Significance for the subject site (refer to Section 4.2), the Mudgee HCA (refer to Section 4.1.1), and items I187, I32, I33, I136, I137, I138 and I184 (refer to Sections 4.1.2 through to 4.1.6) are provided below. The significance of these places, will form part of our considerations in the assessment of heritage impact, undertaken in Section 6.0 below.

4.1 Established Significance

4.1.1 The Mudgee HCA (Item C1)

The following Statement of Significance is available for the Mudgee Heritage Conservation Area (C1), extracted from the NSW State Heritage Inventory:[5]

> *The settlement of Mudgee, located along the banks of the Cudgegong River, demonstrates the principal characteristic of early government town layout in NSW. Designated land uses include the Anglican and Catholic churches in key central positions, with reserved land for law and order, education and recreation, following government practice of the day.*
>
> *Initial settlement occurred in 1822 with many pioneer families still represented in the town today.*
>
> *The Heritage Conservation Area of Mudgee closely follows the 1884 parish map of the town and retains many key heritage buildings especially in the central business area of Church and Market Streets. Historically significant buildings on corners include the Post Office, the Anglican and Catholic churches, hotels and banks, all of which help frame the central shopping area. Many impressive commercial, civic and religious buildings of similar late Victorian style and scale, such as the former Town Hall, banks, hotels and churches, form the core of the Conservation Area, creating an aesthetically significant NSW country town. Remnants of early road works, stone kerbs and gutters, are extant and contribute to the setting.*
>
> *Two excellent parks, Robertson Park and Lawson Park, set aside in the initial surveys of the town, provide partial boundaries to the commercial core. The town setting is also framed by the backdrop of the hills, reminding residents of the original meaning of Mudgee: the 'nest in the hills'.*

disregard the inclusion of 42a & 44 Short Street, Mudgee.

[5] Heritage NSW, "Mudgee Heritage Conservation Area," State Heritage Inventory, Heritage Item ID:2070402, accessed 21 November 2022, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070402.

Mudgee also has a good stock of heritage listed houses beyond the central business area. In a special category are those buildings designed by Mudgee architect Harold Hardwick in the 1890s to 1920s because of their quality. (Ref: Snapshot MWRC).

4.1.2 The Pitched Stone Kerb and Gutter (Item I187)

The following Statement of Significance is available for the Pitched stone kerb and gutter (Item I187), extracted from the NSW State Heritage Inventory:[6]

The river-stone and slate dish drains of Court Street are rare vernacular examples of early road construction c. 1870-1900, valued by residents and enhancing the setting of this historic streetscape.

The local Council managed the road system and this example demonstrates mid to late nineteenth century road construction practices and is an excellent example of the work of early road makers. Using local materials and skills it demonstrates distinctive processes of early road engineering for transport and stormwater reticulation, no longer practiced today.

Elongated river stones, laid as a soldier course, line the gutter with broader flat sandstone at the base forming a spoon drain.

Roads were often impassable, and many council meetings were spent debating repairs and maintenance 'for the lives and limbs of pedestrians and vehicle-travellers were jeopardised.' (1912) (Ref: Snapshot MWRC).

4.1.3 The Terrace Houses (Item I32)

The following Statement of Significance is available for the Terrace Houses (Item I32), extracted from the NSW State Heritage Inventory:[7]

Possibly the oldest residence in Mudgee dated c. 1842 built on land originally owned by Patrick Dunn of Parramatta. The first part of the house faced Short Street and then the property was sold to William Blackman in 1843. He built the Court Street wing. In the period 1874-78 it was used as a convent and girls school run by the Sisters of Mercy. The building has had other purposes including possibly as an hotel and a store.

Now addressing Court Street, and set close to the street, the face brick house in English bond has a steeply pitch iron roof with dormer windows. There is a full width veranda, an extension of the main roof, supported on chamfered timber posts. Openings are double hung windows with 6 panes per sash and French doors opening onto the veranda.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

[6] Heritage NSW, "Pitched stone kerb and gutter," State Heritage Inventory, Heritage Item ID:2070187, accessed 21 November 2022, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070187.
[7] Heritage NSW, "Terrace Houses," State Heritage Inventory, Heritage Item ID:2070032, accessed 21 November 2022, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070032.

The cottage garden and timber picket fence enhance the setting of the building that contributes strongly to the two streetscapes. (Ref: Snapshot MWRC).

4.1.4 The Court House (Item I138)

The following Statement of Significance is available for the Court House (Item I138), extracted from the NSW State Heritage Inventory:[8]

The building is an exceptionally early courthouse for country NSW, being constructed c.1862. It was designed and modified by several government architects including Alexander Dawson, James Barnet and Walter Liberty Vernon, with the original colonial style building still recognisable.

The Court House is a very tall masonry building with mock stone quoins at corners, with a gabled roof with parapet walls at each end. The high set tall windows are double hung with 9 lights per sash, with half round arches over and deep rendered bands all round. The central porch that is possibly an early addition has moulded render detail and an arched entry. The building retains fine interiors with original layout and cedar joinery.

Well set back from the street, the Court House makes a strong contribution to the streetscape and to the grouping of Law & Order buildings in its vicinity. (Ref: Snapshot MWRC).

4.1.5 The Court House Annex (Item I138)

The following Statement of Significance is available for the Court House Annex (Item I138), extracted from the NSW State Heritage Inventory:[9]

Constructed in 1883, this building was initially a lock up and then police accommodation. Now it serves as the main Police Station and, with the Court House, with much of the lock-up now demolished. It forms part of the 'law an order' precinct.

Constructed in face English brickwork with a hipped and gabled corrugated iron roof, it has return wings either side of a long veranda set on simple posts. The building retains a high level of original fabric, including moulded and rendered chimneys, circular gable vent at the gable end, and double hung windows set in pairs with rendered sills. A large brick wall to the west of the police station was probably part of the earliest structure.

Although set well back from the road, it makes a strong contribution to the streetscape. (Ref: Snapshot MWRC).

disregard the inclusion of 42a & 44 Short Street, Mudgee.

[8] Heritage NSW, "Court House," State Heritage Inventory, Heritage Item ID:2070579, accessed 21 November 2022, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070579.
[9] Heritage NSW, "Court House Annex," State Heritage Inventory, Heritage Item ID:2070137, accessed 21 November 2022, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070137.

4.1.6 The River Red Gum Tree (Item I184)

The following Statement of Significance is available for the River Red Gum tree (Item I184), extracted from the NSW State Heritage Inventory:[10]

> *This large River Red Gum, although heavily pruned, was over 20 m high in 2018 but had since been fully cut down. It was located close the police station in Mudgee off Short Street, not far from a small water course that leads into the Cudgegong River.*
>
> *Eucalyptus Camaldulensis, the river red gum, is a tree of the genus Eucalyptus. It is one of around 800 species within the genus. There are many advanced River Red gums along the Cudgegong River that may be 200 to 300 years of age with girths in excess of 3000mm diameter.*
>
> *The CSIRO states that the river red gum has the most widespread natural distribution of any eucalypt species in Australia, forming extensive forests and woodlands in the south-east and providing the structural and functional elements of important floodplain and wetland ecosystems. Along ephemeral creeks in arid central Australia it forms narrow corridors, providing vital refuge in the form of habitat and food resources for a whole host of animals in an otherwise hostile, arid environment. (Ref: Snapshot MWRC).*

4.2 The Subject Site

4.2.1 Assessment of Significance

In order to make an assessment of whether the proposed development to the subject site would have either a negative, neutral or positive impact upon the significance of the subject place, it is necessary first to ascertain the significance of the subject site. The assessment is based upon criteria specified by the NSW Office of Environment and Heritage.[11]

Criterion	Assessment
A. Historical Significance *An item is important in the course, or pattern, of NSW's (or the local area's) cultural or natural history.*	The site was previously part of a crown grant provided to George Cox in 1839 and remained relatively unchanged for most of its history. The site included some auxiliary buildings for a short period, but these were since demolished. The current structures were each built in the late twentieth century and have remained largely intact, with minimal evident changes. As such, the site **does not** meet the criterion for historic significance at the state or local level.

[10] Heritage NSW, "River Red Gum tree," State Heritage Inventory, Heritage Item ID:2070184, accessed 21 November 2022, https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2070184.
[11] NSW Heritage Office, "Statements of Heritage Impact," in *NSW Heritage Manual* (Paramatta: Department of Planning and Environment, 1996).

disregard the inclusion of 42a & 44 Short Street Mudgee.

Criterion	Assessment
B. Associative Significance *An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's (or the local area's) cultural or natural history.*	There is no known significant human occupation or any event, person or group of importance which lived on the site or was associated with it since its construction. As such, the item **does not** meet the criterion for associative significance at the state or local level.
C. Aesthetic Significance *An item is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in NSW (or the local area).*	The subject buildings are both contemporary buildings which do not demonstrate visually distinct architectural forms and features. The structures use contemporary materials and colours and there are multiple examples of these type of buildings within NSW and the Mudgee area. As such, the site **does not** meet the criterion for aesthetic significance at the state or local level.
D. Social Significance *An item has a strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.*	To our knowledge, the subject site has no known association with an identifiable group in the area or was used by a particular community for social, cultural or spiritual purposes. As such, the site **does not** meet the criterion for social significance at the state or local level.
E. Technical/Research Significance *An item has potential to yield information that will contribute to an understanding of NSW's (or the local area's) cultural or natural history.*	There is no evidence to suggest that the building demonstrates construction techniques other than those commonly employed at the time. As such, the subject site **does not** meet the requirements of this criterion at the state or local level.
F. Rarity *An item possesses uncommon, rare or endangered aspects of NSW's (or the local area's) cultural or natural history.*	Dwellings and structures built in the contemporary architectural style are not currently rare in Sydney and there are numerous examples in the Mudgee area. As such, the subject site **does not** attain the requisite standard of significance under this criterion.
G. Representativeness *An item is important in demonstrating the principal characteristics of a class of NSW's (or the local area's) cultural or natural places or cultural or natural environments.*	The residence and commercial building evident on the site are a recent addition and is of contemporary construction. The landscape and setting of the subject site do not indicate a strong association with the architectural development of Mudgee. As such, the site **does not** meet the criterion for representative significance at the state or local level.

Notwithstanding the historical development of the subject site, there is no evidence to suggest that the existing structures located at 36-42, 42A and 44 Short Street, Mudgee constructed in the late twentieth century, demonstrates any of the criteria against which heritage significance is assessed.

disregard the inclusion of 42A & 44 Short Street, Mudgee.

5.0 WORKS PROPOSED

5.1 Proposal Description

The proposal entails a planning proposal, for the site at 36-42 Short Street Mudgee, 42A Short Street, Mudgee and 44 Short Street, Mudgee. The planning proposal requests the following amendments to the *MWRLEP 2012*:

- Increasing the height limit of the subject site from 8.5 metres to 10.5 metres.

Additionally, CMT Architects have prepared an indicative development concept to address the design feasibility of the planning proposal:

- Demolition of all buildings.
- Construction of a unit block.

5.2 Drawings

Our assessment of the proposal is based on the following drawings by CMT Architects dated 14 November 2023 and received by Heritage 21 on 14 November 2023. These are reproduced below for reference only; the full set of drawings accompanying the planning proposal should be referred to for any details.

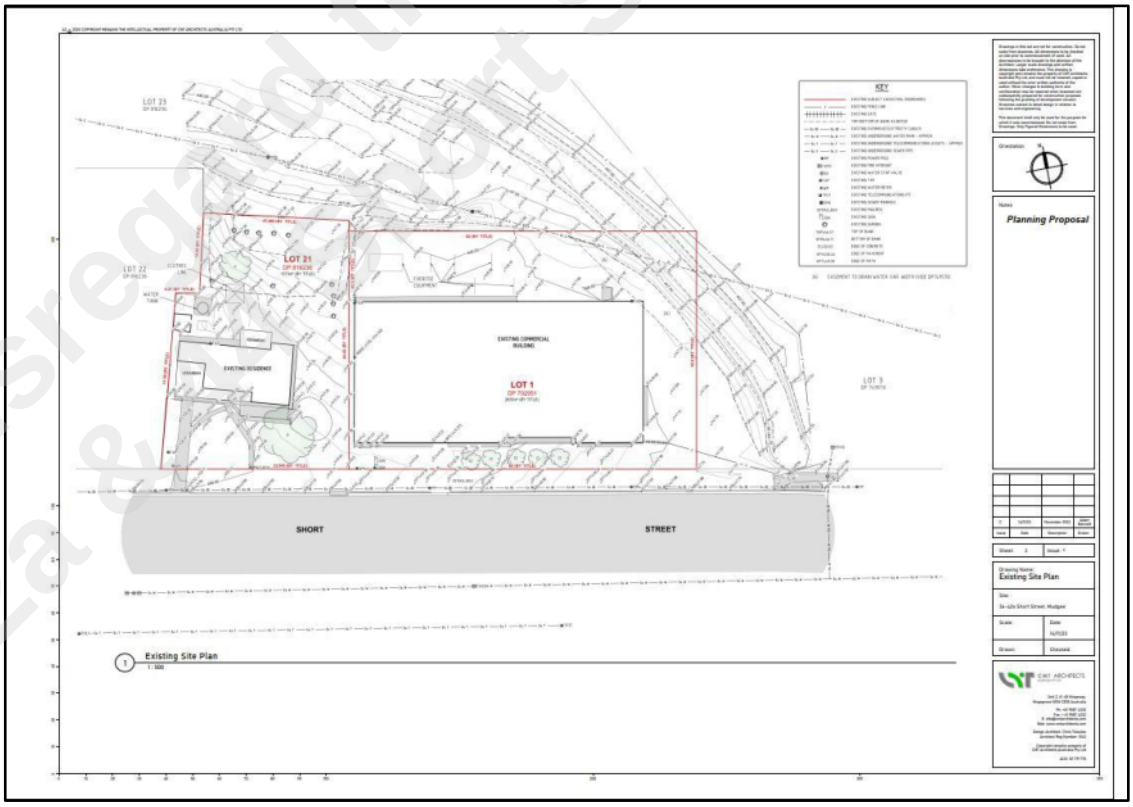

Figure 19. Existing Site Plan.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

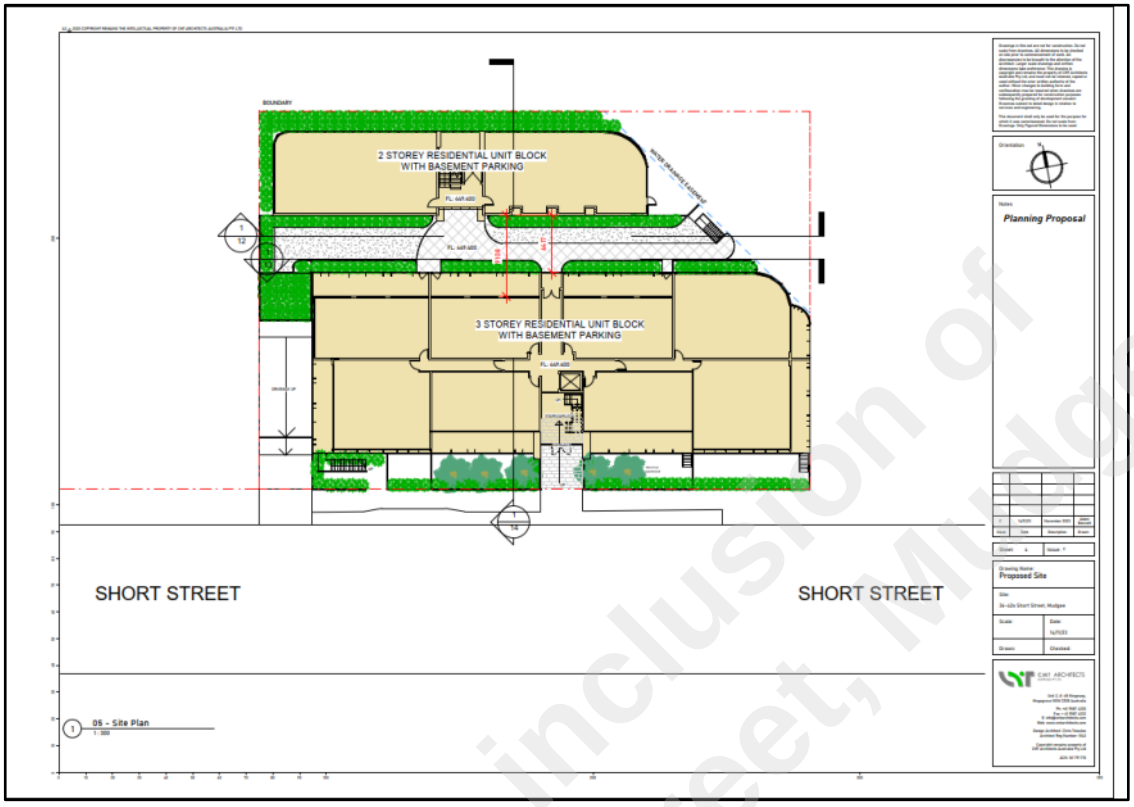

Figure 20. Proposed Site Plan.

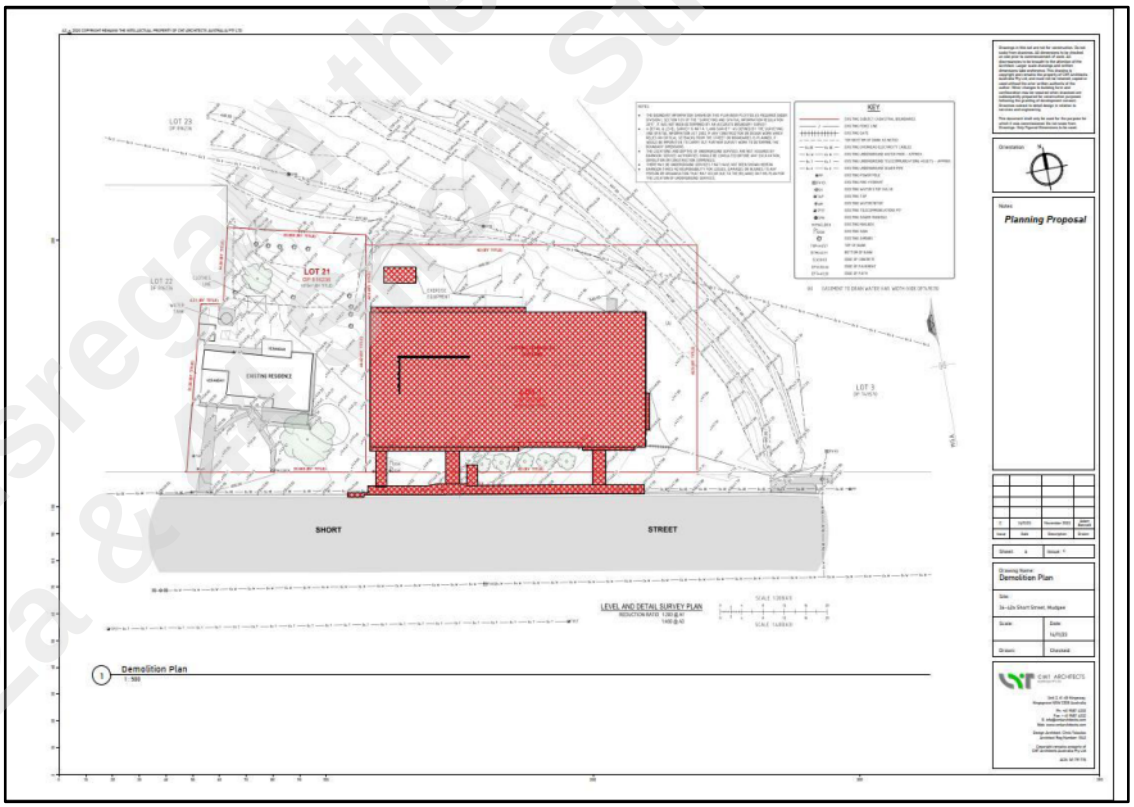

Figure 21. Proposed Demolition Plan.

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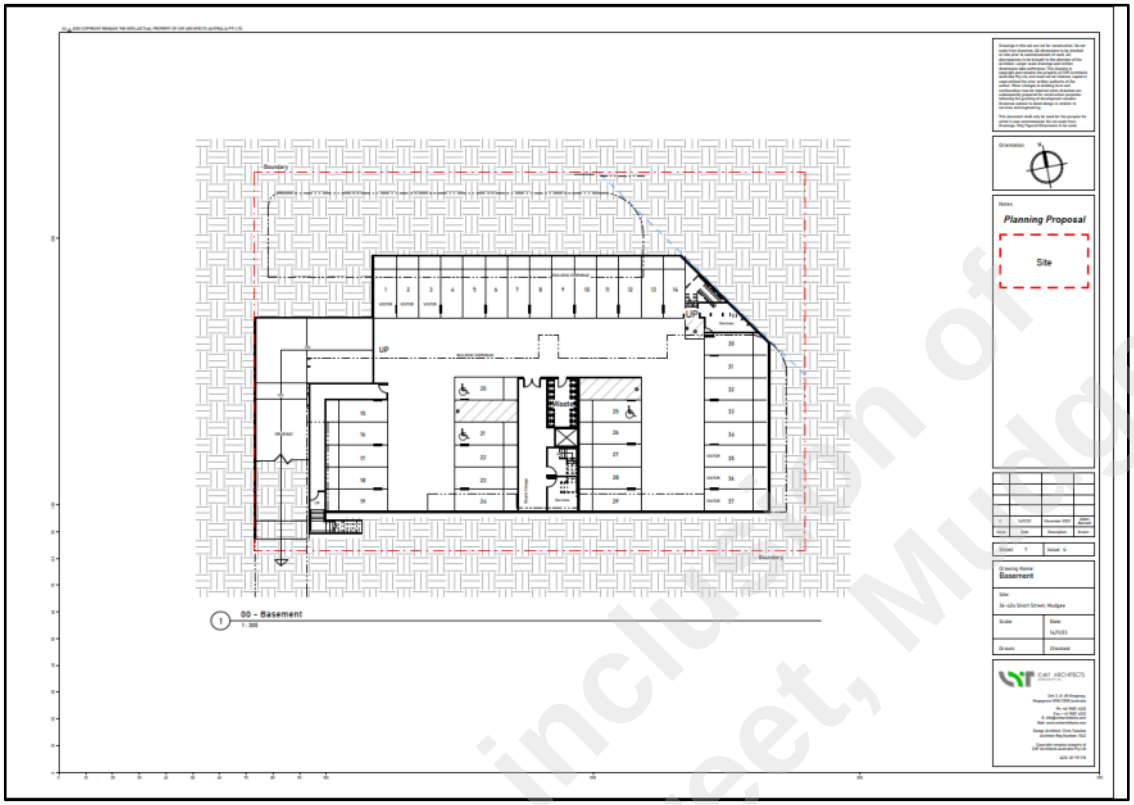

Figure 22. Proposed Basement Plan.

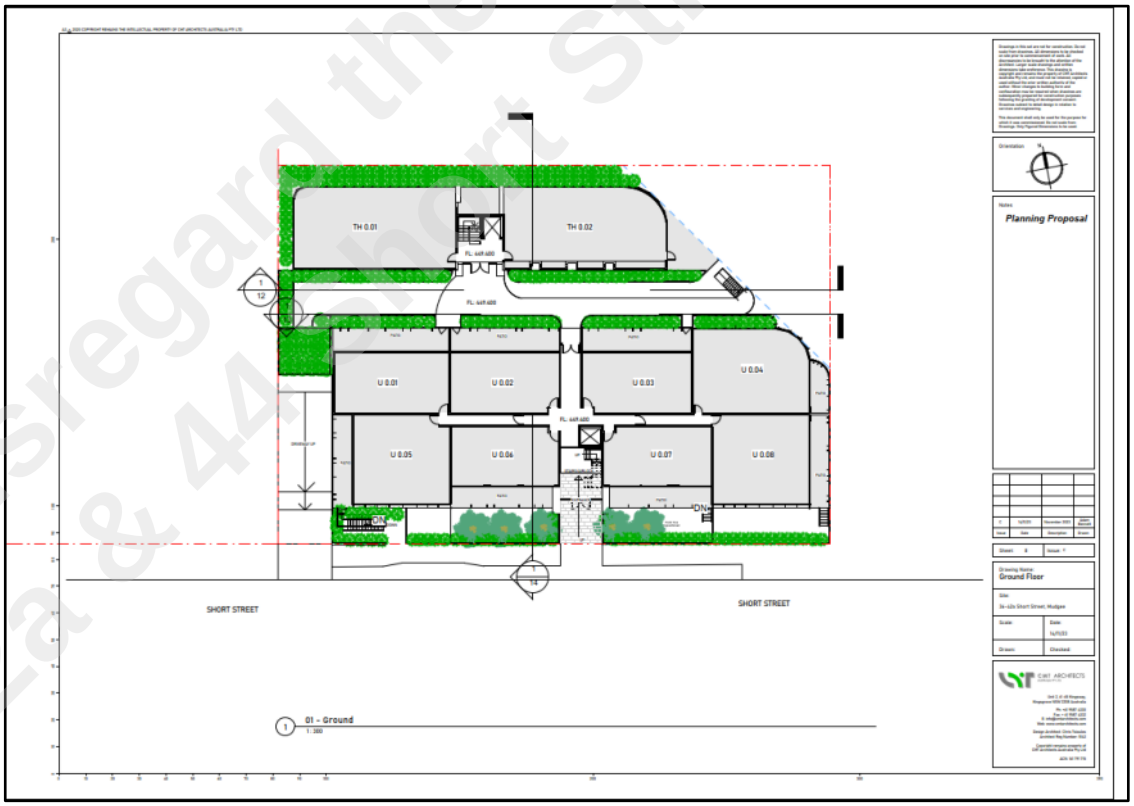

Figure 23. Proposed Ground Floor.

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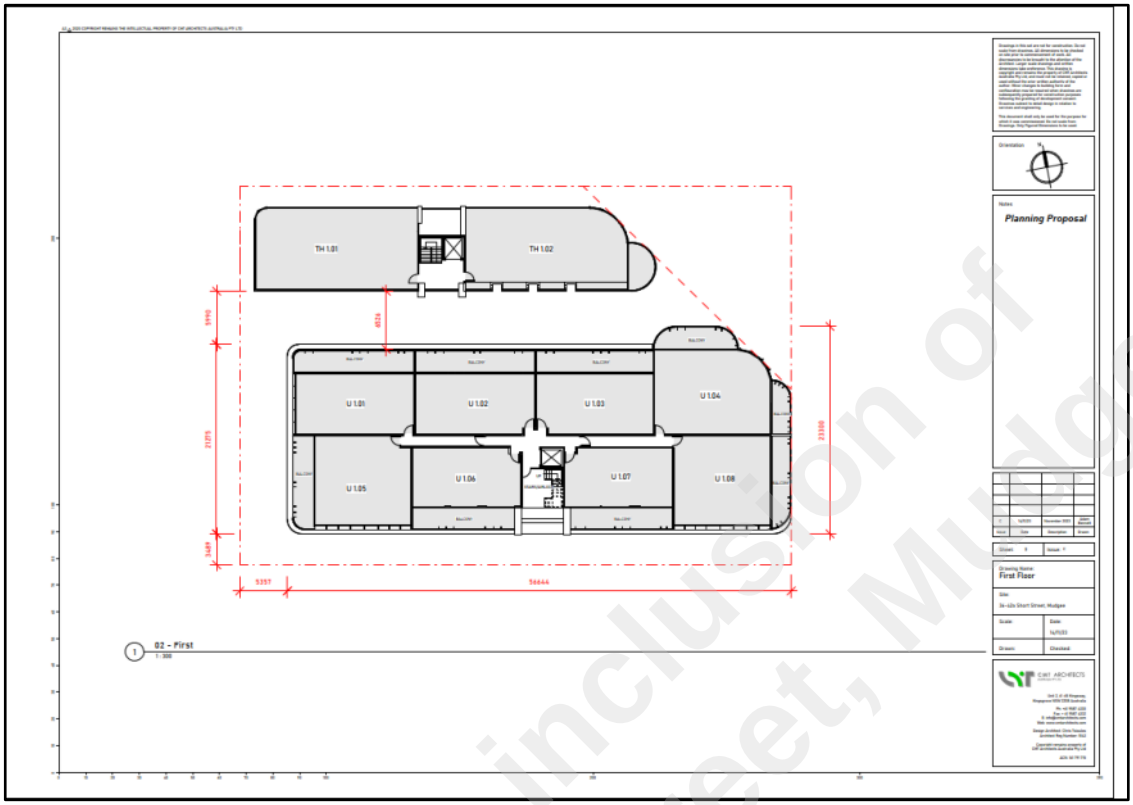

Figure 24. Proposed First Floor.

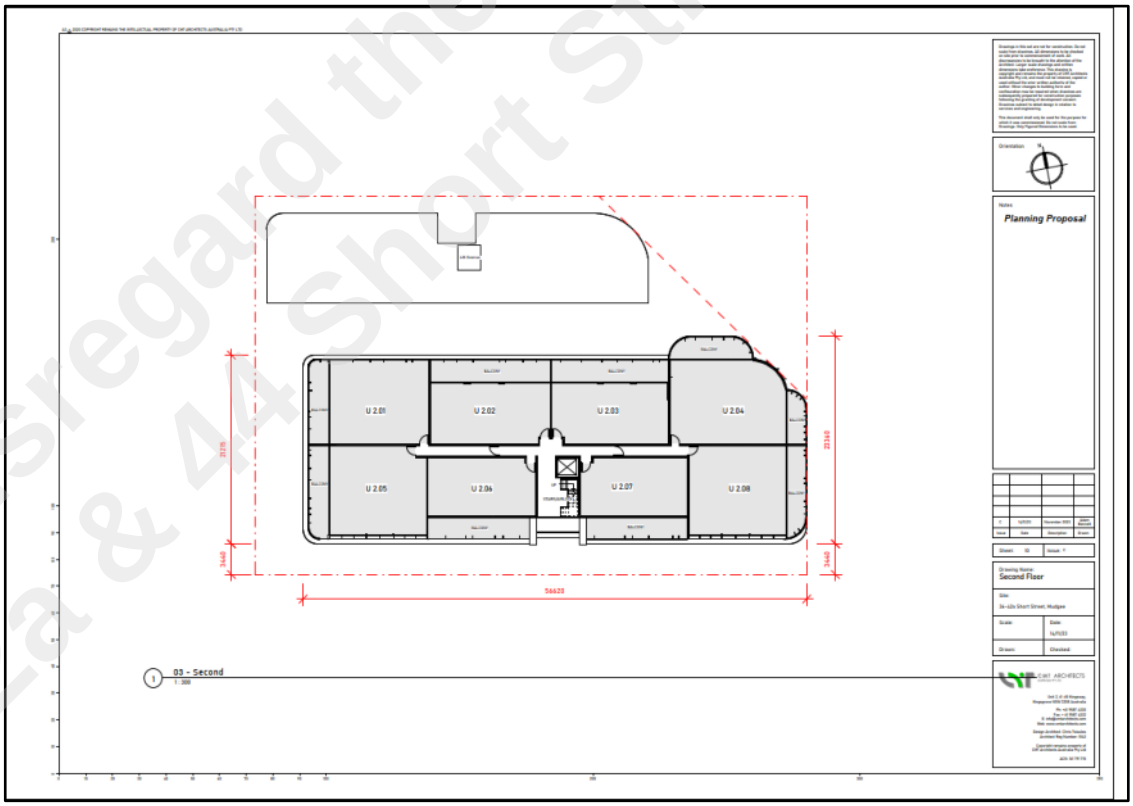

Figure 25. Proposed Second Floor.

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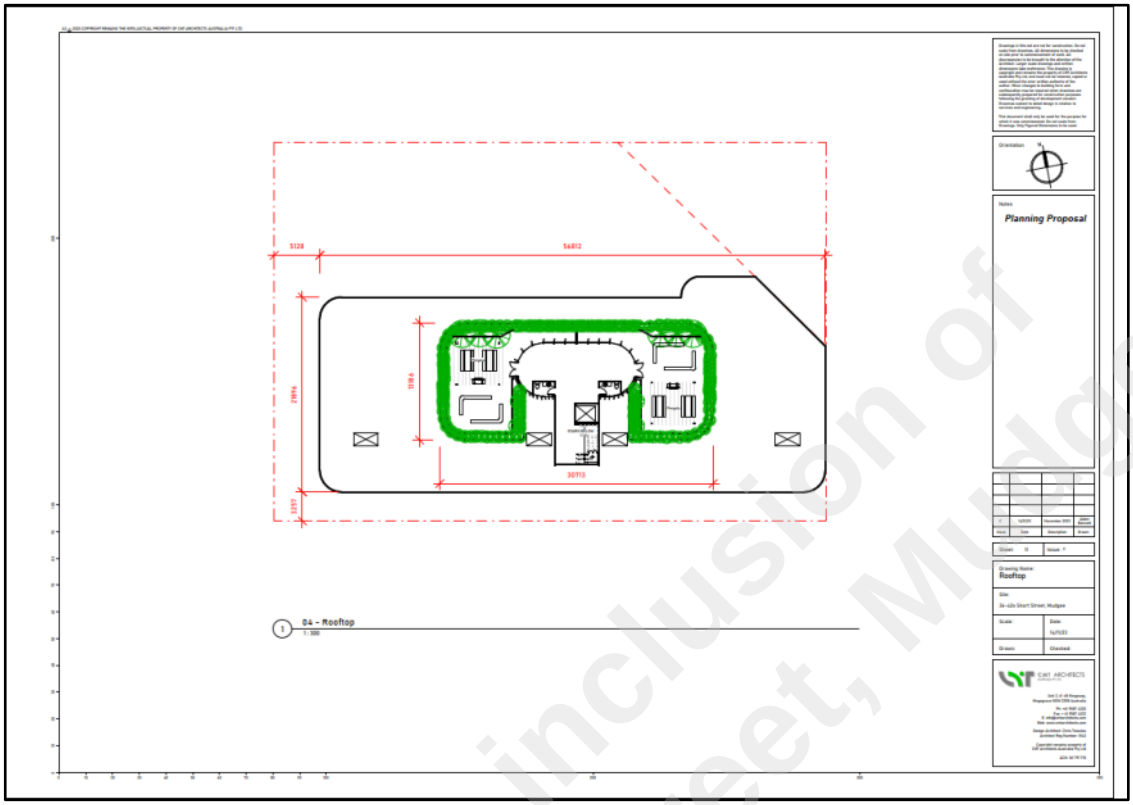

Figure 26. Proposed Rooftop.

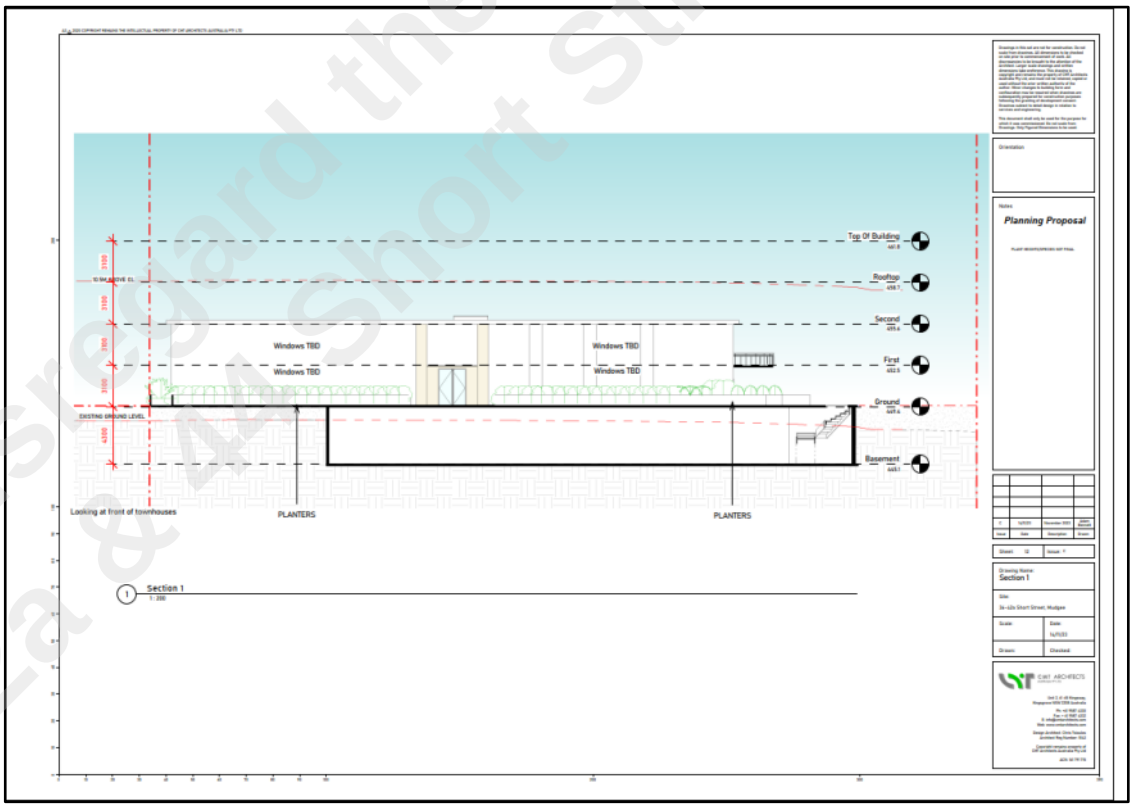

Figure 27. Proposed Section 1.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

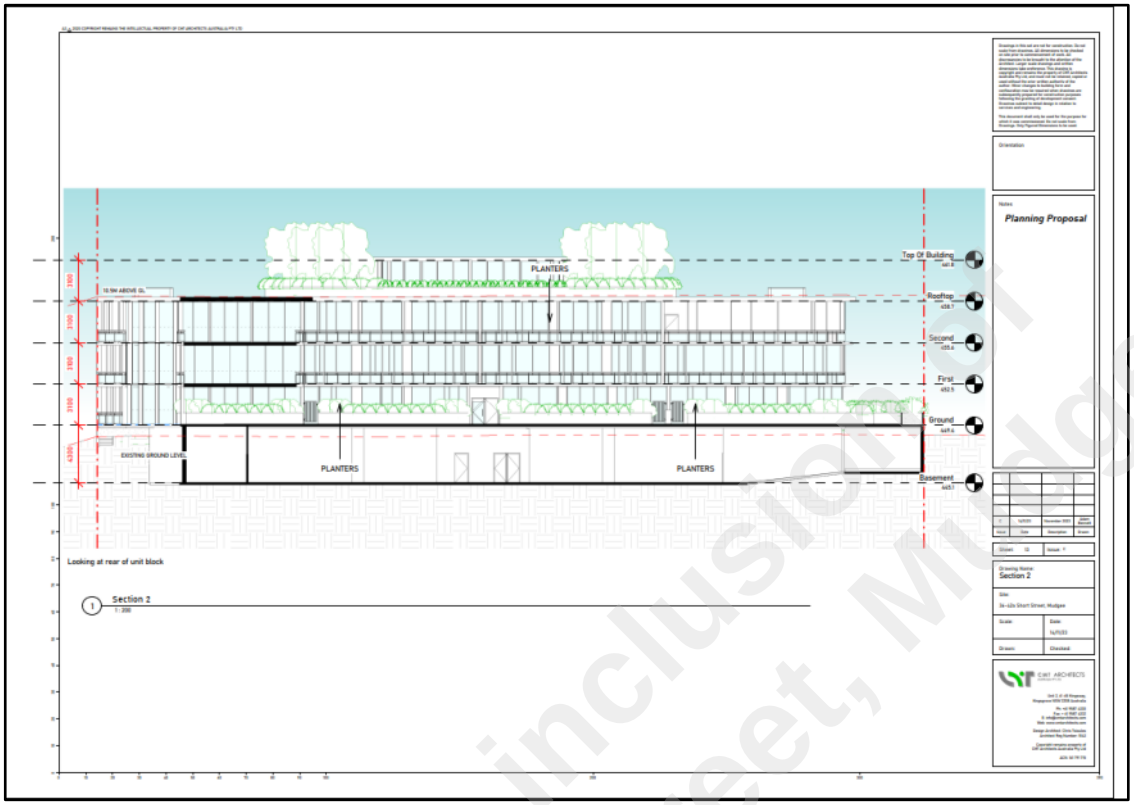

Figure 28. Proposed Section 2.

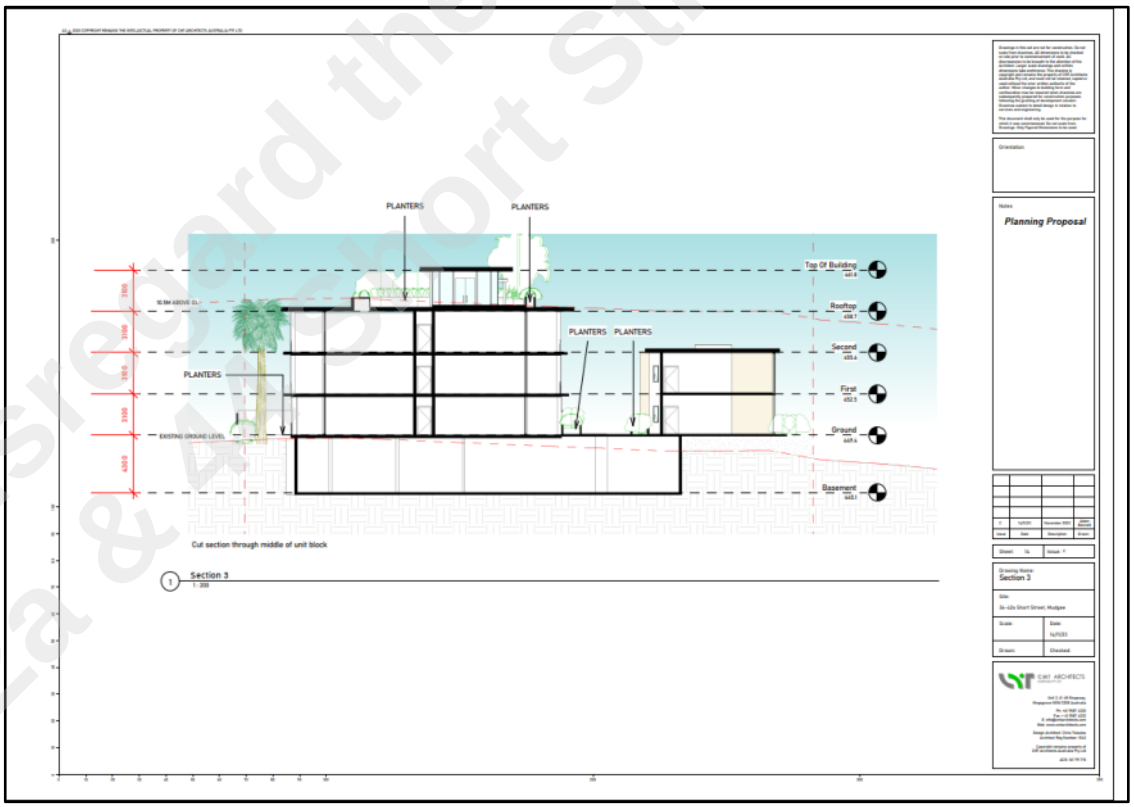

Figure 29. Proposed Section 3.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

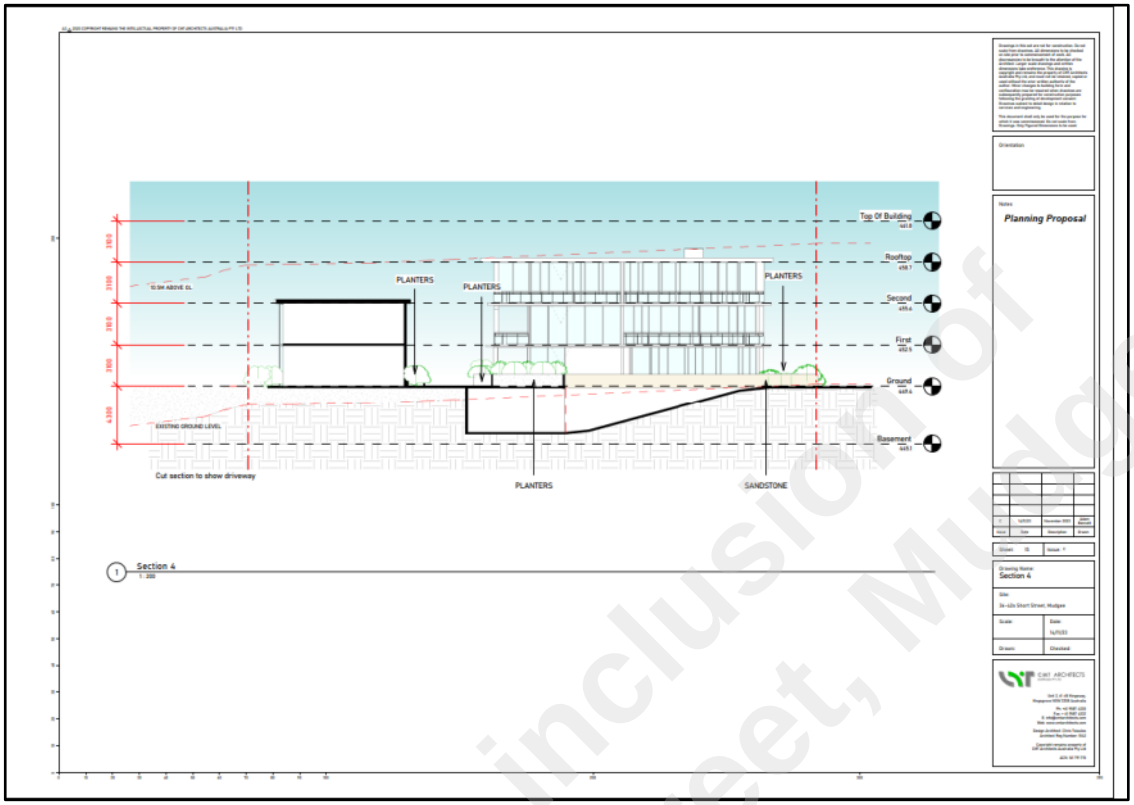

Figure 30. Proposed Section 4.

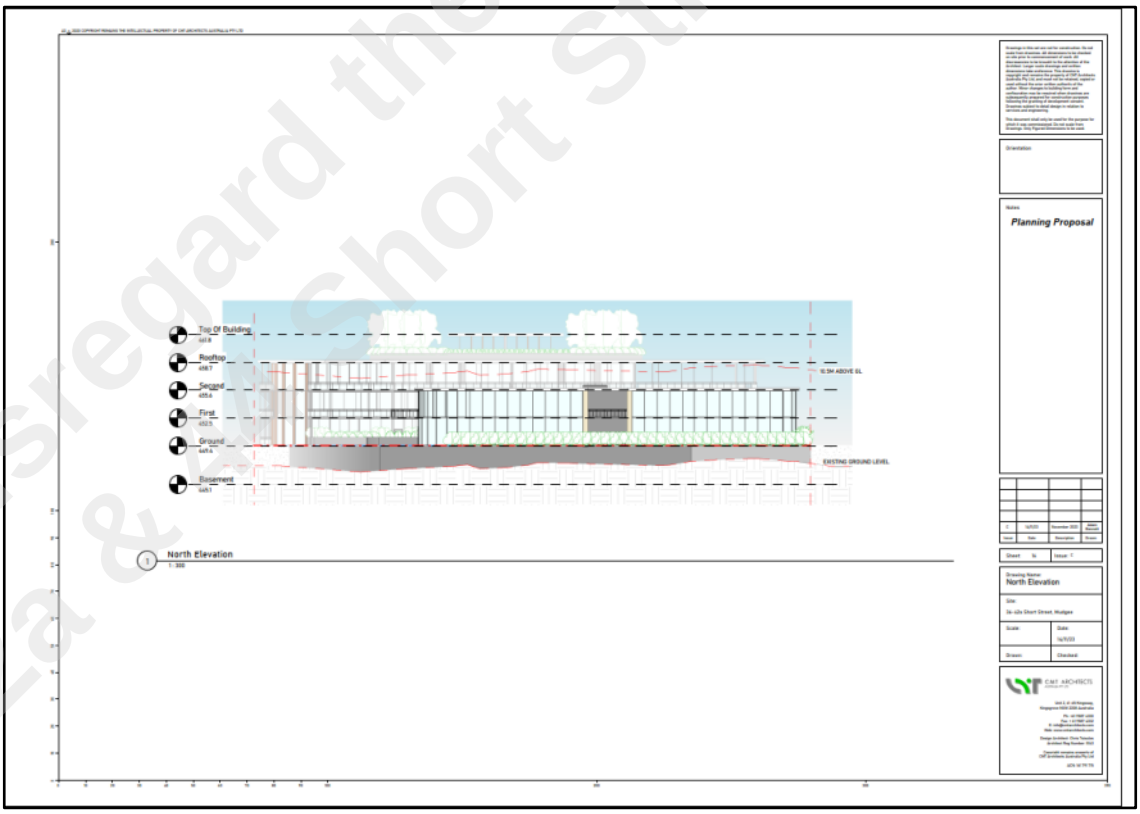

Figure 31. Proposed North Elevation.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

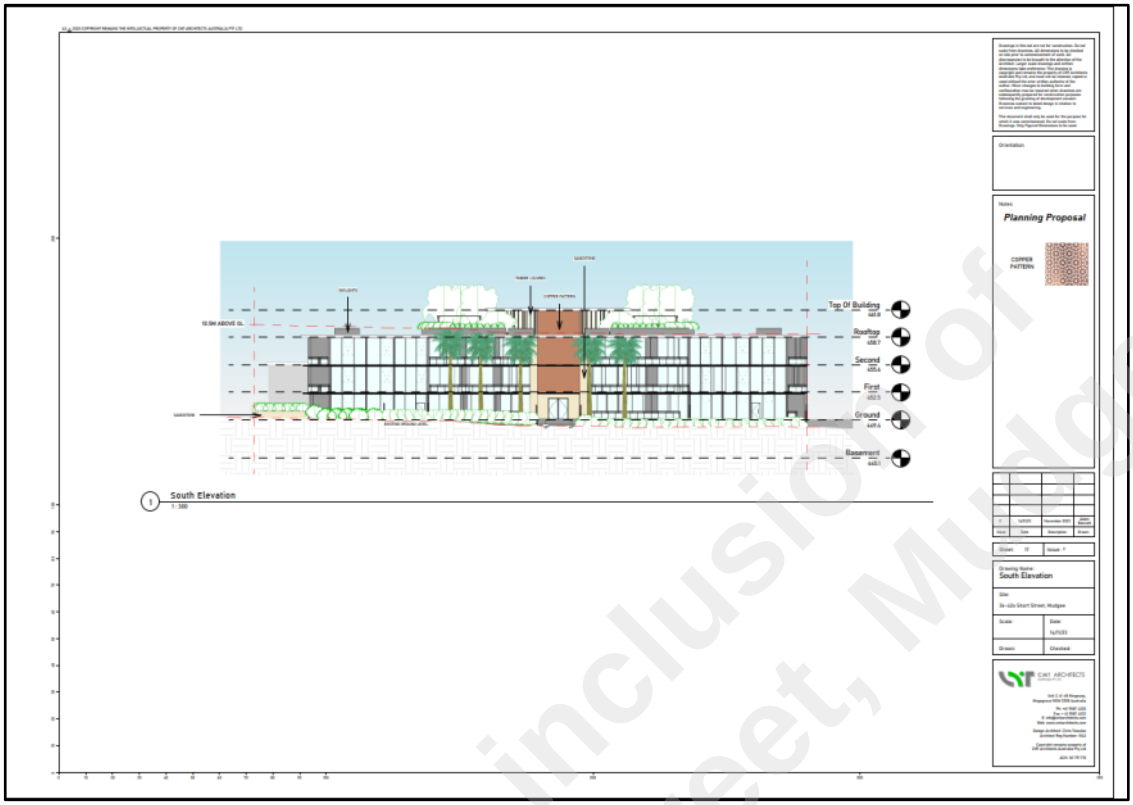

Figure 32. Proposed South Elevation.

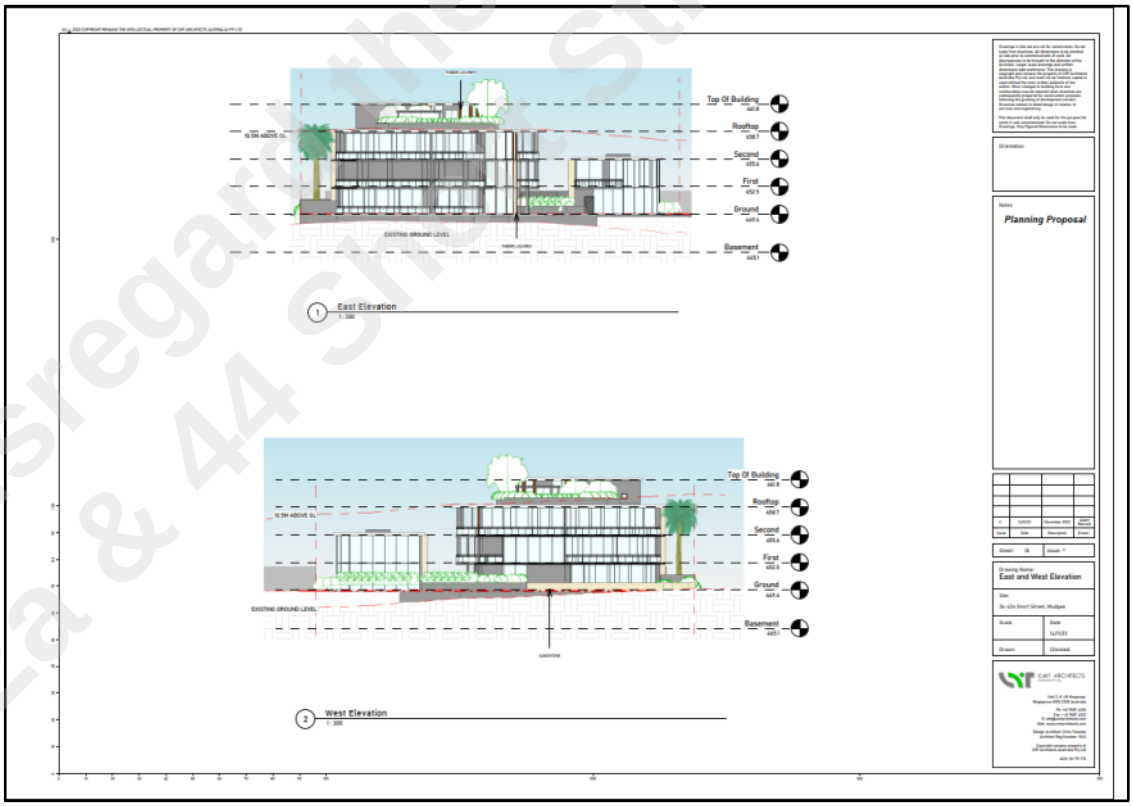

Figure 33. Proposed East and West Elevations.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

6.0 ASSESSMENT OF HERITAGE IMPACT

6.1 Heritage Management Framework

Below we outline the heritage-related statutory and non-statutory constraints applicable to the subject site including the objectives, controls and considerations which are relevant to the proposed development as described in Section 5.0 above. These constraints and requirements form the basis of this Heritage Impact Assessment.

6.1.1 Mid-Western Regional Local Environmental Plan 2012

The statutory heritage conservation requirements contained in Section 5.10 of the *Mid-Western Regional Local Environmental Plan* ("MWRLEP") *2012* are pertinent to any heritage impact assessment for future development on the subject site. The relevant clauses for the site and proposal are outlined below:

(1) Objectives
(2) Requirement for consent
(4) Effect of proposed development on heritage significance
(5) Heritage assessment

6.1.2 Mid-Western Regional Development Control Plan 2013

Our assessment of heritage impact also considers the heritage-related sections of the Mid-Western Regional Development Control Plan ("MWRDCP") 2013 that are pertinent to the subject site and proposed development. These include:

Part 4 Specific Types of Development

4.1 Multi Dwelling Housing

Built Form

Design

Building Scale, Height and Bulk

6.1.3 NSW Office of Environment & Heritage guidelines

In its guidelines for the preparation of Statements of Heritage Impact, the NSW Office of Environment & Heritage provides a list of considerations in the form of questions aiming at directing and triggering heritage impact assessments. These are divided in sections to match the different types of proposals that may occur on a heritage item, item in a heritage conservation area or in the vicinity of heritage. Below are listed the considerations which are most relevant to the proposed development as outlined in Section 5.0 of this report.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Demolition of a building or structure

- *Have all options for retention and adaptive re-use been explored?*
- *Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?*
- *Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?*
- *Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?*

New development adjacent to a heritage item (including additional buildings and dual occupancies)

- *How is the impact of the new development on the heritage significance of the item or area to be minimised?*
- *Why is the new development required to be adjacent to a heritage item?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- *How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*
- *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*
- *Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *Will the public, and users of the item, still be able to view and appreciate its significance?*

disregard the inclusion of 42a & 44 Short Street, Mudgee.

6.2 Heritage Impact Assessment

Below we assess the impact that the proposed development would have upon the subject site, the Mudgee Heritage Conservation Area in which it is located, and the heritage items area in the vicinity. This assessment is based upon the Historical Context (refer to Section 2.0), the Physical Evidence (refer to Section 3.0), Heritage Significance (refer to Section 4.0) the Proposal (refer to Section 5.0), a review of the Heritage Management Framework (refer to Section 6.1) and the impact of the proposal on the relevant heritage items situated in the vicinity of the site (refer to Sections 1.3 and 3.4).

6.2.1 Impact Assessment against the MWRLEP 2012

The statutory heritage conservation requirements contained in Section 5.10 of the *Mid-Western Regional LEP 2012* are pertinent to any heritage impact assessment for future development on the subject site. We assess the proposal against the relevant clauses below.

CLAUSE	ASSESSMENT
(1) Objectives	The proposal does not entail any work to sites and places listed as heritage items under Schedule 5 of the *Mid-Western Regional LEP 2012.* It is our general assessment that the proposed height, scale, massing and materials proposed (as detailed in Section 5.0 above) would not engender a negative impact on the heritage significance of the heritage items located in the vicinity of the site as well as the Mudgee HCA in which the subject site is located, including their contributory fabric and general setting.
(2) Requirement for consent	This planning proposal is lodged to Council to gain consent for the works proposed in the vicinity of heritage items and the Mudgee HCA in which the subject site is located, all of which are listed under Schedule 5 of the *Mid-Western Regional LEP 2012.*
(4) Effect of proposed development on heritage significance	This Statement of Heritage Impact accompanies the planning proposal in order to enable the Mid-Western Regional Council, as the consent authority, to ascertain the extent to which the proposal would affect the heritage significance of the heritage items and HCA located in the vicinity of the site.
(5) Heritage assessment	

6.2.2 Impact Assessment Against the MWRDCP 2013

Heritage Assessment of Future Demolition of the Subject Buildings on Site

The subject site is not a heritage listed item listed under Schedule 5 of the *Mid-Western Regional LEP 2012*. The observations made by Heritage 21, the physical evidence on site and historical research indicate that other than the historical development of the site for residential and commercial purposes within the Mudgee locality, the site does not illustrate any heritage significant development, nor is it deemed to be of heritage significance.

The site at 36-42 Short Street, Mudgee consists of a single storey commercial building constructed of face brick, which was most likely built between 1970 and 1987. The site at 42A Short Street, Mudgee

disregard the inclusion of 42A & 44 Short Street, Mudgee.

consists of a single storey dwelling most likely constructed between 1964 and 1970. The buildings are nondescript structures that do not positively contribute to the heritage significance of the Mudgee HCA, which is predominantly occupied by Victorian and Federation style residential and commercial buildings.

Thus, it is the opinion of Heritage 21 that any future demolition of the subject buildings located on site would not engender a negative impact on the heritage significance of the subject site or the heritage items and HCA in which it is located.

Heritage Impact Assessment of the Planning Proposal

The planning proposal would allot for new medium density development on the subject site, as indicated by the concept development drawings prepared by CMT Architects and shown in Section 5.0 of this report. As per the proposed amendments to the *Mid-Western Regional LEP 2012*, the concept drawings shown in Section 5.0 of this report depict the height and scale of potential future proposed developments with the proposed 10.5 metre height limit. Heritage 21 notes that the new buildings would be visible from within the Mudgee HCA and nearby heritage items.

However, the provisions within the planning proposal would allow for any new development to be sympathetically designed such that it assimilates with the Mudgee HCA and heritage items in the vicinity. Heritage 21 understands that CMT Architects wishes to construct a contemporary building, not necessarily reflecting the surrounding heritage items and the general forms comprised in the HCA but intends to respectfully address the heritage items as a point of difference rather than emulation. This is not an unusual approach and if carried out with design excellence, can be achieved. The concept drawings indicate the incorporation of curved corners as opposed to angular corners typical of Victorian and Federation style buildings. Heritage 21 is of the opinion that these design details would soften the perceived massing and bulk of the new development. The horizontal fenestration pattern would also break up the vertical massing of the potential new development.

The planning proposal would seek to modify the height controls of the *Mid-Western Regional LEP 2012* for the subject site from 8.5 metres to 10.5 metres. This would result in potential future works being visible from within the Mudgee HCA and nearby heritage items. However, Heritage 21 is of the opinion that the following measures can be employed by the architect of the potential future development to ensure that the new development would relate to the surrounding heritage context:

- Potential materials that reflect those of the Mudgee HCA such as face brick masonry, timber detailing, terracotta tiling, sandstone, shingles, off-white colour schemes, etc. Heritage 21 strongly encourages that these materials find their way into the design as an acknowledgement of the heritage values comprised in the Mudgee HCA as well as the heritage items in the vicinity of the site.
- Landscaping elements should incorporate native plantings to improve the visual relationship between the site and the Mudgee HCA. Native landscaping would also provide a sympathetic

disregard the inclusion of 42a & 44 Short Street, Mudgee.

interpretation of the former River Red Gum tree listed as heritage item I184. The following listed tree species are native flora from the Mudgee area:

- *Corymbia maculata* (Spotted Gum).
- *Eucalyptus elata* (River Peppermint).
- *Eucalyptus nicholii* (Willow Peppermint).
- *Brachychiton populneus* (Kurrajong).
- *Callistemon citrinus* (Crimson Bottlebrush).
- *Grevillea barklyana* (Gully Grevillea).
- *Acacia spectabilis* (Mudgee Wattle).

The above listed native species could be utilised as landscaping for a potential future development at the site.

6.2.3 Impact Assessment Against the NSW Office of Environment & Heritage guidelines

As acknowledged in Section 6.1.3, the NSW Office of Environment & Heritage has identified a list of considerations in the form of questions aiming at directing and triggering heritage impact assessment. Below, we assess the planning proposal against the most pertinent of these questions.

Question	Assessment
Demolition of a building or structure	
Have all options for retention and adaptive re-use been explored?	The existing buildings at 26-42 Short Street, Mudgee and 42A Short Street, Mudgee are not listed as heritage items under Schedule 5 of the *Mid-Western Regional LEP 2012*. The buildings are not of heritage significance and as such, their demolition would not impact the heritage significance of the subject site and the Mudgee HCA within which it is located.
Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?	The buildings proposed to be demolished do not feature any significant heritage feature or fabric and as such, the potential future development as shown in Section 5.0 of this report would not engender any negative impact to the heritage significance of the site and Mudgee HCA.
Is demolition essential at this time or can it be postponed in case future circumstances make its retention and conservation more feasible?	The potential demolition of the existing residential and commercial buildings on site would facilitate the development of a future unit block. The proposed unit block would result in a neutral impact to the heritage significance of the Mudgee HCA, and its contemporary, yet sympathetic design as shown in Section 5.0 of this report, would minimise potential impacts to nearby heritage items and their significance.

disregard the inclusion of 42A & 44 Short Street, Mudgee.

Has the advice of a heritage consultant been sought? Have the consultant's recommendations been implemented? If not, why not?	Heritage 21 has prepared this statement of heritage impact report as part of the planning proposal. Heritage 21 is of the opinion that the proposed demolition of the existing buildings within the subject site would not engender a negative heritage impact to the Mudgee HCA and nearby heritage items.
New development adjacent to a heritage item (including additional buildings and dual occupancies)	
How is the impact of the new development on the heritage significance of the item or area to be minimised?	As discussed above, the proposed development would aim to break up the height and bulk of the proposed unit block by incorporating a horizontal fenestration pattern, ensuring that the height and bulk of the potential future development would break up the vertical massing of the potential new development.
Why is the new development required to be adjacent to a heritage item?	The site of the planning proposal is located in the vicinity of heritage items listed under Schedule 5 of the *MWRLEP 2012,* as well as being situated within the Mudgee HCA. The proposed new 10.5 metre height would allow for any new development to be sympathetically designed such that it assimilates with the Mudgee HCA and heritage items in the vicinity.
How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?	The provisions within the planning proposal would allow for any new development to be sympathetically designed such that it assimilates with the Mudgee HCA and heritage items in the vicinity. The concept drawings indicate the incorporation of curved corners as opposed to angular corners typical of Victorian and Federation style buildings. The horizontal fenestration pattern would also break up the vertical massing of the potential new development. Heritage 21 is of the opinion that these design details would soften the perceived massing and bulk of the new development. When viewed from within the Mudgee HCA and from nearby heritage items, ensuring that heritage significant fabric and sites within the Mudgee HCA remain the dominant element.
Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?	An archaeological assessment is beyond the scope of this report.
Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?	As discussed above, the horizontal fenestration pattern and curved corners shown in the concept design by CMT Architects would ensure that a potential future development at the site would be clearly contemporary. While the use of sympathetic materials, colours and landscaping would ensure that a potential future proposal would blend into the materials and colours of the Mudgee HCA. This would minimise the potential visual impact of a future unit block within the subject site.

disregard the inclusion of 42A & 44 Short Street, Mudgee.

Will the additions visually dominate the heritage item? How has this been minimised?	The concept drawings indicate the incorporation of curved corners as opposed to angular corners typical of Victorian and Federation style buildings. Heritage 21 is of the opinion that these design details would soften the perceived massing and bulk of the new development. The horizontal fenestration pattern would also break up the vertical massing of the potential new development. Heritage 21 is of the opinion that the use of sympathetic materials and native plantings could be employed by the architect of the potential future development to ensure that the new development would relate to the surrounding heritage context, while clearly articulating itself as a contemporary addition to the Mudgee HCA.
Will the public, and users of the item, still be able to view and appreciate its significance?	Heritage 21 is of the opinion that the public would be able to view the heritage listed items and contributory buildings within the Mudgee HCA.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

7.0 CONCLUSION & RECOMMENDATIONS

7.1 Impact Summary

The NSW Office of Environment & Heritage's guidelines require the following aspects of the proposal to be summarised.[12]

7.1.1 Aspects of the proposal which respect or enhance heritage significance

In our view, the following aspects of the proposal would respect the heritage significance of the subject site, the Mudgee heritage conservation area and heritage items in the vicinity:

- Any future demolition of the existing structures on the subject site would not result in the loss of any heritage buildings or fabric deemed to be of heritage significance.
- As demonstrated in the design and articulation of the concept design prepared by CMT Architects, any future development could potentially adopt measures such as curved corners and horizontal fenestration pattern, native plantings and sympathetic materials and colours to mitigate the impact of the potential new bulk and height.
- The introduction of plantings, using species germane to the Mudgee locality, would allow for any new development to blend into the existing plantings of the Mudgee HCA.
- The incorporation of traditional materials such as face brick, shingles, terracotta tiles, sandstone and timber would allow for any new development to be visually compatible with the prevailing visual character within the Mudgee HCA.

7.1.2 Aspects of the proposal which could have detrimental impact on heritage significance

In our view, the scale of any new development as a result of the planning proposal could generate a minor visual impact on the HCA and nearby heritage items. However, a concept design that incorporates the forms and architectural detailing as shown in Section 5.0 above, would soften the impact of a potential new development and would blend well into the ensemble of heritage nearby heritage items within the Mudgee HCA.

7.1.3 Sympathetic alternative solutions which have been considered and discounted

No solutions of greater sympathy with the significance of the subject site, heritage conservation area or heritage items in the vicinity have been discounted to our knowledge.

Mitigation measures are provided for consideration in Section 7.2 of this report which are based on our initial recommendations.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

[12] NSW Heritage Office, "Statements of Heritage Impact."

7.2 Mitigation Measures/Recommendations

To ensure maximum conservation of the significance of the subject site, heritage conservation area and heritage items in the vicinity, Heritage 21 also recommends the following:

- A heritage architect or consultant should be engaged to guide the design of any future development for the subject site and to ensure that the building assimilates well with the HCA and heritage items in the vicinity of the site.

7.3 General Conclusion

Heritage 21 is therefore of the opinion that the planning proposal would comply with pertinent heritage controls and would engender minimal impact on the heritage significance of the subject site, the Mudgee heritage conservation area and heritage items in the vicinity. We therefore recommend that Mid-West Regional Council view the planning proposal favourably on heritage grounds.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

8.0 SOURCES

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disregard the inclusion of 42a & 44 Short Street, Mudgee.

Attachment 4 - Detailed AHIMS search

Detailed AHIMS earch to exclude 42a & 44 Short Street, Mudgee
as per Gateway Determination.

AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : Short St

Client Service ID : 836879

Catalyze Property Consulting Pty Ltd

PO Box 44

Islington New South Wales 2296

Attention: Crig Mcgaffin

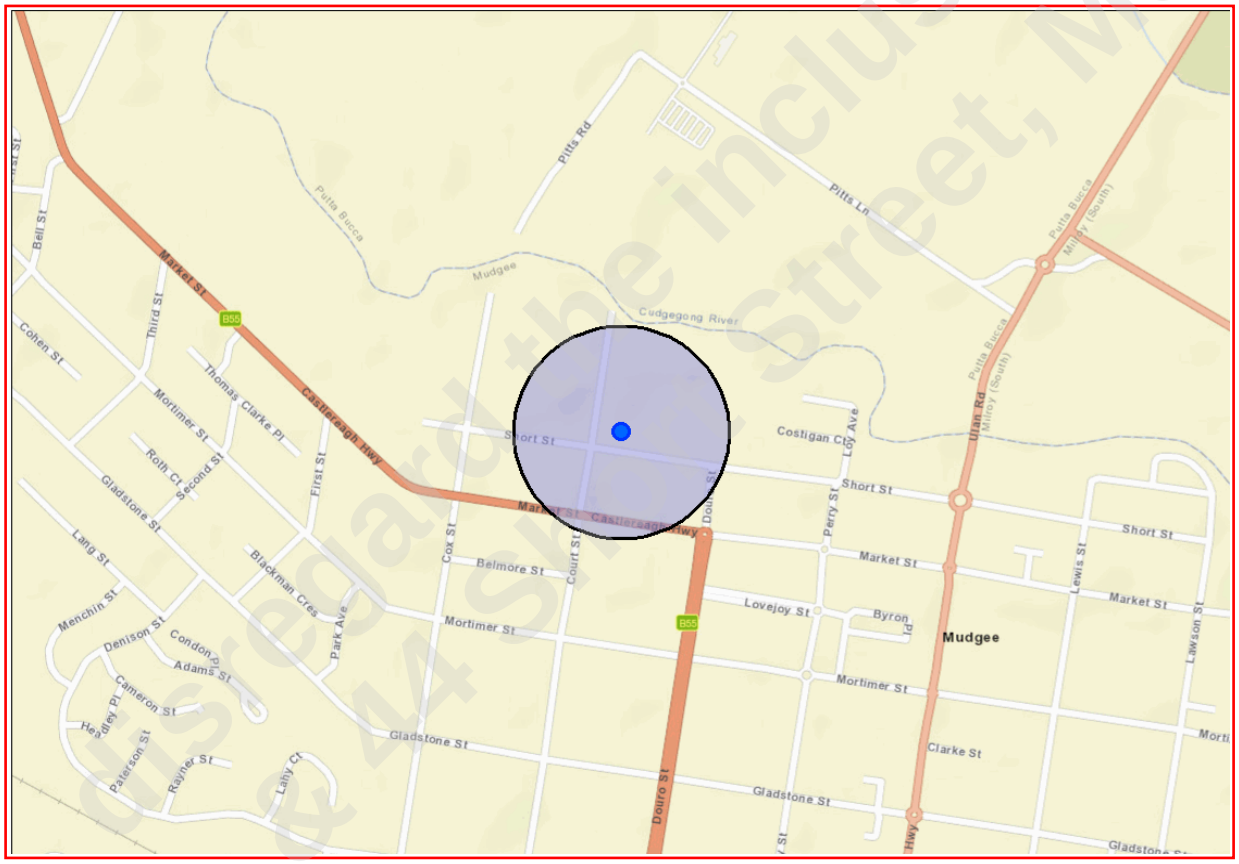
Email: cjm@catalyze.net.au

Date: 06 November 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 42A SHORT STREET MUDGEE 2850 with a Buffer of 200 meters, conducted by Crig Mcgaffin on 06 November 2023.

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



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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

Disregard the inclusion of 42 & 44 Short Street, Mudgee.

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

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

Important information about your AHIMS search

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

disregard the inclusion of
42a & 44 Short Street, Mudgee.

Level 6, 10 Valentine Ave, Parramatta 2150
Locked Bag 5020 Parramatta NSW 2124
Tel: (02) 9585 6345

ABN 34 945 244 274
Email: ahims@environment.nsw.gov.au
Web: www.heritage.nsw.gov.au

Attachment 5 - Flood Impact Assessment

Flood Impact Assessment to exclude 42a & 44 Short Street, Mudgee as per Gateway Determination.

Westwood Capital Pty Ltd
61-65 Kingsway
NSW 2208
Kingsgrove

[123047/L123047_L003_Flood_Impact_Assessment.docx]

20 November 2023

Attention: Mr Con Filis

Re: 36-42, 42A and 44 Short Street, Mudgee – Flood Impact Assessment

disregard the inclusion of 42A & 44 Short Street, Mudgee.

1. INTRODUCTION

WMAwater has been engaged by Westwood Capital Pty Ltd to provide an assessment of the impacts of flooding to support a planning proposal to increase the height of building to facilitate for a proposed development at 36-42, 42A and 44 Short Street, Mudgee NSW (Lot 1 DP702951, Lot 21 DP816236 and Lot 22 DP816236), herein referred to as the site. The site is located on Short Street, approximately 1.2 km north north-west of the Mudgee town centre, and currently comprises of a single commercial dwelling and two single residential dwellings. The location of the site is presented in Figure 1.

The proposed development comprises of two residential buildings. One building will be two-stories containing 4 units and the second building will be three-stories containing 24 units. Both residential buildings will have an underground carpark.

The Mid-Western Regional Council flood planning area is currently defined by the Local Environmental Plan 2012 map 5270_COM_CL1_006G_010_20120621. The site sits within the Cudgegong River catchment and is within the flood planning area defined by this map. The flow behaviour at the site and surrounding area is defined by the Mudgee Flood Study (Flood Study, WMAwater, 2021).

An assessment of potential flood impacts from the proposed development on the surrounding lots has been undertaken. The assessment considers the impact occurring as the result of changes to the site and considers the development in the context of relevant planning controls.

WMAwater Pty Ltd

DIRECTORS
M K Babister, RPEQ
E J Askew
F L Ling, RPEQ
M E Retallick, RPEQ

SENIOR ASSOCIATES
D. Wood, RPEQ

ASSOCIATES
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ABN 14 600 315 053

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Email: enquiry@wmawater.com.au
Website: wmawater.com.au

2. EXISTING FLOOD ENVIRONMENT

The site is subject to inundation, as defined by the Mudgee Flood Study (WMAwater, 2021). The hydrologic and hydraulic models established as part of the Flood Study have been reviewed for the purposes of a local assessment to assess the impacts of the proposed development.

The site and surrounding area sit within the Cudgegong River catchment. A formed channel is located to the east of the site, which conveys flows in a north west direction, discharging into the Cudgegong River. The channel receives overland flow from the upstream reaches of the local catchment through a culvert under Short Street, located to the south east of the site. Downstream of the site, overtopping of the Cudgegong River results in overland flow occurring in the surrounding low lying landscape.

Under conditions presented in the Flood Study (WMAwater, 2021), a maximum flood depth of 1.4 m occurs in the 1% AEP event in the north east corner of the site, within the drainage channel, with depths in other areas of the site typically less than 0.3 m. The drainage channel receives flows from the upstream areas of the local catchment through a culvert under Short Street. Inundation occurs along Short Street, at an average flood depth of 0.05 m (in the 1% AEP event) in the vicinity of the site and flows towards the east into the formed channel. The commercial and residential dwellings on the site are not impacted by flooding under existing conditions in the 1% AEP event.

The shallow depths along the site boundary means that the hydraulic hazard, predominantly defined by the Flood Study (WMAwater, 2021) (utilising the method described in Managing the floodplain: a guide to best practice in flood risk management in Australia (AIDR)), for the 1% AEP event (Figure 6) is H1 – generally safe for people, vehicles and buildings. A small pocket of H2 – unsafe for small vehicles occurs on the north western boundary. In the north eastern corner of the site, where flows are conveyed through the formed channel, the hydraulic hazard is H5 – unsafe for all people and all vehicles, with buildings requiring special engineering design and construction. These categorisations indicate that the flood behaviour, with exception to the flood behaviour within the formed channel, is generally safe for vehicles, people and buildings and is not likely to impose risk to life or property damage in the 1% AEP event.

Hazard defined by the NSW Government Floodplain Development Manual (FDM) is no longer considered best practice as it provides a less granular and less descriptive definition of hydraulic hazard. The Mid-Western Regional Council utilises the FDM hazard categories within their planning policies due to the hazard mapping available when the policy was developed. FDM hazard mapping is not available for the site. AIDR provides guidance for grouping hazard categories H1 to H6, into different scales of risk H1, H2 – H4, H5 and H6. This allows AIDR hazard categories to be aligned with planning controls using the FDM hazard categories.

Discretionary Inclusion of 42 & 44 Short Street, Mudgee.

3. FLOOD IMPACT ASSESSMENT

3.1. Methodology

The proposed development will alter the site from its current condition, with the removal of the existing building on Lot 1 DP702951 for the construction of two separate buildings (one will be comprised of 4 units and the other of 24 units). Modelling has been carried out to establish the potential flood impacts that may occur for the proposed development.

The following steps were undertaken:

1. The existing conditions presented in the Mudgee Flood Study (WMAwater, 2021) were reviewed to ensure that at a local scale, the model was representative. This reviewed model establishes the baseline scenario against which the impacts of the development can be determined.
2. The proposed development (shown in Diagram 1) was represented into the reviewed baseline model.
3. The proposed development model was run for the 1% and 5% AEP events. The results of the pre-development (reviewed baseline) and post-development case (Figures 2-13) were compared to determine the changes in flood level (flood impacts); and
4. Impact maps were produced (Figures 14-16), indicating changes in flood level for the 1% and 5% AEP events due to the proposed development.

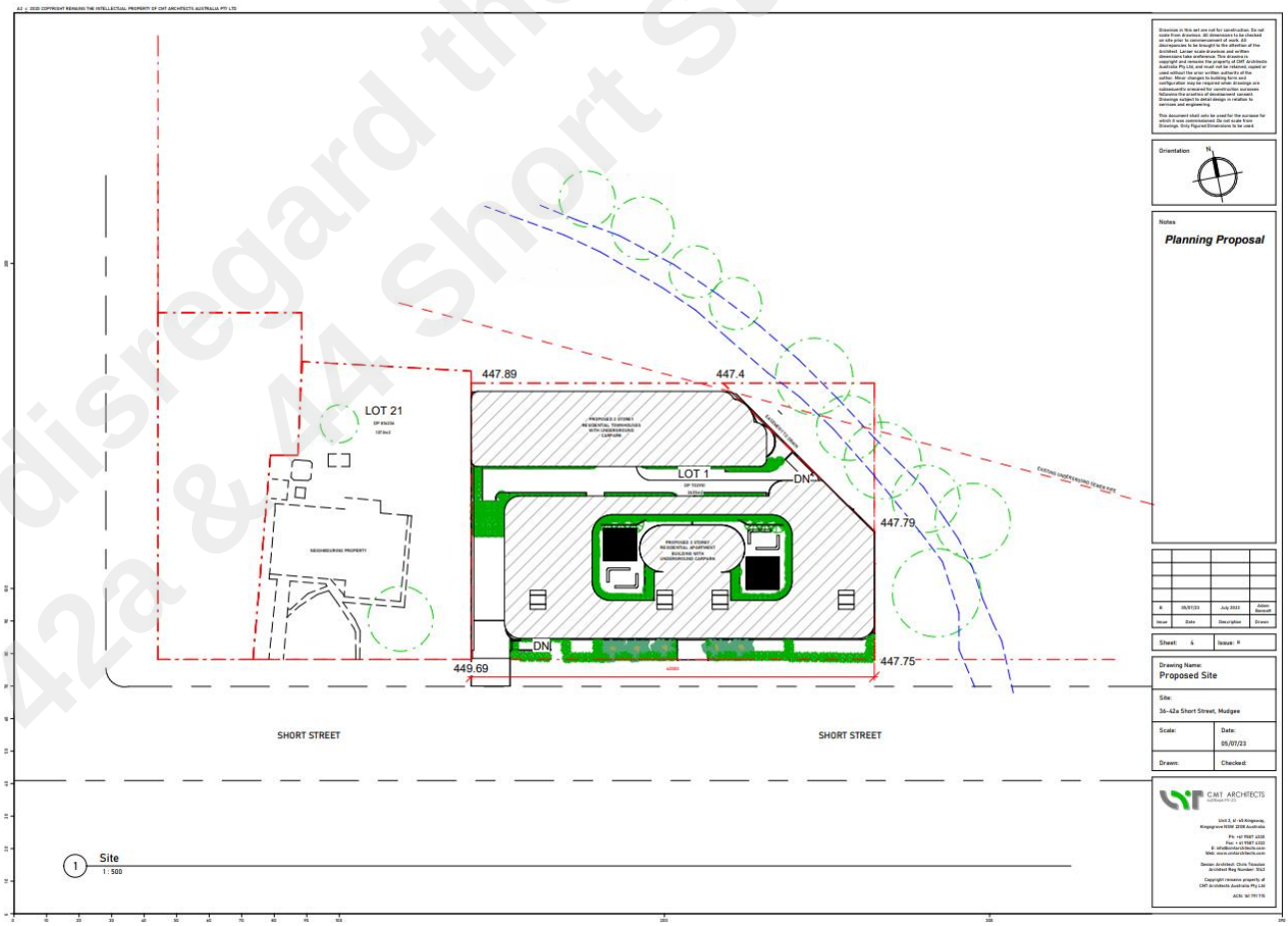

Diagram 1 Proposed Site Layout (CMT Architects, 2023)

disregard the inclusion of 42a & 44 Short Street Mudgee.

3.2. Results

The resulting peak flood depths due to the proposed development for the 1% and 5% AEP events are shown on Figure 3 and Figure 9, the peak flood velocities for the 1% and 5% AEP events are shown on Figure 5 and Figure 11 and the flood hazards for the 1% and 5% AEP events are shown on Figure 7 and Figure 13. The peak flood level impacts for the 1% and 5% AEP events are shown on Figure 14 and Figure 16.

Majority of the site is not impacted by flooding for either the existing or proposed 1% and 5% AEP events. In both scenarios, inundation occurs in the north east corner of the site, as a result of flows through the drainage channel (maximum depth approximately 1.4 m), on the north western site boundary (maximum depth approximately 0.4 m) and along the southern boundary on Short Street (maximum depth approximately 0.3 m), discharging into the drainage channel.

The proposed scenario for the 1% AEP event shows that the development results in a removal of floodwater on the east of the site, with no change in flood behaviour occurring on the surrounding land or neighbouring properties. There is no impact from the proposed development on the flood behaviour in the 5% AEP event.

4. FLOOD RELATED DEVELOPMENT CONTROLS

Appropriate planning restrictions ensure that development is compatible with flood risk and can significantly reduce flood damages. Planning instruments can be used as tools to guide new development away from high flood risk locations and ensure that new development does not adversely affect flood behaviour. Mid-Western Regional Council apply flood planning controls through the Mid-Western Regional Local Environmental Plan 2012 (LEP 2012).

The site is located on flood prone land, as defined in the LEP (2012), and is therefore subject to the directions outlined in Focus Area 4: Resilience and Hazards of the NSW Department of Planning and Environment's Local Planning Directions (DPE, 2023). Focus Area 4: Resilience and Hazards of the Local Planning Directions aims to:

- ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

Table 1 outlines how the proposed development meets the Local Planning Directions (DPE, 2023).

Table 1 Local Planning Directions

Local Planning Directions	
Focus Area 4: Resilience and Hazards Direction 4.1	**Response**
(1) A planning proposal must include provisions that give effect to and are consistent with: (a) the NSW Flood Prone Land Policy, (b) the principles of the Floodplain Development Manual 2005,	An assessment of the impacts of the development on flood behaviour has been undertaken in accordance with provisions and principles outlined in the NSW Flood Prone Land Policy, the Floodplain Development Manual 2005 and in the Considering flooding in land use planning guideline 2021.

disregard the inclusion of 42a & 42b Short Street, Mudgee.

(c) the Considering flooding in land use planning guideline 2021, and (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.	The Mudgee Flood Study (WMAwater, 2021) was considered in the preparation of this assessment.
(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.	Not applicable. The land use zone of the site is currently R1: General Residential. The proposed Planning Proposal does not change the land use zoning.
(3) A planning proposal must not contain provisions that apply to the flood planning area which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit development for the purposes of residential accommodation in high hazard areas, (d) permit a significant increase in the development and/or dwelling density of that land, (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent, (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.	The flood function classification for the site is defined in the Mudgee Flood Study (WMAwater, 2021). The majority of the site is not flood affected and therefore defined. The north east corner of the site, in the location of the formed channel is classified as “floodway”. The proposed development will not be located in this area. An assessment of the impacts of the development on flood behaviour has been undertaken and the results are presented in Section 3. The assessment showed that the development results in either no change or positive changes to flood behaviour including the removal of inundation in the eastern area of the site, with no change in the impact on the flood behaviour on neighbouring properties. Under both current and proposed conditions, the proposed development on the site will not be inundated in the 1% AEP or the 5% AEP events and therefore no flood hazard exists at the building. Under the current and proposed conditions, the formed channel in the northeast corner of the site will be inundated, with a resulting flood hazard of up to H5: unsafe for all people and all vehicles, with buildings requiring special engineering design and construction. However, the proposed development will not be located in this area. The proposed development will have a similar footprint to the existing building and will therefore not cause a significant increase in the development density of the land. A number of surrounding roads have shallow inundation. Low hydraulic hazard (H1 – relatively benign flow conditions. No vulnerability constraints) will allow for sufficient evacuation during a flood event, if required. Possible evacuation routes may be to the west along Short Street and to the south along Court

Planning Proposal Short Street, Mudgee.

	Street, where the hydraulic hazard is predominantly H1. This Flood Impact Assessment will accompany the development application to the Mid-Western Regional Council for the proposed development. The development is considered to be compatible with the flood function on the land. Under proposed conditions, the development will not have significant inundation in the 1% AEP or 5% AEP events and is therefore unlikely to require government spending. The proposed development will be for residential purposes.
(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which: (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit a significant increase in the dwelling density of that land, (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.	Not applicable. Special Flood Considerations do not apply to the proposed development.
(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.	The flood planning area of the site is defined by the Mudgee Flood Study (WMAwater, 2021).

Not to be used for inclusion in DA for 44 Short Street, Mudgee.

5. SUMMARY

WMAwater has undertaken a Flood Impact Assessment for the Planning Proposal and proposed development at 36-42, 42A and 44 Short Street, Mudgee. The proposed development comprises of two buildings, with one building will be two-stories containing 4 units and the second building will be three-stories containing 24 units. Both buildings will have an underground carpark.

The site and surrounding area sit within the Cudgegong River catchment. Inundation within the site and surrounding area drains into the formed channel to the east of the site, which discharges into Cudgegong River, approximately 450 m north west of the site. The existing conditions as presented in the Mudgee Flood Study (WMAwater, 2021), was reviewed and deemed appropriate for the purpose of this assessment.

The proposed scenario for the 1% AEP event showed that the development results in a reduction in flood water, and no change for the 5% AEP event. In addition, there is no change in flood behaviour on the surrounding land or neighbouring properties for both the 1% and 5% AEP events, as a result of the proposed development.

The proposed development is located within the flood planning area, as defined in the Mid-Western Regional Council LEP (2012). The assessment has determined that the proposed development appropriately meets the directions outlined in Focus Area 4: Resilience and Hazards, as required by the Ministerial Local Planning Directions.

Yours Sincerely,

Daniel Wood

WMAwater

disregard the inclusion of 42a & 44 Short Street, Mudgee.

FIGURE 1
SITE LOCALITY

Short Street

Court Street

Douro Street

N

Site Boundary

0 5 10 20 30
Meters

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disregard the inclusion of
42a Short Street, Mudgee.

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FIGURE 2
PEAK FLOOD DEPTH
1% AEP EVENT
BASELINE SCENARIO

Preliminary Issue
Subject to inclusion of
Street, Mudgee.

N

Site Boundary

Depth (m)

- < 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1
- 1 - 1.5
- 1.5 - 2
- > 2

0 5 10 20 30
Meters

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FIGURE 3
PEAK FLOOD DEPTH
1% AEP EVENT
PROPOSED SCENARIO

Subject to inclusion of Mudgee Street, Mudgee.

N

Site Boundary

Depth (m)

- < 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1
- 1 - 1.5
- 1.5 - 2
- > 2

0 5 10 20 30
Meters

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FIGURE 4
PEAK FLOOD VELOCITY
1% AEP EVENT
BASELINE SCENARIO

Disclaimer: Information contained in this map is the property of Mudgee.

N

Site Boundary

Velocity (m/s)

- < 0.25
- 0.25 - 0.5
- 0.5 - 0.75
- 0.75 - 1
- 1 - 1.25
- 1.25 - 1.5
- > 1.5

0 5 10 20 30
Meters

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FIGURE 5
PEAK FLOOD VELOCITY
1% AEP EVENT
PROPOSED SCENARIO

Disclaimer: Unauthorised reproduction of this material, Mudgee.

Site Boundary

Velocity (m/s)

- < 0.25
- 0.25 - 0.5
- 0.5 - 0.75
- 0.75 - 1
- 1- 1.25
- 1.25 - 1.5
- > 1.5

N

0 5 10 20 30
Meters

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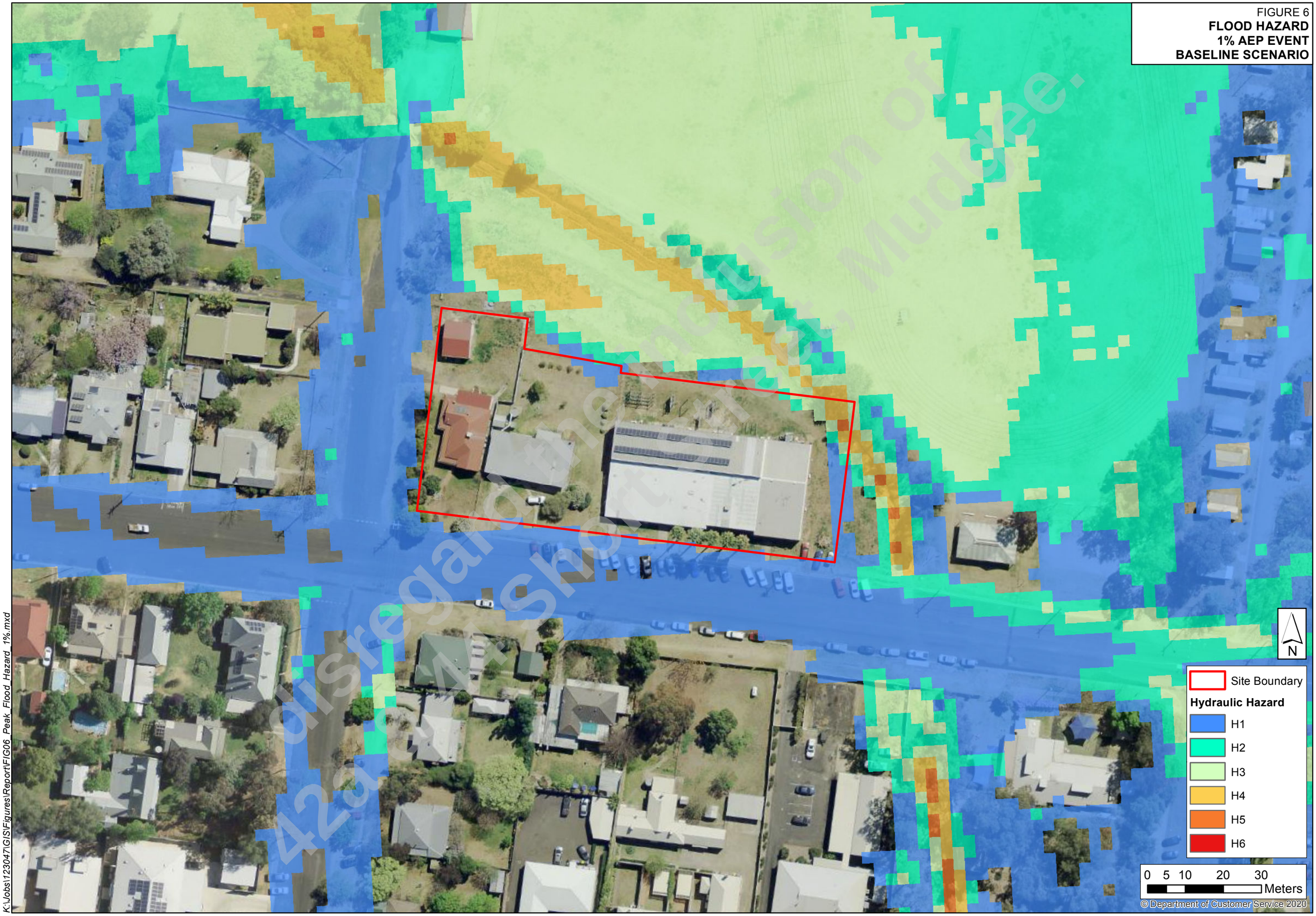
FIGURE 6
FLOOD HAZARD
1% AEP EVENT
BASELINE SCENARIO



disregard format, Mudgee.
42a of NSW Short

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FIGURE 7
FLOOD HAZARD
1% AEP EVENT
PROPOSED SCENARIO

disregard the 42a of 4 Short Mudgee.

N

Site Boundary

Hydraulic Hazard

- H1
- H2
- H3
- H4
- H5
- H6

0 5 10 20 30
Meters

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FIGURE 8
PEAK FLOOD DEPTH
5% AEP EVENT
BASELINE SCENARIO

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Site Boundary

Depth (m)

- < 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1
- 1 - 1.5
- 1.5 - 2
- > 2

0 5 10 20 30 Meters

N

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FIGURE 9
PEAK FLOOD DEPTH
5% AEP EVENT
PROPOSED SCENARIO

Preliminary Issue Not to be used for construction

Site Boundary

Depth (m)

- < 0.1
- 0.1 - 0.2
- 0.2 - 0.5
- 0.5 - 1
- 1 - 1.5
- 1.5 - 2
- > 2

N

0 5 10 20 30 Meters

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K:\Jobs\123047\GIS\Figures\Report\FIG09_Peak_Flood_Depth_5%.mxd

FIGURE 10
PEAK FLOOD VELOCITY
5% AEP EVENT
BASELINE SCENARIO

Disregard if not signed by Engineer on behalf of Mudgee.

N

Site Boundary

Velocity (m/s)

- < 0.25
- 0.25 - 0.5
- 0.5 - 0.75
- 0.75 - 1
- 1 - 1.25
- 1.25 - 1.5
- > 1.5

0 5 10 20 30
Meters

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K:\Jobs\123047\GIS\Figures\Report\FIG10_Peak_Flood_Velocity_5%.mxd

FIGURE 11
PEAK FLOOD VELOCITY
5% AEP EVENT
PROPOSED SCENARIO

Disregard if not in possession of Mudgee.

N

Site Boundary

Velocity (m/s)

- < 0.25
- 0.25 - 0.5
- 0.5 - 0.75
- 0.75 - 1
- 1 - 1.25
- 1.25 - 1.5
- > 1.5

0 5 10 20 30
Meters

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FIGURE 12
FLOOD HAZARD
5% AEP EVENT
BASELINE SCENARIO

disregard the inclusion of
42a at Short Street, Mudgee.

N

Site Boundary

Hydraulic Hazard

H1
H2
H3
H4
H5
H6

0 5 10 20 30
Meters

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FIGURE 13
FLOOD HAZARD
5% AEP EVENT
PROPOSED SCENARIO

disregard the inclusion of
42a at Short Street, Mudgee.

N

Site Boundary

Hydraulic Hazard

H1
H2
H3
H4
H5
H6

0 5 10 20 30
Meters

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K:\Jobs\123047\GIS\Figures\Report\FIG13_Peak_Flood_Hazard_5%.mxd

FIGURE 14
PEAK FLOOD LEVEL
1% AEP EVENT
IMPACT

disregard the inclusion of
42a Market Street, Mudgee.

N

Site Boundary

Change in Peak Flood Level (m)

- < -0.2
- -0.2 - -0.05
- -0.05 - -0.01
- No Impact
- 0.01 - 0.05
- 0.05 - 0.1
- No Longer Flooded
- Newly Flooded

0 5 10 20 30
Meters

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FIGURE 15
PEAK FLOOD VELOCITY
1% AEP EVENT
IMPACT

disregard the inclusion of 42 and 44 Short Street, Mudgee.

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FIGURE 16
PEAK FLOOD LEVEL
5% AEP EVENT
IMPACT

disregard the inclusion of
42 and 44 Short Street, Mudgee.

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Attachment 6 - Traffic and Parking Impact Assessment

Traffic and Parking Impact Assessment to exclude 42a & 44 Short Street, Mudgee as per Gateway Determination.

Terraffic Pty Ltd

Traffic and Parking Consultants

ABN 83 078 415 871

13th July 2023
Ref 22084

CMT Architects
Level 1, 61-65 Kingsway
Kingsgrove NSW 2208

Attention: Chris Tsioulos

Dear Chris,

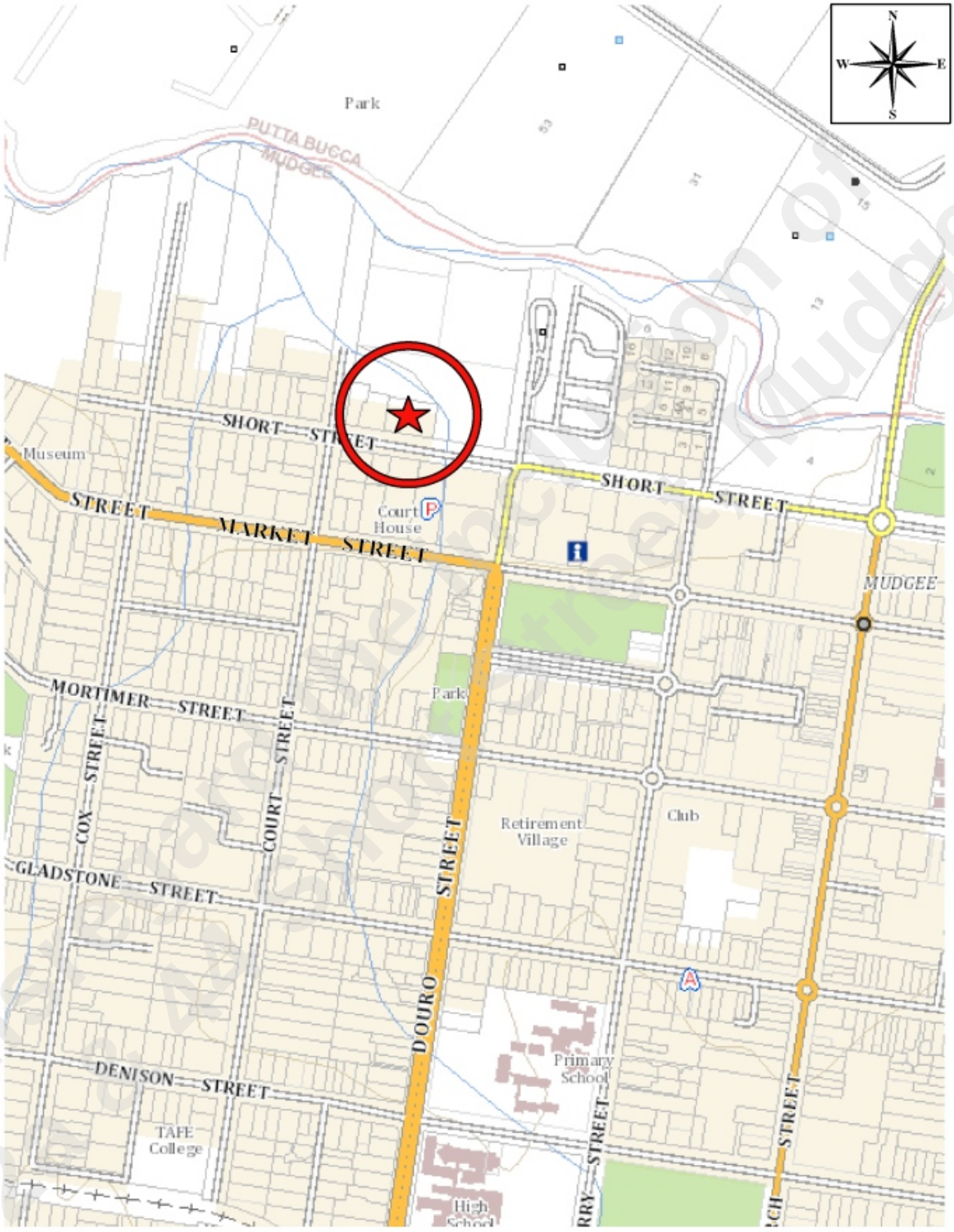
PROPOSED RESIDENTIAL FLAT BUILDING 36-42A SHORT STREET, MUDGEE
TRAFFIC AND PARKING ASSESSMENT

This Traffic and Parking Assessment has been prepared to accompany Planning Proposal to Mid-Western Council for a proposed residential flat building at 36-42A Short Street, Mudgee (Figures 1 and 2).

The development site is located on the northern side of Short Street approximately 60m east of Court Street. It has a total site area of 2,635m^2 with a frontage of 62m to Short Street. The site is zoned R1 General Residential under the controls of the Mid-Western Regional Local Environmental Plan 2012. The site is also located within Mudgee Conservation Area.

Aerial photograph of the Site courtesy of SIX Maps

disregard the inclusion of 42 Short Street, Mudgee.



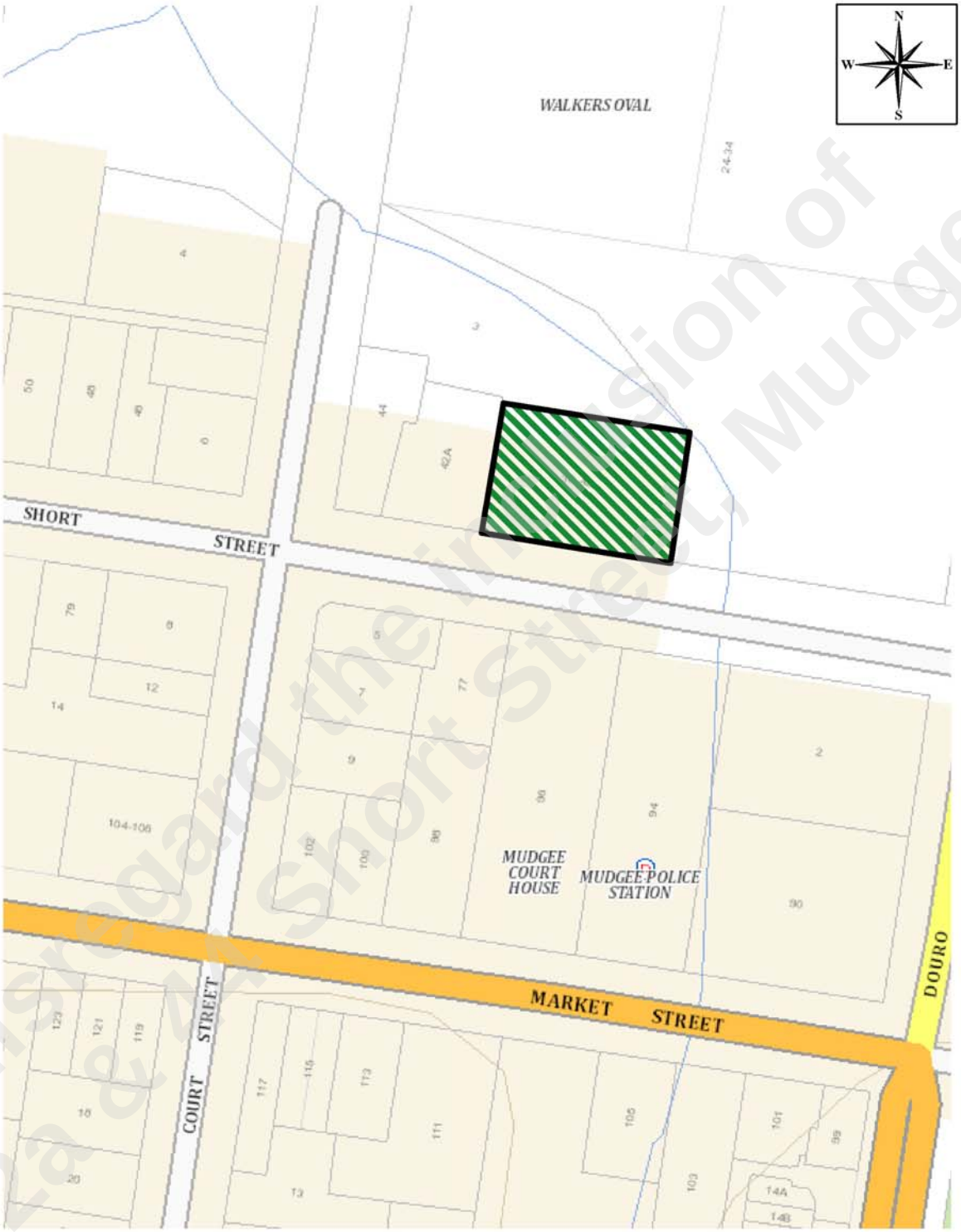
Basemap courtesy of SIX Maps

Terraffic Pty Ltd
TRAFFIC & PARKING CONSULTANTS

LOCATION

FIGURE 1

digital reproduction of 40 Church Street Mudgee.



Basemap courtesy of SIX Maps

Terraffic Pty Ltd
TRAFFIC & PARKING CONSULTANTS

SITE

FIGURE 2

disregard the intrusion of 42a & 44 Short Street, Mudgee.

Existing Site Development

The existing site development comprises a single level commercial building with a floor area of approximately 1,200m^2. The site is only served by 3 off-street parking facilities and primarily relies on the availability of approximately 20 angled parking spaces along the site frontage.

Bicycle connectivity within the Mudgee Region

In April 2008, Mid-Western Regional Council assisted local bicycle groups to prepare a booklet containing 20 rides in and around the Mudgee, Gulgong and Rylstone areas. Of the 20 rides, 14 start and finish at the Clock Tower at the corner of Church and Market Streets in Mudgee. The rides have been prepared for tourists looking for "good places to ride" and to encourage local residents to explore and enjoy their local area by bicycle.

A list of the 14 rides in and around Mudgee is as follows:

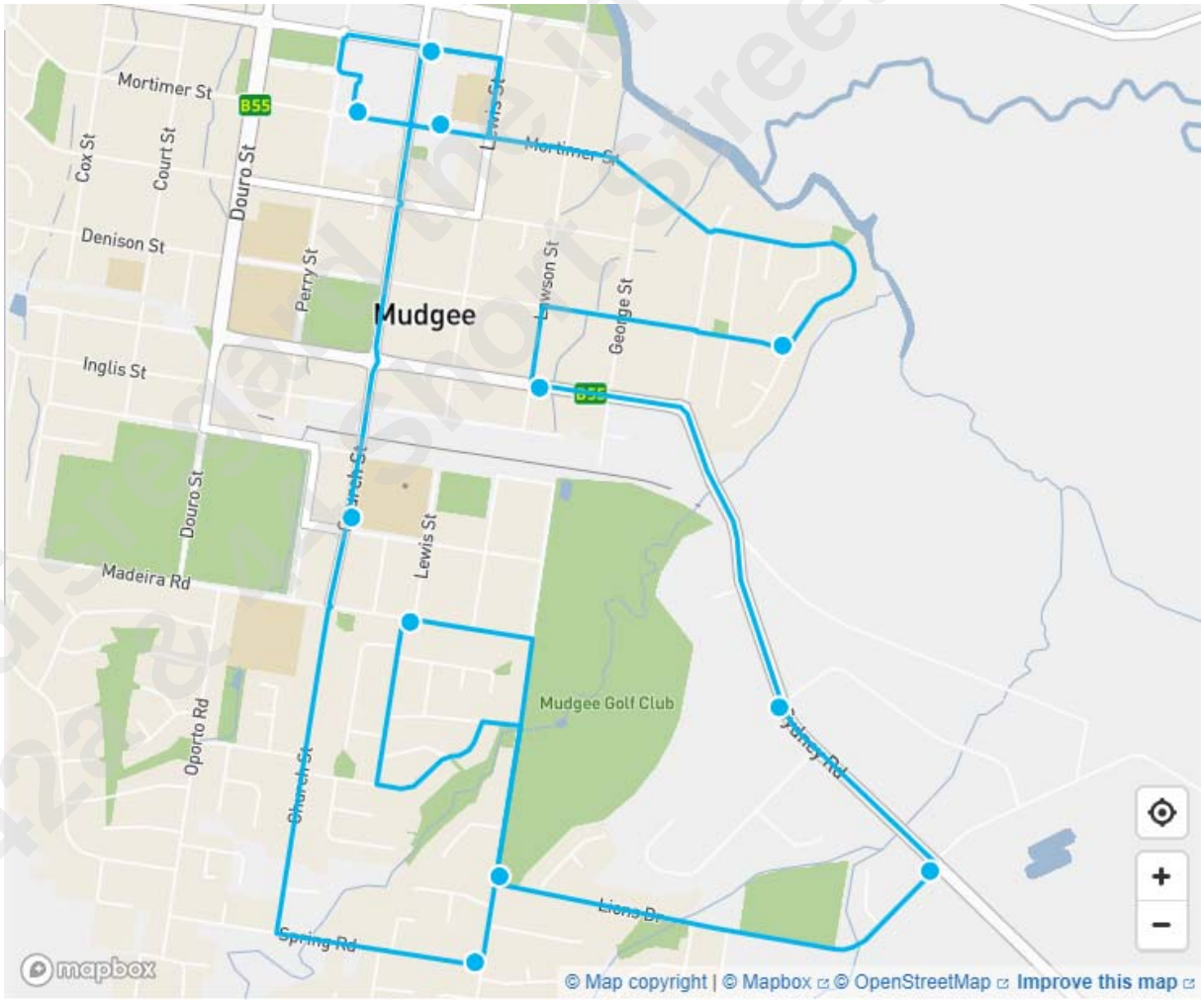
Ride Route	Total Distance	Sealed/Unsealed
1. Winery ride	variable	All bitumen
2. Redbank Dam	11.3	1.1 km unsealed
3. Rocky Waterhole Road	18.1	All bitumen
4. Wilbertree Road	9.8	All bitumen
Longer option	26.8	5.1 km unsealed
5. Mt Pleasant Lane	24.6	7.6 km unsealed
6. Spring Flat Road	28.1	8.2 km unsealed
7. Lowes Peak Road	37.7	All bitumen
8. Queen's Pinch Road	49.9	10.1 km unsealed
9. Green Gully Road	66.0	12.0 km unsealed
10. Hayes Gap Road	51.3	15.6 km unsealed
Longer option	72.3	26.6 km unsealed
11. Cooyal Pub	54.4	All bitumen
Longer option	65.6	All bitumen
12. Mudgee – Gulgong return	65.6	All bitumen
13. Burrendong Dam	76.4	12.8 km unsealed
Shorter option	48.6	12.8 km unsealed
14. Windeyer circuit	79.5	11.0 km unsealed

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Public Transport in Mudgee

Mudgee is served by a single bus service that connects Mudgee CDB to Mudgee East. The route and timetable for the service are reproduced below:

Monday to Friday	♿	♿	♿	♿
Mortimer Centre, Mortimer St, Mudgee	10:02	11:40	14:39	16:15
Town Centre Shopping, Mortimer St, Mudgee	10:03	11:41	14:40	16:16
Market St and Church St, Mudgee	10:04	11:42	14:41	16:17
Mudgee District Hospital, Church St, Mudgee	10:08	11:46	14:45	16:21
Spring Rd at Robertson St, Mudgee	10:11	11:49	14:48	16:24
Madeira Rd at Bawden Rd, Mudgee	10:13	11:51	14:50	16:26
Robertson St at Lions Dr, Mudgee	10:16	11:54	14:53	16:29
Homeworks Centre, Lions Dr, Burrundulla	10:18	11:56	14:55	16:31
Sydney Rd opp Industrial Rd, Mudgee	10:20	11:58	14:57	16:33
Horatio St at Lawson St, Mudgee	10:22	12:00	14:59	16:35
Cedar Ave at Mulgoa Way, Mudgee	10:23	12:01	15:00	16:36
Market St and Church St, Mudgee	10:27	12:05	15:04	16:40
Mortimer Centre, Mortimer St, Mudgee	10:30	12:08	15:07	16:43



disclosed to the public at 423 Church Street, Mudgee.

The Planning Proposal

The Planning Proposal comprises the demolition of the existing site development and construction of 28 x 2 bedroom dwellings as follows:

- A 3 level residential flat building fronting Short Street containing 24 x 2 bedroom units

- 4 x 2 bedroom townhouses at the rear of the site

The Proposal will be served by a single level basement containing a total of 36 spaces comprising 30 resident spaces (min 1 space per unit) and 6 visitor spaces. Vehicular access to the basement is via a 6.1m wide two-way access ramp located adjacent to the western site boundary.

Council Off-Street Parking Requirements

Part 5.1 of the Mid-Western Regional Development Control Plan 2013 specifies the following parking requirements for multi unit housing:

Resident parking	1 space per 1 bedroom flat
	2 spaces 2 bedroom flat (other than in the Conservation Areas of Mudgee and Gulgong and Village Zones ion Rylstone and Kandos where the provision is 1 space per 2 bedroom flat)
	2 spaces per 3 bedroom flat or cluster dwelling
Visitor Parking	1 space per 5 units

As noted in the foregoing, the subject site is located within the Mudgee Conservation Area.

Application of these parking rates to the Planning Proposal yields a total parking requirement of 34 spaces calculated as follows:

28 x 2 bedroom units/townhouses @ 1 space per unit	28.0 resident spaces
28 units @ 1 spaces per 5 units for visitors	5.6 spaces (say 6 spaces)
Total requirement	33.6 spaces (rounded to 34 spaces)

The proposed development satisfies these requirements with the provision of 36 off-street car parking spaces comprising 30 resident spaces and 6 visitor spaces.

The basement carpark and vehicular access arrangements will be designed to satisfy the following requirements of the Australian Standards AS/NZS2890.1:2004:

disregard the inclusion of 42a & 44 Short Street, Mudgee.

- Parking spaces have a minimum length of 5.4m and width of 2.4m
- An additional 0.3m to be provided for spaces adjacent to a wall or obstruction
- A 5.8m wide access/manoeuvring aisles
- A 1.0m wide blind aisle extension as per Figure 2.3 of the Standard
- Structural columns to be set back from the access aisle in accordance with Clause 5.2
- Pavement cross-falls at parking spaces not to exceed 5% (1 in 20) in any direction
- The access ramp to have a minimum width of 6.1m wall to wall comprising a 5.5m wide roadway and 2 x 300mm wide kerbs
- The maximum grade for the first 6.0m into the site from the property boundary to not exceed 5% (1 in 20)
- The maximum grade of the access ramp does not exceed 25% (1 in 4)
- 2.0m long transitions of 12.5% (1 in 8) have been provided on the ramp
- A minimum headroom clearance of 2.2m has been provided
- 2.5m x 2.0m pedestrian sight line triangles to be provided

Projected Traffic Generating Potential

An indication of the traffic generation potential of the proposed development is provided by reference to the Roads and Maritime Services publication *Guide to Traffic Generating Developments, Section 3 - Landuse Traffic Generation (October 2002).* The RMS *Guidelines* are based on extensive surveys of a wide range of land uses and nominates the following traffic generation rates for medium density residential flat buildings:

Smaller units and flats (up to 2 bedrooms)	0.4-0.5 peak hour vehicle trips per unit
Larger units and Townhouses (3 or more bedrooms)	0.5-0.65 peak hour vehicle trips per unit

Application of the above traffic generation rates to the proposed development yields a traffic generation potential of approximately 14vtph during commuter peak periods as set out below:

28 x 2 bedroom units @ 0.5vtph per dwelling	14vtph

The traffic generation of the proposed development should be discounted by the traffic generating potential of the 1,200m^2 commercial building on the site. Based on the RMS traffic generation rate of 2vtph per 100m^2 for commercial offices, the existing site development will generate in the order of 24vtph during peak periods as follows:

1,200m2 office @ 2vtph per 100m^2	24vtph

To that end the proposed development will generate approximately 10 less vehicle trips during the peak periods as follows:

Existing Development	24vtph
Proposed Development	14vtph
Reduction in traffic generating potential	**10vtph**

disregard the inclusion of 42a & 44 Short Street, Mudgee.

It will be readily appreciated that in circumstances where a proposal will potentially generate less traffic than an existing development, it can be concluded that the planning proposal will not have any noticeable or unacceptable effect on the road network serving the site in terms of road network capacity or traffic-related environmental effect.

In the circumstances, it can be concluded that the planning proposal has no unacceptable traffic or parking implications.

Should you wish to discuss this matter further, please do not hesitate in contacting Michel Logan on 0411 129 346 during normal business hours.

Yours faithfully

Michael Logan *MTraff (Monash University)*
Director
Terraffic Pty Ltd

disregard the inclusion of
42a & 44 Short Street, Mudgee.

Attachment 7 - Preliminary Site Investigation (Contamination)

Preliminary Site Investigation (Contamination) to exclude 42a & 44 Short Street, Mudgee as per Gateway Determination.

FOUNDATION EARTH SCIENCES

PRELIMINARY SITE INVESTIGATION (PSI)

Property Address

36-42A Short Street, Mudgee NSW

Prepared for

DGE AU Pty Ltd

Date

13th October 2023

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ABBREVIATIONS

AIP	*Australian Institute of Petroleum Ltd*	**QA/QC**	*Quality Assurance, Quality Control*
ANZECC	*Australian and New Zealand Environment and Conservation Council*	**RAC**	*Remediation Acceptance Criteria*
AST	*Aboveground Storage Tank*	**RAP**	*Remediation Action Plan*
BGL	*Below Ground Level*	**RPD**	*Relative Percentage Difference*
BTEX	*Benzene, Toluene, Ethyl benzene and Xylene*	**SAC**	*Site Assessment Criteria*
COC	*Chain of Custody*	**SVC**	*Site Validation Criteria*
DA	*Development Approval*	**SWL**	*Standing Water Level*
DP	*Deposited Plan*	**TCLP**	*Toxicity Characteristics Leaching Procedure*
DQOs	*Data Quality Objectives*	**TPH**	*Total Petroleum Hydrocarbons*
EPA	*Environment Protection Authority*	**UCL**	*Upper Confidence Limit*
ESA	*Environmental Site Assessment*	**UST**	*Underground Storage Tank*
HIL	*Health-Based Soil Investigation Level*	**VHC**	*Volatile Halogenated Compounds*
LGA	*Local Government Area*	**VOC**	*Volatile Organic Compounds*
NEHF	*National Environmental Health Forum*	**DPI**	Department of Primary Industries
NEPC	*National Environmental Protection Council*		
NHMRC	*National Health and Medical Research Council*		
OCP	*Organochlorine Pesticides*		
OPP	*Organophosphate Pesticides*		
PAH	*Polycyclic Aromatic Hydrocarbon*		
PCB	*Polychlorinated Biphenyl*		
PID	*Photo Ionisation Detector*		
PQL	*Practical Quantitation Limit*		

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EXECUTIVE SUMMARY

Foundation Earth Sciences was appointed by DGE AU Pty Ltd to undertake a Preliminary Site Investigation (PSI) for the property situated 36-42A Short Street, Mudgee NSW ("the site").

A site visit was undertaken on the 14th of August 2023. Fieldwork and reporting were conducted in general accordance with the Foundation Earth Sciences proposal and with reference to relevant regulatory criteria and Foundation Earth Sciences fieldwork protocols.

The proposed development includes a three-storey residential apartment complex with multiple rooms including a communal space, living areas and a single level basement for car parking.

Several potential areas of environmental concerns were identified at the site, particularly:

- Historical and current uses (residential and commercial – car park).
- Surrounding land uses; (residential and commercial)
- Imported fill of unknown quality or origin.
- Carpark area where leaks and spills from cars may have occurred.
- Degrading of former building features.

Founded on the investigation including the proposed land use, previous site history, underground services plans, land title information & site inspection, the potential for significant soil and/or groundwater impact is considered a moderate risk. In applying the NEPM 2013 Schedule B2 "Guideline on Site Characterisation"; there is sufficient

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evidence, uncertainty and/ or suspicion of contamination, therefore further investigation is recommended.

The following data gaps were identified:

- The soil and groundwater quality at the site have not been investigated.
- The SafeWork NSW records have not been searched and/or records received at the time of writing this report.

Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are moderate in the context of the proposed use of the site. The site ***can be made suitable*** for the proposed development, subject to the following recommendations:

- Preparation of a Detailed Site Investigation (Phase 2 Environmental Site assessment) by a suitably qualified Environmental Consultant.
- A hazardous materials assessment is recommended to be completed prior to demolition of the buildings on site.
- Any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014).

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1.0 INTRODUCTION

Foundation Earth Sciences was appointed by DGE AU Pty Ltd to undertake a Preliminary Site Investigation (PSI) for the property situated at 36-42A Short Street, Mudgee NSW ("the site").

This PSI has been requested to determine the potential for onsite contamination arising from any areas of concern located within the site and its surrounding area. This report shall provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation.

A site visit was undertaken on the 14th of August 2023. Fieldwork and reporting were conducted in general accordance with the Foundation Earth Sciences proposal and with reference to relevant regulatory criteria and Foundation Earth Sciences fieldwork protocols.

The format of this report closely follows that recommended in the NSW Environment Protection Authority (EPA), "*Consultants Reporting on Contaminated Land*" – 2020.

2.0 OBJECTIVE

The objective of this PSI was to assess the potential for the soils and groundwater at the site to have been impacted by previous and current activities undertaken at, or adjacent to, the site and to assess the site suitability for the proposed development.

This report may also recommend additional investigations and / or remediation works and possible strategies for the management of the site.

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3.0 SCOPE OF WORKS

The scope of works for this PSI included:

- Research and review of the information available, including previous environmental investigations, past and current titles, aerial photographs, EPA records and anecdotal evidence, site survey, site records on waste management practices.
- Site walkover, including research of the location of sewers, drains, holding tanks and pits, spills, patches of discoloured vegetation, etc.
- Quality Assurance/Quality Control (QA/QC): work will be undertaken in accordance with relevant regulations and are consistent with industry standards.

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4.0 SITE IDENTIFICATION

4.1 Site identification

The site is identified as follows:

Table 1: Site Identification Review

Site Identifier	Site Details	
Site Location	36-42A Short Street, Mudgee NSW	
Lot/DP	Lot 1 in DP 702951 – 36 to 42 Short Street Lot 21 in DP 816236 – 42A Short Street	
Site Coordinates #	NW Corner: Latitude: -32.588419, Longitude: 149.581987	
Parish	Mudgee	
County	Wellington	
Site Area	Approximately 4,074m^2	
Local Government Area (LGA)#	Mid-Western Regional Council	
Zoning##	R1 – General residential	
Surrounding Land Uses	*North*	Walker oval, Cudgegong River, then rural residential
	South	Short street, then residential, police station and local court
	East	Tourist Park, then residential and vacant areas
	West	Residential buildings and vacant areas

Notes:

Refer to NSW LPI "Six Maps" https://maps.six.nsw.gov.au/

https://www.planningportal.nsw.gov.au/find-a-property

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5.0 SITE HISTORY AND PROPOSED DEVELOPMENT

5.1 Underground Services

'Dial Before You Dig' plans were requested and reviewed for the site. Plans were provided by Essential Energy, NBN Co & Telstra. The plans did not indicate the presence of any major underground service or utilities easements at the site.

The plans provided by Telstra indicates some minor cables running into site from front / Short St from the located southwestern corner of the site. It is noted that the associated underground service is considered as a potential preferential pathway.

Refer to **Appendix A** – DBYD Plans.

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5.2 Review of Aerial Photographs

Several aerial photographs obtained from the NSW Department of Lands and/or the Land and Property Information Spatial Information Exchange website "Six maps" were reviewed as part of this PSI. The results of this review are presented in the following table:

Table 2 Review of Aerial Photographs

Year	Site		Surrounding areas
1962	Vacant	The site appears to be mostly vacant with large, grassed areas.	N: Mostly vacant areas and rural residential properties S: Street then residential properties E: Residential type properties and vacant areas W: Residential type properties and vacant areas
1971	Vacant	No major changes	No major changes
1980	Rural residential	A small residential property appears to have been developed on lot 21.	N: No major changes S: some residential developments E: some residential developments W: No major changes
1995	Commercial	A large commercial building appears to have been developed on lot 1 of the site, with paved driveways	N: No major changes S: residential developments E: No major changes W: residential developments
Current	As per inspection	The site is as inspected (section 7.1)	As per inspection.

The aerial photographs indicate the site appeared to be mostly vacant with large, grassed areas up until at least 1971. Between 1971 and 1980 there appeared to be no major changes to the eastern side of the site however the property located at lot 1

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appeared to have a small residential property developed on site. Between 1980 and 1995 a large commercial building was developed on lot 21 with paved driveways and garden areas. From 1995 to the present this site appears to have remained generally unchanged.

Prior to 1971 the surrounding land appeared to have been dominated by rural residential type properties, and vacant areas. Between 1971 and 1980 some of the vacant areas appear to have been established into residential type properties in the south and east. Between 1980 and 1995 there was some further residential developments in the surrounding areas, however generally there was no major changes except for a substation and several residential properties developed in the south. From 1995 until the present the surrounding areas appears to have remained generally unchanged.

Refer to **Appendix B** – Historical Aerial Photographs.

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5.3 Title search

A review of historical documents held at the NSW Department of Lands offices was undertaken to characterise the previous land use and occupiers of the site.

Table 3a Historical land title data

Lot 1 in DP 702951 (36-42A Short Street, Mudgee NSW)		
Year	**Year**	**Year**
10/01/2022 - Current	DGE AU Pty Ltd	
4/11/1997	Glenn Charles Maynard	
6/10/1986	Glenn Charles Maynard & Stanley George Aylett	
2/06/1986	Desmond John Walker, Diana Joy Walker & John Philip Walker	
5/05/1978	Joffre Alexander Walker & Bridget Teresa Walker	
28/02/1971	Australian and New Zealand Banking Group Limited	
27/08/1976	Alexander William Walker	
29/06/1839	George Cox	

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Table 3b Historical land title data

Lot 21 in DP 816236 (42A Short Street, Mudgee NSW)		
Year	**Proprietor**	**Company/ Personal occupation / notes**
13/01/2022 - Current	42A Pty Ltd	
27/06/1994	Elaine Nerida Carter	
13/05/1992	Frank Louis Knight & Pamela Kay Knight	
5/05/1978	Joffre Alexander Walker & Bridget Teresa Walker	
28/02/1971	Australian and New Zealand Banking Group Limited	
27/08/1976	Alexander William Walker	
29/06/1839	George Cox	

The land titles have indicated the properties were owned by private individuals from at least 1839 to 1971. It was then transferred to a commercial entity between 1971 to 1978. The properties were then owned by private individuals from 1978 until 2022. From 2022 it has been transferred to commercial entities. The land titles have not indicated any land uses of concern.

Refer to **Appendix C** – Land Title Information.

5.4 NSW EPA Contaminated Land Records, List of Notified Sites and POEO Records

5.4.1 NSW EPA Records

The NSW EPA published records of contaminated sites under Section 58 of the Contaminated Land Management (CLM) Act 1997. The notices relate to investigation

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and/or remediation of site contamination considered to pose a significant risk of harm under the definition in the CLM Act.

A search of the database revealed that the subject site was not listed. There was one property listed within the suburb of Mudgee with former notices. However, the property was located more than 500m from the subject site and therefore of low concern.

It should be noted that the NSW EPA record of Notices for Contaminated Land does not provide a record of all contaminated land in NSW.

Refer to **Appendix D** – NSW EPA Records.

5.4.2 NSW EPA POEO Register

A search of the POEO Register revealed that the site was not listed. There were 3 other properties listed with the suburb of Mudgee, however these sites were located more than 500m from site.

Refer to **Appendix D** – NSW EPA Records.

5.4.3 NSW EPA List of Notified Sites

The NSW EPA published a list of notified contaminated sites each month. The list of notified sites contain land that has been notified to the EPA as being potentially contaminated.

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A search of the list was completed on the 14th of August 2023. The search indicated the site was not listed. There were several properties listed within the suburb of Mudgee. The listed properties were located more than at least 500m from this site and therefore of low concern.

Refer to **Appendix D** – NSW EPA Records.

5.4.4 Preliminary PFAS Screen

NSW EPA requires that PFAS is considered when investigating land contamination. The preliminary screen is based on guidelines from the PFAS National Environmental Management Plan (NEMP 2020). From this screen a decision can, be made as to whether PFAS sampling of soil and groundwater is required.

Preliminary Screen	Risk of Occurrence
Any past of present site activity listed in NEMP 2020 as being activity associated with PFAS contamination? No	L
Any past or present off-site activity up-gradient/adjacent to the site listed in NEMP 2020 as being activity associated with PFAS contamination?	L
Did fire training involving the use of suppressants occur from 1970 to 2010?	L
Have fuel fires ever occurred on site from 1970 to 2010?	L
Have PFAS been used in manufacturing or stored on site?	L
Could PFAS have been imported to the site in fill material from a site activity listed in NEMP 2020?	L
Could PFAS contaminated groundwater or run-off migrated to the site?	No Suspected
Is the site or adjacent site listed in the NSW EPA PFAS Investigation Program?	No

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If the risk is medium or high in any of the above, does the inclusion of preliminary sampling/testing of PFAS in soil (including ASLP) and water need to be included?	No

- Note 1
  - Risk: L – low (all necessary documentation has been reviewed and there is no recorded instance or compelling rationale),
  - M – medium/moderate (all necessary documentation has been reviewed and there is potential evidence of a recorded instance with compelling rationale).
  - H – high (all necessary documentation has been reviewed and there is evidence of a recorded instance with compelling rationale), r
  - Risk, N/A – not applicable (or "- ")].
  - No /Yes

- Note 2 Activities listed in Appendix B of the NEMP (2020).
- Note 3 Runoff from up-gradient PFAS use may impact surface water, soil, sediment, and groundwater.
- Note 4 PFAS is used wide range of industrial processes and consumer products, including in the manufacture of non-stick cookware, specialised garments, and textiles, ScotchguardTM and similar products (used to protect fabric, furniture, leather and carpets from oils and stains), metal plating and in some types of fire-fighting foam.
- Note 5 https://www.epa.nsw.gov.au/your-environment/contaminated-land/pfas-investigation-program

The potential for PFAS to be present on-site was considered low and subsequently preliminary PFAS sampling / analysis of soil is not considered warranted during the DSI.

Refer to **Appendix D** – NSW EPA Records.

5.5 Previous Reports

No previous environmental investigation reports could be identified as part of the site works.

5.6 Anecdotal evidence

No Anecdotal evidence was found for this site.

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5.7 Integrity Assessment

The information found in the historical sources has been found to be in general concurrence. It is therefore considered that accuracy of this data is acceptable for this investigation.

5.8 Proposed Development

The proposed development includes a three-storey residential apartment complex with multiple rooms including a communal space, living areas and a single level basement for car parking.

Refer to **Appendix G** – Proposed Development Plan.

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6.0 SITE CONDITION AND SURROUNDING ENVIRONMENT

Table 4: Site Condition and Surrounding Environment Review

Site Information	Descriptions
Sensitive Receivers	The nearest sensitive human receptors are the current and future users of the site, construction workers during the site redevelopment and the public. The nearest downgradient waterbody is Cudgegong River located approximately 232m North of the site.
Soil Landscape *Review of NSW Soil and Land Information website ESPADE.*	The Soil Landscape Map viewed on NSW ESPADE indicates that the site is 112 km2 alluvial high terraces of the Cudgegong River, and Eurundury and Wialdra Creeks. 20 m above the modern floodplain. Relief to 40 m; slopes <2 %. Noncalcic Brown Soils (Dr2.12; Dr2.13; Dr2.42; Dr3.42) and Red Earths (Gn2.15; Gn2.16) on very old Quaternary alluvium. Yellow Podzolic-Solodic Soils intergrades (Dy3.42) on lower lying areas. Some Alluvial Soils (Uc1) and leached loams (Um4.21) on lower terraces adjacent to major streams.
Topography	The high terrace is at an elevation of 460 to 475 m. It has developed south-east of the confluence of the Cudgegong River and Eurundury Creek, and also south-east of the point where the Cudgegong Valley narrows from approximately 10 km wide to only 2 km wide as the river, turns and traverses the western margin of the Capertee Rise.
Geological Profile	The Geological Map of Mudgee (Geological Series Sheet 8832, Scale 1:100,000, 2000), published by the Department of Mineral Resources indicates the residual soils within the site to be underlain Cainozoic Quaternary age Alluvial silt, clay and sand, variable humic content, sporadic pebble – to cobble – sized unconsolidated conglomeratic lenses.

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Site Information	Descriptions					
Presence of Acid Sulphate Soils *Review of NSW ESPADE*	A review of the NSW ESPADE 'Acid Sulphate Soil Risk Mapping' ASS probability maps indicated that the site is in an area of "No Known Occurrence" of acid sulphate soils.					
Localised Hydrogeology Review of DPI (Office of Water) Database. **Appendix F** – DPI (Office of Water) Database Records.	**Number**	**Location from Site**	**Depth (m BGL)**	**SWL (m BGL)**	**Use**	**Water Bearing Zones**
	GW062228	239m NW	3.6	0.8	Town Water Suppl.	-
	GW020316	633m NE	9.1	-	Town Water Suppl.	-
	GW801448	235m S	15.0	2.44	Monitoring Bore	-
Nearest Surface Water Body	The nearest downgradient waterbody is Cudgegong River located approximately 232m North of the site.					
Local Meteorology (Bureau of Meteorology BOM website) **Appendix E** – BOM Data.	The monthly rainfall of the local surrounding area is represented by the data collected from the BOM rainfall gauge located in Mudgee (George Street), which is approximately 2.3km from Mudgee. The records indicate that the annual mean rainfall recorded for the month of August was 52.5mm (date of fieldwork).					
Nearest Active Service Station & Dry Cleaner (Google Maps Search)	Service station is 749m south-east of the site. Dry Cleaners is 2.8km south-east of the site.					

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7.0 SITE INSPECTION

7.1 Site observations

The site was visited on the 14th of August 2023 to inspect the site for any potential sources of contamination. The following observations were made:

Table 5: Site Inspection Review

Factors Considered	Description of Sites
Buildings & Structures on Site	The property at 36-42 Short Street, Mudgee NSW is a commercial property and is formerly occupied by a gym facility including multiple weight rooms, squash court, office, workshop, toilets and daycare / creche facility. There is also fitness equipment / obstacle course at the rear of the building and grassed areas surrounding the building. The property at 42A Short Street, Mudgee NSW is occupied by residential house, awning, and driveway.
Percentage Hard-standing surface	70%
Concrete Condition	Average
Chemical Storage	Chemical storage areas were not noted at the time of the site inspection in accessible areas.
Above and Underground Storage Tanks	No above or underground storage tanks areas were noted at the time of the site inspection in accessible areas.
Trade Waste Pits	No trade waste pits were identified at the site.
Nearby Electrical Transformers	There was a transformer adjacent to site to the northeast.
Asbestos	No fibro cement sheeting was identified within the accessible areas during the inspection.
Site Vegetation	Appeared healthy.
Soil Staining and Odours	No odours were identified within the property. No significant soil staining was noted during the inspection.
Stormwater and Sewer	Stormwater and sewer were connected to the local utilities.

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8.0 CONCEPTUAL SITE MODEL (CSM)

Based on the above information, site history and site walkover, the areas of potential concern and associated contaminants for the site CSM were identified. These are summarised in the following table.

Table 6: Areas and Contaminants of Concern

Known and potential contamination source	Associated Contaminants
Historical & Current Site Uses (Residential and commercial including parking areas)	Heavy Metals, TRH, BTEX, PAH, OCP, OPP, PCB & Asbestos
Surrounding land Uses (Residential)	Heavy Metals, TRH, BTEX, PAH, OCP, OPP, PCB & Asbestos
Imported Fill	Heavy Metals, TRH, BTEX, PAH, OCP, PCB & Asbestos
Car parking Areas	TRH, BTEX, PAH
Building degradation/ Demolition	Heavy Metals and Asbestos

Table 7: Potentially Contaminated Media

Known and potential contamination source	Associated Contaminants
Fill Material	There is the potential for contamination to be present in the upper fill material.
Groundwater	There is the potential for the leaching of contaminants into groundwater onsite and migration of the contaminants.

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Potential for Migration

Contaminants generally migrate from site via a combination of windblown dusts, rainwater infiltration, groundwater migration and surface water runoff. The potential for contaminants to migrate is a combination of:

- The nature of the contaminants (solid/liquid and mobility characteristics).
- The extent of the contaminants (isolated or widespread).
- The location of the contaminants (surface soils or at depth); and
- The site topography, geology, hydrology, and hydrogeology.

The potential contaminants identified as part of the site history review & site inspection are present in solid (e.g., impacted fill, asbestos) and liquid (e.g., dissolved in water) forms.

Aerial photography has indicated that there are unsealed ground surfaces and therefore there is a low potential for the migration of contaminants via wind blown dust.

Rainfall infiltration at the site is expected to occur in unsealed areas. As the site will be mostly sealed there is a low potential that soil contamination could result in impacts to shallow groundwater.

Potential Exposure Pathways

Potential exposure pathways include:

- Dermal.
- Ingestion; and

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- Inhalation.

Due to the limited exposure of potentially impacted soil/fill on ground surfaces, dermal exposure is considered low potential exposure pathway.

There is the potential for vapour to be present in the underlying profile within the site. As such, these gases potentially pose a risk to human health via the inhalation pathway.

The potential for ingestion of soil is considered as a potential exposure pathway.

Receptors

Potential receptors of environmental impact present within the site which will be required to be addressed with respect to the suitability of the site for the proposed use include:

- Excavation/construction/maintenance workers conducting activities at the site, who may potentially be exposed to COPCs through direct contact with impacted soils, Vapour Intrusion and/or groundwater present within excavations and/or inhalation of dusts/fibres associated with impacted soils.
- Future occupants/users of the site may potentially be exposed to COPCs through direct contact with impacted soils and/or ingestion of impacted soils and/or inhalation of dusts/fibres associated with impacted soils and/or exposure to vapour; and/or
- Offsite sensitive receptors of groundwater.
- Flora species to be established on vegetated areas of the site; and
- Cudgegong River

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Preferential Pathways

For the purpose of this assessment, preferential pathways have been identified as natural and/or man-made pathways that result in the preferential migration of COPCs as either liquids or gases.

Man-made preferential pathways are present throughout the site, generally associated with fill materials and services present beneath existing ground surface. Fill materials and service lines are anticipated to have a higher permeability than the underlying natural soil and/or bedrock.

The plans provided by Telstra indicates some minor cables running into site from front / Short St from the located southwestern corner of the site. It is noted that the associated underground service is considered as a potential preferential pathway.

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9.0 QUALITY ASSURANCE / QUALITY CONTROL

9.1 General QA/QC

The frequency required for each field quality assurance / quality control (QA/QC) sample is presented in the table below.

Table 8: QA/QCs Frequencies

	Intra Lab	Inter Lab	Rinsate	Spikes	Blanks
Sampling Frequency	1 in 20	1 in 20	1/day	1/day	1/day

During the contamination assessment the integrity of data collected is considered vital. With the assessment of the site, several measures were taken to ensure the quality of the data. These are as follows:

9.2 Sample Containers

Soil samples collected during subsequent investigations are to be placed immediately into laboratory prepared glass jars with Teflon lid inserts. Standard identification labels are to be adhered to each individual container and labelled according to depth, date, sampling team and media collected.

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9.3 Decontamination

All equipment used in the sampling program is to be decontaminated prior to use and between samples to prevent cross contamination. Decontamination of equipment involved the following procedures:

- Cleaning equipment in potable water to remove gross contamination.
- Cleaning in a solution of Decon 90.
- Rinsing in clean demineralised water then wiping with clean lint free cloths.

Foundation Earth Sciences will also adopt a sampling gradient of lowest to highest potential contamination to minimise the impact of cross contamination. This gradient is determined from the historical review and the on-site inspection to be carried out prior to sampling.

Although Foundation Earth Sciences maintains consistent sampling procedures, a rinsate sample is obtained to ensure false positive samples are not generated and that decontamination procedures are effective in preventing cross contamination. The Rinsate water is collected after being in contact generally with the trowel used for sampling. Analytical results that target the contaminants of concern are compared to a blank sample, which is taken directly from the rinsate water container supplied by the laboratory.

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9.4 Sample Tracking, Identification and Holding Times

All samples are to be forwarded to Envirolab under recognised chain of custodies with clear identification outlining the date, location, sampler, and sample ID. All samples are to be recorded by the laboratory as meeting their respective holding times. The sample tracking system is considered adequate for the purposes of sample collection.

9.5 Sample Transport

All samples are to be packed into an esky with ice from the time of collection. A trip blank and trip spike are collected where appropriate. These were transported under chain of custody from the site to Envirolab Pty Ltd, a NATA registered laboratory.

Samples are too kept below 4°C at all times, soil samples submitted for asbestos analysis are not required to be kept below 4°C.

9.6 Trip Spike

Trip Spike samples are to be obtained from the laboratory prior to conducting field sampling where volatile substances are suspected. Foundation Earth Sciences QA/QC procedures for the collection of environmental samples involves the collection of trip blanks, trip spikes and duplicate samples both intra and inter laboratory.

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9.7 Trip Blank

A trip blank is to accompany the sampling for the sampling process and is not separated from the sample collection and transportation process. The purpose of the trip blank is to identify whether cross-contamination is occurring during the sample collection and transport process.

9.8 Laboratory QA/QC

The integrity of analytical data provides the second step in the QA/QC process for total data compliance. The data validation techniques adopted by Foundation Earth Sciences are based upon techniques published by the US EPA and in line with methods and guidelines adopted by the NSW EPA and outlined in the NEPM, 2013.

Descriptions are provided of the specific mechanisms used in the assessment of accuracy, precision, and useability of analytical data within the project.

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10.0 SITE ASSESSMENT CRITERIA

10.1 SOILS

10.1.1 Health Investigation Levels (HILs)

To assess the contamination status of soils at a site, the NSW EPA refers to the document entitled National Environmental Protection (Assessment of Site Contamination) Measure (NEPM) (Amendment 2013).

During any future soil investigations, the site will be assessed against the NEPM exposure scenario 'Residential B' Health Investigation Levels of the above-mentioned guidelines and specifically refers to the following:

HIL 'B' Residential with minimal opportunities for soil access, includes dwellings with fully and permanently paved yard space such as high-rise buildings and flats.

The soil regulatory guidelines are presented in the table below.

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Table 9: Health Investigation Levels (HIL) Criteria for Soil Contaminants

FOUNDATION EARTH SCIENCES	Residential B	Reference
Heavy Metals		
Arsenic	500	NEPM 2013 - Table 1(A)1 HILs
Beryllium	90	NEPM 2013 - Table 1(A)1 HILs
Boron	40000	NEPM 2013 - Table 1(A)1 HILs
Cadmium	150	NEPM 2013 - Table 1(A)1 HILs
Chromium (VI)	500	NEPM 2013 - Table 1(A)1 HILs
Cobalt	600	NEPM 2013 - Table 1(A)1 HILs
Copper	30000	NEPM 2013 - Table 1(A)1 HILs
Lead	1200	NEPM 2013 - Table 1(A)1 HILs
Manganese	14000	NEPM 2013 - Table 1(A)1 HILs
Mercury (Inorganic)	120	NEPM 2013 - Table 1(A)1 HILs
Methyl Mercury	30	NEPM 2013 - Table 1(A)1 HILs
Nickel	1200	NEPM 2013 - Table 1(A)1 HILs
Selenium	1400	NEPM 2013 - Table 1(A)1 HILs
Zinc	60000	NEPM 2013 - Table 1(A)1 HILs
Cyanide (Free)	300	NEPM 2013 - Table 1(A)1 HILs
Polycyclic Aromatic Hydrocarbons (PAHs)		
Carcinogenic PAHs (as Bap TEQ)	4	NEPM 2013 - Table 1(A)1 HILs
Total PAHs	400	NEPM 2013 - Table 1(A)1 HILs
Organochlorine Pesticides		
DDT + DDE + DDD	600	NEPM 2013 - Table 1(A)1 HILs
Aldrin + Dieldrin	10	NEPM 2013 - Table 1(A)1 HILs
Chlordane	90	NEPM 2013 - Table 1(A)1 HILs
Endosulfan	400	NEPM 2013 - Table 1(A)1 HILs
Endrin	20	NEPM 2013 - Table 1(A)1 HILs
Heptachlor	10	NEPM 2013 - Table 1(A)1 HILs
HCB	15	NEPM 2013 - Table 1(A)1 HILs
Methoxychlor	500	NEPM 2013 - Table 1(A)1 HILs
Mirex	20	NEPM 2013 - Table 1(A)1 HILs
Toxaphene	30	NEPM 2013 - Table 1(A)1 HILs
Polychlorinated Biphenyls (PCBs)		
PCBs	1	NEPM 2013 - Table 1(A)1 HILs
Other Organics		
PDBE (Br1-Br9)	2	NEPM 2013 - Table 1(A)1 HILs

Note - All values are in mg/kg.

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10.2 Health Screening Levels (HSLs)

The HSLs are applicable to generic land uses such as residential, commercial/industrial, or recreational/public open space and different soil types between the ground surface and soils >4 metres below ground level. The HILs have been applied to assess human health risks via the inhalation and direct contact pathways of exposure.

It should be noted that HSL D can be used in lieu of HSL B for buildings that comprise car parks or commercial properties on the ground floor. For selection of the health screening criteria an assessment of the in-situ soil profile should be undertaken.

Table 10: Health Screening Levels (HSL) Criteria

FOUNDATION EARTH SCIENCES	HSL A & HSL B	HSL A & HSL B	HSL A & HSL B	HSL A & HSL B	Soil Saturation Concentration (Csat)	Reference
	0m to <1m	1m to <2m	2m to <4m	4m+		
SAND						
Toluene	160	220	310	540	560	NEPM 2013 - Table 1(A) 3 HSLs
Ethylbenzene	55	NL	NL	NL	64	NEPM 2013 - Table 1(A) 3 HSLs
Xylenes	40	60	95	170	300	NEPM 2013 - Table 1(A) 3 HSLs
Naphthalene	3	NL	NL	NL	9	NEPM 2013 - Table 1(A) 3 HSLs
Benzene	0.5	0.5	0.5	0.5	360	NEPM 2013 - Table 1(A) 3 HSLs
F1	45	70	110	200	950	NEPM 2013 - Table 1(A) 3 HSLs
F2	110	240	440	NL	560	NEPM 2013 - Table 1(A) 3 HSLs
SILT						
Toluene	480	NL	NL	NL	640	NEPM 2013 - Table 1(A) 3 HSLs
Ethylbenzene	NL	NL	NL	NL	69	NEPM 2013 - Table 1(A) 3 HSLs
Xylenes	110	310	NL	NL	330	NEPM 2013 - Table 1(A) 3 HSLs
Naphthalene	5	NL	NL	NL	10	NEPM 2013 - Table 1(A) 3 HSLs
Benzene	0.7	1	2	3	440	NEPM 2013 - Table 1(A) 3 HSLs
F1	50	90	150	290	910	NEPM 2013 - Table 1(A) 3 HSLs
F2	280	NL	NL	NL	570	NEPM 2013 - Table 1(A) 3 HSLs
CLAY						
Toluene	480	NL	NL	NL	630	NEPM 2013 - Table 1(A) 3 HSLs
Ethylbenzene	NL	NL	NL	NL	68	NEPM 2013 - Table 1(A) 3 HSLs
Xylenes	110	310	NL	NL	330	NEPM 2013 - Table 1(A) 3 HSLs
Naphthalene	5	NL	NL	NL	10	NEPM 2013 - Table 1(A) 3 HSLs
Benzene	0.7	1	2	3	430	NEPM 2013 - Table 1(A) 3 HSLs
F1	50	90	150	290	850	NEPM 2013 - Table 1(A) 3 HSLs
F2	280	NL	NL	NL	560	NEPM 2013 - Table 1(A) 3 HSLs

Note - All values are in mg/kg.

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10.3 (EILs) and (ESLs)

Ecological Investigation Levels (EILs) -

The NEPM 2013 states that "Ecological Investigation Levels" (EILs) for the protection of terrestrial ecosystems have been derived for common contaminants in soil based on a species sensitivity distribution (SSD) model developed for Australian conditions. EILs have been derived for As, Cu, CrIII, DDT, naphthalene, Ni, Pb and Zn.

Insufficient data was available to derive ACLs for arsenic (As), DDT, lead (Pb) and naphthalene. As a result, the derived EILs are generic to all soils and are presented as total soil contaminant concentrations in Tables 1B (4) and 1B (5) within the NEPM 2013.

For the purposes of EIL derivation, a contaminant incorporated in soil for at least two years is aged for the purpose of EIL derivation. Most contaminated sites are likely to be affected by aged contamination. Fresh contamination is usually associated with current industrial activity and chemical spills".

The following process describes the method for calculation of site specific EILs.

A. EILs for Ni, Cr III, Cu, Zn and Pb aged contamination (>2 years)

Steps 1–4 below describe the process for deriving site-specific EILs for the above elements using Tables 1B (1) – 1B (4), which can be found at the end of the NEPM 2013.

1. Measure or analyse the soil properties relevant to the potential contaminant of concern (pH, CEC, organic carbon, clay content). Sufficient samples need to be taken for these determinations to obtain representative values for each soil type in which the contaminant occurs.

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2. Establish the sample ACL for the appropriate land use and with consideration of the soil-specific pH, clay content or CEC. The ACL for Cu may be determined by pH or CEC and the lower of the determined values should be selected for EIL calculation. Note that the ACL for Pb is taken directly from Table 1(B) 4.

3. Calculate the contaminant ABC in soil for the contaminant and location from a suitable reference site measurement or other appropriate method.

4. Calculate the EIL by summing the ACL and ABC:

$$EIL = ABC + ACL$$

B. EILs for As, DDT and naphthalene

EILs for aged contamination for DDT and naphthalene are not available and the adopted EIL is based on fresh contamination taken directly from Table 1B (5). The EILs for As, DDT and naphthalene are generic i.e., they are not dependent on soil type and are taken directly from Table 1B (5). Only EILs for fresh contamination are available for As, DDT and naphthalene due to the absence of suitable data for aged contaminants.

Ecological Screening Levels (ESLs) -

Ecological screening levels (ESLs) are presented based on a review of Canadian guidance for petroleum hydrocarbons in soil and application of the Australian methodology (Schedule B5b) to derive Tier 1 ESLs for BTEX, benzo(a)pyrene and F1 and F2 (Warne 2010a, 2010b)

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The Canadian Council of the Ministers of the Environment (CCME) has adopted risk-based TPH standards for human health and ecological aspects for various land uses in the *Canada-wide standard for petroleum hydrocarbons (PHC) in soil* (CCME 2008) (CWS PHC). The standards established soil values including ecologically based criteria for sites affected by TPH contamination for coarse- and fine-grained soil types.

Table 11: Ecological Investigation Levels (EIL) and Ecological Screening Levels (ESL)Criteria

FOUNDATION EARTH SCIENCES	Contaminant Age/Soil Texture	National parks and areas of high conservation value	Urban residential and open public spaces	Commercial and industrial	Reference
Ecological Investigation Levels (EILs)					
Heavy Metals					
Arsenic	Fresh	20	50	80	NEPM 2013 - Table 1(B) 1-5 EILs
	Aged	40	100	160	NEPM 2013 - Table 1(B) 1-5 EILs
Chromium (III)	Fresh	Site Specific Calculation Required			NEPM 2013 - Table 1(B) 1-5 EILs
	Aged				NEPM 2013 - Table 1(B) 1-5 EILs
Copper	Fresh	Site Specific Calculation Required			NEPM 2013 - Table 1(B) 1-5 EILs
	Aged				NEPM 2013 - Table 1(B) 1-5 EILs
Lead	Fresh	110	270	440	NEPM 2013 - Table 1(B) 1-5 EILs
	Aged	470	1100	1800	NEPM 2013 - Table 1(B) 1-5 EILs
Nickel	Fresh	Site Specific Calculation Required			NEPM 2013 - Table 1(B) 1-5 EILs
	Aged				NEPM 2013 - Table 1(B) 1-5 EILs
Zinc	Fresh	Site Specific Calculation Required			NEPM 2013 - Table 1(B) 1-5 EILs
	Aged				NEPM 2013 - Table 1(B) 1-5 EILs
Polycyclic Aromatic Hydrocarbons (PAHs)					
Naphthalene	Fresh	10	170	370	NEPM 2013 - Table 1(B) 1-5 EILs
	Aged	10	170	370	NEPM 2013 - Table 1(B) 1-5 EILs
Organochlorine Pesticides					
Ecological Screening Levels (ESLs) and Management Limits					
F1 (C_6–C_{10})	Coarse				NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	125*	180*	215*	NEPM 2013 - Table 1(B) 6-7 EILs
F1 (C_6–C_{10}) *(Management Limits)*	Coarse		700	700	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	-	800	800	NEPM 2013 - Table 1(B) 6-7 EILs
F2 (>C_{10}–C_{16})	Coarse				NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	25*	120*	170*	NEPM 2013 - Table 1(B) 6-7 EILs
F2 (>C_{10}–C_{16}) *(Management Limits)*	Coarse		1000	1000	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	-	1000	1000	NEPM 2013 - Table 1(B) 6-7 EILs
F3 (>C_{16}–C_{34})	Coarse	-	300	1700	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	-	1300	2500	NEPM 2013 - Table 1(B) 6-7 EILs
F3 (>C_{16}–C_{34}) *(Management Limits)*	Coarse		2500	3500	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	-	3500	5000	NEPM 2013 - Table 1(B) 6-7 EILs
F4 (>C_{34}–C_{40})	Coarse	-	2800	3300	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	-	5600	6600	NEPM 2013 - Table 1(B) 6-7 EILs
F4 (>C_{34}–C_{40}) *(Management Limits)*	Coarse		10000	10000	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	-	10000	10000	NEPM 2013 - Table 1(B) 6-7 EILs
Benzene	Coarse	10	50	75	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	10	65	95	NEPM 2013 - Table 1(B) 6-7 EILs
Toluene	Coarse	10	85	135	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	65	105	135	NEPM 2013 - Table 1(B) 6-7 EILs
Ethylbenzene	Coarse	1.5	70	165	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	40	125	185	NEPM 2013 - Table 1(B) 6-7 EILs
Xylenes	Coarse	10	105	180	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	1.6	45	95	NEPM 2013 - Table 1(B) 6-7 EILs
Benzo(a)pyrene	Coarse	0.7	0.7	0.7	NEPM 2013 - Table 1(B) 6-7 EILs
	Fine	0.7	0.7	0.7	NEPM 2013 - Table 1(B) 6-7 EILs

Notes

1 Urban residential/public open space is broadly equivalent to the HIL-A, HIL-B and HIL-C land use scenarios in Table 1A(1) Footnote 1 and as described in Schedule B7.

2 Aged values are applicable to arsenic contamination present in soil for at least two years. For fresh contamination refer to Schedule B5c.

3 Insufficient data was available to calculate aged values for DDT and naphthalene, consequently the values for fresh contamination should be used.

4 Insufficient data was available to calculate ACLs for As, DDT and naphthalene. The EIL should be taken directly from Table 1B(5).

5 ESLs are of low reliability except where indicated by * which indicates that the ESL is of moderate reliability.

6 '-' indicates that insufficient data was available to derive a value.

7 To obtain F1, subtract the sum of BTEX concentrations from C6-C10 fraction and subtract naphthalene from >C10-C16 to obtain F2.

8 Management limits are applied after consideration of relevant ESLs and HSLs

9 Separate management limits for BTEX and naphthalene are not available hence these should not be subtracted from the relevant fractions to obtain F1 and F2.

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10.4 Asbestos

Table 12: Health Screening Levels for Asbestos

	Health Screening Levels (w/w)			
Form of Asbestos	Residential A	**Residential B**	Recreational C	Commercial/Industrial D
Bonded ACM	0.01%	**0.04%**	0.02%	0.05%
FA and AF (Friable Asbestos)	**0.001%**			
All forms of asbestos	**No visible asbestos for surface soil**			

10.5 Aesthetic Considerations

Schedule B1 in NEPC (2013) requires the consideration of aesthetic issues arising from soils and groundwater within the site. The following assessment criteria are to be adopted when considering aesthetics:

- no persistently malodourous soils or extracted groundwater.
- no persistent hydrocarbon sheen on surface water.
- no staining or discolouration in soils, taking into consideration the natural state of the soil; and
- no large or frequently occurring anthropogenic materials present (to the extent practicable).

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11.0 DISCUSSION

11.1 SOILS

Several potential areas of environmental concerns were identified at the site, particularly:

- Historical and current uses (residential and commercial – including car park).
- Surrounding land uses (residential and commercial).
- Imported fill of unknown quality or origin.
- Carpark areas / driveways where leaks and spills from cars may have occurred.
- degrading of former building features.

Founded on the investigation including the proposed land use, previous site history, underground services plans, land title information & site inspection, the potential for significant soil and/or groundwater impact is considered a moderate risk. In applying the NEPM 2013 Schedule B2 "Guideline on Site Characterisation"; there is sufficient evidence, uncertainty and/ or suspicion of contamination, therefore further investigation is recommended.

11.2 DATA GAPS

The following data gaps were identified:

- The soil and groundwater quality at the site have not been investigated.
- The SafeWork NSW records have not been searched and/or records received at the time of writing this report.

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12.0 CONCLUSION AND RECOMMENDATION

Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil and groundwater contamination at the site are moderate in the context of the proposed use of the site. The site ***can be made suitable*** for the proposed development, subject to the following recommendations:

- Preparation of a Detailed Site Investigation (Phase 2 Environmental Site assessment) by a suitably qualified Environmental Consultant.
- A hazardous materials assessment is recommended to be completed prior to demolition of the buildings on site.
- Any soil requiring removal from the site, as part of future site works, should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW EPA (2014).

If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.

Thank you for the opportunity of undertaking this work. We would be pleased to provide further information on any aspects of this report.

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12.1 Limitations

To the best of our knowledge information contained in this report is accurate at the date of issue, however, subsurface conditions, including groundwater levels and contaminant concentrations, can change in a limited time. This should be borne in mind if the report is used after a protracted delay.

There is always some disparity in subsurface conditions across a site that cannot be fully defined by investigation. Hence it is unlikely that measurements and values obtained from sampling and testing during environmental works carried out at a site will characterise the extremes of conditions that exist within the site.

There is no investigation that is thorough enough to preclude the presence of material that presently or in the future, may be considered hazardous at the site. Since regulatory criteria are constantly changing, concentrations of contaminants presently considered low may, in the future, fall under different regulatory standards that require remediation.

Opinions expressed herein are judgements and are based on our understanding and interpretation of current regulatory standards and should not be construed as legal opinions.

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REFERENCES

- ANZG Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018).
- Department of Urban Affairs and Planning – EPA (1998) "*Managing Land Contamination – Planning Guidelines – SEPP 55 – Remediation of Land*".
- HEPA 2020, 'PFAS National Environmental Management Plan', Version 2, 2020.
- National Environmental Protection Council (NEPC) (1999) – *National Environmental Protection (Assessment of Site Contamination) Measure. Amendment 2013*
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- NSW EPA (2009) "*Guidelines on Significant Risk of Harm from contaminated land and the duty to report*".
- NSW EPA "Consultants Reporting on Contaminated Land" (2020). NSW Environment Protection Authority, Parramatta, April 2020.
- NSW DEC, "Guidelines for the Assessment and Management of Groundwater Contamination" (March 2007).
- NSW DEC "Guidelines for the NSW Site Auditor Scheme" (2006, 2nd edition). NSW Environment Protection Authority, Sydney.
- NSW EPA (2014) – "Waste Classification Guidelines, Part 1: Classifying Waste".
- NSW EPA (2014) "Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997".
- NSW EPA "Sampling Design Guidelines – Part 1: Application" (2022). NSW Environment Protection Authority, Sydney.
- NSW EPA "Sampling Design Guidelines – Part 2: Interpretation" (2022). NSW Environment Protection Authority, Sydney.

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FIGURE 1: SITE LOCALITY

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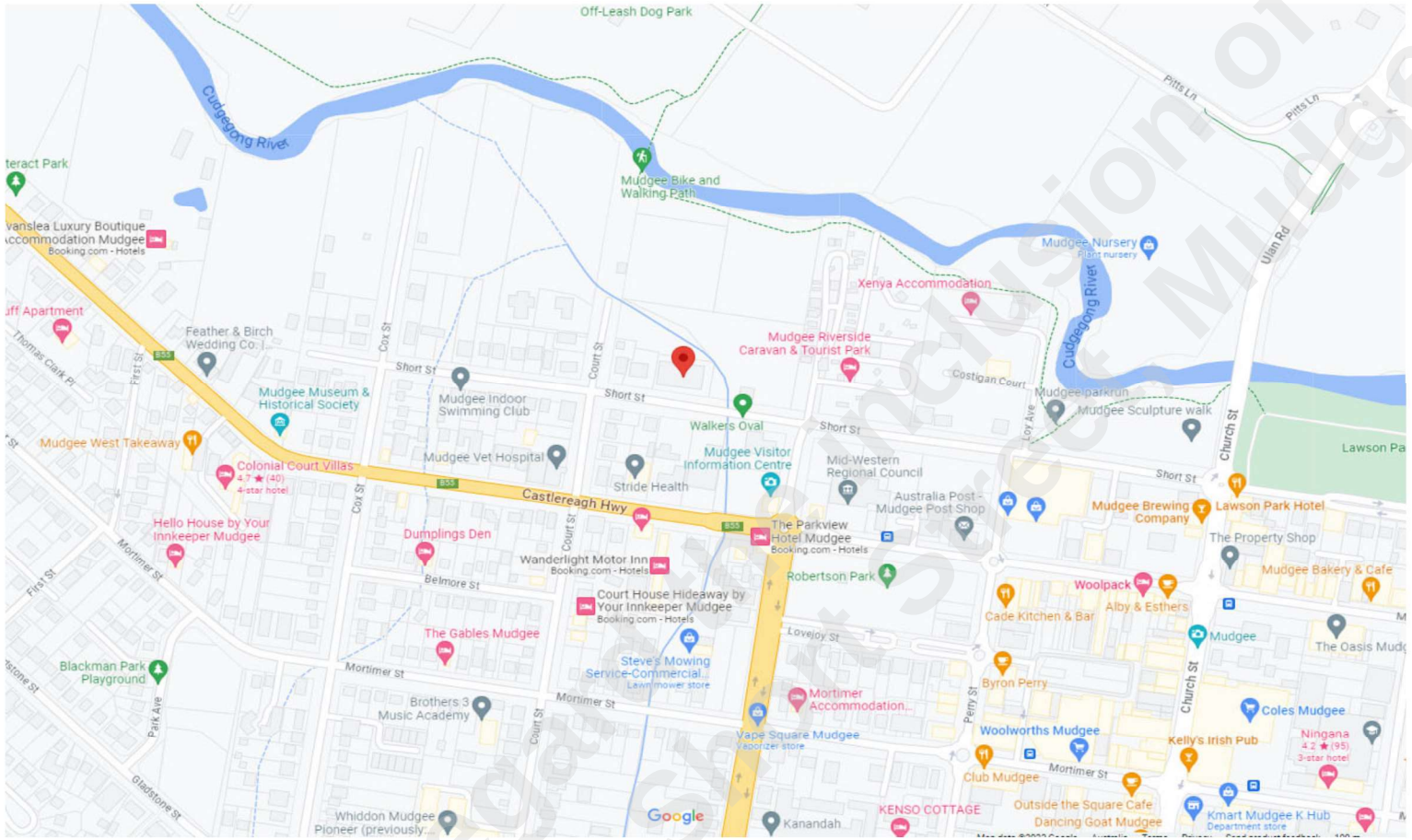

Key Site Location	FOUNDATION EARTH SCIENCES	**DRAWN** RW	**SITE LOCALITY**
		FIGURE 1	DGE AU Pty Ltd
		Job # E3097	36-42A Short Street, Mudgee NSW

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FIGURE 2: SITE FEATURES PLAN

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Feature No	Details
a	Driveway
b	Residential property
c	Shed

Key

Site Location

FOUNDATION EARTH SCIENCES

DRAWN RW	**Site Features Plan**
Figure 2	DGE AU Pty Ltd
Job # E3097	36-42A Short Street, Mudgee NSW

42a Short Street Mudgee

APPENDIX A: DBYD PLANS

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Job No 34952110

Phone: 1100
www.byda.com.au

Caller Details

Contact:	reece wallace	**Caller Id:**	3311766	**Phone:**	0402 180 632
Company:	foundation earth sciences				
Address:	119/14 loyalty road north rocks NSW 2151	**Email:**	reece@foundationes.com.au		

Dig Site and Enquiry Details

WARNING: The map below only displays the location of the proposed dig site and does not display any asset owners' pipe or cables. The area highlighted has been used only to identify the participating asset owners, who will send information to you directly.

User Reference: 42 Short Street
Working on Behalf of: Private

Enquiry Date:	Start Date:	End Date:
31/08/2023	07/09/2023	07/09/2023

Address:
42 Short Street
Mudgee NSW 2850

Job Purpose:
Design

Onsite Activities:
Planning & Design

Location of Workplace:
Private

Location in Road:

- Check that the location of the dig site is correct. If not you must submit a new enquiry.
- Should the scope of works change, or plan validity dates expire, you must submit a new enquiry.
- Do NOT dig without plans. Safe excavation is your responsibility. If you do not understand the plans or how to proceed safely, please contact the relevant asset owners.

Notes/Description of Works:
Not supplied

Your Responsibilities and Duty of Care

- The lodgement of an enquiry does not authorise the project to commence. You must obtain all necessary information from any and all likely impacted asset owners prior to excavation.
- If plans are not received within 2 working days, contact the asset owners directly & quote their Sequence No.
- ALWAYS perform an onsite inspection for the presence of assets. Should you require an onsite location, contact the asset owners directly. Please remember, plans do not detail the exact location of assets.
- Pothole to establish the exact location of all underground assets using a hand shovel, before using heavy machinery.
- Ensure you adhere to any State legislative requirements regarding Duty of Care and safe digging requirements.
- If you damage an underground asset you MUST advise the asset owner immediately.
- By using this service, you agree to Privacy Policy and the terms and disclaimers set out at **www.byda.com.au**
- **For more information on safe excavation practices, visit www.byda.com.au**

Asset Owner Details

The assets owners listed below have been requested to contact you with information about their asset locations within 2 working days.
Additional time should be allowed for information issued by post. It is **your responsibility** to identify the presence of any underground assets in and around your proposed dig site. Please be aware, that not all asset owners are registered with the Before You Dig service, so it is **your responsibility** to identify and contact any asset owners not listed here directly.
** Asset owners highlighted by asterisks ** require that you visit their offices to collect plans.
# Asset owners highlighted with a hash # require that you call them to discuss your enquiry or to obtain plans.

Seq. No.	Authority Name	Phone	Status
229056247	Essential Energy	13 23 91	NOTIFIED
229056246	NBN Co NswAct	1800 687 626	NOTIFIED
229056248	Telstra NSW Central	1800 653 935	NOTIFIED

END OF UTILITIES LIST

Under the exclusion of Short Street, Mudgee.

APPENDIX B: HISTORICAL AERIAL PHOTOGRAPHS

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Historical Aerial Photographs

36-42A Short Street, Mudgee NSW

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1962:

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42a & 44 Short Street, Mudgee.

1971

disregard the inclusion of
42a & 44 Short Street, Mudgee.

1980:

disregard
42a & 44

1995:

disregard this notation of
42a & 44 Short Street, Mudgee.

Current (SIX Maps):

disregard the inclusion of
42a & 44 Shorncliffe Road
Smudgee.

APPENDIX C: LAND TITLE INFORMATION

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Title Search

31/08/2023 01:11 PM

Client Reference: DI-E3097

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/702951

SEARCH DATE	TIME	EDITION NO	DATE
31/8/2023	1:10 PM	12	10/1/2022

LAND

LOT 1 IN DEPOSITED PLAN 702951
AT MUDGEE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP702951

FIRST SCHEDULE

DGE AU PTY LTD (T AR783724)

SECOND SCHEDULE (2 NOTIFICATIONS)

---

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 DP749570 EASEMENT TO DRAIN WATER VARIABLE WIDTH AFFECTING THE PART OF THE LAND ABOVE DESCRIBED SHOWN SO BURDENED IN DP749570

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

LAND REGISTRY SERVICES

Direct Info
Quick and easy online

Historical Search
31/08/2023 01:12 PM

Client Reference: DI-E3097

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

31/8/2023 1:11PM

FOLIO: 1/702951

First Title(s): OLD SYSTEM
Prior Title(s): VOL 13263 FOLS 41-42

Recorded	Number	Type of Instrument	C.T. Issue
11/5/1984	DP702951	DEPOSITED PLAN	FOLIO CREATED EDITION 1
7/8/1985	V828656	CAVEAT	
27/6/1986	W387507	WITHDRAWAL OF CAVEAT	
27/6/1986	W387508	DISCHARGE OF MORTGAGE	
27/6/1986	W387509	REQUEST	
27/6/1986	W387510	TRANSFER	EDITION 2
3/11/1986	W554598	MORTGAGE	EDITION 3
22/10/1987	DP749570	DEPOSITED PLAN	EDITION 4
25/10/1989	Y668787	DISCHARGE OF MORTGAGE	
25/10/1989	Y668788	TRANSFER	
25/10/1989	Y668789	MORTGAGE	EDITION 5
14/11/1989	Y714870	DEPARTMENTAL DEALING	EDITION 6
29/7/1994	U484368	MORTGAGE	EDITION 7
9/1/1998	3719659	DISCHARGE OF MORTGAGE	
9/1/1998	3719660	DISCHARGE OF MORTGAGE	
9/1/1998	3719661	TRANSFER	
9/1/1998	3719662	MORTGAGE	
9/1/1998	3719663	MORTGAGE	EDITION 8
11/11/1998	5386228	CAVEAT	
11/10/2007	AD482563	WITHDRAWAL OF CAVEAT	

Disregard the inclusion of 42a & 44 Short Street, Mudgee.

Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

15/11/2007 AD568229 DISCHARGE OF MORTGAGE
15/11/2007 AD568230 MORTGAGE EDITION 9

27/5/2013 AH749182 TRANSFER OF MORTGAGE

27/6/2016 AK547708 DEPARTMENTAL DEALING

7/12/2016 AK981435 TRANSFER OF MORTGAGE

END OF PAGE 1 - CONTINUED OVER

DI-E3097 PRINTED ON 31/8/2023

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

31/8/2023 1:11PM

FOLIO: 1/702951 PAGE 2

Recorded	Number	Type of Instrument	C.T. Issue
15/9/2018	AN713161	DEPARTMENTAL DEALING	EDITION 10
		CORD ISSUED	
14/10/2019	AP605356	DISCHARGE OF MORTGAGE	EDITION 11
1/6/2021	AR101218	CAVEAT	
10/1/2022	AR783724	TRANSFER	EDITION 12

*** END OF SEARCH ***

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

Req:R133283 /Doc:CT 13263-041 CT /Rev:23-Dec-2010 /NSW LRS /Pgs:ALL /Prt:31-Aug-2023 13:16 /Seq:1 of 2
© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

13263041

CERTIFICATE OF TITLE

NEW SOUTH WALES — REAL PROPERTY ACT, 1900

Vol. 13263 Fol. 41

(Page 1) Vol. 13263 Fol. 41

-IVA NO. 21134

Edition issued 28-2-1977

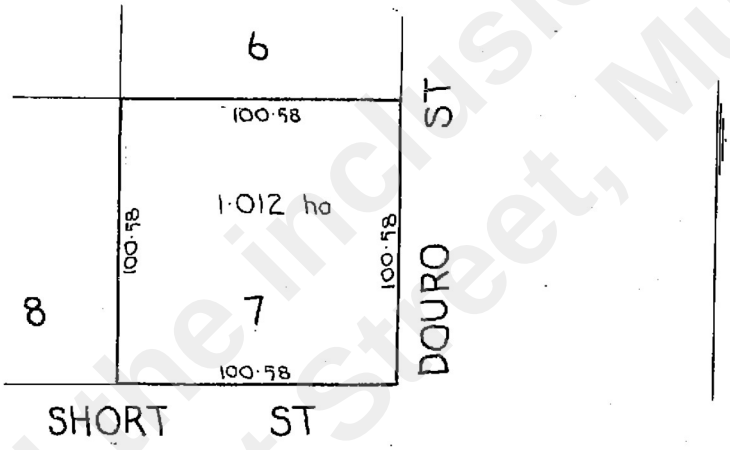
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Registrar General.

PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES

CANCELLED



IVA 21134

REDUCTION RATIO 1:2000

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Allotment 7 of Section 24A at Mudgee in the Municipality of Mudgee Town and Parish of Mudgee and County of Wellington granted to George Cox on 29-6-1839.

FIRST SCHEDULE

~~AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED.~~

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. CAUTION. The land within described is held subject to any subsisting interest (as defined in Section 28A of the Real Property Act, 1900).
3. ~~Caveat No. P969757 by the Registrar General~~. Withdrawn Q667642

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED.

Vol. 13263 Fol. 41

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR	INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	ENTERED	Signature of Registrar General
Joffre Alexander Walker of Mudgee, Farmer and Bridget Mary Teresa Walker his wife, as Joint Tenants	Transfers	Q667642 Q667643	------	5-5-1978	

Q667642 & 3 to R

T 208729 M

CT. 16 MAR 1984

D 702951 reg'd 9-5-84

SECOND SCHEDULE (continued)

INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	PARTICULARS	ENTERED	Signature of Registrar General	CANCELLATION
T208729	Mortgage to The Commercial Banking Company of Sydney Limited.	Registered 31-8-1982				

702951 Registered 9-5-1984

Folio is cancelled as to whole/~~part~~ upon creation of computer folios for lots 1 - 2 in the abovementioned plan.

Registrar General.

(Page 2 of 2 pages)

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

Disregard the inclusion of 44 & 46 Short Street, Mudgee

Reg:R133283 /Doc:CT 13263-041 CT /Rev:23-Dec-2010 /NSW LRS /Pgs:ALL /Prt:31-Aug-2023 13:16 /Seq:2 of 2
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Req:R133284 /Doc:CT 13263-042 CT /Rev:23-Dec-2010 /NSW LRS /Pgs:ALL /Prt:31-Aug-2023 13:16 /Seq:1 of 2
© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

13263042

[redacted]CATE OF TITLE

NEW SOUTH WALES

[redacted]PROPERTY ACT, 1900

Vol. 13263 Fol. 42

(Page 1) Vol. 13263 Fol. 42

IVA NO. 21134

Edition issued 28-2-1977

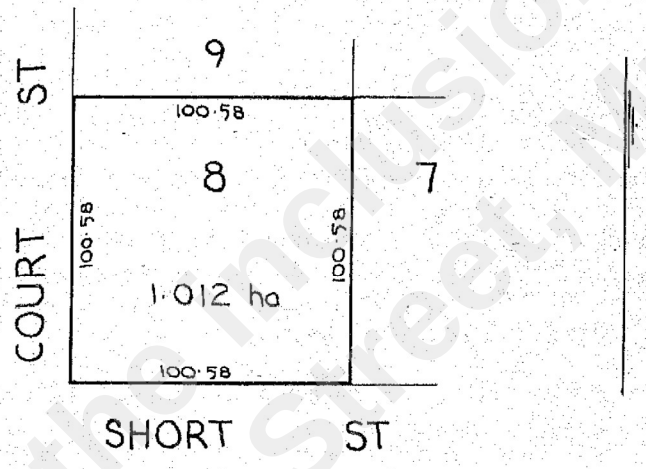
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Registrar General.

CANCELLED

PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



WA 21134

REDUCTION RATIO - 1:2000

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Allotment 8 of Section 24A at Mudgee in the Municipality of Mudgee Town and Parish of Mudgee and County of Wellington granted to George Cox on 29-6-1839.

FIRST SCHEDULE

~~AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED~~.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. CAUTION. The land within described is held subject to any subsisting interest (as defined in Section 28A of the Real Property Act, 1900).
3. ~~Caveat No. P969757 by the Registrar General~~. Withdrawn Q667642

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

disregard the inclusion of 42a & 42 Short Street, Mudgee.

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED.

Vol. 13263 Fol. 42

FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR	INSTRUMENT NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	ENTERED	Signature of Registrar General
Joffre Alexander Walker of Mudgee, Farmer and Bridget Teresa Walker his wife, as Joint Tenants v	Transfers	Q667642 Q667643	------	5-5-1978	

Q667642 & 3 to 1
T 208729 M
CT 16 MAR 198
DP 7029 reg'd 9-5-8

SECOND SCHEDULE (continued)

NATURE	INSTRUMENT NUMBER	INSTRUMENT DATE	PARTICULARS	ENTERED	Signature of Registrar General	CANCELLATION
T208729	Mortgage to The Commercial Banking Company of Sydney Limited. Registered 31-8-1982					
			T 702951 Registered 9-5-1984 folio is cancelled as to whole/~~part~~ upon creation of computer folios for lots 1 - 2 in abovementioned plan. Registrar General.			

(Page 2 of 2 pages)

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

disregard the inclusion of 42a & 44 Short Street, Mudgee

Req:R133284 /Doc:CT 13263-042 CT /Rev:23-Dec-2010 /NSW LRS /Pgs:ALL /Prt:31-Aug-2023 13:16 /Seq:2 of 2
© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

Req:R133291 /Doc:DL W387510 /Rev:21-Oct-2010 /NSW LRS /Pgs:ALL /Prt:31-Aug-2023 13:17 /Seq:1 of 2
© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

OFFICE USE ONLY

RP 13

STAMP DUTY [redacted]

W387510

TRANSFER

REAL PROPERTY ACT, 1900

T 3 4 of 4 X

$ 33

R 40/4

Torrens Title Reference	If Part Only, Delete Whole and Give Details	Location
Identifier 1/702951	WHOLE	Parish: Mudgee County: Wellington

DESCRIPTION OF LAND Note (a)

TRANSFEROR Note (b)

JOFFRE ALEXANDER WALKER AND BRIDGET MARY TERESA WALKER

ESTATE Note (c)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of $ 12,000.00
and transfers an estate in fee simple
in the land above described to the TRANSFEREE

TRANSFEREE Note (d)

DESMOND JOHN WALKER of Mudgee, Concreting Contractor and DIANNA JOY WALKER of the same place, his wife as Joint Tenants as to an undivided half share and as Tenants in Common with JOHN PHILLIP WALKER of Mudgee, Builder as to the other undivided half share

~~as joint tenants/tenants in common~~

OFFICE USE ONLY

over

TENANCY Note (e)

8

PRIOR ENCUMBRANCES Note (f)

subject to the following PRIOR ENCUMBRANCES 1. ..... 2. ..... 3. .....

DATE 2nd June 1986

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

EXECUTION Note (g)

Signed in my presence by the transferor who is personally known to me

C.H. Cox
..... Signature of Witness

CHRISTOPHER HENRY COX
..... Name of Witness (BLOCK LETTERS)

79 MARKET ST MUDGEE
..... Address and occupation of Witness

SOLICITOR
.....

B. M Walker
J.J. Walker.
..... Signature of Transferor

Signed in my presence by the transferee who is personally known to me

Note (g)

..... Signature of Witness

..... Name of Witness (BLOCK LETTERS)

..... Address and occupation of Witness

.....

C.H. Cox
..... ~~Signature of Transferee~~

Solicitor for Transferee

TO BE COMPLETED BY LODGING PARTY Notes (h) and (i)

LODGED BY 24J COMMONWEALTH BANK 24J OF AUSTRALIA
BRANCH SECURITIES
PITT STREET & MARTIN PLACE
SYDNEY. PHONE 233-3155
D.X. 1020 SYDNEY
24J

Delivery Box Number 24J

LOCATION OF DOCUMENTS

CT	OTHER	
		Herewith.
		In L.T.O. with
		Produced by

OFFICE USE ONLY

Checked	Passed	REGISTERED - -19
Signed	Extra Fee	27 JUN 1986

Secondary Directions			
Delivery Directions			

NEW SOUTH WALES REGISTRAR GENERAL

*****1.00 STAMP-DUTY 6/05/86 12534 X CHQ

disregard the inclusion of 42a & 42b Short Street, Mudgee.

RP 13
1985

INSTRUCTIONS FOR COMPLETION

This dealing should be marked by the Commissioner of Stamp Duties before lodgment by hand at the Land Titles Office.

Typewriting and handwriting should be clear, legible and in permanent dense black or dark blue non-copying ink.

Alterations are not to be made be erasure: the words rejected are to be ruled through and initialled by the parties to the dealing in the left-hand margin.

If the space provided is insufficient, additional sheets of the same size and quality of paper and having the same margins as this form should be used. Each additional sheet must be identified as an annexure and signed by the parties and the attesting witnesses.

If it is intended to create easements, covenants, &c., use forms RP13A, RP13B, RP13C as appropriate.

Rule up all blanks.

The following instructions relate to the SIDE NOTES on the form.

(a) Description of land:

(i) TORRENS TITLE REFERENCE. — For a manual reference insert the Volume and Folio (e.g., Vol. 8514 Fol. 126) — For a computer folio insert the folio identifier (e.g., 12/701924)

(ii) PART/WHOLE — If part only of the land in the folio of the Register is being transferred, delete the word "WHOLE" and insert the lot and plan number, portion, &c. See also sections 327 and 327AA of the Local Government Act, 1919

(iii) LOCATION — Insert the locality shown on the Certificate of Title/Crown Grant, e.g., at Chullora. If the locality is not shown, insert the Parish and County, e.g., Ph. Lismore Co. Rous.

(b) Show the full name of the transferor(s).

(c) If the estate being transferred is a lesser estate than an estate in fee simple, delete "fee simple" and insert appropriate estate.

(d) Show the full name, address and occupation or description of the transferee(s).

(e) Delete if only one transferee. If more than one transferee, delete either "joint tenants" or "tenants in common", and, if the transferees hold as tenants in common, state the shares in which they hold.

(f) In the memorandum of prior encumbrances, state only the registered number of any mortgage, lease, charge or writ to which this dealing is subject.

(g) Execution:

GENERALLY (i) Should there be insufficient space for the execution of this dealing, use an annexure sheet.
(ii) The certificate of correctness under the Real Property Act, 1900, must be signed by all parties to the transfer, each party to execute the dealing in the presence of an adult witness, not being a party to the dealing, to whom he/she is personally known.
The solicitor for the transferee may sign the certificate on behalf of the transferee, the solicitor's name (not that of his/her firm), to be typewritten or printed adjacent to the signature. Any person falsely or negligently certifying is liable to the penalties provided by section 117 of the Real Property Act, 1900

ATTORNEY (iii) If the transfer is executed by an attorney for the transferor/transferee pursuant to a registered power of attorney, the form of attestation must set out the full name of the attorney, and the form of execution must indicate the source of his/her authority, e.g., "AB by his attorney (or receiver or delegate, as the case may be) XY pursuant to power of attorney registered Book No

AUTHORITY (iv) If the transfer is executed pursuant to an authority (other than specified in (iii)) the form of execution must indicate the statutory, judicial or other authority pursuant to which the transfer has been executed.

CORPORATION (v) If the transfer is executed by a corporation under seal, the form of execution should include a statement that the seal has been properly affixed, e.g., in accordance with the Articles of Association of the corporation. Each person attesting the affixing of the seal must state his/her position (e.g., director, secretary) in the corporation

(h) Insert the name, postal address, Document Exchange reference, telephone number and delivery box number of the lodging party.

(i) The lodging party is to complete the LOCATION OF DOCUMENTS panel. Place a tick in the appropriate box to indicate the whereabout of the Certificate of Title. List, in an abbreviated form, other documents lodged, e.g., stat. dec. for statutory declaration, pbte for probate, L/A. for letters of administration, &c.

OFFICE USE ONLY

FIRST SCHEDULE DIRECTIONS

(A) FOLIO IDENTIFIER	(B) DIRECTION	(C) NAME
1/702951	Prop.	Desmond John WALKER and Dianna Joy WALKER as joint tenants, ½ share, and John Phillip WALKER, ½ share, as tenants in common.

SECOND SCHEDULE AND OTHER DIRECTIONS

(D) FOLIO IDENTIFIER	(E) DIRECTION	(F) NOTFN TYPE	(G) DEALING NUMBER	(H) DETAILS
1/702951	CT		24J	

S&M Law Stationers 1985

Req:R133291 /Doc:DL W387510 /Rev:21-Oct-2010 /NSW LRS /Pgs:ALL /Prt:31-Aug-2023 13:17 /Seq:2 of 2
© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Req:R133294 /Doc:DL Y668788 /Rev:24-Aug-2010 /NSW LRS /Pgs:ALL /Prt:31-Aug-2023 13:17 /Seq:1 of 1
© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

RP 13

STAMP DUTY

OFFICE (N.S.W.) 1988/89 89/25547 $1.00 STAMP DUTY

Y668788

TRANSFER

REAL PROPERTY ACT, 1900

T 3 2 of 3 $ 44

R 2/3

Torrens Title Reference	If Part Only, Delete Whole and Give Details	Location
Identifier 1/702951	WHOLE	Mudgee

DESCRIPTION OF LAND Note (a)

TRANSFEROR Note (b)

DESMOND JOHN WALKER and DIANNA JOY WALKER and JOHN PHILLIP WALKER

ESTATE Note (d)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of $ 232,570.00 and transfers an estate in fee simple in the land above described to the TRANSFEREE S

TRANSFEREE Note (d)

GLENN CHARLES MAYNARD of 13/33 Bruce Road, Woodridge, Queensland, Gym Instructor, and STANLEY GEORGE AYLETT of "Hollyoak", Mudgee, Builder, as tenants in common in the shares of 60/100ths parts and 40/100ths parts respectively

OFFICE USE ONLY

PROP.

TENANCY Note (e)

~~as joint tenants/tenants in common~~

PRIOR ENCUMBRANCES Note (f)

subject to the following PRIOR ENCUMBRANCES 1 Nil. 2. 3.

DATE 6 October 1989

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

EXECUTION Note (g)

Signed in my presence by the transferor who is personally known to me

Signature of Witness

CHRISTOPHER H COX

Name of Witness (BLOCK LETTERS)

79 MARKET ST. MUDGEE

Address and occupation of Witness

SOLICITOR

Signed in my presence by the transferee who is personally known to me

Note (g)

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

Signature of Transferor

Signature of Transferee

Solicitor for (B.A.Hannaford)

TO BE COMPLETED BY LODGING PARTY Notes (h) and (i)

LODGED (NATIONAL AUSTRALIA BANK LIMITED)
National Australia Bank Limited
255 George Street, Sydney
237-1111 FAX 237-1284
45A
Ref:
Delivery Box Number

LOCATION OF DOCUMENTS	CT	OTHER
Herewith.	1	
In L.T.O. with		
Produced by		

OFFICE USE ONLY

Checked	Passed	REGISTERED - -19
Signed	Extra Fee	25 OCT 1989

Secondary Directions			
Delivery Directions			

discretionary use of illusion of
42a & 42b Short Street Mudgee.

Req:R133297 /Doc:DL 3719661 /Rev:13-Jan-1998 /NSW LRS /Pgs:ALL /Prt:31-Aug-2023 13:17 /Seq:1 of 1
© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

3719661 S

Form: 97-01T
Licence: 026CN/0526/96

TRANSFER

New South Wales

Real Property Act 1900

Instructions for filling out this form are available from the Land Titles Office

Office of State Revenue use only

OFFICE OF STATE REVENUE
1996/97 STAMP DUTY (N.S.W. TREASURY) N7
DUTY $ 2·00 1ST REC № 800 719088

(A) LAND TRANSFERRED
Show no more than 20 titles. If appropriate, specify the share or part transferred.

1/702951

(B) LODGED BY

LTO Box	Name, Address or DX and Telephone
105	ANZ
	REFERENCE (15 character maximum):

(C) TRANSFEROR STANLEY GEORGE AYLETT (as to his 40/100th SHARE)

(D) acknowledges receipt of the consideration of ONE HUNDRED AND SEVEN THOUSAND FIVE HUNDRED DOLLARS

(E) and as regards the land specified above transfers to the transferee an estate in fee simple.

(E) Encumbrances (if applicable) 1. 2. 3.

(F) TRANSFEREE

T TS (s713 LGA) TW (Sheriff)	GLENN CHARLES MAYNARD
(G)	TENANCY:

(H) We certify this dealing correct for the purposes of the Real Property Act 1900. **DATE** 4TH NOVEMBER 1997

Signed in my presence by the transferor who is personally known to me.

.....
Signature of Witness

STEPHEN FLYNN
.....
Name of Witness (BLOCK LETTERS)

PERRY ST MUDGEE
.....
Address of Witness

.....
Signature of Transferor

Signed in my presence by the transferee who is personally known to me.

.....
Signature of Witness

.....
Name of Witness (BLOCK LETTERS)

.....
Address of Witness

.....
Solicitor for Transferee 's Solicitor
STEPHEN PAUL FLYNN

Uploaded the inclusion of 42a & 44 Short Street, Mudgee.

CHECKED BY (LTO use) RDL

Req:R133306 /Doc:DL AR783724 /Rev:10-Jan-2022 /NSW LRS /Prt:31-Aug-2023 13:18 /Seq:1 of 2
Â© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

System Document Identification

Form Number: 01T-e
Template Number: t_nsw18
ELN Document ID: 879136945
ELN NOS ID: 879136947

TRANSFER

New South Wales
Real Property Act 1900

Land Registry Document Identification

AR783724

Stamp Duty: 10299812-001

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

LODGED BY:

Responsible Subscriber:	JORDAN DJUNDJA LAWYERS ABN 90484216032
Address:	23A Regent ST Kogarah 2217
Email:	joanna@jordandjundja.com.au
ELNO Subscriber Number:	22164
Customer Account Number:	502420B
Document Collection Box:	1W
Client Reference:	DGE AU PTY LTD

LAND TITLE REFERENCE

1/702951

TRANSFEROR

GLENN CHARLES MAYNARD

TRANSFEREE

DGE AU PTY LTD ACN 649618093
Registered company

Tenancy: Sole Proprietor

CONSIDERATION

The transferor acknowledges receipt of the consideration of $1,100,000.00

ESTATE TRANSFERRED

FEE SIMPLE

The Transferor transfers to the Transferee the Estate specified in this Instrument and acknowledges receipt of any Consideration shown.

SIGNING FOR TRANSFEROR

I certify that:

1. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.

Party Represented by Subscriber:

GLENN CHARLES MAYNARD

Signed By: Emma Louise Best
ELNO Signer Number: 43254

Signer Capacity: Practitioner Certifier
Digital Signing Certificate Number:

Signed for Subscriber: PARTNERS OF FLYNNS SOLICITORS ABN 36978896824

FLYNNS SOLICITORS

Disregard the inclusion of 42a & 44 Short Street, Mudgee.

Req:R133306 /Doc:DL AR783724 /Rev:10-Jan-2022 /NSW LRS /Prt:31-Aug-2023 13:18 /Seq:2 of 2
Â© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

Subscriber Capacity: Representative Subscriber
ELNO Subscriber Number: 9401 **Customer Account Number:** 501433
Date: 10/01/2022

SIGNING FOR TRANSFEREE

I certify that:

1. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.

Party Represented by Subscriber:

DGE AU PTY LTD

Signed By: James Jordan **Signer Capacity:** Practitioner Certifier
ELNO Signer Number: 49993 **Digital Signing Certificate Number:**

Signed for Subscriber: PARTNERS OF JORDAN DJUNDJA LAWYERS ABN 90484216032

JORDAN DJUNDJA LAWYERS

Subscriber Capacity: Representative Subscriber
ELNO Subscriber Number: 22164 **Customer Account Number:** 502420
Date: 10/01/2022

disregard the inclusion of 42a & 44 Short Street, Mudgee.

LAND REGISTRY SERVICES

Direct Info
Quick and easy online

Document Inquiry
31/08/2023 02:32 PM

Client Reference: DI-E3097

NEW SOUTH WALES LAND REGISTRY SERVICES - DOCUMENT INQUIRY

Document Number: FA21134

Document Type: CONVERSION ACTION

Document Status: ACTION COMPLETE

Document Status Date: 6/7/2005

Affected Titles: BK 3243 NO 806

Titles Created: 13263-40 13263-41
13263-42 13263-43
13263-44

*** END OF SEARCH ***

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

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NEW SOUTH WALES

No. 806 Book 3243 Mortgage $=65.00

STAMP DUTY

FORM 81/103
MORTGAGE—FREEHOLD: GENERAL LAW
New South Wales—C/P and other lands in N.S.W.

This Deed

made the TWENTY SEVENTH day of AUGUST

One thousand nine hundred and SEVENTY SIX (in pursuance of the *Conveyancing Act* 1919) *BETWEEN*

ALEXANDER WILLIAM WALKER OF MUDGEE IN THE STATE OF NEW SOUTH WALES FARMER

Insert name(s), address(es), occupation(s), registered office of Mortgagor in full.

(hereinafter called "the Mortgagor") of the one part and AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED whose registered office in the State of New South Wales is at 20 Martin Place Sydney (hereinafter called "the Bank") of the other part WITNESSETH that in consideration of all or any loans advances credits or banking accommodation whether made created or given on the signing hereof or that may hereafter be made created or given in its discretion by the Bank to for or on account of the Mortgagor and/or to for or on account of THE FIRM OF J.A. WALKER AND SONS OF MUDGEE IN THE STATE OF NEW SOUTH WALES FARMERS

Insert name(s), address(es), occupation(s), registered office of Customer in full. If the account is in the name of a firm insert "the firm of"

If in a business name used by a sole trader insert "carrying on business under the name of" after the name and description of the customer.

(hereinafter called "the Customer") or at the request of either the Mortgagor or the Customer by any means whatsoever and/or of forbearance on the part of the Bank to immediately demand and sue for payment of any moneys now owing by the Mortgagor and/or the Customer to the Bank and/or for other valuable consideration moving from the Bank to the Mortgagor and/or the Customer (as the Mortgagor doth hereby admit) AND for the purpose of securing to the Bank the payment in manner hereinafter mentioned of all the principal interest and other moneys herein covenanted or agreed to be paid to the Bank the Mortgagor doth hereby for the consideration aforesaid covenant and agree with the Bank in manner following that is to say :—

Payment on Demand.

A. THAT the Mortgagor will on demand in writing pay to the Bank free from all deductions the amount or balance which shall for the time being be owing or unpaid by the Mortgagor and/or the Customer to the Bank (and that although the whole or some part of such amount or balance be then represented and/or secured by any mortgages bonds covenants guarantees bills of exchange promissory notes leasing agreements or other securities or agreements then current or under any letters of credit or other documents (whether or not similar to the above or any of them) issued by the Bank or Australia and New Zealand Bank Limited or The English Scottish and Australian Bank Limited to or for the benefit or at the request of the Mortgagor and/or the Customer either alone or jointly or in common with any other or others and whether or not default shall have been made by the Mortgagor and/or the Customer in respect thereof) for or in respect of all loans advances credits or banking accommodation heretofore made created or given by the Bank or Australia and New Zealand Bank Limited or The English Scottish and Australian Bank Limited or now or which may hereafter be made created or given by the Bank to for or on account or at the request of the Mortgagor and/or the Customer or in respect of any indebtedness from the Mortgagor and/or the Customer to the Bank on any account whether now existing or which may hereafter be opened or by any means whatsoever including all sums in which the Mortgagor and/or the Customer is or may hereafter become liable immediately or contingently to the Bank upon or in respect of any account or accounts in which the Mortgagor and/or the Customer is now or may hereafter be interested or concerned either alone or jointly or in common as aforesaid or in respect of any guarantee undertaking or obligation which has been given or incurred for or at the request of the Mortgagor and/or the Customer by the Bank or Australia and New Zealand Bank Limited or The English Scottish and Australian Bank Limited or by the Mortgagor and/or the Customer to the Bank or Australia and New Zealand Bank Limited or The English Scottish and Australian Bank Limited or which may hereafter be given or incurred for or at the request of the Mortgagor and/or the Customer by the Bank or by the Mortgagor and/or the Customer to the Bank either alone or jointly or in common as aforesaid or in respect of any bills or bill of exchange promissory notes or note heretofore purchased discounted or paid by the Bank or Australia and New Zealand Bank Limited or The English Scottish and Australian Bank Limited or hereafter purchased discounted or paid by the Bank for or at the request of the Mortgagor and/or the Customer either alone or jointly or in common as aforesaid or in respect of any bills or bill of exchange or promissory notes or note bearing the Mortgagor's and/or the Customer's name or the name of any partnership or firm of which the Mortgagor and/or the Customer may be a member or members and which are or is now or may hereafter be held by the Bank and whether such bills of exchange and promissory notes as aforesaid or any of them shall have arrived at maturity or not And for interest commission stamp and other duties postages and other lawful and accustomed charges in respect of the said loans advances credits accommodation indebtedness guarantee undertaking or obligation or any of them and for any other money principal or interest now due or owing under or secured by or hereafter to become due or owing under or secured by this Mortgage and including also all costs expenses and outgoings incurred by the Bank in consequence of default in payment of any moneys intended to be hereby secured or the breach of any covenant condition or stipulation herein contained or implied and all other moneys which the Mortgagor and/or the Customer may now or hereafter be liable to pay to the Bank (including all moneys which by law or under any provision hereof the Bank may be entitled to pay on account of the Mortgagor and/or the Customer or to charge to any account which the Mortgagor and/or the Customer may have with the Bank) under any covenant or provision herein or in any collateral security contained or implied.

Interest.

B. THAT so long as any principal money shall be owing or unpaid under or by virtue of this security the Mortgagor will pay interest thereon as follows namely at the rate or rates and in the manner from time to time usually charged by the Bank to its other customers on accounts of a similar nature or in the case of so much (if any) of the principal money as to which the Bank hereunder or in pursuance of any agreement between the Bank and the Mortgagor and/or the Customer has the right at any time or from time to time to determine the rate or rates applicable thereto (irrespective of the rate or rates usually charged by the Bank to its other customers on any accounts of a similar nature) at the rate or rates from time to time applicable thereto which interest shall be considered as accruing from day to day and be payable upon demand but until demanded shall be payable half yearly on the usual half yearly days for balancing the books of the Bank from time to time the first of such payments to be made on the first of such half yearly days following the date of these presents and any interest remaining unpaid on any such half yearly day of payment may together with all customary charges and whether or not the relation of Banker and Customer may for the time being be existing be turned into principal and shall thenceforth be deemed part of the principal money intended to be hereby secured and carry interest at the rate or rates from time to time applicable to the account or respective accounts to which such unpaid interest shall be debited but such accrued and unpaid interest shall not by reason of such capitalisation be deemed to have been advanced by the Bank or to have been actually paid for any purpose whatsoever And it is declared that a certificate in writing signed by any of the Officers of the Bank certifying to the rate or rates of interest from time to time or at any time charged by the Bank or applicable as aforesaid shall be conclusive evidence of the rate or rates therein certified to and payable hereunder and that a statement of the indebtedness on any account of the Mortgagor and/or the Customer to the Bank signed in like manner shall be conclusive evidence against all parties interested hereunder of the amount of such indebtedness.

Conditions where Surety.

C. THAT if the Mortgagor shall be surety for the Customer then—

(a) Without in any way limiting any of the other provisions of this Mortgage this Mortgage shall be security to the Bank for

(i) the whole of the amount or balance referred to in Clause A hereof whether or not the Customer shall be legally liable to pay the same to the Bank and whether or not demand shall have been made on the Customer in respect thereof ;

Whole of Balance of Account.

(ii) all sums of money which the Bank may after the date of any demand made hereunder or of the Mortgagor determining this security as to future transactions as hereinafter provided pay to or for the Customer in respect of cheques drafts bills or other negotiable or other instruments drawn before such demand or determination on any account in which the Customer may be interested or concerned either alone or jointly or in common as aforesaid or in respect of any other obligations incurred by the Bank or Australia and New Zealand Bank Limited or The English Scottish and Australian Bank Limited with or on behalf of or on account of the Customer either alone or jointly or in common as aforesaid prior to such demand or determination And Also for all sums of money received by the Bank or Australia and New Zealand Bank Limited or The English Scottish and Australian Bank Limited for credit of any account in which the Customer may be interested or concerned either alone or jointly or in common as aforesaid and for which the Bank may be obliged to account or may in its discretion account to any official receiver trustee liquidator official manager or other person in the administration or winding up of the estate or affairs of the Customer in any liquidation bankruptcy or official management of the Customer or under any assignment for the benefit of or arrangement or compromise with creditors of the Customer or otherwise Together with interest on all such sums of money at such rate or rates as may from time to time be determined by the Bank being a rate or rates not exceeding the highest of the rates for the time being charged on any other part of the principal money hereby secured or in the event of no other principal money being hereby secured then at such rate as may from time to time be charged by the Bank on accounts of a similar nature to the account to which such sums of money are debited.

Sums Paid after Demand.

Incurred Prior to Demand.

Preference(s).

Bank's Right to Recover Not to be Prejudiced.

(b) No assurance security or payment which may be avoided under any statutory provision or enactment (whether relating to bankruptcy the winding up or official management of Companies or any other matter whatsoever) and no release settlement discharge or arrangement which may have been given or made on the faith of any such assurance security or payment shall prejudice or affect the Bank's right to recover from the Mortgagor to the full extent of his liability under this Mortgage as if such assurance security payment release settlement discharge or arrangement (as the case may be) had never been granted given or made and any such release settlement discharge or arrangement shall as between the Bank and the Mortgagor be deemed to have been given or made upon the express condition that it shall become and be wholly void and of no effect if the assurance security or payment on the faith of which it was made or given shall at any time thereafter be avoided under any statutory provision or enactment (whether relating to bankruptcy the winding up or official management

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of Companies or any other matter whatsoever) to the intent and so that the Bank shall become and be entitled at any time after such avoidance to exercise all or any of the rights in this Mortgage expressly conferred upon the Bank and/or all or any other rights which by virtue and as a consequence of this Mortgage the Bank would have been entitled to exercise but for such release settlement discharge or arrangement And Further that notwithstanding anything herein or (so far as the same can lawfully be excluded) in any rule of law or equity or any statutory provision to the contrary and without prejudice to any other right which the Bank may have to retain this Mortgage the Bank shall be at liberty at its absolute discretion to retain this Mortgage for a period of seven months after the repayment of all the principal interest and other moneys hereby secured or the granting or giving of any assurance or security by the Customer to the Bank notwithstanding any release settlement discharge or arrangement given or made by the Bank on or as a consequence of such repayment or of the granting or giving of any such assurance or security and if at any time within the period of six months after such repayment or the granting or giving of any such assurance or security either a bankruptcy petition shall be presented against or filed by the Customer or a petition shall be presented for an Order for the winding up of the Customer (being a Company) or the Customer (being a Company) shall commence to be wound up voluntarily or shall be placed under official management the Bank shall be at liberty and notwithstanding as before mentioned to continue to retain this Mortgage for and during such further period as the Bank in its absolute discretion shall determine And the Mortgagor agrees that this Mortgage shall be deemed to have been and to have remained held by the Bank as and by way of security for the payment to the Bank of the principal interest and other moneys secured hereby in the event of and upon or after any avoidance of any assurance security or payment under any statutory provision or enactment (whether relating to bankruptcy the winding up or official management of Companies or any other matter whatsoever).

Payments in Gross.

(c) All compositions dividends and payments which the Bank may receive in cash in respect of any moneys in or for which the Customer is now or may hereafter be indebted or liable to the Bank on any account whatsoever (other than any moneys paid in cash by the Mortgagor hereunder) and all moneys which the Bank may receive in respect of any other security which the Bank may now or hereafter hold for the principal interest and other moneys hereby secured or any part thereof shall be taken and applied as payments in gross and shall as regards the Mortgagor go or be taken to reduce the liability of the Mortgagor hereunder only by the amount actually received by the Bank after deducting the costs and expenses of or incidental to obtaining payment thereof and all moneys paid by the Mortgagor or received by the Bank on account of the Mortgagor in pursuance of this Mortgage may (at the option of the Bank) be carried to a suspense account and the Bank shall not be bound to give credit in account in reduction of the moneys secured hereby until the Bank shall have been paid one hundred cents in the dollar in respect of all the prinoipal interest and other moneys secured hereby And the Mortgagor shall not nor will prove in or against the estate of the Customer in bankruptcy insolvency liquidation or official management or in or under any assignment for the benefit of or composition or arrangement with the creditors of the Customer or in or under any administration in equity or otherwise of the estate or assets of the Customer in competition with the Bank or seek in any way to deprive the Bank of or hold the Bank accountable to the Mortgagor for any dividends or sums of money the Bank may receive or be entitled to in any such bankruptcy insolvency liquidation official management assignment composition arrangement or administration And the Bank shall be entitled to prove against the estate of the Customer for any moneys received by the Bank from the Mortgagor in pursuance of this Mortgage.

Suspense Account.

Mortgagor Not to Prove in Bankruptcy, etc.

Security for all Loans, etc.

Any Account.

(d) This Mortgage shall be a security for all loans advances credits and banking accommodation together with interest thereon made created or given by any Branch of the Bank at which any account in which the Customer may be interested or concerned either alone or jointly or in common as aforesaid shall for the time being be kept to or for the Customer after the death lunacy mental incapacity or bankruptcy of the Mortgagor or any one or more of them (if more than one) and before notice in writing of such death lunacy mental incapacity or bankruptcy signed by one or more of the personal representatives of the deceased or the Public Trustee or Official Receiver shall have been received by the Manager for the time being of such Branch.

Notice of Death, etc.

Termination as to Future Transactions.

(e) If the Mortgagor shall not be in default under any of the provisions of this Mortgage and the Bank shall not at the time of the service of the notico of determination be under any obligation to make any further payments or advances to for or on account of the Customer the Mortgagor may determine this Mortgage as to future transactions at any time by service of notice in writing of such determination signed by the Mortgagor or all of them (if more than one) upon the Manager for the time being at every Branch of the Bank at which any account hereby secured is then kept and upon payment to the Bank of the whole of the moneys hereby secured.

Mortgagor Principal Debtor.

Notwithstanding anything in this Clause contained the Mortgagor shall be oonsidered principal debtor to the Bank for the moneys intended to be hereby secured.

Grant.

AND THIS DEED FURTHER WITNESSETH that for the purpose aforesaid the Mortgagor as beneficial owner doth hereby convey unto the Bank and its assigns ALL and SINGULAR the lands hereditaments and premises short particulars whereof are specified and set forth in the First Schedule hereunder written TOGETHER with all deeds and other Muniments of Title in anywise relating to the said lands hereditaments and premises which are now in the possession of the Mortgagor or which the Mortgagor can obtain without action or suit TO HAVE and TO HOLD the said lands hereditaments and premises with their and every of their appurtenances hereinbefore expressed to be conveyed unto and to the use of the Bank and its assigns forever but as to any premises of leasehold tenure other than Leases held under the Crown Lands Act and Western Lands Acts less the last three days of the respective terms for which the Mortgagor holds the same subject to the prior encumbrances (if any) specified in the Second Schedule hereto and to the proviso for redemption hereinafter contained

Habendum.

Proviso for Redemption.

PROVIDED ALWAYS and it is hereby agreed and declared that if the Mortgagor shall immediately upon demand as aforesaid pay to the Bank all the principal interest and other moneys intended to be hereby secured and shall also observe and perform all and every the covenants conditions and agreements of the Mortgagor herein or in any security collateral hereto contained or implied then the Bank will at any time thereafter upon the request and at the cost of the Mortgagor either execute a Certificate of Satisfaction or a Statutory form of receipt or Discharge or reconvey or surrender such of the said lands hereditaments and premises hereinbefore expressed to be hereby conveyed as shall then be vested in the Bank unto and to the use of the Mortgagor or as the Mortgagor shall direct free from any encumbrances created by the Bank AND that if default shall be made by the Mortgagor in payment of the principal interest and other moneys hereby secured or any part thereof upon demand as aforesaid or in the performance or observance of any of the covenants conditions or agreements herein contained or implied and on the part of the Mortgagor to be performed or observed it shall be lawful for but not obligatory upon the Bank or any of the Officers of the Bank immediately thereupon or at any time or times thereaftor and notwithstanding any previous neglect or waiver of any right to sooner exercise any of the powers herein mentioned or any act of abandonment or waiver whatsoever by the Bank and notwithstanding any acceptance by the Bank of any money or interest or any negotiations between or on behalf of the Customer and/or the Mortgagor and the Bank after the happening of any such default as aforesaid and notwithstanding the currency of any promissory note or bill of exchange or any other negotiable or other security or guarantee that now is or may at any time hereafter be held by the Bank on account of any part of the moneys horeby secured all of which promissory notes bills of exchange and other negotiable or other securities and guarantees shall immediately on the happening of any such default as aforesaid and for the purposes of these presents be considered to become immediately due and payable and notwithstanding any other matter or thing whatsoever and without the necessity of any further consent or concurrence on the part of the Mortgagor and without the necessity of any notice being given to or expiration of time being allowed the Mortgagor to enter upon and take possession of the mortgaged property or any part or parts thereof in the name of the whole and into receipt of the rents and profits thereof and to manage the mortgaged property or any part thereof with power to erect make remove or alter any fences buildings or other improvements or additions whatsoever upon the mortgaged property and with liberty at any time to abandon such possession and also to sell or otherwise dispose of any produce of the mortgaged property and to do all such acts and purchase all such things as may be necessary for the efficient working of the mortgaged property or for deriving or obtaining an income or return therefrom and at the risk of the Mortgagor to carry on any business for the time being carried on thereon or any other business which the Bank may think proper and for all such purposes to employ such managers overseers workmen servants or agents and to expend such moneys as the Bank may think fit and from time to time either with or without entering into such possession or after abandoning such possession to let or demise the same or any part thereof either with or without an option of renewal to any person for any term at such rent with such powers and subject to such covenants and conditions as the Bank shall think fit and either with or without taking any fine or premium and either for the purpose of occupation building agriculture grazing mining or for any other purpose whatsoever and either together with or separately from any other property real or personal comprised in any other security for the time being held by the Bank from the Mortgagor or otherwise for all or any part of the same moneys as are intended to be hereby secured And further the Bank shall be at liberty in case any other property than that comprised in these presents shall be included in any such lease to apportion the costs and expenses of such lease and the rent between the properties leased And to accept surrenders of any leases or tenancies now existing or which may hereafter be created of such mortgaged property or any part thereof and also to determine such leases and tenancies or any of them and to compromise with or make any concessions or arrangements with the lessees or tenants or occupiers thereof or with the holders of any encumbrances liens or charges whatsoever over the mortgaged property or any part thereof or with any caveator or person claiming any charge or interest over or in respect of the mortgaged property or any part thereof or over or in respect of any rents or profits or income derived therefrom in all cases as the Bank may from time to time think fit and so as to bind the Mortgagor and all persons claiming through or under the Mortgagor AND that the powers hereby conferred upon the Bank shall be in addition to or enlargement of the powers conferred upon Mortgagees by any Act of Parliament now or at any time hereafter in force in the State of New South Wales (hereinafter called "the said State") and affecting the mortgaged property or any part thereof AND ALSO that during the continuance of this security none of the restrictions imposed upon Mortgagees under or by virtue of any such Act as aforesaid shall apply to these presents and the Mortgagor shall not be entitled to exercise any powers of leasing or of accepting surrenders of leases which are or may be conferred by any such Act as aforesaid And that any Receiver appointed under Section 109 of the Conveyancing Act 1919 shall in addition to the powers conferred by such Act have power in his own name but as the Agent of the Mortgagor to manage the mortgaged property and in the course of such management from time to time to grant any such leases or tenancies or to accept surrenders of any such leases or tenancies as aforesaid and that for any purpose within the powers of the Receiver the Bank may at his request advance to him such monoys as the Bank thinks fit and all moneys so advanced shall be deemed cash advanced at the request of the Mortgagor and shall form part of the principal money hereby secured and bear interest at such rate or rates as may from time to time be determined by the Bank being a rate or rates not exceeding the highest of the rates for the time being charged on any part of the principal money hereby secured.

Manage.

Carry on Business.

Lease.

Mortgagor not to Lease.

Receiver.

PROVIDED ALWAYS that any notice or expiration of time required under the Conveyancing Act 1919 previously to the exercise of any such powers rights or remedies is hereby waived and negatived.

Power of Sale.

AND THAT it shall be lawful for the Bank at any time thereafter without any further notice or demand from time to time to sell the mortgaged property or any parts thereof and/or the estate and interest which the Bank can dispose of therein either together or in parcels and either by public auction or by private contract or by tender and either at one or several times in one lot or in such separate lots as the Bank may think fit and at such prices in such way and manner and upon and subject to such terms and conditions in all respects as to the Bank shall seem expedient including oonditions for obtaining barring or allowing compensation for any errors in the description of the property or other matters in any contract or particulars of sale and that on any such sale any time may be allowed for the payment of the whole or any part of the purchase money either with or without interest in the meantime and if with interest then at any rate or rates and either with or without security as the Bank may think fit and also with power to buy in or rescind or vary any Contract for Sale and to resell without being answerable for any loss occasioned thereby and to otherwise exercise all or any of the rights powers and remedies of a Mortgagee under or by virtue of the Conveyancing Act and/or other Act or Acts now or at any time hereafter in force in the said State as the Bank shall think proper.

Power of Sale Exercisable at any Time after default.

AND THAT the said power of sale may be exercised notwithstanding any previous neglect or waiver of any right to make any sale under the said power or any act of abandonment or waiver whatsoever by the Bank and notwithstanding any acceptance by the Bank of any money or interest or any negotiations between or on behalf of the Customer and/or the Mortgagor and the Bank subsequently to the service of any such demand and before the power of sale is exercised and notwithstanding the currency of any promissory note or bill of exchange or any other negotiable or other security or

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guarantee that now is or may at any time hereafter be held by the Bank on account of any part of the moneys hereby secured all of which promissory notes bills of exchange and other negotiable or other securities and guarantees shall immediately on default being made by the Mortgagor in payment of the principal interest and other moneys hereby secured or any part thereof upon demand as aforesaid or in the performance or observance of any of the covenants conditions or agreements herein contained or implied and on the part of the Mortgagor to be performed or observed and for the purposes of these presents be considered to become immediately due and payable and notwithstanding any other matter or thing whatsoever and that any such sale may be made either in conjunction with or separately from any other property real or personal over which the Bank may have any mortgage or other security for the payment of the principal interest and other moneys hereby secured or any part thereof by one Contract and at one price or in any other manner as the Bank may think fit AND further the Bank shall be at liberty in case any other property than that comprised in these presents shall be included in any such sale to apportion the costs and expenses of sale and the purchase moneys between the properties sold.

Grant of Easements, etc.

AND THAT upon any such sale it shall be lawful for the Bank at the sole discretion of the Bank from time to time to reserve land for roads and to grant any rights or easements of carriage or other way or passage or drainage or any other easements or rights and to impose building or other restrictive covenants over upon or in respect of the mortgaged property or any part thereof and/or to acquire easements or rights of any description at the cost of the Mortgagor as the Bank may think fit and also at the like cost apply for and proceed to obtain any amendment of any title relating to the mortgaged property or any part thereof and/or make or cause to be made a subdivision or resubdivision of the mortgaged property or any part thereof and make or cause to be made all such surveys plans and applications and execute and do all such instruments acts and things and register such Plan or Plans of Subdivision of the mortgaged property or any part or parts thereof under Section 196 of the Conveyancing Act 1919 as may be necessary or expedient for that purpose.

Implied Covenants.

AND THAT it is hereby declared and agreed that the covenants implied against Mortgagors by virtue of any Act now or at any time hereafter in force in the said State shall be implied by these presents save and except so far as the same are hereby altered modified or negatived and that all covenants rights and remedies implied in favour of or given to Mortgagees by virtue of any Act now or at any time hereafter in force in the said State shall be implied and given by these presents save and except so far as the same are hereby altered modified or negatived . And Further that the Bank shall not be under any obligation to exercise any of the powers or rights hereby or by any such Act or Acts conferred on it and the Bank shall not nor shall any of the Officers of the Bank or any agent or servant of the Bank be answerable or accountable for any loss which may happen in the exercise or execution or attempted exercise or execution or through the non-exercise of any of the powers or rights conferred by this Mortgage or any Act or Acts now or hereafter in force in the said State or in doing anything hereby or by any such Act or Acts as aforesaid authorised or directed to be done nor shall the Bank or any of the Officers of the Bank or any agent or servant of the Bank be liable as mortgagee in possession.

Involuntary Loss.

Application of Moneys Received after Default.

AND THAT every receipt which shall be given by the Bank or its agent for any rent or purchase money or interest on any lease or sale or for any other money payable hereunder shall be an effectual and complete discharge to the person paying the same and such person shall not be liable to see to the application or be answerable for the loss or misapplication or non-application of the same or any part thereof and no person whether a purchaser or otherwise shall be entitled to enquire into the propriety or regularity of any sale or any other act deed or thing which may be made executed done or performed or purported so to be under any of the powers by this Mortgage or by law conferred upon the Bank nor shall any such person dealing with the Bank with respect to the mortgaged property or any part thereof be concerned or bound to enquire whether the moneys hereby secured or any part thereof have been paid by means of any other security or whether any money is in fact owing hereunder or whether any default has been made hereunder and no such person shall be affected by notice express or constructive that all moneys hereby secured have been actually paid and all such sales acts deeds and things shall be valid and effectual notwithstanding any impropriety or irregularity And Further that the moneys to arise from the collection of rents and profits of the mortgaged property or from any such sale as aforesaid or otherwise coming into its hands hereunder shall subject to the rights of any prior encumbrancee be applied by the Bank in the first place in or towards defraying the costs charges and expenses of or connected with the said lease or sale and the getting in of such moneys and in the next place in or towards payment of the principal interest and other moneys hereby secured (whether or not represented by any bills of exchange or promissory notes or other negotiable or other securities or guarantees and whether then actually due or current) and subject thereto any surplus (but without interest) shall be paid upon application therefor to the Mortgagor or other the persons entitled thereto according to their rights and interests respectively as appearing by the Register Book.

Application of Purchase Money.

AND THAT in applying the purchase money to arise from any sales by the Bank hereunder towards satisfaction of the principal interest and other moneys hereby secured the Bank shall be accountable for or chargeable with so much only of the said purchase money available for that purpose as it shall actually receive in cash and from the time of such receipt notwithstanding that it may have transferred the property sold to the purchaser and taken a mortgage from him to secure so much of the said purchase money as shall not have been then actually paid or may have sold the mortgaged property or any part thereof to a purchaser on terms without transferring it to such purchaser and that the Mortgagor shall remain liable for the moneys hereby secured beyond the amount of the moneys actually received as aforesaid.

Payment of Balance After Sale.

AND THAT the Mortgagor will on demand as aforesaid pay to the Bank the balance which shall be due to the Bank after any sale shall be effected under the powers herein contained or implied in the event of the proceeds of such sale not being sufficient to pay and satisfy to the Bank the whole of the principal interest and other moneys hereby secured.

Bank may Surrender.

AND THAT it shall be lawful for the Bank at any time after default by the Mortgagor in payment of the principal interest and other moneys hereby secured or any part thereof to surrender to the Crown all or any part of the mortgaged property and to exchange with the Crown or with any person or corporation all or any part of the same for other lands of any tenure either with or without giving or receiving any cash for the purpose of equalising the exchange and to exercise and obtain the benefit of all or any rights powers or privileges which the holder mortgagee or owner of any land of similar tenure to the mortgaged property might exercise and obtain the benefit of and otherwise to deal with the mortgaged property or any part thereof in the same manner as the Mortgagor could do if these presents had not been executed and the lands so acquired shall thereupon be held by the Bank on account of the Mortgagor as further collateral security for the principal interest and other moneys hereby secured.

Powers.

PROVIDED ALWAYS AND IT IS HEREBY AGREED AND DECLARED that the powers hereby conferred on the Bank shall be in addition to any powers conferred on Mortgagees by the Conveyancing Act 1919 and the provisions of such Act regulating the exercise of the powers thereby conferred shall be deemed to be varied or extended as the case may require in the manner and to the extent provided by these presents And in particular sub-sections 3, 5, 6, 7 and 8 of Section 106 of the said Act shall not nor shall any of the conditions and restrictions on the Bank's power of leasing contained in such Section apply to any lease granted by the Bank under the powers of leasing conferred on it by the said Act or by this instrument And Also that the Mortgagor shall not be entitled to exercise the statutory powers of leasing or of accepting Surrenders of Leases conferred by such Section without the previous written consent of the Bank.

AND THIS DEED FURTHER WITNESSETH that for the purpose aforesaid the Mortgagor hereby covenants and agrees with the Bank :—

Indulgence to Customer.

(1) That the giving by the Bank of any time or any other indulgence to or the entering into any arrangement or negotiation with or the taking of any bill of exchange or promissory note or other security from or accepting any composition from or any dividend in or upon the estate of or releasing wholly or partially or in any manner dealing with the Customer or any other person now or at any time hereafter liable to the Bank for or in respect of the principal interest and other moneys secured hereby or any part thereof or the abandoning or releasing wholly or partially or exchanging varying giving up or in any way dealing with any security whatsoever which the Bank now holds or which the Bank may hereafter hold in respect of the principal interest and other moneys hereby secured or any part thereof shall not in anywise discharge the Mortgagor from any liability under the covenants herein contained or implied or otherwise prejudice this Mortgage and the Mortgagor hereby waives all defences (whether or not of the aforesaid description) of a surety.

Insurance.

(2) That the Mortgagor will insure all buildings fences fixtures and other improvements which shall for the time being be erected on the said land hereditaments and premises and which shall be of a nature or kind capable of being so insured against fire in their full value and against such other risks as the Bank may from time to time require in the name of the Bank and the Bank alone shall have power to settle compromise and recover any claim against any Insurance Company . PROVIDED THAT for the purpose of construing this Clause the words "and such other risks as the mortgagee or his executors administrators or assigns may from time to time require" shall be deemed to be inserted after the words "against loss or damage by fire" in the form of words set out and numbered two in the first column of part one of the Fourth Schedule of the Conveyancing Act 1919 ~~and the word "erected" shall be deemed to be substituted for the words "in such Schedule"~~ and the words "fences fixtures and other improvements" shall be deemed to be inserted after the word "buildings" twice appearing in such Schedule and the words "either of the principal money hereby secured or" shall be deemed to be deleted from such Schedule.

AN BSP.

Rates, Taxes.

(3) That the Mortgagor will at all times during the continuance of this security promptly and duly pay or cause to be paid all taxes rates assessments impositions and outgoings whatsoever now or at any time hereafter payable or chargeable in respect of the mortgaged property or any part thereof AND all principal interest and other moneys payable under any mortgage or encumbrance specified in the Second Schedule hereto and will perform and observe all Mortgagor's covenants conditions and agreements contained or implied in any such mortgage or encumbrance AND also will at the expense of the Mortgagor comply with all Acts Statutes and Ordinances regulations and requirements now or hereafter in force in the said State affecting the mortgaged property and all regulations requirements by-laws and orders heretofore or which may hereafter be made by any Public Municipal or other Authorities or Bodies in respect of the mortgaged property and now or at any time hereafter in force in the said State And that upon any breach or non-observance of this covenant the Bank shall be at liberty (but without any obligation so to do) at any time and from time to time to make and do all or any of such payments acts and things as aforesaid on behalf of the Mortgagor.

Compliance with Acts.

Further Assurance.

(4) That the Mortgagor and every person having or claiming any estate right title or interest in or to the mortgaged property or any part thereof (other than by virtue of any prior encumbrance specified in the Second Schedule hereto) will at all times hereafter at the request of the Bank and until foreclosure or sale at the cost of the Mortgagor and afterwards at the cost of the person or persons requiring the same execute every such document deed instrument or assurance and do every such thing for further or more effectually securing the rights or interests of the Bank to the mortgaged property or any part thereof pursuant to these presents as shall by the Bank be from time to time required AND the Mortgagor authorises the Bank or any of the Officers of the Bank for and on behalf of the Mortgagor to sign or execute every such document deed instrument and assurance and do every such thing so as to perfect or attempt to perfect the security intended to be hereby given and also for and on behalf of the Mortgagor to comply with all or any requisitions of the Registrar General.

Not to Prejudice other Security.

(5) That nothing herein contained or implied shall discharge abate or prejudice any other security now held or which may hereafter be held or taken by the Bank or any other right or remedy which the Bank now has or may hereafter have for payment of the principal interest and other moneys hereby secured or any part thereof or waive extinguish prejudice or affect any claim or demand which the Bank now has or may hereafter have against the Mortgagor and/or the Customer or any other person whomsoever or whatsoever as surety for or party to any bill of exchange or promissory note or other negotiable or other security or guarantee or otherwise nor shall any other security abate or prejudice this Mortgage or any of the powers and provisions herein contained or implied nor shall the Mortgagor and/or the Customer having given or hereafter giving any bill of exchange promissory note or other negotiable security or guarantee to the Bank operate as a payment of the principal interest and other moneys hereby secured or any part thereof until the same shall have been actually paid in cash . And that this Mortgage and the covenant for payment herein contained shall be a collateral security only and shall not operate as a merger of the remedy upon any negotiable or other security or guarantee as aforesaid or upon any simple contract And That all the powers

Non-Merger.

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and authorities herein contained or implied may respectively be exeroised notwithstanding the currency of any such negotiable or other security or guarantee or simple contract as aforesaid And notwithstanding any judgment or order being obtained in respect of the principal interest and other moneys hereby secured or any part thereof the Mortgagor will pay to the Bank interest at the rate or rates and calculated in the manner and with the rests aforesaid on the amount of the principal money for the time being remaining unpaid under this Mortgage.

Continuing Security.

(6) That until finally discharged this Mortgage shall be and remain a continuing security for the due payment of all the principal interest and other moneys hereby secured and for the time being remaining unpaid irrespective of any sums which may from time to time be paid to the credit of any account of the Mortgagor and/or the Customer with the Bank and that notwithstanding the account of the Mortgagor and/or the Customer may at any time appear to be in credit and notwithstanding any settlement of account or any other matter or thing whatsoever And the Bank shall be at liberty without any notice to or consent of the Mortgagor to apply in or towards satisfaction of any of the moneys hereby secured all or any moneys which may from time to time be paid in or may be standing to the credit of any current account of the Mortgagor and/or the Customer with the Bank And Also that nothing herein contained or implied shall render it in any way obligatory upon the Bank to make any further advances or give any further credits or banking accommodation and this whether any agreed limit of overdraft has or has not been reached.

Power of Attorney.

(7) That for the purpose of giving full effect to this Mortgage the Mortgagor doth hereby irrevocably during the continuance of this security appoint the Bank and each of the Officers of the Bank jointly and each of them severally the Attorneys and Attorney of the Mortgagor for and on behalf of the Mortgagor and without the Bank being liable as Mortgagee in possession to enter into and execute all such documents deeds instruments assurances agreements and leases and to do all such acts matters deeds and things as such Attorneys or Attorney may deem expedient for carrying out all or any of the powers or authorities herein contained or conferred upon the Bank and also to demand sue for recover and receive all or any rents or sums of money from time to time owing to the Mortgagor in respect of the mortgaged property under any present or future tenancy and to accept surrenders and make concessions to or oompromise with tenants upon terms or gratuitously and otherwise with respect to such tenancies and lands to have all the powers of an absolute owner And the Mortgagor hereby ratifies and agrees to ratify all and whatsoever the said Attorneys or Attorney shall lawfully do or cause to be done in or about the premises under or by virtue of these presents.

Repair.

(8) That the Mortgagor will from time to time and at all times during the continuance of this security at the sole expense in all things of the Mortgagor keep the mortgaged property free from noxious weeds rabbits and other noxious animals pests or vermin and comply with the law for the time being in force relating to such matters and for any of such purposes will erect or maintain such fencing and do such other acts and things as shall be required by the Bank and if any fence shall be erected by the owner or occupier of the adjoining land then will pay the Mortgagor's share and proportion of the expense of erecting and maintaining the same and also will farm cultivate and manage in a proper and husbandmanlike manner and preserve and maintain in a good and efficient state of improvement and cultivation the mortgaged property or such part (if any) as is or has been usually cultivated or which may be brought into cultivatiou or is of a nature or kind capable of or suitable for cultivation and also will well and sufficiently to the satisfaction of the Bank repair and keep both in tenantable and also in good and substantial repair all fences buildings and other improvements now erected or made and which may hereafter be erected or made on the mortgaged property and will keep all drains and sewers in good repair order and condition And that the Mortgagor will not without the prior consent in writing of the Bank make or suffer or permit to be made any structural alteration to any buildings or other improvements now or hereafter to be on the mortgaged property And will not without the like consent remove or attempt to remove such buildings or other improvements or any part thereof or any fixtures or fittings from the mortgaged property And will permit the Bank and the Officers agents and servants of the Bank at all times to enter upon the mortgaged property and all buildings and improvements thereon to inspect the state and condition thereof and the report of the person so inspecting the same shall be conclusive evidence of any default or otherwise under this covenant or otherwise under this Mortgage And also that the Bank or any of the Officers of the Bank or the agents servants or workmen of the Bank may (but without any obligation so to do) enter upon the mortgaged property (without the Bank thereby becoming liable as Mortgagee in possession) and at the expense of the Mortgagor make good any breaches of this or any other covenant on the part of the Mortgagor herein contained or implied and at such expense do and execute all such works repairs acts and things and incur and pay such costs charges and expenses as the Bank may deem requisite.

Noxious Weeds and Animals.

Farm and Cultivate.

Structural Alterations.

Inspections.

Bank may Enter and Make Good.

Erection of Buildings.

Nominated Architect.

(9) That if the whole or any part of the principal money shall be advanced or lent or agreed to be advanced or lent to enablo the Mortgagor and/or the Customer to erect construct or complete any buildings and/or improvements on the mortgaged property the Mortgagor and/or the Customer shall duly erect construct or complete the same or cause the same to be erected constructed or completed upon the mortgaged property within such period (if any) as the Bank shall stipulate and in a good and workmanlike manner to the satisfaction in all respects of the Bank and of the Architect or servant of the Bank (if any) nominated by the Bank for the purposes of this Clause And that in default of the Mortgagor and/or the Customer so doing (as to which default a certificate under the hand of any of the Officers of the Bank shall be conclusive evidence) or if the said power of salo shall become exercisable it shall be lawful for but not obligatory upon the Bank at any time thereafter to enter upon the mortgaged property and to erect construct and complete the said buildings and/or improvements or such of them as the Bank may think fit with any and such variations or omissions or additions as the Bank shall think proper (with power to vary tho original design) and for that purpose to use any material including any material on the mortgaged property and to engage and employ upon such terms and conditions as the Bank shall think fit such contractors workmen agents or servants and to enter into such contracts or agreements as the Bank shall consider necessary or proper Provided Always that the Bank shall not by reason of any approval given or satisfaction expressed by the Bank or by any officer architect or servant of the Bank or by reason of the exercise of any of the powers conferred by this clause or otherwiso howsoever be under any responsibility in respect of the proper erection construction or completion of the said buildings and/or improvements or in any way liable or responsible to the Mortgagor or any other person for any defects therein of any nature whatsoever or howsoever arising And Provided Further that the Bank shall not by reason of the exercise of any of the powers conferred by this clause be deemed to be a mortgagee in possession.

Further Encumbrances.

Sale, Lien on Crop(s) Stock Mortgage.

(10) That the Mortgagor will not during the continuance of this security without the previous consent in writing of the Bank signed by any of the Officers of the Bank sell or agree to sell or otherwise dispose of or snbdivide or give any lien charge or mortgage over or lease the mortgaged property or any part thereof or give any lien bill of sale charge or mortgage over any crop growing or to be grown or over any live stock sheep or chattels being on the mortgaged property or any part thereof.

Statutory Charge.

(11) That the Mortgagor shall not without the previous written consent of the Bank during the continuance of this security apply for or obtain from the Crown or any Statutory Authority any moneys or material or otherwise do or suffer anything whereby any charge liability or encumbrance shall or might be imposed upon the mortgaged property or any part thereof in priority to or in derogation of this security.

Documents of Title.

(12) That the several documents of title to the mortgaged property shall at all times during the continuance of this security remain in the custody of the Bank but subject to the right of any prior mortgagee or encumbrancee (if any) to hold the same during the currency of any prior mortgage or encumbrance.

Death, Lunacy, Bankruptcy.

Partnership.

(13) That this Mortgage shall not be discharged or affected by the death lunacy mental incapacity or bankruptcy of the Customer or any one or more of them (if more than one) or any principal debtor or by the death lunacy mental incapacity or bankruptcy of the Mortgagor or any one or more of them (if more than one) or by any change which may take place in the person or persons now or hereafter comprising any partnership or Firm for the time being constituting the Customer or the Mortgagor and notwithstanding the incorporation of such partnership or Firm and notwithstanding also (if the Customer or the Mortgagor is a company) any reconstruction or other change in the constitution of such company or its amalgamation with or its absorption of or by any other company or by any change which may take place in the constitution of the Bank or by any other circumstance or event but shall continne to be operative until actually discharged by the Bank And that in the event of there being more than one Mortgagor the Bank may give such release discharge or indulgence to any one or more of them as the Bank may think fit and such release discharge or indulgence shall not discharge or affect in anyway the rights and remedies of the Bank under these presents or otherwise against the other or others of them.

Bank not Concerned to Enquire into Powers of Customer, Servants or Agents.

(14) That the Bank shall not in any ovent or in any circumstances be concerned to enquire into the powers of the Customer (being a Company) or its Officer or Officers or other person or persons purporting to act on its behalf and no objection shall be taken by the Mortgagor with regard to the liability of the Customer to the Bank or with regard to the liability of the Mortgagor to the Bank on the ground of the borrowing or other act in respect of which any demand or claim of the Bank may be made having been outside or in excess of the powers of the Customer or of any such Officer or other person as aforesaid or having been in any way irregular defective or informal and that this security and the liability of the Mortgagor hereunder shall extend to all advances made or to be made by the Bank as aforesaid and to all other moneys or accommodation made available to the Customer or any such person or persons as aforesaid notwithstanding that the Bank may have no legal right or claim to recover from the Customer all or any of such advances moneys or accommodation.

Costs and Expenses.

(15) That all costs charges expenscs and outgoings which may be incurred by the Bank in or about the preparation completion stamping and registration and the discharge or partial discharge of this Mortgage and all securities collateral herewith or in or about any consent to any transfer or other dealing with the mortgaged property or any part thereof or in or about any survey valuation or report of or concerning the mortgaged property or any part thereof pursuant to or for the purpose of giving effect to this Mortgage or any security collateral herewith or in consequence of any default which may be made in the payment of any moneys intended to be hereby secured or in the performance or observance of any covenant or agreement on the part of the Mortgagor and/or the Customer expressed or implied in this Mortgage or any security or securities collateral herewith or which may be incurred in or about or in relation to the exercise or enforcement or attempted exercise or enforcement of any of the powers rights or remedies conferred on the Bank hereunder or by any such collateral security or securities as aforesaid or by any Act or Acts now or at any time hereafter in force in the said State shall from the time of payment of the same sums respectively be treated as if they were new advances by the Bank to the Mortgagor and/or the Customer under this Mortgage and bear interest at such rate or rates as may from time to time be determined by the Bank being a rate or rates not exceeding the highest of the rates for the time being charged on any other part of the principal money hereby secured and the same sums and all interest thereon shall be a chargo upon the mortgaged property and shall be considered as principal money secured with such interest by this Mortgage and may be placed by the Bank to the debit of any account of the Mortgagor secured hereby and all costs chargeable under this or any other provision of this Mortgage (including costs of and incidental to any proceedings in any Court) shall be computed as between solicitor and own client.

Part of Principal Debt and Bear Interest.

Demands and Notices.

(16) That any demand or notice required to be given to the Mortgagor under or by virtue of these presents may be signed by any of the Officers of the Bank or by the Solicitors of the Bank or by any servant or agent of the Bank expressly or impliedly authorised to sign the same or whose authority so to do may be subsequently ratified by the Bank and may be served upon the Mortgagor by being delivered personally to the Mortgagor or any one or more of them (if more than one) or by leaving the same upon the mortgaged property or by posting the same in a registered letter at any public Post Office addressed to the Mortgagor or any one or more of them (if more than one) at his or their address or the address of any of them above appearing or at his or their place of abode or business or the place of abode or business of any of them last recorded in the books of the Bank or addressed to other the then registered proprietor of the mortgaged property at his address appearing in the Register Book and the production of the receipt of the Post Office for such registered letter shall be conclusive proof of the service of any demand or notice so sent at the time when the same ought to be delivered in dne course of post and although such letter may be returned through the Post Office undelivered and every such demand or notice shall be sufficient and bind the person or persons entitled to any right equity of redemption or benefit in or to the mortgaged property or any part thereof if so served left or posted as aforesaid.

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Covenants in Lease.

Rent.

Indemnity.

(17) That if or in so far as the mortgaged property is leasehold the lease or leases under which it is held are now valid and subsisting and that the Mortgagor has not done committed of suffered any act or thing whereby or in consequence whereof the said lease or any of them (if more than one) may be or become void or voidable And that the rent fees and/or instalments of purchase money and interest and all other moneys (if any) payable under and all the covenants and conditions contained in the said lease or leases and on the part of the lessee or the purchaser to be paid observed or performed have been paid observed and performed up to the day of the date of this Mortgage And that the Mortgagor now has power to mortgage the same And also that the Mortgagor will at all times during the continuance of this security pay the rent fees or instalments of purchase money and interest and other moneys payable under the said lease or leases and every renewal or extension thereof on the first day on which the same shall be payable and will within seven days after each day on which the same shall become due deliver to the Bank the receipt for the same and will observe and perform all and every the covenants and conditions in the said lease or leases and every renewal or extension thereof contained and on the part of the lessee or the purchaser to be observed and performed and will keep the Bank indemnified against all actions suits proceedings costs damages claims and demands which may be incurred or sustained by reason of the non-payment of the said rent fees or instalments of purchase money and interest and other moneys or any part thereof or by the breach or non-observance or non-performance of the said covenants and conditions or any of them And that upon any breach or non-observance of this covenant the Bank shall be at liberty (but without any obligation so to do) at any time and from time to time to make and do all or any of such payments acts and things as aforesaid on behalf of the Mortgagor.

New Lease(s).

(18) That if at the date on which any new lease of the mortgaged property or any part thereof is capable of being granted to or acquired by the Mortgagor pursuant to the provisions of any lease or leases of the mortgaged property or any part thereof there are any moneys secured hereby then the Mortgagor will if required by the Bank forthwith at his own expense apply for and endeavour to obtain such new lease And whenever any new lease has been granted to or acquired by the Mortgagor he will when requested by the Bank execute at his own cost and expense a Mortgage in favour of the Bank over such lease to further secure the moneys hereby secured And such Mortgage shall be in the usual printed form of Mortgage then used by the Bank in respect of lands of a similar tenure.

Collateral Security over Crop(s).

(19) That the Mortgagor will at his own cost at any time or times during the continuance of this security when required by the Bank so to do execute and give to the Bank by way of collateral security for any part of the principal money hereby secured a preferable lien or preferable liens over the then next ensuing crop or crops to be harvested from the mortgaged property every such lien to contain a power to sell and agreement to insure and such other provisions and be in such form as the Bank shall think fit.

Change of Use.

(20) That the Mortgagor will not without the previous written consent of the Bank change or permit to be changed any existing lawful non-conforming use of the mortgaged property or any part thereof under any Town Planning legislation ordinances or by-laws or similar legislation applicable thereto nor shall the Mortgagor without the prior written consent of the Bank apply for or consent to any application to re-zone or change the use of the mortgaged property or any part thereof under any Town Planning legislation ordinances or by-laws or similar legislation applicable thereto.

Notification of Resumption.

(21) That in case the Mortgagor shall receive notice of any intended resumption of the mortgaged property or any part thereof the Mortgagor will forthwith notify the Bank thereof and will furnish the Bank with a copy of such notice and will without delay upon the request of the Bank and after having first obtained the Bank's written approval to the amount and particulars thereof lodge a claim for compensation with the proper authority and proceed to obtain a prompt decision on such claim and will not reduce or compromise such claim without the consent in writing of the Bank first had and obtained And that the Mortgagor will not lodge any such claim for compensation without first obtaining the written approval of the Bank to the amount and particulars of such claim which approval shall not be unreasonably withheld.

Moratorium Act(s).

(22) That the provisions of every Act of Parliament proclamation rule and regulation (whether in each case Federal or State) now existing or which may hereafter be enacted or come into force whereby or in consequence whereof the date or dates whereon any principal interest or other moneys hereby secured ought to be paid shall or may be postponed or stayed or the time for payment of such moneys or any of them shall or may be extended or enlarged or suspended or the amount of such moneys reduced or cancelled or the exercise by the Bank of any of the powers rights or remedies hereunder curtailed or precluded either absolutely or otherwise are hereby expressly (so far as the same lawfully can or may be) excluded from and shall not apply to these presents or the recovery of all or any of the moneys hereby secured.

Marginal Notes.

(23) That the directions and notes written or printed in the margin of these presents shall in nowise limit restrict or prejudice the rights powers and remedies conferred upon the Bank in the body of these presents or by any Statute Act or Ordinance now or at any time hereafter in force.

Crown Lands.

(24) That in the event of the land and premises specified and set forth in the First Schedule hereunder written being Crown Lands then :—

(a) That the Mortgagor shall in addition to his execution hereof execute Statutory Transfers of the said lands and premises.

(b) That these presents shall comprise and extend not only to the mortgaged property herein described or referred to but also to all further or other lands and blocks of country which the Mortgagor may hereafter purchase take up or become entitled to on any tenure in connection with the said mortgaged property.

(c) That the powers herein conferred upon the Bank shall be exercisable if default shall be made in the observance or performance of any of the provisions of the Crown Lands Acts Closer Settlement Acts Western Lands Acts or other Acts for the time being in force under or by virtue of which the mortgaged property is held or the regulations thereunder with respect to the mortgaged property or any part or parts thereof.

(d) That the Mortgagor will observe and perform all necessary conditions and obligations of residence and improvement and make and do all necessary acts declarations and applications and attend all meetings of any Local Land Board where the mortgaged property or any part thereof is the subject of consideration and pay all moneys and fees and do all other acts matters and things requisite or necessary to obtain the issue of the Certificate of Fulfilment of Conditions and approval by the Minister for Lands for the time being for the said State or of the Chairman for the time being of the Local Land Board for the District in which the mortgaged property or any part thereof is situated that all conditions prescribed by law or regulations relating to the said Conditionally-purchased and other lands and premises (or for any of the said lands and premises in respect of which such Certificates shall not have already been issued) and every part thereof respectively have been duly complied with and completed and to enable the Bank to obtain the Deeds of Grant in respect of the said Conditionally-purchased lands respectively AND ALSO will at the request at any time of the Bank convert all or any of the conditionally leased lands for the time being the subject of this security into conditional purchases or at the option of the Bank into perpetual leases and pay to the Government of the said State the balance of the purchase money Deed and Assurance Fees and Stamp Duty which shall at any time be due or payable or which the Crown may be willing to receive in respect of any of the Conditionally-purchased lands for the time being subject to this security (including any conditionally leased lands converted into conditional purchases as aforesaid) or will at the request of the Bank apply for and do all such things as may be necessary to obtain in the name of the Bank an extension or extensions of the term of any such conditionally leased lands or a renewal or renewals of the tenure of any such lands.

(e) That the Mortgagor during the continuance of this security will not do or suffer to be done or be guilty of any act neglect omission or default whereby the mortgaged property or any part thereof shall or may be forfeited or forfeitable or become void or voidable or whereby the renewal of any lease or licence may be refused but will in all things duly observe and perform all conditions and regulations now or at any time hereafter by law or regulation established in the said State affecting or concerning the mortgaged property AND will at the cost of the Mortgagor in all things obtain a renewal of any lease or licence or tenure under which the mortgaged property or any part thereof may be held And that upon any breach or non-observance of this covenant the Bank shall be at liberty (but without any obligation so to do) at any time and from time to time to make and do all or any of such payments acts and things as aforesaid on behalf of the Mortgagor.

(f) That the Mortgagor will furnish to the Bank particulars of all freehold and Conditionally-purchased lands adjacent to or connected with any of the land subject to these presents or any security collateral herewith which shall become vested in or be acquired by the Mortgagor by virtue of the mortgaged property and such land shall (so far as the same lawfully may be) be deemed to be included in the mortgaged property and be subject to all the provisions covenants and agreements herein contained or implied AND that the Mortgagor will on being requested so to do make do and execute all such acts deeds and instruments as shall be necessary or proper for legally transferring and mortgaging such lands to the Bank accordingly and will attend before a duly authorised person for the purpose of having the Mortgagor's signature thereto properly verified AND will sign Transfers to the Bank of all Conditionally-purchased and leased lands not at the time transferable in the books of the Lands Department or other proper authority together with any other authority in favour of the Bank or any Officer of the Bank to fill in and complete such Transfers and to lodge same in the proper office in due course.

AND IT IS HEREBY AGREED AND DECLARED that it shall be lawful for the Bank at any time after default by the Mortgagor in payment of the principal interest and other moneys hereby secured or any part thereof to apply for select and take up under the several statutes now or hereafter to be in force relating to Crown Lands in the said State or any of them such further Conditional purchases and Conditional leases and Homestead leases and other leases and licenses as the Bank may consider necessary for the benefit of the mortgaged property and to convert any Conditional purchase hereby mortgaged into Freehold and any Conditional lease hereby mortgaged or any part thereof into Perpetual leases or into Conditional purchase and thereafter into Freehold should it be so desired and to surrender to the Government all or any part of the mortgaged property and to exchange with the Government or with any person all or any part of the same for other lands of any tenure either with or without giving or receiving any cash for the purpose of equalising the exchange AND to institute and carry through or at pleasure to discontinue any appeal or application for the reduction of the purchase price of any lands in special areas and elsewhere and for the reduction of the rents and reappraisement of any other lands and generally to exercise and obtain the benefit of all or any rights powers or privileges which the holder Mortgagee or owner of any land of similar tenure to the mortgaged property might exercise and obtain the benefit of under any of the said Statutes and otherwise to deal with the mortgaged property or any part thereof in the same manner as the Mortgagor could do if these presents had not been given and the same lands shall thereupon be held by the Bank on account of the Mortgagor as further collateral and additional security for the said indebtedness AND that all and singular the acts matters powers discretions and things which under any of the covenants herein contained or implied ought to be done performed or observed by the Mortgagor or which the Bank is hereby authorised or empowered to do may be done performed or observed by any of the Attorneys for the time being of the Mortgagor herein nominated and appointed at their or his discretion and either in the name of the Bank or in the name of the Mortgagor and according to circumstances as their or his act or acts deed or deeds and that all moneys expended for all or any such purposes under any of the powers or authorities herein contained shall be debited and charged to any account of the Mortgagor and shall be covered by these presents and carry interest accordingly.

Interpretation.

(25) IT IS HEREBY AGREED AND DECLARED that :—

(a) Where in this Mortgage the context requires or admits the plural number includes the singular number and vice versa and the masculine gender includes the feminine gender and also the neuter gender, the word "person" includes a Company and "Company" includes a Corporation ; and any reference to the death or personal representatives of a person shall refer also to the liquidation or appointment of an official manager or liquidator or official manager of a Company where the sense requires ;

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(b) The expression "the Mortgagor" used herein includes if this Mortgage is given by one person that person his executors administrators and transferees and if this Mortgage is given by more persons than one those persons jointly and every two or more of them jointly and each of them severally and their respective executors administrators and transferees and if a Company is a Mortgagor includes that Company its successors and transferees ;

(c) If this Mortgage is given by more than one Mortgagor the covenants and agreements on the part of the Mortgagor herein contained or implied shall bind the Mortgagors jointly and every two or more of them jointly and each of them severally ;

(d) The expression "the Customer" used herein includes when the Customer is a person such person his executors administrators and transferees and when the Customer consists of more persons than one such persons jointly and every two or more of them jointly and each of them severally and their respective executors administrators and transferees and when the Customer is a partnership or firm includes such partnership or firm and not only the persons constituting the partnership or firm at the date of this security but also all and every persons and person who for the time being and from time to time shall be members of such partnership or firm and their respective executors administrators and transferees and all successors in business of such partnership or firm and when a company is a Customer includes such company as constituted from time to time and its transferees and all successors in business of such company ;

(e) The expression "the Bank" includes the successors and transferrees of the Bank ;

(f) The expression "the Officers of the Bank" shall include the following Officers for the time being of the Bank namely the Managing Director of the Bank the Chief General Manager of the Bank any General Manager of the Bank any Assistant General Manager of the Bank any Attorney of the Bank the Manager of any Branch of the Bank and the Accountant of any Branch of the Bank ;

(g) Without in any way limiting any of the provisions of this Mortgage this Mortgage shall be a security for all moneys in which (if there be one Mortgagor only) the Mortgagor and (if there be more Mortgagors than one) the Mortgagors or any or either of them or any two or more of them and (if there be one Customer only) the Customer and (if there be more Customers than one) the Customers or any or either of them or any two or more of them shall be indebted or liable immediately or contingently to the Bank either alone or jointly or in common with any other or others on any account or by any means whatsoever ;

(h) All references to Statutes shall refer also to Statutes amending modifying or re-enacting the Statutes referred to ;

(i) In the event of the Mortgagor and the Customer being identical then notwithstanding anything herein this Mortgage shall not in any way be prejudiced by reason of the Mortgagor being sometimes called "the Customer" ;

(j) The expression "mortgaged property" shall mean and include all and singular the lands hereditaments and premises comprised or intended to be comprised in these presents including after acquired property and all messuages houses buildings sheds outhouses fixtures improvements stockyards fences dams ways and watercourses upon the said lands or any other lands held with or in connection with the said lands and all rights easements and appurtenances and other things thereunto appertaining and all benefits of improvements already made or which during the continuance of this security may be made upon the said lands and the compensation which may be paid or become obtainable in respect of any such improvements And Also all leases and licenses held in connection with the said lands and the benefit of the right of renewal of the same and all other rights and benefits arising out of or connected with or incidental to the said lands.

IN WITNESS WHEREOF the said parties to these presents have executed these presents the day and year first above written.

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO

ALL AND SINGULAR the hereditaments and premises with the appurtenances described and comprised in a certain Deed dated the _____ day of _____ 19 _____ and made between _____

ALL THAT PIECE OR PARCEL OF LAND BEING LOTS 6, 7, 8, 9, AND 10 OF SECTION 24A IN THE TOWN AND PARISH OF MUDGEE COUNTY OF WELLINGTON HAVING A TOTAL AREA OF APPROXIMATELY 4.9 HECTARES AND MORE FULLY DESCRIBED IN CONVEYANCE NUMBER 793 BOOK 2791

a true copy of which Deed was duly received into the Office for the Registration of Deeds at Sydney the _____ day of _____ 19 _____ Numbered _____ Book _____

OR

Type & No. of Holding	Section	Date of Selection	Land District	Portion	Parish	County	Taken up by	AREA A.	R.	P.

General Law.

Note. These particulars must be inserted before this Mortgage is presented for registration.

Crown Lands.

Req:R134185 /Doc:BK 3243-806 NO /Rev:21-Apr-2015 /NSW LRS /Prt:31-Aug-2023 14:33 /Seq:7 of 8
Â© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

Here insert full particulars of prior encumbrances (if any).

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO

SIGNED SEALED AND DELIVERED by the said
ALEXANDER WILLIAM WALKER
in the presence of
BRIAN STEPTOE JP
178 MARKET ST MUDGEE
BANK OFFICER

AW WALKER (L.S.)

SIGNED SEALED AND DELIVERED by the said

in the presence of

(L.S.)

SIGNED SEALED AND DELIVERED by the said

in the presence of

(L.S.)

Witness should fill in after his name his address and occupation.

Note:
Where the Mortgagor is a Company care should be taken to see that the attestation clause is correctly filled in in accordance with the Company's Articles of Association.

THE COMMON SEAL OF

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Req:R134185 /Doc:BK 3243-806 NO /Rev:21-Apr-2015 /NSW LRS /Prt:31-Aug-2023 14:33 /Seq:8 of 8
Â© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

BRIAN STEPTOE of 178 MARKET STREET,
MUDGEE NSW , being duly sworn makes oath and says :— The writing
contained on the seven preceding pages has been compared by me with the original instrument and is a true copy thereof.

Sworn at MUDGEE NSW
this 27th day of AUGUST 1976. B. Steptoe J.P.
Before me: J.P.

(Justice of the Peace, Commissioner for Affidavits, or other authorised functionary).

Registered in the office of the Registrar General at Sydney, the 14th day
of September , 1976, at six minutes past ten o'clock and lodged by JILL SUSAN MARTIN ,
clerk to Australia and New Zealand Banking Group ~~x~~ Limited of 20 Martin Place, SYDNEY,
Bankers, and numbered 806 Book 3243

J.A. Watson
Registrar General.

LAND REGISTRY SERVICES

Direct Info
Quick and easy online

Title Search

04/09/2023 12:33 PM

Client Reference: DI-E3097

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 21/816236

SEARCH DATE	TIME	EDITION NO	DATE
4/9/2023	12:32 PM	6	13/1/2022

LAND

LOT 21 IN DEPOSITED PLAN 816236
AT MUDGEE
LOCAL GOVERNMENT AREA MID-WESTERN REGIONAL
PARISH OF MUDGEE COUNTY OF WELLINGTON
TITLE DIAGRAM DP816236

FIRST SCHEDULE

42A PTY LTD (T AR792931)

SECOND SCHEDULE (1 NOTIFICATION)

---

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

LAND REGISTRY SERVICES

Direct Info
Quick and easy online

Historical Search
04/09/2023 12:33 PM

Client Reference: DI-E3097

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

4/9/2023 12:32PM

FOLIO: 21/816236

First Title(s): OLD SYSTEM
Prior Title(s): 2/749570

Recorded	Number	Type of Instrument	C.T. Issue
28/4/1992	DP816236	DEPOSITED PLAN	FOLIO CREATED EDITION 1
27/5/1992	E484030	TRANSFER	
27/5/1992	E484031	MORTGAGE	EDITION 2
1/8/1994	U488536	DISCHARGE OF MORTGAGE	
1/8/1994	U488537	TRANSFER	
1/8/1994	U488538	MORTGAGE	EDITION 3
8/9/2018	AN695391	DEPARTMENTAL DEALING	EDITION 4 CORD ISSUED
23/12/2021	AR766309	CAVEAT	EDITION 5
13/1/2022	AR792930	DISCHARGE OF MORTGAGE	
13/1/2022	AR792931	TRANSFER	EDITION 6

*** END OF SEARCH ***

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

LAND REGISTRY SERVICES

Direct Info
Quick and easy online

Historical Search
04/09/2023 12:40 PM

Client Reference: DI-E3097

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

4/9/2023 12:39PM

FOLIO: 2/749570

First Title(s): OLD SYSTEM
Prior Title(s): 2/702951

Recorded	Number	Type of Instrument	C.T. Issue
22/10/1987	DP749570	DEPOSITED PLAN	FOLIO CREATED EDITION 1
28/4/1992	DP816236	DEPOSITED PLAN	FOLIO CANCELLED

*** END OF SEARCH ***

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

LAND REGISTRY SERVICES

Direct Info
Quick and easy online

Historical Search
04/09/2023 12:41 PM

Client Reference: DI-E3097

NEW SOUTH WALES LAND REGISTRY SERVICES - HISTORICAL SEARCH

SEARCH DATE

4/9/2023 12:40PM

FOLIO: 2/702951

First Title(s): OLD SYSTEM
Prior Title(s): VOL 13263 FOLS 41-42

Recorded	Number	Type of Instrument	C.T. Issue
11/5/1984	DP702951	DEPOSITED PLAN	FOLIO CREATED
		EDITION 1	
27/6/1986	W387508	DISCHARGE OF MORTGAGE	
27/6/1986	W387509	REQUEST	EDITION 2
22/10/1987	DP749570	DEPOSITED PLAN	FOLIO CANCELLED

*** END OF SEARCH ***

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Direct Info Pty Ltd - ABN 25 160 378 263 an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar-General in accordance with Section 96B (2) of the Real Property Act, 1900.

Req:R147322 /Doc:DL E484030 /Rev:04-Jun-2010 /NSW LRS /Pgs:ALL /Prt:04-Sep-2023 12:37 /Seq:1 of 1
© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

RP13

[redacted]

TRANSFER

Real Property Act, 1900

E 484030 K

Office of State Revenue use only

$200.00

0105Z2 4728 04 200425664/01

(A) **LAND TRANSFERRED**

Show no more than 20 References to Title.
If appropriate, specify the share transferred.

Folio Identifier 21/816236

(B) **LODGED BY**

L.T.O. Box	Name, Address or DX and Telephone
205	ANZ Knight Mudgee REFERENCE (max. 15 characters):

(C) **TRANSFEROR** JOFFRE ALEXANDER WALKER and BRIDGET MARY TERESA WALKER

(D) acknowledges receipt of the consideration of $96,000.00

and as regards the land specified above transfers to the transferee an estate in fee simple

(E) subject to the following **ENCUMBRANCES** 1. ..... 2. ..... 3. .....

(F) **TRANSFEREE**

(G) T

FRANK LOUIS KNIGHT of 44 Short Street, Mudgee and PAMELA KAY KNIGHT of the same address. JTZ

as joint tenants/~~tenants in common~~

(H) We certify this dealing correct for the purposes of the Real Property Act, 1900. **DATE OF EXECUTION** 13th May 1992

Signed in my presence by the transferor who is personally known to me.

Signature of Witness

C H COX

Name of Witness (BLOCK LETTERS)

MUDGEE SOLICITOR

Address of Witness

J A Walker.

B M Walker

Signature of Transferor

Signed in my presence by the transferee who is personally known to me.

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address of Witness

G.J. Hockley

Solicitor for Signature of Transferee

12

☞ **INSTRUCTIONS FOR FILLING OUT THIS FORM ARE AVAILABLE FROM THE LAND TITLES OFFICE**

CHECKED BY (office use only)

Ausdoc Commercial and Law Stationers 1991

disregard the inclusion of 42a 44 short Street, Mudgee

Req:R147346 /Doc:DL U488537 /Rev:24-Mar-2010 /NSW LRS /Pgs:ALL /Prt:04-Sep-2023 12:38 /Seq:1 of 1
© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

97-01 T

[redacted]

TRANSFER

Real Property Act, 1900

U 488537 B

Office of State Revenue use only

220694 0805 31 80040140Z/02 FHP $2.00

(A) **LAND TRANSFERRED**

Show no more than 20 References to Title.
If appropriate, specify the share transferred.

21/816236

(B) **LODGED BY**

L.T.O. Box	Name, Address or DX and Telephone
374	Westpac REFERENCE (max. 15 characters): 2653-44560-GS

(C) **TRANSFEROR** FRANK LOUIS KNIGHT and PAMELA KAY KNIGHT

(D) acknowledges receipt of the consideration of $95,000.00 (NINETY FIVE THOUSAND DOLLARS)
and as regards the land specified above transfers to the Transferee an estate in fee simple

(E) subject to the following **ENCUMBRANCES** 1. ..... 2. ..... 3. .....

(F) **TRANSFEREE** T ELAINE NERIDA CARTER

(G) **TENANCY:**

(H) We certify this dealing correct for the purposes of the Real Property Act, 1900. **DATED** 27th JUNE 1994

Signed in my presence by the Transferor who is personally known to me.

[redacted]
Signature of Witness

RICHARD GERARD FLYNN
Name of Witness (BLOCK LETTERS)

[redacted]
Address of Witness

[redacted]
Signature of Transferor

Signed in my presence by the Transferee who is personally known to

.....
Signature of Witness

.....
Name of Witness (BLOCK LETTERS)

.....
Address of Witness

.....
Signature of Transferee's Solicitor
RICHARD GERARD FLYNN

INSTRUCTIONS FOR FILLING OUT THIS FORM ARE AVAILABLE FROM THE LAND TITLES OFFICE

CHECKED BY (office use only) .....

Ausdoc Commercial and Law Stationers 1991

disregard the inclusion of 42a & 14 short Street, Mudgee.

Req:R147349 /Doc:DL AR792931 /Rev:13-Jan-2022 /NSW LRS /Prt:04-Sep-2023 12:38 /Seq:1 of 2
Â© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

System Document Identification

Form Number: 01T-e
Template Number: t_nsw18
ELN Document ID: 878157868
ELN NOS ID: 878157870

TRANSFER

New South Wales
Real Property Act 1900

Land Registry Document Identification

AR792931

Stamp Duty: 10299824-001

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

LODGED BY:

Responsible Subscriber:	JORDAN DJUNDJA LAWYERS ABN 90484216032
Address:	23A Regent ST Kogarah 2217
Email:	joanna@jordandjundja.com.au
ELNO Subscriber Number:	22164
Customer Account Number:	502420B
Document Collection Box:	1W
Client Reference:	42A PTY LTD (PU

LAND TITLE REFERENCE

21/816236

TRANSFEROR

ELAINE NERIDA CARTER

TRANSFEREE

42A PTY LTD ACN 654017240
Registered company

Tenancy: Sole Proprietor

CONSIDERATION

The transferor acknowledges receipt of the consideration of $775,000.00

ESTATE TRANSFERRED

FEE SIMPLE

The Transferor transfers to the Transferee the Estate specified in this Instrument and acknowledges receipt of any Consideration shown.

SIGNING FOR TRANSFEROR

I certify that:

1. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.

Party Represented by Subscriber:

ELAINE NERIDA CARTER

Signed By: Emma Louise Best
ELNO Signer Number: 43254

Signer Capacity: Practitioner Certifier
Digital Signing Certificate Number:

Signed for Subscriber: PARTNERS OF FLYNNS SOLICITORS ABN 36978896824

FLYNNS SOLICITORS

Disregard the inclusion of 42a & 44 Short Street, Mudgee.

Req:R147349 /Doc:DL AR792931 /Rev:13-Jan-2022 /NSW LRS /Prt:04-Sep-2023 12:38 /Seq:2 of 2
Â© Office of the Registrar-General /Src:DirectInfo /Ref:DI-E3097

Subscriber Capacity: Representative Subscriber
ELNO Subscriber Number: 9401 **Customer Account Number:** 501433
Date: 13/01/2022

SIGNING FOR TRANSFEREE

I certify that:

1. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.

Party Represented by Subscriber:

42A PTY LTD

Signed By: James Jordan **Signer Capacity:** Practitioner Certifier
ELNO Signer Number: 49993 **Digital Signing Certificate Number:**

Signed for Subscriber: PARTNERS OF JORDAN DJUNDJA LAWYERS ABN 90484216032

JORDAN DJUNDJA LAWYERS

Subscriber Capacity: Representative Subscriber
ELNO Subscriber Number: 22164 **Customer Account Number:** 502420
Date: 13/01/2022

disregard the inclusion of 42a & 44 Short Street, Mudgee.

APPENDIX D: NSW EPA RECORDS

disregard the inclusion of 42a & 44 Short Street, Mudgee.

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Search results

Your search for: Suburb: MUDGEE

Matched 9 notices relating to 1 site.

Search Again Refine Search

Suburb	Address	Site Name	Notices related to this site
MUDGEE	47 Douro STREET	Mobil Depot	6 current and 3 former

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Suburb	SiteName	Address	ContaminationActivityType	ManagementClass	Latitude	Longitude
MOUNT ANNAN	Great Southern Railways Aqueduct	Off Narellan ROAD	Unclassified	Regulation under CLM Act not required	-34.07308479	150.7707436
MOUNT ANNAN	Woolworths Caltex Mount Annan	157 Narellan (Corner Smeaton Grange Road) ROAD	Service Station	Regulation under CLM Act not required	-34.04685527	150.7610434
MOUNT COLAH	Caltex Service Station Mount Colah	603 Pacific HIGHWAY	Service Station	Regulation under CLM Act not required	-33.67034662	151.1151861
MOUNT COLAH	Foxglove Oval	Foxglove ROAD	Landfill	Contamination currently regulated under CLM Act	-33.65829855	151.1229638
MOUNT DRUITT	7-Eleven Mount Druitt	Lot 6 Luxford ROAD	Other Petroleum	Regulation under CLM Act not required	-33.76483839	150.8254157
MOUNT DRUITT	Caltex (former Mobil) Service Station, 17 Mount Street, Mount Druitt	17 Mount STREET	Service Station	Regulation under CLM Act not required	-33.76567994	150.8244544
MOUNT HUTTON	Woolworths Service Station	46 Wilsons ROAD	Service Station	Regulation under CLM Act not required	-32.9836378	151.67309
MOUNT PRITCHARD	7-Eleven Service Station	352 Elizabeth DRIVE	Service Station	Regulation under CLM Act not required	-33.90260656	150.8963326
MOUNT THORLEY	Bulga Surface Operations	Broke ROAD	Other Industry	Regulation under CLM Act not required	-32.68325751	151.1206158
MOUNT THORLEY	Lowes Petroleum (Former BP) Depot Mount Thorley	74 Mount Thorley ROAD	Other Petroleum	Regulation under CLM Act not required	-32.62443074	151.1025122
MOUNT VICTORIA	Caltex Service Station	36a Great Western HIGHWAY	Service Station	Regulation under CLM Act not required	-33.58436517	150.2465528
MOUNT VICTORIA	Former Mobil Service Station	81 Great Western HIGHWAY	Service Station	Regulation under CLM Act not required	-33.5889727	150.2511783
MUDGEE	BP Service Station Mudgee	77 Church STREET	Service Station	Regulation under CLM Act not required	-32.59545872	149.588123
MUDGEE	Caltex Service Station	114-116 Church STREET	Service Station	Regulation under CLM Act not required	-32.59428029	149.5876199
MUDGEE	Former Caltex Depot Mudgee	cnr Nicholson Street & Atkinson STREET	Other Petroleum	Regulation under CLM Act not required	-32.60125298	149.5851398

disregard the inclusion of 42a & 44 Short Street, Mudgee

Suburb	SiteName	Address	ContaminationActivityType	ManagementClass	Latitude	Longitude
MUDGEE	Former Essential Energy Depot	27-31 Inglis STREET	Other Industry	Regulation under CLM Act not required	-32.60076552	149.5858905
MUDGEE	Mobil Depot	47 Douro STREET	Other Petroleum	Contamination currently regulated under CLM Act	-32.60023979	149.5823448
MUDGEE	Mudgee Gasworks	Mortimer Street and Court STREET	Gasworks	Regulation under CLM Act not required	-32.59168859	149.5817705
MUDGEE	Shell Coles Express Service Station	47 Church STREET	Service Station	Regulation under CLM Act not required	-32.59347493	149.5884623
MULGRAVE	7-Eleven (former Mobil) Service Station	Corner Windsor Road and Mulgrave ROAD	Service Station	Regulation under CLM Act not required	-33.61687781	150.8341809
MULLUMBIMBY	Station Street, Mullumbimby NSW 2482	Station STREET	Other Industry	Regulation under CLM Act not required	-28.55211357	153.5035218
MULWALA	Mulwala ADI Explosives Factory	Bayly STREET	Other Industry	Regulation under CLM Act not required	-35.97572689	145.9809786
MURWILLUMBAH	Murwillumbah Ambulance Depot	27 Queen STREET	Other Petroleum	Regulation under CLM Act not required	-28.32552576	153.4000182
MURWILLUMBAH SOUTH	Caltex Murwillumbah (formerly Puma)	182 Tweed Valley WAY	Service Station	Contamination formerly regulated under the CLM Act	-28.3263681	153.4103824
MURWILLUMBAH SOUTH	Former Norco Butter Factory (Eastern Portion)	230 Tweed Valley WAY	Other Petroleum	Regulation under CLM Act not required	-28.32791359	153.4073052
MUSWELLBROOK	Bayswater Power Station	New England HIGHWAY	Other Industry	Regulation under CLM Act not required	-32.3954046	150.9502683
MUSWELLBROOK	Caltex Muswellbrook Service Station	84-86 Maitland STREET	Service Station	Regulation under CLM Act not required	-32.27793094	150.8980938
MUSWELLBROOK	Caltex Service Station	12-16 Sydney STREET	Service Station	Regulation under CLM Act not required	-32.26785559	150.8879601
MUSWELLBROOK	Former Caltex Depot	1 Lower William STREET	Other Petroleum	Regulation under CLM Act not required	-32.26614257	150.8865136
MUSWELLBROOK	Former Caltex Depot	47-50 Victoria STREET	Service Station	Regulation under CLM Act not required	-32.26788823	150.8930609

disregard the inclusion of 42a & 44 Short Street, Mudgee

The NSW Government PFAS Investigation Program

View a map of the sites in NSW that may be contaminated with PFAS, learn how to reduce your exposure to these dangerous chemicals, and read about our investigation of the issue.

The EPA is leading an investigation program to assess the legacy of PFAS use across NSW. With the assistance of the NSW PFAS Technical Advisory Group, which includes NSW Health, Department of Primary Industries and the Office of Environment and Heritage, we provide impacted residents with tailored, precautionary dietary advice to help them reduce any exposure to PFAS.

Current investigations are focused on sites where it is likely that large quantities of PFAS have been used. The EPA is currently investigating PFAS at these sites:

Map view | List view

Clear filters

☐ Only show sites within current map view

Showing 0 of 50 sites

Organisation	Address	Status
filter by organisation	mudgee	☑ PFAS investigation site

Tags: PFAS

disregard the intrusion of
42a & 44 Short Street, Mudgee.

Search results

Your search for: **POEO Licences** with the following criteria

Suburb - mudgee

returned 3 results

Export to excel

1 of 1 Pages

Search Again

Number	Name	Location	Type	Status	Issued date
20328	COUNTRY SCRAP & STEEL PTY LIMITED	30 Industrial Avenue, MUDGEE, NSW 2850	POEO licence	Surrendered	11 Sep 2013
1493	FLETCHER INTERNATIONAL EXPORTS PTY LTD	MUNNA ROAD, MUDGEE, NSW 2850	POEO licence	Surrendered	17 Oct 2000
2588	R.K MURDOCH PTY LIMITED	BUCKAROO LANE, MUDGEE, NSW 2850	POEO licence	Issued	13 Dec 1999

disregard the inclusion of 42a & 41 Short Street, Mudgee.

APPENDIX E: BUREAU OF METEOROLOGY

disregard the inclusion of 42a & 44 Short Street, Mudgee.

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Summary statistics for all years

Move mouse over highest daily rainfall to view dates.

Statistic	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean	68.1	62.5	54.7	44.5	48.4	54.6	53.0	52.3	52.5	60.2	62.6	64.8
Median	55.9	47.4	39.6	31.5	40.7	44.2	46.5	45.1	45.2	51.3	52.8	54.8
Highest Daily	95.3	169.0	115.0	86.9	73.9	57.4	70.6	68.0	70.6	68.1	102.9	118.9

Plot statistics and this year

disregard the inclusion of
42a & 44 Short Street, Mudgee.

APPENDIX F: DPI (OFFICE OF WATER) DATABASE RECORDS

disregard the inclusion of 42a & 44 Short Street, Mudgee.

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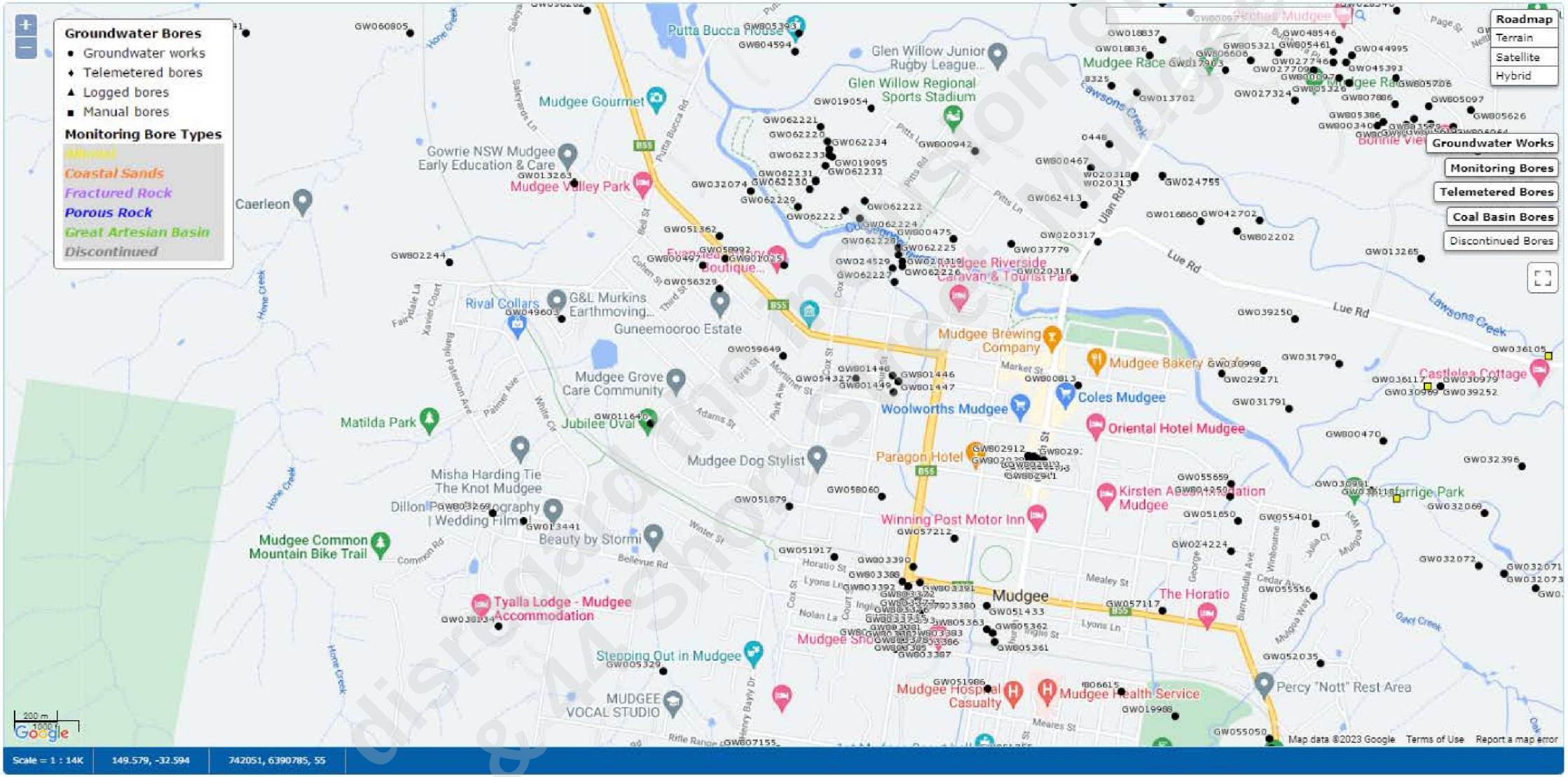

disregard the information
42a & 44 Short Street Mudgee.

WaterNSW
Work Summary

GW020316

Licence:
Licence Status:

Authorised Purpose(s):
Intended Purpose(s): TOWN WATER SUPPL

Work Type: Well
Work Status: Supply Obtained
Construct.Method:
Owner Type: Local Govt

Commenced Date:
Completion Date: 01/01/1926
Final Depth: 9.10 m
Drilled Depth: 9.10 m

Contractor Name: (None)
Driller:
Assistant Driller:

Property:
GWMA:
GW Zone:
Standing Water Level (m):
Salinity Description: Hard
Yield (L/s):

Site Details

Site Chosen By:

	County	Parish	Cadastre
Form A:	PHILLIP	BOMBIRA	1//934996
Licensed:			

Region: 80 - Macquarie-Western
River Basin: 421 - MACQUARIE RIVER
Area/District:
CMA Map: 8832-4N
Grid Zone:
Scale:

Elevation: 0.00 m (A.H.D.)
Elevation Source: Unknown
Northing: 6391483.000
Easting: 743057.000
Latitude: 32°35'15.0"S
Longitude: 149°35'22.3"E

GS Map: -
MGA Zone: 55
Coordinate Source: GIS - Geogra

Construction

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Concrete Cylinder	-0.60	-0.60	3048			

Remarks

20/07/1984: MUDGEE TOWN WATER SUPPLY.
18/01/2012: Nat Carling, 18-Jan-2012; Updated coordinates, as provided by Water Licensing Officer.

***** End of GW020316 *****

Warning To Clients: This raw data has been supplied to the WaterNSW by drillers, licensees and other sources. WaterNSW does not verify the accuracy of this data. The data is presented for use by you at your own risk. You should consider verifying this data before relying on it. Professional hydrogeological advice should be sought in interpreting and using this data.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

WaterNSW
Work Summary

GW062228

Licence:
Licence Status:

Authorised Purpose(s):
Intended Purpose(s): TOWN WATER SUPPL

Work Type: Well
Work Status: Supply Obtained
Construct.Method:
Owner Type: Local Govt

Commenced Date:
Completion Date: 01/01/1983
Final Depth: 3.60 m
Drilled Depth: 3.60 m

Contractor Name:
Driller:
Assistant Driller:

Property:
GWMA:
GW Zone:
Standing Water Level (m): 0.800
Salinity Description:
Yield (L/s): 20.000

Site Details

Site Chosen By:

	County	Parish	Cadastre
Form A:	WELLINGTON	MULYAN	10//758721 (SEC 23A)
Licensed:			

Region: 80 - Macquarie-Western
River Basin: 421 - MACQUARIE RIVER
Area/District:
CMA Map: 8832-N
Grid Zone:
Scale:

Elevation: 0.00 m (A.H.D.)
Elevation Source: Unknown
Northing: 6391624.000
Easting: 742336.000
Latitude: 32°35'11.0"S
Longitude: 149°34'54.5"E

GS Map: -
MGA Zone: 55
Coordinate Source: GIS - Geogra

Construction

disregard the inclusion of 42a & 44 Short Street, Mudgee.

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1		Hole	Hole	0.00	3.60	1500			(Unknown)
1	1	Casing	Concrete	0.00	3.60	1500			

Remarks

01/01/1983: Form A Remarks:
Figures given are for river flow conditions.
30/07/2012: Nat Carling, 30-July-2012; Updated coordinates, as provided by water licensing. Also updated missing information, based on existing details.

***** End of GW062228 *****

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disregard the inclusion of 42a & 44 Short Street, Mudgee.

WaterNSW
Work Summary

GW801448

Licence:
Licence Status:
Authorised Purpose(s):
Intended Purpose(s): MONITORING BORE

Work Type: Bore
Work Status: Equipped
Construct.Method: Rot. Rev. Circ. Air
Owner Type: Private

Commenced Date:
Completion Date: 31/05/2001
Final Depth: 15.00 m
Drilled Depth: 16.00 m

Contractor Name: ENGINEERING EXPLORATIONS PTY LTD
Driller: Trevor Higgs
Assistant Driller:

Property:
GWMA:
GW Zone:
Standing Water Level (m): 2.440
Salinity Description:
Yield (L/s):

Site Details

Site Chosen By:

	County	Parish	Cadastre
Form A:	WELLINGTON	MUDGEE	LT 2 DP 874233
Licensed:			

Region: 80 - Macquarie-Western
CMA Map: 8832-N
River Basin: 421 - MACQUARIE RIVER
Area/District:
Grid Zone:
Scale:

Elevation: 452.91 m (A.H.D.)
Elevation Source: (Unknown)
Northing: 6391100.000
Easting: 742296.000
Latitude: 32°35'28.0"S
Longitude: 149°34'53.5"E

GS Map: -
MGA Zone: 55
Coordinate Source: GPS - Global

Construction

disregard the inclusion of 42a & 44 short Street, Mudgee.

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1		Hole	Hole	0.00	16.00	120			Rot. Rev. Circ. Air
1		Annulus	Crushed Aggregate	11.00	16.00				Graded
1	1	Casing	Pvc Class 18	0.00	11.50	60			Screwed
1	1	Opening	Slots - Horizontal	11.50	14.50	60		0	Mechanically Slotted, PVC Class 18, SL: 3000.0mm, A: 0.40mm
1	1	Casing	Pvc Class 18	14.50	15.00	60			Screwed

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
11.20	16.00	4.80	Unknown						

Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
0.00	1.00	1.00	Topsoil	Topsoil	
1.00	3.50	2.50	Clay, gravelly	Clay	
3.50	4.20	0.70	Claystone	Claystone	
4.20	16.00	11.80	Siltstone	Siltstone	

***** End of GW801448 *****

Warning To Clients: This raw data has been supplied to the NSW Office of Water by drillers, licensees and other sources. The NOW does not verify the accuracy of this data. The data is presented for use by you at your own risk. You should consider verifying this data before relying on it. Professional hydrogeological advice should be sought in interpreting and using this data.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

APPENDIX G: PROPOSED DEVELOPMENT PLANS

disregard the inclusion of 42a & 44 Short Street, Mudgee.

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Wb: www.cmtarchitects.com

36-42A SHORT STREET, MUDGEE

Planning Proposal

42 & 44 Short Street, Mudgee.
Regard the Inclusion of

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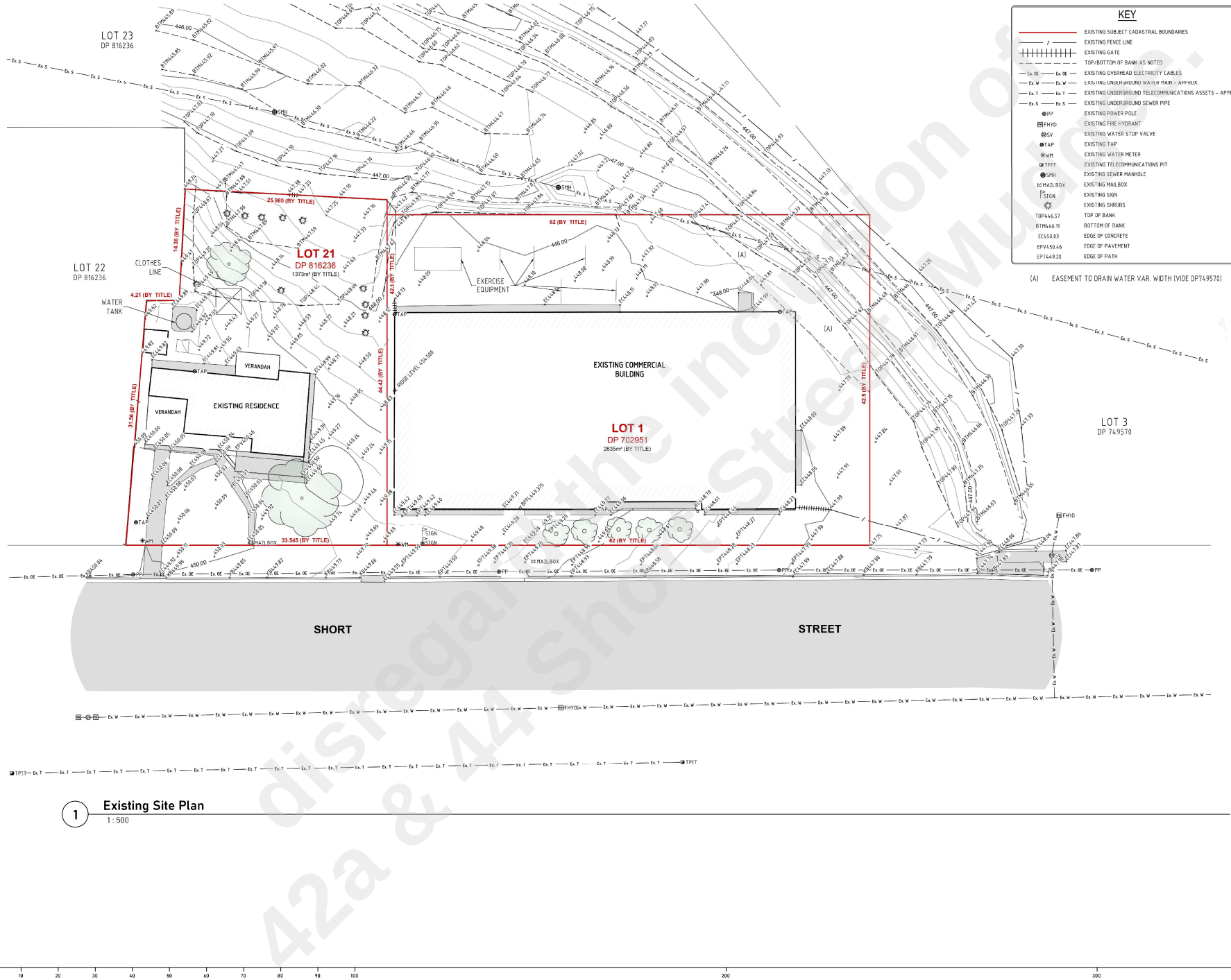

KEY

- EXISTING SUBJECT CADASTRAL BOUNDARIES
- EXISTING FENCE LINE
- EXISTING GATE
- TOP/BOTTOM OF BANK AS NOTED
- Ex. OE — EXISTING OVERHEAD ELECTRICITY CABLES
- Ex. W — EXISTING UNDERGROUND WATER MAIN - APPROX.
- Ex. T — EXISTING UNDERGROUND TELECOMMUNICATIONS ASSETS - APPROX.
- Ex. S — EXISTING UNDERGROUND SEWER PIPE
- PP — EXISTING POWER POLE
- FHYD — EXISTING FIRE HYDRANT
- SV — EXISTING WATER STOP VALVE
- TAP — EXISTING TAP
- WM — EXISTING WATER METER
- TPIT — EXISTING TELECOMMUNICATIONS PIT
- SMH — EXISTING SEWER MANHOLE
- MAILBOX — EXISTING MAILBOX
- SIGN — EXISTING SIGN
- EXISTING SHRUBS
- TOP446.57 — TOP OF BANK
- BTM446.11 — BOTTOM OF BANK
- EC450.03 — EDGE OF CONCRETE
- EPV450.46 — EDGE OF PAVEMENT
- EPT449.20 — EDGE OF PATH

(A) EASEMENT TO DRAIN WATER VAR. WIDTH (VIDE DP749570)

1 **Existing Site Plan**
1 : 500

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Orientation

Notes

Planning Proposal

Issue	Date	Description	Drawn
B	05/07/23	July 2023	Adam Bennett

Sheet: 3 | Issue: B

Drawing Name:
Existing Site Plan

Site:
36-42a Short Street, Mudgee

Scale:	Date: 05/07/23
Drawn:	Checked:

CMT ARCHITECTS
AUSTRALIA PTY LTD

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Ph: +61 9587 4330
Fax: + 61 9587 4332
E: info@cmtarchitects.com
Web: www.cmtarchitects.com

Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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disregard the intention of
42a & 44 Short Street Mudgee.

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1 Site
1 : 500

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Orientation N

Notes

Planning Proposal

Issue	Date	Description	Drawn
B	05/07/23	July 2023	Adam Bennett

Sheet: 4 Issue: B

Drawing Name:
Proposed Site

Site:
36-42a Short Street, Mudgee

Scale: Date: 05/07/23

Drawn: Checked:

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Web: www.cmtarchitects.com

Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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discretionary
42a & 44
office
Mudgee.

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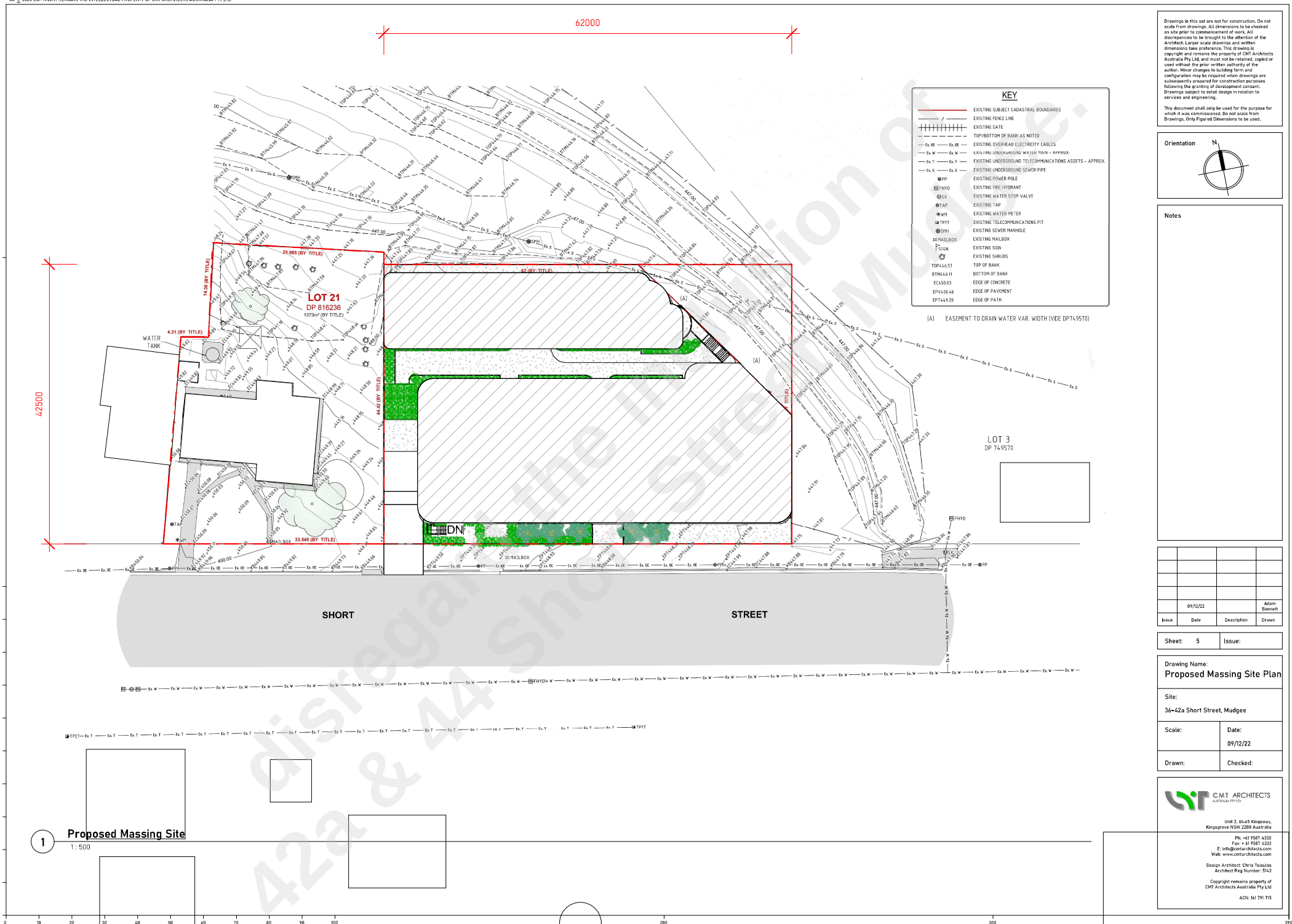

1 **Proposed Massing Site**
1 : 500

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Orientation

Notes

Issue	Date	Description	Drawn
	09/12/22		Adam Bennett

Sheet: 5 | Issue:

Drawing Name: **Proposed Massing Site Plan**

Site: 36-42a Short Street, Mudgee

Scale: | Date: 09/12/22

Drawn: | Checked:

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Kingsgrove NSW 2208 Australia
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Web: www.cmtarchitects.com
Design Architect: Chris Tsioulos
Architect Reg Number: 5143
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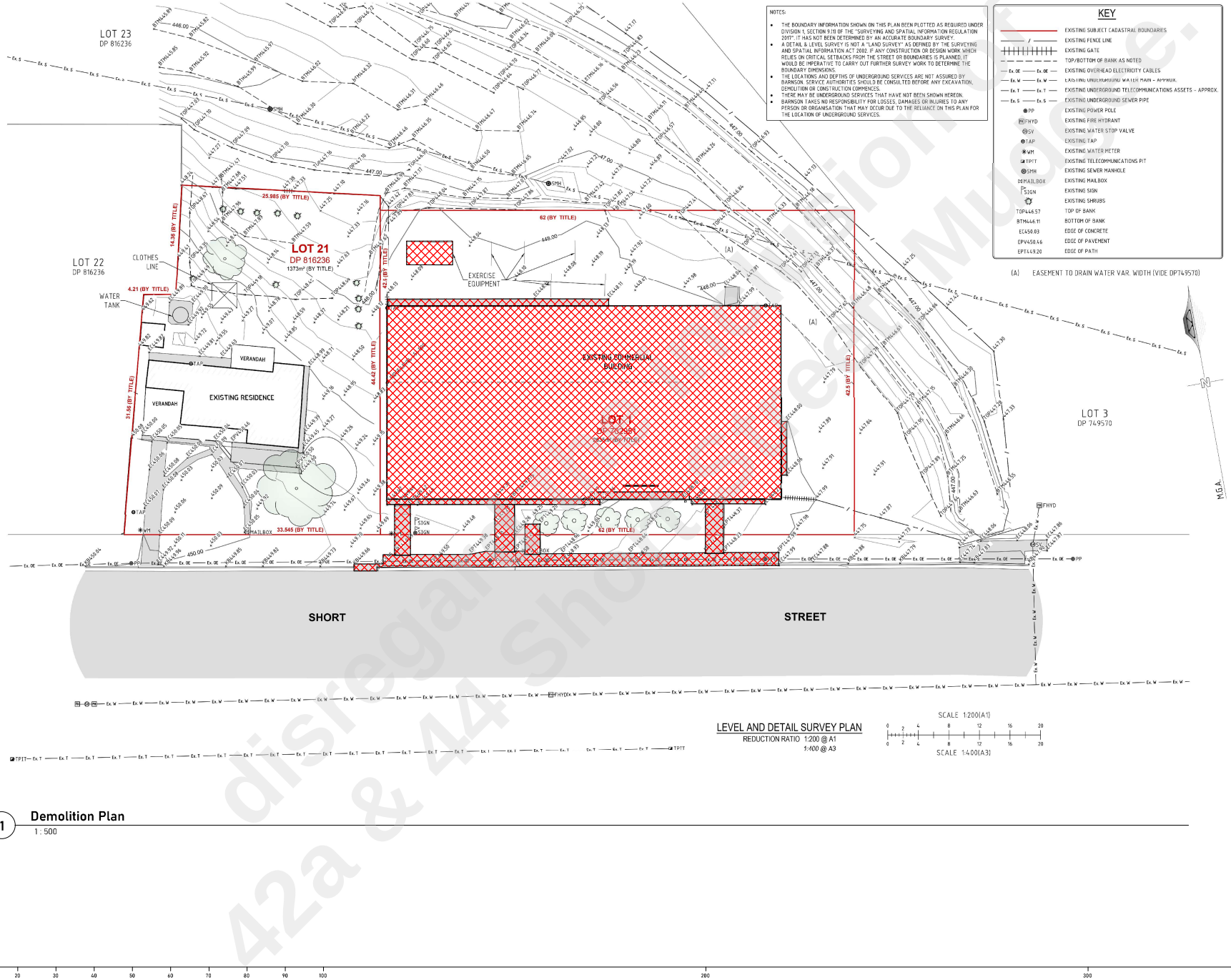

NOTES:

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN BEEN PLOTTED AS REQUIRED UNDER DIVISION 1, SECTION 9 (1) OF THE "SURVEYING AND SPATIAL INFORMATION REGULATION 2017". IT HAS NOT BEEN DETERMINED BY AN ACCURATE BOUNDARY SURVEY.
- A DETAIL & LEVEL SURVEY IS NOT A "LAND SURVEY" AS DEFINED BY THE SURVEYING AND SPATIAL INFORMATION ACT 2002. IF ANY CONSTRUCTION OR DESIGN WORK WHICH RELIES ON CRITICAL SETBACKS FROM THE STREET OR BOUNDARIES IS PLANNED, IT WOULD BE IMPERATIVE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.
- THE LOCATIONS AND DEPTHS OF UNDERGROUND SERVICES ARE NOT ASSURED BY BARNSON. SERVICE AUTHORITIES SHOULD BE CONSULTED BEFORE ANY EXCAVATION, DEMOLITION OR CONSTRUCTION COMMENCES.
- THERE MAY BE UNDERGROUND SERVICES THAT HAVE NOT BEEN SHOWN HEREON.
- BARNSON TAKES NO RESPONSIBILITY FOR LOSSES, DAMAGES OR INJURIES TO ANY PERSON OR ORGANISATION THAT MAY OCCUR DUE TO THE RELIANCE ON THIS PLAN FOR THE LOCATION OF UNDERGROUND SERVICES.

KEY

- EXISTING SUBJECT CADASTRAL BOUNDARIES
- EXISTING FENCE LINE
- EXISTING GATE
- TOP/BOTTOM OF BANK AS NOTED
- Ex. OE — EXISTING OVERHEAD ELECTRICITY CABLES
- Ex. W — EXISTING UNDERGROUND WATER MAIN - APPROX.
- Ex. T — EXISTING UNDERGROUND TELECOMMUNICATIONS ASSETS - APPROX.
- Ex. S — EXISTING UNDERGROUND SEWER PIPE
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- BTM446.11 — BOTTOM OF BANK
- EC450.03 — EDGE OF CONCRETE
- EPV450.46 — EDGE OF PAVEMENT
- EPT449.20 — EDGE OF PATH

(A) EASEMENT TO DRAIN WATER VAR. WIDTH (VIDE DP749570)

LEVEL AND DETAIL SURVEY PLAN
REDUCTION RATIO 1:200 @ A1
1:400 @ A3

SCALE 1:200(A1)
SCALE 1:400(A3)

1 **Demolition Plan**
1 : 500

disregard for construction
42a & 44 Short Street Mudgee

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Orientation

Notes

Planning Proposal

Issue	Date	Description	Drawn
B	05/07/23	July 2023	Adam Bennett

Sheet: 6 | Issue: B

Drawing Name:
Demolition Plan

Site:
36-42a Short Street, Mudgee

Scale:	Date: 05/07/23
Drawn:	Checked:

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Kingsgrove NSW 2208 Australia

Ph: +61 9587 4330
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E: info@cmtarchitects.com
Web: www.cmtarchitects.com

Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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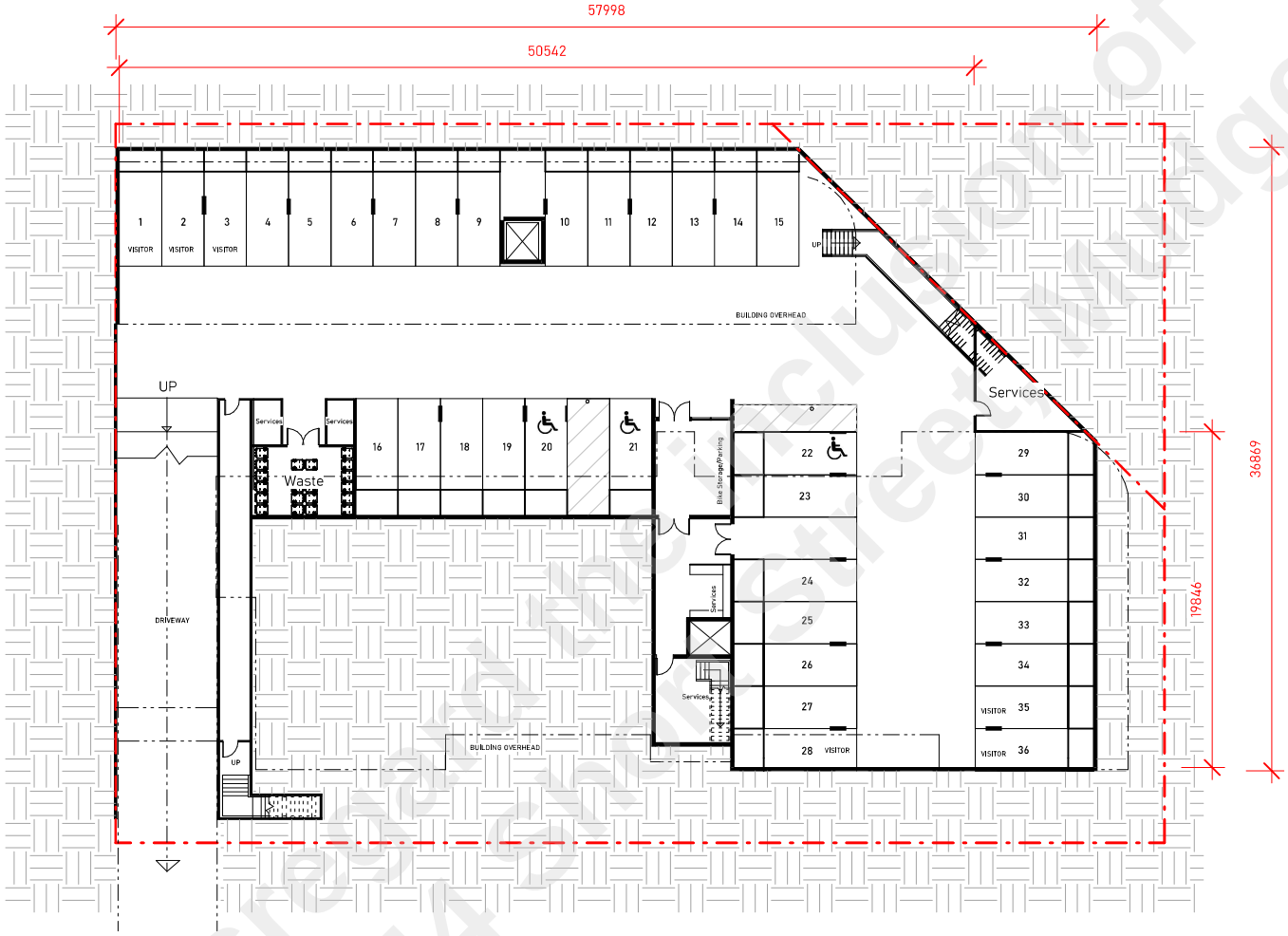

1 **00 - Basement**
1 : 300

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Orientation

Notes

Planning Proposal

Issue	Date	Description	Drawn
B	05/07/23	July 2023	Adam Bennett

Sheet: 7 | Issue: B

Drawing Name:
Basement

Site:
36-42a Short Street, Mudgee

Scale:	Date: 05/07/23
Drawn:	Checked:

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Web: www.cmtarchitects.com

Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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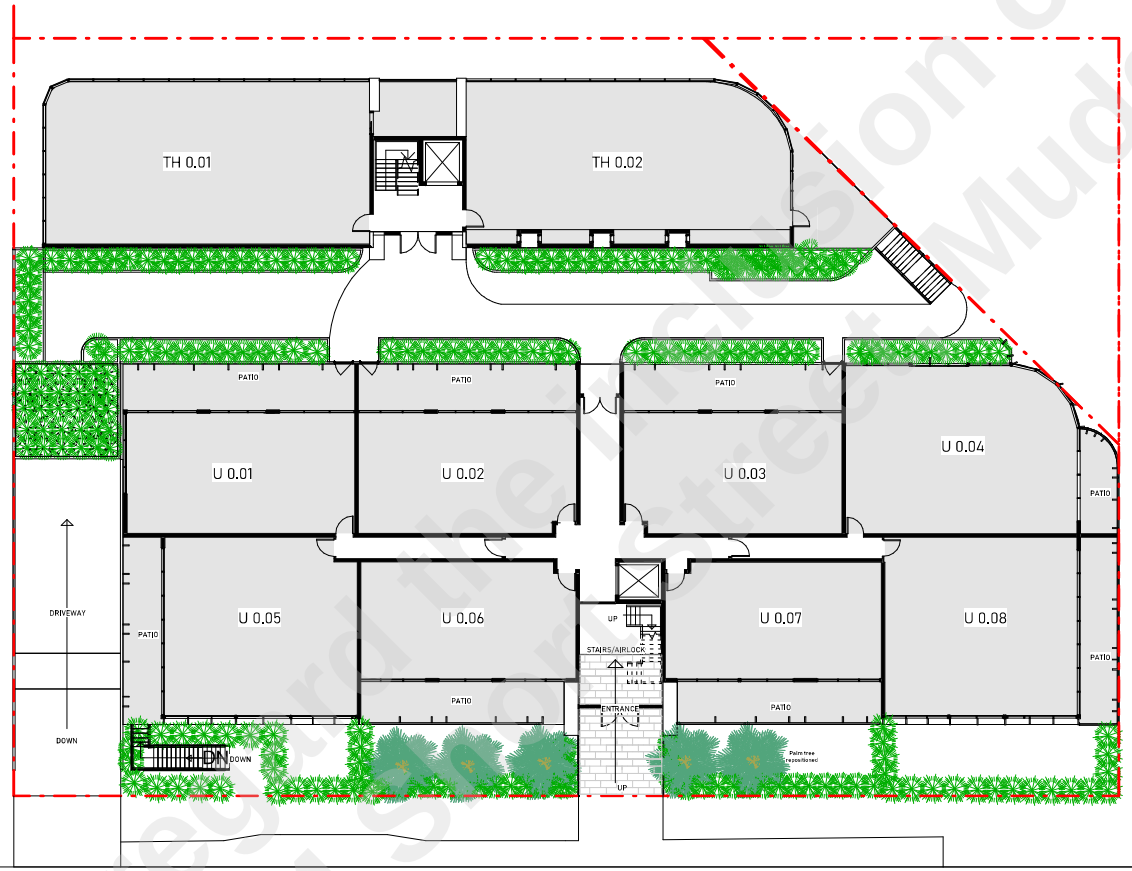

1 **01 - Ground**
1 : 300

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Orientation

Notes

Planning Proposal

Issue	Date	Description	Drawn
B	05/07/23	July 2023	Adam Bennett

Sheet: 8 | Issue: B

Drawing Name:
Ground Floor

Site:
36-42a Short Street, Mudgee

Scale:	Date: 05/07/23
Drawn:	Checked:

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Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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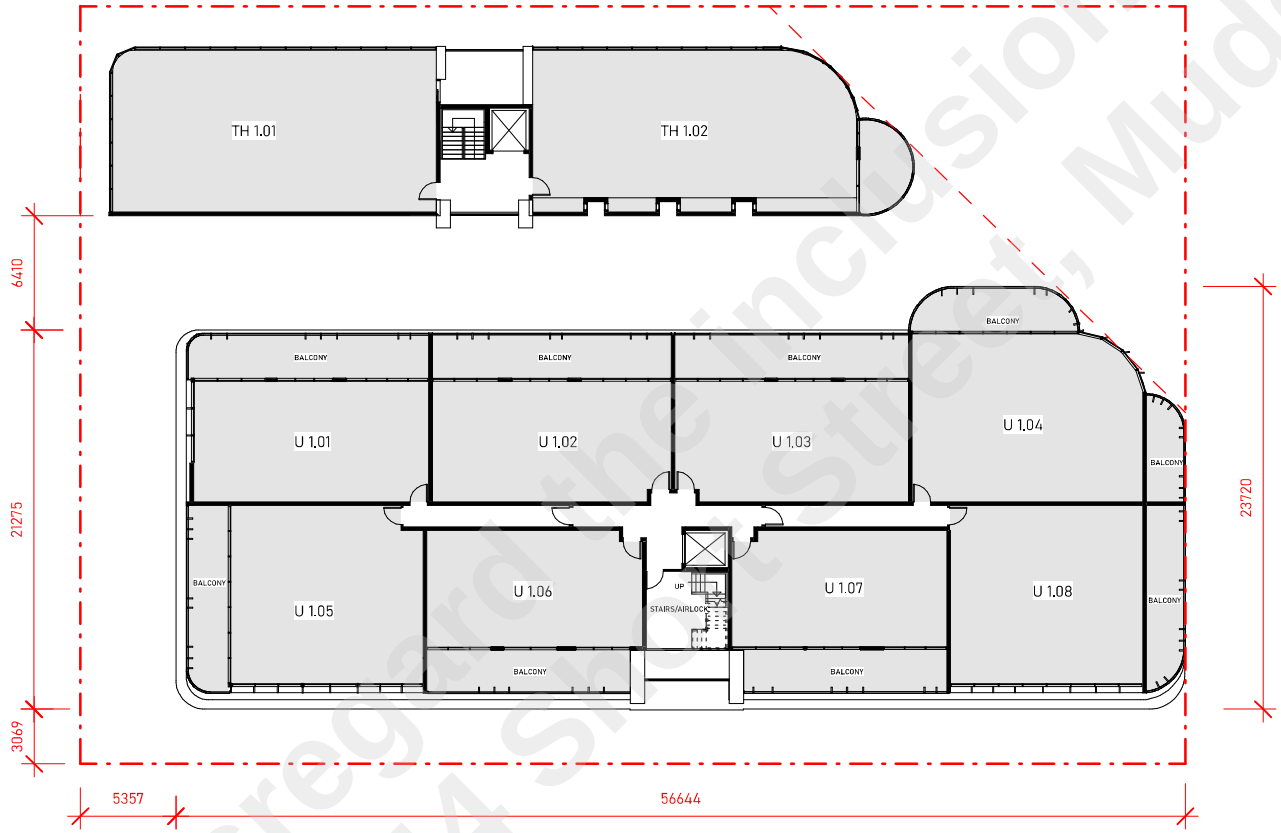

1 **02 - First**
1 : 300

disregard the inclusion of 42a & 44 Short Street, Mudgee.

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Orientation N

Notes

Planning Proposal

Issue	Date	Description	Drawn
B	05/07/23	July 2023	Adam Bennett

Sheet: 9 | Issue: B

Drawing Name:
First Floor

Site:
36-42a Short Street, Mudgee

Scale:	Date: 05/07/23
Drawn:	Checked:

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Unit 2, 61-65 Kingsway,
Kingsgrove NSW 2208 Australia

Ph: +61 9587 4330
Fax: + 61 9587 4332
E: info@cmtarchitects.com
Web: www.cmtarchitects.com

Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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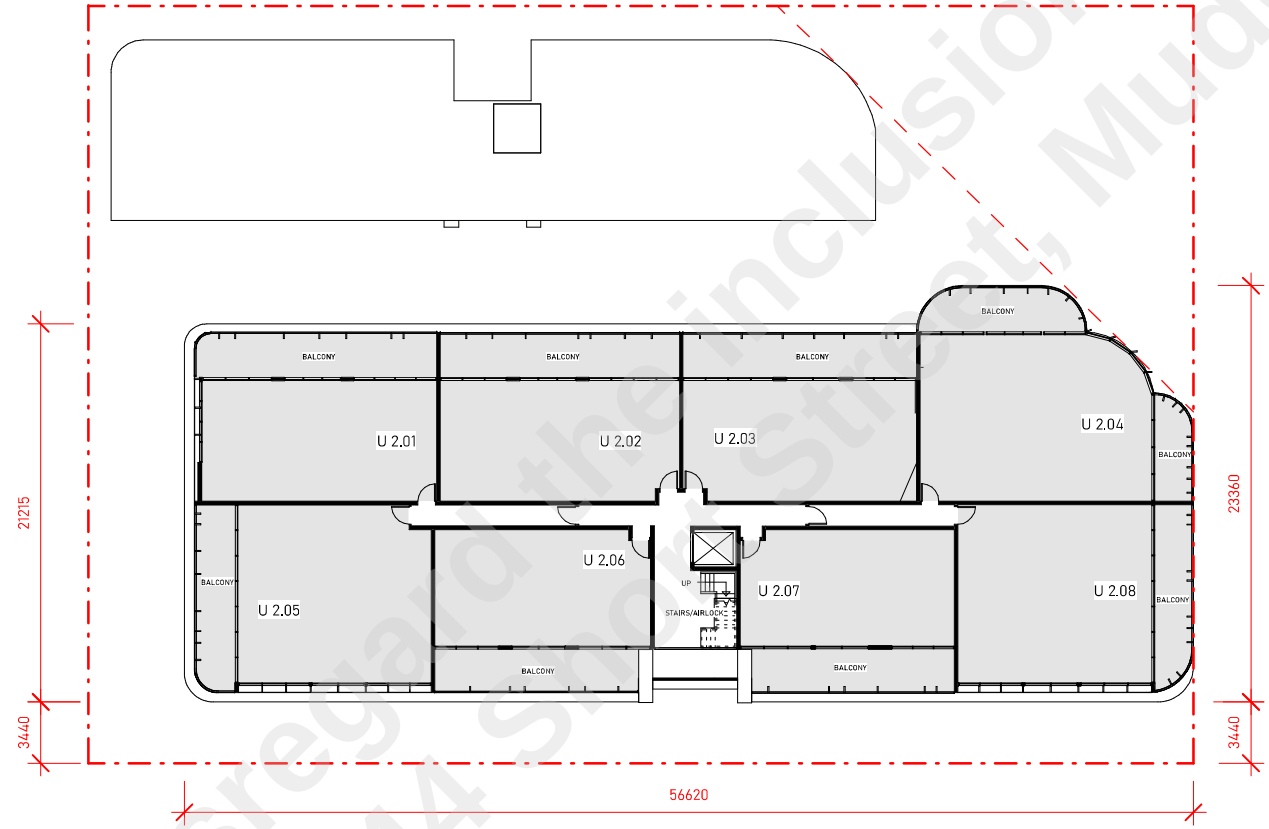

1 **03 - Second**
1 : 300

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Orientation

Notes

Planning Proposal

Issue	Date	Description	Drawn
B	05/07/23	July 2023	Adam Bennett

Sheet: 10 | Issue: B

Drawing Name:
Second Floor

Site:
36-42a Short Street, Mudgee

Scale: | Date: 05/07/23

Drawn: | Checked:

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Unit 2, 61-65 Kingsway,
Kingsgrove NSW 2208 Australia

Ph: +61 9587 4330
Fax: + 61 9587 4332
E: info@cmtarchitects.com
Web: www.cmtarchitects.com

Design Architect: Chris Tsioulos
Architect Reg Number: 5143

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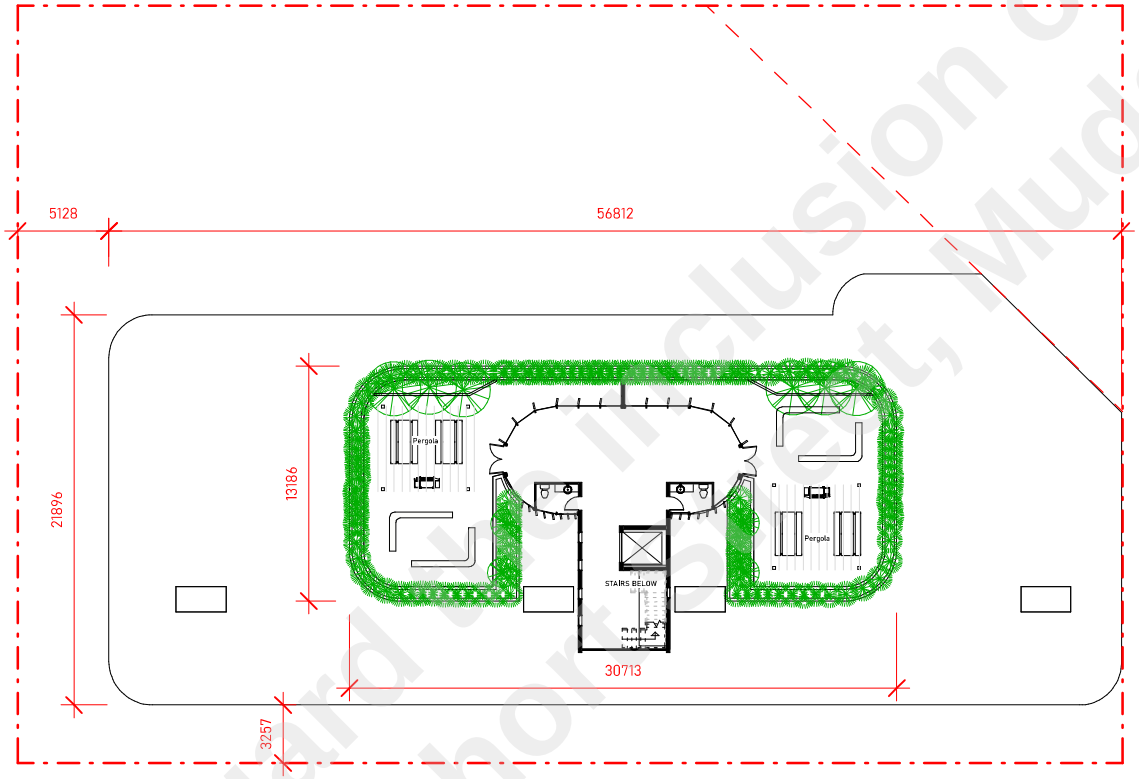

1 **04 - Rooftop**
1 : 300

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Issue	Date	Description	Drawn
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Sheet: 11	Issue: B

Drawing Name:
Rooftop

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36-42a Short Street, Mudgee

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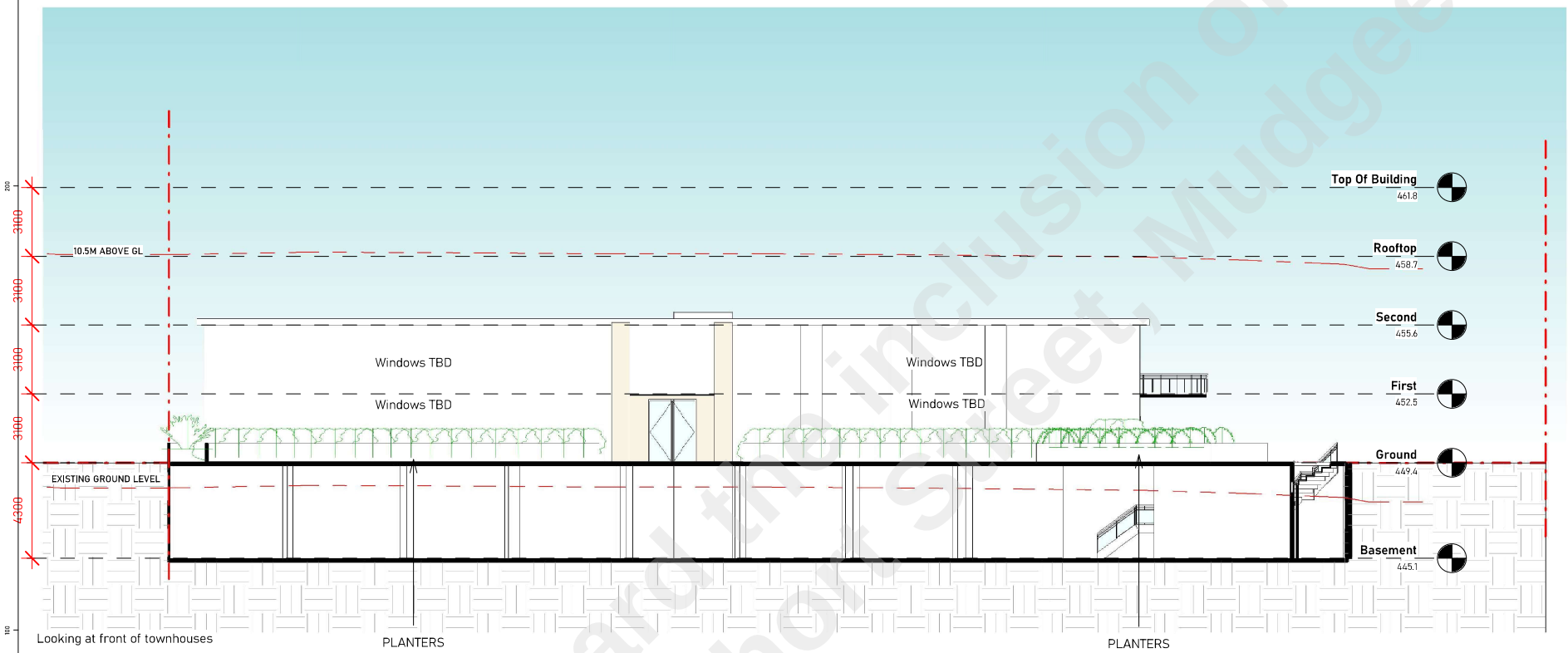

1 **Section 1**
1 : 200

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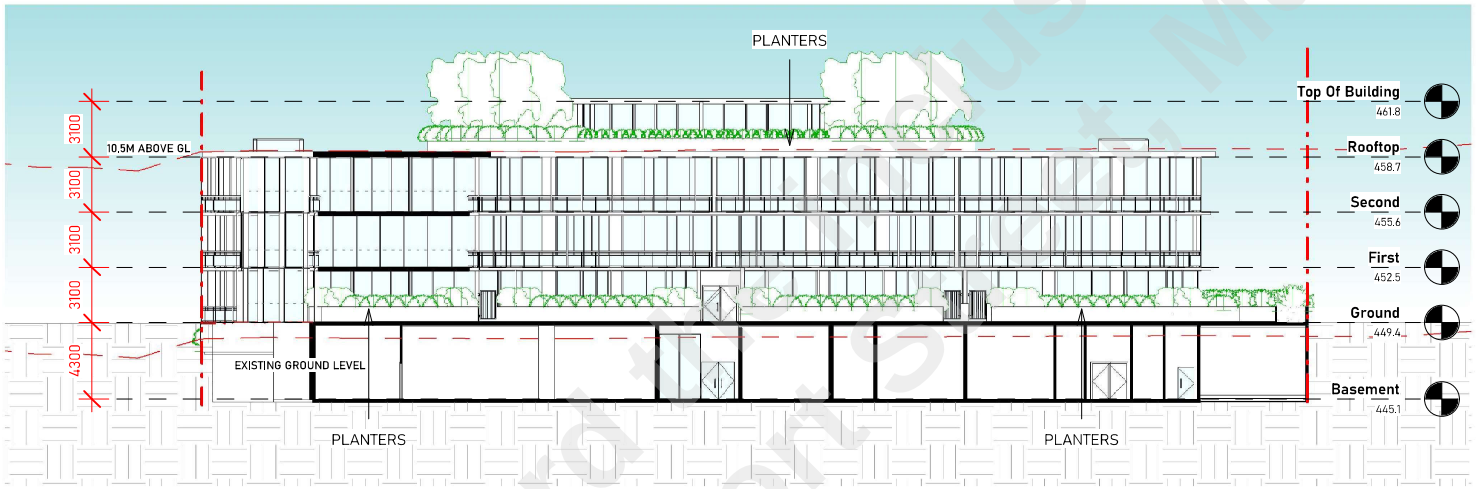

Looking at rear of unit block

1 **Section 2**
1 : 300

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Sheet: 13 | Issue: B

Drawing Name:
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36-42a Short Street, Mudgee

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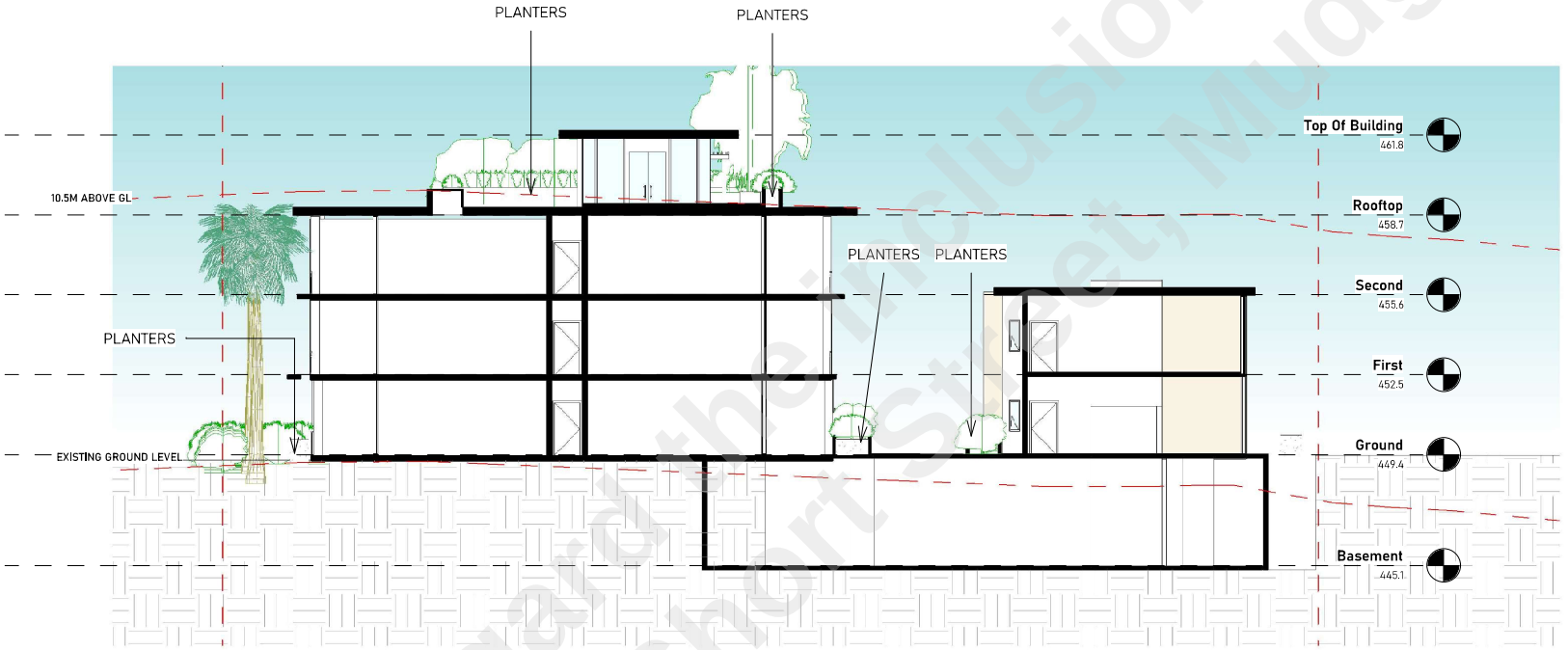

Cut section through middle of unit block

1 **Section 3**
1 : 200

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Section 3

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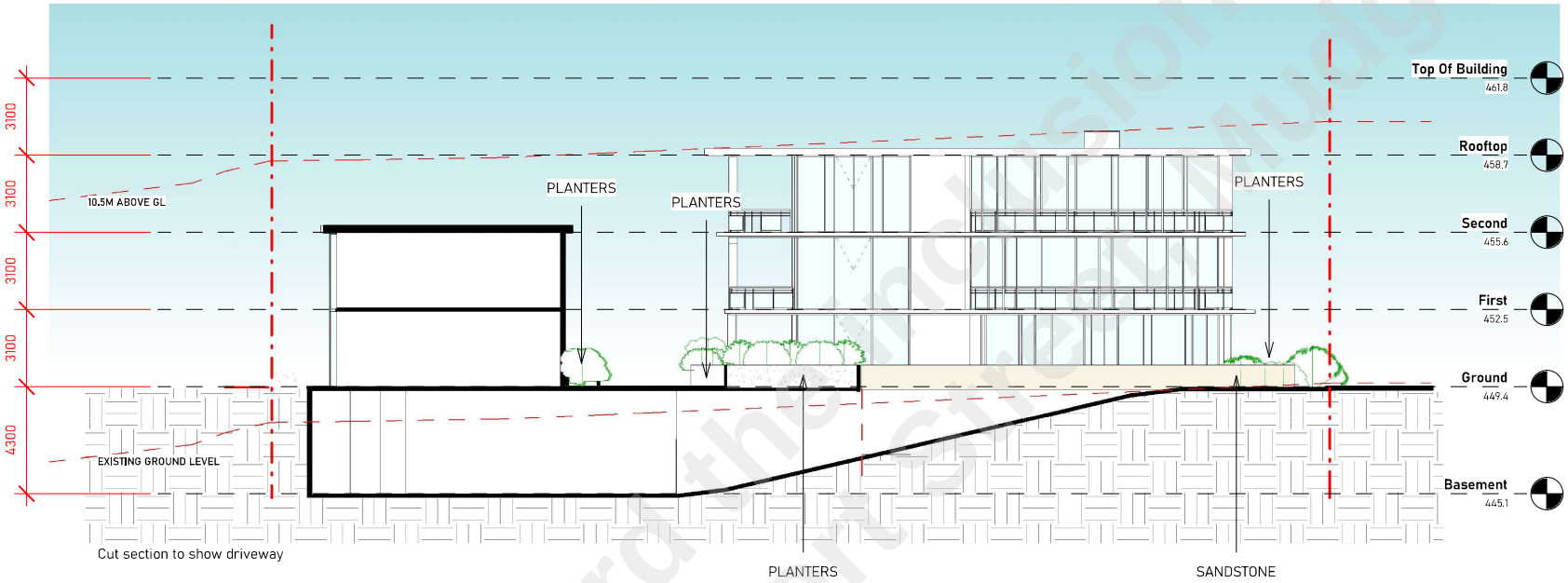

Cut section to show driveway

1 **Section 4**
1 : 200

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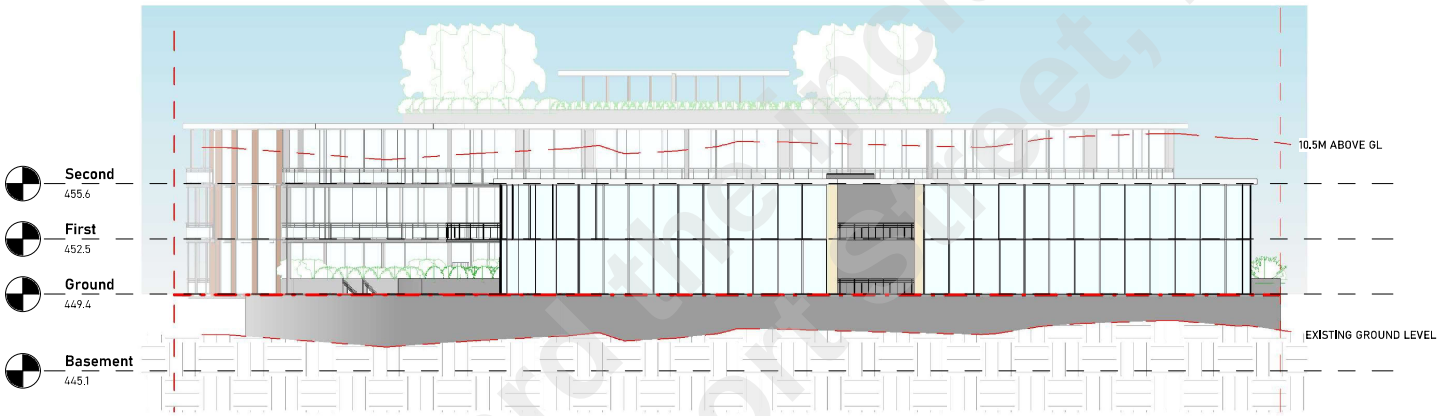

1 **North Elevation**
1 : 300

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North Elevation

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1 **South Elevation**
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B	05/07/23	July 2023	Adam Bennett

Sheet: 17	Issue: B

Drawing Name:
South Elevation

Site:
36-42a Short Street, Mudgee

Scale:	Date: 05/07/23
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1 **East Elevation**
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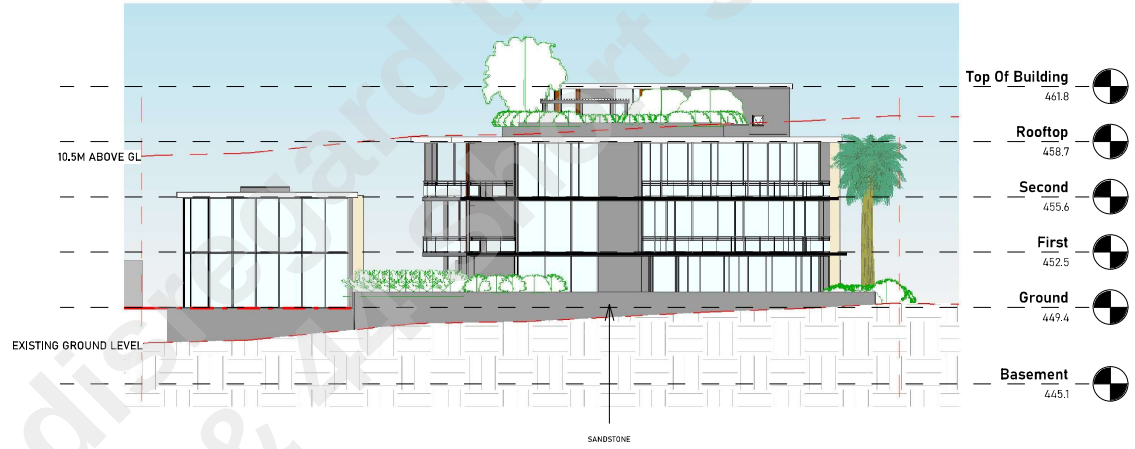

2 **West Elevation**
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Drawing Name:
East and West Elevation

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disregard the inclusion of
42a & the part Street, Mudgee.

APPENDIX H: SITE PHOTOGRAPHS

disregard the inclusion of 42a & 44 Short Street, Mudgee.

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SITE PHOTOGRAPHS

Client:	DGE Au Pty Ltd
Project:	PSI
Site Location:	36-42A Short Street, Mudgee NSW
Job No:	E3097

FOUNDATION EARTH SCIENCES

Photo 1

View of site
Looking North-West
Inspected 14.08.2023

Photo 2

View of site
Looking West
Inspected 14.08.2023

Photo 3

View of site
Looking South-West
Inspected 14.08.2023

Issued for the inclusion of 36-42A Short Street, Mudgee.

Attachment 8 - Geotechnical Investigation Report

Geotechnical Investigation Report to exclude 42a & 44 Short Street, Mudgee as per Gateway Determination.

FOUNDATION EARTH SCIENCES

GEOTECHNICAL INVESTIGATION REPORT

36-42A Short Street, Mudgee NSW

Prepared for

DGE Australia Pty Ltd

Reference No. G672

October 2023

disregard the inclusion of 42a & 44 Short Street, Mudgee

DOCUMENT CONTROL REGISTER

Document Information	
Reference No.	G672
Document No.	1
Report Title	Geotechnical Investigation
Site Address	36-42A Short Street, Mudgee NSW
Prepared for	DGE Australia Pty Ltd

Document Review Details			
Revision No.	**Issue Date**	**Description**	**Issued By**
0	12/09/2023	Initial Issue	Ben Buckley
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Distribution Register		
Method	**Custodian**	**Issued to**
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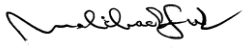
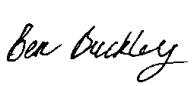
Author		Lubos Melicharek	23/10/2023
Author		Ben Buckley	23/10/2023

disregard the inclusion of 42a & 44 Short Street, Mudgee.

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Table 3: Foundation Design Parameters 8

APPENDICES

Appendix A: Site Plan
Appendix B: Borehole Logs and DCP Tests Results
Appendix C: Guide to Home Owners CSIRO

disregard the inclusion of 42a & 44 Short Street, Mudgee.

1.0 INTRODUCTION

The purpose of geotechnical investigation on this site was to assess surface and subsurface conditions and to provide geotechnical recommendations for the design and construction of the proposed development. This report interprets and presents findings of the investigation that was carried out during the fieldwork conducted at this site in conjunction with PSI report. Details of the site are summarised in Table 1.

Table 1: Summary of Details of the Site

Site	Details
Location	36-42A Short Street, Mudgee NSW
Lot/DP	Lot 1 & 21 in DP 702951
Local Council	Mid-Western Regional Council
Area	Approximately 4,074m^2
Shape & Slope	Rectangular shape block of land sloping towards east.
Existing Structures	A two-storey brick building in use as residential apartments with paved driveways and a single residential building with a carport and garage, storage shed and backyard.
Closest Watercourse	Cudgegong River approximately 170m distance to the north-west
Special Features	The site is located near to the Cudgegong River.
Neighbouring Properties	East: Residential type property and local creek West: Residential and Court Street South: Short Street and the residential properties North: Vacant grassed land with creek and playgrounds
Geology Map	The Geological Map of Mudgee (Geological Series Sheet 8832, Scale 1:100,000, 2000) NSW.
Primary Geology	Qa- Cainozoic Quaternary Alluvial silt, clay, sand, variable humic content, sporadic pebble/cobbles sized conglomeratic lenses.
Secondary Geology	Dqs – Palaeozoic, Devonian age Sutchers creek formation underlain by Lithic sandstone, pebbly mudstone, allodapic and allochthonous limestone. located approximately 1.7km south of the site.
Proposed Development	Three-storey residential complex with multiple rooms including a communal space, living areas and a single level basement for car parking under the proposed structure to the depth of 4.3m

42a & 44 Short Street, Mudgee.
direction of the inclusion

2.0 AVAILABLE INFORMATION

Following information was made available from DGE Australia Pty Ltd ("client") to Foundation Earth Sciences ("Foundation ES", "FES") during the preparation of this report by :

- Architectural plans titled "Planning Proposal" for 36-42A Short Street, Mudgee, NSW prepared by CMT Architects, dated 05/07/2023.

3.0 FIELDWORK AND FIELD TESTING

Following scope of work was carried out during the investigation:

- Review of Dial-Before-You-Dig ("DBYD") plans and service locating.
- Field drilling of two (2) manual auger boreholes, to limited depths.
- Dynamic Cone Penetrometer ("DCP") testing performed at the vicinity of drilled boreholes and designated as DCP1 to DCP2.
- Contamination investigation and field testing and sampling carried out by FES on site and reported in FES report PSI / E3097.

The approximate locations of the DCP tests and boreholes are shown in a "Site Plan" and attached as Appendix A. The borehole logs and DCP testing results are in Appendix B and Guide to Home Owners is annexed as Appendix C. The subject site is on a level topography with gentle sloping from the west towards the east.

4.0 GROUND CONDITIONS

4.1 Ground Profile

Ground profiles encountered within the boreholes and DCP tests on the site are in Table 2. However, reference should be made to DCP test results for inferred residual soils level depths.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

- TOPSOIL – Silty Clay, low plasticity, brown, moist, soft.
- RESIDUAL SOIL UPPER – Silty CLAY, low to medium plasticity, brown, moist, soft to very soft to 0.5m depth, stiff below 0.5m depths, moist.
- RESIDUAL SOIL LOWER – CLAY, medium to high plasticity, brown, stiff to very stiff at the depths below 1.2m depth.

Table 2: Summary of Ground Profile

Unit	Depth (m)	
	DCP1	DCP2
Ground Level (RL m AHD)	449.6	447.9
Fill	0.0 – 0.2	0.0 – 0.2
Residual Soil Upper Layer	0.2 – 0.5	0.2 – 0.6
Residual Soil Lower Layer	0.5 – 1.2	0.6 – 1.2

4.2 Groundwater

Groundwater seepage was not evident during the shallow boreholes BH1 to BH2 auger drilling in the surface fill layer and very top of upper layer of the residual soils profile. It is noted that due to geomorphology and surrounding landscape potential groundwater seepages may be expected at the depths below 1.3m to 1.5m depths. Further, it should be noted groundwater levels within the site may be subject to seasonal fluctuations, rainfall, prevailing weather conditions and future developments of the areas and landforms.

5.0 DISCUSSIONS AND RECOMMENDATIONS

5.1 Earthworks

Based on the provided information, the proposed site development will be demolition of the existing structures on the site, and then excavating and removal of the soils layer to an approximate depth of 4.3m. This will allow for placement of the concrete slabs at the street

disregard the inclusion of 42a & 44 Short Street, Mudgee.

levels with gentle rise towards the west. The entrance to the building complex and the proposed basement will be enabled via driveway from Short Street.

The proposed ground floor slab at approximate RL: 449.4m will require approximately 1.0m to 1.5m increase from the existing ground levels of RL: 449.5m - 447.8m. Approximate and only potential rock levels are estimated to be encountered below minimum 4m to 5m depths, and therefore basement slab footings of the proposed building are expected to be potentially placed at the very stiff clays layer at depth of 4.3m, or will have to be piered to the depth of the underlying rock found at the later detailed field drilling.

The site shallow excavations can be achieved using a conventional earthmoving equipment such as backhoes or bobcats, tracked excavators without any limits and care needs to be taken not to cause disturbance to the neighbouring properties.

5.2 Dilapidation Survey

Dilapidation survey report on all structures and road carriageways located within the vicinity of the site is suggested to be carried out prior to commencement of construction.

5.3 Site Lot Classification

Field testing and assessment of the field soil samples and appraisal of lot classification were preliminary carried out in accordance with Australian Standard AS 2870-2011. Based on the ground conditions and expected soils profile, the site can be classified as “Class M - H1”. The site is designated as a reactive clay site, which may experience ground movements from moisture changes.

This classification is applicable only for shallow footings placed on clay profile and not applicable for basement deep concrete slab placement construction. It is recommended that builder is aware of the recommendations given by the CSIRO publication, "Guide to Home Owners" annexed as Appendix C.

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5.4 Foundations

The foundation level of the proposed development is anticipated to be within the residual soil ground profiles. It is recommended foundation system of the proposed building may consist of reinforced concrete raft slab together with piled foundations socketed into the underlying very stiff clay profile or rock. For shallow footings structures option only soft clays are present. Table 3 provides design parameters recommended for shallow and pile foundations.

Table 3: Foundation Design Parameters

Ground Profile	Allowable End Bearing Capacity (kPa)	Allowable Shaft Adhesion Compression (kPa)
Topsoil	N/A	N/A
Residual Soil Upper [Depth 0.2m – 0.5m]	50	N/A
Residual Soil Lower [Depth >1.1m]	250	10

Note: With a minimum embedment depth of 0.5m for deep foundations and 0.4m for shallow foundations.

Bored drilled piles are regarded as a suitable option for this site. Piles will also be used to increase the resistance against the lateral seismic and wind loads. Shallow and pile foundation can be designed in accordance with Australian Standards AS2870-2011 and AS2159-2009, respectively. It is recommended that all foundations are to be founded on the same stratum to minimise and avoid potential future differential settlement.

Foundation excavations should be cleaned, and wet spoils and debris should be removed prior to the concrete placement. Verification of the capacity of the prepared pile foundations by inspections is required.

5.5 Site Earthquake Classification

Based on the ground condition and details of the proposed development, in accordance with Australian Standard AS 1170.4-2007, the site can be classified as “Shallow soil site” (Class Ce) for design of foundations and retaining walls system. The Hazard Factor (Z) is 0.08.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

6.0 CONCLUSIONS

This report presents the findings of the geotechnical investigation and recommendations for the proposed development at 36-42A Short Street, Mudgee NSW. It is considered that the proposed development is feasible in this site if the recommendations provided in this report are adopted and considered relevant during the design and construction phase of this development.

For and on behalf of Foundation Earth Sciences

Prepared by

Lubos Melicharek
Senior Geotechnical Engineer

Reviewed by

Ben Buckley
Director

disregard the inclusion of 42a & 44 Short Street, Mudgee.

7.0 LIMITATIONS

The assessment of the subsurface profile within the proposed development area and the recommendations presented in this report are based on available information and field findings obtained on the site. The Foundation Earth Sciences recommendations and advice presented in this report on soil and rock conditions are indicative only as limited areas were assessed on site to date. Site inspection by a consulting geotechnical engineer or engineering geologist is recommended to be undertaken when construction works are to be carried out to confirm the conditions of founding materials in which this geotechnical assessment based above recommendations. Anecdotal evidence and information provided by client is assumed to be relevant and to the best of knowledge be appropriate for its interpretation.

There is a possibility that the actual geotechnical and groundwater conditions across the site may differ from the inferred geotechnical assumptions and derivations on which our recommendations are presented in this report. In that case, Foundation Earth Sciences should be contacted for further advice.

Foundation Earth Sciences does not accept any liabilities for the conditions not provided and/or not accessible during the preparation of this report. Any ensuring liability resulting from use of this report by third parties cannot be transferred to Foundation Earth Sciences.

8.0 REFERENCES

1. Australian Standard – AS1726-1993 “Geotechnical Site Investigation”.
2. Australian Standard – AS 1170.4-2007 “Structural Design Actions – Part 4: Earthquake actions in Australia”.
3. Australian Standard – AS 2870-2011 “Residential slabs and footings”.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

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Appendix A

Site Plan

Legend

Approximate Test Locations

Not to scale

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Ref #	Site Plan
G672	DGE Australia Pty Ltd
RW	36-42A Short Street, Mudgee NSW

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Appendix B

Borehole Logs and DCP Tests Results

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BOREHOLE : BH1

CLIENT NAME: DGE Australia Pty Ltd **JOB NUMBER:** G672

SITE ADDRESS: 36-42A Short Street, Mudgee NSW **PROJECT:** Geotechnical Investigation

Date Started : 14/08/2023 **Completed :** 14/08/2023 **Logged By :** BB **Checked By :** LM

Borehole Location : Refer to Site Plan **Surface RL :** 449.69 **Datum :** m AHD

Equipment : Hand Auger **Borehole Size :** 65mm **Slope :** -90°

Method	Water	RL (m)	Depth (m)	Graphic Log	Classification Symbol	Material Description	Moisture	Consistence	Samples Tests Remarks	Additional Observations	Depth (m)
HA	Not Encountered	449.5	0.20			TOPSOIL, Silty Clay, low plasticity, brown	M	[S]		Topsoil	
		449.3	0.40		CL-CH	Silty CLAY, low to medium plasticity, brown	M	[F]		Residual Soil	
			0.5					[St]			0.5
		449.2	0.50			Borehole BH1 terminated at 0.50m					
			1.0								1.0
			1.5								1.5
			2.0								2.0

Comments:

D - Dry
M - Moist
W - Wet

VS - Very Soft
S - Soft
F - Firm
St - Stiff
VSt - Very Stiff
H - Hard

VL - Very Loose
L - Loose
MD - Medium Dense
D - Dense
VD - Very Dense

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BOREHOLE : BH2

CLIENT NAME: DGE Australia Pty Ltd **JOB NUMBER:** G672

SITE ADDRESS: 36-42A Short Street, Mudgee NSW **PROJECT:** Geotechnical Investigation

Date Started : 14/08/2023 **Completed :** 14/08/2023 **Logged By :** BB **Checked By :** LM

Borehole Location : Refer to Site Plan **Surface RL :** 447.9 **Datum :** m AHD

Equipment : Hand Auger **Borehole Size :** 65mm **Slope :** -90°

Method	Water	RL (m)	Depth (m)	Graphic Log	Classification Symbol	Material Description	Moisture	Consistence	Samples Tests Remarks	Additional Observations	Depth (m)
HA	Not Encountered	447.7	0.20			TOPSOIL, Silty Clay, low plasticity, brown	M	[S]		Topsoil	
		447.5	0.40		CL-CH	Silty CLAY, low to medium plasticity, brown	M	[F]		Residual Soil	
			0.5					[St]			0.5
		447.4	0.50			Borehole BH2 terminated at 0.50m					
			1.0								1.0
			1.5								1.5
			2.0								2.0

Comments:

D - Dry, M - Moist, W - Wet

VS - Very Soft, S - Soft, F - Firm, St - Stiff, VSt - Very Stiff, H - Hard

VL - Very Loose, L - Loose, MD - Medium Dense, D - Dense, VD - Very Dense

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Results of Dynamic Cone Penetration Tests

Client:	DGE Australia Pty Ltd	Ref No:	G672
Project:	Geotechnical Investigation	Test Date:	14/08/2023
Location:	36-42A Short Street, Mudgee NSW	Sheet:	1 of 1

Depths (mm)	Test No.				Depths (mm)	Test No.			
	DCP1 (BH1)	DCP2 (BH2)	-	-		-	-	-	-
0-100	1	1			0-100				
100-200	1	1			100-200				
200-300	1	1			200-300				
300-400	1	2			300-400				
400-500	3	1			400-500				
500-600	3	1			500-600				
600-700	4	3			600-700				
700-800	3	4			700-800				
800-900	3	4			800-900				
900-1000	4	3			900-1000				
1000-1100	3	4			1000-1100				
1100-1200	Terminated	Terminated			1100-1200				
1200-1300					1200-1300				
1300-1400					1300-1400				
1400-1500					1400-1500				
1500-1600					1500-1600				
1600-1700					1600-1700				
1700-1800					1700-1800				
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2100-2200					2100-2200				
2200-2300					2200-2300				
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2600-2700					2600-2700				
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2800-2900					2800-2900				
2900-3000					2900-3000				
3000-3100					3000-3100				
3100-3200					3100-3200				
3200-3300					3200-3300				
3300-3400					3300-3400				
3400-3500					3400-3500				
3500-3600					3500-3600				
3600-3700					3600-3700				
3700-3800					3700-3800				
3800-3900					3800-3900				
3900-4000					3900-4000				

Note: Refer to Site Plan for the test locations
Terminated = DCP aborted at designated depth

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Appendix C

Guide to Home Owners

Foundation Maintenance and Footing Performance:
A Homeowner's Guide

CSIRO

BTF 18 replaces Information Sheet 10/91

Buildings can and often do move. This movement can be up, down, lateral or rotational. The fundamental cause of movement in buildings can usually be related to one or more problems in the foundation soil. It is important for the homeowner to identify the soil type in order to ascertain the measures that should be put in place in order to ensure that problems in the foundation soil can be prevented, thus protecting against building movement.

This Building Technology File is designed to identify causes of soil-related building movement, and to suggest methods of prevention of resultant cracking in buildings.

Soil Types

The types of soils usually present under the topsoil in land zoned for residential buildings can be split into two approximate groups – granular and clay. Quite often, foundation soil is a mixture of both types. The general problems associated with soils having granular content are usually caused by erosion. Clay soils are subject to saturation and swell/shrink problems.

Classifications for a given area can generally be obtained by application to the local authority, but these are sometimes unreliable and if there is doubt, a geotechnical report should be commissioned. As most buildings suffering movement problems are founded on clay soils, there is an emphasis on classification of soils according to the amount of swell and shrinkage they experience with variations of water content. The table below is Table 2.1 from AS 2870, the Residential Slab and Footing Code.

Causes of Movement

Settlement due to construction
There are two types of settlement that occur as a result of construction:

- Immediate settlement occurs when a building is first placed on its foundation soil, as a result of compaction of the soil under the weight of the structure. The cohesive quality of clay soil mitigates against this, but granular (particularly sandy) soil is susceptible.
- Consolidation settlement is a feature of clay soil and may take place because of the expulsion of moisture from the soil or because of the soil's lack of resistance to local compressive or shear stresses. This will usually take place during the first few months after construction, but has been known to take many years in exceptional cases.

These problems are the province of the builder and should be taken into consideration as part of the preparation of the site for construction. Building Technology File 19 (BTF 19) deals with these problems.

Erosion
All soils are prone to erosion, but sandy soil is particularly susceptible to being washed away. Even clay with a sand component of say 10% or more can suffer from erosion.

Saturation
This is particularly a problem in clay soils. Saturation creates a bog-like suspension of the soil that causes it to lose virtually all of its bearing capacity. To a lesser degree, sand is affected by saturation because saturated sand may undergo a reduction in volume – particularly imported sand fill for bedding and blinding layers. However, this usually occurs as immediate settlement and should normally be the province of the builder.

Seasonal swelling and shrinkage of soil
All clays react to the presence of water by slowly absorbing it, making the soil increase in volume (see table below). The degree of increase varies considerably between different clays, as does the degree of decrease during the subsequent drying out caused by fair weather periods. Because of the low absorption and expulsion rate, this phenomenon will not usually be noticeable unless there are prolonged rainy or dry periods, usually of weeks or months, depending on the land and soil characteristics.

The swelling of soil creates an upward force on the footings of the building, and shrinkage creates subsidence that takes away the support needed by the footing to retain equilibrium.

Shear failure
This phenomenon occurs when the foundation soil does not have sufficient strength to support the weight of the footing. There are two major post-construction causes:

- Significant load increase.
- Reduction of lateral support of the soil under the footing due to erosion or excavation.
- In clay soil, shear failure can be caused by saturation of the soil adjacent to or under the footing.

GENERAL DEFINITIONS OF SITE CLASSES

Class	Foundation
A	Most sand and rock sites with little or no ground movement from moisture changes
S	Slightly reactive clay sites with only slight ground movement from moisture changes
M	Moderately reactive clay or silt sites, which can experience moderate ground movement from moisture changes
H	Highly reactive clay sites, which can experience high ground movement from moisture changes
E	Extremely reactive sites, which can experience extreme ground movement from moisture changes
A to P	Filled sites
P	Sites which include soft soils, such as soft clay or silt or loose sands; landslip; mine subsidence; collapsing soils; soils subject to erosion; reactive sites subject to abnormal moisture conditions or sites which cannot be classified otherwise

42a & 44 Stafford the Exclusion of Midgee.

Tree root growth
Trees and shrubs that are allowed to grow in the vicinity of footings can cause foundation soil movement in two ways:

- Roots that grow under footings may increase in cross-sectional size, exerting upward pressure on footings.
- Roots in the vicinity of footings will absorb much of the moisture in the foundation soil, causing shrinkage or subsidence.

Unevenness of Movement

The types of ground movement described above usually occur unevenly throughout the building's foundation soil. Settlement due to construction tends to be uneven because of:

- Differing compaction of foundation soil prior to construction.
- Differing moisture content of foundation soil prior to construction.

Movement due to non-construction causes is usually more uneven still. Erosion can undermine a footing that traverses the flow or can create the conditions for shear failure by eroding soil adjacent to a footing that runs in the same direction as the flow.

Saturation of clay foundation soil may occur where subfloor walls create a dam that makes water pond. It can also occur wherever there is a source of water near footings in clay soil. This leads to a severe reduction in the strength of the soil which may create local shear failure.

Seasonal swelling and shrinkage of clay soil affects the perimeter of the building first, then gradually spreads to the interior. The swelling process will usually begin at the uphill extreme of the building, or on the weather side where the land is flat. Swelling gradually reaches the interior soil as absorption continues. Shrinkage usually begins where the sun's heat is greatest.

Effects of Uneven Soil Movement on Structures

Erosion and saturation
Erosion removes the support from under footings, tending to create subsidence of the part of the structure under which it occurs. Brickwork walls will resist the stress created by this removal of support by bridging the gap or cantilevering until the bricks or the mortar bedding fail. Older masonry has little resistance. Evidence of failure varies according to circumstances and symptoms may include:

- Step cracking in the mortar beds in the body of the wall or above/below openings such as doors or windows.
- Vertical cracking in the bricks (usually but not necessarily in line with the vertical beds or perpends).

Isolated piers affected by erosion or saturation of foundations will eventually lose contact with the bearers they support and may tilt or fall over. The floors that have lost this support will become bouncy, sometimes rattling ornaments etc.

Seasonal swelling/shrinkage in clay
Swelling foundation soil due to rainy periods first lifts the most exposed extremities of the footing system, then the remainder of the perimeter footings while gradually permeating inside the building footprint to lift internal footings. This swelling first tends to create a dish effect, because the external footings are pushed higher than the internal ones.

The first noticeable symptom may be that the floor appears slightly dished. This is often accompanied by some doors binding on the floor or the door head, together with some cracking of cornice mitres. In buildings with timber flooring supported by bearers and joists, the floor can be bouncy. Externally there may be visible dishing of the hip or ridge lines.

As the moisture absorption process completes its journey to the innermost areas of the building, the internal footings will rise. If the spread of moisture is roughly even, it may be that the symptoms will temporarily disappear, but it is more likely that swelling will be uneven, creating a difference rather than a disappearance in symptoms. In buildings with timber flooring supported by bearers and joists, the isolated piers will rise more easily than the strip footings or piers under walls, creating noticeable doming of flooring.

Trees can cause shrinkage and damage

As the weather pattern changes and the soil begins to dry out, the external footings will be first affected, beginning with the locations where the sun's effect is strongest. This has the effect of lowering the external footings. The doming is accentuated and cracking reduces or disappears where it occurred because of dishing, but other cracks open up. The roof lines may become convex.

Doming and dishing are also affected by weather in other ways. In areas where warm, wet summers and cooler dry winters prevail, water migration tends to be toward the interior and doming will be accentuated, whereas where summers are dry and winters are cold and wet, migration tends to be toward the exterior and the underlying propensity is toward dishing.

Movement caused by tree roots
In general, growing roots will exert an upward pressure on footings, whereas soil subject to drying because of tree or shrub roots will tend to remove support from under footings by inducing shrinkage.

Complications caused by the structure itself
Most forces that the soil causes to be exerted on structures are vertical – i.e. either up or down. However, because these forces are seldom spread evenly around the footings, and because the building resists uneven movement because of its rigidity, forces are exerted from one part of the building to another. The net result of all these forces is usually rotational. This resultant force often complicates the diagnosis because the visible symptoms do not simply reflect the original cause. A common symptom is binding of doors on the vertical member of the frame.

Effects on full masonry structures
Brickwork will resist cracking where it can. It will attempt to span areas that lose support because of subsided foundations or raised points. It is therefore usual to see cracking at weak points, such as openings for windows or doors.

In the event of construction settlement, cracking will usually remain unchanged after the process of settlement has ceased.

With local shear or erosion, cracking will usually continue to develop until the original cause has been remedied, or until the subsidence has completely neutralised the affected portion of footing and the structure has stabilised on other footings that remain effective.

In the case of swell/shrink effects, the brickwork will in some cases return to its original position after completion of a cycle, however it is more likely that the rotational effect will not be exactly reversed, and it is also usual that brickwork will settle in its new position and will resist the forces trying to return it to its original position. This means that in a case where swelling takes place after construction and cracking occurs, the cracking is likely to at least partly remain after the shrink segment of the cycle is complete. Thus, each time the cycle is repeated, the likelihood is that the cracking will become wider until the sections of brickwork become virtually independent.

With repeated cycles, once the cracking is established, if there is no other complication, it is normal for the incidence of cracking to stabilise, as the building has the articulation it needs to cope with the problem. This is by no means always the case, however, and monitoring of cracks in walls and floors should always be treated seriously.

Upheaval caused by growth of tree roots under footings is not a simple vertical shear stress. There is a tendency for the root to also exert lateral forces that attempt to separate sections of brickwork after initial cracking has occurred.

Preview of the first page of 42 pages. Page 41 Shortened for privacy.

The normal structural arrangement is that the inner leaf of brickwork in the external walls and at least some of the internal walls (depending on the roof type) comprise the load-bearing structure on which any upper floors, ceilings and the roof are supported. In these cases, it is internally visible cracking that should be the main focus of attention, however there are a few examples of dwellings whose external leaf of masonry plays some supporting role, so this should be checked if there is any doubt. In any case, externally visible cracking is important as a guide to stresses on the structure generally, and it should also be remembered that the external walls must be capable of supporting themselves.

Effects on framed structures
Timber or steel framed buildings are less likely to exhibit cracking due to swell/shrink than masonry buildings because of their flexibility. Also, the doming/dishing effects tend to be lower because of the lighter weight of walls. The main risks to framed buildings are encountered because of the isolated pier footings used under walls. Where erosion or saturation cause a footing to fall away, this can double the span which a wall must bridge. This additional stress can create cracking in wall linings, particularly where there is a weak point in the structure caused by a door or window opening. It is, however, unlikely that framed structures will be so stressed as to suffer serious damage without first exhibiting some or all of the above symptoms for a considerable period. The same warning period should apply in the case of upheaval. It should be noted, however, that where framed buildings are supported by strip footings there is only one leaf of brickwork and therefore the externally visible walls are the supporting structure for the building. In this case, the subfloor masonry walls can be expected to behave as full brickwork walls.

Effects on brick veneer structures
Because the load-bearing structure of a brick veneer building is the frame that makes up the interior leaf of the external walls plus perhaps the internal walls, depending on the type of roof, the building can be expected to behave as a framed structure, except that the external masonry will behave in a similar way to the external leaf of a full masonry structure.

Water Service and Drainage

Where a water service pipe, a sewer or stormwater drainage pipe is in the vicinity of a building, a water leak can cause erosion, swelling or saturation of susceptible soil. Even a minuscule leak can be enough to saturate a clay foundation. A leaking tap near a building can have the same effect. In addition, trenches containing pipes can become watercourses even though backfilled, particularly where broken rubble is used as fill. Water that runs along these trenches can be responsible for serious erosion, interstrata seepage into subfloor areas and saturation.

Pipe leakage and trench water flows also encourage tree and shrub roots to the source of water, complicating and exacerbating the problem.
Poor roof plumbing can result in large volumes of rainwater being concentrated in a small area of soil:

- Incorrect falls in roof guttering may result in overflows, as may gutters blocked with leaves etc.
- Corroded guttering or downpipes can spill water to ground.
- Downpipes not positively connected to a proper stormwater collection system will direct a concentration of water to soil that is directly adjacent to footings, sometimes causing large-scale problems such as erosion, saturation and migration of water under the building.

Seriousness of Cracking

In general, most cracking found in masonry walls is a cosmetic nuisance only and can be kept in repair or even ignored. The table below is a reproduction of Table C1 of AS 2870.

AS 2870 also publishes figures relating to cracking in concrete floors, however because wall cracking will usually reach the critical point significantly earlier than cracking in slabs, this table is not reproduced here.

Prevention/Cure

Plumbing
Where building movement is caused by water service, roof plumbing, sewer or stormwater failure, the remedy is to repair the problem. It is prudent, however, to consider also rerouting pipes away from the building where possible, and relocating taps to positions where any leakage will not direct water to the building vicinity. Even where gully traps are present, there is sometimes sufficient spill to create erosion or saturation, particularly in modern installations using smaller diameter PVC fixtures. Indeed, some gully traps are not situated directly under the taps that are installed to charge them, with the result that water from the tap may enter the backfilled trench that houses the sewer piping. If the trench has been poorly backfilled, the water will either pond or flow along the bottom of the trench. As these trenches usually run alongside the footings and can be at a similar depth, it is not hard to see how any water that is thus directed into a trench can easily affect the foundation's ability to support footings or even gain entry to the subfloor area.

Ground drainage
In all soils there is the capacity for water to travel on the surface and below it. Surface water flows can be established by inspection during and after heavy or prolonged rain. If necessary, a grated drain system connected to the stormwater collection system is usually an easy solution.

It is, however, sometimes necessary when attempting to prevent water migration that testing be carried out to establish watertable height and subsoil water flows. This subject is referred to in BTF 19 and may properly be regarded as an area for an expert consultant.

Protection of the building perimeter
It is essential to remember that the soil that affects footings extends well beyond the actual building line. Watering of garden plants, shrubs and trees causes some of the most serious water problems.

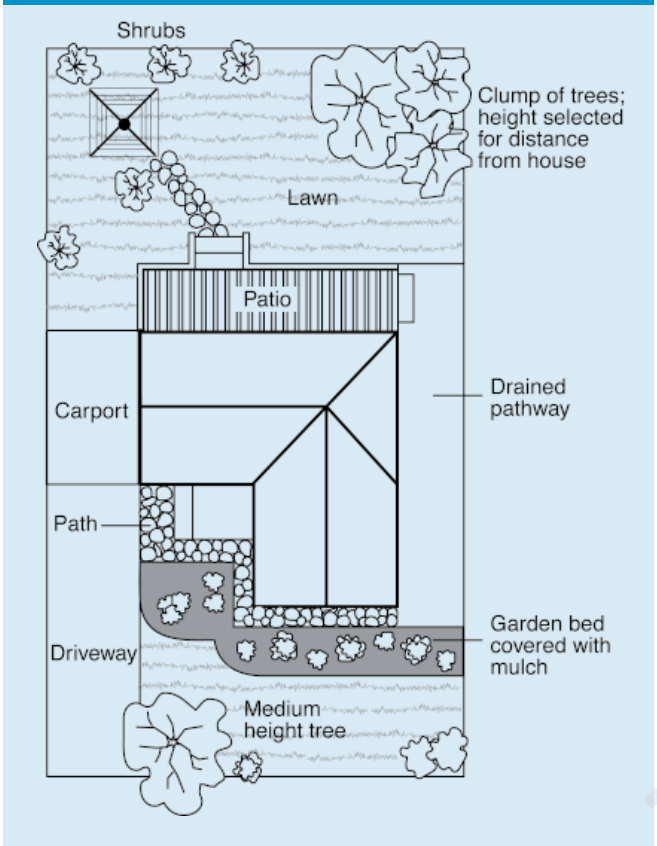
For this reason, particularly where problems exist or are likely to occur, it is recommended that an apron of paving be installed around as much of the building perimeter as necessary. This paving

CLASSIFICATION OF DAMAGE WITH REFERENCE TO WALLS

Description of typical damage and required repair	Approximate crack width limit (see Note 3)	Damage category
Hairline cracks	<0.1 mm	0
Fine cracks which do not need repair	<1 mm	1
Cracks noticeable but easily filled. Doors and windows stick slightly	<5 mm	2
Cracks can be repaired and possibly a small amount of wall will need to be replaced. Doors and windows stick. Service pipes can fracture. Weathertightness often impaired	5–15 mm (or a number of cracks 3 mm or more in one group)	3
Extensive repair work involving breaking-out and replacing sections of walls, especially over doors and windows. Window and door frames distort. Walls lean or bulge noticeably, some loss of bearing in beams. Service pipes disrupted	15–25 mm but also depend on number of cracks	4

42a & 44 Shortland Esplanade

Gardens for a reactive site



should extend outwards a minimum of 900 mm (more in highly reactive soil) and should have a minimum fall away from the building of 1:60. The finished paving should be no less than 100 mm below brick vent bases.

It is prudent to relocate drainage pipes away from this paving, if possible, to avoid complications from future leakage. If this is not practical, earthenware pipes should be replaced by PVC and backfilling should be of the same soil type as the surrounding soil and compacted to the same density.

Except in areas where freezing of water is an issue, it is wise to remove taps in the building area and relocate them well away from the building – preferably not uphill from it (see BTF 19).

It may be desirable to install a grated drain at the outside edge of the paving on the uphill side of the building. If subsoil drainage is needed this can be installed under the surface drain.

Condensation

In buildings with a subfloor void such as where bearers and joists support flooring, insufficient ventilation creates ideal conditions for condensation, particularly where there is little clearance between the floor and the ground. Condensation adds to the moisture already present in the subfloor and significantly slows the process of drying out. Installation of an adequate subfloor ventilation system, either natural or mechanical, is desirable.

Warning: Although this Building Technology File deals with cracking in buildings, it should be said that subfloor moisture can result in the development of other problems, notably:

- Water that is transmitted into masonry, metal or timber building elements causes damage and/or decay to those elements.
- High subfloor humidity and moisture content create an ideal environment for various pests, including termites and spiders.
- Where high moisture levels are transmitted to the flooring and walls, an increase in the dust mite count can ensue within the living areas. Dust mites, as well as dampness in general, can be a health hazard to inhabitants, particularly those who are abnormally susceptible to respiratory ailments.

The garden

The ideal vegetation layout is to have lawn or plants that require only light watering immediately adjacent to the drainage or paving edge, then more demanding plants, shrubs and trees spread out in that order.

Overwatering due to misuse of automatic watering systems is a common cause of saturation and water migration under footings. If it is necessary to use these systems, it is important to remove garden beds to a completely safe distance from buildings.

Existing trees

Where a tree is causing a problem of soil drying or there is the existence or threat of upheaval of footings, if the offending roots are subsidiary and their removal will not significantly damage the tree, they should be severed and a concrete or metal barrier placed vertically in the soil to prevent future root growth in the direction of the building. If it is not possible to remove the relevant roots without damage to the tree, an application to remove the tree should be made to the local authority. A prudent plan is to transplant likely offenders before they become a problem.

Information on trees, plants and shrubs

State departments overseeing agriculture can give information regarding root patterns, volume of water needed and safe distance from buildings of most species. Botanic gardens are also sources of information. For information on plant roots and drains, see Building Technology File 17.

Excavation

Excavation around footings must be properly engineered. Soil supporting footings can only be safely excavated at an angle that allows the soil under the footing to remain stable. This angle is called the angle of repose (or friction) and varies significantly between soil types and conditions. Removal of soil within the angle of repose will cause subsidence.

Remediation

Where erosion has occurred that has washed away soil adjacent to footings, soil of the same classification should be introduced and compacted to the same density. Where footings have been undermined, augmentation or other specialist work may be required. Remediation of footings and foundations is generally the realm of a specialist consultant.

Where isolated footings rise and fall because of swell/shrink effect, the homeowner may be tempted to alleviate floor bounce by filling the gap that has appeared between the bearer and the pier with blocking. The danger here is that when the next swell segment of the cycle occurs, the extra blocking will push the floor up into an accentuated dome and may also cause local shear failure in the soil. If it is necessary to use blocking, it should be by a pair of fine wedges and monitoring should be carried out fortnightly.

This BTF was prepared by John Lewer FAIB, MIAMA, Partner, Construction Diagnosis.

The information in this and other issues in the series was derived from various sources and was believed to be correct when published.

The information is advisory. It is provided in good faith and not claimed to be an exhaustive treatment of the relevant subject.

Further professional advice needs to be obtained before taking any action based on the information provided.

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Attachment 9 - Infrastructure Services Review

Infrastructure Services Review to exclude 42a & 44 Short Street, Mudgee as per Gateway Determination.

EPICENTRE
CONSULTING ENGINEERS

Planning Proposal
36-42, 42A & 44 Short St, Mudgee
Infrastructure Services Review

disregard the inclusion of
42a & 44 Short Street, Mudgee.

2-14 Vine St
Redfern NSW 2016
ABN: 48 645 997 780

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disregard the inclusion of 42a & 44 Short Street, Mudgee.

1. Introduction

1.1. Purpose

This document is to form the basis of the infrastructure review to support a planning proposal for the site located at 36-42, 42A & 44 Short St Mudgee.

1.2. Site location

Figure 1.1 Proposed site – 36-42, 42A & 44 Short St Mudgee

1.3. Proposed development

The Planning Proposal seeks an increase in the maximum height of the building to 10.5m in order to accommodate approximately 28 apartments over three (3) levels with a level of basement parking.

Figure 1.2 Proposed development – 36-42, 42A & 44 Short St Mudgee

All assessments within this report have taken this configuration as a base case.

1.4. Author Details

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disregard the inclusion of 42A and Short Street, Mudgee.

Author: Dominic De Gioia
Nilendra Nand
Reviewer: Luke De Gioia

1.5. Information Sources

- Information provided through DBYD
- David Webster (Development & Design Engineer, Operations Mid-Western Regional Council)
- Meredith Mitchell (Administration, Water & Sewer Operations Mid-Western Regional Council)

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1.9. Abbreviations

AS	Australian Standards
DBYD	Dial Before you Dig
CI	Cast Iron
CICL	Cast Iron Concrete Lined
DA	Development Application
Dia	Diameter (distance)
DICL	Ductile Iron Concrete Lined
kL	Kilolitres (volume)
kPa	Kilopascals (pressure)
L/s	Litres per second (flow)
LPG	Liquified petroleum gas
m	Meters (distance)
m^2	Meters squared (area)
mm	Millimetres (distance)
NY	Nylon
PE	Polyethylene

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SGV	Salt Glazed Ware
ST	Steel
uPVC	Unplasticised polyvinylchloride
VC	Vitrified clay

1.10. Revision History

Revision	Date Issued	Comment
A	**31/07/2023**	**Draft Review**
B	**09/08/2023**	**Draft Review**
C	**11/08/2023**	**Client Issue**
D	**27/10/2023**	**Client Issue - Revised**

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2. Hydraulic Services

2.1. Existing infrastructure

The following outlines the existing hydraulic services adjacent to the proposed sites:

2.1.1. Water Supply

Based on the Mid-Western Regional Council mains plans, the site is serviced by a water main which runs along the northern side of Short St. This line is a 200mm DICL service.

We have made an application for a Statement of Pressure and Flow for the Mid-Western Regional Council 200mm mains. At the time of this report we were still awaiting a response from Council with the pressure and flow results.

The services map from Mid-Western Regional Council is included in Appendix A.

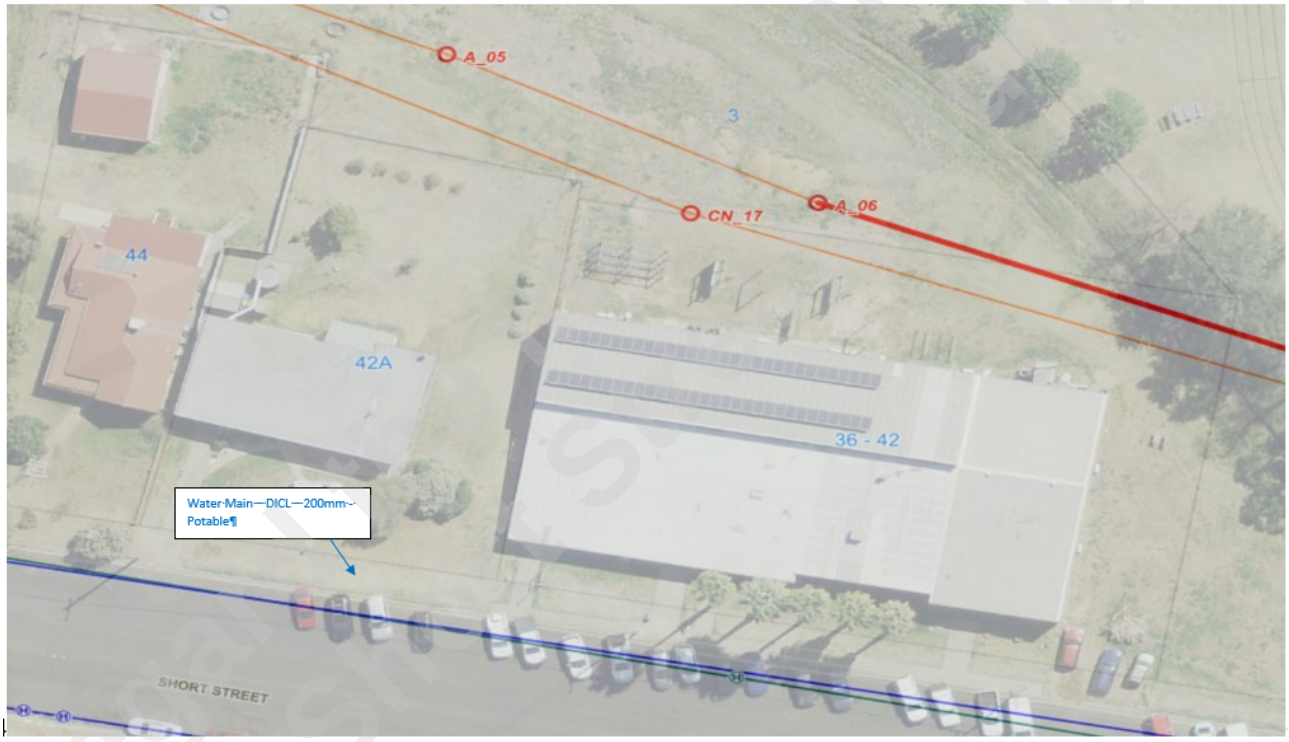

Figure 2.1 – Water main - 200mm pipework location shown in blue

2.1.2. Irrigation

Based on the Mid-Western Regional Council mains plans, the site is flanked by an irrigation main which runs along the northern side of Short St. This line is a 300mm DICL service. This service is for Council only and not for connection as part of this development.

The services map from Mid-Western Regional Council is included in Appendix A.

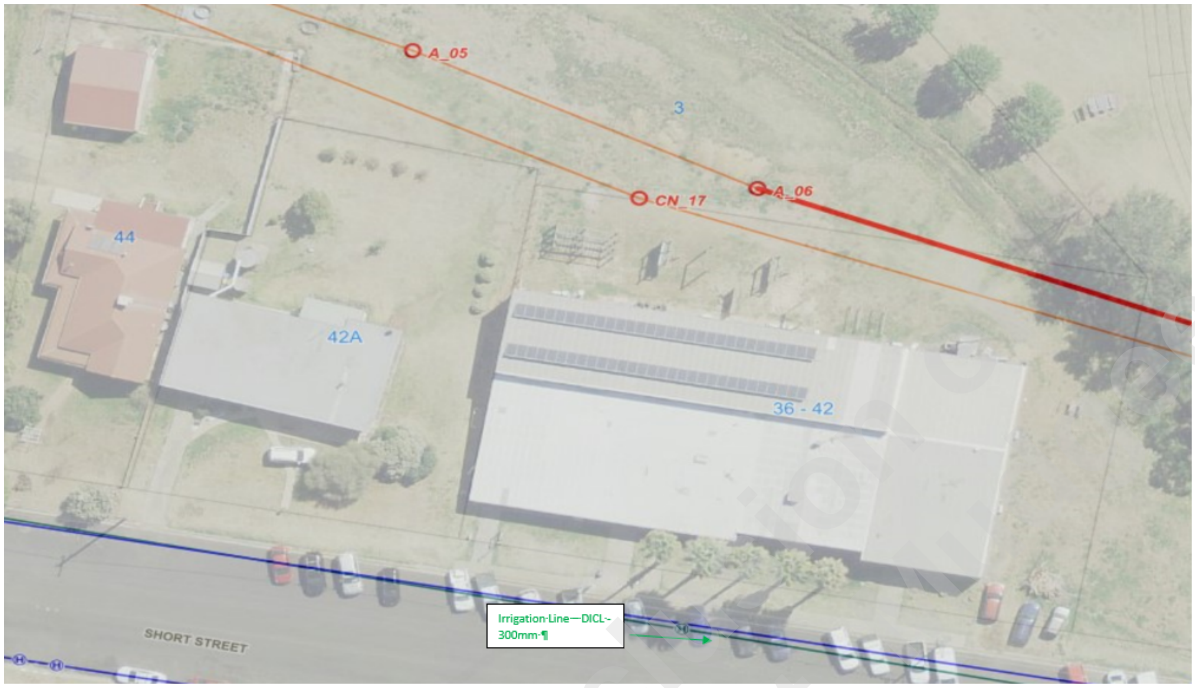

Figure 2.3 – Irrigation main - 300mm pipework location shown in green

2.1.3. Gas Supply

There is no gas supply within the vicinity of the site. Any gas required for the site will need to be provided as a LPG supply.

2.1.4. Sanitary

Based on the Mid-Western Regional Council mains plans, the sewer reticulates on the northern side of the site, entering the site just east of the boundary between 36-42, 42A & 44 Short St. There are two lines which roughly run in parallel, cutting the northeastern corner of the site diagonally.

The line closest to the south is a 450mm concrete trunk gravity sewer main. This line is not permitted for connection and while there is no formal easement, there is still an implied easement in relation to the proximity of construction near the asset. From information provided by David Webster of Mid-Western Regional Council, no construction can occur within 1.5m of the trunk main. It should be further noted that the zone of influence will apply for any below ground structure that may affect the ground on which the trunk main sits.

The line closest to the north is a 375mm concrete gravity sewer main. This line is permitted for connection. On enquiries with Council, chamber A06 (located at the rear of 36-42 Short St) is 2.55m deep to invert. Chamber A05 (located at the rear of 42A Short St) is 2.15m deep to invert.

disregard the image shown here.
42a & 44 Short Street

Image 2.1 – Sewer access chambers

Image 2.2 – Sewer access chambers

Chamber CN16 (located on the trunk main, has a 4.0m depth to invert. At this depth there shouldn't be an impediment to crossing the line to connect to the service main, but this will require confirmation on site.

A full Mid-Western Regional Council mains map is available in Appendix A.

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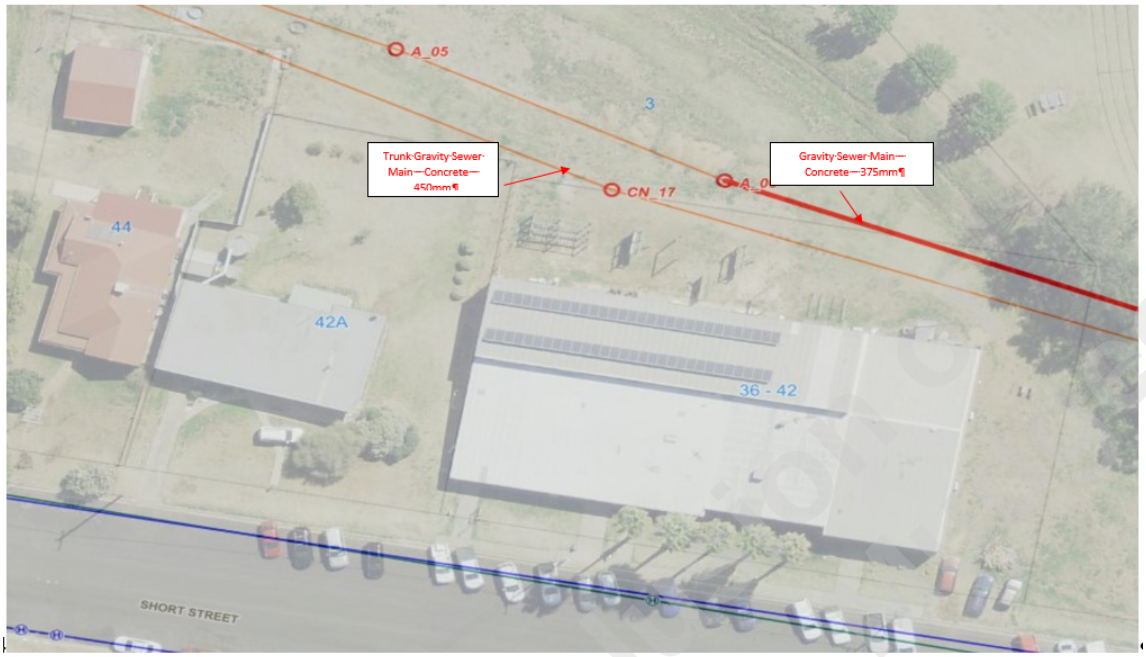

Figure 2.4 – Sewer main

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42a & 44 Short Street, Mudgee

3. Telecommunications

3.1. Existing infrastructure

The following outlines the existing telecommunications services adjacent to the proposed site:

3.1.1. NBN Network

Based on the NBN dial before you dig plans, there is existing NBN infrastructure in the vicinity the project site. There are a number of NBN pits provided around the site along Short St and Court St. Final connection arrangement to be determined by formal application to NBN Co.

The figure below depicts NBN pits and pipes infrastructure is available on Short St and Court St along the development.

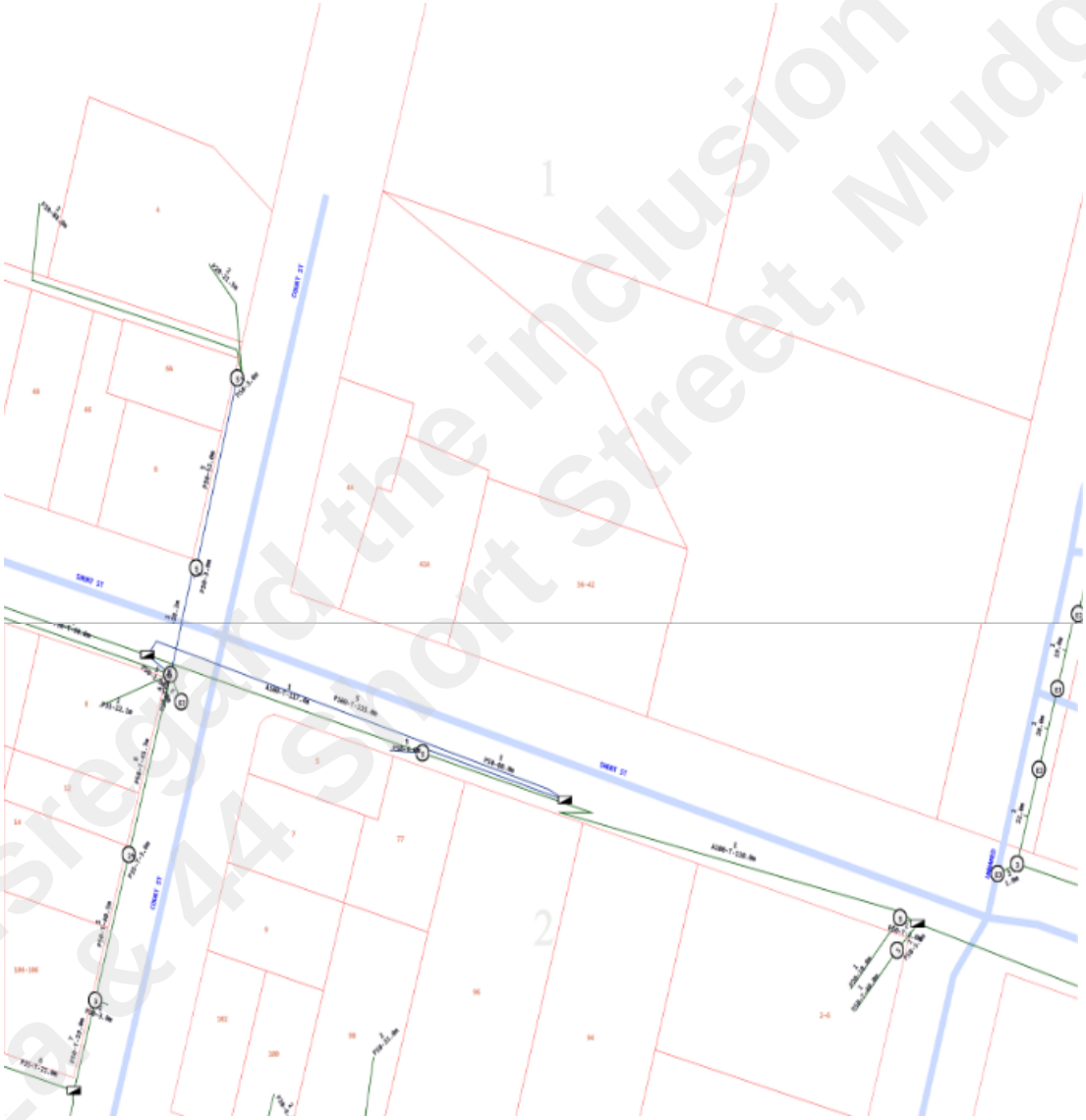

Figure 3.1 –NBN services located near development

Refer to Appendix B for NBN network in proximity to the development.

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3.1.2. Telstra Network

Based on the Telstra dial before you dig plans, there is existing Telstra infrastructure entering the project site. There are a number of Telstra pits provided around the site along Short St and Court St which are now utilised by NBN to run fibre Optic cabling. Final connection arrangement to be determined by formal application to NBN Co.

The figure below depicts existing Telstra pits and pipes infrastructure is available on Short St and Court St along the development.

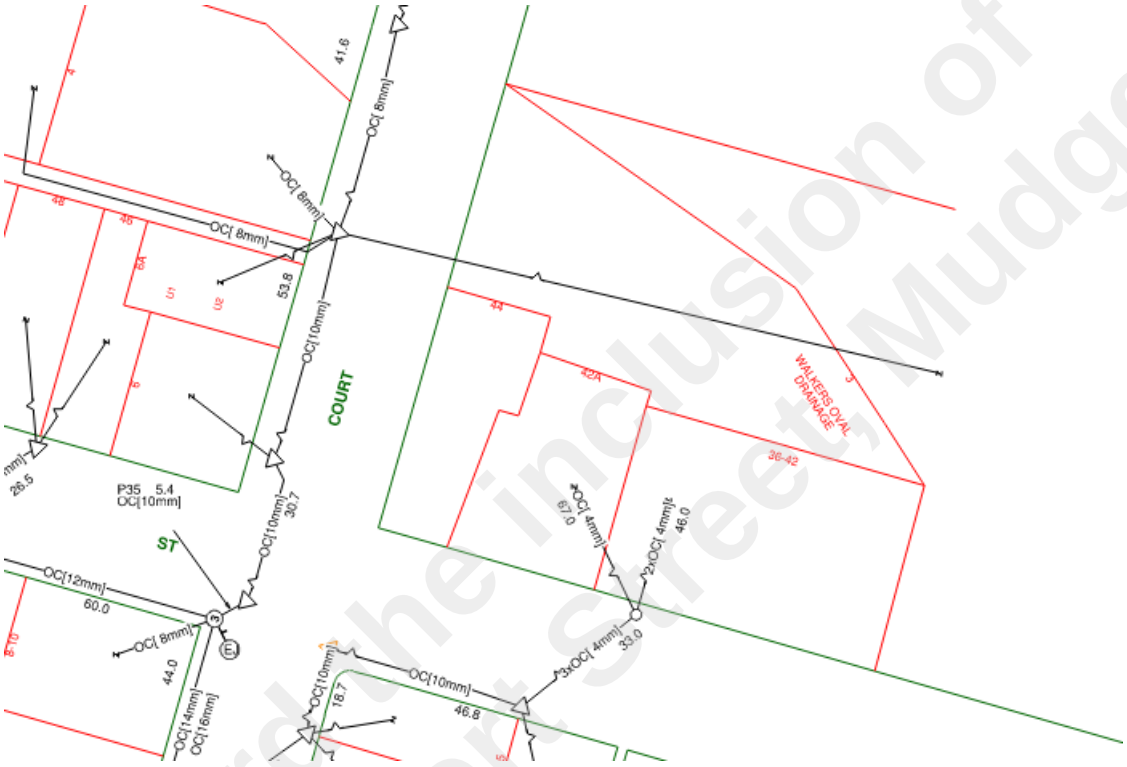

Figure 3.1 –NBN services located near development

Refer to Appendix C for Telstra network in proximity to the development.

disregard the inclusion of 42a & 44 Short Street, Mudgee.

4. Electrical Services

4.1. Existing infrastructure

The following outlines the existing power services adjacent to the proposed site:

4.2. Essential Energy

Based on the Essential Energy DBYD data there are existing services available within the vicinity of the site.

An application for a new load connection will have to be submitted with a maximum demand calculation (Approx. 250A – 400A per phase) to determine the exact method of supply and the power supply arrangement.

The following figure shows the presence of existing overhead high voltage and low voltage infrastructure running along the project site on Short Street.

Refer to Appendix D for Essential Energy network in proximity to the development.

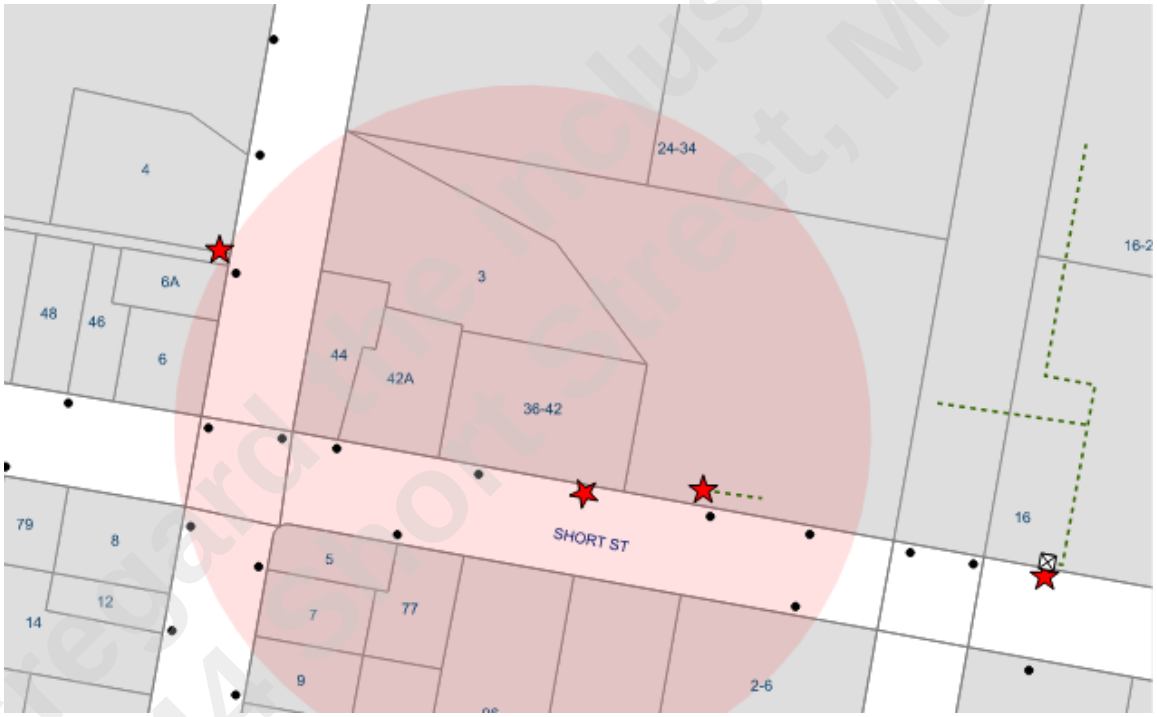

Figure 4.1- Essential Energy services located on Short Street

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5. Recommendations

5.1. Mid-Western Regional Council Applications

Prior to the submission of the Development Application, A full set of your development plans (including a site plan) need to be submitted to Mid-Western Regional Council for approval to ensure there is no impact on assets prior to the submission of a DA.

Further details on the Application requirements are available at https://www.midwestern.nsw.gov.au/Services/Water-services

5.2. Water Supply

Based on the information provided, and on discussion with our Mid-Western Regional Council, the connection may be made from the 200mm water service to the site. For a development as proposed, generally a 200mm main should be sufficient for the site as 40mm incoming water service would cater for the probable simultaneous demand to the apartments.

Further assessments will need to be conducted with Mid-Western Regional Council once the full extent of the development is known. This will allow us to confirm the requirements of any amplification or connections.

5.3. Sanitary

Based on the information provided, and on discussion with a Mid-Western Regional Council, the 375mm service will be the sewer line that the development will connect to. Based on the size of the development, we estimate a connection size of 150mm. The existing 375mm should be sufficient for a project of this size. Further assessments will need to be conducted with Mid-Western Regional Council once the full extent of the development is known to determine the line capacity. This will allow us to confirm the location of any amplification or connections.

The existing 450mm trunk main which runs parallel with the sewer service will need to be considered as part of the design. There will be a requirement to either locate any building clear of this line or protect the service depending on the final configuration of the proposed development. Protection of the service to allow for development closer to the service will need to be confirmed with Mid-Western Regional Council prior to the commencement of any design works.

5.4. NBN

There is NBN available within the vicinity of this development, therefore, can be easily reticulated into this development. Final application, confirmation, and liaison with NBN is required.

5.5. Telstra

Due to the availability of NBN, other network provider services to be confirmed by the developer.

5.6. Essential Energy

HV & LV network are available along the development and further investigation needs to occur to determine the power supply arrangement to site whether via a new pad mount substation on site or a pole mount transformer or via a LV distributor for the new development once a formal application is made to Essential Energy.

An application for a new load connection will have to be submitted with a maximum demand calculation.

disregard the inclusion of
42 & 44 Short St
Mudgee.

6. Appendix A – Mid-Western Regional Council Mains Maps

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Main·Information·-·36·-42a·Short·Street,·Mudgee¶

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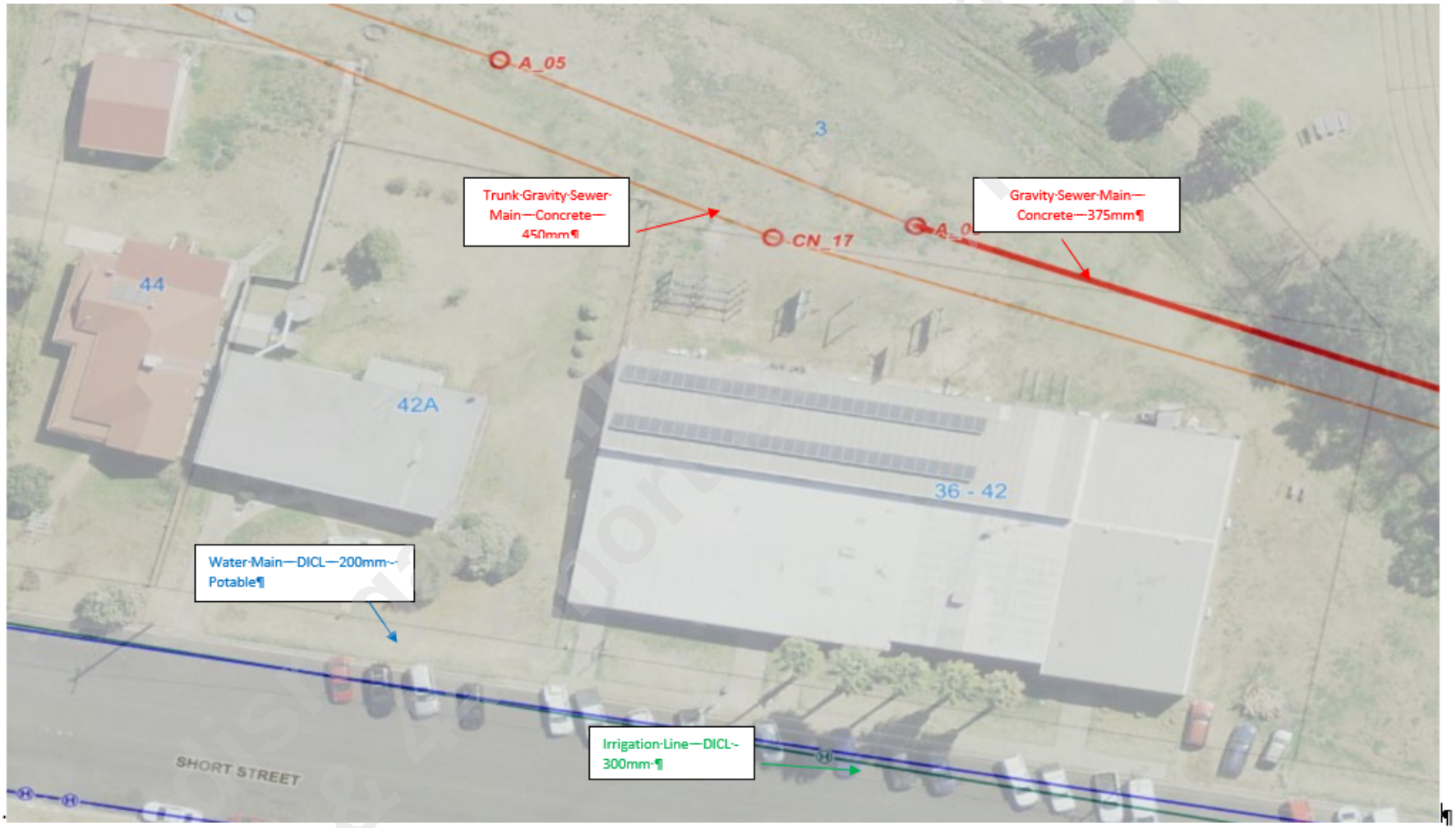

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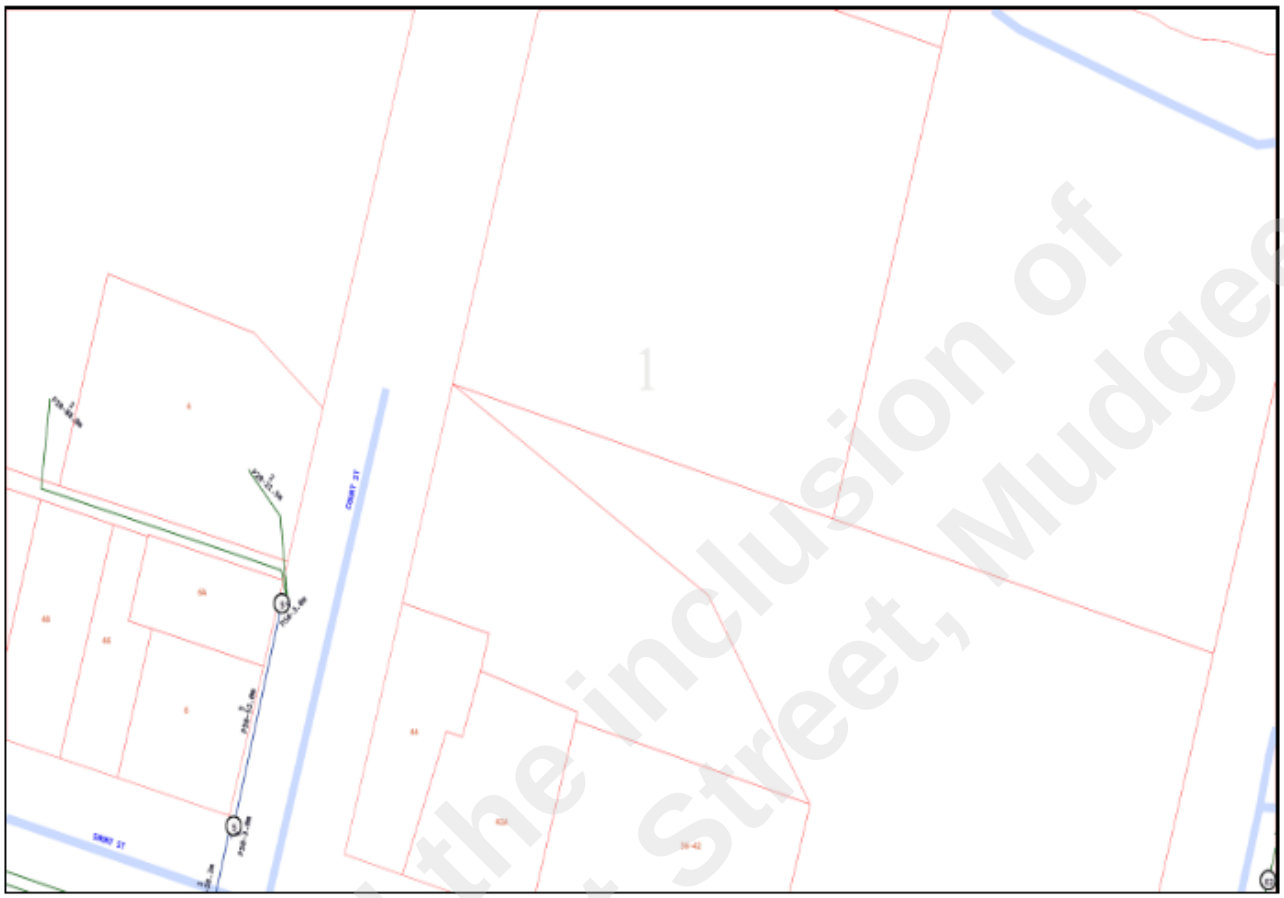
7. Appendix B – NBN Co Map



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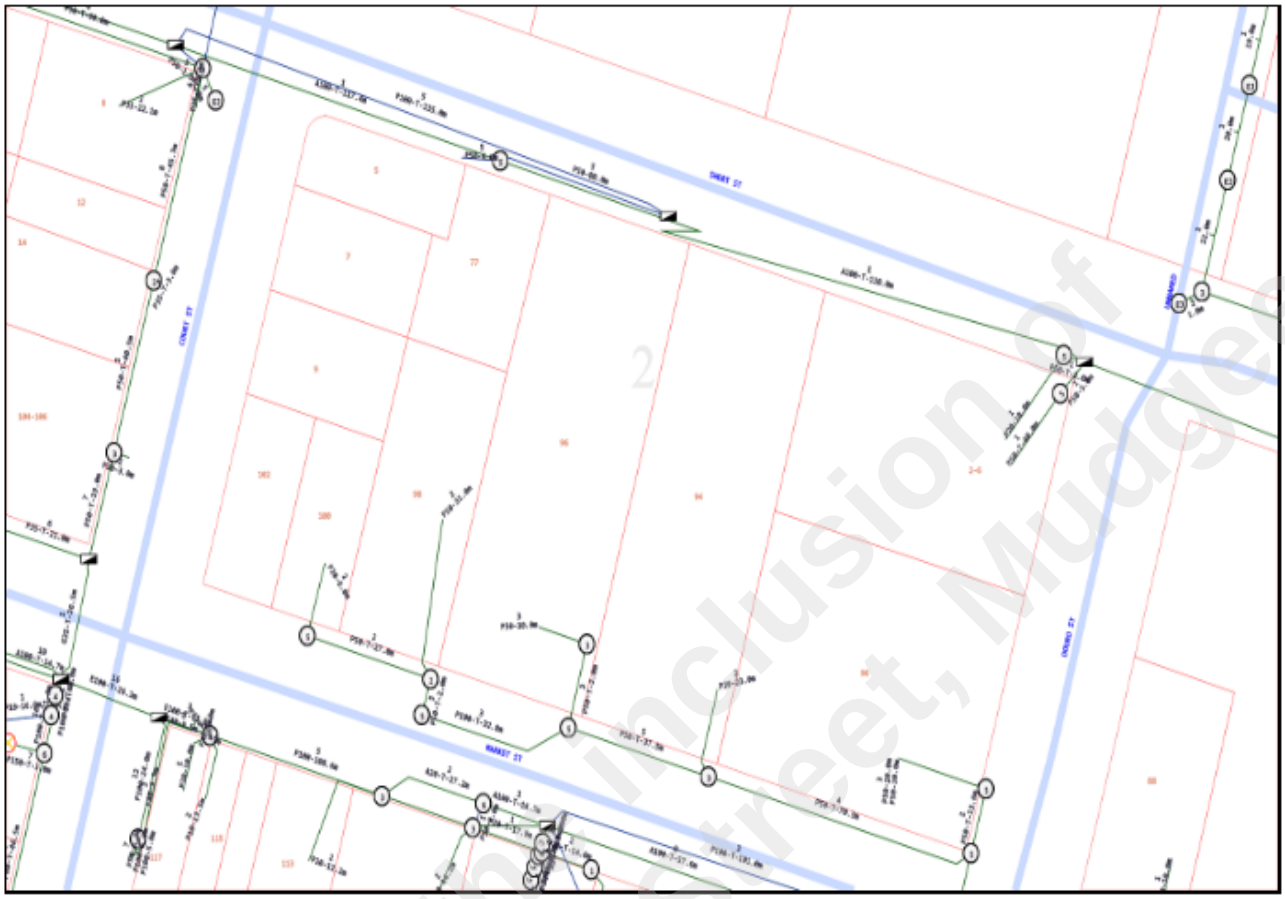

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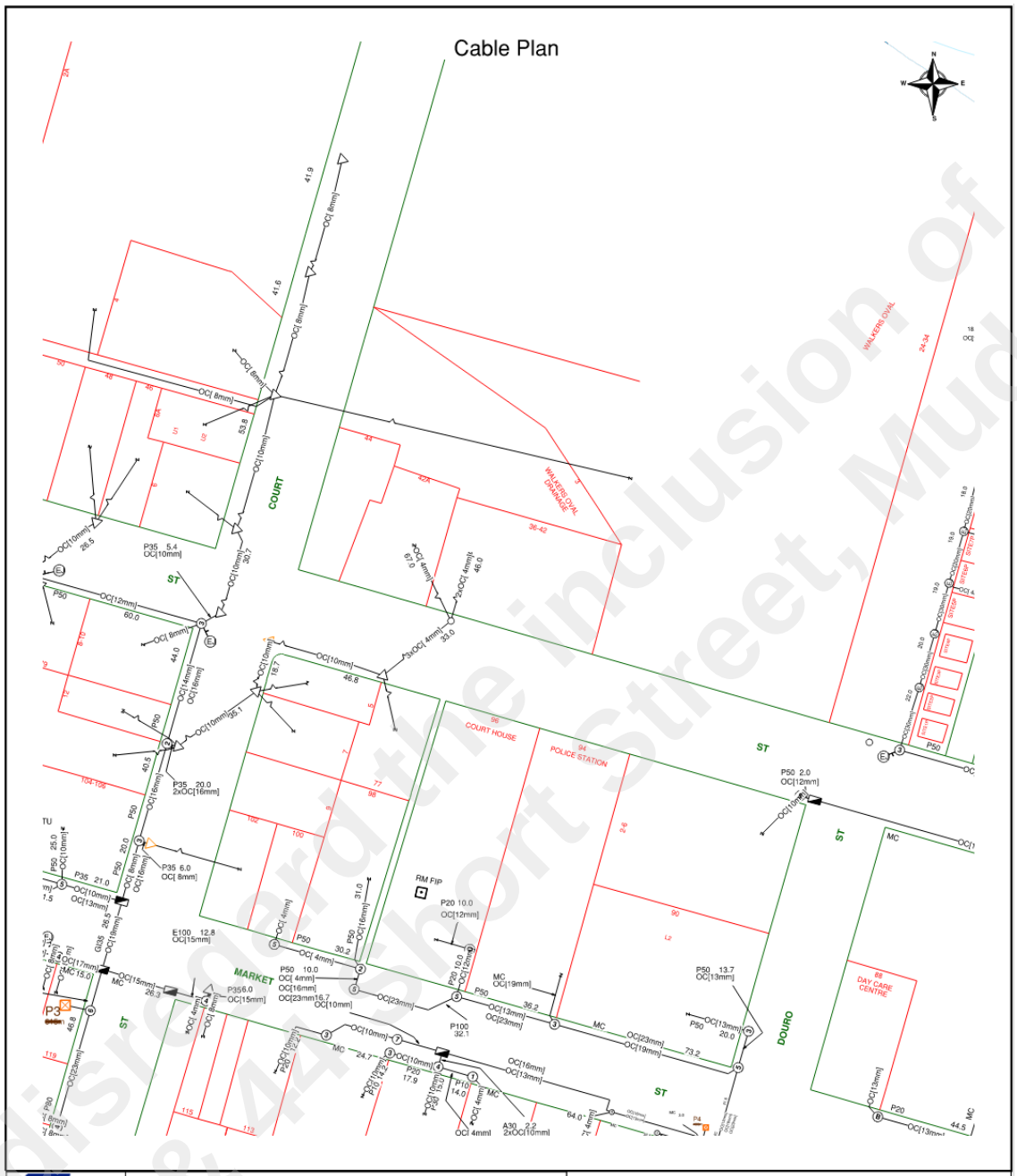
8. Appendix C – Telstra Maps



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The above plan must be viewed in conjunction with the Mains Cable Plan on the following page

WARNING
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Further on site investigation is required to validate the exact location of Telstra plant prior to commencing construction work.
A Certified Locating Organisation is an essential part of the process to validate the exact location of Telstra assets and to ensure the asset is protected during construction works.

See the Steps- Telstra Duty of Care that was provided in the email response.

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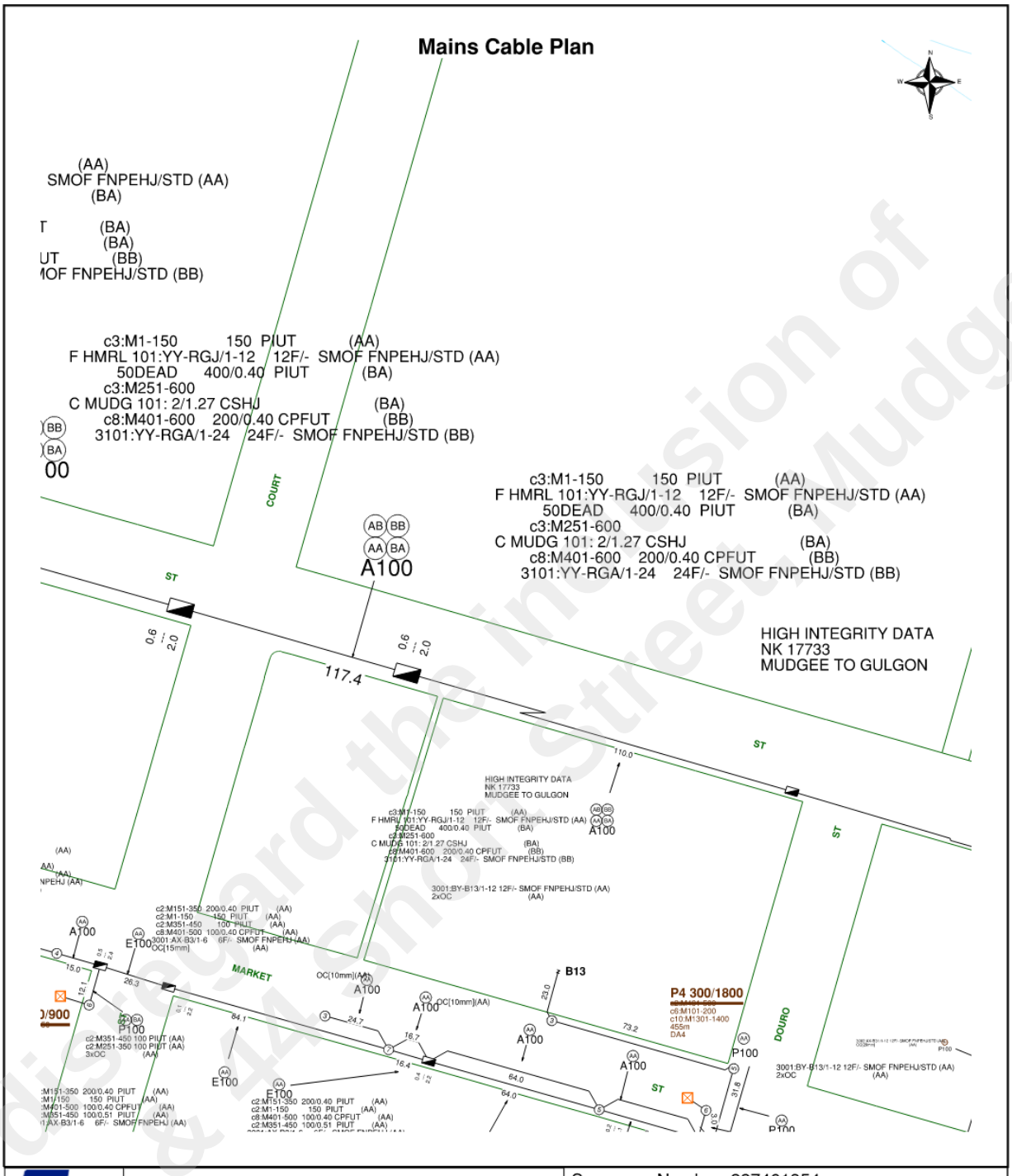

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TELSTRA LIMITED A.C.N. 086 174 781	CAUTION: Fibre optic and/ or major network present in plot area. Please read the Duty of Care and contact Telstra Plan Services should you require any assistance.
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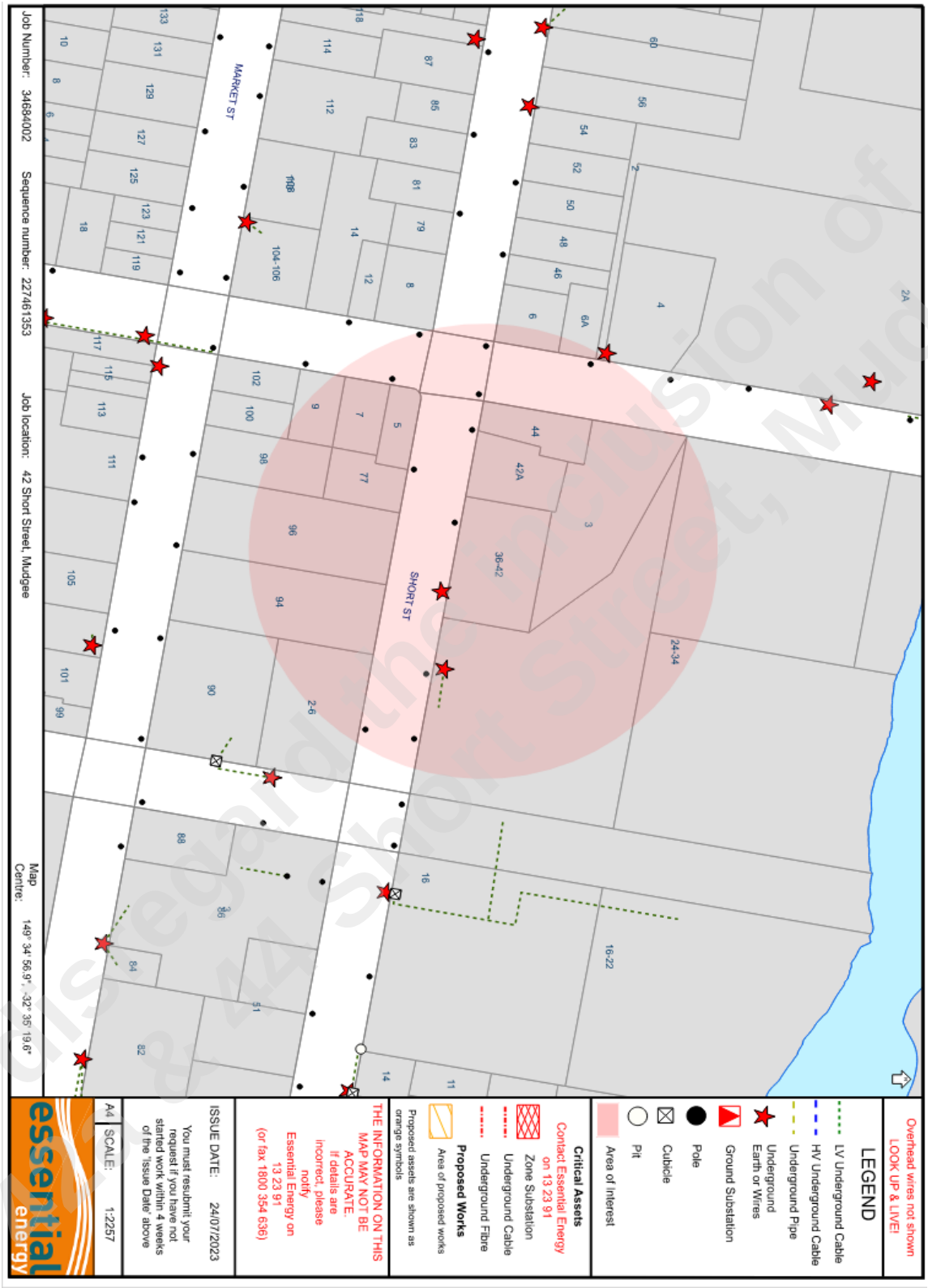
9. Appendix D – Essential Energy Maps



Disregard this version of 42 Short Street, Mudgee.