

DETERMINATION AND STATEMENT OF REASONS
WESTERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	2 December 2024
DATE OF PANEL DECISION	28 November 2024
PANEL MEMBERS	Garry Fielding (Chair), Donna Rygate and Graham Brown
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 12 November 2024.

MATTER DETERMINED

PPSWES-219 – Mid-Western – DA0256/2024 at 10-12 Burrundulla Avenue, Mudgee – multi-dwelling housing (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments:




- The inclusion of a condition requiring the installation of appropriate traffic calming devices within the subject land's proposed internal road network to address the potential for undesirable traffic movements within the site.
- The inclusion of a condition requiring compliance with the recommendations of the Barnson *Site Contamination Investigation* (9 June 2023) to ensure that contamination considerations are satisfied.
- The inclusion of reasons for the imposition of each condition of consent in accordance with the provisions of s.88 of the EP&A Regulation 2021.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Development density (inconsistent with existing character)
- Impact on amenity – privacy, noise, light, removal of trees
- Potential flood impacts to adjoining properties at George Street access
- Safety /property damage as a result of internal road location
- Loss of property value

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that, in addressing these issues, an additional study has been carried out in relation to flooding confirming there would be no adverse flooding impacts to adjoining properties resulting from the proposed development.

PANEL MEMBERS	
 Garry Fielding (Chair)	 Donna Rygate
 Graham Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSWES-219 – Mid-Western – DA0256/2024
2	PROPOSED DEVELOPMENT	Multi-Dwelling Housing (Key Worker Housing comprising 47 dwellings) and associated works
3	STREET ADDRESS	Lot 122 DP1074283 10-12 Burrundulla Avenue MUDGEE NSW 2850
4	APPLICANT/OWNER	Mid-Western Regional Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport and Infrastructure) 2021 Mid-Western Regional Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Mid-Western Regional Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council Assessment Report: 12 November 2024 Written submissions during public exhibition: four Amended final conditions: 27 November 2024
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 25 November 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Garry Fielding (Chair), Donna Rygate and Graham Brown <u>Council assessment staff</u>: Sarah Hopkins, Lindsay Dunstan <u>Department staff</u>: Lillian Charlesworth, Jade Buckman <u>Applicant representatives</u>: Daniel Newman
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Updated conditions uploaded to the Portal: 2 December 2024