

6.3.3 DA 0021/2014 Proposed 109 Lot Subdivision at 62 Zimmer Lane Gulgong, being Lot 519 DP 725032, Lots 9 & 10 DP 251803 and Lots 72, 150-159, 164-167, 229, 231-235 & 294 DP 755433

REPORT BY THE SENIOR TOWN PLANNER TO 5 FEBRUARY 2014 COUNCIL MEETING
140205 Council1
GOV400038, P1889264, DA0021/2014

RECOMMENDATION

That:

1. the report by the Senior Town Planner on the DA 0021/2014 Proposed 109 Lot Subdivision at 62 Zimmer Lane Gulgong, being Lot 519 DP 725032, Lots 9 & 10 DP 251803 and Lots 72, 150-159, 164-167, 229, 231-235 & 294 DP 755433 be received;
2. Development Application 0021/2014, for a 109 lot subdivision being 103 residential lots to be subdivided in two (2) stages, 3 lots for stormwater management and open space and 3 residual lots at 62 Zimmer Lane, Gulgong being Lot 519 DP 725032, Lots 9 & 10 DP 251803 and Lots 72, 150-159, 164-167, 229, 231-235, & 294 DP 755433 be approved subject to the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans F968EG P4-1 and the Application received by Council on 16 July 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
Note: this approval is for Precinct A only. Precincts B, C and D require the submission of individual development applications.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL

2. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.
(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).
3. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitable qualified geotechnical engineer. Fill placed in residential lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
4. No work shall commence until a *Construction Certificate* has been issued for the subdivision works and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.

Note: Council's fee for this service is set out in Council's Fees and Charges

5. A site supervisor is to be nominated to the Council by the applicant prior to the issue
6. The development site is to be managed for the entirety of work in the following manner:
 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
7. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
8. Prior to commencement of works, the submission of possible street/road names in order of preference, for the proposed new roads within the subdivision, are to be submitted to Council for approval.
9. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a *Construction Certificate*.
10. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a *Construction Certificate*.
11. A Traffic Control Plan (TCP) completed by a "Certified Person" for the implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing
12. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party. Public Liability Insurance is to include Mid-Western Regional Council as an interested party and a copy of the insurance policy including the Certificate of Currency is to be provided to Mid Western Regional Council prior to the commencement of work. All work is to be at no cost to Council.
13. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
14. Where the development requires access to private land, the developer shall provide Council with documentary evidence that an agreement has been entered

into with the landholder prior to issue of a Construction Certificate. If utilities are to be located within the private land, the agreement shall clearly state that an easement of a specified width is to be created in accordance these consent conditions.

INFRASTRUCTURE

Stormwater Drainage

15. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Runoff (2001) for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.
16. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:

Post Development Stormwater Pollution Reduction Targets

- Total Suspended Solids (TSS) – 85% reduction of the typical annual load
- Total Phosphorus (TP) – 65% reduction of the typical annual load
- Total Nitrogen (TN) – 45% reduction of the typical annual load
- 90% of gross pollutant loads, oil and grease retained on-site

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

17. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.
18. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any Interallotment drainage.
19. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
20. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - drainage reserves are to be turfed.
 - single strip of turf to be laid behind kerb and gutter.
 - saving available topsoil for reuse in the revegetation phase of the subdivision;
 - using erosion control measures to prevent on-site damage;
 - rehabilitating disturbed areas quickly;
 - maintenance of erosion and sediment control structures;
 - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.

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

ROADS

Section 138 Roads Act – Roads and Maritime Services Requirements

23. The intersection of Springfield Lane and Castlereagh Highway shall be upgraded to include:
 - (a) Rural Channelised T-Junction – Short Lane Type [CHR(S)] in accordance with Figure 7.6 of Austroads Guide to Road Design 2010 – Part4A: Unsignalised and Signalised Intersections and Roads and Maritime Supplements (copy attached).
 - (b) Rural Auxiliary Left Turn Treatment – Short Turn Lane [AUL(S)] in accordance with Figure 8.3 of Austroads Guide to Road design 2010-Part 4A: Unsignalised and Signalised Intersections and Roads and Maritime Supplements (copy attached)
 - (c) Laybys on the departure side for school bus stops shall be provided in accordance with Figure 7.4 Part 4 Austroads Guide to Road Design 2010(copy attached). Extensions to the departure side should be a minimum length of fifteen (15) metres.
24. Castlereagh Highway is a state road and prior to the upgrade of Springfield Lane and Castlereagh Highway, the developer will be required to enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services. RMS will exercise its powers under Section 87 of the *Roads Act, 1993*, (the Act) and/or the functions of the road authority, to undertake road works in accordance with Section 64 and 71 and/or Sections 72 and/or 73 of the Act, as applicable, for all works under the WAD.
25. A Road Occupancy Licence is required prior to any works commencing within three (3) metres of the travel lanes of the Castlereagh Highway. Submission of a Traffic Management Plan incorporating a Traffic Control Plan may be required as part of this licence.
26. Safe Intersection Sight Distance (SISD) requirements outlined in the *Austroads Guide to Road Design Part4A* and relevant Roads and Maritime Supplements should be provided at all new and upgraded intersections
27. Pedestrian/cycle paths shall be provided to the subdivision in accordance with the submitted Statement of Environmental Effects and:
 - (a) Connect to the existing Gulgong pedestrian path network
 - (b) Provided prior to the completion of Stage 1
 - (c) Constructed and maintained in accordance with *Austroads Guide to Road Design 2009-Part6A*
28. The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (e.g. rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.

29. The internal street network shall be designed to promote safe traffic movement. Section 7 of the *RTA Guide to Traffic Generating Development 2002* provides principles for road layout for residential subdivisions to limit traffic speeds. These include traffic calming measures to limit the distance between intersections to 70 metres or less, and limit cul de sac lengths to 80 metres or less.
30. Internal road pavements shall be designed by a suitably qualified engineer in accordance with Austroads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification C242 with sample locations selected as per RMS Specification Q4. All flexible pavements to be sealed with a two coat Class C170 bitumen flush seal (14/7mm double/double).
31. Internal road reserve and pavement widths are to be constructed in accordance with the following:

Zimmler Lane for the full frontage of the proposed subdivision

Item	Requirement
Half Road Pavement Width	4.5m with 3% cross fall
Nature Strip Width	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

Grimshaw Lane from the intersection of Anderson St for the full frontage of the proposed subdivision

Item	Requirement
Half Road Pavement Width	6m with 3% cross fall
Nature Strip Width	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

Road No. 5

Item	Requirement
Road Reserve	18m
Road Pavement Width	9m with 3% cross fall
Nature Strip Widths	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during

 minor events or adjacent to intersections.

Road No. 7

Item	Requirement
Road Reserve	18m
Road Pavement Width	9m with 3% cross fall
Nature Strip Widths	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

Road No. 6 for the full frontage of the proposed subdivision

Item	Requirement
Road Reserve	20m
Road Pavement Width	11m with 3% cross fall
Nature Strip Widths	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

Road No. 1 for the full frontage of the proposed subdivision

Item	Requirement
Road Reserve	18m
Road Pavement Width	9m with 3% cross fall
Nature Strip Widths	4.5m
Concrete Footpath	1 x 1.2m Wide
Seal	Two-coat flush seal – C170 14/7 mm (Double/Double)
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

32. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course.
33. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council standards
34. All road works and other associated traffic control measures are to be completed with each stage of the development and prior to the release of the Subdivision Certificate.

WATER AND SEWER

35. An application for a Compliance Certificate under the *Water Management Act, 2000* is to be submitted to Council as the Water Supply Authority and approved prior to the issue of a Subdivision Certificate for each stage of the development.

Note: This will include (but is not limited to) the requirement to the alter and extend services and the payment of section 64 developer contributions.

36. Three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

EARTHWORKS

37. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
38. Prior the issue of a Construction Certificate, all details relating to decommissioning the farm dam in preparation for a residential site, including methods, materials and equipment shall be provided to Council.

Contributions and other charges

39. In accordance with the provisions of s.94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, the developer will contribute:

Catchment 3

Section 94 Contributions

Transport Management	
Traffic Management	626.32
Open Space	
Local Open Space	1785.46
District Open Space	2424.23
Community Facilities	
Library Buildings	233.69
Library Resources	280.45
Administration	
Plan Administration	545.86
Total per lot	5896.00
Total Payable =	\$624,976

NOTE: Developer Contributions and all other fees and charges are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

40. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
NOTE: Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office. Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.
41. Following completion of the subdivision works, one full set of Work-As-Executed plans, in pdf and dwg format, which is "AutoCAD compatible", is to be submitted on disk to Council. All Work-As-Executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
42. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
- (a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - (b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
43. Prior to the issue of a *Subdivision Certificate*:
- (a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - (b) an agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:
 - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - ii) as to when the work will be completed or the contribution paid.
44. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council to ensure that any defects in such works are remedied by the developer.
Note: The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.
45. The developer is to ensure that all defects in the works that become apparent within twenty four (24) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification.
Note: Any unspent bond money will be returned to the developer at the end of the twenty four (24) month period, less the estimated cost of any outstanding works.
46. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.

GENERAL

47. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- (a) Installation of sediment and erosion control measures
 - (b) Water and sewer line installation prior to backfilling
 - (c) Establishment of line and level for kerb and gutter placement
 - (d) Road pavement construction
 - (e) Road pavement surfacing
 - (f) Practical completion

All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

48. If the Subdivision Certificate is not issued, for any reason, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.
49. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996. Results are to be submitted to Council prior to issue of the *Subdivision Certificate*.
50. The development is to be provided with completed drainage, pollution traps and open space areas as detailed in the approved landscape plans for each stage of the development. Any drainage or open space area within or adjacent to a stage is to be completed prior to the release of the *Subdivision Certificate* for that stage.
51. Street trees are required at a rate of two (2) trees per lot and are to be planted prior to the issue of the *Subdivision Certificate*. The trees are to be semi- mature and barricaded for protection
52. All open space areas are to be levelled, top soiled, turfed with the installation of an in ground irrigation system prior to the release of the *Subdivision Certificate*. The developer will maintain these areas for a period of two (2) years from the release of the *Subdivision Certificate*.

Executive summary

Applicant	Whelans Insites on behalf of Rathfobe Pty Ltd.
Estimated Cost of Development	N/A
Number of Lots	Precinct A - 103 residential lots, 3 lots drainage and 3 residual lots
Reason for reporting to Council	Exceeds delegation - Greater than 20 lots
Public Submissions	1

Council has received a development application for a subdivision of 62 Zimmer Lane Gulgong into 103 residential lots, 3 lots for stormwater drainage and detention basin with open space and 3 residual lots. The Statement of Environmental Effects indicates that the residential lot may be

developed in 20 lot phases. The development application was referred to the Roads and Maritime Services (RMS) as Integrated development and advertised in the local paper. The adjoining property owners were notified and the application was placed on Council's website. One public submission has been received.

The application has been referred to Council for determination as the number of lots exceeds the 20 lot threshold.

A concept plan for a total of 417 lots has been submitted to Council as part of the Statement of Environmental Effects (SEE) proposing four (4) precincts to be developed over time, with each precinct to be the subject of an individual development application. Each precinct has been designed as a standard alone development including all required infrastructure, stormwater and open space facilities. DA0021/2014 is for Precinct A, and the subdivision of the residue into allotments that correspond to the proposed precinct boundaries.

The application is supported and a Recommendation for approval has been included in this report.

Detailed report

62 Zimmer Lane Gulgong was the subject of a Planning Proposal being part of Amendment No. 6 to the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) which rezoned the land from R2 Low density Residential to R1 General Residential. The result of this zoning change was to vary the minimum area for the subdivision of residential lots to 600m².

ASSESSMENT

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

(a) Provisions of any Environmental Planning Instrument and any draft EPI

The land is currently zoned R1 General Residential pursuant to Mid-Western Regional Local Environmental Plan 2012, Amendment No. 6.

Objectives of zone

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents

Comment:

The subject land was rezoned on 20 August 2013 from R 2 Low Density Residential to R1 General Residential (MWRLEP 2012) where the minimum area for the erection of a dwelling is 600m². Prior to the rezoning the proposed development site was zoned R2 Low Density Residential which prohibited the subdivision as lodged.

The Environmental Planning and Assessment Act, 1979 requires that a Development Application be assessed under the Local Environmental Plan in force at the time of lodgement with consideration being given to any Draft Planning Instrument which has been exhibited at the time of lodgement. The weight given to the effect of the draft instrument on the development application is based on the stage of the draft instrument with more weight to be given to those instruments nearing finalisation than those just on exhibition.

In the case of DA0021/2014 the draft instrument was finalised during the application's assessment period, amending the existing LEP so that the proposed subdivision became permissible in the zone. The applicant has requested that the application be assessed under the amendment rather than the provisions in place at the time of lodging the development application

Minimum subdivision lot size (MWRLEP 2012)

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

- (a) *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*
- (b) *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*
- (c) *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*
- (d) *to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*
- (e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*
- (f) *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*

(2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

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

Comment:

Amendment No. 6 rezoned the subject land so that the minimum subdivision lot size for the erection of a dwelling is 600m². The application, as submitted to Council, proposes four (4) precincts:

- Precinct A proposes 103 residential lots, roads, drainage and a super lot containing the residue of the land
- Precinct B, 77 residential lots and associated roads and drainage,
- Precinct C, 115 residential lots, roads and drainage
- Precinct D, 122 residential lots, roads and drainage

All the residential lots proposed have the required minimum area for subdivision. There is no minimum area for the erection of dwellings in the General Residential zone

The subdivision will have an impact on the adjoining area as this proposal "leap frogs" an existing large lot rural residential area that also has been rezoned to General Residential. The development will be required to be fully serviced with water, sewer and storm water drainage which will create the potential for the re-subdivision of the large lot residential blocks.

Longer term the proposed development will encourage the re-subdivision of the large residential lots as services become available. The impact on the adjoining rural land will be minimal due to the staging of the development over a substantial period of time.

(b) Provisions of any Development Control Plan or Council PolicyDevelopment Control Plan 2013

Part 7 of the DCP applies to the subdivision of urban land including residential allotments

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Applies to	<ul style="list-style-type: none"> - land zoned residential - village zones - rural residential lots <2hectares 	Land has been rezoned to R1 General Residential with a 600m ² minimum area
Lot size	<ul style="list-style-type: none"> - Minimum lot size as determined by MWRC LEP 2012. - all lots have street frontage. lots increase in size relative to slope as follows: <ul style="list-style-type: none"> - 0-10 degrees: 600m² - 10-15 degrees: 700m² - 15-20 degrees: 800m² - >20: subdivision prohibited - all lots have 16m width at building line in residential and village zones. - battle-axe handles in R1, R3 & RU5 Village have width of 4m. - battle-axe handles in R2 & R5 residential zones have width of 6m 	<p>Minimum Lot size is 600m²</p> <p>All lots in precinct A have frontage to a public road</p> <p>The slope of the land does not exceed 10% and the lot sizes in Precinct A meet the minimum area requirement being larger than 600m²</p> <p>The minimum frontages comply with a number of lots wider than the minimum.</p> <p>There are no battle axe lots proposed in Precinct A</p>
Lot Design	<ul style="list-style-type: none"> - For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development. - For new release subdivision lot orientation maximises solar access by maximising north-south lots. - For new release subdivision east-west orientated lots have increased width and midpoint. - Lots generally rectangular in shape. - Lots on southern side of road provide greater frontage width for better solar orientation of future 	<p>This is a green field estate</p> <p>Majority of lots are facing North South in precinct A.</p> <p>7 lots out of 100 face east west.</p> <p>Complies</p> <p>Complies</p> <p>complies</p>

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	<p>over kerbing.</p> <p>- Sub-Arterial Road with Bus Route and or cycle lane (one side only): 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier kerbing.</p> <p>- Commercial & Industrial Subdivision Roads: 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier /roll over kerbing.</p>	<p>Required by the RMS</p> <p>N/A</p>
Cycle ways and footpaths	<p>- Cycle ways and pedestrian networks included in new subdivisions.</p> <p>-If subdivision site identified in council cycleway plan or pedestrian strategy subdivision needs to respond to strategy.</p> <p>- New subdivisions provide direct, convenient and safe access to major facilities.</p> <p>- Cul-de-sacs may be required to include 10m wide shared overland flow/pathway.</p> <p>- Developer to provide contribution to council for installation of cycle ways and footpaths prior to release of subdivision certificate.</p>	<p>Cycle ways to be provided as per the SEE to connect to existing cycle ways and footpaths</p> <p>As development is distant from the town, upgrade of linking roads has been required.</p> <p>N/A</p> <p>Works proposed rather than contribution</p>
Open Space	<p>- Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space.</p> <p>- Where on-site detention basins double as open space must include raised level area which incorporates playground or fitness equipment etc and shading landscaping.</p>	<p>Open space is provided in all precincts as well as multi use of drainage reserves for links to open space.</p> <p>N/A</p>
Landscaping	<p>- Landscape plan provided detailing treatment of public domain.</p> <p>- Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years.</p>	<p>Detailed landscaping to be submitted as part of CC plans</p> <p>Condition of consent includes watering system</p>

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Street Trees	- 2 street trees provided per lot. - Developer provides levy to council to provide these trees after 80% of works carried out.	Condition of consent 5% bond required for work defects refundable after 2 years
Utility Services	- servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development. - Evidence of consultation with relevant authorities submitted with application.	Provided and assessed. Required as part of CC plans
Drainage	As per Section 5.3 Stormwater & Drainage.	Detailed calculations and plans to be submitted to Council prior to the issue of the CC

(c) Section 94 & 64 Contributions

62 Zimmer Lane Gulgong is located within Catchment 3 Gulgong under the Mid-Western Regional Council Section 94 Development Contribution Plan 2005-2021. The contribution per residential lot is \$5896.

The subdivision if approved will be levied Section 94 Developer Contributions on the basis of 103 residential allotments and 3 residue allotments. The residue lots are to be levied as 3 single lots for this application as a dwelling could be erected on each of the large allotments as the land is zoned R1General Residential. The 3 lots proposed for stormwater drainage and open space will not be levied as the land will not be used for dwellings.

Payment of Development Contributions as follows:

Table: Payment of Development Contributions

(a) Traffic Management	\$66,389.92
(b) Local Open Space	\$189,258.76
(c) District Open Space	\$256,968.38
(d) Library Buildings	\$24,771.14
(e) Library Resources	\$29,727.70
(f) Plan Administration	\$57,860.10
TOTAL PAYABLE	\$624,976.00

Section 64 Developer Contributions Development Servicing Plan

The subdivision if approved will be levied section 64 developer contributions on the basis of the increase in Equivalent Tenements generated by the subdivision in accordance with Council's Development Servicing Plan

Payment for water and sewerage headworks at the following rate:

Water Headworks 103 x \$8033 + 3 x \$12,051 (residue lots) = \$863,552
Sewer Headworks 103 x \$3668 + 3 x \$3852 (residue lots) = \$389,360

The developer will also be responsible for the full cost for the adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code.

2. *IMPACT OF DEVELOPMENT*

(a) Context and Setting

The subdivision will significantly affect the context and setting of the subject site. The site is relatively flat, cleared for grazing with minimal tree cover and the surrounding area is rural in character. The land is some distance from Gulgong with this development “leap frogging” those areas closer to Gulgong. The land has been identified as suitable for urban development and rezoned for General Residential purposes. The land to the north of the subject is currently developed as large lot residential. The extension of urban services through this area may encourage re-subdivision of the larger lots into residential allotments.

(b) Access, transport and traffic

The Traffic Study provided with the Statement of Environmental Effects (SEE) indicated that the proposed subdivision of 417 Lots in four stages will impact on the existing road network requiring the upgrading and /or realigning of certain intersections, particularly with the Castlereagh Highway and Springfield Lane. The Roads and Maritime Services have required the upgrade of this intersection for the current application being stage 1.

Traffic impacts will be required to be reviewed as each stage is submitted to Council for consideration

(c) Public domain

Stage 1 will create new public areas. These areas require landscaping which is subject to approval by Council when the Construction Certificate plans are lodged. The development application addresses the relevant subdivision guidelines for the public domain.

(d) Heritage

There are no known European heritage listed items within the subject site. A cultural heritage survey of the site was undertaken for the SEE and no items were identified. Should any items be disturbed during construction, work will cease and the National Parks and Wildlife Service and the local aboriginal corporation will be advised.

(e) Water and Sewer

A concept servicing plan was submitted as additional information to address water and sewer supply for the proposed development. As the development is located some distance from existing infrastructure the plan included the infrastructure required to get the services to the site. These issues have been assessed and conditions proposed for the servicing of stage 1 of Precinct A.

The developer will be required to provide to Council a Compliance Certificate under the Water Management Act, 2000 prior to the issuing of a Subdivision Certificate. The Compliance Certificate is issued by the relevant Water Supply Authority when all infrastructure works and any payments required by that authority have been finalised to that authority's satisfaction.

Mid-Western Regional Council is the Water Supply Authority in relation to this application and the works likely to be required include:

- Provision of separate water and sewer connections to each lot at full cost

- Provision of water meters for each lot
- Provision of a sewer pump station to serve the development
- Extension of the sewer main infrastructure as required
- Payment of contributions as required by Council's Development Servicing Plan.

It should also be noted that during the Mac Group Court Case, the expert witnesses agreed that there was urgent upgrades required to the Gulgong Sewage Treatment Plant (STP). These include the aeration capacity of STP, the remediation of the soil for the effluent irrigation areas and the capacity of the sludge dewatering system. These matters have been identified by council as requiring urgent attention and would need to be rectified before any significant development where to connect into the Gulgong Sewerage system.

The proposed development will have a more gradual impact on the Gulgong sewerage system than the proposed accommodation facility proposed by the Mac Group. A condition has been imposed on the development requiring a Certificate of Compliance under the Water Management Act 2000. As a stage of the subdivision is being developed, Council will assess what works are required to be done to facilitate the release of the Compliance Certificate.

Gulgong Sewerage Treatment Plant (STP)

The assessment of Development Application 0021/2014 included a detail assessment of the likely impacts of the proposal on the Gulgong STP. The creation of 103 residential lots in two (2) stages will occur over a number of years and will provide housing choice without increasing the percentage rate of increase in housing supply in Gulgong.

The aeration capacity of the STP will not be adversely affected by the slow incremental increase in the number of dwellings connected to the sewerage system. It is anticipated that the rate of new dwellings erected in the area served by the Gulgong STP will not increase through this subdivision.

Council is currently negotiating with tenderers' for the acquisition of a mobile sludge dewatering plant. The subdivision is not anticipated to increase the rate of new dwellings being connected to the sewer and therefore will not adversely impact on the Best Practice program currently in operation at the STP.

The slow incremental increase in the number of dwellings connected to the sewer system will have minimal impact on the volume of effluent currently disposed of by irrigation and will not stress the soil structure of these areas.

There will be a further assessment of the impact of the proposed development prior to the issue of any Compliance Certificate under the Water Management Act.

(h) Soils

The area is not subject to subsidence or slip. Soil Classification reports are required for all residential lots in stages 1 and 2 of Precinct A

The history of the property submitted with the development application indicated that no dipping sites had been located on the property, nor the land used for intensive horticulture. The dwelling that had been erected on the farm had been demolished many years ago and the site converted to grazing. A detailed contamination report of the land is not considered necessary as the site is low risk for soil contamination

(i) Air and Microclimate

There are no issues with air quality in this locality. There is potential for dust nuisance to adjoining properties during the construction of the development. The applicant will be required to ensure dust nuisances don't arise

(j) Flora & fauna

The vegetation on the site has been extensively modified by grazing activities and extensively cleared of trees. The development of the site for residential purposes may improve the potential habitat for native species.

(k) Waste

Any waste from the construction of the subdivision will be disposed of at a licensed landfill facility. The SEE advised that there is no asbestos apparent on the site.

(l) Energy

The electricity supply will require to be upgraded to service the proposed development. Any alteration to the reticulation network is at the full cost to the developer. Internal reticulation to the subdivision is to be underground.

(n) Natural Hazards

The site has a slope of 10° or less across the total site. There are no identified flooding issues with the current level of development however drainage systems are required to handle the increased runoff from urban development including water quality issues.

The site of Precinct A is identified as affected by Ground Water Vulnerability in MWRLEP 2012. The development of residential lots is unlikely to adversely impact on the ground water resources as stormwater drainage is proposed to be piped to a detention system complete with water filtration and gross pollution traps.

A water quality system is proposed for the total development with all the precincts having a complete system so that water quality issues are managed at each stage.

Future precincts may be impacted by saline soils. Future applications will need to address the potential impact of salinity on infrastructure and buildings.

In conclusion while the subject site is affected by a range of natural hazards the possible impacts are not significant and can be mitigated by the design of the infrastructure.

(p) Safety, security and crime prevention

The subdivision design for Precinct A provides for all streets to be overlooked by development and the proposed park and drainage reserve fronts a public road with house lots overlooking the park areas.

All roads are through roads with road 6 being partially constructed for precinct A to become a through road in future Precincts.

(q) Social impact in the locality

The addition of 103 residential lots into the town of Gulgong will have a significant impact on the community. The potential additional population created by the proposed subdivision will increase demand for services and provide support for the existing community services and facilities located in Gulgong creating a more vibrant and sustainable community.

(r) Economic impact in the locality

Construction of the subdivision and the subsequent housing construction will be proved an economic boost to the region. Once the dwellings are occupied the increased economic activity generated by permanent residents will add to the existing economy of Gulgong. The small business centre at Gulgong has the potential to expand within the current zoned area.

(s) Site design and internal design

The subdivision design is in four precincts with each precinct having two stages. Precinct A is the closes to the existing services, has no cul-de-sacs and provides open space and linking drainage reserves to the detention basin. Further stages will be assessed at each stage. The concept design is flexible to allow for changes in the lot layout with affecting the provision of major infrastructure.

(t) Construction

Construction of the subdivision will be subject to conditions requiring the management of potential environmental impacts from dust, noise and stormwater with provisions to prevent erosion and pollution of waters.

(u) Cumulative Impacts

There will be cumulative impacts as the area becomes a residential neighbourhood. The likely impacts on the adjoining properties are required to be mitigated through the design and construction to improve stormwater drainage, road access and provide landscaping of the subdivision.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

Detailed land use studies were undertaken as part of the Planning Proposal for amendment 6 to MWRLEP 2012 which identified the land as suitable for residential development.

(b) Are the site attributes conducive to development

The development site is considered to be generally conducive to the development as submitted to Council.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

Council notified the adjoining land owners of the proposed development and advertised the proposed development in the local newspaper. Copies of the application were made available at the Gulgong Council Office.

One submission was received from an adjoining property owner. The grounds of the objection to the development are:

- When purchased land the area was semi rural
- Impact on native animals
- Welcome Reef Road and Springfield Lane are dirt roads. Traffic using these roads creates dust nuisances

- Welcome Reef Road when wet is Four Wheel Drive only.

Comment:

The land has been rezoned following a long process assessing the impacts of potential development on the area. Both Council and the Department of Planning and Infrastructure have assessed the area as suitable for development as a residential area. Conditions of consent require the upgrading of Springfield Lane, Zimmer lane and Grimshaw Lane.

The impact of the development on the native animal population will be minimal as the land is extensively cleared having been used for farming operations over a long period of time.

The residents of Precinct A, being within close proximity to Guntawang Street and Fisher Street, are more likely to access the Castlereagh Highway and Gulgong via these roads than travel down a unsealed road. Assessment of applications for the later stages of the total development will include an assessment of the standard required for Welcome Reef Road.

The upgrading of the intersection of Springfield Lane and the Castlereagh Highway has been required by the Roads and Maritime Services who assessed the full concept plan for the proposed area.

(b) Submissions from public authorities

Council referred the application to Roads and Maritime Services as the development application is Integrated Development under the *Environmental Planning and Assessment Act, 1979*. The RMS has responded by supplying conditions of consent relating to the required road works in relation to state roads.

5. THE PUBLIC INTEREST

Federal, State and local government interests and community interests

The development seeks to provide an additional supply of residential zoned land to assist the locality with the provision of housing. This application is consistent with the approved Planning Proposal approved by the Department of Planning and Infrastructure in August 2013.

6. CONSULTATIONS

(a) Development Engineer

The application was referred to Council's Development Engineer for assessment. A condition requiring the lodgement of a Compliance Certificate under the Water Management Act is to be placed on any approval. The Development Engineer also recommended stormwater drainage requirements and road standards for non- State roads.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Development Application 0021/2014 seeks to provide residential allotments at Gulgong in accordance with Council's Land Use Strategy and therefore is consistent with Council policy.



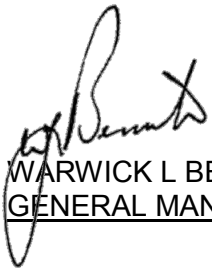
ELIZABETH STONEMAN
SENIOR TOWN PLANNER

CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

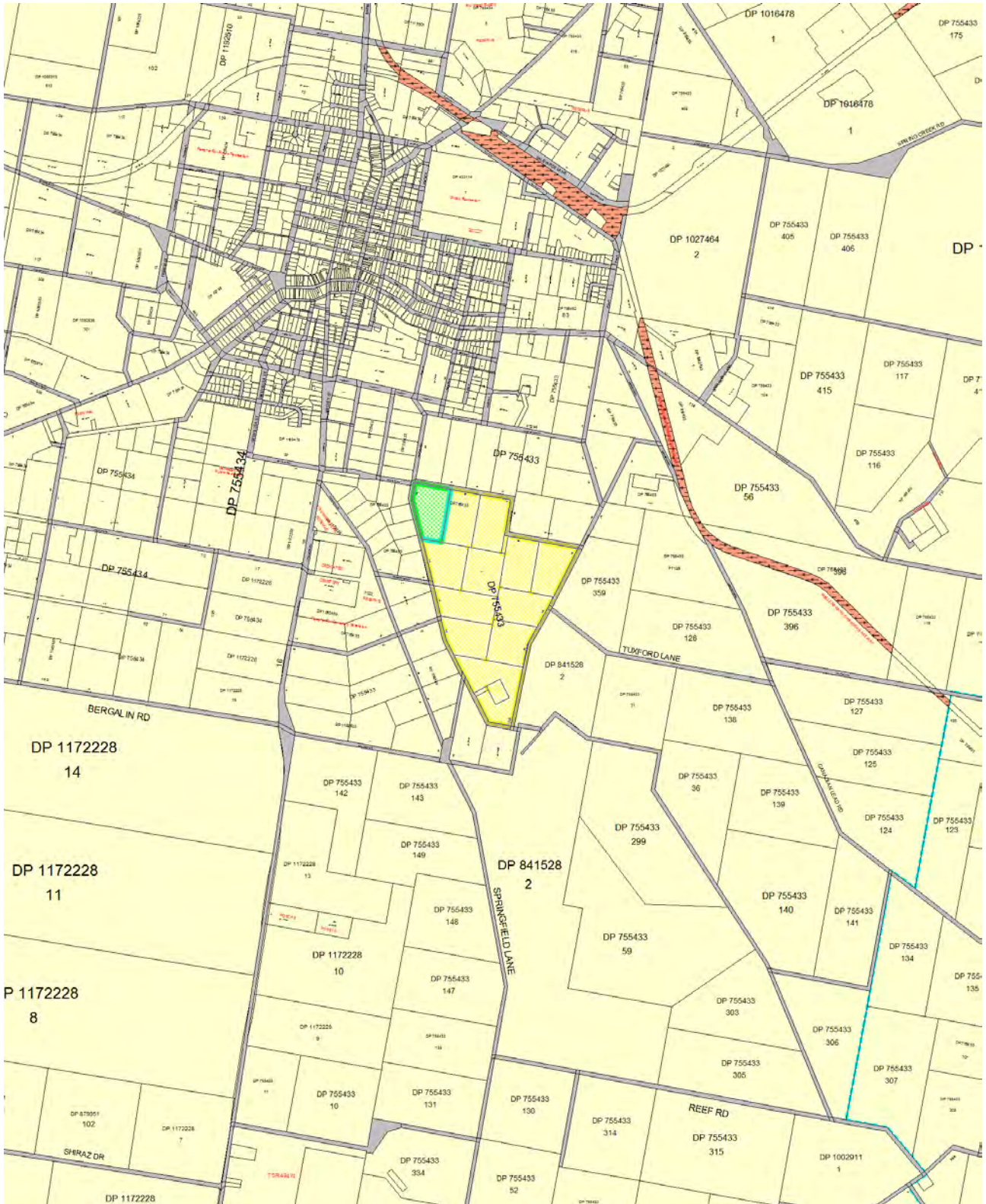
20 January 2014

Attachments: 1. Locality Plan
2. Subdivision Plan
3. Concept Plan
4. Public Submission

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER







FOR DA	
PROJECT	P969
DATE	11/02/14
SCALE	A
BY	PG
CHECKED	
DATE	
PROJECT TITLE	PROPOSED MASTERPLAN FOR RESIDENTIAL SUBDIVISION LOTS 72, 120-125, 164-167, 200, 201-202 & 204 OF 706493 AND LOTS 6 & 7 OF 261803 AND LOT 519 OF 2676602 GLENHAW LANE, GULLONG
CLIENT	
DESIGNER	
DATE	
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BY	
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PROJECT NO.	
DATE	
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DATE	
PROJECT TITLE	
CLIENT	
DESIGNER	
DATE	
SCALE	
BY	
CHECKED	
DATE	

5th September 2013

Andrew & Naomi Rouse
14 Welcome Reef Lane
Gulgong NSW 2852

Catherine Van Laeren
Group Manager, Planning & Development
Mid-Western Regional Council
86 Market Street
Mudgee NSW 2850

Dear Catherine,

Re: Development application DA0021/2014 – Proposed subdivision – Torrens Title @ 62 Zimmer Lane Gulgong NSW 2852 Lot 72 DP 755433, Lot 166 DP 755433, Lot 167 DP 755433 and 12 more.

We would like to voice our extreme opposition to this development. We bought our 10 acre block on Welcome Reef Lane overlooking all of the proposed development divisions above because we wanted a rural outlook. **We were assured this country was zoned semi-rural.** Therefore, we have spent of \$100,000 renovating the house to overlook this rural view.

We would also like to bring it to your attention that a mob of 20 Eastern Grey Kangaroos have lived in your proposed development site since we have been here and no doubt for a long time before. They provide great enjoyment for us, our neighbours and visitors. They are a protected species. We have also located many other native animals that use this area, for example we had this beautiful Echidna visit our front door only a few weeks ago.



Also, we would like to draw your attention to the fact that our front entrance, Welcome Reef Lane is a dirt road which barely copes with the small amount of traffic it has now. The road looks like it has never been touched by council and the dust that it, and Springfield Lane creates engulfs the house on a daily basis. It is a full time job cleaning it up, not to mention the health & safety risks for us and our young child, with another child on the way. On the flipside, in periods of wet weather Welcome Reef Lane is really only accessible by 4WD.

In summary, not only will your development seriously affect the sensitive ecology of the area but it will dangerously increase the traffic flow, dust and pollution for our property as Welcome Reef Lane will be the main throughfare to Mudgee.

Yours Sincerely,



Andrew Rouse
Rouse Tree Services, Business Owner
0425 368 368