



Premise

Statement of Environmental Effects

PROPOSED SUBDIVISION STAGE 12C


Report No: 319171_SEE_005

Rev: FINAL

7 July 2021

© Premise 2021

This report has been prepared by Premise Australia for Proposed Subdivision Stages 12 and 13 Caerleon; may only be used and relied on by Proposed Subdivision Stages 12 and 13 Caerleon; must not be copied to, used by, or relied on by any persons other than Proposed Subdivision Stages 12 and 13 Caerleon without the prior written consent of Premise. If Proposed Subdivision Stages 12 and 13 Caerleon wishes to provide this Report to a third party recipient to use and rely upon, the recipient agrees: to acknowledge that the basis on which this Report may be relied upon is consistent with the principles in this section of the Report; and to the maximum extent permitted by law, Premise shall not have, and the recipient forever releases Premise from, any liability to recipient for loss or damage howsoever in connection with, arising from or in the respect of this Report whether such liability arises in contract, tort including negligence.

DOCUMENT AUTHORISATION					
Revision	Revision Date	Report Details			
DRAFT A	14/05/21	Draft			
FINAL	07/07/21	Final			
Prepared By		Reviewed By		Authorised By	
Gannon Cuneo		Emily Lawson			

CONTENTS

1. INTRODUCTION	3
2. THE SITE & ITS LOCALITY	3
2.1 THE SITE	3
2.2 THE LOCALITY	4
3. THE DEVELOPMENT	4
3.1 DEVELOPMENT DESCRIPTION	4
4. STATUTORY PLANNING FRAMEWORK	5
4.1 OBJECT OF THE EP&A ACT	5
4.2 SECTION 1.7	5
4.3 SUBORDINATE LEGISLATION	6
4.4 INTEGRATED DEVELOPMENT	7
4.5 ENVIRONMENTAL PLANNING INSTRUMENTS	7
5. IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST	9
5.1 CONTEXT AND SETTING	10
5.2 ACCESS, TRANSPORT AND TRAFFIC	10
5.3 SERVICING	10
5.4 HERITAGE	10
5.5 CONTAMINATION	11
5.6 STORMWATER	11
5.7 WASTE	11
5.1 SITE DESIGN AND INTERNAL DESIGN	11
5.2 NATURAL HAZARDS	12
5.3 SUITABILITY OF THE SITE	12
5.4 THE PUBLIC INTEREST	12
6. CONCLUSION	12

FIGURES

Figure 1 – Staging Plan	3
Figure 2 – Stage 12C	4
Figure 3 – Vegetation Communities on the site	6
Figure 4 – Stage 12 Contamination Review	8
Figure 5 – Land Zoning Map Overlay	8
Figure 6 – Lot Size Map Overlay	9
Figure 7 – Aboriginal Heritage Items	11

APPENDICES

APPENDIX A MID-WESTERN DEVELOPMENT CONTROL PLAN 2013
APPENDIX B CAERLEON DEVELOPMENT CONTROL PLAN COMPLIANCE TABLE

1. INTRODUCTION

Premise has been commissioned by Caerleon Mudgee Pty Ltd to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a subdivision of 26 Hone Creek Drive, Caerleon. The proposal seeks to create 18 residential lots known as Stages 12C of the Caerleon Estate development. The proposed subdivision is located south of the existing approved subdivision within the Caerleon estate and will provide a range of residential lots for further development in the precinct.

This SEE has been prepared pursuant to Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* and is provided in the following format.

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

2. THE SITE & ITS LOCALITY

2.1 The Site

The site is currently 26 Hone Creek Drive (Lot 201 DP 1269473), Caerleon. This lot was created as part of the registration of Stage 3A in the staged Caerleon Estate development. Stages 4 and 5 are currently under construction and registration of these stages is anticipated in the near future.

The site comprises a residue lot approved under Development Application (DA0428/20113)) known as 'Neighbourhood 1' and the extent of the approved subdivision is shown in **Figure 1** below.

Figure 1 – Staging Plan

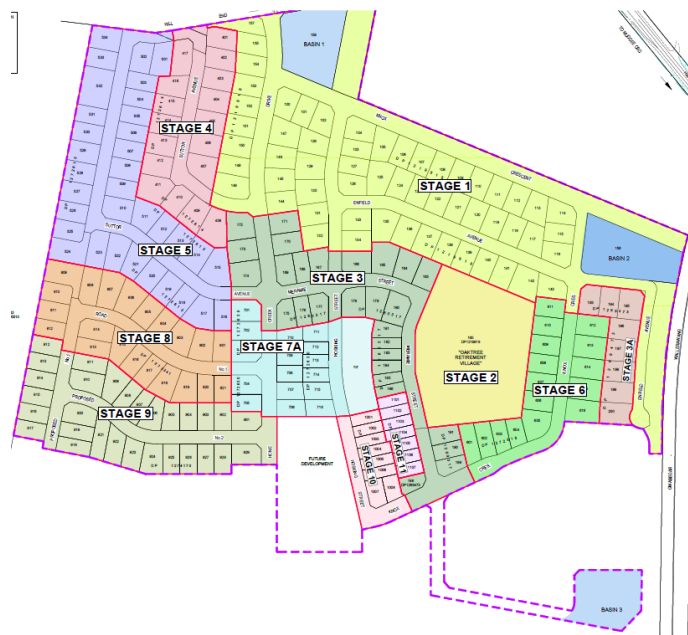
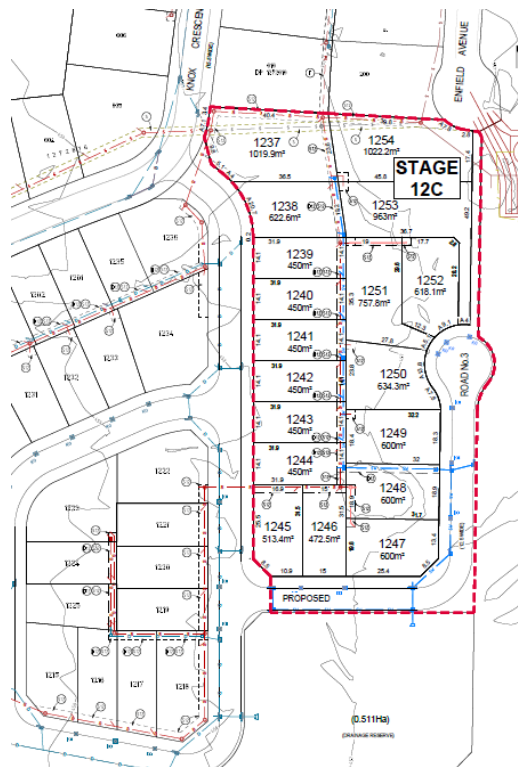


Figure 2 below provides illustrates Stage 12C being the site as outlined in red. Stage 12C is located south of Enfield Avenue and Stage 3A, west of Gwabegar-Wallerawang Railway, north of the future drainage channel/drainage basin, and east of Stages 12A and 12B. Stage 12C will follow the registration of Stage 12B which is located immediately east of Stage 12C, as also shown in **Figure 2** below.

Figure 2 – Stage 12C



2.2 The Locality

The locality is described as a predominantly rural area in the Mid-Western Region of New South Wales(NSW). The site is located approximately 3.5 kilometres from Mudgee Town Centre and forms part of a residential development in Caerleon.

Access is provided from Hill End Road to the estate which is progressing through the construction of Stages 4 and 5 currently.

3. THE DEVELOPMENT

3.1 Development Description

The proposed development comprises the following:

- Torrens title subdivision creating 18 residential lots known as Stage 12C;
- Construction of new roads and dedication as public road;
- Civil works including bulk earthworks, road construction, stormwater management, servicing, and street tree planting.

The proposed residential lots range in area between 450m² and 1,022.2m² with varying dimensions and configurations to provide a diverse mix of residential development. Proposed lot 1254 will be accessed from Enfield Avenue which has already been constructed and dedicated as a public road.

The subdivision will ultimately result in the completion of Stage 12 of the development.

4. STATUTORY PLANNING FRAMEWORK

4.1 Object of the EP&A Act

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment (DPIE). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

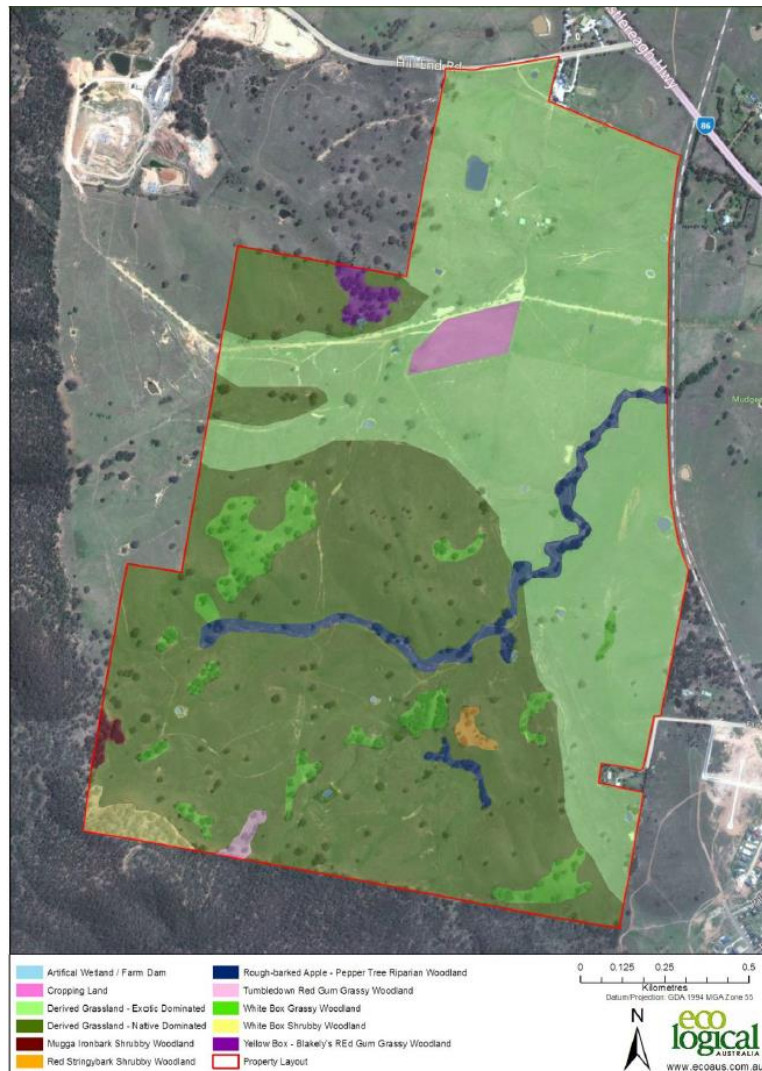
- (a) *To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *To promote the orderly and economic use and development of land,*
- (d) *To promote the delivery and maintenance of affordable housing,*
- (e) *To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *To promote good design and amenity of the built environment,*
- (h) *To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *To provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is not considered to be antipathetic to the above objects.

4.2 Section 1.7

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. The land subject to this application contains exotic grassland as identified in the Flora & Fauna, Riparian and Bushfire Study prepared by Eco Logical Australia. An extract of the report is provided in **Figure 3** below which illustrates the exotic derived grassland for the land subject to this application.

Figure 3 – Vegetation Communities on the site



The report also categorises the vegetation on the site which identifies the area subject to this application being subject to low or very low ecological constraints. It is considered the proposed development is unlikely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3 of the BC Act and is not located on land containing outstanding biodiversity value. The proposed development is very unlikely to have an adverse impact on flora and fauna and is therefore considered satisfactory with regard to Section 1.7 of the EP&A Act and Part 7 of the BC Act.

4.3 Subordinate Legislation

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs; and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55);
- *Mid-Western Regional Local Environmental Plan 2012* (LEP); and

- *Mid-Western Regional Development Control Plan 2013 (DCP).*

The requirements of these are discussed in **section 4.5** of this Statement.

4.4 Integrated Development

Section 4.46 of the EP&A Act states development requiring consent and another activity approval is defined as Integrated Development. In accordance with Section 100B of the *Rural Fires Act*, the commissioner may issue a bush fire safety authority for development of bushfire prone land for the purposes of residential or rural residential development. The proposed development is classified as integrated development by virtue of requiring a bush fire safety authority from the NSW Rural Fire Service.

A Bushfire Risk Assessment has been prepared and submitted with this application for referral to the NSW Rural Fire Service. The report demonstrates the location of proposed residential lots is consistent with previously approved stages within the Caerleon development and complies with the requirements of Planning for Bushfire Protection. On this basis, the proposed development is considered suitable and a bush fire safety authority can be issued for the development.

4.5 Environmental Planning Instruments

4.5.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7 states the consent authority must not consent to the carrying out of any development on land unless:

it has considered whether the land is contaminated, and

if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Assessment of the contamination status of the site was considered with the rezoning of the site. The site has been used for grazing and passive agricultural uses. Based on a desktop review of the site, it is very unlikely the site is contaminated due to previous land uses. **Figure 4** below is an aerial image of the site which illustrates the site is undisturbed and has not been used for any potentially contaminating activities.

Figure 4 – Stage 12 Contamination Review



The site is suitable for the proposed residential use. The contamination status of the site has not changed, and the proposal complies with the requirements of SEPP 55.

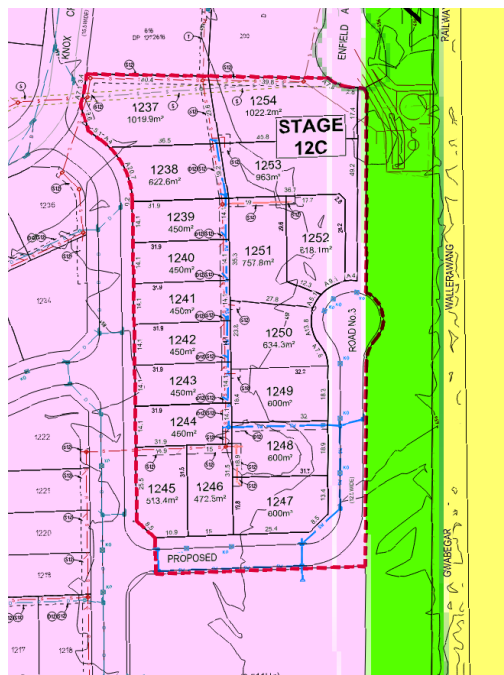
4.5.2 MID-WESTERN LOCAL ENVIRONMENTAL PLAN 2012

Consideration has been given to the relevant sections and controls outlined in the LEP apply to the proposed development and subject site. The following sections of the LEP are applicable to the proposed development on the site:

Zoning and Permissibility

The site is zoned R1 General Residential under MWRLEPs shown in **Figure 5** below.

Figure 5 – Land Zoning Map Overlay

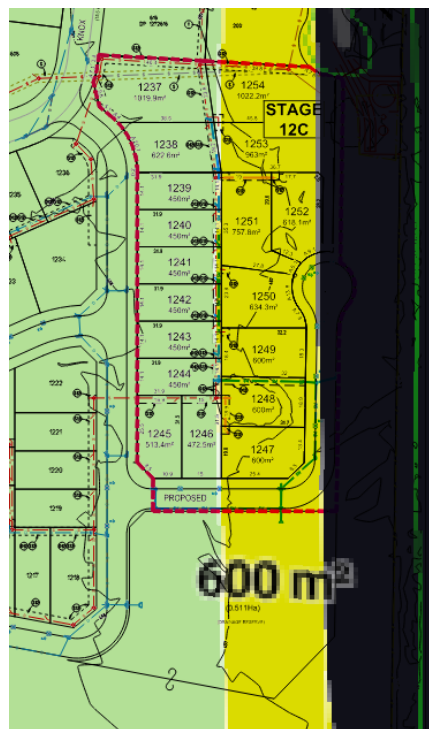


Subdivision is permitted with development consent under Clause 2.6 of the SEPP.

Clause 4.1 – Minimum subdivision lot size

Clause 4.1 of the MWRLEP establishes the minimum size of lots resulting from a subdivision and requires the minimum area of any lot not to be less than that shown on the Lot Size Map for the subject site. The Lot Size Map specifies a minimum lot size of 450m² as shown in **Figure 6** below. All lots created as a result of the proposed subdivision are equal to or greater than 450m² in the area shown green and all lots in the area shown yellow are 600m² or greater in area which complies with Clause 4.1 of the MWRLEP.

Figure 6 – Lot Size Map Overlay



4.5.3 MID-WESTERN DEVELOPMENT CONTROL PLAN 2013

The site and proposed development are subject to the controls outlined in Mid-Western Region Development Control Plan 2013. An assessment against the controls outlined in the DCP is provided in **Appendix A** attached to this report. Appendix C “Caerleon DCP” in Mid-Western Region Development Control Plan 2013 establishes the site-specific controls relating to Caerleon. An assessment against the controls in this section of the DCP has been undertaken and is provided in **Appendix B** attached to this report.

5. IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b) and the former NSW Department of Urban Affairs and Planning’s (nd) Guide to Section 79C.

This section also addresses the consideration at Section 4.15(c) and Section 4.15(e) of the Act that relate to the suitability of the site for the development and the public interest.

5.1 Context and Setting

The proposed subdivision will not detract from the scenic qualities and features of the landscape.

The character and amenity of the locality and streetscape will be maintained through landscaping of each lot at the completion of dwelling construction and street tree planting with the subdivision.

The density and lot layout are compatible with the existing approved developments in the locality and is consistent with the vision for the Caerleon Estate development.

The proposed subdivision will not result in any adverse impact on adjoining properties given the proposed development is a vacant residential subdivision on residential zoned land and located within proximity to the future local centre.

The lots have been designed to maximise the northerly aspect to the rear areas of the lots to achieve improved solar access for future residents.

The development will not detract from existing views and vistas enjoyed by adjoining properties and will not result in any adverse impact on the character of the locality.

5.2 Access, Transport and Traffic

Each lot will have direct access to the public road network and is within proximity or adjacent to the future local centre. The additional lots created with this subdivision will not result in any adverse or significant impact on traffic within the Caerleon development which was considered at the rezoning stage to cater for a large residential housing development.

5.3 Servicing

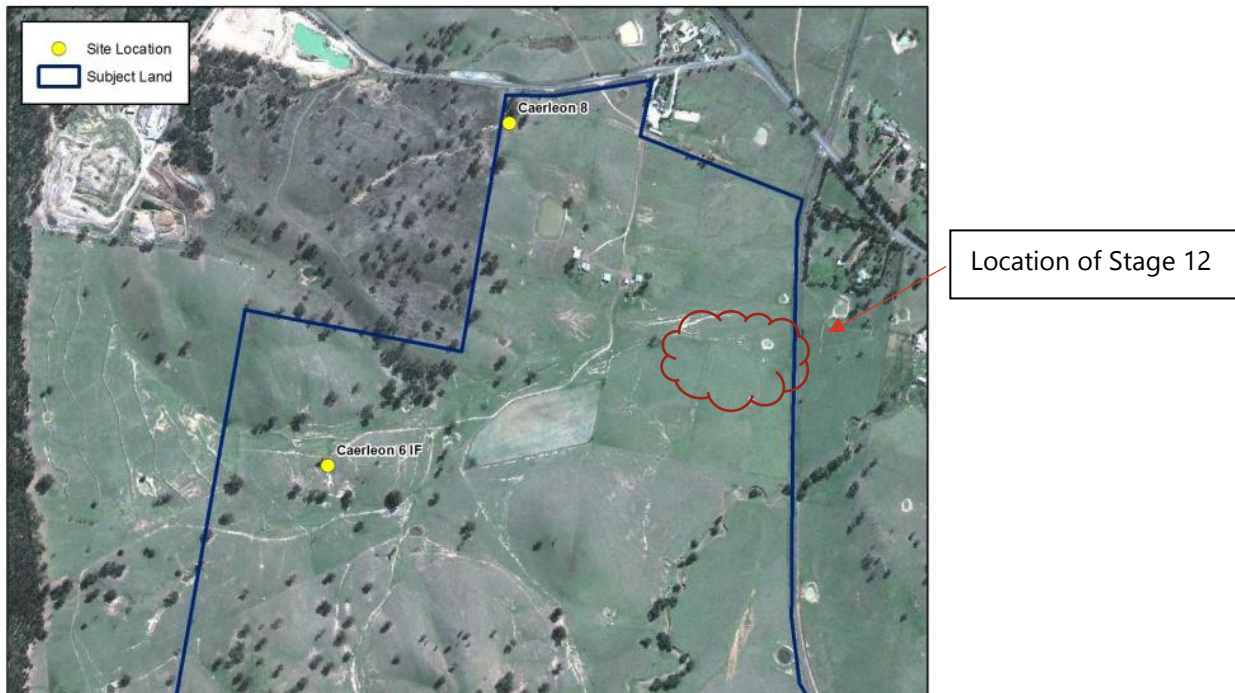
Each lot will be serviced by sewer, water, electricity, and telecommunications. Confirmation/ certification will be provided with the Subdivision Certificate to confirm services are available to each lot at the completion of the development. Services are available in the locality and will be extended to service the proposed lots.

5.4 Heritage

The proposed subdivision will have no impact on heritage items in or near the subject site.

Evidence of Aboriginal heritage does not exist within proximity to the proposed development. Lots within Stage 12C are a substantial distance from the item and will not have any adverse impact on the Aboriginal heritage significance of items found within the site. Refer to **Figure 7** below.

Figure 7 – Aboriginal Heritage Items



5.5 Contamination

As noted in the SEPP 55 assessment in this report, the subject site is not contaminated and does not require remediation. The site is suitable for the proposed residential subdivision.

5.6 Stormwater

Stormwater drainage for each lot will be directed to an inter-allotment drainage line which will be directed to the public stormwater network and a regional detention basin. Construction of dwellings will ensure stormwater is directed to the approved stormwater disposal location at construction stage. Appropriate easements for drainage will be finalised as part of the registration of the subdivision.

5.7 Waste

A Waste Management Plan will be submitted with an application for a Subdivision Works Certificate. At which point, confirmation will be provided for the method of waste management during preliminary site works, construction and ongoing. Each lot within the subdivision will be serviced by Council's waste service and each lot has direct frontage to a public road for waste collection.

5.1 Site Design and Internal Design

The site has demonstrated it is suitable for the proposed development through compliance with the relevant controls in the LEP and DCP. The subdivision layout is conducive to the topography of the site and provides regular shaped lots for future dwelling construction.

5.2 Natural Hazards

The subject site is not affected by flooding. A Bushfire Risk Assessment has been prepared and submitted with this application which demonstrates that the site is capable of being developed for residential purposes in line with the zoning of the land.

5.3 Suitability of the Site

This report has demonstrated the site is suitable for the proposed development through the compliance with the relevant development standards and controls related to the development and the site. The site is not contaminated, and the associated reporting has demonstrated it is suitable for residential development.

The detail submitted in support of the modified lot layout and additional lots demonstrates the proposed development is consistent with other approved developments in the locality and contributes to a mix of lot types and provides opportunity for diversity in future built form.

5.4 The Public Interest

The proposal is consistent/ compatible with the adjoining approved/ constructed development within the Caerleon estate development. The development provides greater opportunity for housing diversity in the area. There will be no adverse impact on the adjoining properties regarding solar access and visual privacy and is therefore considered to be in the public interest.

6. CONCLUSION

The proposed development is for the subdivision of residential zoned land for the purposes of creating residential lots for future dwelling construction. The proposal achieves the aims and objectives of the LEP and DCP by providing a variety of residential lots within the Caerleon estate. The proposed development will not result in any adverse environmental impact and will provide opportunity for additional residential dwellings within the Mid-Western Region.

The proposed development is an extension of the existing approved and constructed development to the north and is in line with the indicative layout established in Caerleon DCP. The development will provide for greater housing opportunities within proximity to local open space, facilities, and services. This report has demonstrated that the proposal achieves compliance with Section 4.15 of the EP&A Act and the relevant development standards/ controls and is consistent with the vision for Caerleon Estate.