



Premise

Statement of Environmental Effects

PROPOSED SUBDIVISION STAGE 13

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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 45 residential lots and one residue lot known as Stage 13 of the Caerleon Estate development. The proposed subdivision is located south of the existing approved subdivision 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 known as 26 Hone Creek Drive (Lot 201 DP 1269473), Caerleon. The lot was created as part of the registration of Stage 3A in the staged Caerleon Estate development. Stages 4 and 5 are under construction and registration of these stages is imminent. The site comprises a residue lot approved under (DA reference MA0042/2021) known as 'Neighbourhood 1' and the extent of the approved subdivision is shown in **Figure 1** below.

Figure 1 – Staging Plan

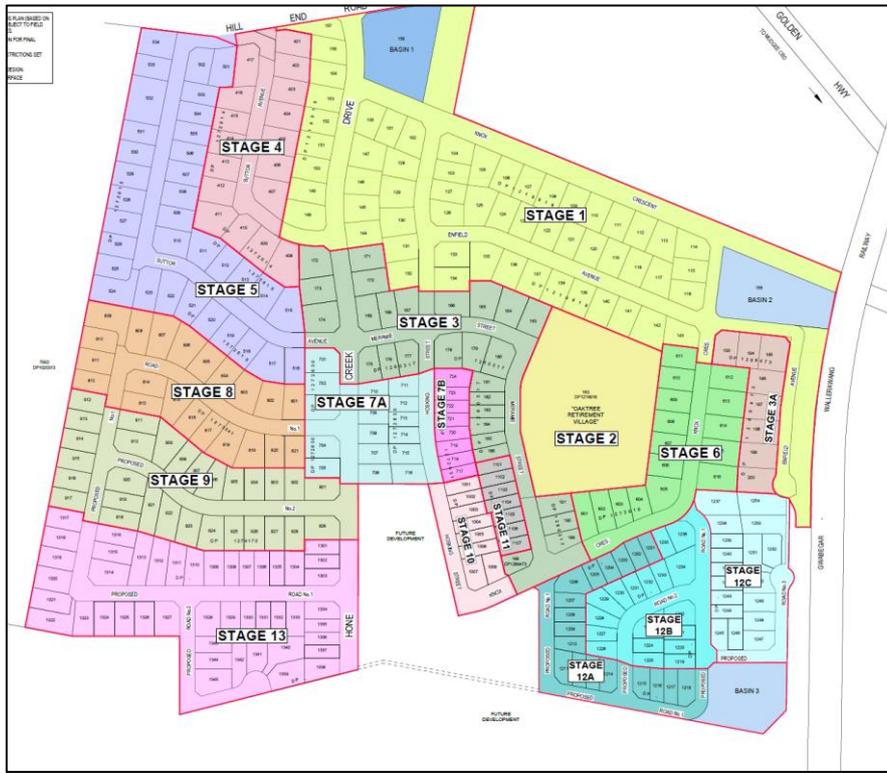
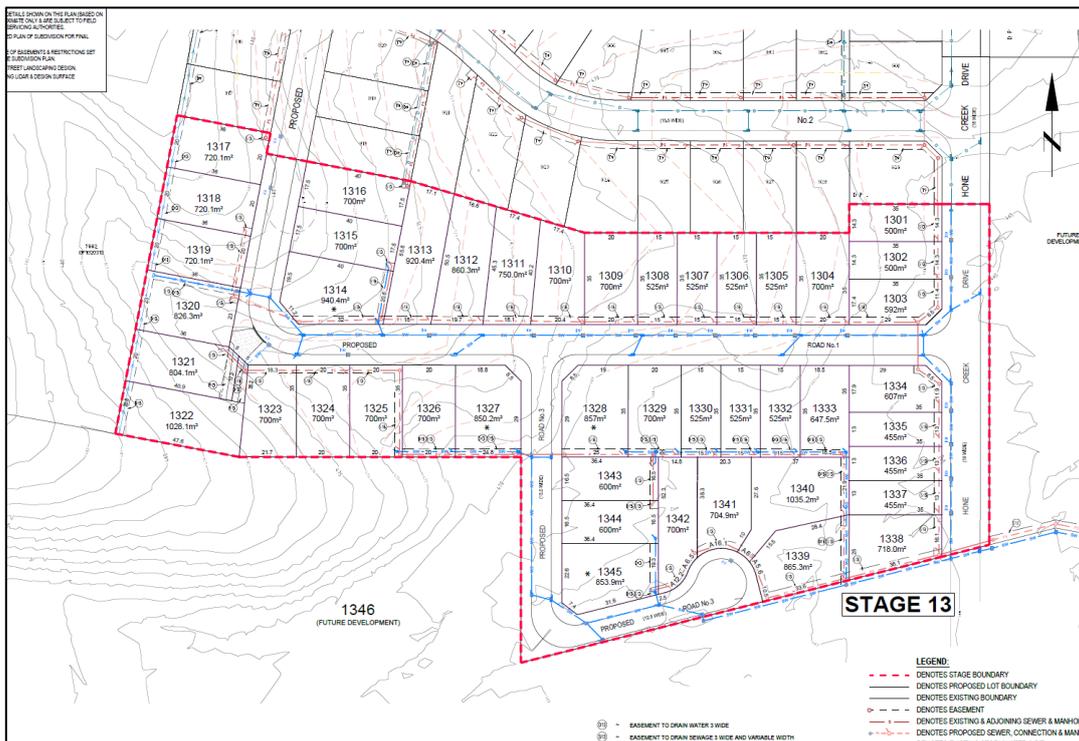


Figure 2 below illustrates Stage 13 outlined in red in the context of the overall Caerleon Estate. Stage 13 is located south of Stage 9, west of Hone Creek Drive and the future neighbourhood centre, north of the future drainage channel, and east of the Travelling Stock Reserve (TSR) site.

Figure 2 – Stage 13



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 6 and 7 currently.

3. THE DEVELOPMENT

3.1 Development Description

The proposed development comprises the following:

- Torrens title subdivision creating 45 residential lots and one residue lot.
- Construction of new roads and dedication as public road.
- Civil works including earthworks, road construction, stormwater management, servicing, and street tree planting.

The proposed allotments range in area between 455m² and 1,028.1m² with varying dimensions and configurations to provide a diverse mix of residential development.

The residue lot created by this application will be subject to a separate development application for further subdivision in the future.

Stormwater runoff from each lot will be directed to the approved Basin 3 which has been catered for as part of the precinct drainage strategy. The location of the basins has been determined through detailed technical investigation/design and the basin this site drains toward is in the east which is identified as a Drainage Reserve on the plan of subdivision.

This basin has been sized and designed to cater for stormwater runoff from the subject site which is required to be constructed prior to the registration of Stage 8. The basin will be constructed well before the registration of Stage 13.

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,*

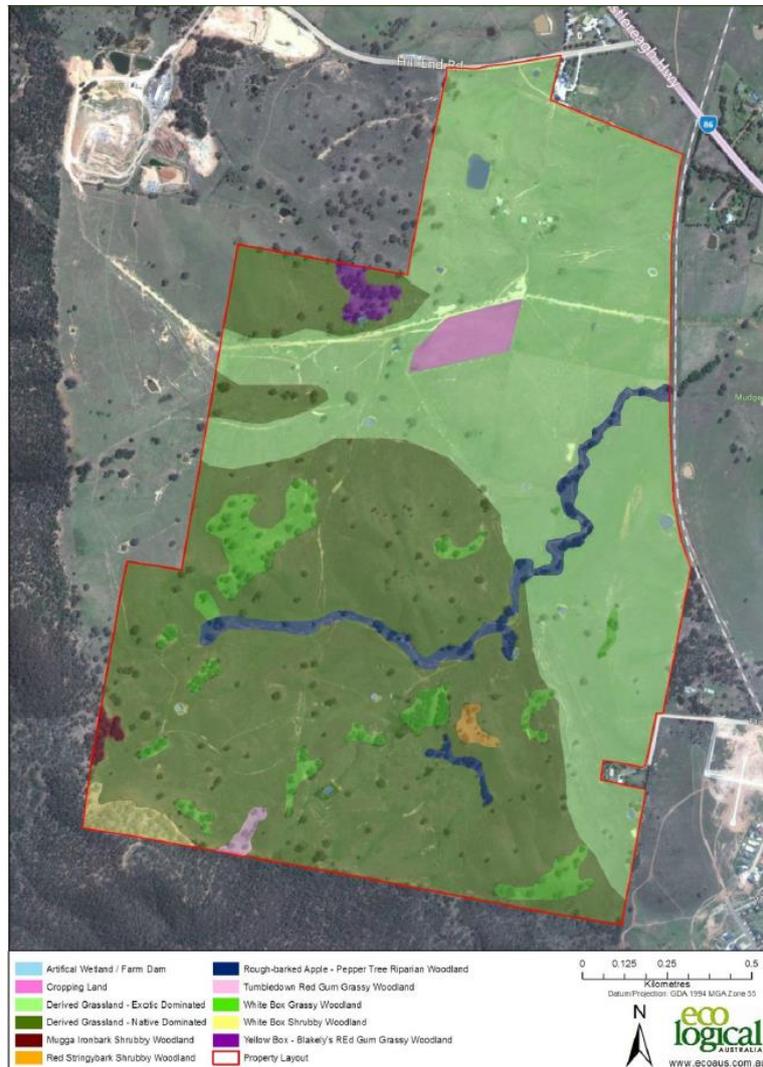
- (b) *To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *To promote the orderly and economic use and development of land,*
- (d) *To promote the delivery 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 located within the estate, in particular 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. The proposal is very unlikely to have an adverse impact on flora and fauna and is therefore considered satisfactory regarding 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 (MWRLEP); 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 Assessment Report has been prepared and submitted for referral to the NSW Rural Fire Service. The report demonstrates the location of proposed residential lots will not be subject to the threat of bushfire and is consistent with previously approved stages within the Caerleon Estate development. The proposed subdivision complies with the requirements of Planning for Bushfire Protection and on this basis, the proposed development is considered suitable.

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 has been considered under 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 which illustrates the site is undisturbed and has not been used for any potentially contaminating activities.

Figure 4 – Stage 13 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.

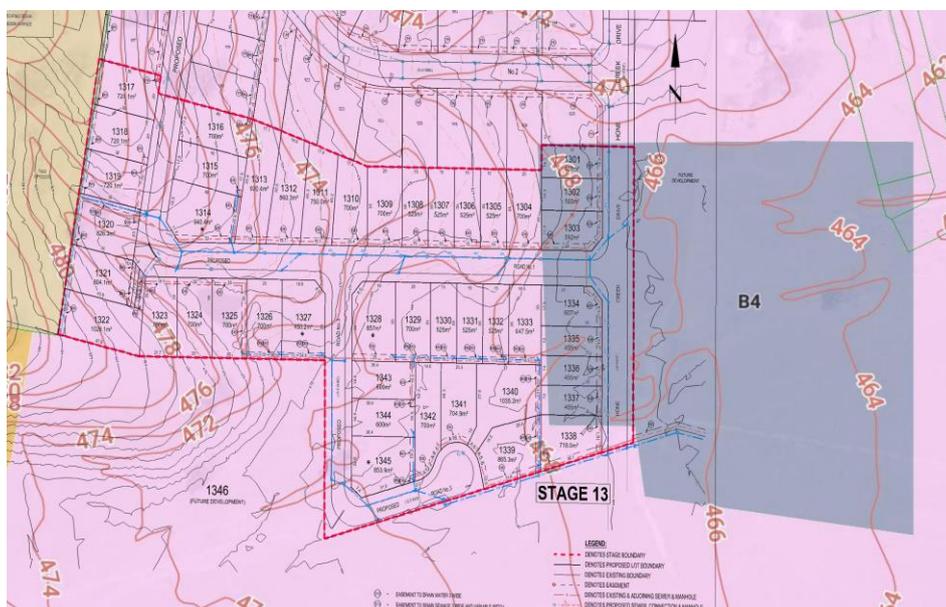
4.5.2 MID-WESTERN LOCAL ENVIRONMENTAL PLAN 2012

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

Zoning and Permissibility

The site is zoned R1 General Residential and B4 Mixed Use under MWRLEP as shown in **Figure 5** below.

Figure 5 – Land Zoning Map Overlay

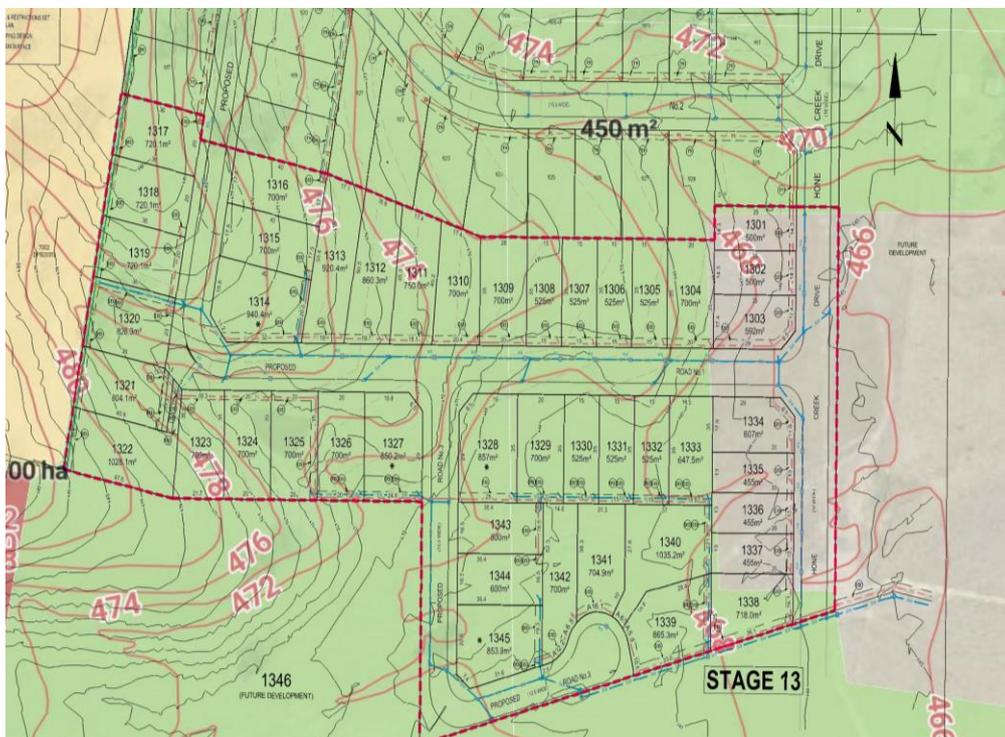


The proposal is for subdivision which permitted under Clause 2.6 of the LEP. Each lot is created with the expectation of being used for the purpose of residential accommodation, namely dwelling houses. Dwelling houses are permissible in the R1 General Residential Zone and Residential accommodation is permissible in the B4 zone (which incorporates all forms of residential development).

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 for R1 zoned land and there is no minimum lot size for B4 zoned land, as shown in **Figure 6** below. All lots created as a result of the proposal are equal to or greater than 450m² which complies with Clause 4.1 of the MWRLEP.

Figure 6 – Lot Size Map Overlay



Clause 4.1C – Exception to minimum subdivision lot sizes around Zone B4

Clause 4.1C of the MWRLEP establishes the objectives and controls providing flexibility in the application of the minimum lot size requirement. Clause 4.1C(2) states despite Clause 4.1(3), there is no minimum subdivision lot size for the subdivision of land identified as “Area C” on the Lot Size Map and within 100 metres of land in Zone B4 Mixed Use, if the subdivision is for the purposes of residential accommodation.

All lots identified green have a minimum lot size of 450m², with all lots exceeding this requirement and therefore complying.

Lots 1301-1303 and 1334-1338 are wholly or partially zoned B4 Mixed Use with several lots being within 100 metres of the B4 zone. Whilst it is acknowledged a reduced lot size is permitted under this clause for lots within proximity to the B4 zone, the proposal achieves compliance with the minimum lot size under Clause 4.1. Each lot is 450m² in area or greater which is sufficient to enable the erection of a dwelling house on each. The lot sizes proposed are compatible in the context of the development and provides a suitable response to the zoning of the land.

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 which 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 and mixed-use 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.

A Traffic Report prepared for the precinct establishes the hierarchy of the spine road, being Hone Creek Drive. Collector and local streets connect to Hone Creek Drive to distribute traffic throughout the Caerleon precinct.

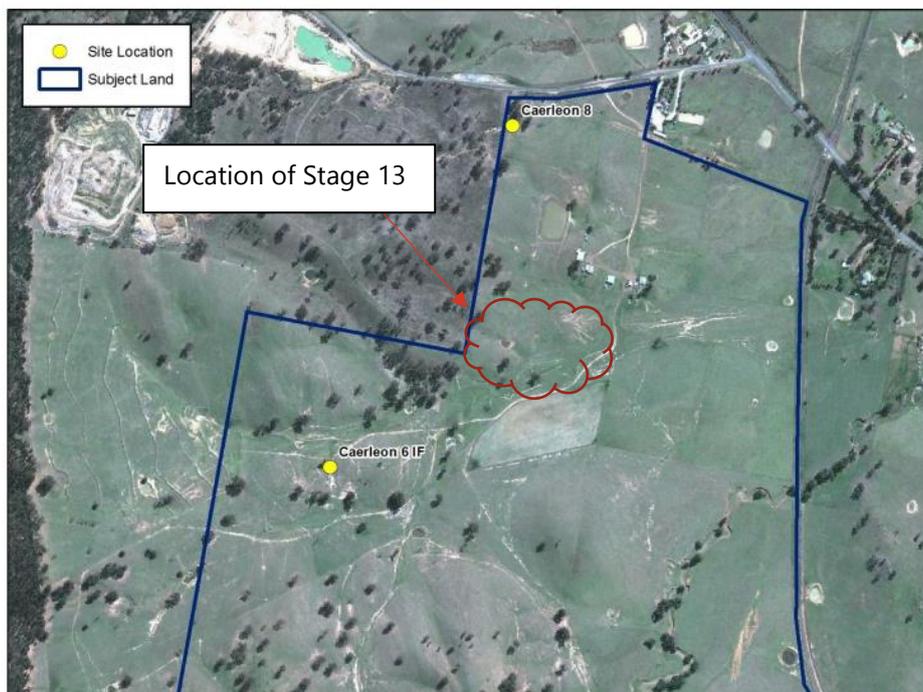
5.3 Servicing

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 Stages 13 are a substantial distance from any heritage items and will not have any adverse impact on the Aboriginal heritage significance of items found within the site.

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 report has been prepared and submitted with this application which demonstrates 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 proposal. 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 proposal is consistent with surrounding approved developments 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 MWRLEP 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 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.



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