

8.2 MA0042/2021 - Proposed Modification to DA0428/2013 for Residential Subdivision at 38 Hill End Road, Caerleon (originally Lot 2 DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894)

REPORT BY THE MANAGER, PLANNING AND TOWN PLANNER
TO 21 JULY 2021 ORDINARY MEETING
GOV400088, P1939562

RECOMMENDATION

That Council:

- A. receive the report by the Manager, Planning and Town Planner on the MA0042/2021 - Proposed Modification to DA0428/2013 for Residential Subdivision at 38 Hill End Road, Caerleon (originally Lot 2 DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894);
- B. approve MA0042/2021 - Proposed Modification to DA0428/2013 for Residential Subdivision at 38 Hill End Road, Caerleon (originally Lot 2 DP1181749, Lot 1 DP1146227, Lot 1 DP32086 and Lot 136 DP 756894) subject to the following conditions and statement of reasons:

Conditions of consent (*AMENDMENTS IN BLUE*)

1. Development is to be carried out generally in accordance with stamped plans :

Masterplan

- [Staging Plan, Proposed Subdivision "Caerleon" - Lot Layout; Job Code 319171_08; Sheet No. TP01 Rev B-3; dated 23/06/2021 and prepared by Premise.](#)

Detailed Stage Plans

- [Stage 4 – Drawing Title - Sale Plan Stage 4, Project No. MX10286.11-SALE, Issue A, dated 28.10.20 and prepared by Triaxial Consulting](#)
- [Stage 5 - Drawing Title - Sale Plan Stage 5, Project No. MX10286.11-SALE5, Issue A, dated 28.10.20 and prepared by Triaxial Consulting](#)
- [Stage 6 - Sheet Name: Sale Plan – Stage 6, Sheet No. TP01, Rev C, Job Code 319171_10, dated 05/03/2021 and prepared by Premise](#)
- [Stage 7A - Sheet Name: Sale Plan – Stage 7A, Sheet No. TP01, Rev D, Job Code 319171_11, dated 18/03/2021 and prepared by Premise](#)
- [Stage 8 Sheet Name: Sale Plan – Stage 8, Sheet No. TP01, Rev D, Job Code 319171_17, dated 27/04/2021 and prepared by Premise](#)
- [Stage 9 – Sheet Name: Sale Plan – Stage 9, Sheet No. TP01, Rev A, Job Code 319171_18, dated 14/04/2021 and prepared by Premise](#)
- [Stage 10 – Sheet Name: Sale Plan – Stage 10, Sheet No. TP01, Rev C Dated 14/05/2021 Job Code 319171_19 and prepared by Premise.](#)
- [Stage 11 – Sheet Name: Sale Plan – Stage 11, Sheet No. TP01, Rev A, Job Code 319171_22, dated 14/05/2021 and prepared by Premise.](#)

Landscaping

- Landscape Masterplan Neighbourhood 1, Site Image Landscape Architects, Plan No SS13-2563 C102, Issue B, Drawn 11/03/2013.
- Supplementary Landscape Report – Caerleon Mudgee, Site Image Landscape Architects, Issue A, Drawn 13/03/2013.

and the Application received by Council on 26/04/2013 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.

(Amended by MA0042/2021)

OPERATIONAL CONDITIONS

2. In accordance with S 93I of the Environmental Planning and Assessment Act 1979 the development is to be undertaken in accordance with the executed Voluntary Planning Agreement.

GENERAL TERMS OF APPROVAL – WATER MANAGEMENT ACT

3. Pursuant to Section 91 A of the Environmental Planning and Assessment Act 1979, the development is to comply with the General Terms of Approval obtained from the NSW Office of Water: 80 ERM2013/0313.

BUSHFIRE SAFETY AUTHORITY CONDITIONS

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

4. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entirety of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of 2m above the ground;
 - tree canopies should be separated by 2 to 5m;
 - preference should be given to smooth barked and evergreen trees;
 - large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover; and
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
 - grass should be kept mown (as a guide grass should be kept to no more than 100mm in

- height); and
- leaves and vegetation debris should be removed.

(Amended by MA0042/2021)

5. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on all land to the south of stage 9 for a distance of 10 metres within Lot 201, DP 1269473 for the purpose of a temporary asset protection zone (APZ) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development over the affected areas. The name of authority empowered to release, vary or modify any instrument shall be Mid-Western Regional Council.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

(Amended by MA0042/2021)

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

6. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
 - maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
 - all roads are through roads;
 - dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are
 - clearly sign posted as a dead end;
 - non-perimeter roads are a 5.5 metre minimum carriageway width kerb to kerb;
 - perimeter roads are an 8 metre minimum carriageway width kerb to kerb;
 - where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
 - where access/egress can only be achieved through forest, woodland and heath vegetation,

secondary access shall be provided to an alternate point on the existing public road system;

- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where non-reticulated supply is available.

(Amended by MA0042/2021)

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

7. The provision of water, electricity and gas must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

(Amended by MA0042/2021)

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

- 7a. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from

the building;

- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

(Added by MA0042/2021)

SECT. 138 – ROAD ACT – ROADS & MARITIME SERVICES CONCURRENCE

8. Conditions required by the RMS in their Concurrence dated 01 July 2013 have been incorporated into the general conditions related to roadworks.

LEP AMENDMENT

9. Prior to the release of the subdivision certificate for lots 047-052 inclusive, an amendment rezoning the lots to be completely R1 General Residential (i.e. not split zoned) under the Mid-Western Regional Council Local Environmental Plan 2012 will be approved by relevant bodies.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. Prior to the release of any [Subdivision Works Certificate](#) a detailed contamination investigation will be undertaken in accordance with the recommendations made in Preliminary Contamination Assessment prepared by Envirowest Consulting dated 20 July 2012 Ref:12258c.

(Amended by MA0042/2021)

11. Prior to the release of any [Subdivision Works Certificate](#) a detailed aboriginal cultural investigation will be undertaken in accordance with recommendations of the Aboriginal Heritage Due Diligence Assessment Preliminary Investigations prepared by Kelleher Nightingale Consulting Pty Ltd dated June 2012 Ref: 1120.

Note: 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.

A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered.

(Amended by MA0042/2021)

12. The development in general and plans submitted for any [Subdivision Works Certificate](#) shall be designed in accordance with the recommendations made in the Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012.

(Amended by MA0042/2021)

13. 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.

Note: Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans.

Note: Council does not permit other bodies to insert new junctions into “live” sewer mains.

14. No construction is to commence before a [Subdivision Works Certificate](#) is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the [Subdivision Works Certificate](#).

Note: The [Subdivision Works Certificate](#) may be issued by Council. Council’s fee for this service is set out in Council’s fees and charges.

(Amended by MA0042/2021)

15. A detailed engineering design with plans, and “AutoCAD compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with [current AUS-SPEC specifications](#) (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 prior to the issue of a [Subdivision Works Certificate](#).

(Amended by MA0042/2021)

16. A site supervisor is to be nominated by the applicant prior to the issue of the [Subdivision Works Certificate](#).

(Amended by MA0042/2021)

17. A [Traffic Guidance Scheme \(TGS\)](#) completed by the “Certified Person” for implementing during works is to be submitted to Mid-Western Regional Council prior to any work commencing.

(Amended by MA0042/2021)

18. Contractor’s 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.

19. Existing and proposed contours are to be shown on detailed engineering plans.

20. Prior to the issue of a [Subdivision Works 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.

(Amended by MA0042/2021)

- 20a Prior to the issue of a [Subdivision Works Certificate](#) or any further works relating to Stage 6 or Basin 3 the applicant must provide an amended staging plan showing a corridor that allows for stormwater runoff from proposed Stage 6 to be directed to proposed Basin 3 as shown on “[Dwg 319171_08 TP01 Rev B-3](#)”. The amended plan must be accompanied by detailed calculations for all contributing upstream catchments to ensure the area set aside for the basin can accommodate a basin of sufficient capacity to capture all runoff generated by a fully developed upstream catchment.

(Added by MA0042/2021)

- 20b Prior to the issue of a Subdivision Works Certificate or any further works relating to Stage 6 or Basin 3, the approved landscape plans identified in condition 1 are to be updated to reflect the amended location of Basin 3 identified in the approved staging plan. The amended landscape plan must also provide for open space within the basin in the form of passive recreation and a picnic and BBQ area.

(Added by MA0042/2021)

INFRASTRUCTURE

Stormwater Drainage

21. The applicant is to submit a Drainage Report prepared in accordance with the [current published version of Australian Rainfall and Runoff](#) for approval prior to the release of the [Subdivision Works 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.

(Amended by MA0042/2021)

22. 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
<ul style="list-style-type: none">• 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.

23. 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.
24. 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.
25. 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.
26. An Erosion and Sediment Control Plan or 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 subdivision;

- using erosion control measure 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.

27. 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.
28. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that no time will any ponding of stormwater occur on adjoining land as a result of this development.

Roads works

29. 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).

30. Internal road reserve and pavement widths are to conform to those shown [on the approved plans](#).

(Amended by MA0042/2021)

- 30a. [Prior to the release of a subdivision certificate for Stage 10, Hosking Street and Knox Crescent is to be constructed and bitumen sealed and formed with kerb and channel from the existing constructed pavement for the full extent of stage 10 of the subdivision.](#)

(Added by MA0042/2021)

31. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the basecourse.
32. The internal road adjacent to the Hill End Rd shall be screened from the Hill End Rd and include physical barriers between the two roads. Details of the proposed screening and barriers are to be provided to Council for approval prior to issue of the [Subdivision Works Certificate](#).

(Amended by MA0042/2021)

33. Internal cross road intersections are to be designed to have
- Give Way signs, and
 - Blisters
- On the lesser priority road for pedestrian and cycle safety in accordance with Figure 2.1(a) of AS1742.2-2009 Manual of uniform traffic control devices, part 2 Traffic control devices for general use.
34. The intersection of the Hill End Road and the proposed Spine Road is to be designed and constructed with the following;

- A Basic Right Turn treatment (BAR) in accordance with Figure 7.5, Austroads Guide to Road Design 2010 – Part 4A: Unsignalised and Signalised Intersections and RMS Supplements
 - A 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 RMS Supplements;
 - The width of the Spine Road at the approach and connection to Hill End Road shall be wide enough to accommodate left and right turning vehicles, side-by-side waiting to enter Hill End Road.
 - The intersection shall be formed as to provide lay-bys on the departure sides for use as a school bus stop shelter, unless a bus stop is constructed by the developer within stage 1 of the subdivision.
35. Prior to the issue of the Subdivision Certificate for the 135th lot, the intersection of the Hill End Road and the Castlereagh Highway is to be designed and constructed to comprise;
- A full length Rural Channelised T-junction – Full length (CHR) is to be provided in accordance with Figure 7.7 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalised and Signalised Intersections and RMS Supplements;
 - A Rural Auxiliary Left Turn Lane Treatment (AUL) on the major road is to be provided in accordance with Figure 8.4 of Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalised and Signalised Intersections and RMS Supplements;
 - The width of the Hill End Road at the approach and connection to the Castlereagh Highway shall be wide enough to accommodate left and right turning vehicles, side by side waiting to enter the Castlereagh Highway,
 - All existing and proposed utility services shall be located clear of existing road pavements,
 - The developer is required to enter into a formal agreement with the RMS in the form of a Works Authorisation Deed (WAD) prior to works commencing at the intersection,
 - A Road Occupancy License is required prior to any works commencing within 3m of the Castlereagh Highway.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 council conditions.

Water and Sewer

37. The developer is to meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
38. ~~Where infrastructure services cross through private land 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.~~
(Amended under MI0017/2016)
- 38(a) Where infrastructure services cross through private land 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.

Notwithstanding the above, two metre wide easements will be permitted adjacent to Public Roads for the 56 lots approved under Construction Certificate 0131/2014, only.

(Amended under MI0017/2016)

39. Water reticulation shall connect to the trunk main at four points: two where the trunk main enters the development (from the south) and two near its terminal point (in the north). The connections are required to be staggered (i.e. not through cross tee fittings) and the cost of the connections borne by the developer. The developer shall obtain a private works quotation from Council when ready to connect reticulation to the trunk main. All works are to be completed prior to the issue of a Subdivision Certificate.

Note: Council does not permit other bodies to connect into 'live' water mains.

40. Water services are to be located on alternate property boundaries to Telstra/Electricity. The developer will construct the water service to the water meter and then pay the water meter assembly only fee (\$370 in 2013-14 Fees & Charges) for council to supply a meter only for each lot in the subdivision.

Earthworks

41. All finished surface levels shall be shown on the plans submitted for the [Subdivision Works 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.

(Amended by MA0042/2021)

Footpaths and Cycle Ways

- ~~42. Pedestrian and cycle paths are to be designed and constructed with the alignment as shown in Figure 8 of the Caerleon Subdivision Application Neighbourhood 1: Statement of Environmental Effects, dated March 2013. Foot and cycle ways shall be 1.2m and 2.0m widths respectively and be consistent with grades, depths and reinforcement detail as shown in MWRC Access to Properties Policy (Standard Dwg No. M524B). The path is to be completed prior to the issue of a Subdivision Certificate for the first (1st) Stage.~~

(Amended under MI0015/2016)

- 42(a) Pedestrian and cycle paths are to be designed and constructed with the alignment as shown in Figure 8 of the Caerleon Subdivision Application Neighbourhood 1: Statement of Environmental Effects, dated March 2013. Foot and cycle ways shall be 1.2m and 2.0m widths respectively and be consistent with grades, depths and reinforcement detail as shown in MWRC Access to Properties Policy (Standard Dwg No. M524B). The paths are to be completed within 3 months of the completion of the full and final form of the Spine Road.

(Amended under MI0015/2016)

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

43. A restriction prohibiting dual-occupancy development being constructed on all lots greater than 600m², including associated Section 88B instruments, is to be created in favour of Council over the subdivision.
44. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager prior to the release of each stage of the development.

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.

45. Following the completion of subdivision works, one set of Works As Executed Drawings in PDF format, AutoCAD compatible files in DWG format, MapInfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format, are to be submitted to Council. All Works As Executed plans shall bear the consulting engineer's or consulting surveyor's certification stating that all information shown in the plans are accurate.

A) COVERSHEET

- Project Address
- Client/Developer
- DA Number
- Lot Numbers
- Subdivision Stage Number(If Applicable)

B) INDEX

- Section Numbers

C) CONTRACTOR DETAILS

- Contractor Representative
- Contractor Contact Details

D) SCOPE OF WORKS

- Enter description outlining scope of works completed

Records to be included as applicable

- Material Certification and Material Test Reports(Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc for supplied materials)
- Concrete mix Details (Concrete Register/ Concrete Test Results required)
- Bitumen Sealing Reports/Records
- Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a dwg)
- Dimensional and Tolerance Records(Survey Conformance Reports)
- Inspection Documentation(Development Engineer Inspections, ITPs, Lot Identification)
- Non-conformance reports(Major non-conformances not detailed on council inspections)
- Work As Executed Drawings and completed Asset Data spreadsheet (Council to provide at the request of the applicant) (Provide document register of all dwgs and Engineering Stamp required in Autocad, DWG, Map Info, Excel and PDF format)
- Copy of final inspection report from Council's Development Engineer

(Amended by MA0042/2021)

45. 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.
46. Prior to issue of the 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.
47. 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.
48. The developer is to ensure that all defects in the works that become apparent within twelve (12) 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 rectification.
- Note - Any unspent bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.
49. The subdivision works are to be inspected by Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- installation of sediment and erosion control measures;
 - water and sewer line installation prior to backfilling;
 - stormwater pipes installation prior to backfilling;
 - water and sewer lines pressure testing;
 - sewer manholes vacuum testing;
 - establishment of line and level for kerb and gutter replacement;
 - road pavement construction;
 - road pavement compaction testing;
 - road pavement surfacing;
 - practical completion
50. Upon completion of each stage of construction, the Council is also required to ensure that adequate provisions are made for the following
- Sediment and erosion control measures;
 - Traffic control measures;
 - Maintenance of public areas free from unauthorised materials, waster or other obstructions.
51. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey marks that may be distributed by the development or any associated work. Any information regarding location should be supplied to the Land Titles Office and Council.

52. Underground electricity, street lighting and telecommunication are to be supplied to the subdivision. Prior to issue of the Subdivision Certificate, Council is to be supplied with :
 - a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone and internet services to the subdivision that are NBN compliant.
53. The development is to be provided with completed drainage 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.
54. All roadworks 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.
55. 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 the development.
56. The developer must provide Council and land purchasers with a site classification for each lots 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 the issued of the Subdivision Certificate.

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
- 4 If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS

1. The proposed modification is substantially the same development as that approved and will have minimal environmental impacts.
2. The issues raised in the submission did not raise any planning issues which necessitated the inclusion of any additional or amended conditions.
3. The proposed modification complies with all the relevant matters required to be taken into consideration in accordance with sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979*.

Executive summary

OWNER/S	Caerleon Mudgee Pty Ltd
APPLICANT:	Caerleon Mudgee Pty Ltd
PROPERTY DESCRIPTION	38 Hill End Road, Caerleon NSW 2850
PROPOSED DEVELOPMENT	Modification Application to approved Subdivision
REASON FOR REPORTING TO COUNCIL:	Original Development Application Determined by Council
PUBLIC SUBMISSIONS:	One

A modification of consent application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* was lodged with Council on 19 April 2021. Development Consent DA0428/2013 relates to residential subdivision at 38 Hill End Road, Caerleon. The proposed modification application seeks to modify the approved lot layout, relocate one of the drainage basins and provide an overall staging for the release of lots within the subdivision. The modified proposal will result in a yield of 241 lots for the subdivision, an overall increase of 9 lots from the current approval.

The modification of consent application is required to be determined by Council as the original development consent was determined by Council.

The application was notified in accordance with the Mid Western Regional Community Participation Plan 2019. During the notification period of the application, two objections were received.

The proposed modifications are recommended for approval.

Disclosure of Interest

Nil

Detailed report

BACKGROUND

Original Approval

The original development consent DA0428/2013 was approved on 9 August 2013 for a staged subdivision comprising 267 residential lots. Condition A of the consent was a deferred commencement condition which required the landowners to enter into a Voluntary Planning Agreement with Council.

Following satisfaction of the deferred commencement condition, an operational development consent was issued on 6 March 2014.

Previous Modifications

The consent was modified under MI0015/2016 on 8 April 2016. The modification amended Condition 42 of the consent and approved minor changes to the timing for the provision of footpaths and cycleways of the development.

The consent was further modified under MI0017/2016 on 24 May 2016. The modification related to a minor change to Condition 38, adding an alternative to the normally required 3m wide easement over sewer and water components to be 2m wide where the easement is adjacent to a public road. The consent was further modified, utilising the provisions of Section 80A(5) [currently s4.17A(5)] of the *Environmental Planning and Assessment Act 1979*, on 25 May 2016. This modification amended the lot layout by removing 59 lots from the Neighbourhood 1 layout and replacing them with four super-lots. One of the super-lots accommodates Oakhill Retirement Village. The modification under s80A(5) was required by Condition 7 of Development Consent DA0253/2016 – a 2 into 3 lot subdivision.

The consent was modified a fourth time under MA0034/2018 on 23 July 2018 which approved an amendment to the configuration of the lots as a result of the prior modification to create four super lots under DA0253/2016.

The subdivision has commenced with Stages 1, 2, 3 and 3A completed and residential lots released and sold to the public. Subdivision Work Certificates have also been issued for Stages 4 and 5 with works currently underway.

Proposed Modification

The current application to modify the development consent was originally submitted to Council on 19 April 2021. Following initial lodgement of the application, it has been modified on a further two occasions. Details of the proposed modification are as follows:

- Overall staging plan for the proposed subdivision, refer to Attachment 1 for a copy of the plan. Detailed stage plans for stages yet to be released have also been included for approval (refer to Attachments 2 to 9).
- Amendment to the subdivision layout within proposed Stage 9 to remove two north-south roads and amend the lot layout. This also results in some minor changes to the layout of Stage 8 (located to the north) and adjustment to the southern neighbourhood boundary line.
- Delete the laneways adjoining approved Lot 187 and Lot 177
- Subdivide approved Lot No. 188 into eight residential lots. The subdivision of this lot is identified as Stage 10.
- Subdivide approved Lot No. 177 into seven residential lots. The subdivision of this lot is identified as Stage 11.
- Relocate the drainage basin from the bottom of Stage 3A and Stage 6 further south.
- Minor changes to the lot layout and consolidation of a “future development lot”, resulting in the loss of three residential lots to the south of Stage 7A.

Figure 1 shows an extract of the current approved plans, highlighting the location of the proposed modifications listed above. Figure 2 shows an extract from the proposed staging plan proposed under this modification indicating the location of the proposed modifications.

Overall the proposed modification will result in a small increase in the total number of lots increasing the overall residential lot yield of the subdivision from 232 to 241.

The application was notified in accordance with Mid-Western Regional Community Participation Plan 2019 for a period of 14 days. The application was re-notified a further two times following amendments made during the assessment period, with the final notification period ending 9 July 2021. During the notification of the application, one objection was received. The objection raised issues in relation to the deletion of the laneway between approved lots 188 and 177.

The proposed development has been assessed in accordance with Council’s DCP and the LEP. The proposed development is considered generally consistent with Council’s planning controls.

The modification is recommended for approval.

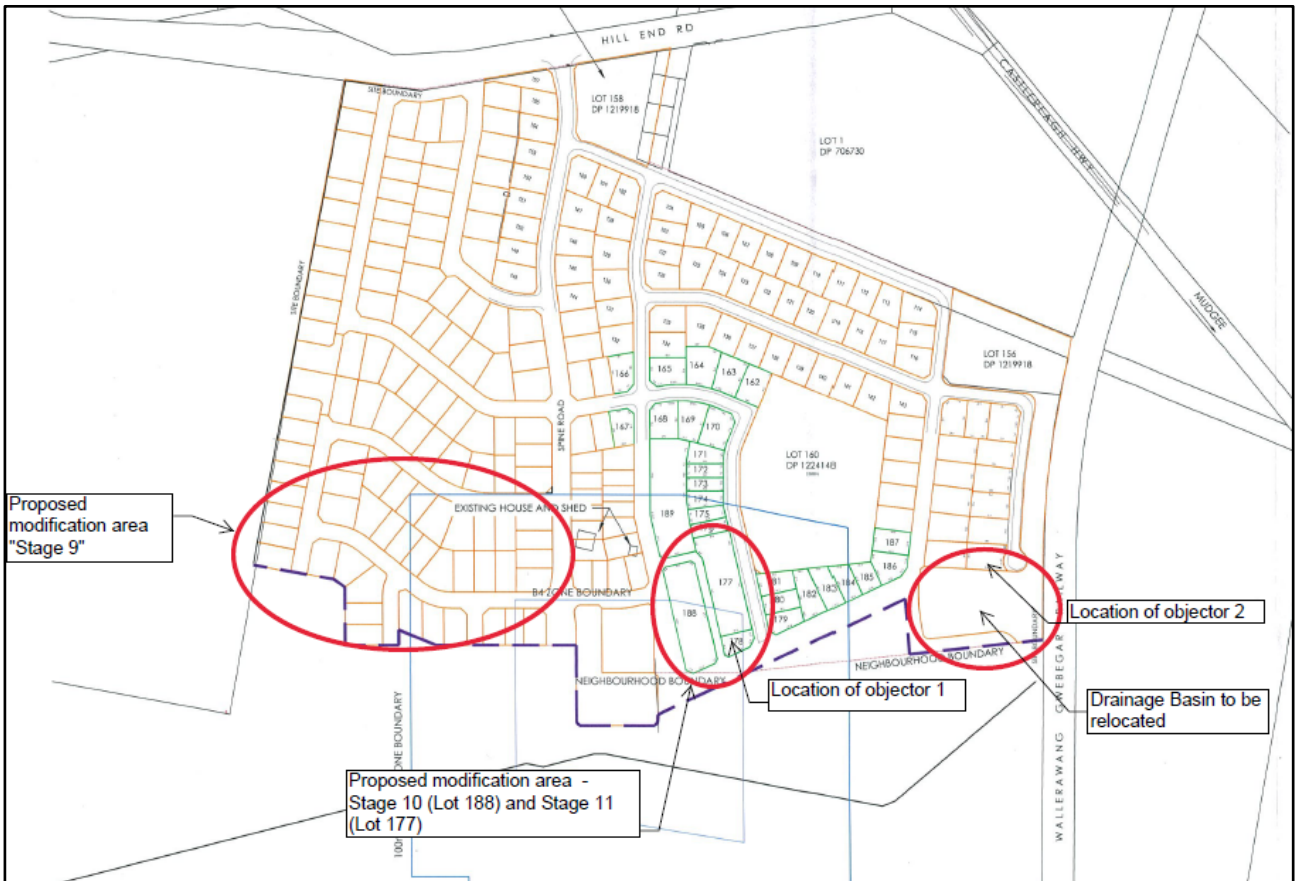


Figure 1: Extract from the approved plan marked to indicate the areas relating to the proposed modification and the location of the objection.

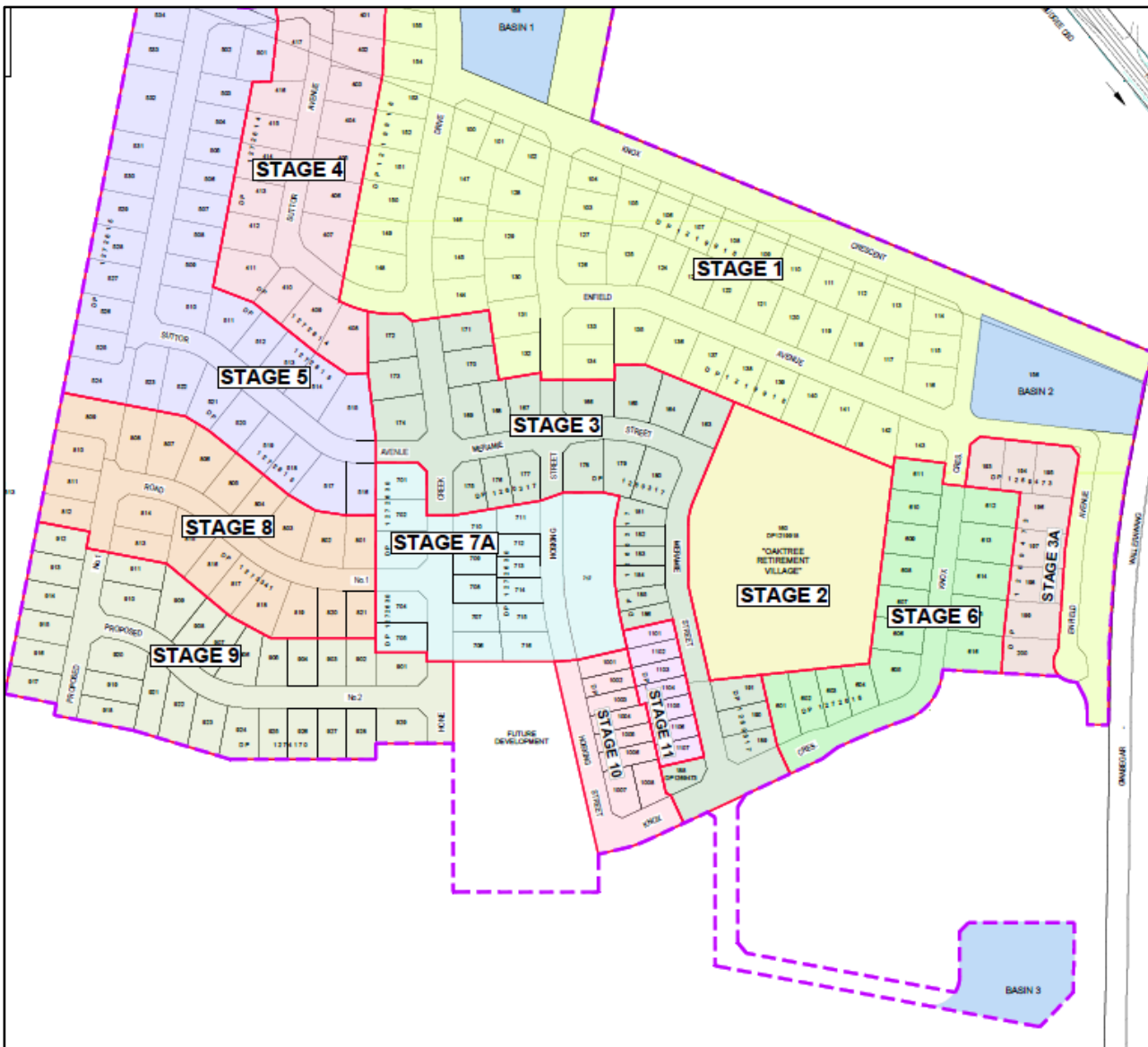


Figure 2 – Extract from proposed Staging Plan.

REQUIREMENTS OF REGULATIONS AND POLICIES

The application has been assessed in accordance with Section 4.15 and 4.55 of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows.

4.55(1A) Modifications involving minimal environmental impact

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment The proposed modification will have 'minimal environmental impact' in comparison to the approved development consent and will have no significant environmental impacts compared to the approved development for the following reasons:

- The modification seeks approval for 241 lots which is an additional 9 lots approved by Council in the most recent modification consent. The lots will generally be within the original development footprint, whilst still totalling less than the 267 residential lots originally approved under the development consent in 2013.
- The relocation of the drainage basin is not expected to have additional impacts from that which was assessed under the original development application.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment The proposed modification is considered to be substantially the same development. The proposal relates primarily to an amendment to the layout of the proposed subdivision with the overall number of lots yielded as a result of the modification (241) being less than that which was originally approved (267 lots) by Council.

(c) it has notified the application in accordance with:
(i) the regulations, if the regulations so require, and
(ii) a development control plan,

Comment The S4.55(1A) Application was advertised in accordance with the Mid-Western Regional Community Participation Plan 2019.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment Four submissions was received during notification of the proposed modification. Two objections were lodged and two submissions from the same party which raised no objections. Consideration of the issues raised in the objections have been detailed in the body of this report.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment All matters under Section 4.15(1) of relevance to the modification have been addressed throughout this report.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment Noted.

4.15(1)(a) Evaluation

(i) *Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Application relates?*

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

The possibility of contamination was addressed in the original application. Possible contamination was in and around the existing farm sheds and buildings as a result of sheep dip, on-site septic disposal and asbestos. Condition 10 was applied requiring a further contamination report. The proposed modification will not impact on this requirement.

State Environmental Planning Policy (Koala Habitat Protection) 2020

SEPP (Koala Habitat Protection) applies to the proposal as Mid-Western Regional Council is listed within Schedule 1 of the SEPP and the area of land associated with the proposal is greater than 1 hectare in size including adjoining land within the same ownership.

However, the ecological report provided with the original application verified that no Koala Feed Trees were recorded within the site. As a result, no part of the site is classified as Potential Koala Habitat and no further provisions of this SEPP apply.

State Environmental Planning Policy (Infrastructure) 2007

Clause 100-104 – Classified road and Traffic Generating Developments

The original application was traffic generating development and involved a new road connected to a classified road. Consequently the concurrence of RMS (now Transport for NSW) was required for the subdivision.

Given the proposed modification does not increase the overall yield of lots from that which was originally approved in 2013 and no changes to the spine road accessing the classified road are proposed, it was not considered necessary to refer the application to Transport for NSW.

Mid-Western Regional Local Environmental Plan 2012

The following clauses of *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012) have been assessed as being relevant and matters for consideration in assessment of the Development Application.

Clause 1.2 Aims of Plan

The application is not contrary to the relevant aims and objectives of the plan.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned B4 Mixed Use and R1 General Residential as shown on the image below and is therefore subject to the Plan.

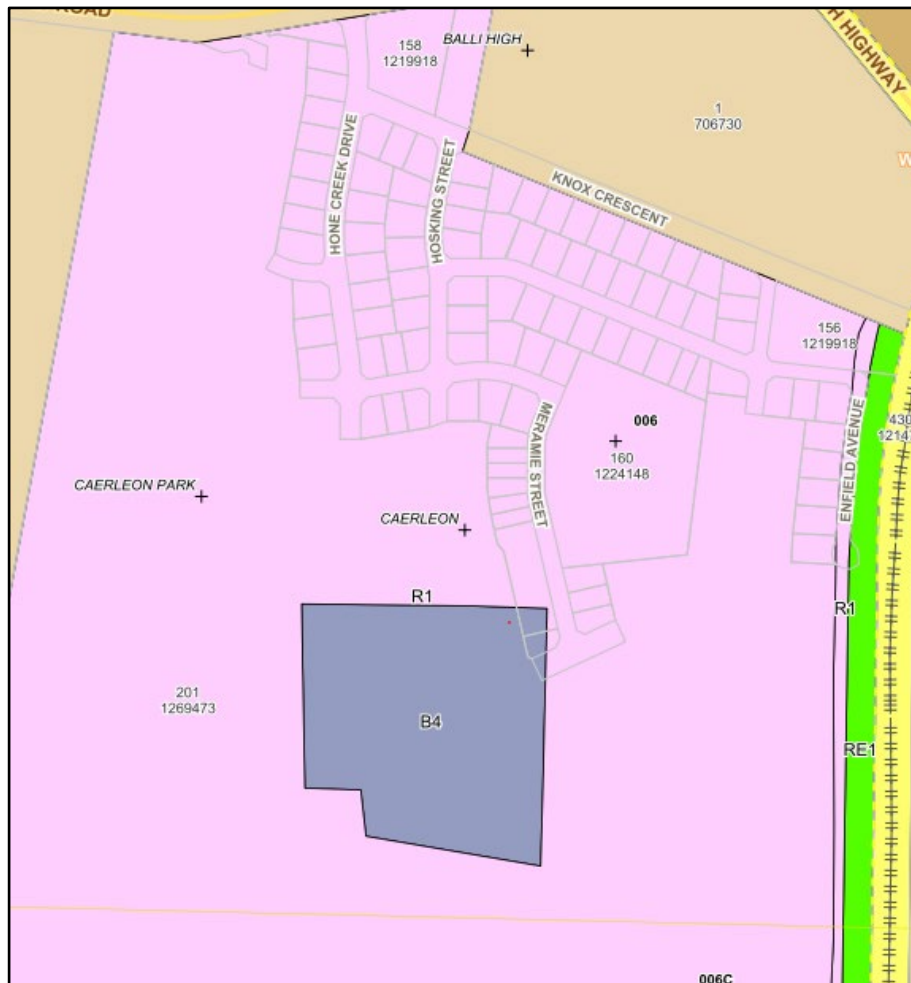


Figure 3 – Zoning Map

Clause 2.3 Zone objectives and Land Use table

The proposed modification is consistent with the objectives of the zone

Clause 2.6 Subdivision – consent requirements

The proposed modification does not change the permissibility of the subdivision under this clause.

Clause 4.1 Minimum subdivision lot size

The lots proposed to be modified are affected by a minimum lot size of 450m² (shown as green and labelled “G” on the plan below). Some of the lots are partially located within the B4 zoned land which is not affected by a minimum lot size.

All proposed lots will have a lot size greater than 450m² and meet the requirements of this clause.

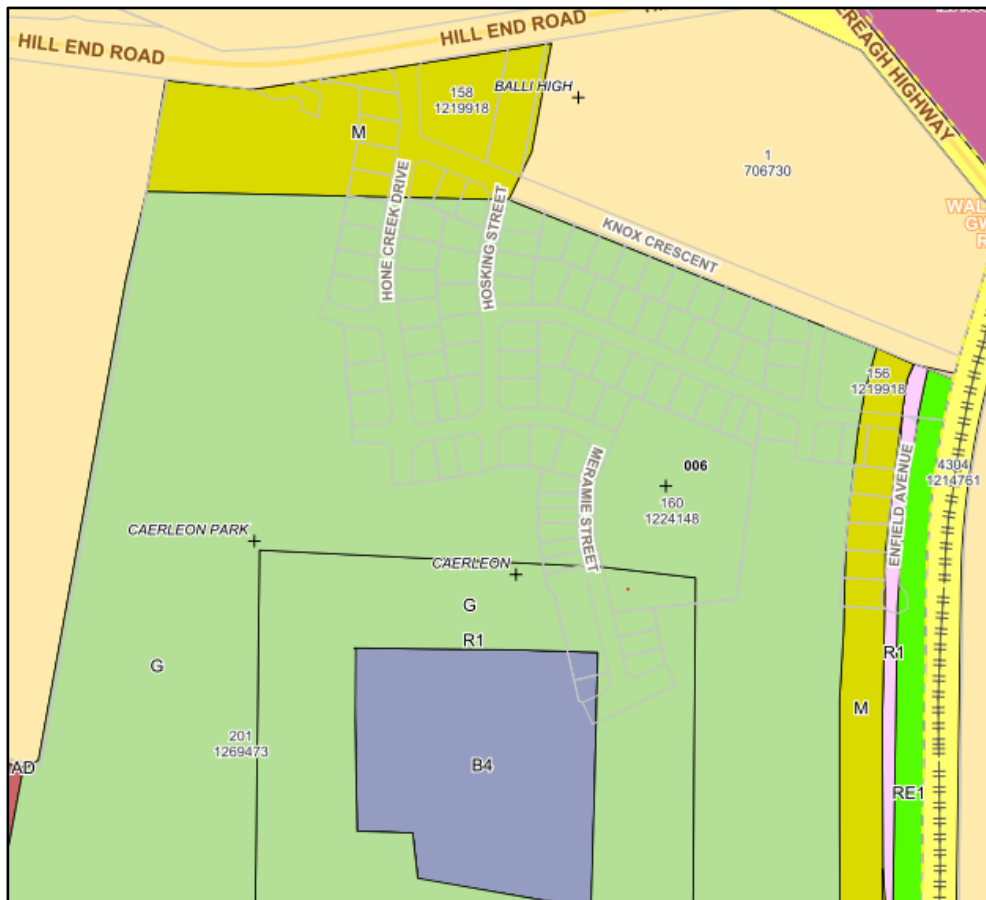


Figure 4 – Minimum Lot Size Map

Clause 4.1 C Exception to minimum lot sizes around Zone B4

Not applicable – this clause allows for no minimum subdivision lot size for residential accommodation if the land is within 100m of Zone B4, however it is not proposed to utilise this clause for the modification.

Clause 4.3 Height of buildings

Not applicable – the proposed modification relates to subdivision only

Clause 5.10 Heritage Conservation

No heritage items are recorded on the site or in the vicinity.

An item of aboriginal significance has been recorded on the site within the northwest corner of the site. Condition 11 of the existing approval required that a detailed aboriginal cultural investigation is undertaken given aboriginal artefacts were located within the subdivision, this condition will be retained. The proposed modifications to the lot boundaries are not located in the vicinity of the identified item of aboriginal significance.

Clause 6.1 Salinity

Complies - the modified proposal does not alter the original consent's compliance with this clause.

Clause 6.2 Flood planning

The subject site is not identified as being within the flood planning area in accordance with Council's maps and the Floodplain Study and Management Plan. No further consideration is necessary.

Clause 6.3 Earthworks

The proposed modification does not impact on the original consent's compliance with this clause.

Clause 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. The proposed modification does not change the original consents compliance with this Clause.

Clause 6.5 Terrestrial biodiversity

The site contains areas of moderate terrestrial biodiversity as shown on the image below in orange. The proposed modification may affect some of the areas which are mapped, however this impact was assessed under the original application where a Flora & Fauna Assessment identified that the area is exotic dominated derived grassland of low ecological value, accordingly no further consideration is considered necessary.

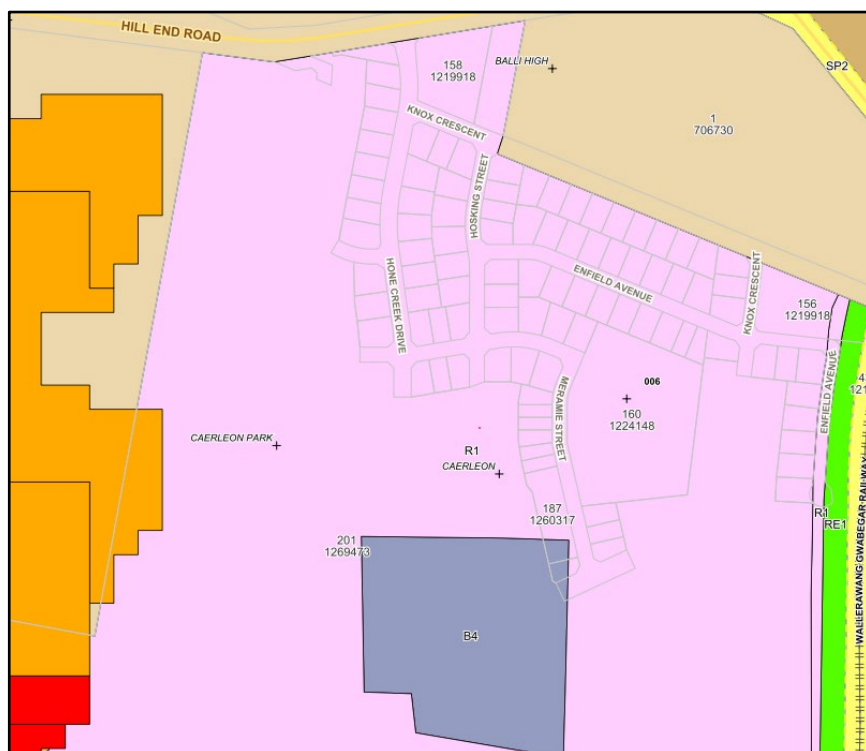


Figure 5 – Terrestrial Biodiversity map

Clause 6.8 Airspace operations – Mudgee Airport

The proposal will not penetrate the relevant height limits for safe operation of the Mudgee Airport.

Clause 6.9 Essential Services

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development.

Clause 6.10 Visually sensitive land near Mudgee

The land is not located within the area identified within the visually sensitive land map.

(ii) Do any draft environmental planning instruments (EPI) apply to the land to which the Application relates?

No draft environmental planning instruments apply to the land to which the Modification Application relates.

(iii) Do any development control plans apply to the land to which the Application relates?

Mid Western Regional Development Control Plan 2013

Appendix C: Caerleon Development Control Plan

An assessment is made of Appendix C of the MWRDCP, relating to development controls for the land known as the Caerleon site. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 2.2 Indicative Concept Plan

Development to be undertaken is generally in accordance with Indicative Concept Plan located in Appendix C, Figure 2.

Part 2.3 Character Areas

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES
Neighbourhood Centre Character Area	
Has an urban character.	Not applicable
Provides a community hub with small-scale retail focus.	Not applicable
Located in the norther part of the site within 400m of the majority of houses.	Not applicable
Maximum Building Height: 2 storeys	Not applicable
General Residential Character Area	
Articulated house frontages	Not applicable
High-quality durable fencing materials	Not applicable
Small lot housing from 450m ² to 600m ² .	Complies
Traditional detached dwellings on lots of 600m ² – 800m ² or more.	Complies
Large Lot Residential Character Area	
Larger-style residential development.	Not applicable
Minimum lot size 600m ² on flat areas	Not applicable
On steeper land up to 520m counter line; Minimum lot size 1200m ²	Not applicable
Rural Residential Character Area	

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Residential development permissible only on lots 4,000m ² and above.	Not applicable
One or two storey detached dwellings with generous setbacks	Not applicable
Development above the 520m contour line be sited on the lowest part of a lot.	Not applicable

Part 3.1 Street Network and Design

Not applicable – no new roads are proposed to be created.

Part 3.2 Pedestrian and Cycle Network

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Off-road shared pedestrian and/or cycle paths are to be provided along the railway line corridor and drainage corridor.	Not applicable
Off-road shared pedestrian and/or cycle paths are to be no wider than 2.5m	Not applicable
Path/cycle ways in the drainage corridor should be located in the outer 50 per cent of the corridor.	Not applicable
All footpaths are to be a minimum of 1.2m wide.	Not applicable

Part 4.1 Public Open Space

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Public open space is located within 400m of the majority of housing in the General Residential Character Area	Complies – all lots will be within 400m of public open space areas in accordance with Figure 5 – Indicative Open Space Plan of the DCP. It is noted that that drainage reserve to be relocated is not specified on this figure.
Open space is provided within or adjacent to the Neighbourhood Centre	Not applicable
Open space is highly accessible, co-located with active and link to pedestrian and/or cycle path.	Not applicable to the modification.
Dwellings are oriented towards public open space.	Not applicable
A 40m-wide open space buffer is to be provided along the railway line (can include road reserve, open space, drainage landscaping and underground services.	Complies – the proposed modification will not alter the buffer located adjacent to railway line.
Housing adjacent to the buffer is to be oriented towards the street/buffer, where possible	Not applicable
Drainage corridors provide opportunities for appropriately located pedestrian and cycle paths, walking trails and additional open space.	Not applicable

Part 4.1 Street Trees and Landscaping

Not applicable, the modification does not proposed any changes to existing / proposed street trees.

Part 5.1 Subdivision

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
R1 General Residential Zone	
Minimum lot size is the same as in the MWRLEP.	Complies
Small lot housing to a minimum of 450m ² is to be located adjacent to areas of high amenity.	Complies
If a single lot containing a dual occupancy development or that is proposed to contain a dual occupancy development would be divided into two lots, each of the resulting lots is greater than 600m ² .	Not applicable
B4 Mixed Use Zone	
Subdivisions resulting in lot sizes less than 450m ² are demonstrated to be consistent with objectives of the Neighbourhood Centre Character Areas OR are created in the shared areas in the Indicative Density Allocation Plan.	Not applicable – no lots are proposed to be less than 450m ²
R5 Large Lot Residential Zone	
Buildings are sited in an accessible and practical location suitable for residential building construction.	Not applicable
On sloping sites at or above the 520m contour line, buildings are sited such that they cannot be viewed, or have minimum visibility, from any urban area of Mudgee.	Not applicable
Minimum Lot Width	
Residential lots within the R1 General Residential Zone have a minimum lot width of 12.5m at the building line, and are generally rectangular in shape.	Complies – all lots have a minimum of 13m frontage width
Residential lots in cul-de-sac streets are designed to create as regular a lot shape as possible around the cul-de-sac head.	Not applicable
Residential lots within the R5 Large Lot Residential Zone must have minimum lot with of 25m at the building line.	Not applicable
Subdivision - Earthwork	
Where land forming in association with subdivision works is proposed, it contributes to the overall design quality of the development.	Not applicable

Part 5.2 Building Design

Not applicable

Part 5.3 Additional Controls for Development on Steep Slopes (slopes in excess of 15°)

Not applicable

Part 6.1 Land Use

Not applicable

Part 6.2 Built Form and Streetscape

Not applicable

Part 6.3 Public Domain

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Landscape design is high quality design, including planting, street furniture, and lighting that enhances the character of the area.	Existing landscape design / plan to be retained.
Street tree planting is provided with an appropriate height and permeability to maintain views and establish shade for pedestrians.	Existing landscape design / plan to be retained.
Open space area adjoins the Neighbourhood Centre Character Area in a prominent location, and is designed to accommodate activities such as outdoor eating, pedestrian movement, or seating areas.	Not applicable – this open space area is not included in this application / consent.

Part 6.4 Parking and Access

Not applicable.

Part 7.1 Stormwater Management

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES</u>
Buffers are provided along the drainage lines in accordance with the Strahler-based methodology.	Not applicable – the modification does not impact on the two watercourses / drainage lines identified.
Stormwater from the site is managed through on-site detention basins in the indicative location.	Complies – stormwater will continue to be managed through on-site drainage basins. Detention Basins provided will be retained in the locations identified on Figure 7.
Principles of Water Sensitive Urban Design (WSUD) are incorporated across the site.	The proposed modification does not impact on the prior assessment of WSUD under the original application.
Development complies with relevant stormwater management objects in the most up to date revision of <i>Managing urban Stormwater: Soils and Construction</i> (NSW Department of Housing).	Existing condition 26 will be retained which requires compliance with this requirement.
Applicant demonstrates that any potential impacts on groundwater and salinity can be managed to mitigate environmental impacts.	Not applicable - This requirement was addressed under the original application, the proposed modification does not substantially change the proposal.

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

Erosion and sediment control measures are implemented and regularly maintained during construction. Sediment trapping devices are located at all points where stormwater runoff may leave the site during construction.

Complies – existing condition to be retained.

Driveways on steep slopes are designed to minimise erosion.

Not applicable.

Part 7.2 Biodiversity

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

Native vegetation and remnant trees in areas of high ecological constraints are retained and protected in large lot lands

Not applicable

Any development within the Large Lot Residential character Area and Rural Residential Character Area are positioned to avoid the removal of remnant trees.

Not applicable

Development that affects areas of high ecological constraint sets out the methods used to encourage natural regeneration.

Not applicable

Dwelling is not within the 40m environmental buffer area along the southern boundary of the land.

Not applicable

Part 7.3 Bushfire

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

If necessary, a Bush Fire Safety Authority is obtained from NSW Rural Fire Service at the subdivision and/or development application stage.

Complies – referral has been sent to RFS

Part 7.4 Odour

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

There is no development within the 1 odour unit contour shown in the Indicative Odour Plan.

Not applicable – area of proposed modification is not within the area mapped on the indicative odour plan.

Part 7.5 Contamination

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

Further investigation into contamination at the Machinery Shed and Sheep Dip sites must be undertaken prior to development.

Complies - existing condition number 10 in relation to this requirement will be retained on the consent.

Part 7.6 Aboriginal Heritage

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES

All sites of Aboriginal objects are avoided in development of land unless resolved through the following controls.

Complies – the proposed modification is not in the vicinity of identified aboriginal objects.

DEVELOPMENT CONTROL REQUIREMENT**COMPLIES**

	Condition 11 of the consent requiring a detailed aboriginal cultural investigation to be undertaken will be retained.
Where an Aboriginal object site cannot be avoided, further investigations have been undertaken and an Aboriginal Heritage Impact Permit has been attained.	Not applicable
Aboriginal Consultation has been undertaken prior to the Subdivision Application process where an AHIP application is required.	Not applicable

Part 8 Utilities**DEVELOPMENT CONTROL REQUIREMENT****COMPLIES**

8.1 Water Supply	
Potable water is supplied from existing water treatment facility in Mudgee or (during initial development stages) from the existing potable water reticulation system located adjacent to the southern boundary of the site.	Complies
8.3 Electricity and Telecommunications	
Primary utilities such as electricity and telecommunications are available to the development.	Complies

Part 9. Torrens, Strata and Community Title Subdivision**DEVELOPMENT CONTROL REQUIREMENT****COMPLIES**

Allotments on land where free standing dwelling houses, dual occupancy dwellings or multiple dwellings (such as terraces that share a boundary wall) are proposed or exist may be Torrens Title.	Not applicable
Where buildings are attached or share common areas, allotments may be Torrens Title or be subdivided under a Community or Strata Scheme.	Not applicable
Proposed Torrens Title allotments that are attached or share common areas provide easements for right of way (where relevant) registered as a right of way on a survey or registered on title.	Not applicable

Mid-Western Regional Contributions Plan 2019 and Water / Sewer Developer Service Plans

Contributions to be paid in accordance with the VPA.

The proposed relocation of the basin will not impact on the requirements of the VPA. Whilst the basin is included in the VPA for stormwater detention there are no open space requirements specified. The proposed basin will be relocated, not removed and the same requirements for the relocated detention basin will apply under the VPA.

IMPACT OF DEVELOPMENT

The proposed modification does not significantly change the impacts of the development from that which was originally approved.

Overall the changes to the lot layout and staging of the development are insignificant from that which were originally approved. The change to the location of the drainage basin will impact on stormwater drainage and a condition of approval has been included in accordance with comments

from Council's Development Engineers to ensure that stormwater drainage from Stage 3A and Stage 6 are adequately addressed. A condition of approval will also be added to ensure that the passive open space and picnic / bbq area currently required to be provided within the basin area will also be incorporated into the relocated basin.

Other than the proposed modifications, the overall staging plan and detailed staging plans provided with the modification application are generally consistent with previously approved plans. Condition 1 will be amended to incorporate these plans into the approval. The servicing plans currently approved under condition 1 are no longer relevant as a result of changes to lot layouts under previous modifications and as such will be deleted. Details of servicing are indicated on the detailed stage plans to be incorporated into the approved plans under Condition 1.

No further issues were identified as a result of the proposed modification.

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality

The proposed modified subdivision is considered to be an appropriate fit to the locality.

Are the site attributes conducive to development

The site attributes are generally conducive to the proposed modified subdivision proposal.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submissions

The application was notified in accordance with Mid-Western Regional Community Participation Plan 2019 for a period of 14 days. The application was re-notified a further two times following amendments to the modification application, with the final notification period ending 9 July 2021. During the notification of the application, four submissions was received. Two submissions raised objections to the proposed modification and the other two submissions (from the same landowner) raised no objections to the proposed modifications.

A copy of the objections are available in Attachment 10 and 11. The issues raised in the submissions are as follows:

- I have designed the garage of my dwelling to utilise access to the laneway between Meramie Street and Hosking Street to be removed. This has meant that the plans I have to redesign my home and the plans are useless.

Officer comment: It is noted that the laneway in question has not been constructed. Vehicular access to the lot is available from either Knox Crescent or Meramie Street of which both are formed roads. Whilst unfortunate that the new dwelling was designed in this way, the laneway does not currently provide any legal means of access to the lot given it has not been formed or released as a "road".

- Devaluation of property as a result of access to three roads and only one adjoining neighbour.

Officer comment: The heads of consideration under the Environmental Planning and Assessment Act 1979 do not include devaluation of a property as a planning consideration.

- We purchased the block with the understanding that the land adjacent would be parklands as per the original masterplan. We have designed our house based on this and are now out of pocket.

Officer comment: The drainage basin has not been created nor released by the developer. It is noted that the land is still owned by the developer and within the residual development lot. Accordingly, the layout may be modified subject to consent. In this case the drainage basin will be relocated to a more suitable location which will benefit the subdivision.

- I strongly believe that keeping these lots as a 'green zone' would benefit the community of Caerleon Estate by giving the children somewhere to run, play and explore with other children.

Officer comment: The proposed change to the location of the basin and open space will not result in any loss of green space to the Caerleon community. The proposed drainage basin will be relocated and a condition of approval will be included to ensure that the relocated basin will contain passive recreation space including a picnic and bbq area (as per the current approval). Existing open space areas in the vicinity of the land will also be retained (located on the opposite side of Enfield Avenue and the corner of Knox Crescent and Enfield Avenue). It is also noted that this open space area is in excess of the open space requirements specified under the Caerleon Development Control Plan.

Submissions from public authorities

NSW Rural Fire Services (RFS)

NSW Rural Fire Service (RFS) responded on 8 July 2021 advising that the General Terms of Approval are now re-issued.

The existing conditions required by the RFS have been deleted and replaced with the amended requirements.

THE PUBLIC INTEREST

Federal, State and local government interests and community interests

No significant issues in the interests of the public are expected as a result of the proposed development.

CONSULTATIONS

Health & Building

No consultation necessary.

Development Engineer

Council's Development Engineer has made comments in relation to the proposed modification. The comments are summarised as follows:

- No objection to the proposed changes to the lot layouts in relation to Stage 9 and changes to the "Neighbourhood Boundary" given the deletion of the proposed future roads does not significantly affect the overall road network.
- No objection to the deletion of the laneways relating to Stages 10 and 11 given the laneways are no longer required as a result of the altered lot layout.
- The proposed relocation of the southern drainage basin further to the south will alter the stormwater drainage arrangements understood from civil design drawings previously submitted in relation to Stage 3A (constructed) and Stage 6. Accordingly, an amended plan will be need to be provided to allow for future stormwater infrastructure from Stage 6 to be connected to Basin 3. Calculations would also be required as a condition of approval to

ensure that the basin is sized to have sufficient capacity to accept runoff from the entire catchment when fully developed.

A relevant condition has been included to require the above.

- The original approval (DA0428/2013) and the subsequent most recently modified approval (MA0034/2018) included a comprehensive suite of conditions that for the most part are still appropriate and applicable. However it is considered that some of the road and footpath construction standards be modified to comply with current and more appropriate standards currently in use. A number of Conditions might need to be amended to reflect current certificate naming conventions, eg. References to “*Subdivision Construction Certificate*” might be changed to “*Subdivision Works Certificate*”.

The updates to the conditions have generally been included as recommended.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

Strategic implications

Council Strategies

Not applicable

Council Policies

Mid-Western Development Control Plan 2013
Community Participation Plan 2019
Mid-Western Regional Contributions Plan 2019

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulations 2000
Mid-Western Regional Local Environmental Plan 2012

Other Documents / Agreements

Planning Agreement between Mid-Western Regional Council and Caerleon Mudgee Pty Limited atf Caerleon Mudgee Trust dated 2013

Financial implications

Not applicable.

Associated Risks

Should Council refuse the application, the applicant may seek a further review of this decision or appeal through the Land & Environment Court.

LINDSAY DUNSTAN
MANAGER, PLANNING

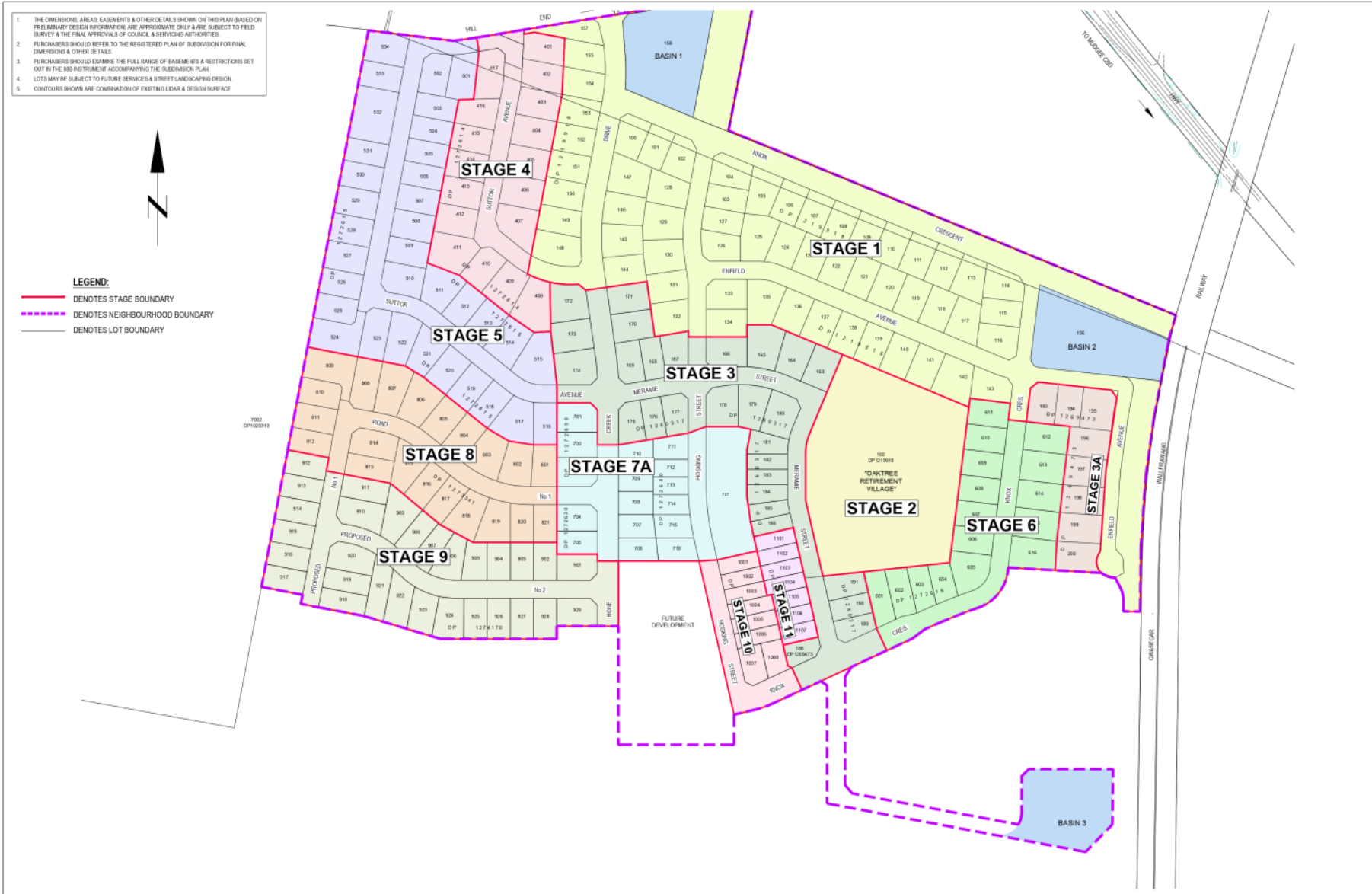
JULIE ROBERTSON
DIRECTOR DEVELOPMENT

25 June 2021

- Attachments:*
1. Staging Plan.
 2. Stage 4 detailed plan.
 3. Stage 5 detailed plan.
 4. Stage 6 detailed plan.
 5. Stage 7A detailed plan.
 6. Stage 9 detailed plan.
 7. Stage 10 detailed plan.
 8. Stage 11 detailed plan.
 9. Stage 8 detailed plan.
 10. Copy of redacted objection.
 11. Copy of redacted objection (2).
 12. RFS Response.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



PRELIMINARY - NOT FOR CONSTRUCTION				<p>ORAN PARK OFFICE SUITE 301, LEVEL 3 ORAN PARK PODIUM 351 ORAN PARK DRIVE ORAN PARK, NSW 2570 Ph: (02) 4652 6500 WEB: www.premise.com.au</p>	DESIGNED P. SITHIRAVONGSA DRAWN W. SALINDERS PROJECT MANAGER M. ZESCHKE REGISTERED SURVEYOR 	SCALE SCALE 1:3500 (A3) ORIGINAL SHEET SIX A1	CLIENT 'CAERLEON MUDGE' PTY LTD PROJECT PROPOSED SUBDIVISION 'CAERLEON' - LOT LAYOUT LOCATION 'CAERLEON ESTATE' SHEET TITLE STAGING PLAN	ORCODE 319171_08 SHEET NUMBER TP01 REV B-3																		
<table border="1"> <tr> <th>DATE</th> <th>REV</th> <th>DESCRIPTION</th> <th>REV</th> <th>APP</th> </tr> <tr> <td>25/06/2021</td> <td>B-5</td> <td>ISSUED FOR APPROVAL - STAGE TO BE REMOVED</td> <td>PS</td> <td>GC</td> </tr> <tr> <td>18/06/2021</td> <td>B-2</td> <td>ISSUED FOR APPROVAL - STAGES 10 & 11 NEIGHBOURHOOD BOUNDARY ADDED</td> <td>PS</td> <td>GC</td> </tr> <tr> <td>09/06/2021</td> <td>B</td> <td>ISSUED FOR REVIEW - REVISE BASIN LOCATION</td> <td>PS</td> <td>MS</td> </tr> <tr> <td>11/04/2021</td> <td>A</td> <td>ISSUED FOR REVIEW - LOT LAYOUT STAGES 1-10</td> <td>PS</td> <td>MS</td> </tr> </table>	DATE	REV	DESCRIPTION						REV	APP	25/06/2021	B-5	ISSUED FOR APPROVAL - STAGE TO BE REMOVED	PS	GC	18/06/2021	B-2	ISSUED FOR APPROVAL - STAGES 10 & 11 NEIGHBOURHOOD BOUNDARY ADDED	PS	GC	09/06/2021	B	ISSUED FOR REVIEW - REVISE BASIN LOCATION	PS	MS	11/04/2021
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11/04/2021	A	ISSUED FOR REVIEW - LOT LAYOUT STAGES 1-10	PS	MS																						



NOTE:

1. LOT BOUNDARY LOCATIONS AND DIMENSIONS SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO FINAL SUBDIVISION CADASTRAL SURVEY.

2. EASEMENTS:

2.1. LOCATIONS AND DIMENSIONS SHOWN ARE INDICATIVE ONLY AND ARE SUBJECT TO FINAL SUBDIVISION CADASTRAL SURVEY.

2.2. LOCATIONS SHOWN ARE SUBJECT TO FINAL ENGINEERING PLANS.

LEGEND

SYMBOL	DESCRIPTION
	BOUNDARY
	EXISTING DEVELOPMENT
(S)	SEWER LINE THROUGH EASEMENT
(D)	DRAINAGE LINE THROUGH EASEMENT



SALE PLAN STAGE 4
SCALE 1:500 AT A1



ISSUED FOR INFORMATION 26.10.20 A J.D.
APPROVED DATE ISSUE BY

NOT FOR CONSTRUCTION

CURR
CAERLEON MUDGEES PTY LTD

PROJECT
PROPOSED STAGE 4
SUTOR AVENUE
CAERLEON, NSW, 2850

DESIGNED J.D. DRAWN J.C.H. DATE OCT 20 SIZE A1 CAD FILE MX10286.11.C01



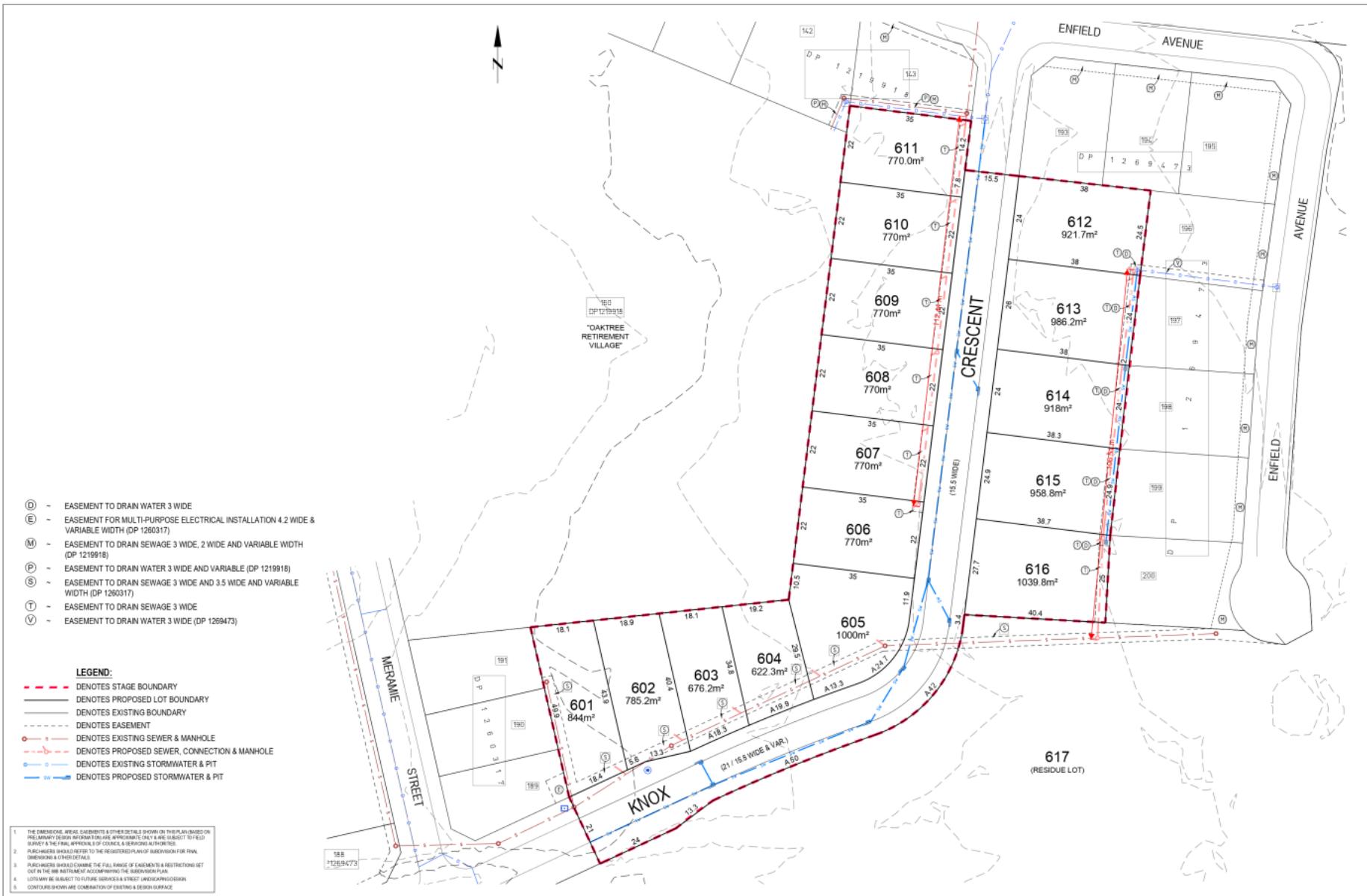
1300 874 294 | TRIAXIAL.COM.AU
44 MARKET STREET, MUDGEES NSW 2850
PO BOX 1075, MUDGEES NSW 2850

TO BE PRINTED IN COLOUR

DRAWING TITLE
SALE PLAN STAGE 4

PROJECT NO. MX10286.11 -SALE DRAWING NO. ISSUE A





- (D) - EASEMENT TO DRAIN WATER 3 WIDE
- (E) - EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE & VARIABLE WIDTH (DP 1260317)
- (M) - EASEMENT TO DRAIN SEWAGE 3 WIDE, 2 WIDE AND VARIABLE WIDTH (DP 1219918)
- (P) - EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE (DP 1219918)
- (S) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND 3.5 WIDE AND VARIABLE WIDTH (DP 1260317)
- (T) - EASEMENT TO DRAIN SEWAGE 3 WIDE
- (V) - EASEMENT TO DRAIN WATER 3 WIDE (DP 1269473)

- LEGEND:**
- - - DENOTES STAGE BOUNDARY
 - - - DENOTES PROPOSED LOT BOUNDARY
 - - - DENOTES EXISTING BOUNDARY
 - - - DENOTES EASEMENT
 - DENOTES EXISTING SEWER & MANHOLE
 - DENOTES PROPOSED SEWER, CONNECTION & MANHOLE
 - DENOTES EXISTING STORMWATER & PIT
 - DENOTES PROPOSED STORMWATER & PIT

1. THE DIMENSIONS, AREA, COORDINATES & OTHER DETAILS SHOWN ON THIS PLAN (BASED ON PRELIMINARY DESIGN INFORMATION) ARE APPROXIMATE ONLY & ARE SUBJECT TO FIELD SURVEY & THE FINAL APPROVAL OF COURSE & BOUNDARY AUTHORITIES.
 2. PURCHASERS SHOULD REFER TO THE REGISTERED PLAN OF SUBDIVISION FOR FINAL DIMENSIONS & OTHER DETAILS.
 3. PURCHASERS SHOULD CHECK THE FULL RANGE OF EASEMENTS & RESTRICTIONS SET OUT IN THE INSTRUMENT ACCOMPANYING THE SUBDIVISION PLAN.
 4. LOTSI MAY BE SUBJECT TO FUTURE SERVICES & STREET WIDENING/PROVISION.
 5. CONTIGUOUS BOUNDARIES ARE COMPARISON OF EXISTING DESIGN SURFACE.

PRELIMINARY - NOT FOR CONSTRUCTION			
DATE	REV	DESCRIPTION	REVISED BY
20/03/2021	C	ISSUED	PS NS
20/03/2021	B	ISSUED	PS NS
20/03/2021	A	ISSUED FOR REVIEW	PS NS

Premise

ORAN PARK OFFICE
 SUITE 301, LEVEL 3 ORAN PARK PODIUM
 351 ORAN PARK DRIVE
 ORAN PARK, NSW 2570
 PH: (02) 4632 6500
 WEB: www.premise.com.au

DESIGNED: D. SITHIRAVONGSA
 CHECKED: W. SAUNDERS
 PROJECT MANAGER: M. ZESCHKE
 REGISTERED SURVEYOR

SCALE: 0 10 20 30m
 SCALE 1:500 (A1)

ORAN PARK, SHEET 026 A1

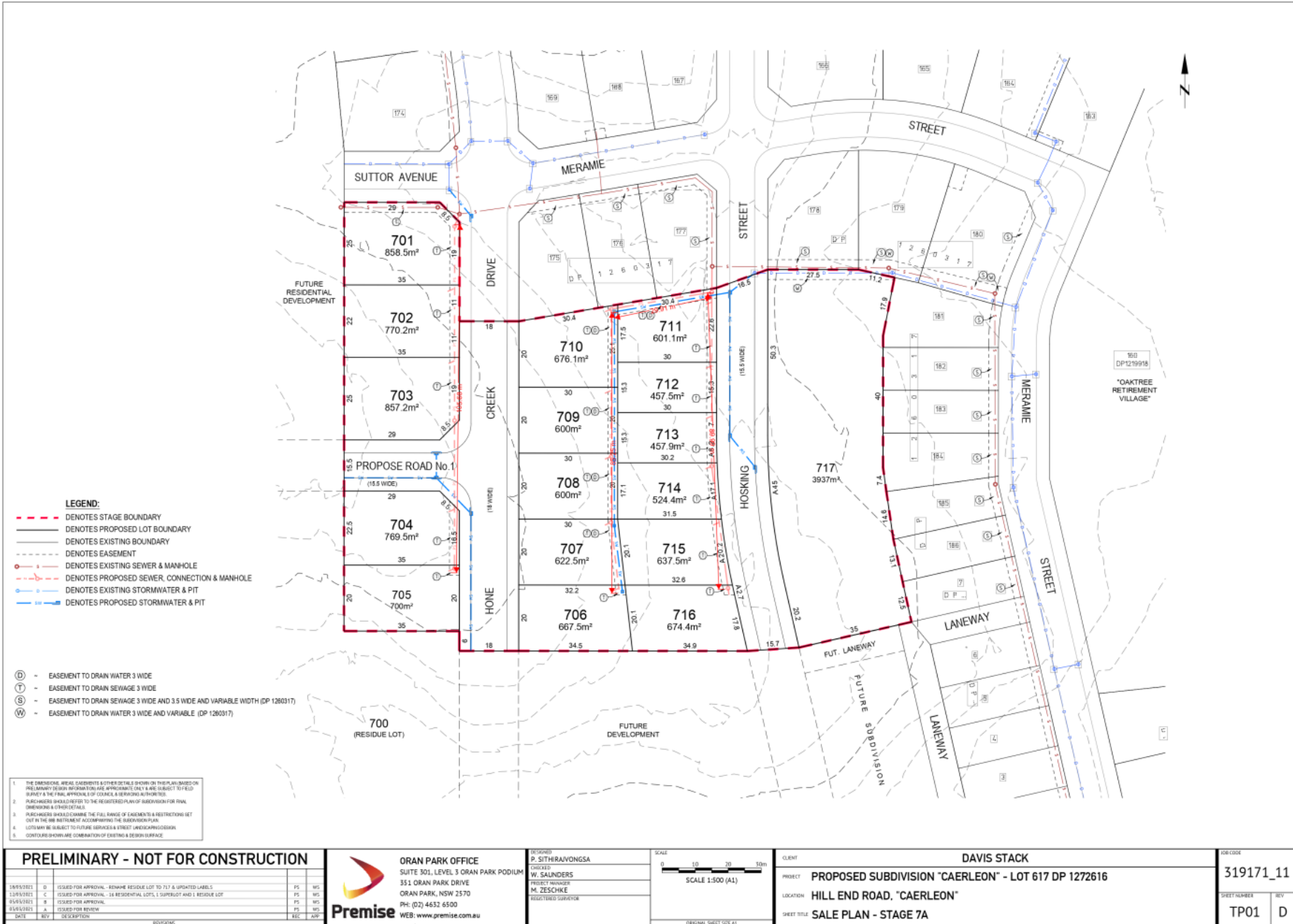
CLIENT: DAVIS STACK

PROJECT: PROPOSED SUBDIVISION "CAERLEON" - STAGE 6

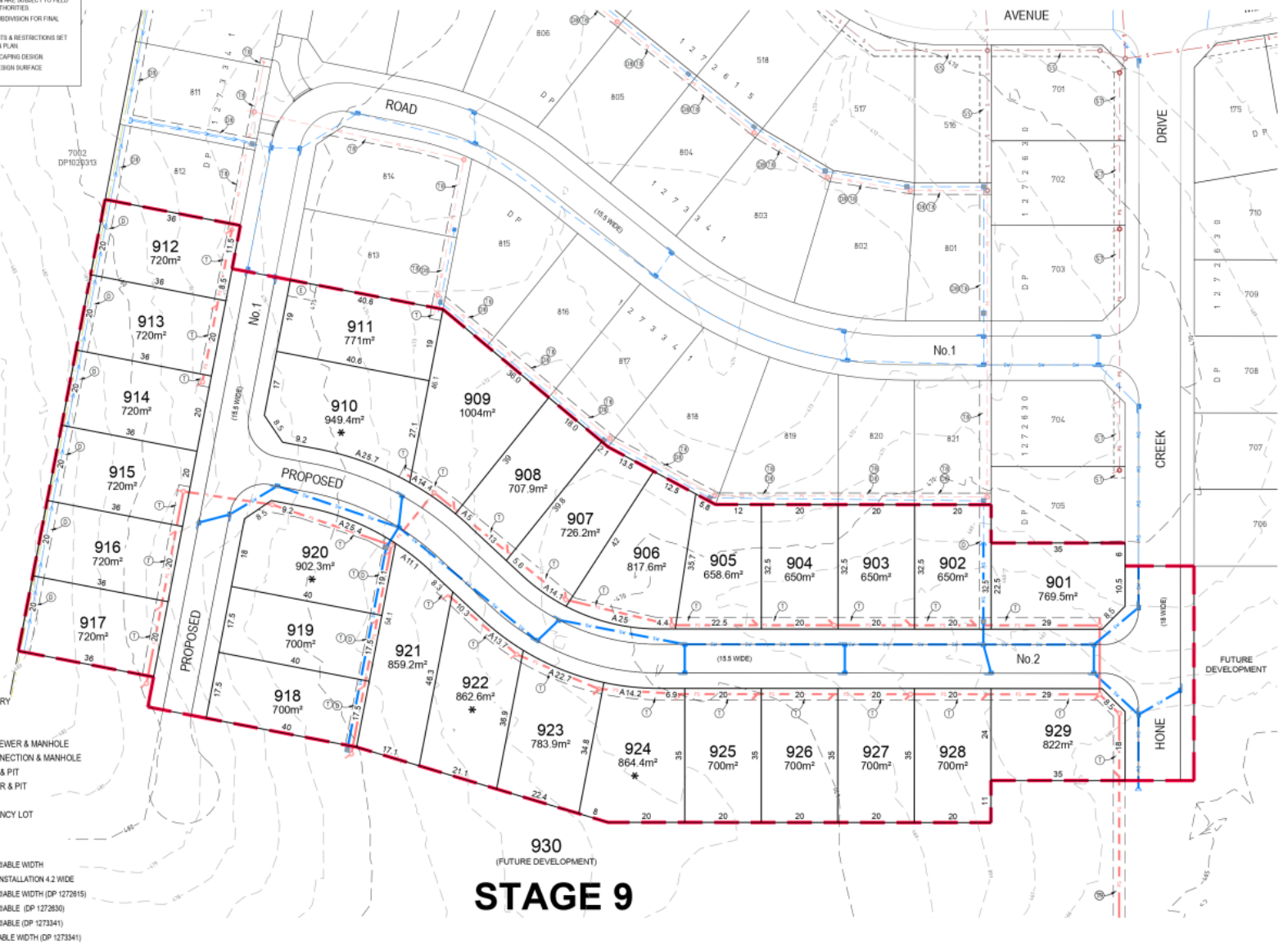
LOCATION: HILL END ROAD, "CAERLEON"

SHEET TITLE: SALE PLAN - STAGE 6

JOB CODE: 319171_10	
SHEET NUMBER: TP01	REV: C



1. THE DIMENSIONS, AREAS, EASEMENTS & OTHER DETAILS SHOWN ON THIS PLAN BASED ON PRELIMINARY DESIGN INFORMATION ARE APPROXIMATE ONLY & ARE SUBJECT TO FIELD SURVEY & THE FINAL APPROVALS OF COUSAL & SERVICES AUTHORITIES.
2. PURCHASERS SHOULD REFER TO THE REGISTERED PLAN OF SUBDIVISION FOR FINAL DIMENSIONS & OTHER DETAILS.
3. PURCHASERS SHOULD EXAMINE THE FULL RANGE OF EASEMENTS & RESTRICTIONS SET OUT IN THE INSTRUMENT ACCOMPANYING THE SUBDIVISION PLAN.
4. LOTS MAY BE SUBJECT TO FUTURE SERVICES A STREET LANDSCAPING DESIGN.
5. CONTOURS SHOWN ARE COMBINATION OF EXISTING LIDAR & DESIGN SURFACE.
6. CONTOUR INTERVAL 1m.



- LEGEND:**
- - - DENOTES STAGE BOUNDARY
 - - - DENOTES PROPOSED LOT BOUNDARY
 - - - DENOTES EXISTING BOUNDARY
 - - - DENOTES EASEMENT
 - - - DENOTES EXISTING & ADJOINING SEWER & MANHOLE
 - - - DENOTES PROPOSED SEWER, CONNECTION & MANHOLE
 - - - DENOTES EXISTING STORMWATER & PIT
 - - - DENOTES PROPOSED STORMWATER & PIT
 - - - DENOTES OVERLAND FLOW PATH
 - * DENOTES POSSIBLE DUAL OCCUPANCY LOT

- (D) - EASEMENT TO DRAIN WATER 3 WIDE
- (T) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE WIDTH
- (E) - EASEMENT FOR MULTI PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE
- (S) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE WIDTH (DP 1272815)
- (S*) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE (DP 1272830)
- (S*) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE (DP 1273341)
- (S*) - EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE WIDTH (DP 1273341)

STAGE 9

PRELIMINARY - NOT FOR CONSTRUCTION			
DATE	REV	DESCRIPTION	REVISION
14/04/2021	A	ISSUED FOR REVIEW - PROPOSED 29 RESIDENTIAL LOTS	

Premise

ORAN PARK OFFICE
SUITE 301, LEVEL 3 ORAN PARK PODIUM
351 ORAN PARK DRIVE
ORAN PARK, NSW 2570
PH: (02) 4632 6500
WEB: www.premise.com.au

DESIGNED: D. SITHIRAVONGSA
CHECKED: W. SAUNDERS
PROJECT MANAGER: M. ZESCHKE
REGISTERED SURVEYOR

SCALE: 1:500 (A1)

ORAN PARK SHEET 04/01

CLIENT: 'CAERLEON MUDGE' PTY LTD

PROJECT: PROPOSED SUBDIVISION 'CAERLEON' - LOT 822 DP 1273341

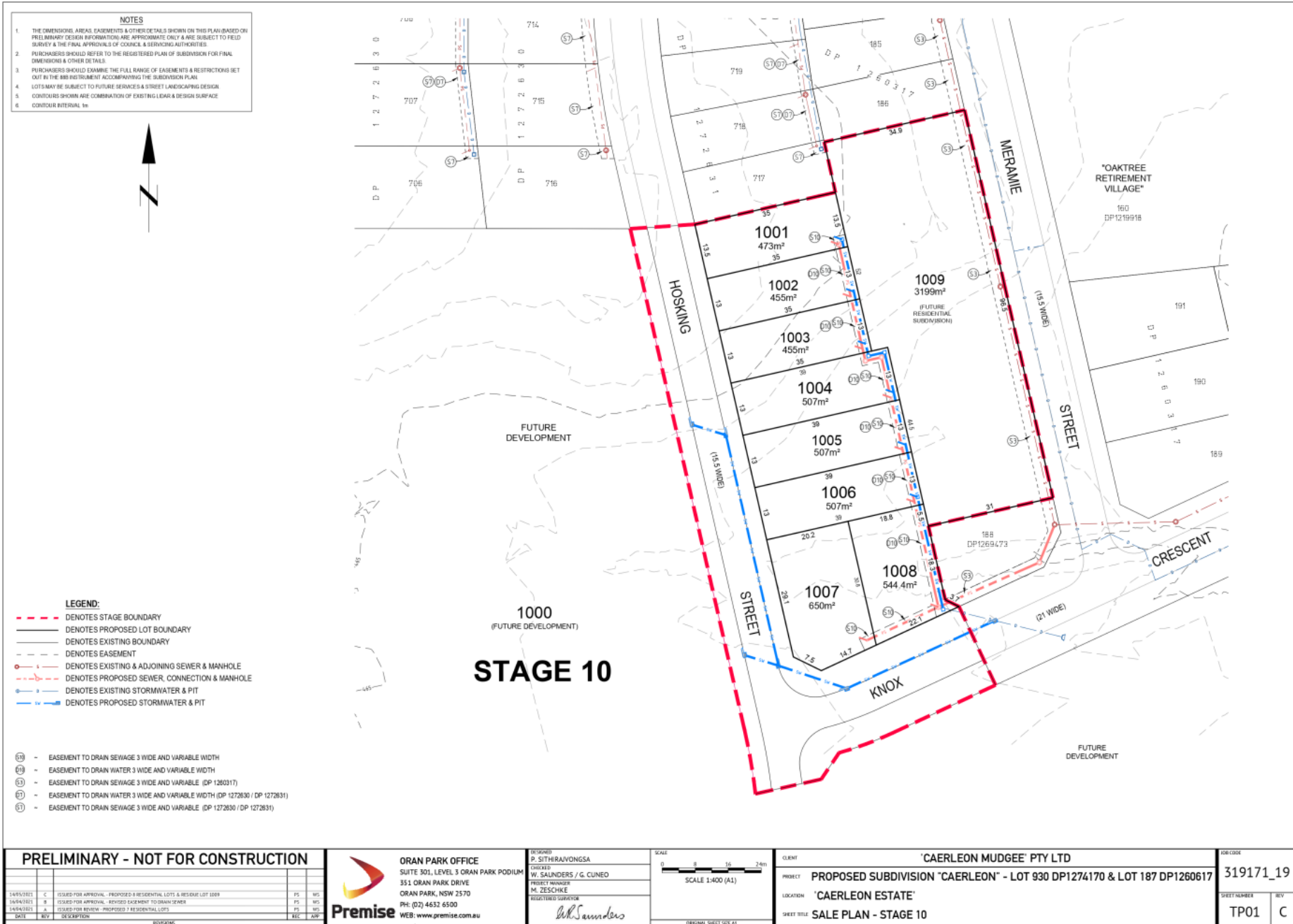
LOCATION: 'CAERLEON ESTATE'

SHEET TITLE: SALE PLAN - STAGE 9

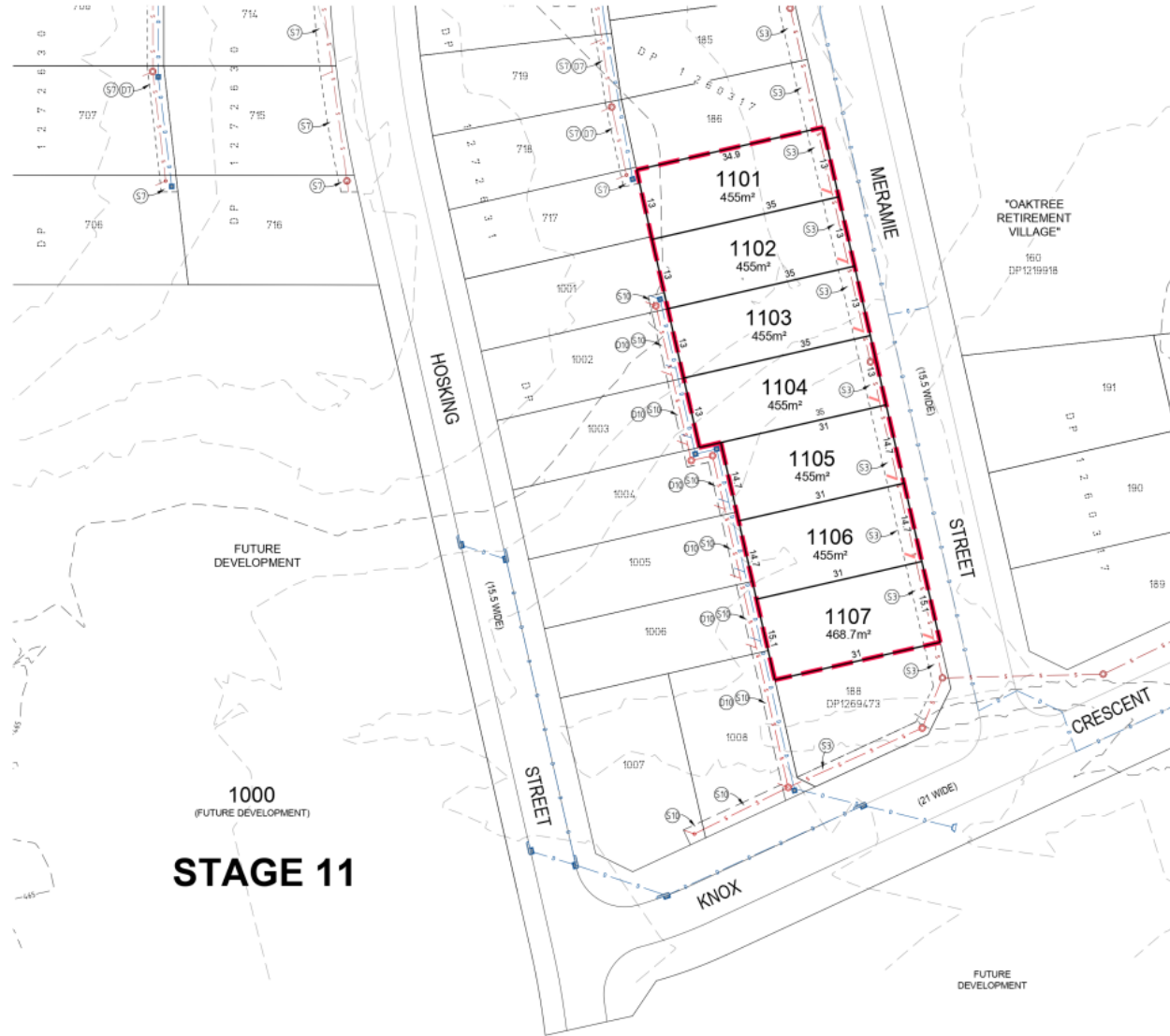
JOB CODE: 319171_18

SHEET NUMBER: TP01

REV: A



- NOTES**
1. THE DIMENSIONS, AREAS, EASEMENTS & OTHER DETAILS SHOWN ON THIS PLAN (BASED ON PRELIMINARY DESIGN INFORMATION) ARE APPROXIMATE ONLY & ARE SUBJECT TO FIELD SURVEY & THE FINAL APPROVALS OF COURSE & SERVICES AUTHORITIES.
 2. PURCHASERS SHOULD REFER TO THE REGISTERED PLAN OF SUBDIVISION FOR FINAL DIMENSIONS & OTHER DETAILS.
 3. PURCHASERS SHOULD EXAMINE THE FULL RANGE OF EASEMENTS & RESTRICTIONS SET OUT BY THE INSTRUMENT ACCOMPANYING THE SUBDIVISION PLAN.
 4. LOTS MAY BE SUBJECT TO FUTURE SERVICES AS STREET LANDSCAPING DESIGN.
 5. CONTOURS SHOWN ARE COMBINATION OF EXISTING LEAR & DESIGN SURFACE CONTOUR INTERVAL 1m.



- LEGEND:**
- - - DENOTES STAGE BOUNDARY
 - DENOTES PROPOSED LOT BOUNDARY
 - DENOTES EXISTING BOUNDARY
 - - - DENOTES EASEMENT
 - ○ DENOTES EXISTING & ADJOINING SEWER & MANHOLE
 - DENOTES PROPOSED SEWER CONNECTION
 - ○ DENOTES EXISTING STORMWATER & PIT

- (S1) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE WIDTH (DP.)
- (S2) - EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE WIDTH (DP.)
- (S3) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE (DP 128017)
- (S4) - EASEMENT TO DRAIN WATER 3 WIDE AND VARIABLE WIDTH (DP 1272630 / DP 1272631)
- (S5) - EASEMENT TO DRAIN SEWAGE 3 WIDE AND VARIABLE (DP 1272630 / DP 1272631)

PRELIMINARY - NOT FOR CONSTRUCTION

DATE	REV	DESCRIPTION	ISSUED FOR APPROVAL - PROPOSED 7 RESIDENTIAL LOTS	PS	NC
14/05/2021	A	ISSUED FOR APPROVAL - PROPOSED 7 RESIDENTIAL LOTS			

Premise

ORAN PARK OFFICE
SUITE 301, LEVEL 3 ORAN PARK PODIUM
351 ORAN PARK DRIVE
ORAN PARK, NSW 2570
PH: (02) 4632 6500
WEB: www.premise.com.au

DESIGNED BY: SITHIRAVONGSA
CHECKED BY: W. SALUNDERS / G. CUNEO
PROJECT MANAGER: M. ZESCHKE
REGISTERED SURVEYOR

SCALE: 0 8 16 24m
SCALE 1:400 (A1)

ORAN PARK SHEET 043

CLIENT: 'CAERLEON MUDGEE' PTY LTD

PROJECT: PROPOSED SUBDIVISION "CAERLEON" - LOT 1009 DP

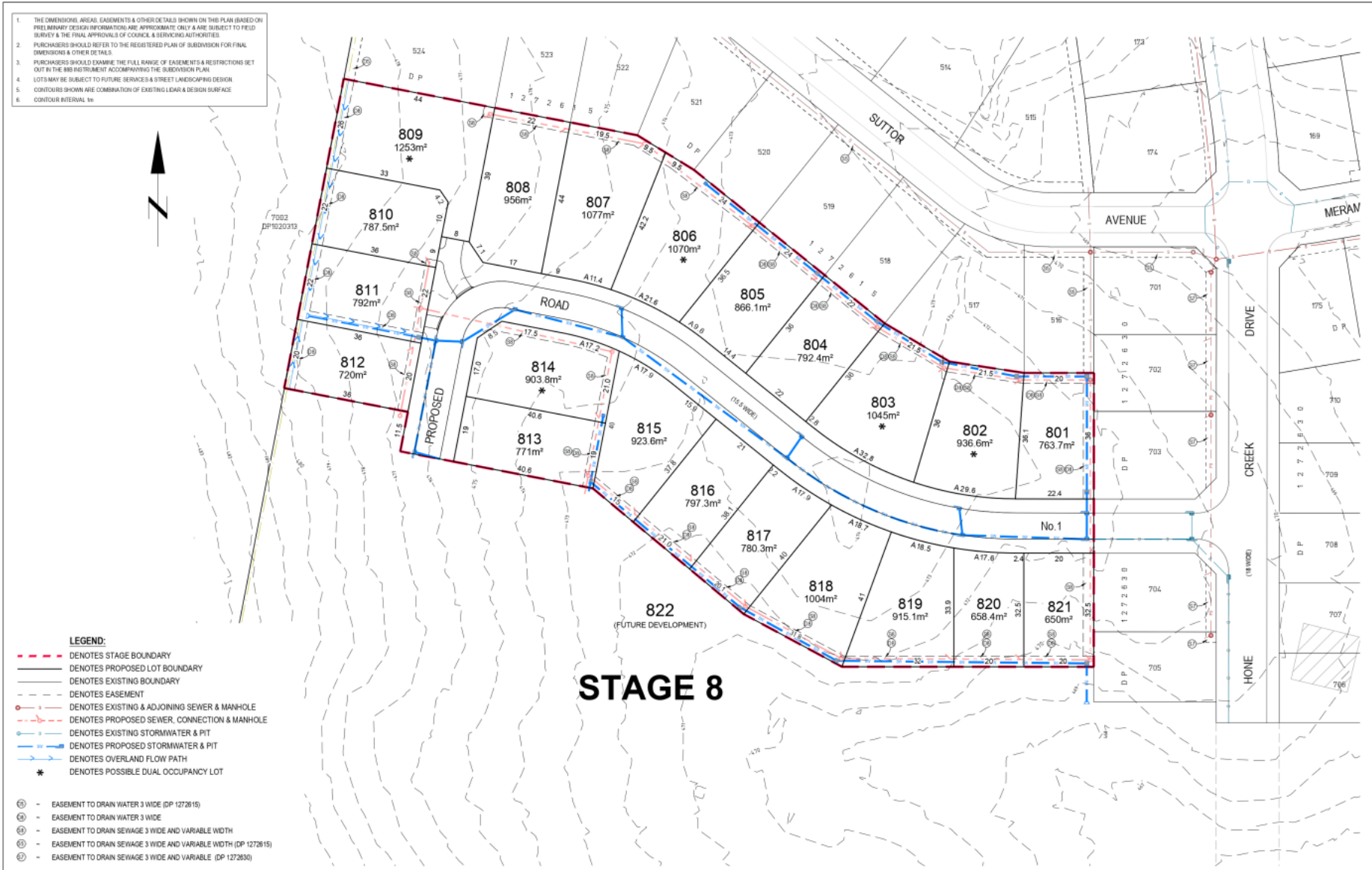
LOCATION: 'CAERLEON ESTATE'

SHEET TITLE: SALE PLAN - STAGE 11

JOB CODE: 319171_22

SHEET NUMBER: TP01

REV: A



PRELIMINARY - NOT FOR CONSTRUCTION

NO.	DATE	REV	DESCRIPTION	BY	CHK	APP
220402021	D		ISSUED FOR APPROVAL - REVISED EASEMENT LABELS	NZ	MS	
220402021	C		ISSUED FOR APPROVAL - DENOTES LOT 809 AS POSSIBLE DUAL OCCUPANCY LOT	NZ	MS	
220402021	B		ISSUED FOR APPROVAL - UPDATED EASEMENTS	PS	MS	
220402021	A		ISSUED FOR REVIEW - PROPOSED 22 RESIDENTIAL LOTS	PS	MS	
DATE	REV	DESCRIPTION	BY	CHK	APP	

ORAN PARK OFFICE
 SUITE 301, LEVEL 3 ORAN PARK PODIUM
 351 ORAN PARK DRIVE
 ORAN PARK, NSW 2570
 PH: (02) 4652 6500
 WEB: www.premise.com.au

DESIGNED
 P. SUTHIRAVONGSA
 CHECKED
 W. SAUNDERS
 PROJECT MANAGER
 M. ZEISENCKE
 REGISTERED SURVEYOR

SCALE
 0 10 20 30m
 SCALE 1:500 (A1)
 ORIGINAL SHEET SIZE A1

CLIENT
 'CAERLEON MUDGE' PTY LTD

PROJECT
 PROPOSED SUBDIVISION 'CAERLEON' - LOT 700 DP 1272630

LOCATION
 'CAERLEON ESTATE'

SHEET TITLE
 SALE PLAN - STAGE 8

JOB CODE
 319171_17

SHEET NUMBER
 TP01

REV
 D

To: [REDACTED]
Subject: [Council](#)
Date: PROPOSED DEVELOPMENT: Proposed Modification to Subdivision-Torrens Title - Amend Layout Stage 9 & include subdivision of Lot 188 as Stage 10
Thursday, 10 June 2021 4:40:41 PM

To whom it may concern,

I write to object to the above development application. I am the owner of [REDACTED] and I strongly believe I have been left hard done by when Carleon decided to remove the laneway between Meramie St and Hosking St.

When purchasing the block I was under the impression that the land would face on to 3 roads, and I designed my prospective house with this information. As my driveway/garage were to face onto the removed laneway, the plans for construction of my house are essentially useless and I will have to start from scratch.

I also believe this will devalue my land as I have lost the appeal of only having one neighbour as well as access to 3 separate roads.

I strongly ask council to consider rejecting this proposal on the above grounds.

Thank you,

Liam Oliver

[REDACTED]

From: [REDACTED]
To: [Council](#)
Subject: MA0042/2021 - Proposed Modification to Subdivision - Torrens Title @ Caerleon Estate Development Block
26 Hone Creek Drive CAERLEON NSW 2850
Date: Thursday, 8 July 2021 2:04:20 PM

Dear Sarah,

We purchased a block of land, Lot 200 in Caerleon Estate earlier this year with the understanding that the land next to our block would remain a 'green zone' (parklands) as per original masterplan.

We have designed our house accordingly. Now with the proposal of having this land become Torrens title, not only is this 'not appealing' for our requirements, our plans are essentially useless. Therefore delaying construction, and putting us out of pocket to the value of \$1575 to have the house plans changed.

I strongly believe that keeping these lots as a 'green zone' would benefit the community of Caerleon Estate by giving the children somewhere to run, play and explore with other children.

--
[REDACTED]



NSW RURAL FIRE SERVICE

Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Your reference: DA0428/2013
Our reference: DA-2013-01177-S4.55-1

ATTENTION: Planning

Date: Thursday 8 July 2021

Dear Sir/Madam,

Integrated Development Application
s100B - Subdivision - Torrens Title Subdivision
26 Hone Creek Drive Caerleon NSW 2850, 192//DP1260317, 192//DP1260317

I refer to your correspondence dated 11/05/2021 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entirety of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed

2. A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on all land to the south of stage 9 for a distance of 10 metres within Lot 201, DP 1269473 for the purpose of a temporary asset protection zone (APZ) in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*. The restriction to land use for the purpose of a temporary asset protection zone may be extinguished upon commencement of future development over the affected areas. The name of authority empowered to release, vary or modify any instrument shall be Mid-Western Regional Council.

When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are
- clearly sign posted as a dead end;
- non-perimeter roads are a 5.5 metre minimum carriageway width kerb to kerb;
- perimeter roads are an 8 metre minimum carriageway width kerb to kerb;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.



- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

4. The provision of water, electricity and gas must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note

This advice is in response to additional information submitted and supersedes our previous advice dated 4 July 2013.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .

For any queries regarding this correspondence, please contact Marc Ellwood on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
**Supervisor Development Assessment & Plan
 Built & Natural Environment**





NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
26 Hone Creek Drive Caerleon NSW 2850, 192//DP1260317, 192//DP1260317
RFS Reference: DA-2013-01177-S4.55-1
Your Reference: DA0428/2013

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority (none) issued on and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

Kalpana Varghese

Supervisor Development Assessment & Plan
Built & Natural Environment

Thursday 8 July 2021