

8.3 DA0052/2024 - Subdivision (70 Residential Lots) Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon

REPORT BY THE TOWN PLANNER
 TO 21 FEBRUARY 2024 ORDINARY MEETING
 GOV400105, DA0052/2024

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0052/2024 - Subdivision (70 Residential Lots) Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon; and
- B. that DA0052/2024 - Subdivision (70 Residential Lots) Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon be approved subject to the following conditions and statement of reasons:

APPROVED PLANS

- 1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Title / Name:	Drawing No / Ref:	Rev	Date:	Prepared by:
Stage_13 SUBDIVISION PLAN	Stg_13-01	3	09.02.24	Bathla
Subdivision Plan	MKRV0036-113-C0020	4	18.01.24	Maker Eng
Civil Key Plan	MKRV0036-113-C0040	4	18.01.24	Maker Eng
Lot Layout Plan Sheet 1 of 2	MKRV0036-113-C0050	4	18.01.24	Maker Eng
Lot Layout Plan Sheet 2 of 2	MKRV0036-113-C0051	4	18.01.24	Maker Eng
Civil Works Layout Plan Sheet 1 of 2	MKRV0036-113-C0100	4	18.01.24	Maker Eng
Civil Works Layout Plan Sheet 2 of 2	MKRV0036-113-C0101	4	18.01.24	Maker Eng
Typical Sections Layout Plan	MKRV0036-113-C0300	4	18.01.24	Maker Eng
Typical Sections Sections Plan Sheet 1 of 2	MKRV0036-113-C0310	4	18.01.24	Maker Eng
Typical Sections Sections Plan Sheet 2 of 2	MKRV0036-113-C0311	4	18.01.24	Maker Eng
Temporary Basin Layout Plan	MKRV0036-113-C1200	4	18.01.24	Maker Eng

Title / Name:	Drawing No / Ref:	Rev	Date:	Prepared by:
Temporary Basin Sections	MKRV0036-113-C1210	4	18.01.24	Maker Eng
Swept Path Analysis Layout Plan	MKRV0036-113-C1706	4	18.01.24	Maker Eng
Biodiversity Development Assessment Report Stage 13 Caerleon Estate Mudgee	ENS5848	1.0	07.08.23	Biodiversity Australia Pty Ltd

In the event of any inconsistency with the approved plans / document and a condition of this consent, the condition prevails.

GENERAL

2. In accordance with Section 7.4 of the Environmental Planning and Assessment Act 1979, the development is to be undertaken in accordance with the executed Voluntary Planning Agreement.
3. All lots not fully located within “Area C” identified under Clause 4.1C of the Mid-Western Regional Local Environmental Plan 2012 must have a minimum lot size of at least 450m².

4. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority to be issued in accordance with Section 100B of the Rural Fires Act 1997.

A copy of the General Terms of Approval is attached to this determination notice.

5. The development is to be undertaken at all times in accordance with the mitigation measures and environmental controls set out in Section 5.4 “Measures to Minimise Impact” of the Biodiversity Development Assessment Report, prepared by Biodiversity Australia.
6. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
7. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
8. 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.

9. A temporary bus turning area is to be provided off/at the end of Hone Creek Drive, in accordance with one of the options shown on the approved plans. All costs associated with the construction and ongoing maintenance of the temporary turning area is to be borne by the developer until such time as it is no longer required.

PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE

10. Prior to issue of the Subdivision Works Certificate, the lot layout of the subdivision is to be updated on all civil plans (prepared by Maker Eng) to be in accordance with the approved Subdivision Plan prepared by Bathla (identified as “Stage_13 Subdivision Plan” Revision 3 and dated 09/02/2024).
11. Prior to issue of the Subdivision Works Certificate the class and number of ecosystem credits in the following table must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council prior to Subdivision Works Certificate.

Table: Ecosystem credits required to be retired – like for like:

Impacted plant community type	Number of ecosystem credits	IBRA sub-region
<p>PCT266 – White Box Grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion</p> <p>(Like for Like offset trading groups include: White Box - Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highla This includes PCT's: 74, 75, 83, 250, 266, 267, 268, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 298, 302, 312, 341, 342, 347, 350, 352, 356, 367, 381, 382, 395, 401, 403, 421, 433, 434, 435, 436, 437, 451, 483, 484, 488, 492, 496, 508, 509, 510, 511, 528, 538, 544, 563, 567, 571, 589, 590, 597, 599, 618, 619, 622, 633, 654, 702, 703, 704, 705, 710,</p>	<p>18</p>	<p>Inland Slopes, Bogan-Macquarie, Bondo, Capertee Uplands, Capertee Valley, Crookwell, Hill End, Kerrabee, Lower Slopes, Murray Fans, Murrumbateman, Orange, Pilliga, Talbragar Valley and Wollemi. or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.</p>

711, 796, 797, 799, 847, 851, 921, 1099, 1303, 1304, 1307, 1324, 1329, 1330, 1332, 1383, 1606, 1608, 1611, 1691, 1693, 1695, 1698, 3314, 3359, 3363, 3373, 3376, 3387, 3388, 3394, 3395, 3396, 3397, 3398, 3399, 3406, 3415, 3533, 4147, 4149, 4150)		
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12. Prior to issue of the Subdivision Works Certificate the class and number of species credits in the following table must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of the requirements in the following table must be provided to Council prior to Subdivision Works Certificate.

Table: Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Anthochaera phrygia</i> / Regent Honeyeater	4	Anywhere in NSW

13. 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.
14. 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.
15. A site supervisor is to be nominated by the applicant prior to the issue of the Subdivision Works Certificate.
16. Existing and proposed contours are to be shown on detailed engineering plans.
17. Prior to the issue of a Subdivision Works Certificate, all details relating to the decommissioning of any farm dam in preparation for a residential site, including methods, materials and equipment shall be provided to Council.

Stormwater Drainage

18. Prior to the issue of a Subdivision Works Certificate the applicant is to submit a Drainage Report and civil design plans 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. The Drainage Report shall include:

- Catchment plans;
- Hydrological calculations;
- Hydraulic calculations;
- Pit, pipe and headwall locations shown on plans;
- Gutter flow does not exceed 80 litres/sec or 2.5m in width;
- Pit bypass less than 15% of flow;
- Pit spacing less than 75m;
- Pipe class is appropriate given cover or depth;
- Pipe grade allows for self-cleansing at low flow velocities;
- Longitudinal sections of all pipelines showing pipe grades and classes, pit names/numbers and type, hydraulic grade etc.
- Plan and sectional views of non-standard drainage structures.
- Downstream owners consent to discharge of stormwater.

19. 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 Subdivision Works Certificate Issue plans demonstrating that the design meets the above criteria.

20. 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.

21. Inter-allotment 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 inter-allotment drainage.

22. 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.

23. 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; and
- a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.

24. All stormwater runoff is to be piped into Detention Basins. No outfall using open channel will be permitted except between the lowest detention basin to the culvert under the rail corridor. The use of grassed swales with batter slopes no greater than 1:6 to provide for an overland flow path in the event of very large storms (< 1:100 year ARI) will be permitted.

Road Works

25. 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).

26. Internal road reserve and pavement widths for Stage 13 are to conform with the following requirements:

Road	Classification	Road Reserve	Carriageway	Verge	Footpath	Kerb Type
Road No. 1	Local Residential	15.5m and 12.5m	7.5m and 7m	4m and 1.5m	1 x 1.2m	Roll top
Road No. 2	Local Residential	15.5m	7.5m	4m	1 x 1.2m	Roll top
Road No. 3	Local Residential	15.5m	7.5m	4m		Roll top
Hone Creek Drive (Neighbourhood Centre)	Neighbourhood Centre	22.6m	3m median with landscaping and pedestrian refuge; 2 x 3.5m travel lanes; and 2 x 2.3m parking lanes	1 x 3.5m (west side) 1 x 4.5m (east side)	1 x 1.2m (west side) 1 x 1.5m (east side)	Upright

27. The internal road network must be designed with sufficient width to accommodate turning paths for service vehicles, with particular attention to cul-de-sac court bowls that must be provided with a radius suitable for rubbish collection vehicles and that require no reversing movements for collection of rubbish.

28. Internal cross road intersections are to be designed to have:
- Give Way signs, and
 - Linemarking.
29. 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.

Water and Sewer

30. 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.*
31. Water services are to be located on alternate property boundaries to Telstra / Electricity. The Developer will construct water service to the water meter and prior to the issue of a Subdivision certificate pay for the Water Meter Assembly fee as specified in the current Schedule of Council Fees and Charges for Council to supply and install a meter only for each Lot in the Subdivision.
32. Water supply for Stage 13 is to be obtained by extension of mains constructed within Stage 9 of Neighbourhood 1.
33. Direct connection to the Trunk Main that generally follows proposed spine road alignment is NOT permitted except at existing connection points or as advised by Council's Water and Waste Water directorate.

Footpaths and Cycle Ways

34. Footpaths no less than 1.2 metres wide are to be provided on at least one side of Road No. 1, 2 and 3, and 1.2 metre (west side) and 1.5 metre (east side) footpaths on Hone Creek Drive (neighbourhood centre).

Street trees

35. Prior to issue of subdivision works certificate a landscape plan is to be prepared by a qualified landscape architect and approved by Council. Street trees of a species approved by Council are to be provided to all streets with an average of one tree per lot frontage. Corner lots are to have a minimum of two street trees on the secondary frontage. The location of street trees must complement proposed driveway locations and other elements in the public domain (i.e. light poles); maintain adequate lines of sight for vehicles and pedestrians, especially around driveways and street corners; provide appropriate shade; and provide an attractive and interesting landscape character
36. Street trees are to be approximately 1.5m - 2m in height when planted.

PRIOR TO COMMENCEMENT OF WORK

37. 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.
38. 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.
39. 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.

DURING WORKS

40. 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.
41. All construction works shall be undertaken in accordance with the Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012 as approved under DA0428/2013 (and subsequently modified).
42. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base-course.
43. Street signs necessitated by the subdivision are to be installed in accordance with AUS- SPEC Specification and Council's requirements.
44. 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
45. Upon completion of each stage of construction, the Developer is also required to ensure that adequate provisions are made for the following:
- Sediment and erosion control measures;
 - Traffic control measures; and
 - Maintenance of public areas free from unauthorised materials, waste or other obstructions.

46. The applicant shall repair, in accordance with AUS-SPEC Specification and Council Standard Drawings, any part of Council's property damaged during the course of the development.
47. 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.

COVERSHEET

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

INDEX

- Section Numbers

CONTRACTOR DETAILS

- Contractor Representative
- Contractor Contact Details

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, ITP's, Lot Identification) Non-conformance reports (Major non-conformances not detailed on council inspections) Work As Executed Drawings must be received and approved by Council. Documents to be submitted to be as follows:
 - One set of Work As Executed Drawings in PDF soft and hard copy.
 - AutoCAD compatible files in .dwg format of WAE constructions.
 - MapInfo files (MGA GDA94 Zone 55/56) of WAE constructions.
 - Asset Data Spreadsheets with all the asset details in Excel format. (Council will provide the template Excel sheet).
 - MapInfo files (MGA GDA94 Zone 55/56) Note: Ensure all WAE assets data in Excel
 - sheets correlate with WAE Drawings, AutoCAD and MapInfo files.
 - Copy of final inspection report from Council's Development Engineer.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

48. Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with NSW Land Registry Services.
- Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.*
49. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision Certificate.
- Please refer to the Advisory Notes for the contribution to be made to Council in accordance with the Voluntary Planning Agreement for Caerleon.
50. 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.
51. 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.
52. 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.
53. **Prior to issue of the Subdivision Certificate**
- All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - An agreement be made between the developer and Council; be paid to Council in accordance with this condition for the purpose of:
 - As to the security to be given to Council that the works will be completed or the contribution paid and
 - As to when the work will be completed or the contribution paid.
54. 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. The bond shall be lodged with Council, prior to issue of the Subdivision Certificate.
55. 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 out rectification works.

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.

56. 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.
57. 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 Notice of Arrangements from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - 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.
58. 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.
59. 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.
60. A registered surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the PCA, prior to the issue of a Subdivision Certificate.
61. Prior to the issue of the Subdivision Certificate, the applicant must demonstrate that the General Terms of Approval issued by the NSW Rural Fire Service dated 20 October 2023 have been complied with.
62. The developer shall contact Council's Property and Rating Department to ensure that the Street Addressing for each lot is correctly allocated in accordance with AS4819, prior to issue of the Subdivision Certificate.

ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate. Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:
 - a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable) which has been calculated in accordance with the VPA endorsed by Council:

Section 64 Contributions					
Total of 70 residential lots (69 x small and 1 x medium)					
		<i>ET/ Unit</i>	<i>Per Lot</i>	<i>No. lots</i>	<i>Total</i>
Water Headworks	Residential allotment (small) <650m²	0.75	\$6,802. 33	69	\$469,360.8 2
	Residential allotment (medium) 650m² - 1200m²	1	\$9,069. 77	1	\$9,069.77
	Water Headworks Subtotal				\$478,430.5 9
Sewer Headworks	Residential allotment (small) <650m²	0.75	\$3,088. 26	69	\$213,089.9 3
	Residential allotment (medium) 650m² - 1200m²	1	\$4,117. 68	1	\$4,117.68
	Sewer Headworks Subtotal				\$217,207.6 1
TOTAL HEADWORKS					\$695,638.2 1

Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year.

2. 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".
3. 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.
4. Division 8.2 of the Environmental Planning and Assessment Act 1979 (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.
5. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
6. 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

The determination decision was reached for the following reasons:

1. **The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.**
2. **The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.**
3. **No submissions were received during the public notification period.**

Executive summary

OWNER/S	Caerleon Mudgee Pty Ltd ATF Caerleon Mudgee Trust
APPLICANT:	Universal Property Group Pty Ltd
PROPERTY DESCRIPTION	Lot 930 DP1274170 Caerleon Estate Development Block 40 Hone Creek Drive, CAERLEON NSW 2850
PROPOSED DEVELOPMENT	Subdivision of land (70 residential lots)
ESTIMATED COST OF DEVELOPMENT:	\$1,703,668.00
REASON FOR REPORTING TO COUNCIL:	The application exceeds staff's <i>Delegation of Authority</i> , in that it is for a subdivision creating more than 20 allotments.
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0052/2024 that seeks approval for Torrens Title subdivision (70 residential lots plus residual), located at Caerleon Estate Development Block 40 Hone Creek Drive CAERLEON NSW 2850, Lot 930 DP 1274170, and received by Council on 21 September 2023.

The Greenfield subdivision is Stage 13 of the Caerleon Estate and will be located on the south side of the estate below Stage 9. Stages 1-11 were approved under the DA0428/2013 with all lots approved now released. Consent for stages 12A, 12B and 12C has also been granted with construction works currently being undertaken.

Consent for Stage 13, DA0093/2022, has previously been approved providing for the creation of 46 residential lots, no works have commenced. The current development application proposes to replace this consent, utilising the same footprint and general road layout as the previous approval, but increasing the overall lot yield to 70 lots. The new residential lots proposed will range in size from 300m² to 686m².

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 6 October 2023. During the notification period, no submission/s were received.

The proposed development has been assessed in accordance with Council's Development Control Plan, 2013 (DCP 2013) and the Mid-Western Regional Local Environmental Plan 2012 (MWLEP).

The proposed development is considered generally consistent with Council's planning controls. Noting that a variation is proposed to the road widths which were the subject of an amendment to the DCP in July 2023. The road widths are proposed to be in accordance with previous approvals and will match the existing road network. Future stages will be required to comply with the updated road width standards.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the application is for a subdivision creating more than 20 allotments.

The application is recommended for Approval.

Disclosure of Interest

Nil

Detailed report

Proposed Development

The proposal seeks to subdivide part of the land into 70 new residential lots ranging in size from 300m² to 686m² including new roads, temporary detention basin and temporary bus turning area.

The subdivision is identified as Stage 13 of the Caerleon Estate and will expand on the existing approved subdivision, and is located to the south of Stage 9. The main trunk road of the subdivision (Hone Creek Drive) will be extended and new roads will provide access to the proposed lots. All new residential lots will be serviced with reticulated water and sewer services.

The site contains an existing dam and is mostly cleared grassland with scattered trees throughout.

It should be noted that development consent DA0093/2022 has already been issued for Stage 13 which approved the creation of 45 residential lots ranging in size from 450m² to 1035.2m² with a similar road layout to the proposed development. The new application will increase the overall yield by 25 lots with an overall reduction in lot sizes.

A Location Plan and proposed subdivision plan is provided in Figures 1 and 2. A full set of the plans is in Attachments 1 and 2.



Figure 1: Location of development site (Source: Figure 1 SEE prepared by Universal Property Group)

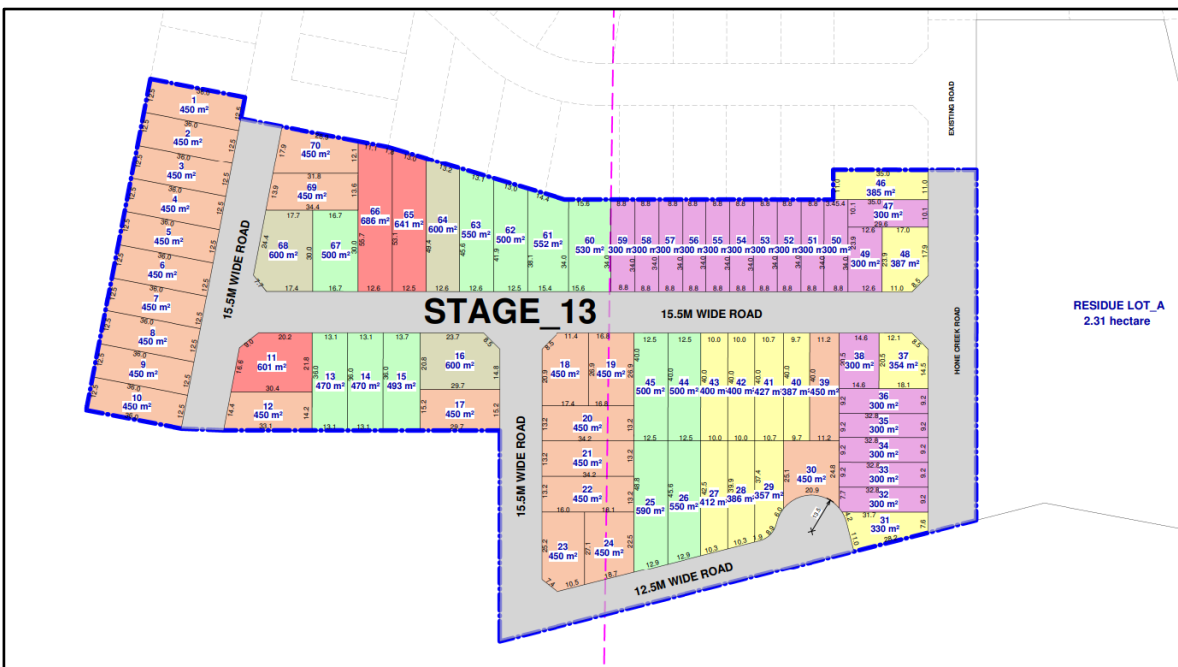


Figure 2: Proposed subdivision plan

Environmental Planning and Assessment Act 1979

Designated Development

The development proposal is not considered to be Designated Development, in accordance with Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regs).

Integrated Development

The development proposal is considered to be Integrated Development, in accordance with Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The subject land is partially mapped as being bushfire prone, as such the development is integrated pursuant to Section 100B of the Rural Fires Act requiring a Bushfire Safety Authority. The application was referred to the Rural Fire Services who issued General Terms of Approval on 20 October 2023 (Attachment 3).

Biodiversity Conservation Act 2016 (BC Act)

The development triggers the Biodiversity Offset Scheme pursuant to Part 7 of the BC Act as:

- The site contains an area mapped on the Biodiversity Values Map as important habitat for a threatened species (shown in Figure 3), this coincides with mapping for Important Habitat for *Anthochaera phrgia* (Regent Honeyeater); and
- the extent of clearing of vegetation is approximately 4.5ha which is above the area clearing threshold of 0.25ha.

A Biodiversity Development Assessment Report (BDAR) was submitted with the application which assessed the impact of the proposal on biodiversity values according to the NSW Biodiversity Assessment Method (BAM) in accordance with the Biodiversity Conservation Act 2016 (BC Act).



Figure 3: Biodiversity Values Map

The BDAR, prepared by Biodiversity Australia identified two vegetation communities within the Development footprint as shown in Figure 4 with the total area of vegetation (comprised of 4.15ha) to be removed for the proposed subdivision. This impact is proposed to be offset through the

purchase and retirement of appropriate ecosystem credits. A suitable condition has been recommended.



Figure 4: Extract from BDAR prepared by Biodiversity Australia (Figure 7) showing vegetation zones

The BDAR also identified that species credits will be required in relation to the Regent Honeyeater, a suitable condition for the retirement of these credits will also be included as a condition of consent.

Measures to minimise impacts identified in Section 5.4 of the report will also be required to be implemented as a condition of consent.

Section 4.15 Evaluation of the *Environmental Planning & Assessment Act 1979*

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

4.15(1)(a) Requirements of Regulations and Policies

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

State Environmental Planning Policy (Resilience and Hazards) 2021 Assessment of the contamination status of the land was undertaken with the rezoning of the site, the report (identified as Preliminary Contamination Assessment prepared by Envirowest Consulting and dated 20 July 2012) included the area of the proposed subdivision. The report identified that the site has historically been used for sheep and cattle grazing. Some areas of potential contamination were identified in the vicinity of the existing dwelling and sheds; however, the existing dwelling and sheds are not located within the boundaries of Stage 13. Based on this report it is considered unlikely that the subject land has been used for any potentially contaminating activities and accordingly, no further consideration is considered necessary.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 *Chapter 4 Koala Habitat Protection 2021*

The Biodiversity and Conservation SEPP applies to the proposal as the area of land associated with the proposal is greater than 1 hectare in size including adjoining land within the same ownership and does not have an approved koala plan of management applying to the land.

The Biodiversity Development Assessment Report (BDAR) prepared by Biodiversity Australia confirmed that koala food trees were present within the development footprint. Targeted koala surveys were undertaken which did not locate any koalas or koala signs.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Division 5 Electricity transmission or distribution

Section 2.48 Determination of development applications—other development

Pursuant to Section 2.48, the development will not have impact on underground electricity power lines, distribution pole or tower. There are no electrical easements that constrain the development area and therefore no further consideration of this Division is considered necessary.

Chapter 2: Infrastructure

Division 15 Railways and rail infrastructure facilities

Pursuant to Section 2.97 and Section 2.98, the development is not located adjacent to the railway corridor and does not involve the penetration of ground to a depth of more than 2m within 25m of the railway corridor and therefore no further consideration of this Division is considered necessary.

Chapter 2: Infrastructure

Division 17 Roads and road infrastructure facilities

Pursuant to Section 2.121 the development is not considered to be a traffic-generating development given the number of lots being created is less than 200.

Upgrades to the intersection of Hone Creek Road/Hill End Road and the intersection of Hill End Road/Castlereagh Highway have been completed under the approval for Neighbourhood 1 (DA0423/2013) which was identified as traffic generating development and required concurrence of RMS (now Transport for NSW).

State Environmental Planning Policy (Industry and Employment) 2021

The proposed development does not involve Advertising or Signage nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

State Environmental Planning Policy (Planning Systems) 2021

The proposed development is not State or Regionally Significant Development nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

State Environmental Planning Policy (Precincts—Regional) 2021

The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (MWRLEP 2012)

The following clauses of Mid-Western Regional Local Environmental Plan 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 R1 General Residential and MU1 Mixed Use is therefore subject to the Plan. The zoning of the development is shown below in Figure 5.

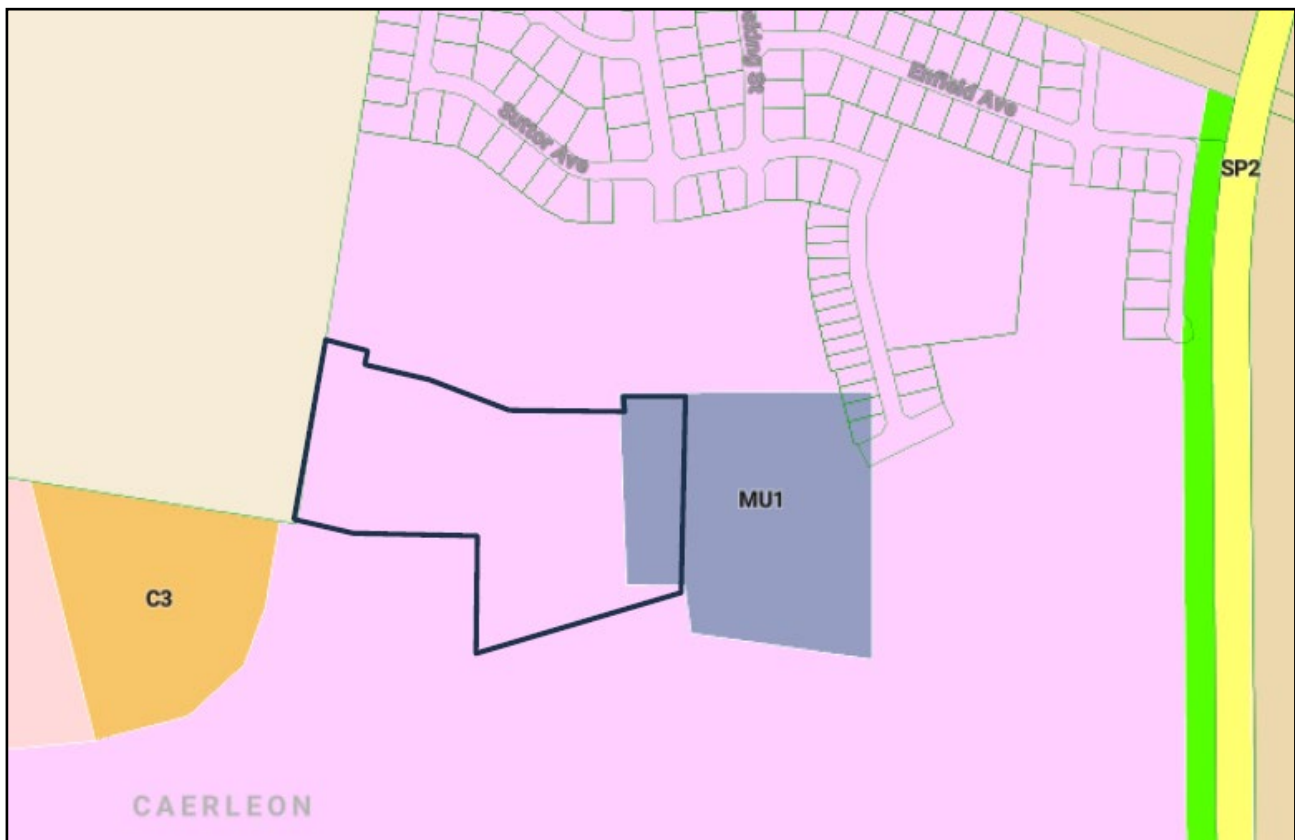


Figure 5: Land Zoning overlayed with proposed Stage 13 layout
(Source: extract from SEE provided with application)

Clause 2.3 Zone objectives and Land Use table

The land is zoned R1 General Residential and MU1 Mixed Use pursuant to MWRLEP 2012. The objectives of the zones and how the proposal satisfies the objectives is addressed below:

R1 General Residential

1. To provide for the housing needs of the community.

Comment The proposal will contribute to the housing needs of the community.

2. To provide for a variety of housing types and densities.

Comment The proposal will contribute to the variety of housing types and densities within the R1 zone.

3. To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment The proposal is not expected to hinder other possible permissible land uses within the immediate area.

MU1 Mixed Use

1. To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.

2. To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and contribute to vibrant, diverse and functional streets and public spaces.

3. To minimise conflict between land uses within this zone and land uses within adjoining zones.

4. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
5. To ensure development is consistent with the character of adjoining residential neighbourhoods.

Comment The proposal will provide lots to contribute to a mixture of compatible land uses within the Mixed Use Zone. Lots are intended for residential development on the edge of the Neighbourhood Centre integrating with residential development on the west side of Hone Creek Drive and the Neighbourhood Centre to be located on the east side of Hone Creek Drive.

Clause 2.6 Subdivision – consent requirements

As the proposal involves subdivision this will require development consent under this clause and as discussed throughout the report.

Clause 4.1 Minimum subdivision lot size

The proposed subdivision generally meets the objectives of the clause as the proposal will promote further suitable land uses that can be accommodated on the site whilst complying with all the relevant planning controls.

The minimum lot size pursuant to the mapping is 450m² where the land is zoned R1 General Residential. There is no minimum lot size where the land is zoned MU1 Mixed Use as shown in Figure 6.

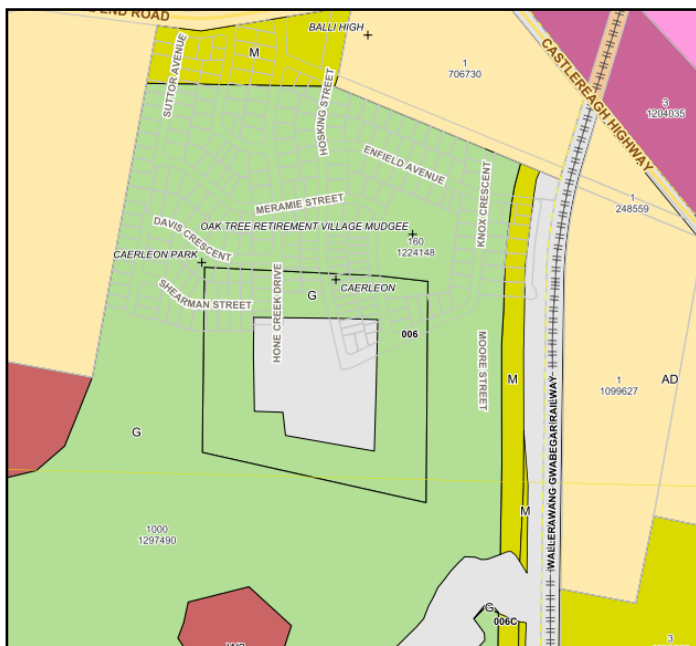


Figure 6: Lot Size Map. The area shown as green and marked as “G” has a minimum lot size of 450m²

As indicated in the table below, the proposed lots are able to meet the minimum lot size, except for those lots utilising Clause 4.1C.

Lot number	Proposed Size (m ²)	Minimum Lot Size	Complies?
Lots 1-10	450	450	Yes
Lot 11	601	450	Yes
Lot 12	450	450	Yes
Lot 13, Lot 14	470	450	Yes
Lot 15	493	450	Yes

Lot 16	600	450	Yes
Lot 17-24	450	450	Yes
Lot 25	590	450	Yes
Lot 26	550	450	Yes
Lot 27	412	450	No – utilising Clause 4.1C exception
Lot 28	386	450	No – utilising Clause 4.1C exception
Lot 29	357	450	No – utilising Clause 4.1C exception
Lot 30	450	450	Yes
Lot 31	330	No MLS	Yes
Lot 32-36	300	No MLS	Yes
Lot 37	354	No MLS	Yes
Lot 38	300	No MLS	Yes
Lot 39	450	450	Yes
Lot 40	387	450	No – utilising Clause 4.1C exception
Lot 41	427	450	No – utilising Clause 4.1C exception
Lot 42, Lot 43	400	450	No – utilising Clause 4.1C exception
Lot 44, Lot 45	500	450	Yes
Lot 46	385	No MLS	Yes
Lot 47	300	No MLS	Yes
Lot 48	387	No MLS	Yes
Lot 49	300	No MLS	Yes
Lot 50	300	No MLS	Yes
Lot 51-59	300	450	No – utilising Clause 4.1C exception
Lot 60	530	450	Yes
Lot 61	552	450	Yes
Lot 62	500	450	Yes
Lot 63	550	450	Yes
Lot 64	600	450	Yes
Lot 65	641	450	Yes
Lot 66	686	450	Yes
Lot 67	500	450	Yes
Lot 68	600	450	Yes
Lot 69, Lot 70	450	450	Yes

Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1

The objective of this clause is to enable medium density housing on a range of lots around land in Zone MU1 Mixed Use.

This clause allows for no minimum subdivision lot size for the subdivision of land identified as “Area C” on the Lot Size Map and within 100 metres of land in Zone MU1 Mixed Use, if the subdivision is for the purposes of residential accommodation. Figure 7 shows the location of “Area C”.

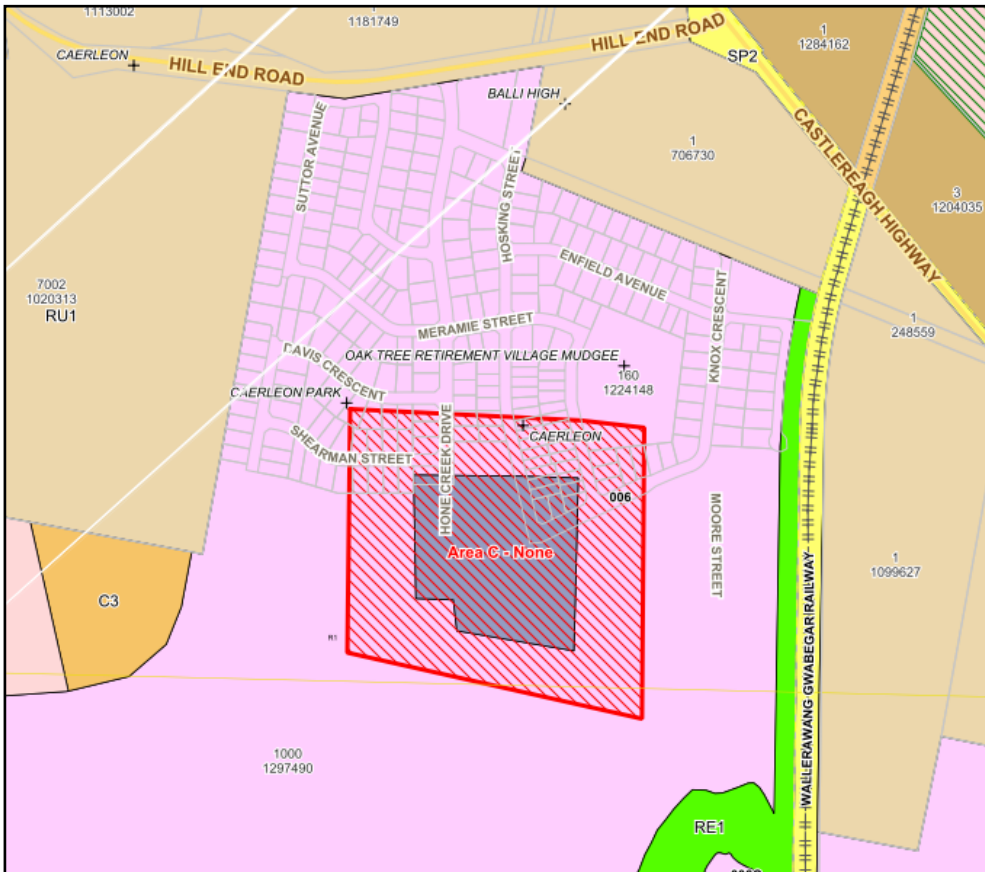


Figure 7: Lot Size Map showing “Area C” 100m around the MU1 Zone.

A total of 17 lots (identified as Lots 27-29, Lots 40-43 and Lots 50-59) located within Area C will utilise the provisions of Clause 4.1C requiring no minimum lot size. The lots range in size from 300m² to 427m² and are able to accommodate a dwelling.

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The application is for subdivision only and accordingly further consideration of this clause is not necessary.

Clause 5.4 Controls relating to miscellaneous permissible uses

The proposal does not include any of the listed uses contained under this clause.

Clause 5.10 Heritage Conservation

No items of aboriginal significance or a heritage item are recorded on the site or in the vicinity. Notwithstanding this, a condition will be placed upon the consent ensuring that work is ceased should an item be discovered during construction.

Clause 5.21 Flood planning

The subject site is identified mapped under the Mudgee Flood Study 2021 as being partially affected by flooding as shown in Figure 8 below.

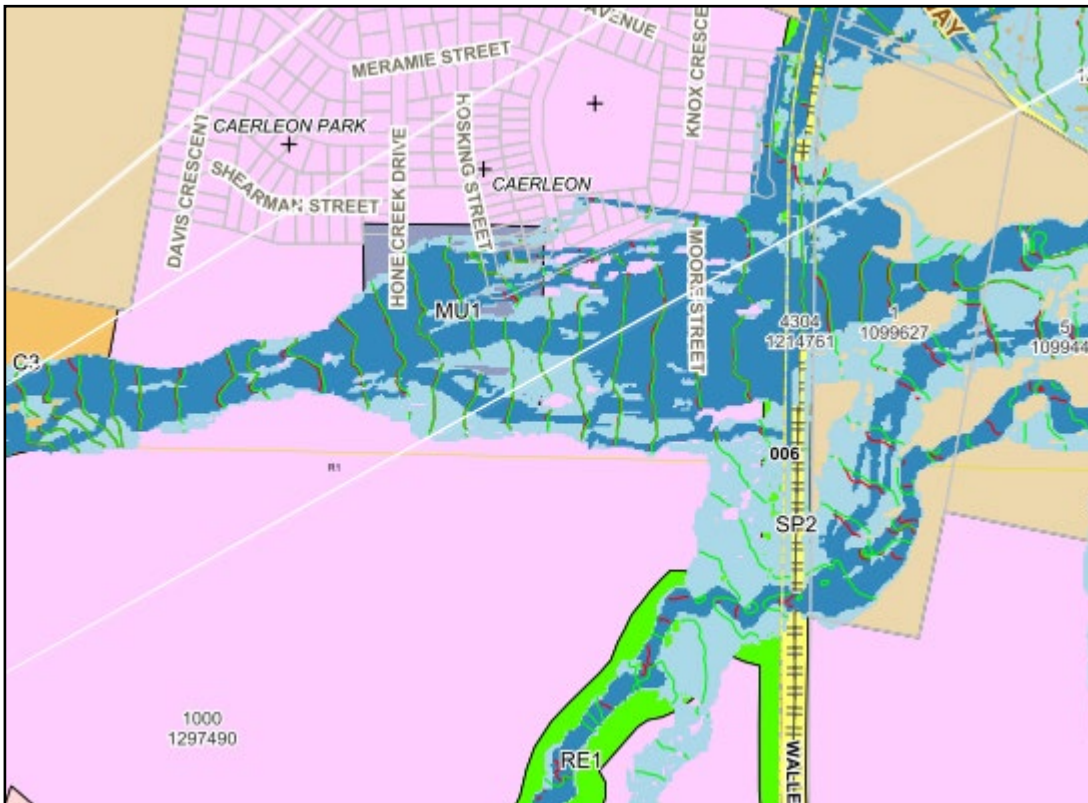


Figure 8: Flood Mapping (Mudgee Flood Study 2021)

Council's Development Engineers have advised that the affectation of the site is limited to overland flow and is located at the top of the current study catchment. Previous stages and approvals have seen the approval of a drainage channel to divert the external catchment and overland flows. This channel is to be constructed in conjunction with the Stage 12 works.

An additional channel is proposed to divert the external catchment around the temporary OSD and water quality basin.

The application is considered acceptable from a flooding perspective.

Clause 6.1 Salinity

A Preliminary Soil Salinity Assessment (identified as Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012) was prepared and submitted under DA0428/2013 and the rezoning of the land. This report covered the whole of the Caerleon Estate including the area of the proposed Stage 13 subdivision. The report concluded that the current salinity levels were low at that time and suitable for residential use, however, it was identified that the construction of subdivisions has the potential to alter existing salinity levels. Accordingly, a number of recommendations were suggested during the subdivision works and will be included as a condition of approval.

Clause 6.3 Earthworks

The proposal involves earthworks to prepare the site for the subdivision. The works are not expected to generate any significant impacts as listed in Clause 6.3(3). Conditions of consent have been included to ensure any earthworks related activities are carried out appropriately and minimise impacts upon neighbouring properties.

Clause 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters

contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

Clause 6.5 Terrestrial biodiversity

The site is partially affected by an area of 'Moderate Biodiversity Sensitivity' as shown Figure 9 below:

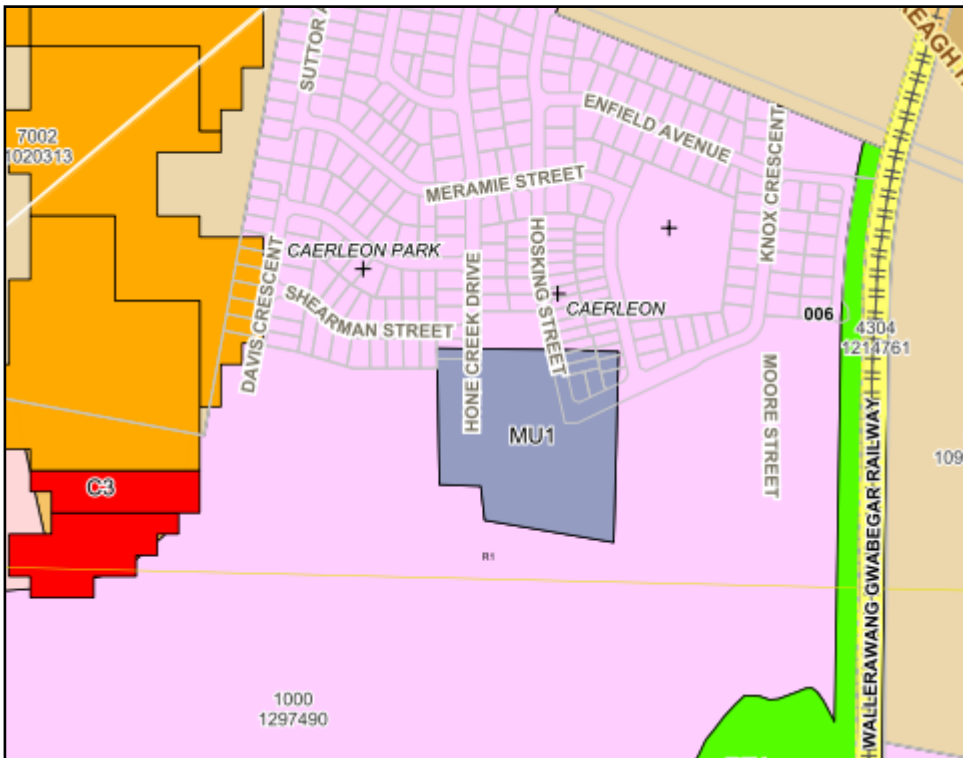


Figure 9: Terrestrial biodiversity mapping identified as the red and orange areas

Native vegetation will be removed in this area mapped to accommodate the subdivision including native grassland and two scattered trees. The removal of the vegetation has been considered previously in this report under the requirements of the BC Act. The impact cannot be avoided in this case and credits under the Biodiversity Offset Scheme (BOS) will be required by a condition of consent to offset the impact.

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.

4.15(1)(a) Requirements of Regulations and Policies

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013 (DCP 2013)

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 4.7 Tree Preservation Order

The trees to be removed are not listed on the Tree Preservation Order.

Part 5.2 Flooding

As discussed earlier in this report, the site is partially identified as being subject to flooding under the Mudgee Flood Study 2021. This impact will be mitigated through existing and proposed drainage channels which will divert the external catchment and overland flows.

Part 5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater. A temporary OSD and water quality basin is proposed adjacent to the intersection of Roads 1 and 3. Full details will be required as a condition of approval prior to the issue of the Subdivision Works Certificate.

Part 5.4 Environmental Controls

All the relevant considerations have been discussed elsewhere in this report or dealt with through conditions of consent.

PART 8.3 CAERLEON RESIDENTIAL AREA

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 1.1 Land to which this DCP Applies

These controls apply to the land shown in Figure 1 of Appendix C.

Part 2.1 Vision and Principles

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Vision	
Sensitive areas developed with a 'rural' character	Not applicable
Range of residential Character Areas.	Complies
Safe and connected street network provides connections between residential areas and to Mudgee CBD without reliance on Castlereagh Highway	Not applicable to this stage – planned alternative connection via Fairydale Lane to be provided in future stages.
Public open space designed for social activity, entertainment, recreation and conservation.	Not applicable – no public open spaces proposed in this stage.
Balanced mix and distribution of land uses	Complies
Variety of housing types and sizes	Complies
Neighbourhood centre provide opportunities for small-scale retail to allow residents to meet their daily needs located within 400m of majority of homes within the 'urban' area of the site.	Not applicable – neighbourhood centre not included in this stage.
Retains important environmental and cultural features of the site	Complies

Part 2.2 Indicative Concept Plan

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

Part 2.3 Character Areas

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Neighbourhood Centre Character Area	
Has an urban character.	Not applicable – an area for the neighbourhood centre has been reserved for future development and will be the subject of a separate development application
Provides a community hub with small-scale retail focus.	Not applicable
Located in the northern 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 – small lot housing located within close proximity to future neighbourhood centre / open space and along main road.
Traditional detached dwellings on lots of 600m ² – 800m ² or more.	Complies - the subdivision will also accommodate for lots >600sqm
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	
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

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Street Network and Design	
Primary access to the site is to be via Hill End Road to north and Fairydale Lane to the southeast.	Complies – access will be retained via Hill End Road. Links to Fairydale Lane to be developed in future stages.
Verges abutting open space and riparian areas may be reduced to 1m in width providing no servicing infrastructure is installed on the non-residential side of the road.	Road 01 (Cul-de Sac) will abut a channel and the verge has been reduced in accordance with this standard.
Cul-de-sacs only where traffic volumes are very low and there is low parking demand	Complies – one cul-de-sac proposed to service 8 lots.
Cul-de-sac greater than 100m in length are provided with a wider carriageway.	Not applicable

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Residential Local Streets are designed to slow residential traffic and give priority to pedestrians and cyclists.	Complies
Residential Collector Street runs through the Neighbour Centre at a four-way intersection.	Not applicable
Residential Collector Street with Median provides a wider road reserve to accommodate a median	Not applicable
Neighbourhood Centre Road is specially designed to create a comfortable and safe pedestrian environment.	Complies – conditions will be included to comply with DCP requirements – see below.
Laneway	
8.0m Road Reserve	Not applicable
6.0m Carriageway	
2x 1.0m Nature Strip	
No Parking Permitted	
Barrier Kerb Type	
Minor Access Street – Cul-de-sac (including longer than 100m)	
17.0m Road Reserve	New local roads and cul-de-sac within the subdivision (identified as Roads 01, 02 and 03) do not meet the road requirements specified in the current DCP. The road widths, at 15.5m align with the previously approved development consent for Stage 13 and historical DCP requirements. The road standards were changed as part of Amendment No. 6 in July 2023.
9.0m Carriageway	
2 x 4.0m Nature Strip (Verge)	
Carriageway Parking	
Roll Kerb Type	
Residential Road – serves 31-120 dwellings	
18.0m Road Reserve	The proposed road widths will match the existing network and is consistent with the existing approval for Stage 13. The variation to the road widths is accepted in this case. Future stages (on the southern side of the channel) will adopt the wider road requirements under the amended DCP.
9.0m Carriageway	
2 x 4.5m Nature Strip	
1 x 1.5 Footpath	
Carriageway Parking	
Roll Kerb Type	
Major Residential Road (Collector Road) – serves >120 dwellings	
	Not Applicable
Sub-arterial Road (Collector Road)	Not Applicable
Sub-arterial Road (Collector Road) with Median	Not Applicable
Neighbourhood Centre Road Sub-arterial Road with Median	
23.6m Road Reserve	Plans indicate the road will be 21m and will provide a painted median rather than landscaping / pedestrian refuge as required. It also does not extend the full length of the road. A condition will be included to ensure compliance with DCP requirements except for the verge and footpath on the western side, which will be conditioned to require 3.5m verge and footpath at 1.2m to match the existing development on this side.
5.8m Carriageway for both directions	
The Neighbourhood Centre Road carriageway incorporates parallel car parking bays + 3.5m travel lanes in both directions.	
2 x 4.5m Nature Strip	
2 x 1.5 Footpath	
3.0m with landscaping and pedestrian refuge median	
Barrier Kerb Type	

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Minor Rural Access Street – Cul-de-sac	Not applicable
Rural Road	Not applicable

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 3.0m	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 1.5m wide.	Footpath widths will be required to match the existing network which is generally 1.2m. Future stages will be required to meet the standard.

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	Generally, complies – The public open space within the Caerleon Estate is to be developed in accordance with Indicative Open Space Plan (Figure 5) which will ensure majority of residential lots in Stage 13 are within 400m of public open space. It is noted, however, that some lots in this stage will rely on the development of future public open space in proposed upcoming stages to achieve this standard.
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
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).	Not applicable
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

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Street tree planting is provided to all streets with an average of one tree per lot frontage.	Complies subject to condition
Corner lots have a minimum of two street trees on the secondary frontage.	Complies subject to condition
Street trees complement proposed driveway locations and other elements in the public domain	Complies subject to condition
Street trees maintain adequate lines of sight for vehicles and pedestrian	Complies subject to condition

Street trees provide appropriate shade	Complies
Street trees provide an attractive and interesting landscape character	Complies
Street trees are generally to be 1.5 – 2m in height when planted.	Complies subject to condition
Landscape Plan is prepared by a qualified landscape architect	Not application – no public open space in this Stage.

Part 5.1 Subdivision

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

R1 General Residential Zone	
Minimum lot size is the same as in the MWRLEP.	Complies – all lots comply with the minimum lot size requirements under the LEP.
Small lot housing to a minimum of 450m ² is to be located adjacent to areas of high amenity.	Complies – Lots within walking distance (200m) of the Neighbourhood Centre zone, and/or along the main spine road.
Refer to Section 5.2 of this DCP for building design controls for small lot housing	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.	Lots less than 450m ² are created in accordance with the Indicative Density Allocation Map (within 100m of the Mixed Use Zone)
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 (except land in the shaded area surrounding the B4 Mixed Use, as illustrated in the Indicative Density Allocation Plan), and are generally rectangular in shape.	Complies – all lots outside of the shaded area surrounding the mixed use zone will have a minimum frontage width of 12.5m and are generally rectangular in shape. Frontage widths within the shaded area (where lots are <450sqm) have a width of 9.2m or more, which is considered adequate for future residential development of the lots in accordance with the Building Design standards (Part 5.2) including provisions for lots <300sqm and 301-649sqm
Residential lots in cul-de-sac streets are designed to create as regular a lot shape as possible around the cul-de-sac head.	Complies
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.	Complies

Part 5.2 Building Design

Not Applicable

Part 6.1 Land Use

Not Applicable

Part 6.2 Built Form and Streetscape

Not Applicable

Part 6.3 Public Domain

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Landscape design is high quality design, including planting, street furniture, and lighting that enhances the character of the area.	Complies
Street tree planting is provided with an appropriate height and permeability to maintain views and establish shade for pedestrians.	Complies
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

Part 6.4 Parking and Access

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

At-Grade Parking areas are generally behind building lines and screened from the Residential Collector Road.	Not applicable
On-street car parking is provided as 60° rear to kerb parking along the Neighbourhood Centre Road to contribute to street life and surveillance.	Parallel parking on the Neighbourhood Centre Road to be provided in accordance with the requirements set out under Table 2 of the DCP.
Laneways may be used to provide access to parking areas and waste collection areas. Laneways are designed to accommodate heavy vehicles where access to the rear of shops for deliveries and waste collection is required.	Not applicable
Shade trees are provided along the footpath adjacent to any on-street rear-to-kerb car parking, at a rate of 1 tree for every 8 car parking spaces.	To be included as a condition
Where the need for a bus stop at the site is identified by Council, details of the location and design of the bus stop are provided with the development plans submitted to Council for approval.	Not applicable to this stage, however bus stop likely to be required for future stages.

Part 7.1 Stormwater Management

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Buffers are provided along the drainage lines in accordance with the Strahler-based methodology.	Complies
Stormwater from the site is managed through on-site detention basins in the indicative location.	Complies
Principles of Water Sensitive Urban Design (WSUD) are incorporated across the site.	Complies
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).	Complies
Applicant demonstrates that any potential impacts on groundwater and salinity can be managed to mitigate environmental impacts.	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
Driveways on steep slopes are designed to minimise erosion.	Not applicable

Part 7.2 Biodiversity

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
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.	Complies

Part 7.3 Bushfire

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
If necessary, a Bush Fire Safety Authority is obtained from NSW Rural Fire Service at the subdivision and/or development application stage.	Complies – Bush Fire Safety Authority has been obtained.

Part 7.4 Odour

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
There is no development within the 1 odour unit contour shown in the Indicative Odour Plan.	Not applicable – the proposed subdivision does not affect this area.

Part 7.5 Contamination

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Further investigation into contamination at the Machinery Shed and Sheep Dip sites must be undertaken prior to development.	Not applicable to this stage

Part 7.6 Aboriginal Heritage

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
All sites of Aboriginal objects are avoided in development of land unless resolved through the following controls.	Complies
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

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
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

Section 7.11 Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

The Caerleon Voluntary Planning Agreement, endorsed by Council, excludes the proposed subdivision from the levying of Section 7.11 Contributions under the Contributions Plan 2019 in accordance with Section 5.3 of the Plan whereby the developer has entered into a planning agreement to under works, make monetary contributions, dedicate land or provide other material public benefit and has made this offer prior to the issue of the development consent.

Section 64 - Water/Sewer Developer Services Charges

Pursuant to the Caerleon Voluntary Planning Agreement in place and endorsed by Council, the proposed development is liable for water and sewer headworks charges in accordance with Schedule 5 of the VPA with a credit applied for the 1 large lot. A condition of consent has been imposed accordingly based on the following calculated charge including CPI to today's date:

Section 64 Contributions					
Total of 70 residential lots (69 x small and 1 x medium)					
		<i>ET/Unit</i>	<i>Per Lot</i>	<i>Number of lots</i>	<i>Total</i>
Water Headworks	Residential allotment (small) <650m ²	0.75	\$6,802.33	69	\$469,360.82
	Residential allotment (medium) 650m ² - 1200m ²	1	\$9,069.77	1	\$9,069.77
Sewer Headworks	Residential allotment (small) <650m ²	0.75	\$3,088.26	69	\$213,089.93
	Residential allotment (medium) 650m ² - 1200m ²	1	\$4,117.68	1	\$4,117.68
Total Headworks					\$695,638.21

4.15(1)(a) Provisions of any Planning Agreement or Draft Planning Agreement – (1)(a)(iia)

The application is subject to the requirements of the Caerleon Estate Voluntary Planning Agreement that was endorsed by Council and therefore the requirements of the VPA (Particularly Schedule 3 - Development Contributions & Schedule 5 Water and Sewerage Charges) apply to the proposed development. This relates to the provision of infrastructure and services such as water, sewer, drainage and public open space or community facilities for the Estate and the VPA excludes the application of Section 94 and 94A to the proposed development and development consents.

Regulations –4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

No matters prescribed by the Regulations impact determination of the Development Application.

Likely impacts of the development – 4.15(1)(b)¹

¹ Including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

a) Context and Setting

The proposal is appropriate with regards to the surrounding context and setting.

b) Access, Transport and Traffic

The implications of additional traffic and suitable access are discussed throughout this report. Swept paths have been provided to indicate that buses will be able to access Hone Creek Drive within the subdivision. A temporary bus turning area is proposed either at the end of Hone Creek Drive or off Hone Creek Drive within the future area of the neighbourhood centre. A suitable condition has been included in relation to the construction and ongoing maintenance of the temporary bus turning area. The proposal is considered appropriate.

c) Public Domain

The development will not adversely impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces.

d) Utilities

All relevant utilities are available or can be made readily available to the site.

e) Heritage

Not Applicable

f) Other Land Resources

No impact expected on the conserving and the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments.

g) Water

No significant impact expected.

h) Soils

No significant impact expected. The land is not known to be affected by subsidence, slip or mass movement, subject to contamination, and will not result in significant soil erosion or degradation.

i) Air and Microclimate

The development is not expected to impact air quality or microclimatic conditions.

j) Flora and fauna

The vegetation proposed to be removed has been discussed throughout this report.

k) Waste

Waste services available – a condition will be included to ensure that new roads are able to accommodate waste trucks.

l) Energy

Not Applicable

m) Noise and Vibration

Not Applicable

n) Natural Hazards

The site is identified as bushfire prone and flood prone.

The applicant has provided a bushfire risk assessment that demonstrates the risk has been minimised subject to incorporating the appropriate measures with the development. The application was referred to the NSW RFS pursuant to Section 100B of the Rural Fires Act. General Terms of Approval have been issued accordingly subject to conditions. A condition will be included to ensure that the GTA requirements are met prior to the issue of a Subdivision Certificate.

As discussed earlier in this report, the site is partially identified as being subject to flooding under the Mudgee Flood Study 2021. This impact will be mitigated through existing and proposed drainage channels which will divert the external catchment and overland flows.

o) Technological Hazards

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards, or building fire risk.

p) Safety, Security and Crime Prevention

Increased passive surveillance as a result of the proposed development.

q) Social Impact in the Locality

Generally positive

r) Economic Impact in the Locality

Generally positive

s) Site Design and Internal Design

Adequate as discussed throughout this report.

t) Construction

To comply with the BCA where relevant.

u) Cumulative Impacts

Nil. There are no known impacts that have the potential to act in unison, in terms of space or time, or owing to their repetitive nature, that would produce an effect greater or different than the sum of the separate parts.

Suitability of Site for Development – 4.15(1) (c)

a) Does the proposal fit in the locality?

Yes. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

b) Are the Site Attributes conducive to Development?

Yes. The site is not subjected to any natural hazards, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

Submissions made in accordance with Act or Regulations – 4.15(1)(d)

Public Submissions

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 6 October 2023. During the notification period, no submission/s were received.

Submissions from Public Authorities

The application was referred to NSW RFS pursuant to Section 100B of the Rural Fires Act and General Terms of Approval have been issued as discussed throughout this report.

Crown Land as an adjoining landholder has confirmed that they have no objections to the proposal.

The Public Interest – 4.15(1)(e)

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 and Building

No consultation necessary.

Technical Services

Council's Development Engineer has not raised any concerns with the proposal subject to conditions.

Environmental Services

Council's Environmental Services team have reviewed the BDAR and not raised any concerns with the proposal subject to compliance with mitigation measures set out in Section 5.4 of the report.

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 2021
Mid-Western Regional Local Environmental Plan 2012

Other Documents / Agreements

Planning Agreement between Mid-Western Regional Council and Caerleon Mudgee Pty Limited and 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.

SARAH HOPKINS
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

6 February 2024

- Attachments:*
1. Proposed Subdivision Plan. (separately attached)
 2. Proposed Civil Plans. (separately attached)
 3. General Terms of Approval - Rural Fire Service. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER