

## 8.3 DA0052/2024 - Subdivision - Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon

REPORT BY THE TOWN PLANNER  
TO 20 MARCH 2024 ORDINARY MEETING  
GOV400105, DA0052/2024

### RECOMMENDATION

**That Council:**

- A. receive the report by the Town Planner on the DA0052/2024 - Subdivision - Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon;**
- B. that DA0052/2024 - Subdivision - 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.**

<b>Title / Name:</b>	<b>Drawing No / Ref:</b>	<b>Rev</b>	<b>Date:</b>	<b>Prepared by:</b>
Stage_13 SUBDIVISION PLAN	Stg_13-01	7	06/03/2024	Bathla
Temporary Basin Layout Plan	MKRV0036-113-C1200	4	18.01.24	Maker Eng.
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 450m<sup>2</sup>.**

### BUSHFIRE REQUIREMENTS

- 4. The approved development shall comply with the following bushfire requirements:**

### **Asset Protection Zones**

***The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.***

- a) **At the issue of a subdivision certificate, and in perpetuity the entirety of the proposed residential lots must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.**

**When establishing and maintaining an inner protection area, 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 2 m above the ground;**
  - **tree canopies should be separated by 2 to 5 m;**
  - **preference should be given to smooth-barked and evergreen trees;**
  - **large discontinuities or gaps in the shrubs layer 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;**
  - **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 regularly.**
- b) **At the issue of subdivision certificate, a section 88B easement under the *Conveyancing Act 1919* is to be created. The easement is to restrict the construction of any habitable part of a building within 10 metres from the western boundaries of lots 1 - 10. The easement is to ensure the lot accommodates the required Asset Protection Zones (APZs) for the future dwelling located on the lot. The name of authority empowered to release, vary, or modify any instrument must be Council.**
- c) **At the issue of a subdivision certificate, a suitably worded instrument(s) must be created pursuant to section 88B of the *Conveyancing Act 1919* over Lot 1108 DP1280482 for a distance of 50m to the south of Lots 10, 12-29 to ensure its management as an inner protection area in accordance with Appendix 4 of *Planning for Bush Fire Protection 2019*.**

**The instrument may be lifted upon commencement of any future proposed development on the adjoining land, but only if the bush fire hazard is removed as part of the proposal. The name of authority empowered to release, vary, or modify the instrument must be Mid-Western Regional Council.**

- d) 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 (or to the property boundary where the setbacks are less than 1 metre), 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.

#### Access – Public Roads

*The intent of measure is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.*

- e) Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
- subdivisions of three or more allotments have more than one access in and out of the development;
  - 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;
  - dead end road no. 3 must incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;

- temporary dead end road no. 1 and Hone Creek Drive must comply with Figure A3.3 of PBP 2019
  - 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 2419.1:2021 - *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.
- f) Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
- minimum 5.5m carriageway width kerb to kerb;
  - parking is provided outside of the carriageway width;
  - hydrants are located clear of parking areas;
  - roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
  - curves of roads have a minimum inner radius of 6m;
  - the road crossfall does not exceed 3 degrees; and
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

#### **Water and Utility Services**

*The intent of measure 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.*

- g) The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:
- reticulated water is to be provided to the development where available;
  - fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS2419.1:2021;
  - hydrants are not located within any road carriageway;
  - reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;

- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

If General Terms of Approval are received by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the Rural Fires Act 1997 and differ from the requirements stipulated above, the development shall be carried out in accordance with those General Terms of Approval.

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 provided with the application and prepared by Maker Eng. so that the layout is in accordance with the approved Subdivision Plan prepared by Bathla (identified as “Stage\_13 Subdivision Plan” Revision 7 and dated 06/03/2024).
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, 711,</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>

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

*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	7.5m	2 x 4m	1 x 1.5m	Roll top
Road No. 2	Minor Access Road	16.0m	8.0m	2 x 4m	1 x 1.5m	Roll top
Road No. 3	Minor Access Road	16.0m	8.0m	2 x 4m	1 x 1.5m	Roll top
Road No. 4	Residential Road	18.0m	9.0m	2 x 4.5m	1 x 1.5m	Roll top
Hone Creek Drive (Neighbourhood Centre)	Neighbourhood Centre	23.6m	3m median with landscaping and pedestrian refuge; 2 x 3.5m travel lanes; and 2 x 2.3m parking lanes	2 x 4.5m	2 x 1.5m	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
  - Line marking
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.
30. Prior to the issue of the Subdivision Works Certificate, plans are to be provided showing the following works relating to Hone Creek Drive:
  - a. A suitably designed transition from the existing road formation, footways and footpaths within Hone Creek Drive from the intersection of Shearman Street to the Stage 13 boundary.
  - b. The plans shall show the works required within the existing Hone Creek Drive road reserve to achieve the transition described above including the reconstruction and widening of Hone Creek Drive, relocation of all affected services to their correct allocations, relocation of and transition to the new footpath allocations and widths and the provision at no cost to Council of the dedication of the additional road widening required to achieve the above.
  - c. Such details shall be clearly shown on a set of engineering drawings to be approved in conjunction with an application for approval under S138 of the Roads Act 1993.
  - d. No works can commence within Hone Creek Drive until a S138 Road Act approval is issued by Mid-Western Regional Council.

#### **Water and Sewer**

31. 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.*
32. 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.
33. Water supply for Stage 13 is to be obtained by extension of mains constructed within Stage 9 of Neighbourhood 1.

34. 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**

35. Footpaths no less than 1.5 metres wide are to be provided on at least one side of Road No. 1, 2, 3 and 4, and on both sides of Hone Creek Drive (neighbourhood centre).

#### **Street Trees**

36. 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.
37. Street trees are to be approximately 1.5m - 2m in height when planted.

#### **PRIOR TO COMMENCEMENT OF WORK**

38. 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.*
39. 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.
40. 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**

41. 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.
42. 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).
43. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base-course.
44. Street signs necessitated by the subdivision are to be installed in accordance with AUS- SPEC Specification and Council's requirements.
45. 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

46. 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.

47. 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.

48. 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**

49. **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.*
50. **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.**
51. **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.**

- 52. 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.**
- 53. 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.**
- 54. 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.**
- 55. 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.**
- 56. 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.***
- 57. 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.**
- 58. 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.**

59. 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.
60. 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.
61. 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.
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 62 residential lots (61 x small and 1 x medium)					
		ET/U nit	Per Lot	No. lots	Total
Water Head works	Residential allotment (small) <650m <sup>2</sup>	0.75	\$6,802.33	61	\$414,942.13
	Residential allotment (medium) 650m <sup>2</sup> - 1200m <sup>2</sup>	1	\$9,069.77	1	\$9,069.77
	<b>Water Headworks Subtotal</b>				<b>\$424,011.90</b>
Sewer Head works	Residential allotment (small) <650m <sup>2</sup>	0.75	\$3,088.26	61	\$188,383.86
	Residential allotment (medium) 650m <sup>2</sup> - 1200m <sup>2</sup>	1	\$4,117.68	1	\$4,117.68
	<b>Sewer Headworks Subtotal</b>				<b>\$192,501.54</b>

<b>TOTAL HEADWORKS</b>	<b>\$616,513.44</b>
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**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.

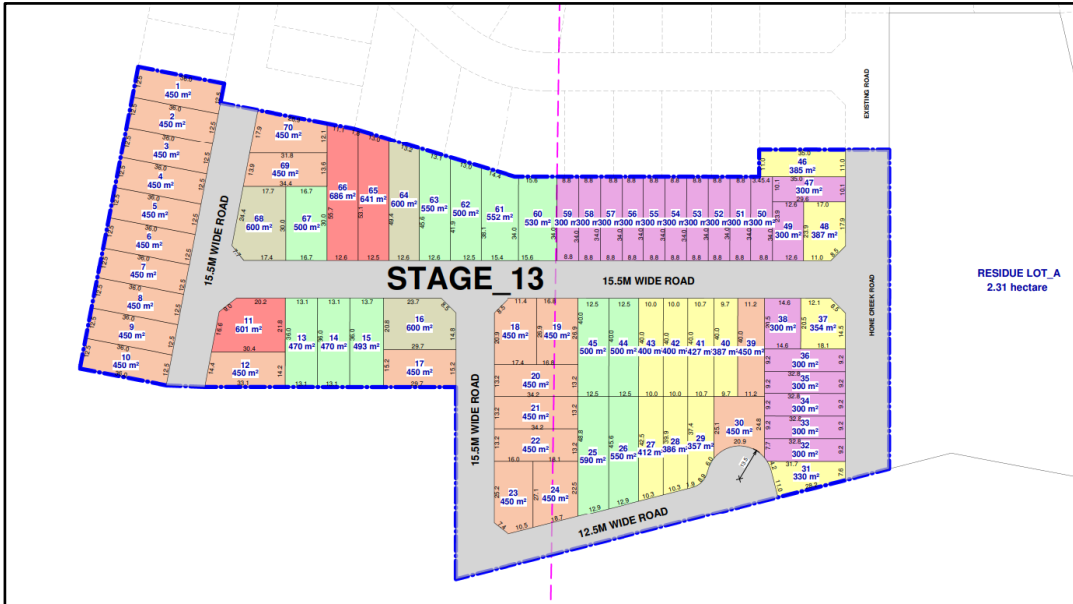
#### Executive summary

<b>OWNER/S</b>	Caerleon Mudgee Pty Ltd ATF Caerleon Mudgee Trust
<b>APPLICANT:</b>	Universal Property Group Pty Ltd
<b>PROPERTY DESCRIPTION</b>	Lot 930 DP1274170 Caerleon Estate Development Block 40 Hone Creek Drive, CAERLEON NSW 2850
<b>PROPOSED DEVELOPMENT</b>	Subdivision of land (62 residential lots)
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$1,703,668.00
<b>REASON FOR REPORTING TO COUNCIL:</b>	The application exceeds staff's <i>Delegation of Authority</i> , in that it is for a subdivision creating



	more than 20 allotments.
<b>PUBLIC SUBMISSIONS:</b>	Nil

At the February 2024 Council Meeting, Councillors considered a Council report in relation to Subdivision of land DA0052/2024 – Subdivision (70 Residential lots) Stage 13 – Caerleon Estate – 40 Hone Creek Drive, Caerleon. The subdivision proposed to create 70 residential lots as shown in Figure 1.



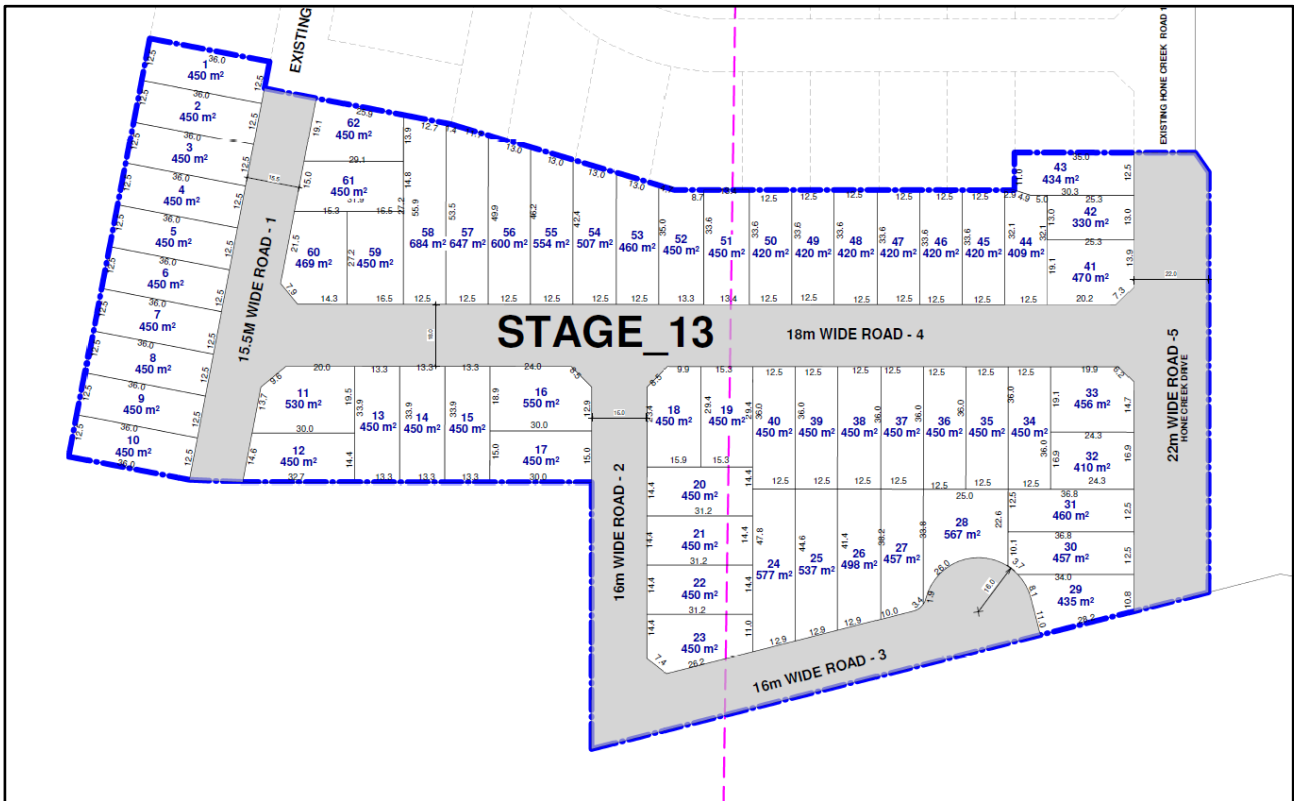
**Figure 1: Subdivision plan presented at February Council meeting**

Councillors considered the report and a motion was carried that the matter be deferred to the next Ordinary Meeting of Council with staff to liaise with the applicant to ensure compliant road widths are achieved with consideration of appropriate lot sizes for the area.

Since the February Council meeting, Council officers have liaised with the applicant who has now submitted an amended proposal (*Attachment 1*). The amended proposal includes the following:

- Reduction in lot yield from 70 lots to 62 lots
- All lots with a minimum lot width of 12.5m
- Lot sizes ranging from 330m<sup>2</sup> to 684m<sup>2</sup>.
- Widening of roads as follows:
  - Road 1 – no change proposed. The road is to be retained at 15.5m to match the existing adjacent constructed road within completed Stage 9.
  - Road 2 – increased from 15.5m to 16.0m
  - Road 3 – increased from 12.5m to 16.0m
  - Road 4 – increased from 15.5m to 18.0m
  - Road 5 (Hone Creek Drive) – increase to 22.0m

The amended proposal is shown in Figure 2 below:



**Figure 2: Amended subdivision plan**

The original application was 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. Re-notification of the amended plans/application was not considered necessary as the proposed changes were not considered significant enough with regards to implications on adjoining neighbours.

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. Recommended conditions of approval have been updated in accordance with the amended plans. Council’s Development Engineers have recommended that Hone Creek Drive is widened to 23.6m from the 22.0m shown on the amended plans in accordance with the Caerleon Development Control Plan. Relevant conditions have been included in the recommended conditions provided.

The application is recommended for Approval.

### Disclosure of Interest

Nil

### Detailed report

#### **ASSESSMENT OF AMENDMENTS**

The proposed development is generally in accordance with the original assessment of the application report to the February Council meeting (*Attachment 2*).

An assessment is made below of the relevant sections impacted by the submitted amended plan. Re-consideration of any section not listed below was not considered necessary.

## Environmental Planning and Assessment Act 1979

### **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 (GTA) on 20 October 2023.

Following submission of the amended plan, it was referred to the Rural Fire Service (RFS) in accordance with Section 38(3) of the Environmental Planning and Assessment Regulation 2021. A response from RFS had not been provided at the time of writing. It should be noted that it is a requirement under the Regulations that the amended application is referred to the RFS for comment, providing them with an opportunity to issue amended General Terms of Approval to be incorporated into the determination of the application.

In regards to the above, it should be noted that the amended plans propose a reduction in the number of lots (70 to 62) and increase the width of the majority of new roads. Given the nature of the amendments – and lower bushfire risk, it is considered that the risk that the RFS would not support the changes is very low. In the absence of updated referral comments or updated GTAs from RFS, the General Terms of Approval previously provided for the application have been included as conditions of consent. This is to ensure the subdivision is developed in accordance with the requirements of Planning for Bushfire Protection 2019. Condition 5(c) has been modified to correct the Lot numbers as a result of the amended plans. Condition 5 relating to the bushfire requirements also allows some flexibility so that they can be superseded by any updated GTAs that may be issued by the RFS.

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

### **Clause 4.1 Minimum subdivision lot size**

The proposed amended 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 450m<sup>2</sup> where the land is zoned R1 General Residential. There is no minimum lot size where the land is zoned MU1 Mixed Use.

The proposed lots are able to meet the minimum lot size, except for those lots utilising Clause 4.1C:

- Lots 1-28 and Lots 51-62 are all 450sqm or greater and meet the minimum lot size of 450sqm
- Lots 29-33 and Lots 41, 42 and 43 do not have a minimum lot size (located within the Mixed Use Zone) and range from 330m<sup>2</sup> to 460m<sup>2</sup>.
- Lots 44-50 range in size from 409sqm to 420sqm and are less than the minimum of 450sqm and will utilise the provisions of Clause 4.1C – further discussed below.

### **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.

A total of 7 lots (identified as Lots 44-50) are located within Area C will utilise the provisions of Clause 4.1C requiring no minimum lot size. The lots range in size from 409m<sup>2</sup> to 420m<sup>2</sup> and are able to accommodate a dwelling in accordance with the Caerleon DCP requirements.

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

**PART 8.3 CAERLEON RESIDENTIAL AREA**

**APPENDIX C: CAERLEON DEVELOPMENT CONTROL PLAN**

**Part 5.1 Subdivision**

<b>Minimum Lot Width</b>	
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 will have a minimum frontage width of 12.5m

**Part 3.1 Street Network and Design**

<b><u>DEVELOPMENT CONTROL REQUIREMENT</u></b>	<b><u>COMPLIES?</u></b>
<b>Street Network and Design</b>	
Neighbourhood Centre Road is specially designed to create a comfortable and safe pedestrian environment.	The applicant has proposed a width of 22.0m. This does not comply with new widths recently amended under the Caerleon DCP which require a minimum width of 23.6m. Conditions will be included to comply with DCP requirements as well as a condition to enable the transition of the wider road from the existing road formation.
<b>Laneway</b>	
8.0m Road Reserve	Not applicable
6.0m Carriageway	
2x 1.0m Nature Strip	
No Parking Permitted	
Barrier Kerb Type	
<b>Minor Access Street – Cul-de-sac – serves &lt; 10 Dwellings</b>	
16.0m Road Reserve	Roads 2 and 3 have been widened on the submitted amended plans and will meet the requirements of this standard.
8.0m Carriageway	
2 x 4.0m Nature Strip (Verge)	
Carriageway Parking	
Roll Kerb Type	
<b>Minor Access Street – Cul-de-sac (including longer than 100m)</b>	Not applicable

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
17.0m Road Reserve	
9.0m Carriageway	
2 x 4.0m Nature Strip (Verge)	
Carriageway Parking	
Roll Kerb Type	
<b>Residential Road – serves 31-120 dwellings</b>	Road 4 has been widened to 18.0m on the submitted amended plans and will meet the requirements of this standard.
<p>18.0m Road Reserve 9.0m Carriageway 2 x 4.5m Nature Strip 1 x 1.5 Footpath Carriageway Parking Roll Kerb Type</p>	<p>Road 1 at the western side of the development running in a north-west direction has not been widened on the amended subdivision plans. The applicant has advised that this road has been maintained at 15.5m to match the existing adjacent constructed road within completed Stage 9.</p> <p>Council’s Development Engineers have reviewed the information and support retaining the reduced width of this road, however, will require the footpath to be increased to 1.5m. The reduced width is supported as transitioning the road reserve width on the ground with an already constructed stage is considered to be awkward and potentially problematic with pavement, kerb and services. It is noted that this condition of the continuation of the road into the next stage occurs with Stage 14, however as this stage is in planning the transition of the road reserve will be less problematic.</p>
<b>Major Residential Road (Collector Road) – serves &gt;120 dwellings</b>	Not applicable
<b>Sub-arterial Road (Collector Road)</b>	Not applicable
<b>Sub-arterial Road (Collector Road) with Median</b>	Not applicable
<b>Neighbourhood Centre Road Sub-arterial Road with Median</b>	
23.6m Road Reserve	Amended plans show Hone Creek Drive to have a width of 22m. In order to meet Council’s DCP requirements the road reserve will be required to have a minimum width of 23.6m, this has been included as a condition of approval.
5.8m Carriageway for both directions	
The Neighbourhood Centre Road carriageway incorporates parallel car parking bays + 3.5m travel lanes in both directions.	A condition has also been included to allow for the transition of the existing Hone Creek Drive road formation to the wider formation set out within the DCP.
2 x 4.5m Nature Strip	
2 x 1.5 Footpath	
3.0m with landscaping and pedestrian refuge median	
Barrier Kerb Type	
<b>Minor Rural Access Street – Cul-de-sac</b>	Not applicable
<b>Rural Road</b>	Not applicable

**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. A condition of consent has been imposed accordingly based on the following calculated charge including CPI to today's date:

<b>Section 64 Contributions</b>					
<b>Total of 62 residential lots (61 x small and 1 x medium)</b>					
		<i>ET/Unit</i>	<i>Per Lot</i>	<i>Number of lots</i>	<i>Total</i>
Water Headworks	Residential allotment (small) <650m <sup>2</sup>	0.75	\$6,802.33	61	\$414,942.13
	Residential allotment (medium) 650m <sup>2</sup> - 1200m <sup>2</sup>	1	\$9,069.77	1	\$9,069.77
Sewer Headworks	Residential allotment (small) <650m <sup>2</sup>	0.75	\$3,088.26	61	\$188,383.86
	Residential allotment (medium) 650m <sup>2</sup> - 1200m <sup>2</sup>	1	\$4,117.68	1	\$4,117.68
<b>Total Headworks</b>					<b>\$616,513.44</b>

*CONSULTATIONS*

**Development Engineer**

Council's Development Engineer has reviewed the amended plans and raised no objections to the proposal, subject to conditions requiring the width of Hone Creek Drive to be increased to 23.6m as per the Development Control Plan and the inclusion of a condition relating to the transition of the existing Hone Creek Drive formation and the wider formation of 23.6m.

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.

Council's decision may be challenged through the Land & Environment Court as the correct legislative process for integrated development has not been undertaken, in that referral comments or updated GTAs have not been issued by the RFS – on the amended plans.

SARAH HOPKINS  
TOWN PLANNER

ALINA AZAR  
DIRECTOR DEVELOPMENT

12 March 2024

- Attachments:*
1. Amended application. (separately attached)
  2. February 2024 Council report - Item 8.3 - DA0052/2024 - Subdivision (70 Residential Lots) Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER