

## **Statement of Environmental Effects**

**Proposed 370 Residential Lots, 1 Open Space Lot, 4 OSD Basin Lots, 2 Non-Residential Use Lots and 1 Drainage Channel Lot, with associated works including Public Roads, Storm Water Drainage & Public Domain Landscaping**

**Stage 14 Caerleon Estate Caerleon**

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## 1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared to accompany an amended application for a subdivision being Stage 14 along Hone Creek Drive (extension), at Caerleon.

The proposal seeks to create 370 residential lots within the stage known as Stage 14 of the Caerleon Estate development. The proposed subdivision is located south of proposed Stage 13 and the existing approved subdivision including stages under construction.

The proposed subdivision will provide an additional range of residential lots for further development in the Estate over three stages – Stage A to Stage C.

This SEE has been prepared pursuant to Clause 50 and Part 1 of Schedule 1 of the Environmental Planning and Assessment Regulation 2000 and is supported by the following documents.

- Owners Consent
- Subdivision Plan prepared by Bathla Group Engineering
- Civil Engineering Plan & Stormwater Management Plan prepared by Makers Engineering
- Traffic Impact Assessment – PDC Consultants
- Biodiversity Assessment Report (BDAR) – Biodiversity Australia
- Bushfire Assessment Report – Ecological Australia

The amended SEE is also an opportunity to address outstanding items in relation Council's Response to its RFI issued by way of letter dated 2 May 2023. Changes to the submitted plans have been made to address the key items including the following:

1. Traffic Assessment Report for the proposed subdivision to address:
  - Proposed road hierarchy, to be demonstrated by projected AADT.
  - The capacity of the intersection of Hill End Road / Hone Creek Drive (using SIDRA analysis)
2. Revised plans as detailed in attachment relating to water and sewer servicing, open space / landscaping requirements etc.
3. Justification for variation to the drainage layout as a result of challenges to topography.

Based on Council's response, the SEE addresses RFI Comment No **2, 3, 4, 8, 9, 10, 11**.

All other RFI responses are dealt with by revised plan or will be satisfied if Council accepts the proposed plan changes.

Item 6 need not be addressed as a school site is no longer proposed within the application.

## 2. THE SITE

The site is known as 26 Hone Creek Drive (Lot 201 DP 1269473), Caerleon.

The site and the extent of the approved and proposed adjoining Stage 13 subdivision is shown in **Figure 1** below.

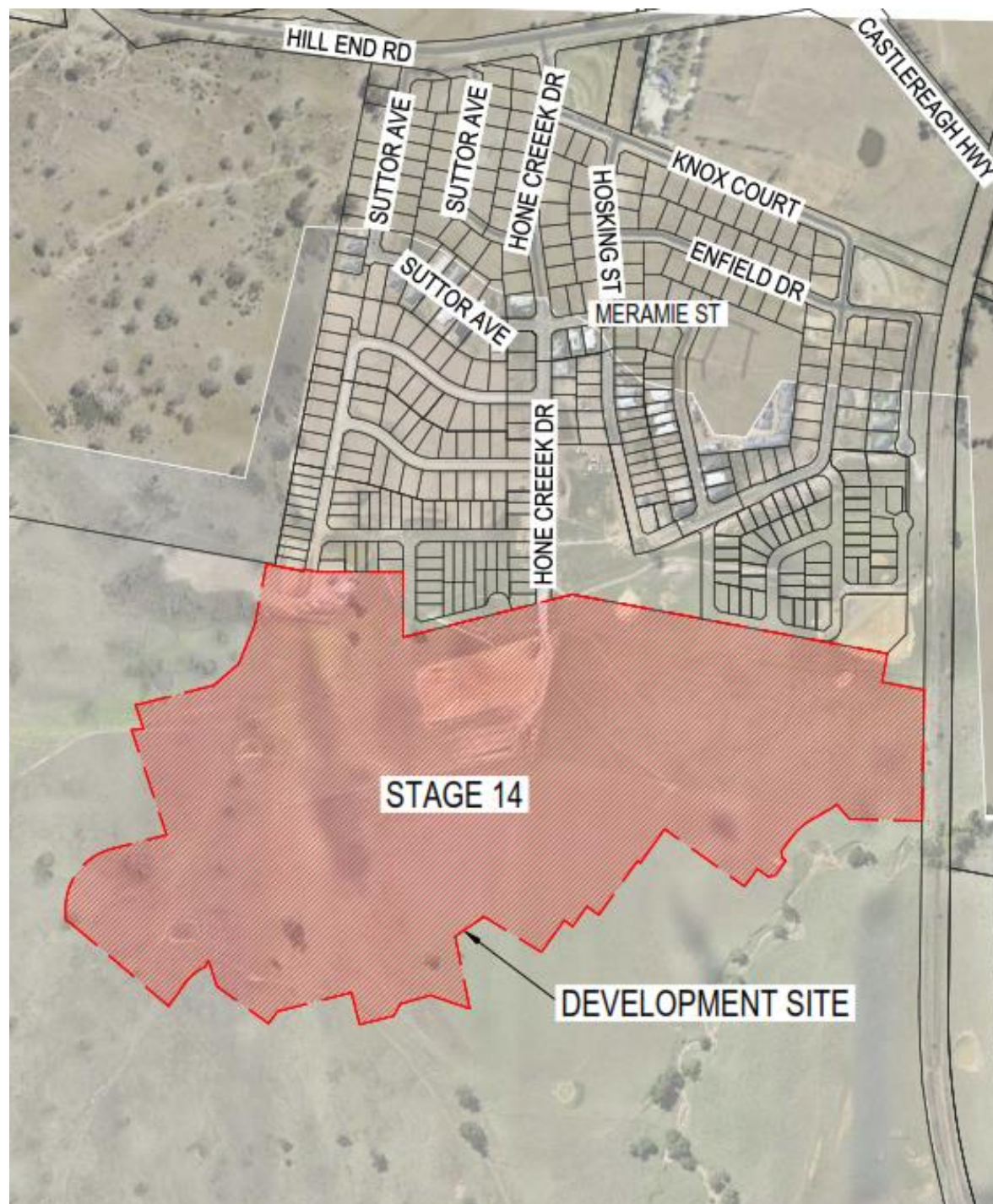


Figure 1 – Stage 14 – Relation to previous and proposed Stages

### 3. THE PROPOSAL

#### 3.1 Development Description

The proposed development comprises the following: -

- Torrens title subdivision creating a total of 370 residential lots are proposed, plus
  - Four OSD Basin Lots
  - One Open Space Lot
  - 1 Drainage Channel Lot and
  - 2 Super lots – Future nonresidential uses
- Construction of new roads and dedication as public road
- Civil works including earthworks, road construction, storm water management, servicing, and street tree planting.

The proposed residential allotments range in area between 300m<sup>2</sup> to 4000m<sup>2</sup> with varying dimensions and configurations to provide a diverse mix of residential allotments leading to a diverse future housing mix.

Stormwater runoff from each lot will be directed to the four proposed OSD Basins which has been catered for as part of the precinct drainage strategy, together with new onsite basins

The location of the basins has been determined through detailed technical investigation/design and the basin this site drains toward is identified on the plan of subdivision.





## 4. STATUTORY PLANNING FRAMEWORK

### 4.1 Object of the EP&A Act

The objects of the EP&A Act are:

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

The proposed Application request is considered to be consistent with the above objects specifically (c) and (d) as highlighted above.

The development is aimed at increasing the land yield efficiency of the Estate yet complying with development standards including minimum lot sizes and ensuring an outcome of good design and amenity of the built environment

### 4.2 Section 1.7 of the EP&A Act

Section 1.7 of the EP&A Act requires consideration of Part 7 of the Biodiversity Conservation Act 2016 (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species.

The extent of clearing required exceeds the clearing threshold (0.25 ha) prescribed under the Biodiversity Assessment Method 2020 (BAM 2020) and also impacts on land mapped as Biodiversity Values. A Biodiversity Development Assessment Report (BDAR) is therefore required to submit with the development application.

Two plant community types were identified in the Development Footprint of varying vegetation condition which resulted in five Vegetation Zones. The total area of native vegetation that will require removal for the development is 30.7 ha. This impact is recommended to be offset through purchase and retirement of appropriate ecosystem credits as described in this report.

An area of Biodiversity Values associated with biodiverse riparian land occurs in the west of the Subject Land and will be impacted as a result of the Development.

## **4.3 Environmental Planning Instruments**

### **4.3.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE & HAZARDS) 2021**

The consent authority must not consent to the carrying out of any development on land unless:

- it has considered whether the land is contaminated, and
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Assessment of the contamination status of the site was considered under the rezoning of the site.

The site has been used for grazing and passive agricultural uses.

### **4.3.2 MID-WESTERN LOCAL ENVIRONMENTAL PLAN 2012**

Consideration has been given to the relevant sections and controls outlined in the LEP which apply to the proposed development.

The following sections of the LEP are applicable to the proposal:

## Zoning

The site is zoned R1 General Residential and B4 Mixed Use under MWRLEP as shown in **Figure 4** below.

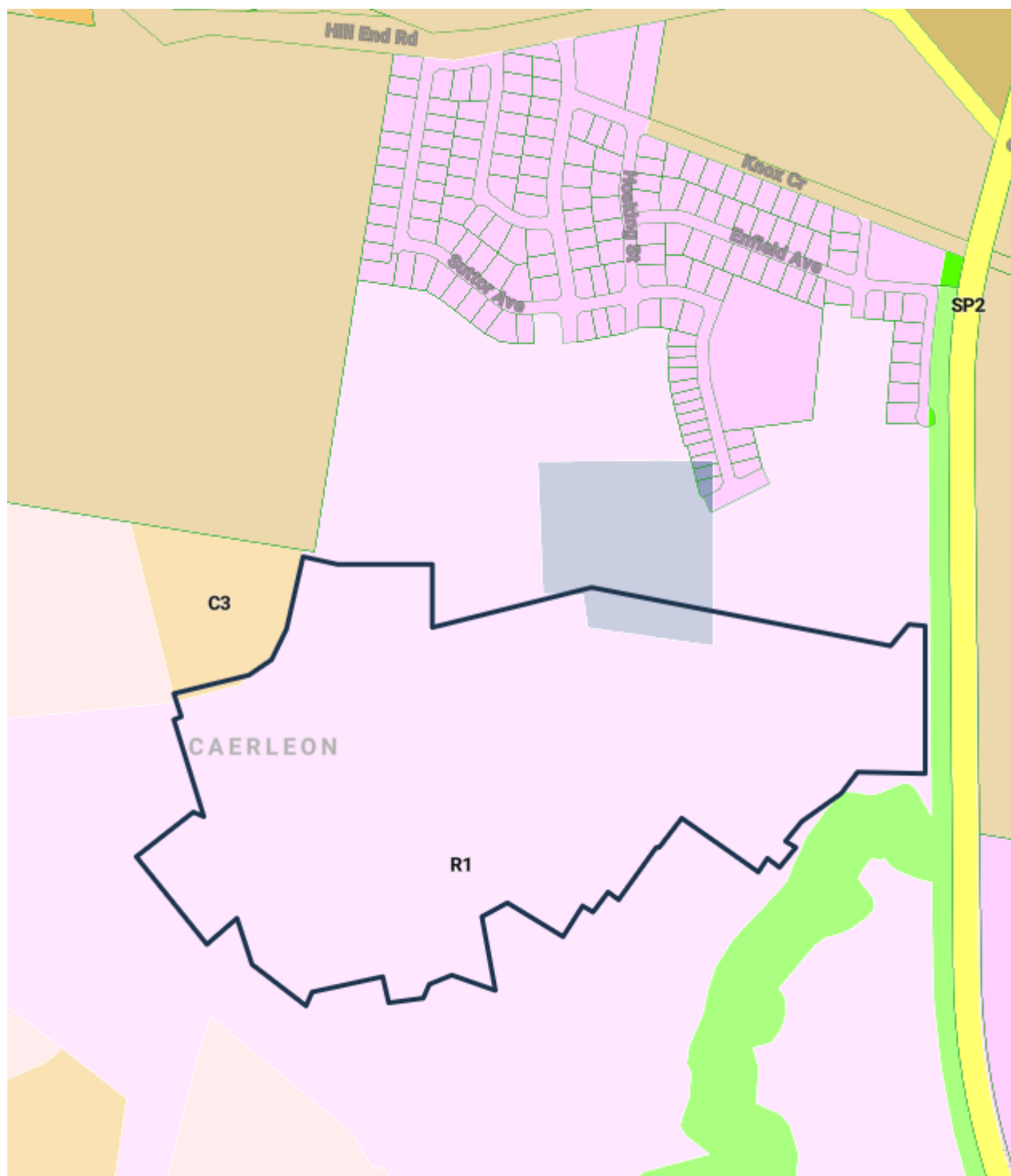


Figure 4 – Land Zoning Map Overlay



Subdivision is permitted under Clause 2.6 of the LEP.

Each lot is created to accommodate a single dwelling houses although certain lots (predominately corner lots – 600m<sup>2</sup>) would be capable of an application for Dual Occupancy.

Dwelling houses are permissible in the R1 General Residential Zone and Residential accommodation is permissible in the MU1 zone (which incorporates all forms of residential development).

#### **Clause 4.1 – Minimum lot size**

Clause 4.1 of the MWRLEP establishes the minimum size of lots resulting from a subdivision and requires the minimum area of any lot not to be less than that shown on the Lot Size Map for the subject site – **Figure 5** opposite

The Lot Size Map specifies a minimum lot size of 450m<sup>2</sup> for R1 zoned land and there is no minimum lot size for B4 zoned land; which covers portion of the northern boundary of the site.

All lots created as a result of the Application are equal to or greater than 450m<sup>2</sup> which complies with Clause 4.1 of the MWRLEP, with the exception of 45 lots that are 300m<sup>2</sup> in site area and a further ten (10) lots that have site areas between 301m<sup>2</sup> and 449m<sup>2</sup>..

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

Clause 4.1C of the MWRLEP establishes the objectives and controls providing flexibility in the application of the minimum lot size requirement.

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

All lots proposed within the 100m of Area C have a minimum lot size of below 450m<sup>2</sup>; the subdivision proposes 55lots within this area which do not meet the prevailing 450m<sup>2</sup> minimum lot size.

The remaining 314 Lots proposed in the subdivision have a lot size equal to or greater than 450m<sup>2</sup> which is sufficient to enable the erection of a dwelling house on each. Figure 5 – Minimum Lots size map extract show that portion of the site to the south falls within a defined area where the minimum Lot size is 4000m<sup>2</sup> due to the slope and topographic features; four lots in this area are proposed.

Two super lots are proposed for future nonresidential uses; four OSD Basin Lots and the east west Drainage Channel lot that bisects the subdivision area have site areas and dimensions that fall outside the controls of minimum Lots Size.



Figure 5 – Minimum Lot Size Map Overlay

#### 4.3.3 MID-WESTERN DEVELOPMENT CONTROL PLAN 2013

The site and proposed development are subject to the controls outlined in Mid-Western Region Development Control Plan 2013.

**Appendix C “Caerleon DCP”** in Mid-Western Region Development Control Plan 2013 establishes the site-specific controls relating to Caerleon.

An assessment against the controls in this section of the DCP has been undertaken and is as follows on pages 12 to 24:-

DCP Section	DCP Control	Assessment of Compliance
<b>2. Vision</b>		
<b>2.1 Vision and Principles</b>	This section sets out the principles and objectives that guide the planning and future development of Caerleon.	The proposal satisfies the vision and principles of the Caerleon DCP. The subdivision has been designed in the context of the Caerleon Concept Plan.
<b>2.2 Indicative Concept Plan</b>	<ul style="list-style-type: none"> <li>All development is to be undertaken generally in accordance with the Indicative Concept Plan at <b>Figure 2</b> and must comply with the development controls set out in this DCP.</li> <li>The neighbourhood layout in the Indicative Concept Plan is preliminary and subject to detailed design at Subdivision and Development Application stage. Where variation from the Indicative Concept Plan is proposed, development must remain consistent with the Vision and Principles for the land set out in Section 2.1 of this DCP and other relevant controls in this DCP.</li> </ul>	<p>The proposal is generally consistent with the indicative concept plan.</p> <p>The alignment of internal streets varies from the indicative concept plan; however, the road layout proposed is based on the concept storm water layout and designed to achieve suitable, regular shaped lots wherever possible, together with linking with road patterns established in earlier approved stages.</p> <p>The subdivision layout is intended to respond to the topographic features of the site together with the statutory planning controls</p>
<b>3. Access &amp; Movement</b>		
<b>3.1 Street Network &amp; Design</b>	The street network is to be generally in accordance with the Indicative Street Hierarchy in Figure 3, Table 1 and Table 2.	The street network complies with the indicative street hierarchy illustrated in the DCP. See supporting letter from PRD and discussion in Section 5.2
	Primary access to the site is to be via Hill End Road to the north and Fairydale Lane to the south-east.	The site is accessed via internal roads from Hone Creek Drive back to Hill End Road. Future connection will be available through Fairydale Lane
	A potential future road connection across the Gwabegar railway line is incorporated within the Indicative Concept Plan, in order to allow for additional connectivity east to Saleyards Lane toward the Mudgee CBD.	Not relevant to this DA although future concept master plan is addressing this connection.
	If the future road connection is proposed, applicant is to demonstrate that the street hierarchy will be maintained, and any Development Application shall be subject to detailed traffic investigations.	

DCP Section	DCP Control	Assessment of Compliance
	Road design is to be generally in accordance with the standards outlined in Table 2. 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.	Meets relevant DCP standard including 1m verge and pathway adjoining drainage reserve adjoining Road 1
	60° angled rear-to-kerb parking bays are to be provided within, and on both sides of, the carriageway of the Neighbourhood Centre Road.	Not relevant to this DA. The Collector road does not “traverse” the Neighbourhood Centre – the road is located on the western side of the Town Centre and an open space and on residential use such as a child care or early learning centre is proposed on the southern portion of the Neighbourhood Centre Road
	The Residential Collector Road between Hill End Road and Fairydale Lane is proposed to be constructed in the early stages of development, or as outlined in a condition of Development Consent or Voluntary Planning Agreement.	The first stage of the spine road being Hone Creek Drive has been approved and constructed in part. This DA seeks to extend Hone Creek Drive further to provide access to residential lots further along proposed Road No 2
	A low scale, low impact linkage (such as a causeway) is located across the drainage line in the Indicative Street Hierarchy Plan in Figure 3. Such a linkage, if proposed by the Applicant, should be investigated and considered for inclusion at the Development Application stage for that section of road.	The proposed east west drainage channel provides for the opportunity to improve both pedestrian and cycle connections throughout the Estate. A shared and integrated pathway design within the channel would facilitate access to the Neighbourhood Centre
<b>3.2 Pedestrian and Cycle Networks</b>	Pedestrian and cycle routes shall be in accordance with the Indicative Pedestrian and Cycle Network Plan in Figure 4.	Footpaths will be provided as part of the detailed design.
	On-road cycle paths are to be provided on all Collector Roads, Neighbourhood Centre Roads and Residential Roads in accordance with the road design controls in Table 2.	Compliance with Table 2 is proposed
	Off-road shared pedestrian and/or cycle paths are to be provided along the railway line corridor and drainage corridor. There is to be safe access between the off-road and on-road paths where they connect.	Compliance is proposed

	Off-road shared pedestrian and/or cycle paths are to be no wider than 2.5m. Path/cycle ways in the drainage corridor should be located in the outer 50 per cent of the corridor. Refer to Section 7.1 of this DCP for further detail on drainage corridor width.	Noted
	Conceptual design followed by detailed designs for pedestrian and cycle paths are to be submitted as part of a Development and Construction Certificate Application respectively. As a minimum, concept approval will be required at DA stage as part of the infrastructure works for each residential stage of development, for pedestrian and cycle paths.	Noted and supplied
	Pedestrian pathways at the head of cul-de-sac street types are not required.	Noted.
	All footpaths are to be a minimum of 1.2m wide.	Noted and shown in detailed design
<b>4 Open Space and Public Domain</b>		
<b>4.1 Public Open Space</b>	Public open space in the form of local parks, pocket parks and 'green buffers' is to be located generally in accordance with the Indicative Open Space Plan in Figure 5, so that the majority of housing in the General Residential Character Area is within 400m of public open space.	The proposal includes/proposes the provision of open space within the Town Centre Site.
	Open space is to be provided within, or adjacent to, the Neighbourhood Centre so that it is co-located with active uses, <ul style="list-style-type: none"> <li>preferably directly adjacent to a child care, local retail or community land use; and</li> <li>highly accessible; and linked to a pedestrian and</li> <li>/ or cycle path.</li> </ul>	As above and noted
	Dwellings are to be oriented towards public open space for increased surveillance opportunities	Some of the proposed lots will have frontage to the future drainage channel. The lots within the cul-de-sac have been designed to front the drainage channel.



DCP Section	DCP Control	Assessment of Compliance
	Small lot housing is encouraged around local parks.	Small lot housing is proposed within 100m of the B4 zone.
	A40m-wide open space buffer (measured from the railway line) is to be provided along the railway line and may incorporate road reserve, open space, drainage, landscaping and underground services. Housing adjacent to the buffer is to be oriented towards the street/buffer, where possible, for increased surveillance opportunities.	The site is located near the railway line although a OSD Basin is proposed Provision noted but not applicable
	Drainage corridors, and vegetation within the drainage corridors, are to be retained. Drainage corridors should provide opportunities for appropriately located pedestrian and cycle paths, walking trails and additional open space in a manner that maintains the environmental significance and drainage function of the corridors	Noted and applied to Drainage Channel adjoining property to the South
	Subdivision Applications that propose to incorporate part of a drainage corridor (as shown in Figure 7) within a private residential lot are to comply with the requirements of the Water Management Act 2000 and obtain controlled activity approval.	Not Applicable
<b>4.2 Street Planting</b>	Street trees and landscaping is to be provided to increase the amenity of the land and encourage pedestrian use and walkability.	Noted and Street Tree Planting proposed in accordance with Council guidelines
	Street tree planting is 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.	Noted and Street Tree Planting proposed in accordance with Council guidelines
	Street trees are generally to be 1.5 – 2m in height when planted.	Noted and Street Tree Planting proposed in accordance with Council guidelines

DCP Section	DCP Control	Assessment of Compliance
	<p>A Landscape Plan is to be prepared by a qualified landscape architect, and lodged with a Development Application that creates public open space, which shall provide details on elements, including:</p> <ul style="list-style-type: none"> <li>• design philosophy.</li> <li>• furniture and play equipment.</li> <li>• Plant species and sizes (with consideration for bush fire risks and asset protection zones).</li> <li>• hard and soft landscaping treatments</li> <li>• signage.</li> <li>• any entry statements.</li> <li>• waste facilities.</li> <li>• linkages to adjacent areas, streets</li> <li>• any other embellishment and dwellings.</li> </ul>	<p>Noted.</p> <p>Open Space/Park is proposed on portion of the site south of the Drainage Channel that dissects the Town Centre Site. Concept landscape design has been proposed for this 4771m<sup>2</sup> site. The VPA indicates that OS2 should be a <u>maximum</u> of 4800m<sup>2</sup>.</p> <p>The Open proposed open space meets both the VPA and DCP requirements.</p>
<b>5. Residential Development</b>		
<b>5.1 Subdivision</b>	The minimum lot size for any development within the R1 General Residential Zone is determined by the Minimum Lot Size controls in the Mid-Western Regional Local Environmental Plan 2012.	Proposal complies with the MWLEP 2012 Minimum Lot Size controls and especially relief to Lots sizes provided by Clause 4.1C (2) of the LEP
<b>5.1.1 Density and Lot Size</b>		
<b>R1 General Residential Zone</b>	Small lot housing to a minimum of 450m <sup>2</sup> is to be located adjacent to areas of high amenity, such as public open space or along major streets, as illustrated in the Indicative Density Allocation Plan in Figure 6.	All 450m <sup>2</sup> lots are located 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 relevant to this DA. Each lot will be the subject of separate approval for a dwelling and or CDC approval and inherent performance standards.

DCP Section	DCP Control	Assessment of Compliance
	Subdivision of a single lot that contains a dual occupancy development or is proposed to contain a dual occupancy development into two lots, is only encouraged where each of the resulting lots is >600m <sup>2</sup> .	No dual occupancies are proposed with this subdivision. However future applications would be restricted predominately corner lots, subject to Council approval.
<b>B4 Mixed Use Zone</b>	Residential development in the form of medium-density housing (such as townhouses and terraces), shop top housing and mixed-use development is encouraged in the B4 Mixed Use Zone.	The subject site contains some land within the B4 zone, however mixed-use development is not proposed on these lots and minimum lot size is not achieved.
	Smaller lot sizes (<450m <sup>2</sup> ) may be created in the B4 Mixed Use Zone where the applicant can demonstrate the lot is consistent with, and helps to achieve the objectives of, the Neighbourhood Centre Character Area.	See comments elsewhere.
	Smaller lot sizes (< 450m <sup>2</sup> ) may be created in the shaded area surrounding the B4 Mixed Use Zone, as illustrated in the Indicative Density Allocation Plan in Figure 6.	It is noted that the subject site is within close proximity to the B4 Mixed Use zone and contains some land within the B4. The controls allow for smaller lot sizes to be created. The desired future character of the area has been determined as one that provides a suitable transition from the mixed-use zone to the surrounding lower density areas in the estate. The lot sizes proposed are considered suitable in the context of the overall development.
<b>R5 Large Lot Residential</b>	All buildings must be sited in an accessible and practical location suitable for residential building construction.	Not relevant to this DA.
	On sloping sites at or above the 520m contour line, all buildings must be sited such that they cannot be viewed, or have minimum visibility, from any urban area of Mudgee.	Not relevant to this DA.
	Refer to Section 5.3 of this DCP for additional built form controls relating to development on steep slopes	Not relevant to this DA.

DCP Section	DCP Control	Assessment of Compliance
<b>5.1.2 Minimum Lot Width</b>	All residential lots within the R1 General Residential Zone (except land in the shaded area surrounding the B4 Mixed Use Zone, as illustrated in the Indicative Density Allocation Plan in Figure 6), must have a minimum lot width of 12.5m at the building line, and are to be generally rectangular in shape	All lots are generally rectangular in shape and have a width greater than 12.5 metres at the building line. In the case of 300m <sup>2</sup> lots proposed within 100m of the B4 zoned land, lot frontages have been reduced to achieve suitable width to depth ratios and are generally in the range of 10m.
	Residential lots in cul-de-sac streets must be designed to create as regular shaped lots as possible around the cul-de-sac head.	This is achieved in relation to Lots 342 & 343.
	All residential lots within the R5 Large Lot Residential Zone must have a minimum lot width of 25m at the building line.	Not relevant to this DA.
<b>5.1.3 Subdivision Earthworks</b>	Land forming in association with subdivision works is permitted where it contributes to the overall design quality of the development.	This proposal seeks approval for subdivision. Minor earthworks may be required which will be confirmed at CC stage.
<b>5.1.8 Residential Earthworks</b>	Development consent is required to place fill on the land in excess of 100mm top dressing, unless the development is exempt and complying development for the purposes of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	The extent of cut and fill can be established within the submitted Civil drawings. The consent granted by Council should permit the necessary cut and fill to implement the civil design solution for the site.
	A maximum of 600mm cut or fill below or above ground level (existing) is permitted.	Noted. Cut and fill will not exceed 600mm and will be confirmed as part of the detailed design.
	Cut and fill must be at least 900mm from each lot boundary.	Noted. Cut and fill associated with the subdivision will not adversely impact adjoining properties. See submitted engineering plans
	Development must provide adequate drainage lines to ensure surface water is disposed of without causing a nuisance to adjoining owners and must not redirect the flow of surface water onto an adjoining lot.	The civil plan submitted with this application demonstrates that drain storm water to Basin 4, Basin 5, Basin 5A and Basin 6 which will be constructed as part of the development on a 3 Stage strategy

DCP Section	DCP Control	Assessment of Compliance
	Cut and fill must be located at least 1m from any registered easement, sewer main or water main.	Noted.
	If the fill is more than 150mm deep it must not occupy more than 50% of the landscaped area.	Noted.
	Refer to Section 5.3.4 of this DCP for cut and fill controls for Development on Steep Slopes.	Not relevant to this DA. The land that is the subject of this DA is generally flat.
<b>6. Neighbourhood Centre</b>		
<b>6.1 Land Use</b>	The Neighbourhood Centre Character Area is to incorporate a range of local retail, commercial, community and open space land uses to serve the everyday needs of the local community. These uses may spill into adjacent R1 General Residential land.	The proposal is for subdivision only and is located outside of the Neighbourhood Centre Character Area.
	The Neighbourhood Centre Character Area is to incorporate higher intensity development, including medium-density housing and mixed-use development.	Not relevant to this DA.
	The Neighbourhood Centre Character Area is to be differentiated through varying and 'active' uses, which should be focused along, and front, a main street.	Not relevant to this DA.
	Development must have regard to, and maintain, the commercial hierarchy of Mudgee.	Not relevant to this DA.
	Retail and commercial uses at ground level within the B4 Mixed Use Zone must have a maximum Gross Floor Area of 1,280m <sup>2</sup> per unit or tenancy.	Not relevant to this DA.
	The Neighbourhood Centre Character Area and B4 Mixed Use Zone is to be a maximum of 2 Ha in area (excluding roads, road reserves, childcare centres, community facilities, car parking, drainage and open space).	Not relevant to this DA.

DCP Section	DCP Control	Assessment of Compliance
<b>6.3 Public Domain</b>	Provide a high quality landscape design including planting, street furniture and lighting that enhances the character of the neighbourhood centre.	Noted and Street Tree Planting proposed in accordance with Council guidelines
	Provide street tree and planting that is of an appropriate height or permeability to maintain views and establishes shade for pedestrians.	Noted and Street Tree Planting proposed in accordance with Council guidelines
	Details of street furniture, lighting and plantings (including species selection, size of beds and irrigation provision), are to be provided with the Landscape Plan submitted to Council for approval with the Development Application.	Noted and Street Tree Planting proposed in accordance with Council guidelines
	An open space area should adjoin the Neighbourhood Centre Character Area in a prominent location and should be designed to accommodate activities such as outdoor eating, pedestrian movement or seating areas.	Not part of this application
<b>7.1 Stormwater</b>	The two main watercourses that drain the majority of the land. These two watercourses are identified as 3rd and 4th order streams and shall be retained for drainage functions. Buffers are to be provided along the drainage lines in accordance with the Strahler-based methodology (NSW Office of Water, July 2012).	Not part of this application
	Stormwater from the site will be managed through on-site detention basins in the indicative locations.	Noted and Stormwater directed to this Basins as discussed above
	Storm water management within the northern section of the land can be designed to include natural water flow as well as an engineered solution.	Noted. Not relevant to this DA.
	The remaining lower order streams on the site (1st and 2nd order streams) can be removed and/or piped and integrated into an engineered approach to drainage; or maintained as open channels.	Not relevant to this DA.



DCP Section	DCP Control	Assessment of Compliance
	The principles of Water Sensitive Urban Design (WSUD) should be incorporated across the site.	Not relevant to this DA.
	During the construction phase of development, the relevant stormwater management objectives for new development as set out in the most up to date revision of Managing Urban Stormwater: Soils and Construction (NSW Department of Housing) must be	Noted.
	Development Applications must demonstrate that any potential impacts on groundwater and salinity can be managed to mitigate environmental impact.	The subject site is not affected by either. Geotechnical investigations and site classification reports will be prepared following earthworks to ensure each residential lot has a soil classification that meets the requirements for dwellings construction.
	Where there is potential for soil erosion to occur, erosion and sediment control measures are to be implemented and regularly maintained during construction. Sediment trapping devices are to be located at all points where storm water runoff can enter inlets to stormwater systems, or where runoff may leave the site, during construction. Details of erosion and sediment control measures are to be provided with Development Applications where there is potential for soil erosion to occur.	A Sediment and Erosion Control plan will be prepared to safeguard environmental impacts with the Construction Certificate (CC) application. It will detail site preparation works including stripping of topsoil, topsoil stockpiling, removal of unsuitable materials, regrading, placing and compaction of fill and replacement of topsoil (where necessary).
	Driveways on steep slopes are to be designed to minimise erosion.	Not relevant to this DA. Will be addressed individual dwelling designs
<b>7.2 Biodiversity</b>	Native vegetation and remnant trees in areas of high ecological constraint are to be retained and protected in large lots on land with steeper slopes. Any development within the Large Residential Character Area and Rural Residential Character Area shall be positioned to avoid the removal of remnant trees.	No vegetation is proposed to be removed, other than exotic grassland.

DCP Section	DCP Control	Assessment of Compliance
	Development that affects areas of high ecological constraint, including the VRZs, must have regard to a Vegetation Management Plan (VMP) that sets out the methods to be used to encourage natural regeneration. A VMP shall be prepared with any Subdivision Application affecting areas of high ecological constraint shown in Figure 8.	Not relevant to this DA.
	An environmental buffer area of 40m shall be retained along the southern boundary of the land, wherein no dwelling shall be developed.	Not relevant to this DA.
<b>7.3 Bushfire</b>	All Subdivision and Development Applications will be assessed under section 100B of the Rural Fires Act 1997 and, if necessary, will require a Bush Fire Safety Authority (BFSa) to be obtained from the NSW Rural Fire Service at subdivision and/or Development Application stage. Detailed bushfire assessment shall be undertaken for future development and address the bushfire protection measures of Planning for Bushfire Protection 2006.	A Bushfire Risk Assessment has been prepared for the subdivision and it is considered that the subject site will not require any special bushfire construction requirements. This DA is for subdivision of land that will not result in any residential lots being located on bushfire prone land.
<b>7.4 Odour</b>	There is to be no development within the 1 odour unit contour, as shown in the Indicative Odour Plan in Figure 9, until such time as a revised odour assessment is undertaken after the Mudgee Sewerage Treatment Plant (STP) is commissioned.	No development is proposed within the 1 odour unit.
<b>7.5 Contamination</b>	Further investigation at the Machinery Shed and Sheep Dip sites must be undertaken prior to development, in accordance with the contaminated land management planning guidelines State Environmental Planning Policy No. 55. <b>Note.</b> The location of the Machinery Shed and Sheep Dip sites is mapped in 'Preliminary contamination assessment – Caerleon Hill End Road, Mudgee NSW' (20 July 2012).	The subject site is not located near the Machinery Shed or Sheep Dip. It is considered further investigations are not required.

DCP Section	DCP Control	Assessment of Compliance
<b>7.6 Aboriginal Heritage</b>	The location of sites where Aboriginal objects have been identified during Aboriginal Heritage investigations, are mapped in the 'Mudgee Residential Rezoning Aboriginal Heritage Due Diligence Assessment- Preliminary investigation' (July 2012) and shown in Figure 10.	Noted.
	All sites of Aboriginal objects should be avoided in the future development of the land, unless resolved through controls 3 and 4 below.	There are no aboriginal heritage items near the subject site.
	Where avoidance of an Aboriginal object site (or a site of potential archaeological sensitivity) cannot be achieved and there is potential for disturbance of the site, further investigations and impact assessment is to be undertaken in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales. An Aboriginal heritage impact permit (AHIP) will be required for any activity which may harm an Aboriginal object.  Aboriginal consultation shall be undertaken prior to, and with, the Subdivision Application process where an AHIP application is required. The consultation process with Aboriginal stakeholders shall be undertaken in accordance with the National Parks and Wildlife Regulation 2009 and Aboriginal cultural heritage consultation requirements for proponents 2010: Part 6 National Parks and Wildlife Act 1974.	No Aboriginal objects will be harmed as part of this application.
<b>8. Utilities</b>		
<b>8.1 Water Supply</b>	Potable water is to be supplied from the existing water treatment facility in Mudgee. Initial stages of the development are proposed to be served from the existing potable water reticulation system located adjacent to the southern boundary of the site.	The proposed lots can be serviced by a water distribution main. The supply of potable water to the subject site will be extended from the road network adjoining.

DCP Section	DCP Control	Assessment of Compliance
	A new 5Ml reservoir will be constructed by Mid-Western Regional Council to serve the development.	Not relevant to this application.
<b>8.2 Wastewater</b>	The new Wastewater Treatment Plant (WWTP) being constructed adjacent to the western area of the site is sized to cater for waste water treatment from all future development in Caerleon.	Noted.
	A new Sewage Pump Station (SPS) will be required to serve the site, with waste water being pumped from the SPS via a new rising main to the WWTP.	Noted.
<b>8.3 Electricity &amp; Telecommunications</b>	Primary utilities such as electricity and telecommunications must be made available to serve any future development.	The subject site and proposed lots have ability to be serviced by extension of the existing utilities in adjoining roads.
<b>9. Torrens, Strata and Community Title Subdivision</b>		
	Allotments 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.	Noted.
	Where buildings are attached or share common areas, such as driveways, entry foyers, car parking facilities or structural and non-structural building components that overlap, allotments may be Torrens Title or be subdivided under a community or Strata Scheme.	Not relevant to this DA.

## **5. SUITABILITY OF DEVELOPMENT**

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

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1) (b).

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

### **5.1 Context and Setting**

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

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

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

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

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

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

### **5.2 Access, Transport and Traffic**

Each lot will have direct access to the public road network and is within proximity or adjacent to the future local centre.

The lots created in Stage 14 will not result in any adverse or significant impact on traffic within the Caerleon development which was considered at the rezoning stage to cater for a large residential housing development.

A supplementary traffic report has been prepared by PDC dated 19<sup>th</sup> September 2023 to specifically evaluate the traffic impact of proposed Stage 14 – specifically to undertake a traffic impact assessment for a proposed residential subdivision of some 369 residential lots being delivered during Stage 14 of the broader Caerleon Estate.

- “• The subject subdivision gains access to the existing local road network via a proposed internal road network to the north at Hill End Road, being delivered as part of earlier subdivision stages. The subdivision will be served by a network of local residential and collector streets, providing access between residential lots, local centres, and the broader road network.
- Given the existing performance of the Castlereagh Highway / Hill End Road intersection is excellent and comprehensive traffic assessment has been undertaken during stages of the Caerleon Estate development, no further detailed traffic analysis of the subject subdivision has been undertaken within this TIA.
- Nevertheless, traffic impacts arising from the Stage 14 subdivision have been assessed and are expected to be minimal, in the context of the route choices available and external road network upgrades being delivered to facilitate the broader Caerleon Estate.

*It is therefore concluded that the proposed subdivision is supportable on traffic planning grounds.”*

**RFI Item 2** The Traffic report was , in part, commissioned to address Council’s RFI response provided by letter dated 2<sup>nd</sup> May 2023.

The report and analysis address the following:

- Proposed road hierarchy, to be demonstrated by projected AADT.
- The capacity of the intersection of Hill End Road / Hone Creek Drive (using SIDRA analysis)

### 5.3 Servicing

Each lot will be serviced by sewer, water, electricity, and telecommunications.

Confirmation/ certification will be provided with the Subdivision Certificate to confirm services are available to each lot at the completion of the development.

Services are available in the locality and will be extended to service the proposed lots.

### 5.4 Heritage

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

Adjoining Stage 13 approval provided evidence that aboriginal heritage does not exist within proximity to the proposed development.

Indeed, lots within proposed Stage 14 are a substantial distance from any heritage items and will not have any adverse impact on the Aboriginal heritage significance of items found within the site.

An unexpected finds protocol is likely to be imposed as a condition of approval.



## 5.5 Biodiversity development Assessment Report (BDAR)

A BDAR report has been prepared by Biodiversity Australia and is submitted with this application. The Report concludes:-

*“The extent of clearing required exceeds the clearing threshold (0.25 ha) prescribed under the Biodiversity Assessment Method 2020 (BAM 2020) and also impacts on land mapped as Biodiversity Values. A Biodiversity Development Assessment Report (BDAR) is therefore required to submit with the development application.*

*Two plant community types were identified in the Development Footprint of varying vegetation condition which resulted in five Vegetation Zones. The total area of native vegetation that will require removal for the development is 30.7 ha. This impact is recommended to be offset through purchase and retirement of appropriate ecosystem credits as described in this report.*

*An area of Biodiversity Values associated with biodiverse riparian land occurs in the west of the Subject Land and will be impacted as a result of the Development.*

*The Development Footprint contains vegetation that conforms to the CE TEC White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland as described under the BC Act and EPBC Act.*

*The Development Footprint contains entities they are considered to have Serious and Irreversible Impacts. These are the CE TEC White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland, and habitat that is mapped for the CE Regent Honeyeater. Relevant information has been provided in this BDAR.*

*No threatened flora species were detected within the Development Footprint despite targeted survey by suitably qualified BAM accredited assessors and senior Botanist.*

*The targeted fauna survey failed to detect any threatened fauna on the Development Footprint.*

*Direct impacts of the proposal will be limited to vegetation and habitat removal of PCT 266 and PCT 281 which exists in a highly fragmented and degraded state. A number of mitigation measures will be implemented to reduce potential offsite impacts to adjacent habitat during the construction phase. Indirect impacts that may be associated with the proposal are considered to be minor and can be mitigated through the measures described in this report. Impacts of the proposed development will be offset through purchase and retirement of the appropriate ecosystem credits.”*

A full review of the report would indicate that subject to a suite of conditions within any approval of the site, the potential for onsite and offsite impacts can be mitigated including the retirement of appropriate ecosystem credits.

## 5.6 Contamination

The subject site is not contaminated and does not require remediation.

The site is suitable for the proposed residential subdivision.

## 5.7 Stormwater

Stormwater drainage for each lot will be directed to an inter-allotment drainage line which will be directed to the public stormwater network and a regional and local detention basin. Revised design plans have been prepared for the revised layout proposed.

**RFI Item 8** the response to the RFI indicates that possible easements can be dealt with separately from this application. The applicant would rely on the previous Dentons advice in this regard but is prepared to discuss this matter further with relevant Council Officers..

**RFI Item 10** A revised Stormwater management report has been submitted. The applicant would be happy for any final stormwater management report be a requirement prior to a Construction Certificate and any approval suitably conditioned to this effect if the revised report is not accepted.

**RFI Item 9** The civil and stormwater documents have been adjusted and further detail provided in support of the proposed layout. The variation to the DCP indicative Concept plan is responding to the site levels

## 5.8 Waste

A Waste Management Plan will be submitted with an application for a Subdivision Works Certificate. At which point, confirmation will be provided for the method of waste management during preliminary site works, construction and ongoing.

Each lot within the subdivision will be serviced by Council's waste services and each lot has direct frontage to a public road for waste collection. Road design and swept paths review demonstrate that the road network design will cater for the Council's waste trucks.

**RFI Item 3 & 4** Residential Road widths have been adjusted following consultation with Council; the road widths allow for the safe passage for local traffic , emergency vehicles and waste vehicles.

## 5.9 Subdivision Design

The site is suitable for the proposed development as evidenced through compliance with the relevant controls in the LEP and DCP applicable to the site.

The subdivision layout is sympathetic to the topography of the site and provides regular shaped lots for future dwelling construction; subject to separate approval.

**RFI Item 11** The civil and stormwater documents have been adjusted and further detail provided in support of the proposed layout. The variation to the DCP indicative Concept plan is responding to the site levels .

### 5.10 Natural Hazards – Flooding & Bushfire

The subject site is not affected by flooding.

A bushfire report has been prepared by Ecological Australia and submitted with the application which demonstrates the site is capable of being developed for residential purposes in line with the zoning of the land subject to GTA's issued by RFS.

The proposed subdivision has been assessed against specifications and requirements of "Planning for Bush Fire Protection 2019" and "Planning for Bush Fire Protection Addendum November 2022" as outlined in the table below.

Bushfire Protection Measures	Recommendations	Acceptable Solution	Performance Solution	Report Section
Asset Protection Zones	APZ dimensions are detailed in Table 3 and shown in <b>Figure 2</b> . Identified 10 m APZ to north-west to be maintained in perpetuity to the specifications detailed in Appendix C. A 50 m temporary APZ to the west and south is to be implemented within future stages of 'Caerleon Estate' which will be developed by Bathla (the proponent) until bulk earthworks occur. This shall be registered under an 88b instrument.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3.1
Landscaping	Any future landscaping meets the requirements of PBP listed in Appendix C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3.2
Construction standard	BAL for dwellings to be determined at individual CDC/DA stage however, a maximum of BAL-29 is achievable. It is recommended BALs for Lots 337-344 be conditioned and documented in any legal mechanisms (i.e. 88b instrument) to ensure a BAL consistent with the approved APZ is provided.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3.3
Access	Access to meet the civil drawings prepared by Maker Eng (Figure 4), Reference MKRV0036-114-DA Revision 1 dated 5 September 2023. Performance solutions detailed in Table 7 addresses the requirement for general access, perimeter and non-perimeter roads. Some roads are >100 m (>50 m grassland) from bushfire hazard and do not need to respond to bushfire design.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3.4
Water supply	Reticulated water supply to meet PBP specifications for a subdivision.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3.5
Electricity service	Electricity supply located underground.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3.6
Gas service	Gas services (if installed) are to be installed and maintained in accordance with AS/NZS 1596:2014.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	3.7

GTA's issued by the RFS will be applied as condition of any approval granted by Council with respect this application.

### **5.11 Suitability of the Site**

This report has demonstrated the site is suitable for the proposed development through the compliance with the relevant development standards and controls.

The site is not contaminated, and the associated reporting for this application demonstrates that the site is suitable for residential development.

The detail submitted in support of the proposed lot layout demonstrates the proposal is consistent with surrounding approved developments and contributes to a mix of lot types and provides opportunity for diversity in future built form.

### **5.12 The Public Interest**

The proposal is consistent/compatible with the adjoining approved/constructed development within the Caerleon Estate.

The development provides greater opportunity for housing diversity in the area due to increased yield, and varied lot sizes and frontages.

There would be no benefit served to the Public Interest if this application was refused.

## 6. CONCLUSION

The proposed development is for the subdivision of residential zoned land for the purposes of creating residential lots for future dwelling construction.

The proposal achieves the aims and objectives of the MWRLEP and DCP by providing a variety of residential lots within the Caerleon Estate.

The proposed development will not result in any adverse environmental impact and will provide opportunity for further residential dwellings within the Mid-Western Region.