

ARCO3 PTY LTD

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
**SUBDIVISION**

PART 39 RIFLE RANGE ROAD, MUDGEE  
(LOT 68 DP735127)

JUNE 2024



ARCO3 PTY LTD

## STATEMENT OF ENVIRONMENTAL EFFECTS

### SUBDIVISION

PART 39 RIFLE RANGE ROAD, MUDGEE

(LOT 68 DP735127)

PROJECT NUMBER: 2307

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## 1.0 INTRODUCTION

Octagon Planning has been engaged by ARCO3 Pty Ltd to prepare a Statement of Environmental Effects to accompany the Development Application for subdivision at Lot 68 DP735127, which forms part of 39 Rifle Range Road, Mudgee.

This Statement of Environmental Effects provides details about the site and proposed development as well as making an assessment of the proposed development pursuant to the relevant matters under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### 1.1. Overview of the Proposed Development

The proposed development is subdivision of one (1) lot into seventeen (17) lots plus associated civil works. An existing easement is to be realigned to maintain access through the site while creating lots of a regular shape and size.

### 1.2. Scope and Structure of the Report

This report provides details about the site and the proposed development, and makes an assessment of the proposed development pursuant to the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The remainder of the report is structured as follows:

- **Section 2** – Site Description;
- **Section 3** – Proposed Development;
- **Section 4** – Planning Considerations;
- **Section 5** – Conclusion.

## 2.0 SITE DESCRIPTION

### 2.1. Locality

The subject land is located in the town of Mudgee within the Mid-Western Regional Council Local Government Area. The site is 2km south-west of Mudgee CBD (Figure 1).

In the 2021 Census, Mudgee had a population of 11,457.<sup>1</sup> The median age is 36, three years younger than the state average. Of people aged 15 years or over, 62% are in the workforce compared to 58.7% in NSW. Of those in the workforce, 58.6% worked full time compared to 55.2% in NSW. 60.8% of those in the workforce reported working 35 hours or more, with 24.4% working 45 hours or more. The comparable state averages are 58.1% and 16.8%. The most common industry of employment was coal mining, at 16.8% of the workforce. The median weekly income was \$775 for an individual and \$2,120 for a family compared to \$813 and \$2,185 for NSW.

In the 2021 Census, 40.1% of Mudgee families were couples without children, 40.5% were couples with children, and 18% were a one parent family. The average household had 2.4 people. The most common housing type was the separate house, at 84.5% compared to 65.6% in NSW. 42.8% of dwellings had three bedrooms and 38.5% had four or more.

The Department of Planning, Housing and Infrastructure projects that the population of Mid-Western Regional Council will increase 0.77% annually from 2021 to 2041.<sup>2</sup> The projections do not include breakdowns of smaller statistical areas, i.e. the town of Mudgee.

In February 2024, the ABC reported that Mudgee's population is set to increase by 40% in the next two years due to the development of more than twenty renewable energy projects in the Central-West Orana Renewable Energy Zone (REZ), prompting concerns around housing supply.<sup>3</sup> These projections are based on a report by PwC commissioned by Mid-West Regional Council which predicts that the population will increase by 10,000 by 2026. The study found an additional 1,500 homes would be required to meet demand.

Council's own Comprehensive Land Use Strategy dates back to 2007 (and was last revised in 2017) and therefore does not account for the large increase in population due to the REZ. This Strategy foresees an annual demand of 111 housing lots in Mudgee.<sup>4</sup> Council population projections dating back to 2005 estimate a required 99-107 lots per annum from now until 2031.<sup>5</sup>

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<sup>1</sup> Australian Bureau of Statistics, *Census QuickStats – Mudgee*, <https://abs.gov.au/census/find-census-data/quickstats/2021/SAL12823>, accessed 7 March 2024

<sup>2</sup> Department of Planning Housing and Infrastructure, *Population Projections*, <https://www.planningportal.nsw.gov.au/populations>, accessed 7 March 2024

<sup>3</sup> Australian Broadcasting Corporation, "Mudgee's population to surge by 40pc as renewables hub grows, fuelling concerns about housing shortage", *ABC News*, <https://www.abc.net.au/news/2024-02-06/mudgee-renewable-energy-hub-housing-shortage/103382970>, accessed 7 March 2024

<sup>4</sup> Parsons Brinckerhoff, *Mid-Western Regional Comprehensive Land Use Strategy Part C – Strategy, Revision E* (February 2017)

<sup>5</sup> Ratio Consultants, *Mid-Western Regional Council: Population Projections Review (2005-2031)* (October 2005)

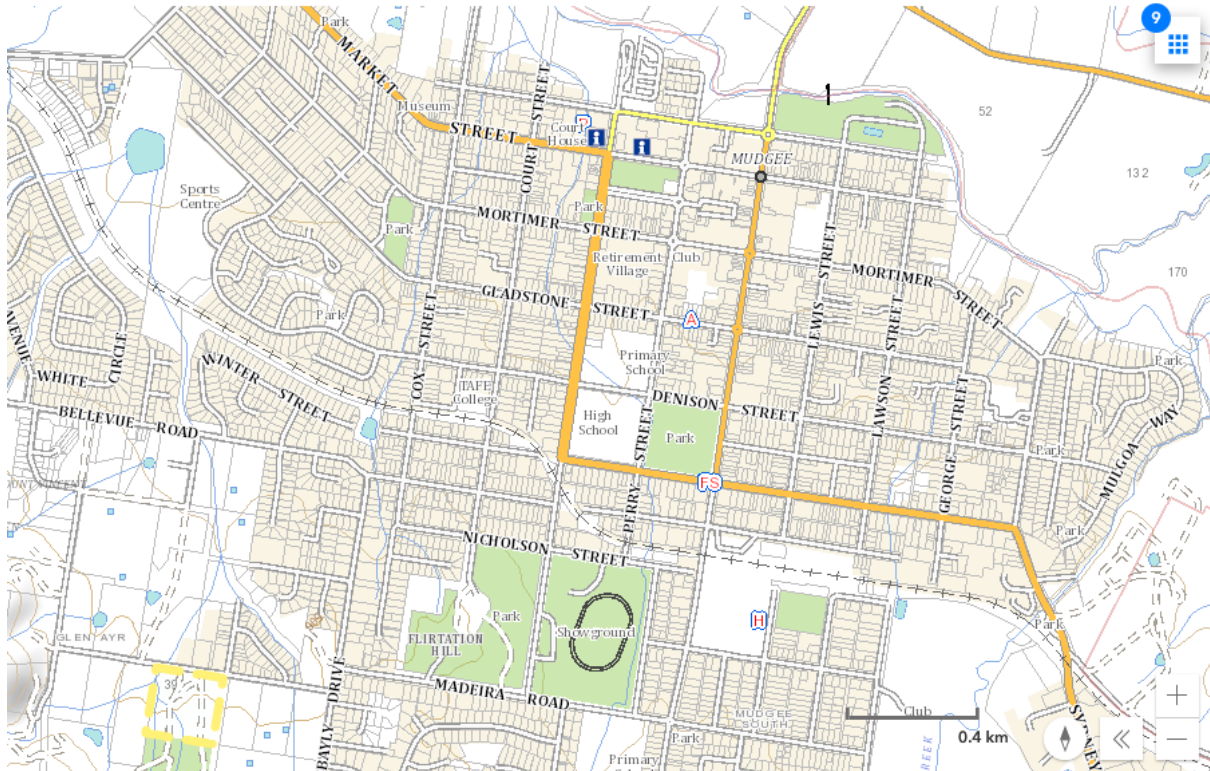


Figure 1: Location of the subject site relative to Mudgee (Source: NSW Planning Spatial Viewer)

## 2.2. Subject Land

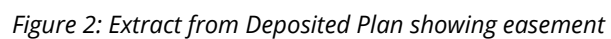
The subject land is formally identified as Lot 68 DP735127 (Figure 3). It has a northerly street frontage to Rifle Range Road and an approximate site area of 4.04 hectares. The site falls gently from the rear (southern) boundary to the street. On public mapping the site is shown with several unformed roads including Mount Misery Road, which is formalised with an easement that runs through the site (Figure 2). The party benefitted by the easement, BAI Communications Pty Ltd, has provided correspondence agreeing to a realignment of the easement subject to being able to use the new road and the addition of an easement on proposed Lot 12 allowing connection into the existing easement on the property to the south.

## 2.3. Existing Development

The subject site is currently vacant (Figure 4). There is scattered vegetation throughout the site.

## 2.4. Surrounding Development

To the north of the site on the opposite side of Rifle Range Road are rural residential dwellings on large lots; adjacent to these to the east is a new residential subdivision comprising detached dwelling houses and attached dual occupancies. To the east is a vacant rural lot which was recently approved for subdivision into 7 lots. To the south is the remainder of 39 Rifle Range Road, which contains various buildings and structures related to the activities of the rifle range. To the west is a rural residential dwelling on a large lot.



An aerial photograph showing a large, rectangular area highlighted in yellow. This area is situated in a rural landscape, bordered by a road at the top and surrounded by fields and scattered trees. To the right of the highlighted area, there is a residential development with several houses. To the left, there are more trees and a small building. The overall scene is a mix of natural and developed land.

ARCO3 Pty Ltd | Statement of Environmental Effects (Subdivision) | June 2024

## 3.0 PROPOSED DEVELOPMENT

### 3.1. Aim of the Proposed Development

The aim of the proposed development is to create new residential lots in order to assist in meeting the demand for housing in the Mudgee area.

### 3.2. Development Details

The proposed development is the subdivision of Lot 68 DP735127 into seventeen (17) lots, varying in size from 2,003m<sup>2</sup> to 3,206m<sup>2</sup>. Four of the lots in the north-eastern corner front Rifle Range Road; the remainder of the lots are oriented east-west and have a frontage to the internal road which runs north-south in the middle of the site. This internal road is to replace the existing easement and unformed Mount Misery Road, which currently meanders through the site.

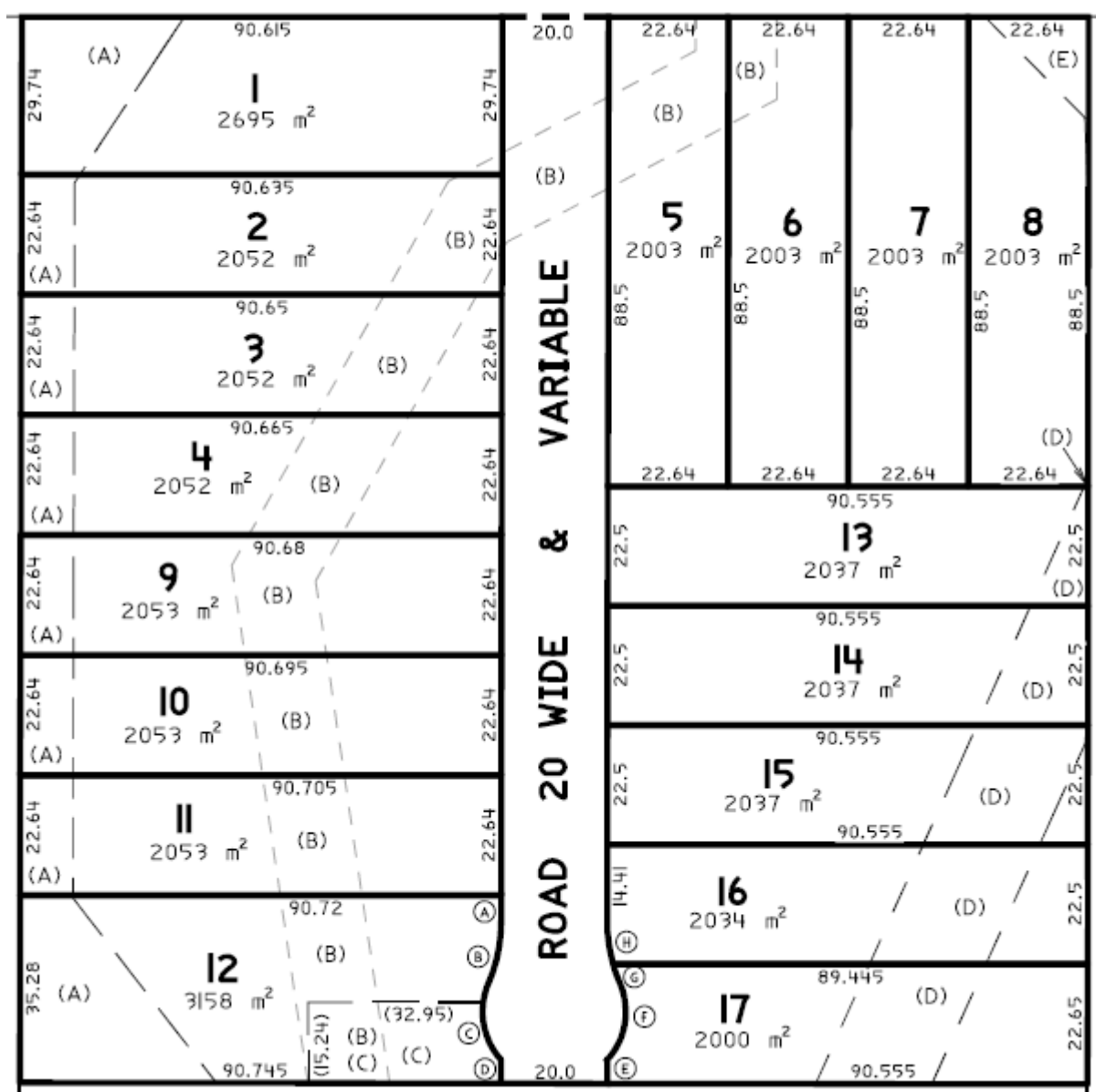


Figure 5: Lot Layout (Source: O'Ryan Geospatial)

### 3.3. Requested Approval

Approval is requested for subdivision of one lot into seventeen (17), as per the documentation listed in Tables 1, 2 and 3.

*Table 1: Subdivision Plans Submitted with the DA*

No.	Description	Prepared By	Rev.	Date
	Subdivision Design	O’Ryan Geospatial		03/04/2024

*Table 2: Engineering Plans Submitted with the DA*

No.	Description	Prepared By	Rev.	Date
<b>C1.00</b>	Cover Sheet	Triaxial Consulting	C	26/06/2024
<b>C2.00</b>	Existing Site Plan	Triaxial Consulting	C	26/06/2024
<b>C3.00</b>	Soil Erosion & Sediment Control Plan	Triaxial Consulting	C	26/06/2024
<b>C3.01</b>	Soil Erosion & Sediment Control Details	Triaxial Consulting	C	26/06/2024
<b>C5.00</b>	Road Pavement and Details	Triaxial Consulting	C	26/06/2024
<b>C5.01</b>	Rifle Range Road Long Section	Triaxial Consulting	C	26/06/2024
<b>C5.21</b>	New Road Longitudinal Section	Triaxial Consulting	C	26/06/2024
<b>C6.00</b>	Sewer Plan	Triaxial Consulting	C	26/06/2024
<b>C6.11</b>	Sewer Longitudinal Sections	Triaxial Consulting	C	26/06/2024
<b>C6.50</b>	Sewer Connection Detail	Triaxial Consulting	C	26/06/2024
<b>C7.00</b>	Stormwater Management Plan	Triaxial Consulting	C	26/06/2024
<b>C8.00</b>	External Water Plan	Triaxial Consulting	C	26/06/2024
<b>C8.10</b>	Site Water Plan	Triaxial Consulting	C	26/06/2024
<b>C11.00</b>	Landscape Plan	Triaxial Consulting	C	26/06/2024

*Table 3: Supporting Documentation Submitted with the Development Application*

Document	Prepared By	Date
<b>Aboriginal Cultural Heritage Assessment</b>	Mudgee Local Aboriginal Land Council	17/05/2024
<b>Bushfire Hazard Assessment</b>	Blackash Bushfire Consulting	27/06/2024
<b>Stormwater Management Report</b>	Triaxial Consulting	07/06/2024
<b>Traffic Assessment Report</b>	Triaxial Consulting	05/06/2024

## 4.0 PLANNING CONSIDERATIONS

Section 4.15 of the *Environmental Planning and Assessment Act 1979*, as amended, states the following:

*(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*(v) (Repealed)*

*that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

Section 4.15(1) plays a fundamental role in the development assessment process and in managing change in an environmentally responsible way. It sets broad categories, each covering a range of issues that arise when preparing and assessing development applications.

The following matters are relevant to this development application and have been taken into consideration when preparing the proposal.

## 4.1. Environmental Planning and Assessment Act 1979

Pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* (the Act) the proposed development is integrated development as it is development that requires consent from both the consent authority and the following approvals:

- Section 100B of the *Rural Fires Act 1997* – authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes
- Section 138 of the *Roads Act 1993* – consent to
  - a) erect a structure or carry out a work in, on or over a public road, or
  - b) dig up or disturb the surface of a public road, or
  - c) remove or interfere with a structure, work or tree on a public road, or
  - d) pump water into a public road from any land adjoining the road, or
  - e) connect a road (whether public or private) to a classified road

A strip of land approximately 25m wide running along the southern boundary of the site is mapped as bushfire buffer zone (Figure 6). A Bushfire Hazard Assessment has been completed and is submitted with the development application. The Assessment notes that new residential subdivisions are required to achieve a worst-case Bushfire Attack Level (BAL) of a maximum of BAL-29. The Assessment demonstrates that dwellings on the majority of the proposed lots can achieve BAL-12.5 or below; lots 1, 12 and 17 are mapped as BAL-12.5 to BAL-29.

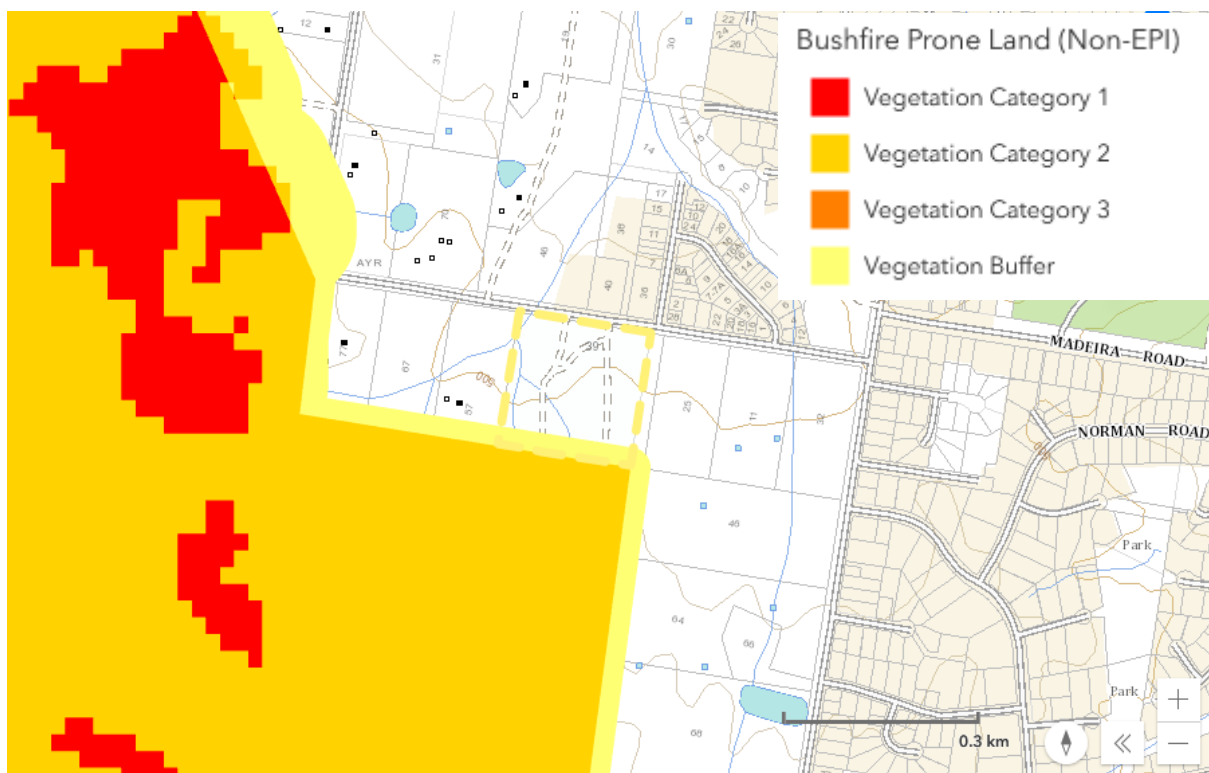


Figure 6: Bushfire Prone Land Map (Source: NSW Planning Portal Spatial Viewer)

## 4.2. Environmental Planning Instruments

### 4.2.1. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 requires that consent must not be granted to the carrying out of any development on land unless Council has considered whether the land is contaminated or requires remediation for the proposed use.

The site has a history of rural use. At the pre-lodgement meeting Council did not indicate that the site is listed as potentially contaminated. It is considered unlikely that the site has experienced any significant contamination and further assessment under the SEPP is not necessary.

### 4.2.2. State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 5 Subdivision 2 of the Transport and Infrastructure SEPP sets controls for development likely to affect an electricity transmission or distribution network. This includes:

*(b) development carried out—*

*(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*

*(ii) immediately adjacent to an electricity substation, or*

*(iii) within 5m of an exposed overhead electricity power line,*

There is no easement on the subject site. Electrical transmission lines (large pylons) travel in a diagonal north-west/south-east direction adjacent to the north-eastern corner of the subject site and then in a north-south direction within the adjacent lots to the east – Lot 7300 DP1142240 and Lot 69 DP756894. From here, timber power poles traverse the subject site diagonally across the south-eastern corner.

The plan of subdivision includes easements D (for overhead powerlines 20m wide) running diagonally across the south-east corner and E (for transmission line variable width) in the north-east corner (Figure 5).

The SEPP also states the following:

*(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—*

*(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*

*(b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

*(3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following—*

- (a) *internal alternations to a building,*
- (b) *a change of use of an existing building,*
- (c) *a change to the hours of operation specified in the development consent,*
- (d) *a subdivision that does not involve construction work.*

The proposed development is subdivision with no construction work and therefore Council is not required to give written notice to the electricity supply authority in the course of assessing the development application.

### 4.2.3. Mid-Western Regional Local Environmental Plan 2012

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of environmental planning instruments including Local Environmental Plans (LEPs). *Mid-Western Regional Local Environmental Plan 2012* (the LEP) applies to the site. A summary of the proposal's compliance with the relevant sections of the LEP is shown in Table 4; a detailed discussion follows.

Table 4: *Mid-Western Regional Local Environmental Plan Compliance Table*

Mid-Western Regional Local Environmental Plan 2014	
Land Zoning	R2 Low Density Residential
Definition of Development	Subdivision
Permissible in the zone?	Yes
Satisfies the zone objectives?	Yes
Satisfies Clause 2.6 Subdivision	Yes – consent requested
Satisfies Clause 4.1 Minimum Lot Size, Clause 4.1A Exceptions to Minimum Lot Size	Yes – minimum 10 ha can be varied to 2,000m <sup>2</sup> if site can be connected to water and sewer Smallest lot: 2,003m <sup>2</sup>
Satisfies Clause 5.10 Heritage Conservation	N/A – no items on site or in vicinity; not within a Heritage Conservation Area
Satisfies Clause 5.21 Flood Planning	N/A – confirmed not flood prone by Council
Satisfies Clause 6.3 Earthworks	Yes
Satisfies Clause 6.4 Groundwater Vulnerability	Yes
Satisfies Clause 6.10 Visually Sensitive Land	N/A – site is outside of mapped area

Under the *Mid-Western Regional Local Environmental Plan 2012* the subject site is zoned **R2 Low Density Residential** (Figure 7). The objectives of the R2 zone are:

*To provide for the housing needs of the community within a low density residential environment.*

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

The proposed development meets the objectives as it will provide for the community's housing needs in a low density environment.

The prescribed development types in the R2 zone are:

<b>2 Permitted without consent</b>	Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems
<b>3 Permitted with consent</b>	Bed and breakfast accommodation; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Garden centres; Group homes; Health consulting rooms; Home industries; Hospitals; Hostels; Information and education facilities; Markets; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Signage; Tank-based aquaculture; Water recycling facilities; Water storage facilities
<b>4 Prohibited</b>	Advertising structures; Attached dwellings; Dual occupancies (detached); Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Semi-detached dwellings; Any other development not specified in item 2 or 3

The site is mapped as having a 10 hectare minimum lot size (Figure 8) and is also identified as Area A under Clause 4.1(3A) of the LEP:

*(3A) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system—*

*(a) land identified as "Area A" on the [Lot Size Map](#) may be subdivided to create lots of at least 2,000 square metres, or*

*(b) land identified as "Area B" on the [Lot Size Map](#) may be subdivided to create lots of at least 4,000 square metres.*

Each lot exceeds the minimum 2,000m<sup>2</sup> and complies with this clause.

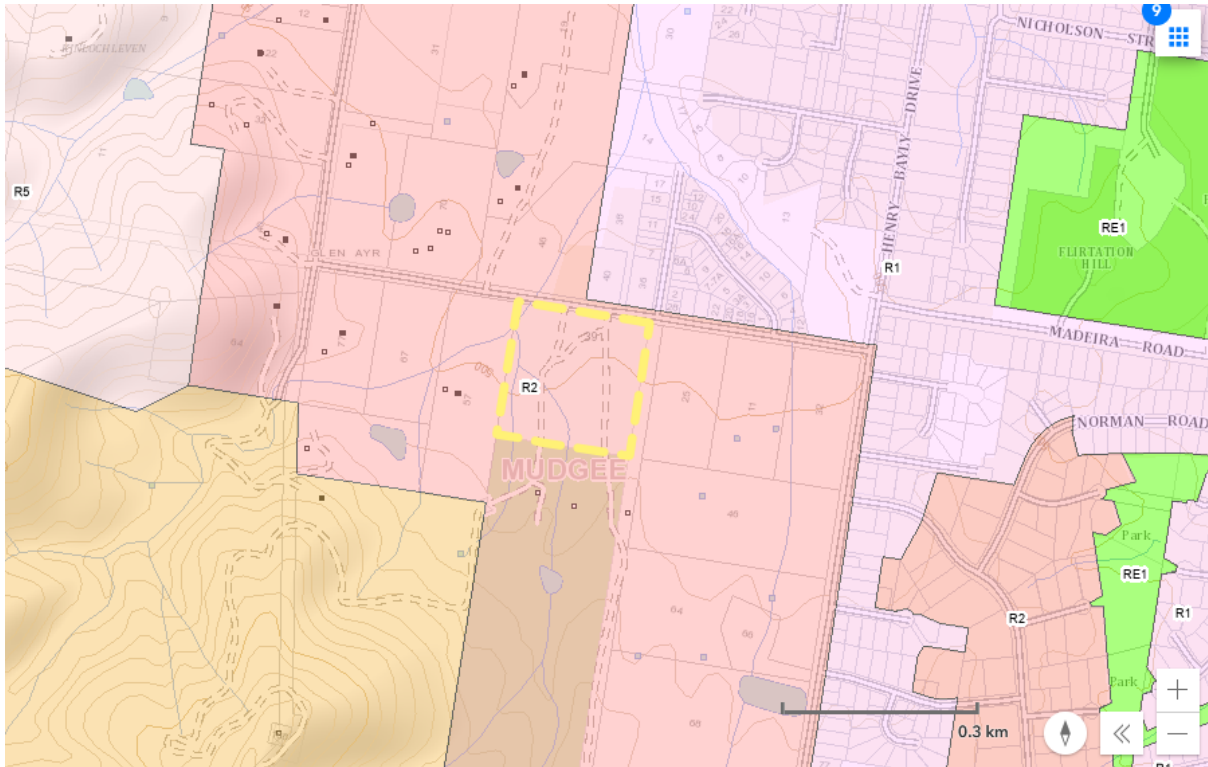


Figure 7: Land Zoning Map (Source: NSW Planning Portal Spatial Viewer)

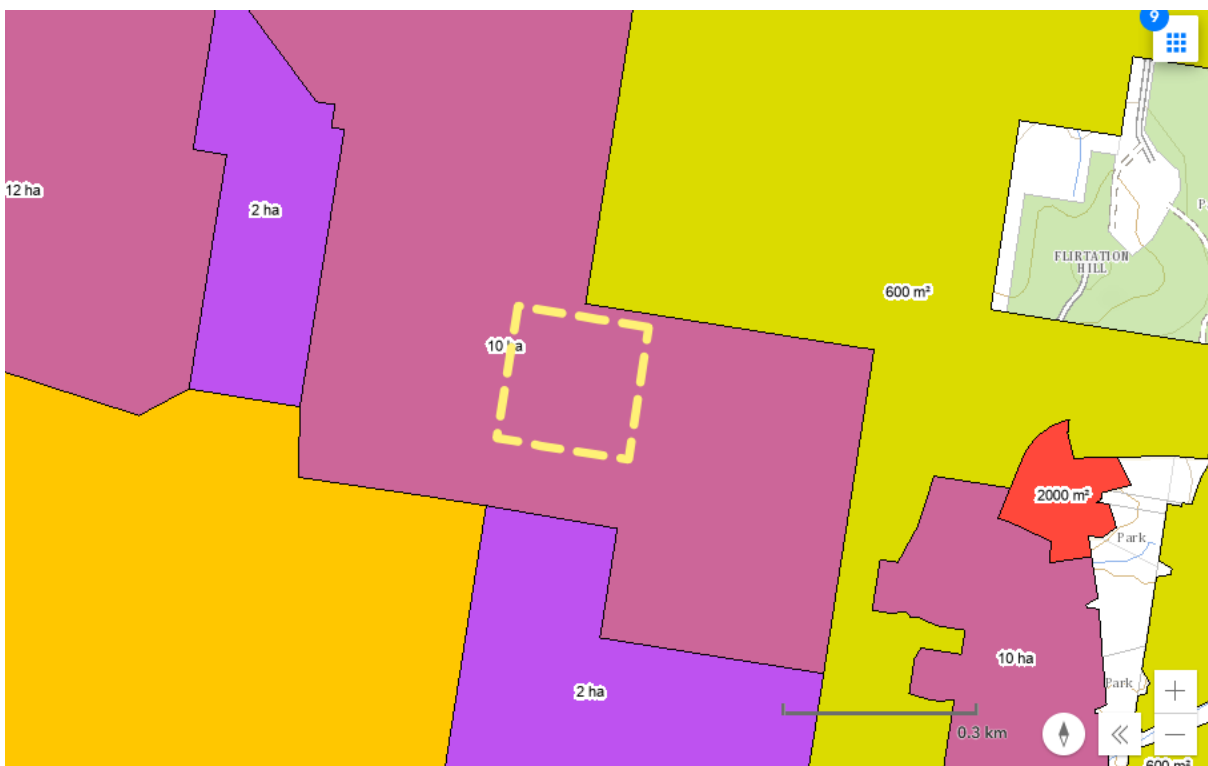


Figure 8: Lot Size Map (Source: NSW Planning Portal Spatial Viewer)

The north-eastern corner of the site is mapped as Groundwater Vulnerable (Figure 9). The LEP states:

*(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—*

*(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*

*(b) any adverse impacts the development may have on groundwater dependent ecosystems,*

*(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*

*(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

*(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*

*(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

*(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposed development is not expected to have any negative impacts on groundwater, either resulting from contamination or extraction.

The subject site is not mapped as Visually Sensitive Land (Figure 10).

The proposed subdivision is consistent with the requirements of *Mid-Western Regional Local Environmental Plan 2012*.

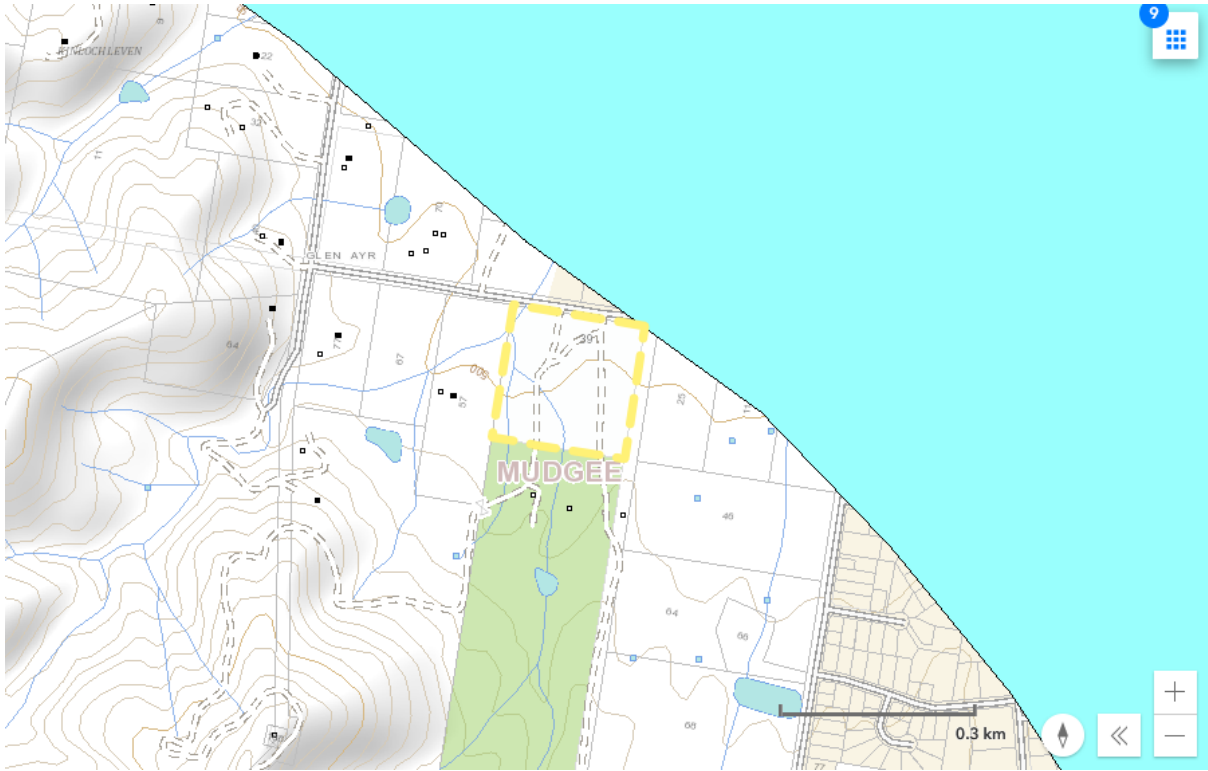


Figure 9: Groundwater Vulnerability Map (Source: NSW Planning Portal Spatial Viewer)

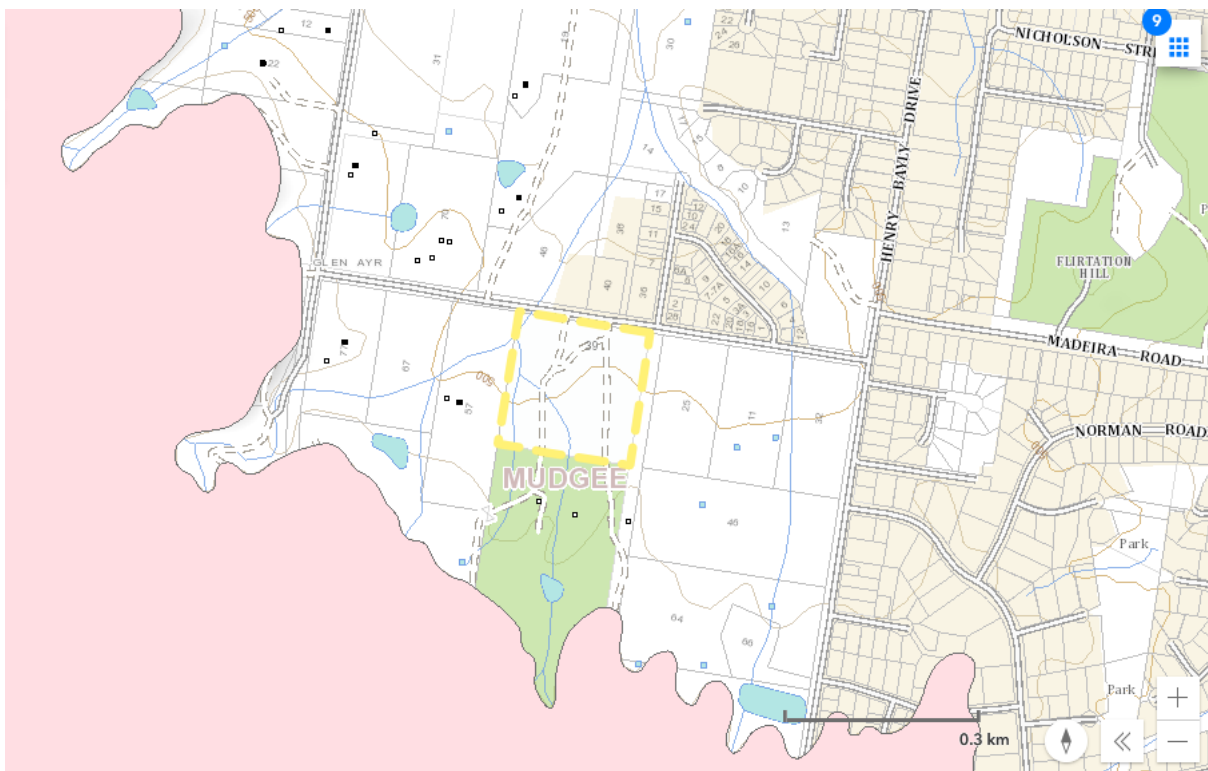


Figure 10: Visually Sensitive Land Map (Source: NSW Planning Portal Spatial Viewer)

## 4.3. Mudgee Development Control Plan 2013

### 4.3.1. DCP Part 5 – Development Standards

Section 5.3 of the DCP sets out standards for stormwater. The DCP requires “all other development” to comply with sections C, D, E and F:

#### C Quality Management During Construction

The engineering plan set includes a Soil Erosion and Sediment Control Plan plus Details sheet.

#### D Quality Management During Operation

The Project Engineer has advised that the Richards Street Regional Detention Basin located approximately 250m to the north of the subject site has sufficient capacity for the proposed development and provides bio-retention capability.

#### E Water Conservation for Non-Residential Development

Not applicable

#### F Salinity Prevention

Not applicable

### 4.3.2. DCP Part 7 – Subdivision

The proposal's compliance with the relevant sections of Part 7 of the Mudgee Development Control Plan 2014 is set out in Table 5.

Table 5: Compliance with Mid-Western Regional DCP Part 7.1 Urban Subdivision

Control	Comment	Compliance
<b>Lot Size</b>		
The minimum lot size is determined by the Mid-Western Regional LEP 2012	Minimum lot size under the LEP is 2,000m <sup>2</sup> . The smallest lot is 2.003m <sup>2</sup> .	Yes
(a) All lots must have street frontage.	All lots have street frontage.	Yes
(b) As slope increases the minimum size of the lots will be required to increase according to the following:- 0-10° 600m <sup>2</sup> 10-15° 700m <sup>2</sup> 15-20° 800m <sup>2</sup> (c) Development will not be permitted on slopes in excess of 20°.	Not applicable.	Yes
All lots must have a minimum width of 16m at the building line (4.5 metres from the front property boundary) in the case of lots within residential and village zones.	The narrowest lot has a width of 22.5m.	Yes
Battleaxe handles in R1 General Residential and R3 Medium Density Residential and RU5 Village zones must have a minimum width of	No battleaxe handles are proposed.	Yes

4m and R2 Low Density residential and R5 large lot residential zones must have a minimum width of 6m		
<b>Lot Design</b>		
(a) For infill developments in established areas, lot orientation should optimise solar access while taking account of the existing pattern and solar orientation of development.	Not applicable	N/A
(b) For subdivisions in new release areas and at the edge of established residential areas, orientation should maximise solar access by providing a north-south orientation within the range of 30° east of north or 20° west of north as the preferred option. Lots orientated east-west should have increased width and the midpoint of each lot with access to a minimum of 3 hours sunlight between 9.00 am and 3.00 pm on 21 June (Winter solstice)	The subdivision is at the edge of an established residential area. Lots 5-8 have a north-south orientation. The remainder of the lots are oriented east-west, which is dictated by the access road. However, the lots are large and have a sufficient width to allow for good solar access.	Yes
(c) Lots should be generally rectangular in shape. Lots on the southern side of the road should provide a greater frontage to allow better solar orientation of the future dwelling.	All lots are rectangular in shape.	Yes
(d) Corner lots should be created of a sufficient area to allow development for the purposes of dual occupancies with the supply of appropriately located independent utility connection points.	No corner lots proposed.	Yes
<b>Street Design and Layout</b>		
(a) A Traffic Impact Statement is to be submitted for any subdivision involving 5 or more allotments and in all cases where the creation of a new road is proposed.	A Traffic Assessment Report has been prepared and is submitted with the Development Application. The report concludes that the road network and closest intersection will both continue to operate at a level of Service A and with no upgrade works required.	Yes
(b) A subdivision layout will need to detail the road hierarchy and how the development integrates with the existing residential area. New roads associated with subdivisions must provide 'through road' connections between surrounding roads and road heads where they exist in the locality.	The subdivision is small and can be serviced by a single new road.	Yes
(c) Where a cul de sac treatment is unavoidable, the applicant will need to incorporate pedestrian linkages between streets throughout the subdivision. Multiple	The road is a single cul de sac; the pedestrian linkages provision does not apply.	N/A

use of cul de sacs and “no through roads” is discouraged.		
(d) The maximum number of lots serviced by a cul de sac in a residential zone is 12, or otherwise a cul-de-sac is restricted to less than 150 metres in length.	Seventeen (17) lots are proposed; of these, five (5) have frontage to Rifle Range Road and twelve (12) are solely serviced by the new cul-de-sac.	Yes
(e) A subdivision involving more than 80 residential lots should be able to accommodate travel without excessive backtracking.	The subdivision is less than 80 lots.	N/A
<b>Road Standards for New Development</b>		
<u>Residential Road</u> Road Reserve 18m Carriageway 9m Nature Strip 2 x 4.5m Footpath 1 x 1.2m Kerbing Roll-over <u>Major Residential Road</u> Road Reserve 20m Carriageway 11m Nature Strip 2 x 4.5m Footpath 1 x 1.2m Kerbing Roll-over Minimum radius of cul-de-sac kerb return is 8.5m with road reserve of 12.5m	The road is a standard residential road; however, the development has been designed to be “future proof” and a 20m wide road has been provided which is consistent with a major residential road (collector road) servicing 120 dwellings. At the pre-lodgement meeting, Council stated the road standards were currently being updated and a cul de sac radius of 10m should be provided. The proposal complies with this requirement.	Yes
<b>Cycle Ways and Footpaths</b>		
(a) Cycle ways and alternative pedestrian networks are encouraged within new subdivisions. Where the site is included in a cycleway plan or pedestrian strategy, the design of the development will need to address this. In other cases, all new residential subdivisions are required to plan and provide combined pedestrian/cycle ways, which will provide direct, convenient and safe access to major facilities e.g. schools, playing fields, playgrounds, shops, bus stops, etc.	The proposed subdivision is not large enough to warrant a cycleway. Footpaths are proposed in accordance with the road standards in the DCP.	Yes
(b) Ends of cul-de-sacs may be required to include pedestrian pathways (or share ways) preferably in conjunction with stormwater drainage to provide access to adjacent streets or parks. The minimum width of pathway and/or drainage overland flow outlets is 10 metres.	Noted.	Yes
(c) The developer will be required to pay council a contribution for the installation of	Noted.	Yes

cycle ways and footpaths prior to the release of a subdivision certificate.		
<b>Open Space</b>		
(a) Subdivision of Greenfield sites where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground or passive open space	The subdivision is less than 20 lots.	N/A
(b) Where on-site detention basins are proposed to double as open space the basin must include a sizeable raised level area which incorporates playground or fitness equipment or the like and shading landscaping to ensure that it can be activated for active and passive recreation.	No on-site detention basins are proposed.	N/A
<b>Landscaping</b>		
A Landscape plan detailing the proposed treatment of the public domain is required to be submitted with the development application. This plan is to include treatment of the nature strip, street furniture, paving materials etc.	A Landscape Plan has been prepared and is submitted with the Development Application. This plan provides two street trees for most lot frontages.	Yes
Land to be dedicated as a public reserve is to be top soiled, levelled and turfed prior to the release of the Subdivision Certificate. The developer will need to maintain this land for a period of two years and therefore the construction of the public reserves at the start of a green field subdivision is encouraged.	Noted.	Yes
<b>Street Trees</b>		
All new lots require the establishment of 2 street trees per lot. The developer is required to pay a levy Council to carry out these works in the future. This is the preferred method for street tree planting as Council can plant these trees after much of the construction work (80% of the lots have been built upon) has taken place. The fee associated with this type of arrangement will be provided in Council's Management Plan.	The Landscape Plan includes two street trees per lot. The developer is aware of the need to pay this levy.	Yes
<b>Utility Services</b>		
A servicing plan shall be submitted with the development application and include the provisions of underground electricity, reticulated sewer and water services, drainage and telecommunications to the development. Evidence of consultation with the relevant authorities is to be submitted with the development application.	Servicing plans (water, sewer, stormwater) are included with the Development Application.	Yes
<b>Drainage</b>		
Refer to section 5.3 Stormwater & Drainage	Complies	Yes

## 4.4. Other Statutory Considerations

### 4.4.1. Biodiversity Conservation Act 2016

The site is not identified on the Biodiversity Values Map (BVM) as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017. The site is not likely to have a significant impact on threatened ecological communities, species, or their habitats.

The development will not exceed the extent of native vegetation clearing identified in the BC Act as summarised in the table below. For developments that exceed the threshold the Biodiversity Assessment Method and Biodiversity Offsets Scheme apply.

Minimum lot size associated with the property	Threshold for clearing
Less than 1 ha	0.25 ha or more
1 ha and less than 40 ha	0.5 ha or more
40 ha and less than 1000 ha	1 ha or more
10000 ha or greater	2 ha or more

The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the *Biodiversity Conservation Act 2016*.

### 4.4.2. National Parks and Wildlife Act 1974

One of the objects of the National Parks and Wildlife Act (NPW Act) 1974 is “the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to— (i) places, objects and features of significance to Aboriginal people”.

At a pre-lodgement meeting with Mid-Western Regional Council on 20 February 2024 it was noted that there is an Aboriginal Cultural Heritage site within 300m of the subject land and a Cultural Heritage Survey would therefore be required. An Aboriginal Cultural Heritage Assessment (ACHA) was carried out by Mudgee Aboriginal Land Council. A walkover of the site was conducted and 3 Aboriginal Cultural Heritage sites were identified – two within the study area and one in the north-east corner which falls within the adjacent Lot 7300 DP1142240.

The ACHA states:

*Based on the current proposed subdivision plans, the Aboriginal sites will not be impacted by the subdivision development. We recommend that as a precaution these areas be taped off as no go zones during any on-ground works as part of this development to avoid any impacts. Future development on individual lots may impact upon these sites in the future. If this cannot be avoided it will be necessary for the developer to apply for an Aboriginal Heritage Impact Permit.*

The applicant is prepared to be guided by Council policy with regard to any conditions of consent such as easements or building envelopes, or alternatively may apply for an AHIP.

## 4.5. Likely Impacts of Development

### 4.5.1. Impacts on the Natural Environment

The subject site is located on the edge of the town of Mudgee; similar greenfield subdivisions have been approved and constructed in the vicinity in recent years. The proposed development is a residential subdivision in a residential zone and complies with the minimum lot size; it therefore is consistent with the local context.

The site is not mapped as having biodiversity values.

### 4.5.2. Impacts on the Built Environment

In order to create an orderly arrangement of lots it is proposed to realign the existing easement that runs through the property. The party benefitted by the easement, BAI Communications Pty Ltd, has provided correspondence agreeing to a realignment of the easement subject to being able to use the new road and the addition of an easement on proposed Lot 12 allowing connection into the existing easement on the property to the south.

Utilities are available to the site. The site owners have had lengthy negotiations with Council regarding water and sewer infrastructure. This correspondence will be included in the DA package. In summary:

*The information available currently is that a DN250 distribution main will be required to be designed and constructed from approximately the corner of Henry Bayly Dr to extend past the western boundary of 39 Rifle Range Road (connecting into existing water supply infrastructure as a temporary measure if preceding other connecting distribution infrastructure proposed to be scheduled over the next approximate 2 year period) to facilitate servicing your proposed development without negative impact to existing development in the area . This length is approximately 500m. Council may consider the distribution main (with exception of the temporary connection works) to be distribution works in kind as defined by Council's Water Supply Development Servicing Plan.*

As noted in section 4.1.1 above, electricity transmission lines run adjacent to the eastern boundary and traverse the south-eastern corner of the site. An easement 20m wide is proposed for the transmission lines, with another easement in the north-eastern corner of the site.

A Traffic Assessment Report has been prepared and is submitted with the Development Application.

### 4.5.3. Social Impacts

The proposed development is expected to have a positive social impact insofar as it will create additional housing lots in a town with high demand for housing, allowing people to live closer to their place of work.

### 4.5.4. Economic Impacts

The proposed subdivision will have a positive economic impact in the locality by creating seventeen new housing lots which will in turn necessitate the construction of at least seventeen dwellings. These dwellings are necessary in order to house the incoming influx of workers to Mudgee (see section 2.1 above).

## **4.6. Suitability of the Site for the Development**

### **4.6.1. Does the Proposal Fit in the Locality?**

The proposed development is a greenfield subdivision on the edge of the town of Mudgee, adjacent to other approved greenfield subdivisions. There are no constraints posed by adjacent sites. The development will not lead to unmanageable transport demands. There are adequate recreational opportunities in the local area. Utilities and services are available to the site.

### **4.6.2. Are the Site Attributes Conducive to Development?**

The site is not subject to flooding, subsidence or landslip or soil instability. The site does not have acid sulfate soils and the site has no items of European heritage.

A strip of land approximately 25m wide running along the southern boundary of the site is mapped as bushfire buffer zone. As described in section 4.1 above, a Bushfire Hazard Assessment has been prepared to accompany the Development Application.

As mentioned above, two Aboriginal Heritage sites were identified as part of the ACHA; the applicant is prepared to be guided by Council policy with regard to any conditions of consent such as easements or building envelopes, or alternatively may apply for an AHIP.

The site is not mapped as having biodiversity values and does not contain any critical habitats or threatened species, populations, ecological communities and habitats.

The site is not prime agricultural land and the proposed development will not prejudice the future use of the site for mineral and extractive resources.

## **4.7. Submissions Made in Accordance with this Act or the Regulations**

It is expected that Council will notify neighbours and/or exhibit the Development Application. Should any submissions made, they will be addressed in due course.

## **4.8. The Public Interest**

It is considered that the development is in the public interest as it is an economic use of land that will increase the number of lots in this high amenity area, and is a conservative proposal that does not seek to overdevelop the site.

## 5.0 CONCLUSION

The proposed development is a much-needed subdivision in a town with huge demand for housing. The proposal complies with the LEP and DCP, and can be serviced in line with Council plans as per the ongoing conversations with Council as referenced above. The proposal will allow for large housing lots with good levels of amenity and will have a positive outcome for Mudgee.

Accordingly, Council's favourable consideration of the proposed development is requested.

## **APPENDIX A**

### **SITE PHOTOS**



*Figure 11: Looking South West from the North East Corner of the Site*



*Figure 12: Driveway Entrance to the Subject site*



*Figure 13: Looking South East from the Driveway*



*Figure 14: Vegetation Adjacent to the Driveway*



*Figure 15: Drainage Culvert in North West Corner of Site*



*Figure 16: Looking East Along Rifle Range Road*



*Figure 17: Looking West Along Rifle Range Road*



*Figure 18: Adjacent Site to the East - Subdivision Underway*



*Figure 19: Adjacent Site to West*



*Figure 20: New Dwellings to the North on Rifle Range Road*



*Figure 21: Dwelling to North (36 Rifle Range Road)*



*Figure 22: Dwelling to North (40 Rifle Range Road)*



*Figure 23: Dwelling to North (46 Rifle Range Road)*



*Figure 24: Rifle Range Buildings on the Adjacent Site to the South*



*Figure 25: Rifle Range Toilet Block on Adjacent Site to the South*



*Figure 26: Rifle Range Structures on the Adjacent Site to the South*



*Figure 27: Rifle Range Building on the Adjacent Site to the South*

## **APPENDIX B**

### **AHIMS SEARCHES**

Octagon Planning

PO Box 428

Maitland New South Wales 2320

Attention: Nicola Neil

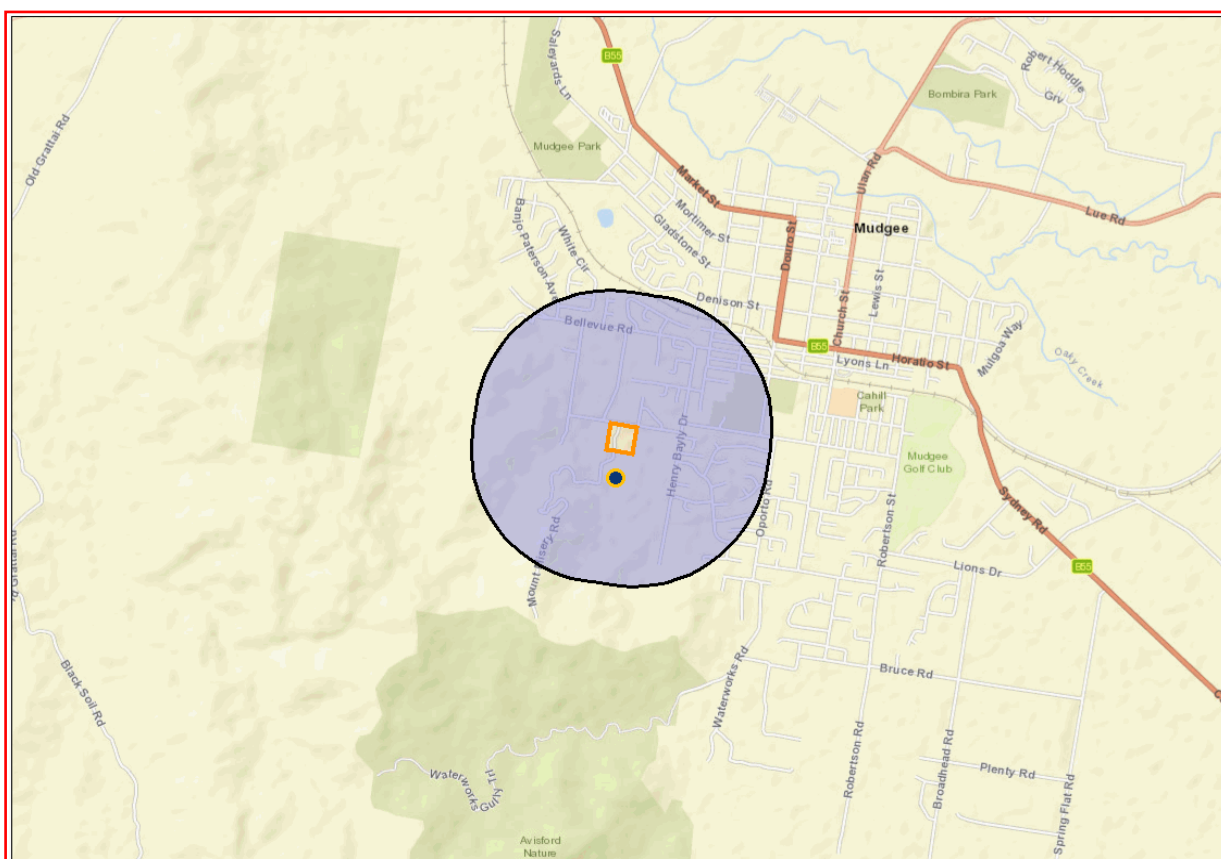
Email: nicola@octagonplanning.com.au

Date: 21 February 2024

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 68, DP:DP735127, Section : - with a Buffer of 1000 meters, conducted by Nicola Neil on 21 February 2024.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Octagon Planning

PO Box 428

Maitland New South Wales 2320

Attention: Nicola Neil

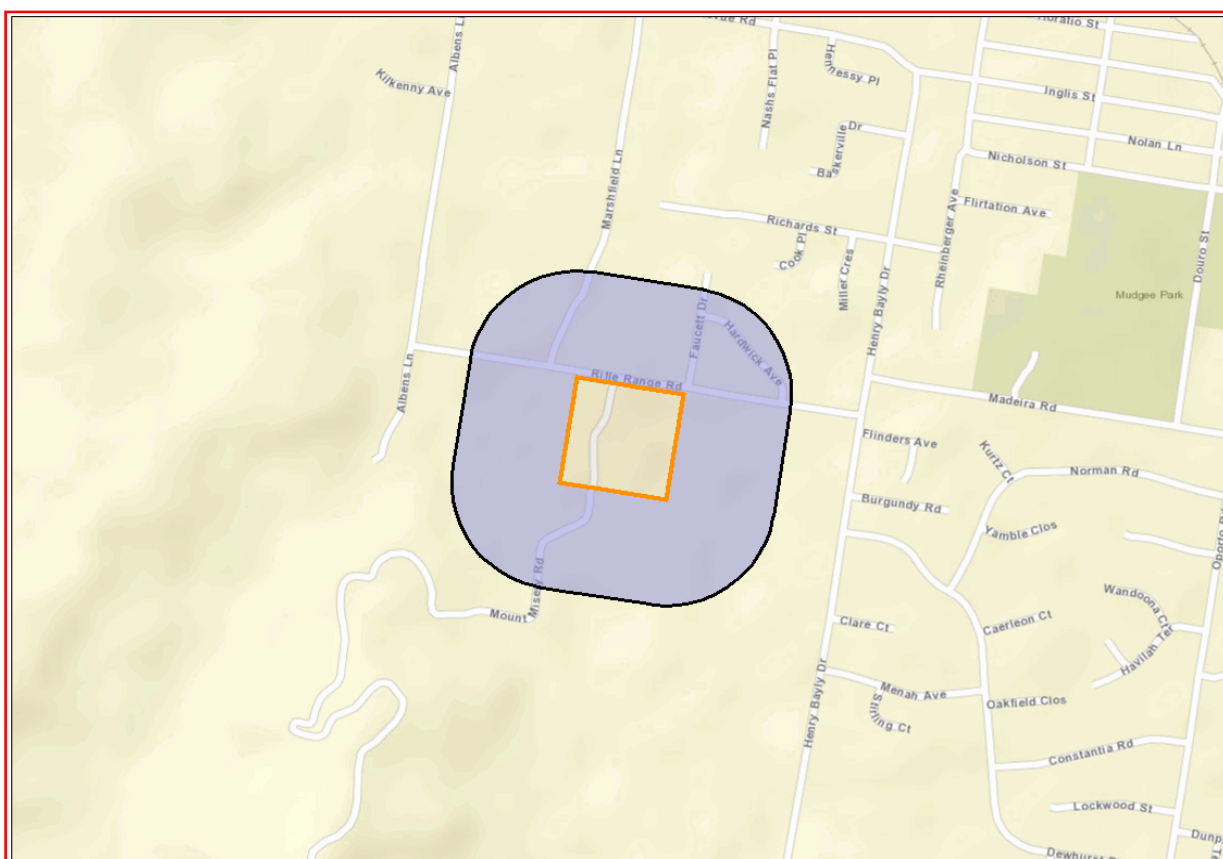
Email: nicola@octagonplanning.com.au

Date: 21 February 2024

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 68, DP:DP735127, Section : - with a Buffer of 200 meters, conducted by Nicola Neil on 21 February 2024.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

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- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Octagon Planning

Date: 07 March 2024

PO Box 428

Maitland New South Wales 2320

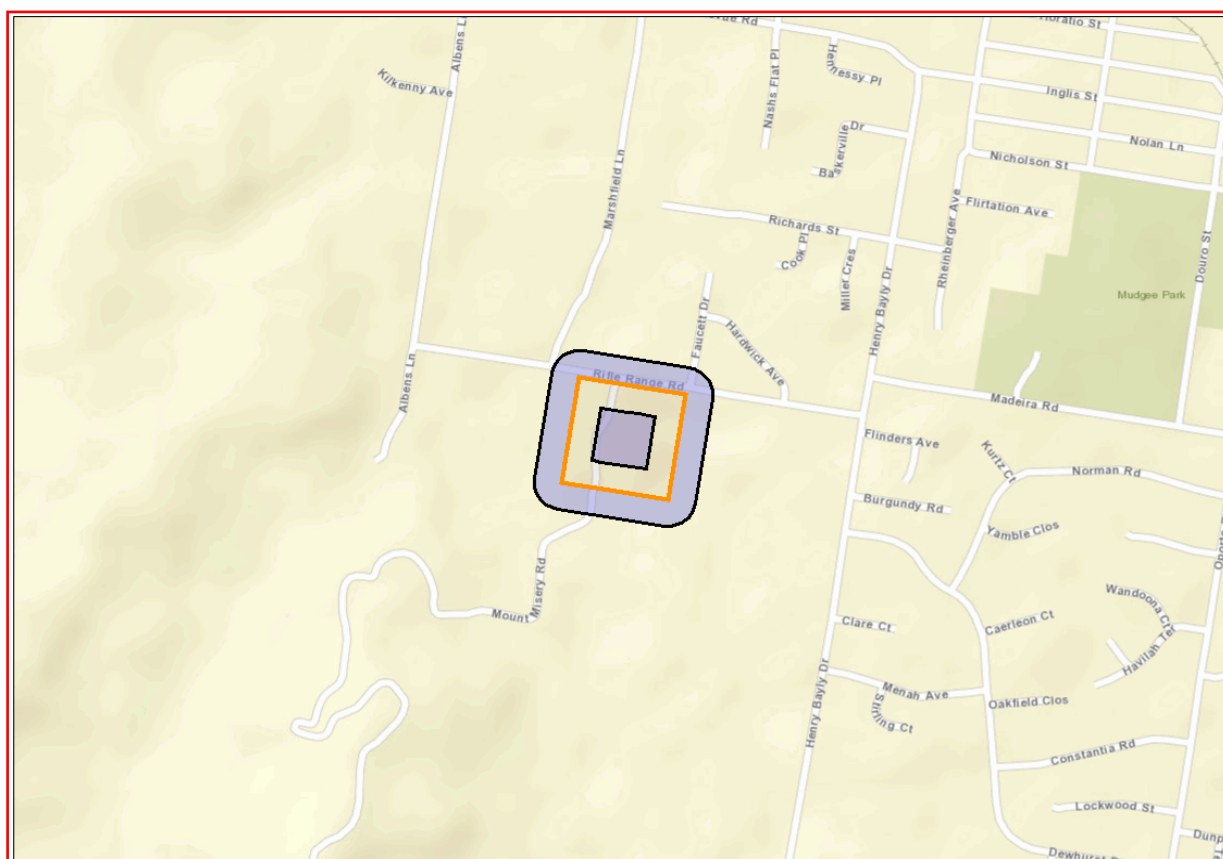
Attention: Nicola Neil

Email: nicola@octagonplanning.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 68, DP:DP735127, Section : - with a Buffer of 50 meters, conducted by Nicola Neil on 07 March 2024.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.