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(ED) A0420258

22 November 2013

Mr A Albury
Director Western Region
Department of Planning & Infrastructure
PO Box 58
DUBBO NSW 2830

Dear Ashley,

Re: Planning Proposal – 220 Ulan Road Alternate Minimum Lot Size

On 20 November 2013 Council resolved to prepare a Planning Proposal for gateway determination for the preparation of an LEP to amend the lot size map as it relates to Lot 1 DP 1000182 220 Ulan Road Mudgee. Please note that this matter was first reported to Council in May 2013, however, no decision was made at that time. A rescission motion was put to the meeting on 20 November and the Council have made a decision to support the recommendation.

To enable the proposal to proceed please find enclosed:

- Council Report and Minute from November 2013
- Request for initial Gateway Determinations sign by the General Manager
- A copy of the Planning Proposal

Council would also like the department to assist with the preparation of the mapping associated with the amendments.

Should you require further information please contact me on 0263 782850.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Liz Densley", is written over the typed name.

LIZ DENSLEY
MANAGER STRATEGIC PLANNING

Request for Initial Gateway Determination

Relevant Planning Authority Details

Mid-Western Regional Council

Contact Person: Liz Densley

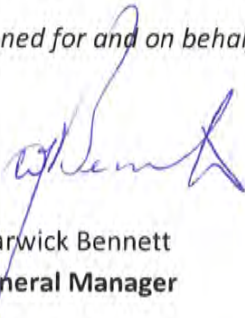
0263 782723 elizabeth.densley@midwestern.nsw.gov.au

Planning Proposal Details

Complete Planning Proposal attached

220 Ulan Road Alternate Minimum Lot Size

Signed for and on behalf of the Relevant Planning Authority:



Warwick Bennett
General Manager

construction, encompassing the following stages of construction:

- a) Installation of vehicle accesses
- b) Construction of basic right (BAR) turn treatment
- c) Construction of basic left (BAL) turn treatment
- d) Practical Completion

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

20 Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
- b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

6.2.3 PLANNING PROPOSAL – 220 ULAN ROAD MUDGEES

A0100056, A0420258

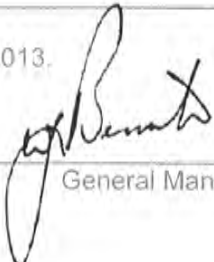
Councillor Kennedy declared a pecuniary conflict of interest in that he is owner of the subject land, vacated the Chair and left the meeting at 5.45pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Webb assumed the Chair.

MOTION: Walker/Cavilier

That:

1. the report by the Manager Strategic Planning on the Planning Proposal – 220 Ulan Road Mudgee be received;
2. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for residential development;


Mayor


General Manager

3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;
4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

AMENDMENT: White/Martens

That consideration of this matter be deferred to permit preparation of a more detailed report including a study into the impact on adjoining land.

The amendment was put and lost with Councillors voting as follows:

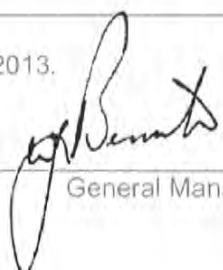
Councillors	Ayes	Nayes
Cr Cavalier		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb		✓
Cr White	✓	

The motion was put and lost on the casting vote of the Chairperson with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓

Councillor Kennedy returned to the meeting at 5.58 pm and resumed the Chair.


Mayor


General Manager

Planning Proposal – Ulan Road

RESCISSION MOTION TO 20 NOVEMBER 2013 COUNCIL MEETING

Planning proposal Ulan Road

GOV400029, GOV400022

We, the undersigned Councillors, give notice of our intention that the resolution of the Council Meeting on 1 May 2013 in relation to the Planning Proposal at 220 Ulan Road:

MOTION: Walker/Cavalier

That:

1. the report by the Manager Strategic Planning on the Planning Proposal – 220 Ulan Road Mudgee be received;
2. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for residential development;
3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;
4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

AMENDMENT: White/Martens

That consideration of this matter be deferred to permit preparation of a more detailed report including a study into the impact on adjoining land.

The amendment was put and lost.

The motion was put and lost on the casting vote of the Chairperson.

be and is hereby rescinded.

COUNCILLOR MAX WALKER

SIGNATURE

COUNCILLOR PAUL CAVALIER

SIGNATURE

COUNCILLOR JOHN WEATHERLEY

SIGNATURE

COUNCILLOR PETER SHELLEY

SIGNATURE



In the event that this Rescission Motion is carried, we propose to move the following motion:

That:

- 2. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for low density residential development with a minimum lot size of 2000m2;**
- 3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;**
- 4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.**

Background

Please find attached the report of the Manager, Strategic Planning on the Planning Proposal at 220 Ulan Road (Attachment 1). This report supplies all the background information required.

General Manager's comment

For completeness and information of the community, the owner of this property is Councillor Des Kennedy. The attached report makes comment that it's Mr Des Kennedy and they should be referred to as one and the same.

11 November 2013

1.1.1 Planning Proposal – 220 Ulan Road Mudgee

REPORT BY THE MANAGER STRATEGIC PLANNING TO 1 MAY 2013 COUNCIL MEETING
 ATTACH 1 Planning Proposal 220 Ulan Road Mudgee
 A0100056, A0420258

RECOMMENDATION

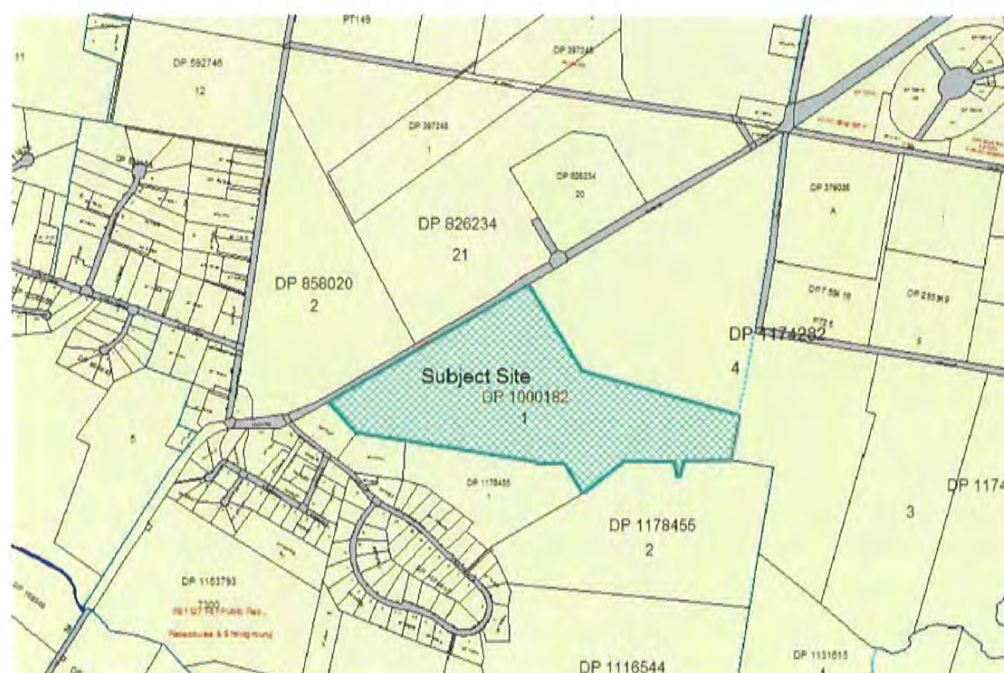
That:

1. **the report by the Manager Strategic Planning on the Planning Proposal – 220 Ulan Road Mudgee be received;**
2. **Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for residential development;**
3. **the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;**
4. **a further report be presented to Council upon the completion of the exhibition addressing any submissions.**

Executive summary

The purpose of this report is to resolve to prepare an amending LEP for land at 220 Ulan Road Mudgee being Lot 1 DP 1000182 (refer Figure 1 below). The Planning Proposal (PP) has been prepared by Minespex on behalf of Mr Des Kennedy to amend the Mid-Western Regional Local Environmental Plan 2012 (LEP 1012) Lot Size Map to facilitate subdivision to a minimum of 2000m².

Figure 1 Subject Site

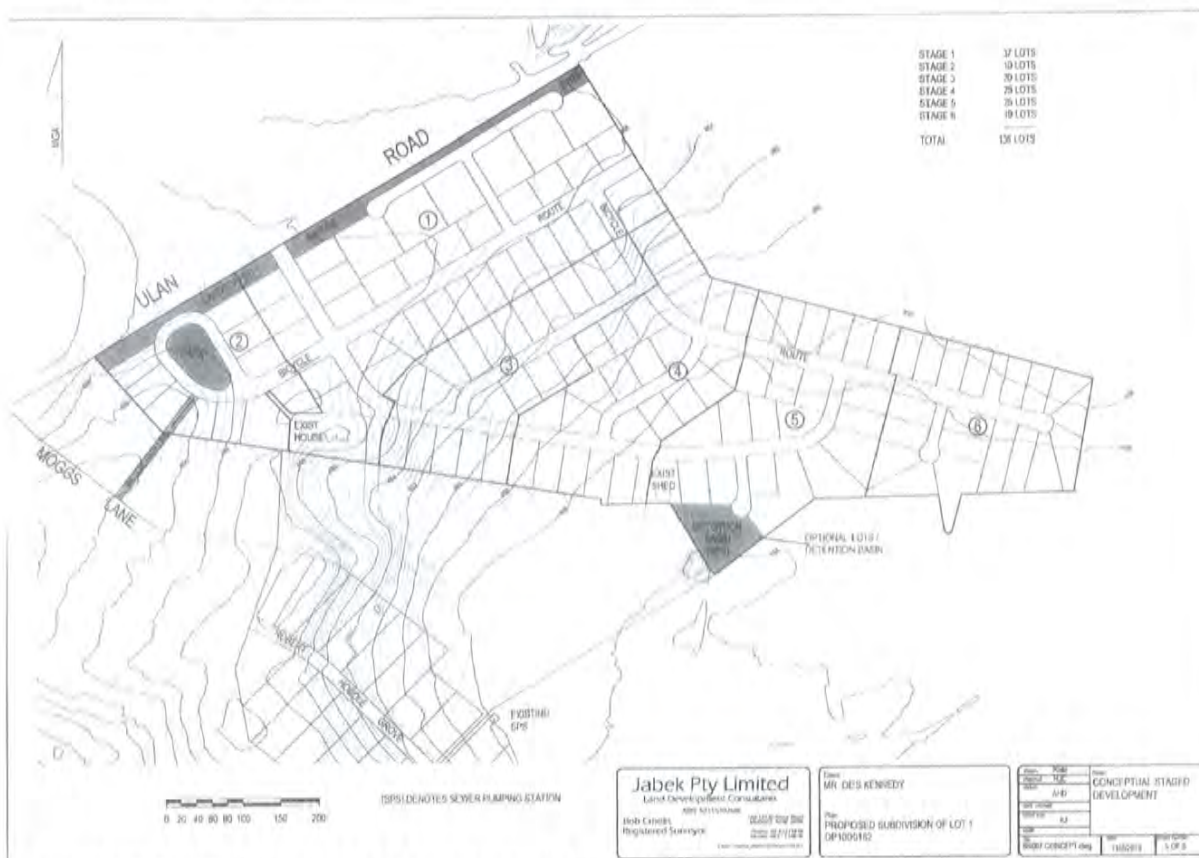


Detailed report

Council adopted a Comprehensive Land Use Strategy (CLUS) which was endorsed by the Department of Planning and Infrastructure in August 2011. The CLUS acknowledged the site as having potential for future large lot residential development and was subsequently zone R2 Low Density Residential in the LEP 2012.

Unprecedented growth in the resources sector, in particular mining, has placed enormous pressure on the local housing market to a point where demand for vacant residential land is outstripping supply. A Local Services Assessment commissioned by the state government reports that the region could see the population increase to 33,100 by 2030 and result in a lot deficiency of 1200 in 2021 and 3896 in 2030. While this is the high growth scenario, there is no doubt that there will continue to be pressure on the property market above historic growth rates. This issue has been address to some extent by Planning Proposals for the Caerleon precinct (set to deliver around 1000 residential lots of various sizes), Saleyards Lane Planning Proposal (350-400 lots to 600m²) and Bellevue Road (35 lots to 600m²).

The Planning Proposal before Council has been prepared for Lot 1 DP 1000182 and will increase the residential yield of the site by 64 lots to 136 lots. The concept plan (below) includes a range of lot sizes from 6000m² to 2000m² and includes opportunities for connectivity with adjoining land. The proposal fronts Ulan Road, however access is limited to a single point and a lot configuration that ensure that development of the site can be undertaken having regard to the visual impact of on Ulan Road. The development is proposed to be completed in 6 stages of between 19 and 36 lots (indicative).



The proposal includes:

- A concept plan a lot layout (above)
- An area for a detention basin and SPT for stages 4-6
- Open space
- Pedestrian/cycle link to Moggs Lane
- Connectivity through the site to accommodate orderly development of adjoining zoned land.

At this stage the lot layout is indicative only and any future development of the site would be subject to a development application for subdivision.

Servicing

Water and sewer are available and the site can be connected to the town water and sewer reticulation systems. As indicated above, stages 4-6 will require the installation of a sewerage pump station.

Reticulated water is available through the existing water reticulation system for both this site and the potential for another 170 on adjoining land in the future but not within the current levels of service adopted by Council without augmentation of the existing supply system. The options available for water supply will need to be negotiated with the proponent at the development application stage and may result in a reduction of pressure for existing dwellings.

Provisions

The intended outcome of the planning proposal is to enable residential development across the precinct. The amendment to the LEP will be an amendment to the Minimum Lot Size Map to reflect a minimum lot size of 2000m².

The detailed Planning Proposal to be submitted for Gateway Determination is Attachment 1.

Financial implications

Not applicable.

Strategic or policy implications

The planning proposal will reinforce the direction of growth as set through the Comprehensive Land Use Strategy and provide certainty in terms of the ongoing supply of residential land in the short term.

ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

15 April 2013

Attachments: 1. Planning Proposal (following at the end of the Business Paper)

APPROVED FOR SUBMISSION:



BRAD CAM
ACTING GENERAL MANAGER

6.2.3 Planning Proposal – 220 Ulan Road Mudgee

REPORT BY THE MANAGER STRATEGIC PLANNING TO 1 MAY 2013 COUNCIL MEETING
Planning Proposal 220 Ulan Road Mudgee
A0100056, A0420258

RECOMMENDATION

That:

1. the report by the Manager Strategic Planning on the Planning Proposal – 220 Ulan Road Mudgee be received;
2. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for residential development;
3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;
4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

Executive summary

The purpose of this report is to resolve to prepare an amending LEP for land at 220 Ulan Road Mudgee being Lot 1 DP 1000182 (refer Figure 1 below). The Planning Proposal (PP) has been prepared by Minespex on behalf of Mr Des Kennedy to amend the Mid-Western Regional Local Environmental Plan 2012 (LEP 1012) Lot Size Map to facilitate subdivision to a minimum of 2000m².

Figure 1 Subject Site



Detailed report

Council adopted a Comprehensive Land Use Strategy (CLUS) which was endorsed by the Department of Planning and Infrastructure in August 2011. The CLUS acknowledged the site as having potential for future large lot residential development and was subsequently zone R2 Low Density Residential in the LEP 2012.

Unprecedented growth in the resources sector, in particular mining, has placed enormous pressure on the local housing market to a point where demand for vacant residential land is outstripping supply. A Local Services Assessment commissioned by the state government reports that the region could see the population increase to 33,100 by 2030 and result in a lot deficiency of 1200 in 2021 and 3896 in 2030. While this is the high growth scenario, there is no doubt that there will continue to be pressure on the property market above historic growth rates. This issue has been address to some extent by Planning Proposals for the Caerleon precinct (set to deliver around 1000 residential lots of various sizes), Saleyards Lane Planning Proposal (350-400 lots to 600m2) and Bellevue Road (35 lots to 600m2).

The Planning Proposal before Council has been prepared for Lot 1 DP 1000182 and will increase the residential yield of the site by 64 lots to 136 lots. The concept plan (below) includes a range of lot sizes from 6000m2 to 2000m2 and includes opportunities for connectivity with adjoining land. The proposal fronts Ulan Road, however access is limited to a single point and a lot configuration that ensure that development of the site can be undertaken having regard to the visual impact of on Ulan Road. The development is proposed to be completed in 6 stages of between 19 and 36 lots (indicative).



The land is currently zoned R2 Low Density Residential with a minimum lot size of 4000m². The PP does not propose to amend the zone, rather reduce the minimum subdivision size from 4000m² to 2000m².

The proposal includes:

- A concept plan a lot layout (above)
- An area for a detention basin and SPT for stages 4-6
- Open space
- Pedestrian/cycle link to Moggs Lane
- Connectivity through the site to accommodate orderly development of adjoining zoned land.

At this stage the lot layout is indicative only and any future development of the site would be subject to a development application for subdivision.

Servicing

Water and sewer are available and the site can be connected to the town water and sewer reticulation systems. As indicated above, stages 4-6 will require the installation of a sewerage pump station.

Reticulated water is available through the existing water reticulation system for both this site and the potential for another 170 on adjoining land in the future but not within the current levels of service adopted by Council without augmentation of the existing supply system. The options available for water supply will need to be negotiated with the proponent at the development application stage and may result in a reduction of pressure for existing dwellings.

Provisions

The intended outcome of the planning proposal is to enable residential development across the precinct. The amendment to the LEP will be an amendment to the Minimum Lot Size Map to reflect a minimum lot size of 2000m².

The detailed Planning Proposal to be submitted for Gateway Determination is Attachment 1.

Financial implications

Not applicable.

Strategic or policy implications

The planning proposal will reinforce the direction of growth as set through the Comprehensive Land Use Strategy and provide certainty in terms of the ongoing supply of residential land in the short term.

ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

15 April 2013

Attachments: 1. Planning Proposal (following at the end of the Business Paper)

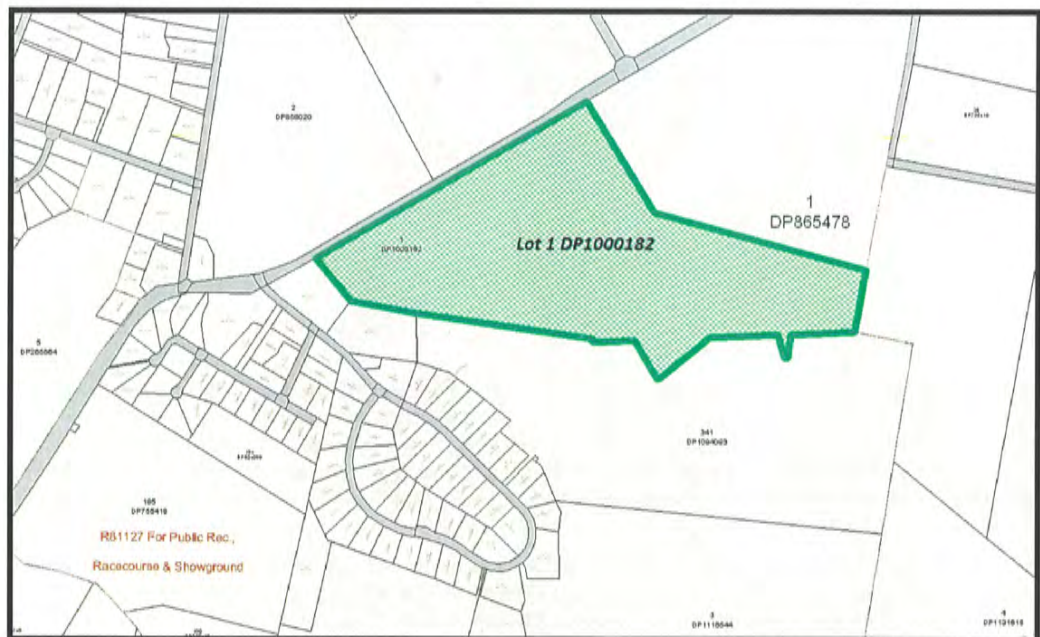
APPROVED FOR SUBMISSION:



BRAD CAM
ACTING GENERAL MANAGER

☒ SCANNED
☒ REGISTERED

(Change from 'Area B' on the Lot Size Map to 'Area A' enabling 2000m² min lot size)





PO BOX 604, MUDGEE NSW 2850

DISCLAIMER

The contents and information provided within this report have been created using data and information provided by or on behalf of the client and Minespex. Minespex accepts no liability for the accuracy or completeness of the data and information provided to it by, or obtained by it, from any third parties, even if that data has been incorporated into or relied upon for generating this report. This report has been produced by Minespex using information that is available to the client as at the date stated within this report and cannot be relied upon in any way if situation at the subject site changes. Minespex is under no obligation to update the information contained within the report at any time.

This report has been prepared in behalf of an for the exclusive use of the Minespex client, and is subject to and issued in connection with the provisions of the agreement between Minespex and its client. Minespex accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report by any third party.

ISSUE AND AMENDMENT CONTROL HISTORY

ISSUE	REVISION	DATE	DESCRIPTION	AUTHOR	QA/QC
1	0	FEB 13	DRAFT FOR CLIENT	EY	DK
2	1	MAR 13	FINAL	EY	

EXECUTIVE SUMMARY

Minespex was commissioned on behalf of Mr Des Kennedy to prepare a Planning Proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* to accommodate the future residential subdivision of land with a min lot size of 2000m². This report describes the proposed rezoning, objectives and outcomes, explanation of provisions and justification for the planning proposal.

The planning proposal intends to:

- Amend the corresponding lot size maps for an existing parcel zoned R2 Low Density Residential to reduce the minimum lot size to 2000m².
- Allow for a variety of lot sizes, ranging from 2000m² to 4000m² across the subject site in order to provide integration and transition to existing developed areas as demonstrated in a concept plan.
- Support the Comprehensive Land Use Strategy's intention to provide a limit to the urban footprint of Mudgee utilising existing residential zoned land, simultaneously providing opportunity to maximise the lot yield from existing zoned land that is able to be serviced.
- Co-ordinate a supply of land to accommodate population growth in the LGA in accordance with the Mudgee Town Structure Plan.

The proposed Mid-Western Regional Local Environmental Plan 2012 amendment is intended to facilitate the development of residential land, addressing the regions' growth in a location that is zoned residential and can be readily serviced to facilitate a greater lot yield. The planning proposal has included concept plans to highlight the feasibility of future residential development and integration with existing road layouts, drainage, services and existing development.

Based on the Local Services Assessment report, the Mid-Western Region will need more than 5000 new lots by 2021 to cope with predicted population growth, representing a significant lot deficiency in the existing zoned land. The change from min 4000m² to min 2000m² is a step towards addressing the housing shortage in the region and catering for a wider cross-section of people in north Mudgee. Prior to development of the land, rezoning and lengthy constraints assessment is not required. This makes the site ideal for MWRC to achieve increased lot yields with the Mudgee Town Structure Plan, utilising existing serviceable residential zoned land.

The Planning Proposal includes available area for a recreational (playground) site within the subdivision with frontage to Ulan Road visually softened and buffered with a landscaping strip. This will maintain aesthetics of the locality, and improve accessibility to passive recreational areas within vicinity to other nearby developed residential sites, as well as the subject land.

The planning proposal can be supported by MWRC with consideration of the issues addressed in this report.

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TABLE OF CONTENTS

INTRODUCTION.....	1
Purpose and objectives of this Planning Report	1
Site Identification	1
Background	1
SITE DESCRIPTION.....	4
Site Location.....	4
Current Zoning	5
PART 1 - Objectives and intended outcomes of the proposal.....	14
Statement of Intended outcomes.....	14
Policy Context	14
Details of the proposed activity to be carried out – Concept Plan.....	15
PART 2 - Explanation of Provisions	19
PART 3 - Justification	20
SECTION A - Need for the Planning Proposal.....	20
SECTION B - Relationship to the strategic planning framework	27
SECTION C - Environmental, Social and Economic Impact.....	33
SECTION D - State and Commonwealth interests.....	35
PART 4 - Details of the community Consultation that is to be undertaken on the planning proposal.....	36
CONCLUSION	36
APPENDIX A – Aboriginal Cultural Heritage Assessment	
APPENDIX B – AHIMS Search	
APPENDIX C- Traffic Analysis	
APPENDIX D – Concept Plans	
APPENDIX E – Proposed Changes to Lot Size Map Under Mid-Western Regional Local Environmental Plan 2012	

ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
CLUS	Mid-Western Regional Comprehensive Land Use Strategy
DoP	Department of Planning
DP	Deposited Plan
DP&I	Department of Planning and Infrastructure
EDS	Economic Development Strategy
EP&A Act	Environmental Planning and Assessment Act 1979
LGA	Local Government Area
MWRLEP	Mid-Western Regional Local Environmental Plan 2012
RFS	Rural Fire Service
PBP	Planning For Bushfire Protection 2006
SEPP	State Environmental Planning Policy

INTRODUCTION

PURPOSE AND OBJECTIVES OF THIS PLANNING REPORT

This planning proposal describes the intended effect and justification for a proposed amendment to *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) for a site specific amendment to the Lot Size Map. The amendment is proposed to accommodate future residential development in accordance with the concept provided, which facilitates lots with a minimum lot size of 2000m².

This planning proposal has been prepared in accordance with Section 55 of the (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) and the following Department of Planning (DoP) guidelines:

- *A guide to preparing planning proposals* (July 2009)
- *A guide to preparing local environmental plans* (July 2009).

SITE IDENTIFICATION

The site is located on the Ulan Road entrance to Mudgee Township within the Mid-Western Regional Local Government Area (LGA). The subject land which is approximately 40ha in area is irregular in shape and located about 3km north-east of Mudgee's town centre.

Legal Description:

Lot 1 DP 1000182 220 Ulan Road Mudgee NSW Parish of Bomberra Locality of Bombira.

The lot is currently owned by Mr Des Kennedy and Mrs Carol Kennedy. The land is located to the north of Mudgee at the fringe of the existing residential land use in an area where developed large lot residential areas of Mudgee are bordered by prime agricultural land.

BACKGROUND

Constraints Assessment for 220 Ulan Road

Several background documents pertaining to the subject land have been able to be referred to in the preparation of this planning proposal. The site has been rezoned from an agricultural zoning to residential with the gazettal of the MWRLEP. Submissions prepared by Whelans Insites in 2008, 2009 and 2011 included constraints assessment to support the rezoning at the time. Development in flight paths and relevant obstacle limitation surface was considered in 2011 by Whelans Insites, and it was found that the operation of the airport was not compromised by residential development on the land. Preliminary Site Contamination assessment was performed by Minespex in 2010, with minor fuel contamination in the location of an aboveground tank was noted that can be dealt with at the DA stage. Constraints assessment have been furthered with this proposal with the 'Site

Description' provided below and additional studies attached to this proposal, including: Aboriginal Cultural Heritage Assessment carried out by Mudgee Local Aboriginal Land Council, and Preliminary Traffic Analysis by Jabek Pty Ltd. The site is considered suitable for development and where a constraint has been identified, they are able to be addressed in the concept design.

Background to demand and supply of residential land in Mudgee

Two main studies relevant to the consideration of demand and supply of residential land in Mudgee have been referred to:

- The Comprehensive Land Use Strategy (CLUS); and
- The Mid-Western Regional – Local Services Assessment Report.

The CLUS is the basis for the strategically planned growth over the next 20 years in the LGA. The Local Services Assessment Report identified significant growth as a result of mining in the region. The Mid-Western Regional Local Environmental Plan 2012 was based on the CLUS. However the CLUS was prepared prior to the Local Services Assessment Report and prior to the identification of the full extent of the mining growth, and the level of rapid unprecedented growth experienced recently.

With the adoption of the MWRLEP, a large extent of land for residential purposes was not rezoned, but the CLUS is equipped with a framework to accommodate planning for growth through planning proposal processes. The structure plan and CLUS are referred to specifically in context of the location of the subject land on the fringe of Mudgee. One of the key principles for Mudgee in the CLUS is to develop a 'hard edge' for the urban area. This planning proposal:

- Is consistent with the CLUS and structure plan;
- Is in line with the current zone objectives;
- Facilitates an additional supply of land, within land currently zoned for residential use;
- Includes land that is able to be readily serviced; and
- Avoids further encroachment into adjoining rural areas, strengthening the defined growth boundary of Mudgee to the north.

Prior rezoning and environmental investigations carried out for the associated planning proposals in the recent history have been referred to in the preparation of this planning proposal as a resource, as described above. The current lot size map with reference to clause 4.1 (3A) of the LEP restricts subdivision to a minimum of 4000m² and therefore this planning proposal intends to amend the LEP lot size map accordingly. The change of associated minimum lot size to allow lots of 2000m² will continue to facilitate development in line with the objectives of the zone, enabling greater lot yield, without impinging further upon valued agricultural land.

Ensuring that the adequate types and quantity of residential land are available ensures that the Mid-Western Region is better equipped to deal with the demand driven by population growth. Discussions with the client's representative, Jabek Pty Limited, and Mid-Western Regional Council representatives to date have indicated support for the type of development proposed in the current climate. Additional growing demand for residential land within Mudgee is predicted resulting from expansion of coal mining in the area.

Key findings in the Local Services Assessment report regarding Housing Demand and Supply noted that: housing and rental supply is low and shortages in short-term accommodation are predicted to increase. The report has predicted that the Mid-Western Region's population could grow to 30,875 by 2020 and 33,160 by 2030 if 65 percent of the mine's workforce is based in the region. Using the accepted population: lot ratios as well as the population growth predictions a lot requirement of 5096 by 2021 and a lot deficiency of 3896 is predicted. The site is ideal for MWRC to achieve increased lot yields within the Mudgee Town Structure Plan, utilising existing serviceable residential zoned land.

Summary of Key findings in the Local Services Assessment - Housing Demand and Supply

	Year 2021
Lots Required	5,096
Lot Deficiency	3,896

- *Housing and rental supply low*
- *More than 5,000 lots required to accommodate population growth and current lot deficiency of 3,896*
- *Shortages in short-term accommodation predicted.*

SITE DESCRIPTION

SITE LOCATION

The subject site is situated on land located approximately 2 kilometres (km) south-west of the Mudgee Central Business District (CBD) in the Mid-Western Regional Local Government Area (LGA), located within the Parish of Mudgee and County of Wellington. The site which is approximately 40 hectares is shown at **Figure 1**. The land is well accessed by Ulan Road; being a major access route in the locality for developed residential land to the Mudgee CBD.

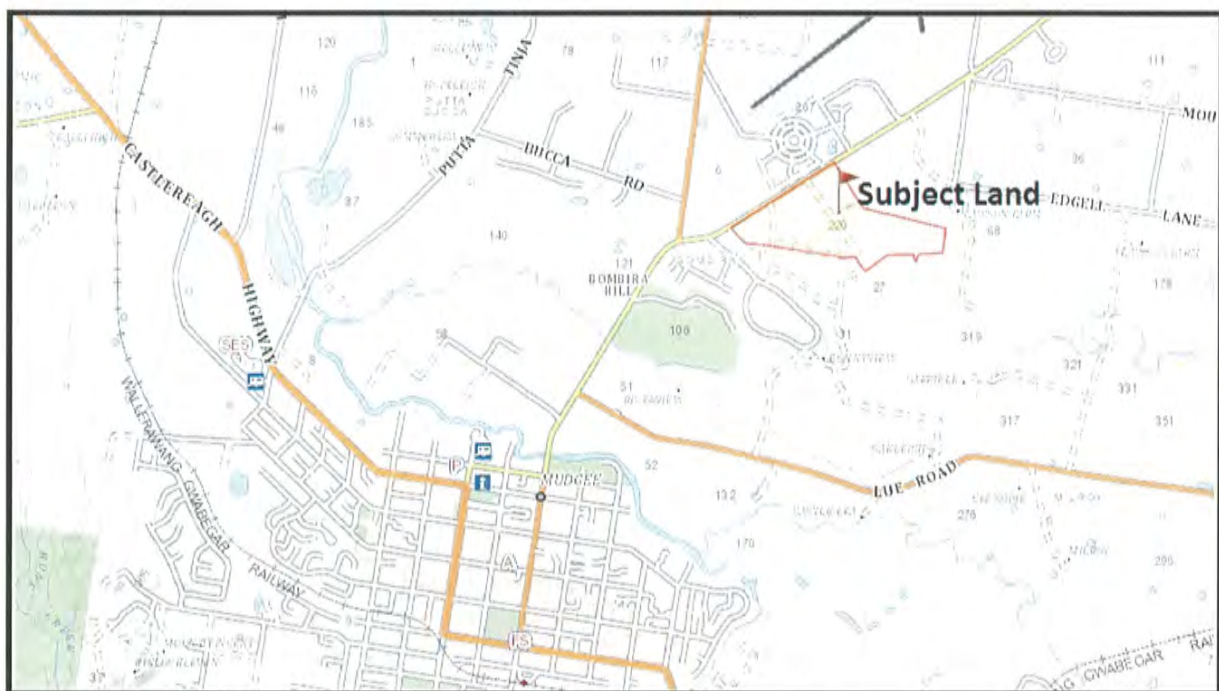


Figure 1: Locality Map

(Source: Department of Lands)

CURRENT ZONING

The site is located wholly within the Mid-Western Regional LGA and is subject to the provisions of *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP). The MWRLEP commenced on 10 August 2012 and replaced the previous *Mid-Western Regional Interim Local Environmental Plan 2008* which applied to the site.

Land the subject of this planning proposal is located within the *R2 Low Density Residential* zone under MWRLEP (refer to **Figure 2: Current zoning R2 Low Density Residential under Mid-Western Regional Local Environmental Plan 2012**). The objectives of the current zone and land use table are provided below.

"Zone R2 Low Density Residential

1 Objectives of zone

- *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.*

2 Permitted without consent

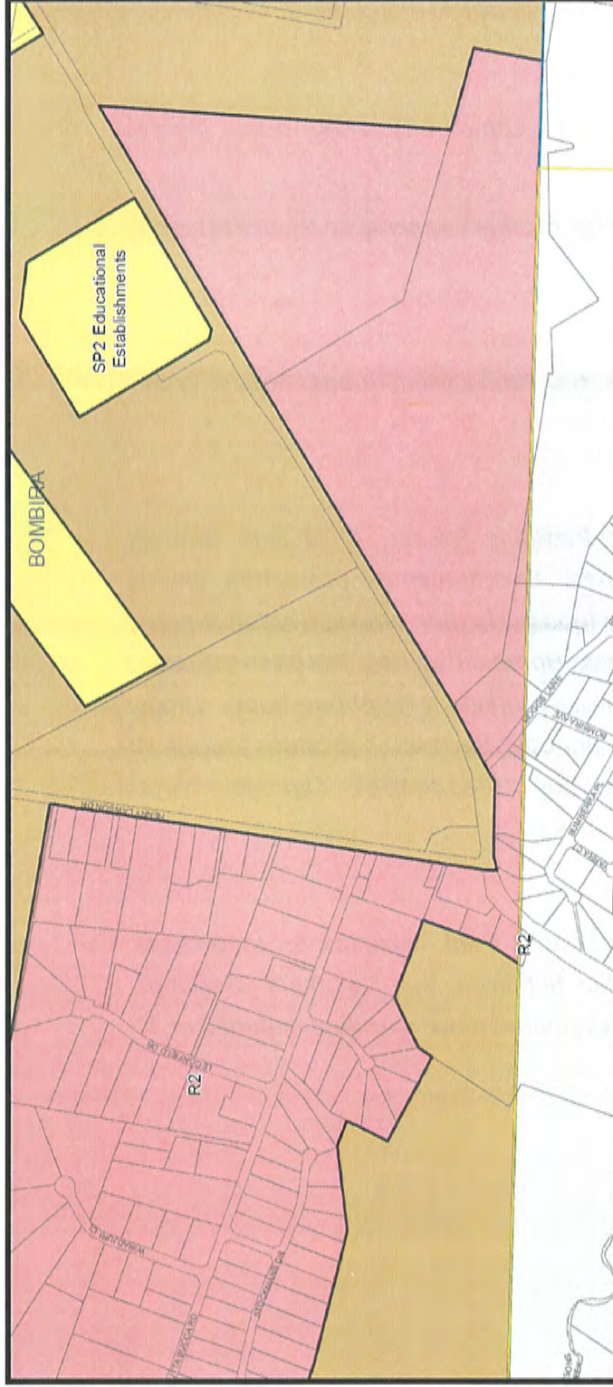
Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Child care centres; 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; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Signage; Water recycling facilities; Water storage facilities

4 Prohibited

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"



(Source: Excerpt (left) from MWRLEP 2012 Land Zoning Map - Sheet LZN_00F and excerpt MWRLEP 2012 Land Zoning Map - Sheet LZN_006G (below)).



Figure 2: Current zoning R2 Low Density Residential under Mid-Western Regional Local Environmental Plan 2012

Minimum Lot Size

The size of any lot resulting from a subdivision of land to which Clause 4.1 (3) applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. (Refer to **Figure 3: Current Lot Size Map under Mid-Western Regional Local Environmental Plan 2012**). The subject site is within land marked Z which has a minimum lot size of 2ha.

However with reference to Clause 4.1 (3A) of MWRLEP, if the consent authority (Mid-Western Regional Council) is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system, the subject land may be subdivided to create lots of at least 4,000 square metres. As such, the current minimum lot size is 4000m² for land marked "Area B" on the map.



Figure 3: Current Lot Size Map under Mid-Western Regional Local Environmental Plan 2012 – Noted as Area B – Z (2ha)

(Source: Excerpts from MWRLEP 2012 Lot Size Map - Sheet LSZ_006F and MWRLEP 2012 Lot Size Map - Sheet LSZ_00G respectively).

Land use patterns of the surrounding area

The locality surrounding the site comprises primarily of rural residential land uses, as well as some agricultural and tourist uses, with the AREC – Australian Rural Education Centre located to the north of the subject land in Ulan Road.

The site was previously known as the ‘Bombira Estate Vineyard’, with this use since ceased. The majority of the site is cleared of native vegetation, with the previous vineyard also removed. The land to the immediate south of the subject land is also zoned for low density residential use, with residential development at Robert Hoddle Grove to the south–west. Land to the south-east is zoned for RU4 Primary Production Small Lots. One existing dwelling is located within the subject land with access from Ulan Road.

The surrounding land uses are also a reflection of the historic influence of the topography, rural enterprises, and development constraints such as the extension of essential services, forming significant influences in past development patterns. Sewer and water services in vicinity of the site have provided for previous large lot type residential development to follow in the locality.

The site possesses expansive rural views and lends itself to the creation of a high quality residential estate in close proximity to services and facilities of the Mudgee commercial core. The proposed concept plans provided with this proposal provides options for integration of residential development with undeveloped land also recently zoned R2 under the MWRLEP located to the north east, as well as adjoining land to the south.

Topography and Soils

The site is located in a foot slope, terrace landscape and can generally be described as sloping gently to the south. Slope was estimated to be average of 1.8% to 2.3% with maximum slope of the range 7.1% to 5.7%. The site has been described as having unique topography and aspect for the locality, with existing agricultural land use bounding the site.

The MWRELP has provisions to preserve the visual setting of the Mudgee Township, particularly through Clause 6.10 Visually sensitive land near Mudgee. The land subject of the planning proposal is located outside of the Visually Sensitive Land area identified under the MWRLEP, and future residential subdivision will not compromise the visual setting forming the backdrop of Mudgee. It is considered that the current residential zoned land in combination with the topography and agricultural land use form an appropriate boundary to the urban footprint of Mudgee.

The broader regional landform has been identified within the Craigmores Soil Landscape (Murphy and Lawrie 1998). The soil type is located in the vicinity of Mudgee on the eastern and western side of the Cudgegong River described as non-calcic brown soils. Landscape limitations for the landform are minimal, although Murphy and Lawrie (1998) indicate erosion hazard is significant when soils are tilled or surface cover low. Limitations of the soils identified by Murphy and Lawrie (1998), indicate a moderate to high fertility; level land; weakly structured surface soils; moderate to high water

The setting is depicted in the aerial photo dated 2009, below (refer to **Figure 4: Setting of the subject land**).

[illegible]

(Source: Department of Lands)

Clause 6.4 Groundwater vulnerability of MWRLEP applies to future development of the subject land as the site falls within land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map. The majority of Mudgee urban area falls within the mapped ‘groundwater vulnerable’ area as depicted in the excerpt from the map in **Figure 5** below.

Lot 1 DP1000182 Ulan Road, Mudgee

consideration of the planning proposal, further it is unlikely that the residential use will cause groundwater contamination with reticulated sewer.

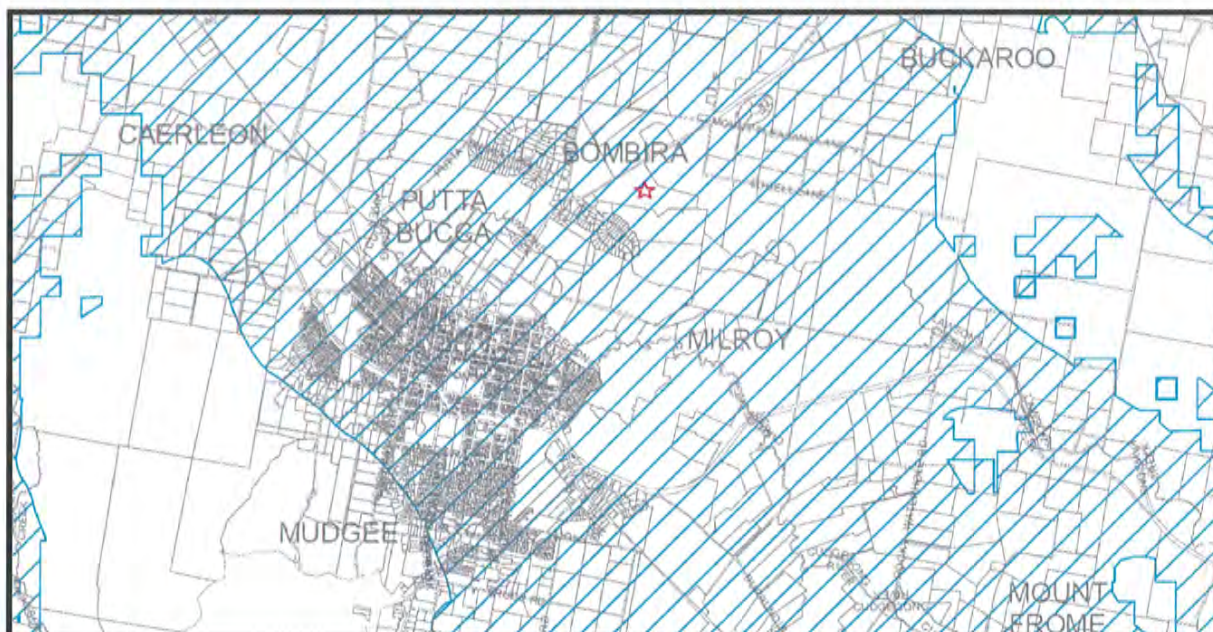


Figure 5: Groundwater Vulnerability

Salinity

As indicated by Murphy and Lawrie (1998) isolated low levels of salinity occur along some drainage lines and depressions in the Craigmore soil landscape group. This may place focus on land to the south of the subject land. Sites can become saline if salts in subsurface layers of the soil are mobilised and brought to the surface through rising groundwater or development of a perched watertable due to an impediment to water drainage. Drainage is addressed in relation to the concept plan further in this proposal.

With reference to previous salinity investigations carried out for the nearby development of the extension of the Robert Hoddle Grove residential site by consultants, Barnson Pty Ltd, as a component of information supporting the aforementioned development for rural residential subdivision; as well as the salinity investigation report prepared by Environmental Earth Sciences for the Comprehensive Land Use Strategy (CLUS), it is understood, salinity potential is inherent to the Mid-Western Regional LGA and the potential susceptibility of future dwellings to salt damage in the subject development site should be acknowledged.

Site specific soil samples have not been collected for this planning proposal. The soil landscape features do not indicate a high risk for salinity to occur. Salt tolerant species, stressed vegetation and areas of scalding were not observed during the site inspection by Minespex. Future subdivision developments are able to consider the potential for salinity and supplementary reports can be prepared at that stage.

It is considered appropriate that the provisions of 'Building in Saline Environments' as outlined in the *MWRC Development Control Plan (2013)* be adopted for future development application proposals, without need for additional site specific measures.

Lot Size and Salinity

Minimising lot size is a recommended measure to limit potential for over-watering of gardens and lawns. Reference is made to recommendations made by Environmental and Earth Sciences (2007) report for the CLUS. This has been raised as a valid technique in areas where salt loads exist.

It is assumed that the suitability of the site for this proposal, facilitating greater density residential development, is not constrained by site-specific salinity issues. Further the reduction in minimum lot size i.e. 4000m² to 2000m² will not exacerbate salinity potential under the current residential zoning.

Flora and Fauna

The subject site was observed to be cleared of most timber, which had occurred in decades prior based on known site history. The site had been developed as a vineyard (which has been removed in 2011). Trees that remain in the subject land are along an internal track, fence lines and centred around the dwelling site. Ornamental species have been introduced in these areas. Groundcover was estimated at 95%. Weeds are well controlled on the land. Trees have been planted along Ulan Road in the proposed landscaped strip provided in the concept plan.

Fauna surveys have not been carried out at the site. However the site is not likely to represent significant habitat based on the lack of native vegetation and site history. Known habitat features should not constrain residential development in the future.

Heritage

No European heritage items are listed within or in vicinity of the subject land as listed under the MWRLEP.

A search was completed for the site of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) web services. The search, with a buffer of 50m to the site, showed that:

- One (1) Aboriginal sites are recorded in or near the above location
- No Aboriginal places have been declared in or near the above location.

The AHIMS searches are attached at **Appendix B**.

Mudgee Local Aboriginal Land Council (MLALC) was engaged to perform a site survey, as a representative of the local aboriginal community experienced in performing Aboriginal Cultural

Heritage Assessments. It was through this survey conducted 21 November 2012, that the abovementioned recorded site (Site BMB1 0744455E 6392647N) was identified. The identified 'Open Camp Site' is located adjacent the track to the existing dwelling. The concept plan has provided a design where option is available to exclude the recorded site area from the development footprint. This is in line with the recommendations of the report prepared by MLALC and avoids the need to apply for an Aboriginal Heritage Impact Permit (AHIP). A copy of the report is provided at **Appendix A**.

The occurrence of heritage items within the site does not constrain the future development of the land for residential purposes. A process of due diligence in accordance with the DECCW guidelines has been applied to the assessment of indigenous heritage. At the planning proposal stage, no ground disturbance is proposed, and further heritage assessment is not warranted.

Road Network

The site has access to Ulan Road, being the main connector road from the north-east of Mudgee to the CBD. Ulan Road is defined as a 'sub-arterial road, conveying traffic from areas of development directly from one part of a region to another' (Jabek, 2013).

Frontage to the existing road network is adequate and raises no issues regarding opportunity for future residential development in the locality to connect to the road network.

The expected traffic increase generated by the development is addressed in the 'Traffic Analysis' for the proposed concept plan, prepared by Jabek, 2013 (refer to **Appendix C – Traffic Analysis**). The predicted impact of traffic increased on the level of service of the roads is addressed; with conclusions made stating the level of service along Ulan Road remains acceptable.

Safety along Ulan Road has been considered, with impact to intersection safety, speed zones, sight distance, and road condition, factored into the analysis. It is recommended due to the increase in traffic using Ulan Road/Proposed New Access Road intersection the recommended entry to the development should be a CHR/CHL type intersection to ensure safety of the road users.

Essential Services

Sewer, water, power and telecommunication services are all available on the subject land and can be readily extended to service all lots within the development. The planning proposal identifies an area for future growth within land currently zoned for residential development, enabling the planning of infrastructure such as sewer, water and road in the most efficient manner.

Drainage and Flooding

The site is located outside of the associated Flood Planning Area identified under MWRLEP. The site is not affected by mapped riparian environments; however the topography directs overland flow to the southern boundary and existing unnamed drainage lines to the south, which drain to Lawson Creek and ultimately the Cudgegong River.

PART 1 - OBJECTIVES AND INTENDED OUTCOMES OF THE PROPOSAL

The Planning Proposal is consistent with the CLUS and seeks to modify the relevant lot size maps to facilitate the continued supply of residential land around Mudjee.

STATEMENT OF INTENDED OUTCOMES

The planning proposal intends to:

- Amend the corresponding lot size maps for the identified parcel zoned R2 Low Density Residential to reduce the minimum lot size to 2000m².
- Allow for a variety of lot sizes, ranging from 2000m² to 4000m² across the subject site in order to provide integration and transition to existing developed areas as demonstrated in a concept plan.
- Support the CLUS intention to provide a limit to the urban footprint of Mudjee utilising existing residential zoned land, simultaneously providing opportunity to maximise the lot yield from existing zoned land that is able to be serviced.
- Co-ordinate a supply of land to accommodate population growth in the LGA in accordance with the Mudjee Town Structure Plan.

Through the planning proposal, it is intended to alter the relevant lot size maps to allow for residential development, at a greater density under provisions of the MWRLEP. The zone objectives align with the vision for future development of the site, i.e. the zone is to provide for the housing needs of the community, provide a variety of housing types and densities, and to enable other land uses that provide facilities or services to meet the day to day needs of residents.

POLICY CONTEXT

The population growth in the LGA has triggered the need to identify how to facilitate the supply of residential land. The framework as established within the CLUS, is the basis on which the opportunities for this planning proposal have been explored and policy basis. The CLUS identifies opportunities for expansion of the Mudjee Township, supported by the Structure plan. Opportunities for residential extension in line with adopted Policy to cope with the identified growth are discussed below.

The subject site at the northern edge is in vicinity to the existing development that has leapfrogged the floodplain of the Cudgegong River, mostly comprising larger residential lots of 2ha to 4000m² where town water and sewer are available i.e. in the Putta Bucca and Bomberra areas. The south of Mudjee has had tracts of land rezoned for large lot residential use under the MWRLEP, and is constrained by agricultural land and visual intrusion issues. The north western fringe of the urban area known as the 'Caerleon' area is able to be serviced and was deemed by MWRC to have appropriate physical attributes to warrant support of the recent planning proposal for rezoning

generally from rural to residential of this land. The framework provided also supports infill residential development within the existing urban areas to utilise existing infrastructure and vacant or underdeveloped sites. The subject site is ideal for growth accommodation as the land is readily serviced and does not require a rezoning with associated constraints assessment.

Suitability/capability and constraints assessment was previously carried out for the subject land and rezoning subsequently occurred with the gazettal of the MWRLEP 2012. The land is zoned R2 Low Density Residential. As mentioned the MWRLEP was based on the CLUS. However the CLUS was undertaken prior to the full extent of the growth driven by the mining industry was identified. Now that the LEP is operational, consideration is to be made by Council to consider the opportunities to address growth and revisions of the structure plan are impending.

Where constraints and edge interface issues are identified, this planning proposal is consistent with the CLUS. This planning proposal is aligned with the Policy context:

- *The subject site has already been rezoned for residential land use, and does not impinge upon agricultural land.*
- *The development promotes development that will avoid disruption to the rural backdrop and setting of Mudgee.*
- *Supports that the long-term northern edge of urban growth defined by the Cudgegong River, and large lot residential areas are not extended beyond that zoned by the MWRLEP.*
- *Provides good utilisation of existing infrastructure and servicing.*
- *Provides an opportunity for implementation of best practice urban and landscape design principles through the concept plan, integrating with existing development.*

DETAILS OF THE PROPOSED ACTIVITY TO BE CARRIED OUT – CONCEPT PLAN

The purpose of this planning proposal is altering the applicable minimum lot size to enable residential development for the subject site in line with the concept plan provided. The prior related concept plan based on a 4000m² minimum lot size achieved a maximum of 72 lots from the subject land. This development concept includes a 136 lot residential subdivision, representing an additional 64 residential lots. The type of proposed development has been explored in concept plans prepared by Jabek Pty Ltd on behalf of Mr Des Kennedy (provided as **Appendix D Concept Plans**).

The proposed concept development plans are consistent with the objectives of the R2 Low Density Residential zone. The concept for future development proposes 136 generous residential lots generally having areas in excess of 2000m², with some larger lots to accommodate constraints to development and design considerations. A concept plan of the proposed subdivision development is attached at **Appendix D**.

The concept plan illustrates one option for development of the site for residential subdivision. This option shows a larger lot (6160m²) retaining the existing dwelling located. The concept represents a

density of 3.4 lots per hectare. All lots are of a shape and orientation to optimise future energy efficient housing.

Part 7 Subdivisions of the Mid-Western Regional Development Control Plan 2013 was referred to in the preparation of the concept plan.

Concept Plan - Subdivision Layout

Larger lots (approx 4000m²) are proposed along the service road running parallel to Ulan Road. The reason for these larger lots is to minimise the visual impact of residential development on the approach to Mudgee. The large lots serve to integrate with the existing developed residential lots in Robert Hoddle Grove and Moggs Lane. The larger lots will result in houses spaced approximately 50 metres apart, which together with the landscaping corridor between this service road and Ulan Road should ensure an aesthetically pleasing transition from rural to residential.

The concept development has been designed such that the proposed road layout provides for continuation to service adjoining land in a logical manner. Further the road layout avoids the creation of lots with rear boundaries facing Ulan Road. This design feature in conjunction with the landscaping corridor contributes positively to the visual impacts. The access to the existing dwelling will be relinquished and access obtained from a proposed new internal road.

Concept Plan - Staging

The concept plan design may be staged in six (6) stages as designed. Each stage comprising from 19 lots to 37 lots.

1. Stage 1 will provide a road and sewerage link to adjoining land to the south toward Robert Hoddle Grove (Lot 1 DP1178455) and north east toward Edgell Lane (Lot 4 DP1174282), encouraging the development of those lands in accordance with the recent rezoning to R2 Low Density Residential at the gazettal of the MWRLEP 2012.
2. Stage 2 will provide the pedestrian link to the existing bicycle and walk path to Glen Willow Sporting Complex and Mudgee CBD.
3. Stage 3 will complete that section of the land which can be developed from the existing service facilities, particularly the existing sewerage pump station (SPS).
4. Stages 4, 5 & 6 will require the development of a new sewer pump station with the proposed staging providing an economically efficient extension of all services.

Concept Plan – Open Space

Landscaping is proposed along the Ulan Road frontage. In accordance with the Mid-Western Regional DCP 2013, all lots are located within 400m of a local park, playground or passive open space.

The road layout enables an efficient and economic drainage disbursement of large flows which together with linking the reserve will encourage walking and cycling through the development. A park site is proposed within the loop of road on the western side of the lot, in addition to the corridor along Ulan Road. Further opportunity exists in the detention basin site for either passive and/or active recreation.

Concept Plan - Sewerage

It is highlighted that post the development of Stage 1, further land zoned R2 Low Density Residential, adjoining to the north east and south will have the opportunity to be developed from the associated sewer reticulation.

The proposed development is capable of being serviced from Council's existing supply within the staging provided in the concept plan, providing an orderly and economically efficient extension of that system throughout the development site.

Electricity and telecommunication services are available in the immediate vicinity of the subject land. Consultation with the services providers would be required prior to progression of the concept plan and appropriate development stages. Connection to the National Broadband network would be included in future development of the land.

Drainage of the site in accordance with the concept plan for future development makes allowance for the natural topographical features. The concept road pattern proposed together with appropriately located easements will ensure drainage catchments can be created which allow economical piping of the drainage through the development ultimately exiting at the lowest point along the southern boundary, in the vicinity of the proposed location of the new sewer treatment plant.

The staging of the development is from the top of the catchment and hence flows exiting for each stage can be conveyed to the detention basin by temporary flow lines designed and constructed in accordance with relevant soil and water management guidelines.

The proposed drainage methodology will ensure adequate 'overland' paths exist to economically convey the 1 in 100 ARI floods to this location and detention basins can be provided to ensure developed flows exiting the development do not exceed pre-developed flows. However, as the flow exiting the site will enter an existing drainage line, within the floodplain area in adjoining rural land (Primary Production Small Lots), the need to retain water would need to be explored further at a development application stage. If the retention of water in this instance is not required, a further

two lots may be developed. For the purposes of this proposal, the 2 lots have been included in the lot yield.

PART 2 - EXPLANATION OF PROVISIONS

It is intended that the objectives and intended outcomes described in Part 1 will be achieved by the following map change:

1. MWRLEP Lot Size Map (Sheet LSZ_006G) and MWRLEP Lot Size Map (Sheet LSZ_006F) where these maps depict the subject land, i.e. Lot 1 DP1000182, shaded purple marked 'Z' labelled 'Area B', is proposed to be amended to show the area as labelled 'Area A' in accordance with the proposed Lot size Map shown in **Appendix E**.

This change from 'Area B' to 'Area A' refers to clause 4.1 Minimum subdivision lot size, and the intended outcome to achieve a min lot size of 2000m². Sub Clause 4.1 (3A) states:

'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) the 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) the land identified as "Area AB on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres'.*

PART 3 - JUSTIFICATION

This section sets out the reasoning for the proposed change of Lot 1 DP1000182 on the relevant lot size maps from 'Area B' to 'Area A', taking into consideration the intended outcomes and objectives outlined. The following questions are based on requirements contained in DoP's *A guide to preparing planning proposals* (July 2009) and address the need for the planning proposal, relationship to strategic planning framework, environmental, social and economic impacts and its effect on State and Commonwealth interests.

SECTION A - NEED FOR THE PLANNING PROPOSAL

Q.1. Is the planning proposal the result of any strategic study or report?

Yes. The Planning Proposal stems from opportunities identified in the Mid-Western Regional Comprehensive Land Use Strategy for residential development, as well as being aligned with Mid-Western Region Community Plan towards 2030 and Mid-Western Regional Council's Economic Strategy as discussed below.

Mid-Western Regional Draft Comprehensive Land Use Strategy (CLUS)

The Mid-Western Regional Council has prepared the CLUS, which provides clear direction for growth for the next 15-20 years. The Strategy has informed the comprehensive MWRLEP and provides a context for future land use and is supported by the Mudgee Town Structure Plan. The CLUS was undertaken prior to the full extent of the mining growth was identified/quantified in the Local Service Assessment by Mandis Roberts (2012) and did not take into account the recently evident level of growth. The Mudgee Town Structure Plan is currently under review by MWRC to facilitate identification of future growth areas.

The subject land is identified in the CLUS for large lot residential opportunities subject to environmental assessment for suitability/capability (refer to **Figure 6**). The land has since been rezoned with the MWRLEP for this purpose. This planning proposal is consistent with the CLUS, Mudgee Town Structure Plan and the objectives of the zone, as the land will continue to supply Low Density Residential land.

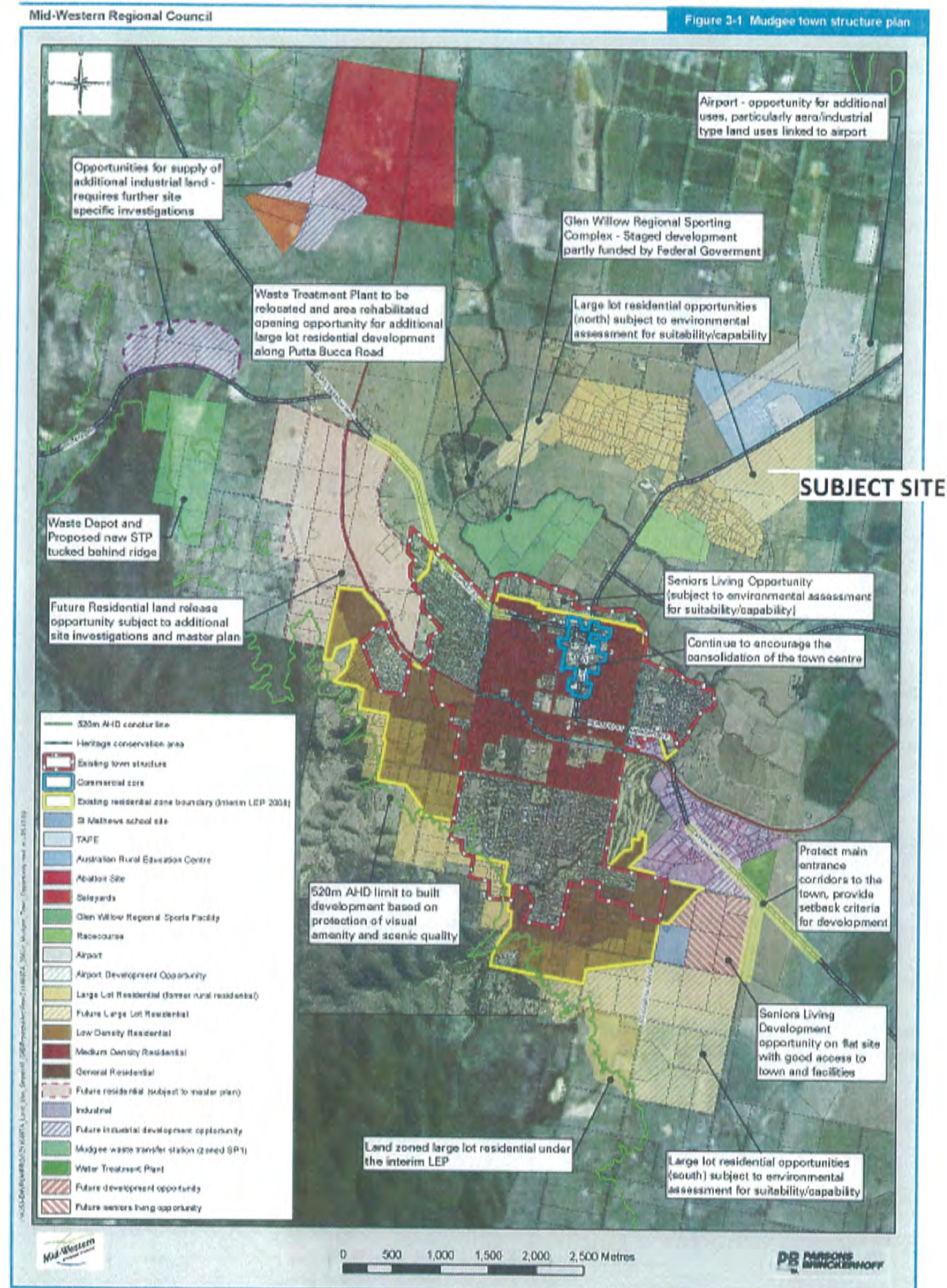


Figure 6: Mudgee Town Structure Plan

Draft Mid-Western Region Towards 2030 Community Plan

Goals of the Community Plan and how the Planning Proposal achieves these, is discussed in the table below correlating to strategies identified in the Plan.

Goal	Strategy From Community Plan	Planning Proposal/Response
Theme 1: Vibrant towns and Villages	Make available diverse, sustainable, adaptable and affordable housing options through effective and use planning	<i>The utilisation of land that has available infrastructure is effective and efficient planning. The planning proposal will provide a variety of low density lots within the Northern area of Mudjee, which provides a delivery of larger prestige lots and smaller lots promoting a diversity of housing types in the location.</i>
Theme 1: Meet the diverse needs of the community and create a sense of belonging	Provide equitable access to a range of places and spaces for all in the community.	<i>The concept plan has included the provision of open space and landscaped areas, to ensure all lots are located within 400m of a local park, playground or passive open space.</i>
Theme 2: Protect and enhance our natural environment	Minimise the impact of mining and other development on the environment both natural and built.	<i>Environmental mitigation measures were included in the concept plan. Scenic and aesthetic impacts along Ulan Road have been particularly highlighted. Surface water management has been considered as well as impact on Aboriginal Heritage, with measures to minimise impact inherent in the concept design.</i>
Theme 3: High quality sustainable development	Ensure an adequate supply of available land that supports economic diversity and encourages growth.	<i>The Planning Proposal is in line with actions to increase the availability of residential supply with the emerging short fall in housing and rental supply identified in the Local Services Assessment.</i>
Theme 4: High quality road network that is safe and efficient.	Develop and enhance walking and cycling networks across the Region.	<i>The concept plan includes opportunities for pathways and cycleway to extend into adjoining undeveloped lands and well as connecting to existing cycle/walking paths.</i>

Mid-Western Regional Economic Development Strategy

Mid-Western Regional Council has prepared an Economic Development Strategy (EDS) outlining a future economic direction for the Regional in the next 10 years, to June 2020. The EDS provides a broad framework for the various lead agencies and stakeholders involved in economic development to identify their roles and engage in economic development initiatives for the Region.

Availability of residential land has not been identified as a key principle that will influence economic development in the region for the future. However maintaining adequate residential land supply will support Council in efforts to deliver projects that maximise local opportunities and economic benefits in line with the Economic Development Strategy.

The proposed concept plan with the promotion of a range of housing types for the northern area (i.e. Putta Bucca, Bombira to Edgell Lane) will help the region retain and attract new residents. Residential subdivision of high quality design would boost the image of the Mudgee area as an attractive place to live and work.

Further, the capability of Mudgee to adapt to the pressure on housing supply as identified in recent growth modelling, would be benefitted by an increased lot yield from available land currently zoned residential under the MWRLEP.

State and Regional Policies

There is no specific State or Regional Environmental Plan that addresses the Mid-Western Regional LGA.

Q.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. It is considered that the Planning Proposal is the best means of achieving the intended outcomes. An alternative would be rezoning to facilitate greater density of development, such as rezoning to R1 General Residential. This option however does not support the vision for the area in line with the CLUS and Mudgee Town Structure Plan.

The planning proposal is considered the best means of achieving the intended outcomes as:

- The existing zoning is retained;
- The objectives of clause 4.1 are upheld;
- The concept plan provides opportunity for integration and transition to existing developed areas. The plan:
 - Minimises the number of lots adjacent agricultural uses.
 - The concept plan also minimises the number of new neighbouring properties to the developed land in Robert Hoddle Grove. Expectations with regard amenity and aesthetics for existing landowners are considered. The retention of the 4000m2 minimum for R2 zoned undeveloped land south of the subject site provides a cushioning of impact of the development of the subject site to a greater density.
 - Further, density of residential development is afforded with opportunity for appropriate transitioning to rural land through linking to land with potential for mixed lot sizes i.e. undeveloped land north east of the subject land up to Edgell Lane, also recently rezoned for residential lots.
- The 'hard edge' to the limit of urban growth of Mudgee is not compromised.

Q.3. Is there a net community benefit?

The proposed residential development is considered likely to achieve a net community benefit, as determined by the application of the Net Community Benefit Test adapted from the *Draft Centres Policy: Planning for retail and commercial development* (April 2009), which provides a series of questions to determine the nature of a Planning Proposal, as detailed in **Table 1** below. A net community benefit arises where the sum of all the benefits of rezoning outweigh the sum of all costs.

The assessment evaluates the external costs and benefits of the proposal (i.e. the externalities). The assessment generally assumes that any private costs will be cancelled out by any private benefits. Net Community Benefit Test is not a quantitative test, but useful tool to inform debate and help decision making on planning proposals.

The merits of the rezoning proposal have been considered against the base case, being 'no change' to zoning/retaining the status quo.

Table 1: Net Community Benefit Test

Question	Application to Planning Proposal
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</i>	Yes. There are no applicable State or Regional strategic directions for development. However, the development is consistent with the <i>Mid-Western Regional Comprehensive Land Use Strategy</i> (CLUS). The Mudgee Town Structure Plan within the CLUS locates the subject land within the existing residential zone boundary, and review of the Structure plan has considered the lot yield based on serviceability of the site with lots at 2000m². The NSW Government is currently preparing a draft strategic regional land use plan for the Western region.
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?</i>	No.
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	No. The planning proposal has been discussed with Council's planning staff. The change will potentially link to further potential lot size amendments for existing residential zoned land also in line with the CLUS and future revised Mudgee Town Structure Plan (partly in response to the findings of the Local Services Assessment Report by Mandis Roberts, 2012). The planning proposal will not set a precedent that is inconsistent with strategic documents.
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered?</i>	The MWRLEP commenced on 10 August 2012. There have been no previous rezoning proposals in the locality under the LEP to date.

Question	Application to Planning Proposal
<i>What was the outcome of these considerations?</i>	
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	The MWRLEP amendment will not facilitate a permanent employment generating activity or result in a loss of employment lands.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	Yes. The use of the site to provide a range of residential densities in the 'North' Mudgee residential locality (Putta Bucca, Bombira, Edgell Lane) will make a more effective use of this land, utilising existing residential zoned land to greater potential, where infrastructure and services are available. Residential land supply shortage for the short to medium term for Mudgee may be affected by the planning proposal. The housing market within the region is undergoing an increasing level of stress due to the high demand generated from the mining sector. The planning proposal seeks to provide for residential uses which retain the unique quality lifestyle concept established in the locality, with more diverse housing types. The high quality benchmark for residential development associated with the locality is able to be extended into the subject land.
<i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</i>	The site is well serviced by road and other essential services. Access is provided directly to Ulan Road and will be serviced by a network of new proposed roads. The existing pedestrian and cycle network is provided to the site in a combination of shared road areas and separate paths. The access point is linked to the open space areas in the concept plan where the cycle path/walkway is extended and linked to existing pathways. Planned future upgrades of Mudgee's water supply system, currently providing potable water to Mudgee township and the upgrade (commenced) of the sewerage augmentation system also servicing Mudgee township will enable capacity to service the proposed development. A new sewer pump station is proposed for stage 4 of the concept plan. Public transport is not currently available to the land. Bus transport is limited to a privately run bus service. A service runs 3 times/day on a 'hail and ride' system (number 563), which currently passes the proposed intersection with Ulan Road to the TAFE site. These services are able to be extended to the site, with bus stopping able to be performed through the road network. The site has capacity for designated bus service stops to be provided in the layout.
<i>Will the proposal result in</i>	Yes. The residential use of the area is established, however the

Question	Application to Planning Proposal
<i>changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i>	provision of additional local parks and passive open space areas within the with the development site improve connectivity across the site to such areas. Further provision of walkways/cycle paths improves connectivity to major sporting fields (such as Glenn Willow) and the CBD. This will reduce car dependency; provide direct walking and cycle access, encouraging an active and healthy community. This will help to reduce greenhouse gas emissions and improve road safety within the residential development.
<i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</i>	No.
<i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</i>	No environmental impacts have been identified on the site. The land is already identified for residential use. The site is not within an identified Flood Planning Area under MWRLEP.
<i>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?</i>	The proposed use of the land for residential use is not inconsistent with current zoning or the surrounding land use. The proposed use will not adversely impact on amenity of the existing residential land use, as the concept plan has addressed the integration with existing development. Reduction of potential for conflict with adjacent rural land is accounted for through the minimisation of new lots adjacent to agricultural land use.
<i>Will the public domain improve?</i>	N/A It is anticipated that Council's planning instruments will ensure that adequate setbacks for future housing development is provided along the boundaries of the site to ensure safety and amenity is not compromised from the public domain.
<i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	N/A
<i>If a stand-alone proposal and not a centre, does the proposal have</i>	N/A The MWRLEP amendment would not have the potential to

Question	Application to Planning Proposal
<i>the potential to develop into a centre in the future?</i>	develop into a centre.
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	The MWRLEP amendment is intended to facilitate the development of residential land, supported by the zoning, and strategically in the CLUS. The proposal serves to improve the public interest through reducing the pressure on the existing housing stock. Should the planning proposal not proceed, future residential development is unlikely to be approved on the site at the proposed density. Also the proposal takes up opportunity to provide greater available residential lots to the Mudgee district in the short to medium timeframes, utilising land that is readily serviced and zoned for the purpose.

SECTION B - RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

Q.4. Is the planning proposal consistent with the applicable regional or sub-regional strategy?

There are no regional strategies in place relevant to the planning proposal.

Q.5. Is the proposal consistent with Council's Community Strategic Plan or other local strategic plan?

Yes. Also refer to PART 1 and Q.1.

The *Rural Residential Industrial and Residential Strategy* was prepared for the Mudgee Shire Council and did not address the full Mid-Western Region. This document has been superseded by the Mid-Western Regional Comprehensive Land Use Strategy prepared by Parsons Brinckerhoff (October 2009) and provides a basis for identifying options for Mid-Western Regional local government area to meet long term urban and rural growth needs. The CLUS provides a context for future land use and informed the preparation of the MWRLEP (gazetted on 10 August 2012).

The Mid-Western Regional – Local Services Assessment Report prepared by Mandis Roberts, addresses the demand and supply of residential land in Mudgee. This report was released by Department of Planning and Infrastructure in August 2012 and provides the latest data in terms of population forecasts. The report reviews residential land supply, and updates the lot requirements based on the revised population growth predictions. This report shows a lot requirement of 5096 by 2021 and a lot deficiency of 3896. The 2021 lot requirement is based on the long term predicted ratio of 0.56 lots for every new resident, derived from the CLUS (Mandis Roberts, 2012 p 40).

The existing supply of residential zoned land was not increased with the gazettal of the Mid-Western LEP 2012, as this was based on the CLUS. The Local Services Assessment Report demonstrates the significant potential shortfall in lot provision in the Mid-Western Region and a result of increased population growth. Mandis and Roberts (2012) report the effects of the shortfall are being seen. The report indicates that housing supply is low, as is rental supply, leading to an increase in property and rental prices. This has the effect of reducing housing affordability in the region. The report has indicated that without significant efforts to increase housing stock the short term to medium term impacts may potentially price those out of the market that are not directly benefitting from mining activity.

Strategic planning for growth of Mudgee continues with the current revision being undertaken by Council of the Mudgee Town Structure Plan. The review will consider opportunities and constraints for growth areas. The subject site is within land already included in the yield estimate from land currently zoned residential under the Mid-Western Regional Local Environmental Plan 2012. The site presents further opportunity for increase of yields consistent with the existing Mudgee Town Structure Plan, as well as the MWRLEP with the proposed reduction in the minimum lots size proposed (i.e. from 4000m² to 2000m²). The site has access to services and presents opportunity for dealing with the growth expected, without need for MWRC to deliver a process of amendment to the strategic planning documents.

The planning proposal is consistent with Council's local strategic planning and provides opportunity for a proactive approach to planning to accommodate growth and minimise impacts on existing community. The planning proposal will have positive consequences, due to:

- The site's proximity to the adjoining developed land,
- Being within the existing Mudgee town structure and R2 Low Density zoning - meeting expectations for future development type,
- Provision of services is achievable with reticulated sewerage and water, and
- Transport linkages are supported with tar sealed road access and pathways included.

In summary, the proposed development addresses the most recent data regarding population growth. The proposal is consistent with the MWRLEP as well as the CLUS in that the location is identified for residential development, services are available for the development, the type of land use is compatible with the surrounding land uses and would not cause any adverse impacts to the surrounding locality and provides a net community benefit as described.

State Environmental Planning Policies

Q 6. Is the planning proposal consistent with applicable state environmental planning policies?

Yes. The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies as discussed below. Analyses of applicable SEPPs are provided in the table below.

SEPP	Applicable/Consistency
1 – Development Standards	Not relevant to planning proposal.
4 – Development without consent	Not relevant to planning proposal.
6 – Number of Storeys	Not relevant to planning proposal.
10 – Retention of Low Cost Rental Accommodation	Not relevant to planning proposal.
14 – Coastal Wetlands	Not relevant to planning proposal.
19 – Bushland in Urban Areas	Not relevant to planning proposal.
21 – Caravan Parks	Not relevant to planning proposal.
22 – Shops and Commercial Premises	Not relevant to planning proposal.
26 – Littoral Rainforests	Not relevant to planning proposal.
29 – Western Sydney Recreation Area	Not relevant to planning proposal.
30 – Intensive Agriculture	Not relevant to planning proposal.
32 – Urban Consolidation (Redevelopment of Urban Land)	Not relevant to planning proposal.
33 – Hazardous and Offensive Development	Not relevant to planning proposal.
36 – Manufactured Home Estates	Not relevant to planning proposal.
39 – Spit Island Bird Habitat	Not relevant to planning proposal.
41 – Casino Entertainment Complex	Not relevant to planning proposal.
44 – Koala Habitat Protection	Not relevant to planning proposal.
47 – Moore Park Showground	Not relevant to planning proposal.
50 – Canal Estate Development	Not relevant to planning proposal.
52 – Farm Dams and other works in Land and Water Management Plan Areas	Not relevant to planning proposal.
53 – Metropolitan Residential Development	Not relevant to planning proposal.
55 – Remediation of Land	Not relevant to planning proposal. See comments below.
59 – Central Western Sydney Economic and Employment Area	Not relevant to planning proposal.
60 – Exempt and Complying Development	Not relevant to planning proposal.
62 – Sustainable Aquaculture	Not relevant to planning proposal.
64 – Advertising and Signage	Not relevant to planning proposal.
65 – Design Quality of Residential Flat Development	Not relevant to planning proposal. Residential flat buildings are prohibited in the zone.
70 – Affordable Housing	Not relevant to planning proposal.
71 – Coastal Protection	Not relevant to planning proposal.
BASIX 2004	Future development for housing will be required to address the provisions of BASIX.
Exempt and Complying Development Codes 2008	Not relevant to planning proposal.
Housing for Seniors or People with a Disability 2009	Future development will be able to deliver accessible housing.
Infrastructure 2007	Not relevant to planning proposal. See comments below.
Kosciusko National Park – Alpine Resorts 2007	Not relevant to planning proposal.
Major Development 2005	Not relevant to planning proposal.
Sydney Region Growth Centres 2006	Not relevant to planning proposal.

Q.7. Is the proposal consistent with applicable Ministerial directions (s.117 directions)?

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. An overview of applicable directions and compliance is included in **Table 2**.

Table 2: Section 117 Ministerial directions

Section 117 Ministerial directions				Compliance of Planning Proposal
1.1	Business and Industrial Zones			N/A
1.2	Rural Zones			N/A
1.3	Mining, Petroleum Production and Extractive Industries			N/A
1.4	Oyster Aquaculture			N/A
1.5	Rural Lands			Rural lands are not included in the Planning Proposal.
2.1	Environment Protection Zones			N/A
2.2	Coastal Protection			N/A
2.3	Heritage Conservation			No items of European heritage have been identified in the subject site. The site contains Aboriginal objects that are protected under the National Parks and Wildlife Act 1974. The planning proposal adopts measures that facilitate the conservation of environmental heritage. The concept plan has been designed to avoid impact to the site from future subdivision works.
2.4	Recreation Vehicle Areas			N/A
3.1	Residential Zones			This direction applies to the subject land as a change to the residential zoning and lot size map is proposed. The planning proposal will make use of the available infrastructure (particularly roads, sewer and water) in the locality. The residential zoning does not extend the fringe of the town suburbs, but enables more efficient use of the available infrastructure and services, as a result being efficient in the effort to extend the number of available housing lots in the location. The planning proposal seeks to increase the residential density of land in line with the direction.
3.2	Caravan Parks and Manufactured Home Estates			N/A
3.3	Home Occupations			The planning proposal is consistent with this Direction, and the capacity for dwellings to accommodate small businesses will not be hindered.
3.4	Integrating Land Use and Transport			The planning proposal and concept plan aids reduction of the dependence of cars, and travel demand through adequate provision of road linkages, separate pathways and cycleway and new open space areas. The proposal has considered the existing infrastructure, residential development patterns, and local transport issues when developing the concept plan for future subdivision. The planning proposal will build upon the existing level of access and public transport met by the adjacent residential areas of the existing developed residential subdivisions.
3.5	Development Aerodromes	Near	Licensed	The land has previously been identified by Council as land for residential development and zoned as such. The previous

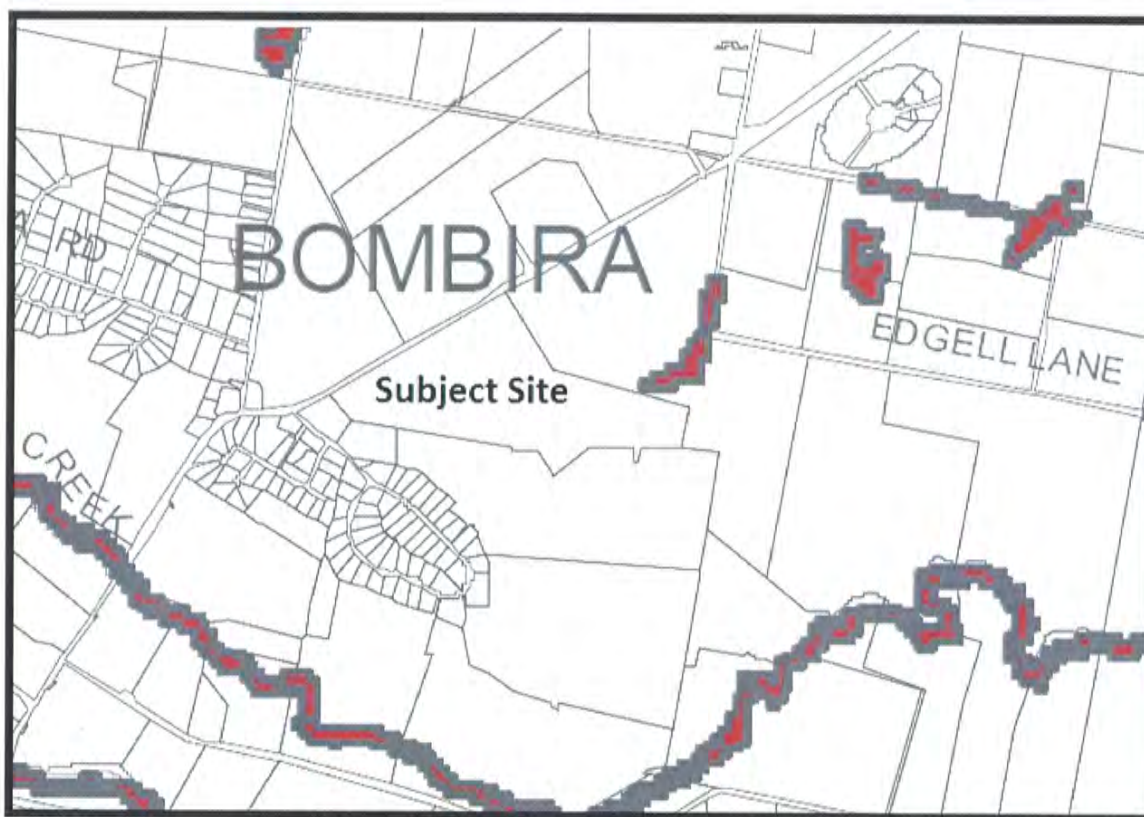
Section 117 Ministerial directions			Compliance of Planning Proposal
			planning proposals and constraints assessment have taken into consideration the location of Mudgee Airport and flight paths.
3.6	Shooting Ranges		N/A
4.1	Acid Sulfate Soils		N/A
4.2	Mine Subsidence and Unstable Land		N/A
4.3	Flood Prone Land		N/A
4.4	Planning for Bushfire Protection		Mid-Western Regional LGA has a bushfire prone land map prepared under s146 of the <i>Environmental Planning and Assessment Act 1979</i> . The planning proposal is outside of the mapped bushfire prone land. The planning proposal does not hinder adjoining lands from complying with the provisions of <i>Planning for Bushfire Protection 2006</i> . The subject land will be serviced with town water and have future hydrants installed as part of the concept subdivision.
5.1	Implementation of Regional Strategies		N/A
5.2	Sydney Drinking Water Catchment		N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast		N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast		N/A
5.8	Second Sydney Airport: Badgerys Creek		N/A
6.1	Approval and Referral Requirements		This direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal does not include LEP provisions requiring concurrence, consultation or referral.
6.2	Reserving Land for Public Purposes		N/A
6.3	Site Specific Provisions		N/A
7.1	Implementation of the Metropolitan Plan for Sydney 2036		N/A

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q.8. Is there any likelihood that Critical Habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal involves land currently zoned for residential purposes. The site has been a former vineyard and has been cleared of all native vegetation. The existing flora and fauna is described in the 'Site Description'. The planning proposal is not likely to cause any detrimental impact on critical habitat or threatened species, populations or ecological communities.

The subject land is further surrounded by existing R2 Low Density Residential zoned land and RU4 Primary Production Small Lots. The subject site is not identified as having high or moderate biodiversity sensitivity on the Sensitivity Biodiversity Map (BIO_006) within MWRLEP (see map excerpt below). A small area of adjacent land is identified as 'high biodiversity sensitivity'. This correlates to a pocket of trees providing a corridor linkage to trees area within the Edgell Lane road reserve.



Biodiversity

- High Biodiversity Sensitivity
- Moderate Biodiversity Sensitivity

Q.9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal has identified any known environmental issues. The site has been the focus of a recent rezoning and constraints analysis as part of the MWRLEP 2012. Environmental issues are able to be addressed as part of a Development Application process.

With reference to *A Guide to Preparing Planning Proposals*, technical studies to address an identified issue should be undertaken following the initial Gateway determination. Such studies together with community and public authority consultation can explore the mitigation of any potential impacts.

Traffic impact assessment has been considered as part of the planning proposal due to the location on Ulan Road, and the scale of the future development however such issues can accompany any development application which will consider impacts during construction and operation and address transport/access issues as required.

Q.10. How has the planning proposal adequately addressed any social and economic effects?

Other potential impacts of the planning proposal and subsequent development of the site include the demand for infrastructure and utility services and demand for community facilities and social services. It is considered that the site can be adequately serviced with the existing infrastructure without placing undue demand on services in Mudgee (see Q11 below).

It is well understood locally and supported by the findings of the Local Services Assessment that Mudgee is experiencing a housing crisis with pressure from demand generated by the mining industry. Unprecedented growth in the mining sector had placed enormous pressure on the local housing market to the point where demand for vacant residential land is outstripping supply. The change from min lot size from 4000m² to 2000m² will address the housing shortage in the region and cater for a wider cross-section of people in the locality.

Some areas identified for future development in the Comprehensive Land Use Strategy, have been developed, and further growth areas identified do not meet the lot yield required to achieve the predicted population growth. The report estimates Mid-Western region will need more than 5096 new houses by 2021 to cope within predicted population growth, representing a lot deficiency of 3896. Shortages in short term accommodation are predicted.

With regard to recent planning proposals, such as the Caerleon Residential Area, Saleyards Lane by MWRC and other reports to Council it has been noted that the demand for housing needs to be addressed in the short to medium term. The planning proposal seeks to address the demand for housing in this time frame. The existing residential zoned land, with access to infrastructure in a readily serviceable location is able to readily facilitate the development of much needed residential land without significant environmental constraint. As the majority of population growth is expected to occur in Mudgee, this further supports the need for such a planning proposal.

SECTION D - STATE AND COMMONWEALTH INTERESTS

Q.11. Is there adequate public infrastructure for the planning proposal?

The Local Services Assessment prepared by Mandis Roberts referred to public infrastructure issues in addition to the land and housing shortage. Key findings of the report indicate that preschools and early childhood centres have capacity constraints. Capacity constraints are likely to be reached in the near future. However, NSW Health reports that the existing system is considered adequate to cope with growth.

Transport pressure on roads is also acknowledged, with those roads servicing the mining sector highlighted. This will include the Ulan Road. Ulan Road forms a road corridor connecting north Mudgee to the Mudgee CBD. An internal road system is proposed to provide one point of entry/exit to the development site maximising safety for traffic onto Ulan Road. Airport and rail infrastructure is adequate.

The site is serviced by town water and sewer and has existing electricity connection as discussed in relation to the Concept plan (refer to section - *Details of the proposed activity to be carried out – Concept Plan*). The Local Services Assessment indicated that water infrastructure presents no capacity constraints to limit development. A new sewerage augmentation system to service Mudgee will have capacity to service the proposal. Waste management facilities will face capacity in the medium term.

The Planning Proposal includes available area for a recreational (playground) site within the subdivision with pathway linkages to the road system and the existing pathways in Bombira. This will assist in improving the accessibility of passive recreational areas within vicinity to the developed area and other nearby developed residential sites, as well as the subject land.

Demand on public infrastructure will require consultation with appropriate public authorities; however the current infrastructure is considered sufficient to provide for the future residential development and therefore is considered acceptable for the Planning Proposal.

Q.12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning proposal?

A summary of the views of State and Commonwealth Public Authorities will be provided following gateway determination.

PART 4 - DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

Community consultation for the Planning Proposal would be undertaken in accordance with the consultation requirements set out in *A guide to preparing local environmental plans* (DoP 2009).

The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning and Infrastructure DP&I at the gateway determination.

CONCLUSION

This Planning Proposal relates to an amendment to *Mid-Western Regional Local Environmental Plan 2012* for land at Lot 1 DP1000182, 220 Ulan Road, Mudgee. The aim of this report has been to describe the proposed amendment to the Lot Size Maps to permit the development of residential lots to minimum 2000m² on the site.

The need for mitigation of significant environmental, social or economic impacts to the surrounding locality has not been identified. The proposal is consistent with the applicable strategic planning frameworks as demonstrated in this report. The change to 2000m² will address the housing shortage in the region and remain in line with the current LEP zoning and Comprehensive Land Use Strategy.

References

- Department of Planning (DoP) (July 2009) *A guide to preparing planning proposals*.
- Department of Planning (DoP) (July 2009) *A guide to preparing local environmental plans*.
- Department of Planning (DoP) (July 2008) *Development Near Rail Corridors and Busy Roads Interim Guideline*.
- Department of Planning (DoP) (April 2009) *Draft Centres Policy Planning for Retail and Commercial Development*.
- Environmental and Earth Sciences (2004) *Statement of Environmental Effects (including Salinity Investigation) Lot 7 DP842243 and Lot 7 and Lot 8 DP1096571*, (unpublished report for DA0187/2005).
- Mandis Roberts (August 2012) *Mid-Western Regional Council – Local Services Assessment*.
- Mid-Western Regional Council (2010) *Mid-Western Region Economic Development Strategy A 10 Year Plan*.
- Mid-Western Regional Council (2012) *Planning Proposal: Caerleon Residential Area Sale Yards Lane Mudgee*.
- Mid-Western Region Community Plan – Towards 2030*.
- Murphy B.W. and Lawrie J.W. (1998) *Soil Landscapes of Dubbo 1:250000 Sheet*, published by Department of Land and Water Conservation.
- NSW Rural Fire Service (December 2006) *Planning for Bushfire Protection*.
- Parsons Brinckerhoff (October 2009) *Mid-Western Regional Comprehensive Land Use Strategy*.
- Submissions and Constraints Assessments for previous rezoning of the subject land and current planning proposal:
- Insites (August 2008) *Submission to Mid-Western Regional Council – Mid-Western Regional Comprehensive Land Use Strategy Suitability of Land at Ulan Road, Bombira, for Large Lot Residential Development*.
- Insites (December 2009) *Submission to Mid-Western Regional Council - Ulan Road Bombira Tourist and Lifestyle Precinct*.
- Insites (June 2011) *Submission to Mid-Western Regional Council Proposal to Re-align Zone Boundary under the Draft Mid-Western Regional Local Environmental Plan 2011*.
- Jabek (2013) *Preliminary Traffic Analysis*, unpublished report prepared on behalf of Mr D Kennedy.
- Minespex (April 2010) *Phase One - Preliminary Site Investigation - Investigation of Potential Contamination Future Rezoning for Residential Use, Bombira Estate Vineyard, Lot 1 DP1000182, 220 Ulan Road Mudgee*, unpublished report prepared by on behalf of Mr Des Kennedy.
- Mudgee Local Aboriginal Land Council (December 2012) *Aboriginal Cultural Heritage Assessment 'Old Bombira Estate' Moggs Lane Mudgee NSW 2850*, unpublished report prepared by Christine Maynard for Mr and Mrs D Kennedy.

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APPENDIX A - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

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ABORIGINAL CULTURAL HERITAGE ASSESSMENT

"OLD BOMBIRA ESTATE"

MOGGS LANE

MUDGEES NSW 2850



**PREPARED FOR
Mr & Mrs D. Kennedy
Bombira Estate
Mudgee NSW 2850**

**BY
CHRISTINE MAYNARD
MUDGEES LOCAL ABORIGINAL LAND COUNCIL
P.O BOX 1098
MUDGEES NSW 2850**

**INFORMATION RELATING TO ABORIGINAL SITES CONTAINED IN THIS REPORT IS OF SENSITIVE NATURE AND SHOULD BE
NOT MADE PUBLIC WITHOUT PRIOR PERMISSION OF MUDGEES LALC**

Contents

1. Introduction	1
1.1 Purpose of investigation	1
1.2 Aims and Scope	1
1.3 Location of Development / Description of Study Area	2
1.4 Description of Impact	2
1.5 Methodology Pre/Fieldwork	3
1.6 Field Investigation Strategy	3
2. Qualifications / Relevant Experience	4
2.1 Relevant Legislation	4
2.2 Consultation	6
3. Results	6
4. Recommendations	7
Glossary	
Appendixes	

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1. INTRODUCTION

This report documents the results of an Aboriginal Cultural Heritage Assessment carried out by the Mudgee Local Aboriginal Land Council.

Information relating to Aboriginal Sites contained in this report is of a sensitive nature and should not be made public without prior permission of the Mudgee LALC.

1.1 Purpose of investigation

The Mudgee Local Aboriginal Land Council has been engaged to carry out an Aboriginal Cultural Heritage site Assessment by landowner Mr Des Kennedy for the purpose of a future subdivision at the DP 1000182 and Lot 1 DP 1178455.

The purpose of the investigation is to determine the presence of Aboriginal Cultural Heritage materials and if such materials are identified to record these sites and provide the proponent with recommendations for management.

1.2 Aims and Scope

The principal aims and scope of this Aboriginal Cultural Heritage Assessment are to:

- Undertake heritage register searches, research, Aboriginal community consultation and an archaeological survey to identify and record any Aboriginal Heritage evidence or areas of potential evidence or cultural values within the investigation area;
- Assess the potential impacts of the development upon any identified or potential heritage evidence or cultural values;
- Assess the significance of any Aboriginal heritage evidence or cultural values identified;
- Provide details of any Aboriginal heritage evidence in accordance with the OEH requirements;
- Consult with the Aboriginal community as per the OEH policy entitled *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010a)*;
- Present recommendations for the management of any identified Aboriginal heritage evidence and potential heritage resources or cultural values; and

- Prepare a formal report to meet the requirements of the OEH (primarily with reference to the *Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation* and DECCW (2010b) *Code of Practice for Archaeological Investigation of Aboriginal objects in New South Wales*) and where necessary, any mitigation strategies and/or Aboriginal Heritage Management Plans.

1.3 Location of Development / Description of Study Area

Bombira Estate is located approximately 3 km north east of Mudgee, east off the Cassilis /Ulan Road. The study area is located in LGA of Mid-Western Regional Council, Locality of Bombira, Parish of Bumberra County of Phillip.

The proposed development is a subdivision and the study area consists of land within DP 1000182 and Lot 1 DP 1178455.

Bombira is a prestige landform unit consisting of elevated terraces which were the type of landscapes were highly utilized by the local Aboriginal Clans of the Mudgee area. This typical landscape gave visibility across the lower slopes and waterways where animals and plant life would have been abundant and where there would have been easy access to resource material for manufacturing stone tools and daily activities.

The study area is undulating country consisting of mostly a gentle high to mid lower easterly slopes overlooking the swampy existing pond /s area. This would have been an important area due to its proximity to the Lawson Creek and the Cudgegong river system. The terrain is mostly cleared of native vegetation with a few scattered old Red gums and white box remaining which are utilized as shade by stock. There are few scattered exposures with grass cover at the time of survey approximately 95%.

The Western side of the proposed study area at the entrance of the existing property adjacent to the Ulan Cassilis road has a westerly gentle slope which has not been impacted by past vineyards as the eastern side of study area unit and is used for stock and grazing purposes.

Since European occupation the impact to the Environment over the study area is evident such as past clearing, cultivation, planting of vineyards, fencing and grazing, watering troughs, roads and tracks. The property has been well maintained since early development and there is evidence of rock removal and general land clearing practices associated with farming.

1.4 Description of Impact

Impacts to Aboriginal Cultural Heritage sites or relics over the proposed development area would be as a result of earth moving during the construction of dwellings, buildings and any associated infrastructure to a depth of 20 to 30cm. This would involve top soil disturbances over terrace flats, crests, slopes, or drainage areas. Although the proposed development area would had been significantly disturbed by past farming practices the Mudgee LALC regards the area as being a Cultural Significant occupational area in Wiradjuri country associated with the local water ways of Lawson Creek and the Cudgegong River.

1.5 Methodology Pre/Fieldwork

A number of Aboriginal Cultural Heritage Assessments have been previously undertaken in the vicinity for various landowners, Mid-Western Regional Council and Government Departments. The area is regarded as significant as it would have been highly utilised due to its position and the proximity of valuable resources.

Oral history and archaeological evidence support the theory that there is a high potential for the presence of Aboriginal Cultural Heritage materials in the study area.

Results of an OEH AHIMS database search reveal that there is 1 recorded site within 50 metres of the study area and 4 recorded sites within a 1km radius of the study area (see Appendix).

1.6 Field Investigation Strategy

When conducting an Aboriginal Cultural Heritage Assessment the investigation is divided into different survey areas each representing a different environmental context which is a combination of landform element and class of slope (e.g. gentle spur crest, level-very gentle ridge crest). This is based on the fact that Aboriginal people used different parts of the environment in different ways and as such different heritage evidence may exist in different environmental contexts.

The aim is to physically inspect on foot the survey area using transects ensuring that all landform elements are covered.

Within the survey area:

- Inspection will be made widely for the obtrusive site types, such as rock shelters with deposit and/or art, grinding grooves and scarred trees; and
- Inspection will be made widely for stone artefacts and other cultural evidence, focusing on areas with ground surface visibility.
- Detailed recording will be made of the environmental conditions of the survey area inspected (such as landform type, slope, surface visibility, detection limiting factors and levels of ground disturbance) and any heritage evidence identified or potentially present. Separate recording forms will be utilised for each type of heritage evidence (e.g. stone artefacts, grinding grooves and scarred trees).
- The survey will be undertaken by a Mudgee LALC Aboriginal Cultural Heritage Officer.
- As a result of the feedback gained from the survey further research or consultation may be need to be undertaken.

The Aboriginal community will be asked of their cultural knowledge relevant to determining the cultural significance of any Aboriginal objects or places within the investigation area. This may include knowledge or cultural values relating to:

- Sites or places associated with ceremonies, spiritual / mythological beliefs and traditional knowledge, which date from the pre-contact period and have remained until the present time;

- Sites or places with historical associations, which date from pre-contact period and are remembered by people today (e.g. plant and animal resources use areas and camp sites)
- Sites or places of contemporary significance (including areas where Aboriginal objects remain but the significance has been acquired in recent times).

2. Qualifications / Relevant Experience

As a Local Aboriginal Land Council established under the *Aboriginal Land Rights Act 1983* (NSW) the Mudgee LALC has a key role in caring for Aboriginal Culture and Heritage.

In particular Section 52 (4) states the following about a LALC/s functions:

(4) Aboriginal culture and heritage

A Local Aboriginal Land Council has the following function in relation to Aboriginal culture and heritage:

- (a) To take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law,*
- (b) To promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area.*

Mudgee Local Aboriginal Land Council has been conducting Aboriginal Cultural Heritage Assessments within its boundaries for the past 9 years. The Mudgee LALC has extensive experience in working with various groups and individuals both Government and non-Government including Mid-Western Regional Council, various mining companies, developers, and local landowners.

Christine Maynard is an Aboriginal Cultural Heritage Officer with over 15 years experience in the local region. Christine has qualifications in Indigenous Site Assessment and has extensive experience in conducting independent Aboriginal Cultural Heritage Assessments, Site identification and Archaeological surveys with Archaeologists. In addition she has experience in consulting with various Government Departments including the Office of Environment and Heritage. As a Wiradjuri woman she has local knowledge of the area and community which is invaluable when undertaking Aboriginal Cultural Heritage Assessments.

2.1 Relevant Legislation

Mudgee Local Aboriginal Land Council works within the requirements of relevant State and Federal Legislation with the predominate aim of protecting and preserving our cultural heritage for all future generations.

Principles for the conservation of heritage places and relics can be found in the Burra Charter. It recognizes that there are places worth keeping because they can enrich our lives on many levels. The significance of such places may be embodied in fabric (physical material), environmental setting, content, use or its meaning to people, and should be assessed through methodical data collection. Since its adoption in 1979, the Burra Charter has become the standard of best practice in the conservation of heritage places in the conservation of heritage places in Australia, and heritage

organisations and local government authorities have incorporated the inherent principles and logic into guidelines and other conservation planning documents. The Burra Charter generally advocates a cautious approach to changing places of heritage significance. The conservative notion embodies the basic premise behind legislation designed to protect our heritage, which operates primarily at a State level.

State Legislation

A number of Acts provide for the protection of Aboriginal heritage at various levels of Government. The three most important statutes in New South Wales are the:

- *Environmental Planning and Assessment Act 1979* (EP &A Act), amended by the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005* (EPP&AA) Act
- *National Parks and Wildlife Act 1974* (NPW Act); and
- *Heritage Act 1977* (H Act).

The EP&A Act 2005 is founded on the *Environmental Planning and Assessment Act 1979* that requires environmental impacts, including cultural heritage, are considered at a land use planning and decision making level.

Under this Act Aboriginal Heritage is protected in three different ways:

1. Through planning instruments such as Regional Environmental Plans (REPs) and Local Environmental Plans (LEPs). Such plans outline permissible land use as well as identifying potential constraints. Section 112 (1) of the EP& A Act delineates that no approval for either prescribed development or developments likely significantly affect the environment, may be granted without prior appropriate environmental impact assessment.
2. Section 90 of the Act (Part 4, Division 5) lists impacts to the environmental resource, including cultural heritage, which must be considered before development approval is granted.
3. All State Government agencies acting as determining authorities on environmental issues must consider a range of community and cultural factors, including Aboriginal heritage in their decision making process. The factors to be considered in such assessments are set out in the EP &A Regulations (1980), Part VII.

The National Parks and Wildlife Act 1974 (as amended; particularly sections 83-91A) provides statutory protection for all Aboriginal relics and places, regardless of significance, land tenure or whether they have been previously recorded in the OEH AHIMS. Areas may be gazetted as Aboriginal 'places' when the Minister is satisfied that sufficient evidence exists to demonstrate that the area is or was of special significance to Aboriginal people.

Under Section 90 of the Act it is an offence to damage, deface or cause or permit the destruction of an Aboriginal relic or place without the prior written consent of the Director General of the NSW OEH. Prosecution for such offences may include the imposition of financial penalties and/or imprisonment. Reporting the discovery of previously unknown Aboriginal sites to the Director-General of the OEH within the reasonable time of discovery is also obligatory under Section 91 of the Act.

The Heritage Act 1977 (amended 1999) protects the State's natural and cultural heritage and contains measures to protect archaeological remains. Generally, Aboriginal sites are protected by the NPW Act, but if certain sites are deemed as having great significance, they can be further protected by a heritage order by the Minister, on the advice of the Heritage Council.

Commonwealth Legislation

At a Commonwealth level the following statutes are relevant:

Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) amended by the *Environmental and Heritage Legislation Amendment Act (no. 1) 2003*, the *Australian Heritage Act 2003* (AHC Act) and the *Australian Heritage Council (Consequential and Transitional Provisions) Act 2003* (AHC(CT) Act).

2.2 Consultation

Mudgee Local Aboriginal Land Council was consulted regarding the proposed development and Aboriginal Cultural Heritage Officer Christine Maynard along with local knowledge holder David Maynard met onsite with the proponent prior to the commencement of the survey.

The investigation was carried out on the 21st November 2012 and the draft report was presented to the Mudgee LALC for consultation and approval.

3. Results

The survey was conducted on the 21/11/12. As a result one Open Camp Site was identified [Site BMB1 0744455E 6392647N]. The site is located on the higher slope along a vehicle access track east off the existing driveway entrance. This access track continues east down to the existing shed area. Objects are often found and located along upper and lower terrace areas within a landscape such as this investigation indicates. Locations such as these were often utilized as a place to meet and gather and make stone implements.

Objects identified include a blade which is broken at both ends made of volcanic grey material and other flakes and fragments – the results of stone tool knapping. Due to extensive farming practices objects are often disturbed over many years from their original place of origin and are often scattered from original location depending on top soil disturbance. More than likely more Objects would be also present and further scattered within the surrounding area within or below topsoil coverage to a depth of 20 to 30cm or to the clay were Objects often rest due to soil disturbances.

4. Recommendations

After consulting with the local Aboriginal community and seeking advice from the Office of Environment and Heritage the Mudgee LALC has the following recommendations:

1. That the optimal approach would be that the developer takes on the responsibility for addressing the Aboriginal Cultural Heritage concerns in the development area.
2. That if possible the layout of any future subdivision be amended to exclude the site area to avoid any impacts to Aboriginal cultural heritage materials. This optimises the potential for conservation outcomes and would avoid the need to apply for an Aboriginal Heritage Impact Permit (AHIP). Other developments have taken this course of action as a means of avoiding the Sites(s) and have designated such areas as conservation areas such as reserve or "theme/bush" parks around them as a feature for the residential subdivision. Often these are located within a creek corridor that intersects the subdivision and are used as a buffer to protect native vegetation, and for visual aesthetics.
3. That if the option identified in Recommendation 2 is not possible and avoidance of harm to sites cannot occur then the developer has the right to apply for an AHIP. In determining the AHIP the Office of Environment and Heritage would assess whether the developer has demonstrated that meaningful efforts towards avoiding harm sites has occurred.
4. If an AHIP is applied for and granted the Mudgee Local Aboriginal Land Council recommends that there is a collection of any exposed Object that may be at risk of surface disturbances and that these be in a safe area as close as possible to their original location.
5. That a Mudgee LALC representative be present during the removal of topsoils including levelling off for dwellings and associated infrastructure to identify and retrieve any previously unidentified surface or subsurface materials including stone, bone or shell cultural heritage materials. These materials should also be documented and placed in a safe area as close as possible to their original location.
6. For those conducting any proposed works within the area the following caution applies. All earth moving contractors and operators should be instructed that in an event that of any bone or Stone Objects or discrete distributions of shell being unearthed during any earth moving activity, work should cease immediately in the affected area, and Mudgee Local Aboriginal Land Council and Officers of the National Park and Wildlife Service be informed of the discovery.

We thank you for the opportunity to work with you in the protection of our cultural heritage for future generations and we look forward to working with you in the future.

Please do not hesitate to contact our office if you require any further information.

Yours Sincerely



Tony Lonsdale
A/G CEO Mudgee LALC



Christine Maynard
Aboriginal Cultural Heritage Officer

GENERAL GLOSSARY OF TERMS

Aboriginal Object	<i>Aboriginal object</i> is defined under the Act as "any deposit, object, or material evidence (not being a handicraft for sale) relating to Aboriginal habitation of the area that comprises New South Wales being habitation before or concurrent with the occupation of that area by persons of non Aboriginal extraction, and includes Aboriginal remains" (as defined within the meaning of the NPW Act 1974: see <i>Guidelines for Aboriginal Heritage Impact Assessment</i> July 2003)
Analysis	Evaluation of archaeological data to determine the archaeological significance of sites recorded within an impact area
Analytical Recording	A process of site recording which obtains detailed archaeological data useful in archaeological analysis
Archaeological Comparability	The evaluation of whether archaeological sites are uniformly different or similar across an impact area
Archaeological Data	Archaeological information that is recorded as a result of an archaeological investigation
Archaeological Deposit	A layer of soil material containing archaeological remains
Archaeological Investigation	The process of assessing the archaeological potential of an impact area by a qualified archaeologist
Archaeological Significance	The evaluation of the scientific significance of a site, artefact, object or potential archaeological deposit as being unique, representative, information laden, intact or disturbed, easily dateable, or having special qualities that will add new knowledge to our understanding of human history
Artefact	Any object made by human agency (e.g. stone artefacts)
Artefact Scatter	A collection of artefacts usually lying as a lag deposit on an eroding surface
Assemblage	1 - A group of stone artefacts found in close association with one another 2 - Any group of items designated for analysis - without any assumptions of chronological or spatial relatedness (Witter 1995)

Avoidance	A management strategy which protects Aboriginal Sites within an impact area by avoiding them totally in development
Broken Flake	A flake which is either a distal fragment or proximal fragment
Campsite	A site which contains a variety of artefactual data not specific to one type of stone tool reduction sequence
Complete Flake	A flake which is whole and not broken
Core	A lump or nodule of stone from which flakes have been removed
Debitage	Unmodified flakes or fragments of stone material removed as a result of stone tool manufacture or modification
Flake	A piece of stone detached from a core, displaying a bulb of percussion and striking platform
Flaked Piece	A fragment of stone where negative flake scarring is visible but no obvious striking platforms are present
Hearth	The site of a campfire represented by charcoal, burnt earth, ash and sometimes stones used as heat retainers
Intensive Recording	The process of recording in detail aspects of a site or object's cultural fabric and character using the latest scientific methods otherwise unavailable at the time of the archaeological survey
Impact Area	An area that requires archaeological investigation and management assessment
In situ	Latin words meaning 'on the spot, undisturbed'
Isolated Find	A single artefact found in an isolated context
Knapping Floor	A location on a site which normally represents a stone artefact reduction episode
Land Form	Any one of the various features that make up the surface of the earth
Landscape	That part of the land's surface, more or less extensive being viewed or under study, that relates to all aspects of its physical appearance, including various vegetation associations and landforms

Land System	An area, or group of areas, commonly delineated on a map, throughout which there is a recurring pattern of topography, soils, and vegetation
Land Unit	An area of common landform, and frequently with common geology, soils, and vegetation types, occurring repeatedly at similar points in the landscape over a defined region. It is a constituent part of a land system
Management Plans	Conservation plans which identify short and long term management strategies for all known sites recorded within an impact area
Methodology	The procedures used to undertake an archaeological investigation
Minimum Requirements	The minimum standard for which NPWS will accept the reporting of an archaeological investigation
Mitigation	To address the problem of conflict between land use and site conservation
Open Area Excavation	A method of excavation where large areas of an archaeological site are open at any one time. A horizontal representation of Aboriginal occupation of different archaeological features is considered to be more important than vertical stratigraphic relationships
Open Site	An archaeological site situated within an open space (e.g. archaeological material located on a creek bank, in a forest, on a hill etc.)
Research Design	A research strategy for carrying out an intensive archaeological investigation and analysis
Salvage	A method by which an archaeological site or group of sites may be fully investigated before they are totally destroyed by a development
Sample Unit	An area of investigation which is uniform size or density and which can be quantified for analytical reasons
Sampling	The process of selecting part of an area under archaeological investigation as a basis for generalising about the whole
Site	A place where past human activity is identifiable
Site Recording	The systematic process of collecting archaeological data for an archaeological investigation

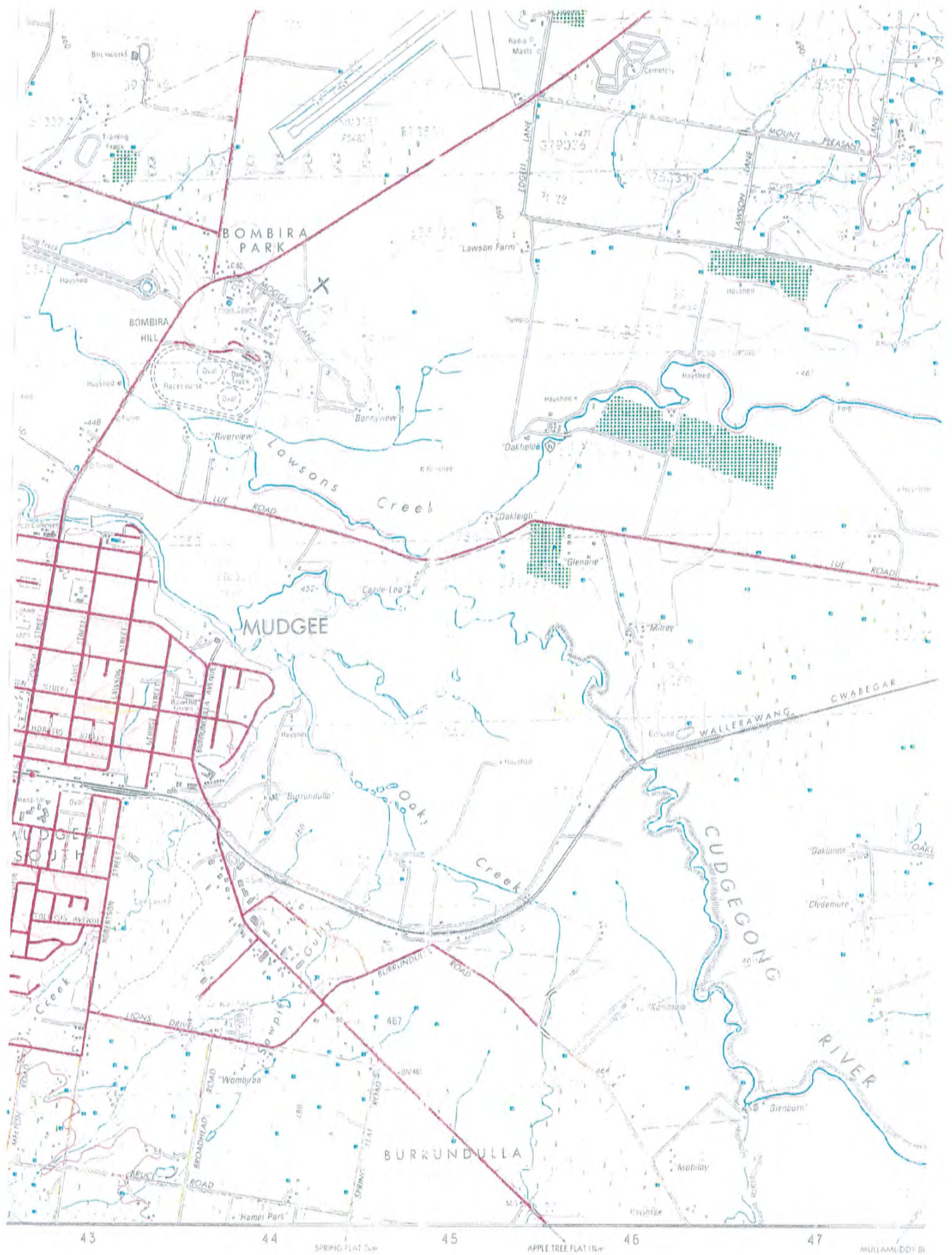
Appendix 1

Maps

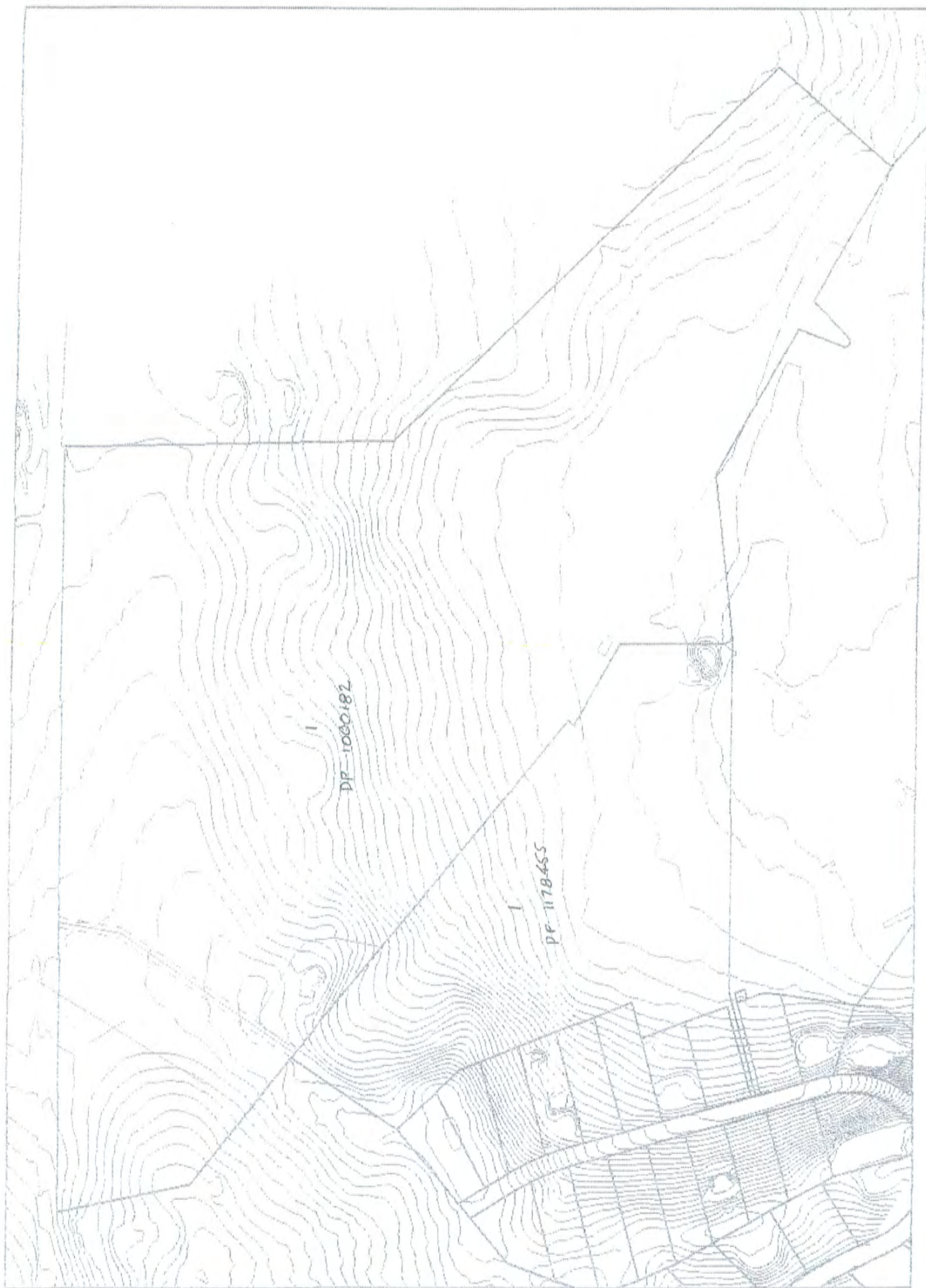
D. Kennedy



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06-34 723858



[illegible]

Appendix 2

AHIMS Search Results



Date: 09 January 2013

Mudgee Local Aboriginal Land Council
PO Box 1098
Mudgee New South Wales 2850
Attention: Tony Lonsdale
Email: mudgeelalc@bigpond.com
Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP1000182 with a Buffer of 50 meters,
conducted by Tony Lonsdale on 09 January 2013.

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 the Office of the Environment and Heritage 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. *



Mudgee Local Aboriginal Land Council

Date: 09 January 2013

PO Box 1098

Mudgee New South Wales 2850

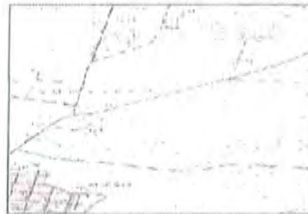
Attention: Tony Lonsdale

Email: mudgeelalc@bigpond.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP1000182 with a Buffer of 1000 meters, conducted by Tony Lonsdale on 09 January 2013.

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 the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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

Appendix 3

Site Card

Aboriginal Site Recording Form

AHIMS Registrar
PO Box 1967, Hurstville NSW 2220

Office Use Only

Site Number

Date received / / Date entered into system / / Date catalogued / /

Entered by (I.D.)

Information Access

☐ Gender/male ☒ Gender/female ☐ Location restriction ☐ General restriction ☐ No access

Office Use
Only

For Further Information Contact:

☒ Nominated Trustee

Title Surname First Name Initials
MIS MAYNARD CHRISTINE CM

Organisation MUGGEE LALC

Address INDUSTRIAL AVE. PO Box 1098

Phone number 0263723511 Fax 0263723522

Client on
system
☐

☒ Knowledge Holder

Title Surname First Name Initials
MIS MAYNARD CHRISTINE CM

Organisation MALC

Address P.O. Box 1098 MUGGEE NSW 2850

Phone number 0263723511 Fax 0263723522

Client on
system
☐

Aboriginal Heritage Unit or Cultural Heritage Division Contacts

DUBBO NSW

Geographic Location

Site Name BOMBIRA BOMBI

Easting 44255 Northing 6372647 AGD/GDA GDA

Mapsheet MUGGEE 8832-4-7

Zone 55 Location Method GARMIN GDS

Other Registration

Primary Recorder

Title Surname First Name Initials
MIS MAYNARD CHRISTINE CM

Organisation MALC

Address P.O. Box 1098 MUGGEE NSW 2850

Phone number 0263723511 Fax 0263723522

Date recorded

Client on
system
☐

OPEN/CLOSE SITE ☒ OPEN

Site Context

Landform

- ☐ Mountainous
☐ Plain
☐ Rolling hills
☐ Steep hills
☐ Undulating plain

Slope

 degrees

Landform Unit

- ☐ Beach
☐ Coastal rock platform
☐ Dune
☐ Intertidal flat
☐ Lagoon
☐ Tidal Creek

- ☐ Tidal Flat
☐ Cliff
☐ Crest
☐ Flat
☐ Lower slope
☐ Mid slope
☒ Upper slope
☐ Plain
☐ Ridge
☐ Tor
☐ Valley flat
☐ Levy

- ☐ Stream bank
☐ Stream channel
☐ Swamp
☐ Terrace
☒ Terrace flat

Vegetation

- ☐ Closed forest
☐ Grasslands
☐ Isolated clumps of trees
☐ Open forest
☐ Open woodland
☐ Scrub
☐ Woodland
☐ Cleared
☐ Revegetated
☐ N/A

Land use

- ☐ Conservation
☐ Established urban
☒ Farming-intensive
☐ Farming-low intensity
☐ Forestry
☐ Industrial
☐ Mining
☐ Pastoral/grazing
☐ Recreation
☐ Semi-rural
☐ Service corridor
☐ Transport corridor
☐ Urban expansion
☐ N/A

Water

Distance to permanent water source

 metres

Distance to temporary water source

 1,000 metres

Name of nearest permanent water source

CLIDEGONG

Name of nearest temporary water

LAWSON TRIB-POND

Directions for Relocation

TO BE RELOCATED IF CAN'T BE AVOIDED
 FROM IMPACT OR FURTHER DISTURBANCE
 TO NEARBY ESTABLISHED AREA.
 Agree upon.

Site Location Map

NW N NE

Current Land Tenure

- ☐ Public National Park / other Government
☐ Private Dept.

Primary report

I.D. (I.D. Office Use only)

W

N

E

SW

S

SE

General Site Information

Closed Site

Shelter/Cave Formation

- ☐ Boulder
- ☐ Wind erosion
- ☐ Water erosion
- ☐ Rock collapse

Rock Surface Condition

- ☐ Boulder
- ☐ Sandstone platform
- ☐ Silica gloss
- ☐ Tessellated
- ☐ Weathered
- ☐ Other platform

Condition of Ceiling

- ☐ Boulder
- ☐ Sandstone platform
- ☐ Silica gloss
- ☐ Tessellated
- ☐ Weathered
- ☐ Other platform

Shelter Aspect

- ☐ North
- ☐ North East
- ☐ East
- ☐ South East
- ☐ South
- ☐ South West
- ☐ West
- ☐ North West

Open Site

Site Orientation

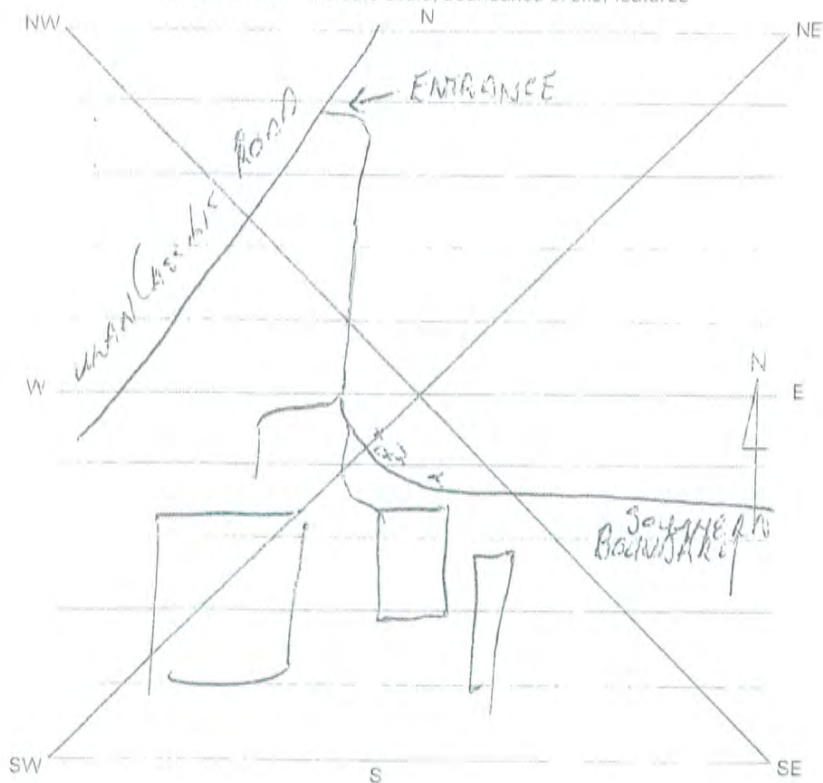
- ☐ N-S
- ☐ NE-SW
- ☐ E-W
- ☐ SE-NW
- ☒ N/A

Features

- ☐ 1. Aboriginal Ceremony & Dreaming
- ☒ 2. Aboriginal Resource & Gathering
- ☐ 3. Art
- ☐ 4. Artefact
- ☐ 5. Burial
- ☐ 6. Ceremonial Ring
- ☐ 7. Conflict
- ☐ 8. Earth Mound
- ☐ 9. Fish Trap
- ☐ 10. Grinding Groove
- ☐ 11. Habitation Structure
- ☐ 12. Hearth
- ☐ 13. Non Human Bone & Organic Material
- ☐ 14. Ochre quarry
- ☒ 15. Potential Archaeological Deposit
- ☐ 16. Stone Quarry
- ☐ 17. Shell
- ☐ 18. Stone Arrangement
- ☐ 19. Modified Tree
- ☐ 20. Water Hole

Site Plan

Indicate scale, boundaries of site, features



Site Dimensions

Closed Site Dimensions (m)

- Internal length
- Internal width
- Shelter height
- Shelter floor area

Open Site Dimensions (m)

- Total length of visible site
- Average width of visible site
- Estimated area of visible site
- Length of assessed site area

Aboriginal Community Interpretation and Management Recommendations

AS ATTACHED

Preliminary Site Assessment

Site Cultural & Scientific Analysis and Preliminary Management Recommendations

AS ATTACHED

This section should only be filled in by the Endorsees

Endorsed by: ☒ Knowledge Holder ☐ Nominated Trustee ☐ Native Title Holder ☒ Community Consensus

Title	Surname	First Name	Initials
MIS	MAYNARD	CHRISTINE	AM
Organisation	MNAHC		
Address			
Phone number	0263723511	Fax	0263723522

Attachments (No.)

- ☒ A4 location map
☐ B/W photographs
☒ Colour photographs
☐ Slides
☒ Aerial photographs
☒ Site plans, drawings
☐ Recording tables
☐ Other
☐ Feature inserts-No. ☐

Comments

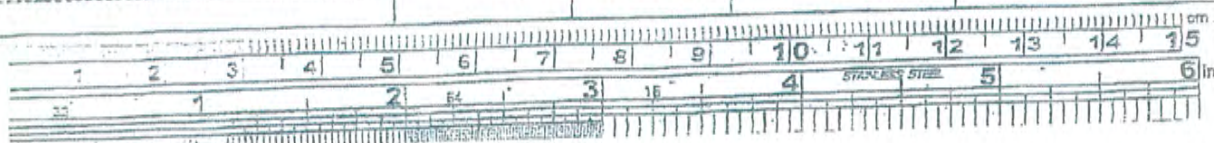
SEE ATTACHED REPORT

Isolated Artefact

Site Field Name: BMB 1

Date 21/11/2

Grid Ref 744455E 6392647N

[illegible]

Appendix 4

Photographs



Figure 1. Looking towards the West, Ulan Cassilis Road in foreground Note ground cover for limited visibility



Figure 2. Overlooking south easterly Mid to lower slopes note shed area and southern side boundary



Figure 3. Overlooking N/W corner boundary in far foreground of line of trees



Figure 4. Example of Exposure that is available



Figure 5. Western side boundary location note Ulan Cassilis Road located on right of Photo



Figure 6. Identified Site Area BMB1



Figure 7. Aboriginal Cultural Heritage materials identified at BMB1

APPENDIX B – AHIMS SEARCH

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Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Your Ref Number : Des Kennedy

Client Service ID : 90965

Minespex Pty Ltd

Date: 31 January 2013

Units 1 and 2 73 Market Street
Mudgee New South Wales 2850

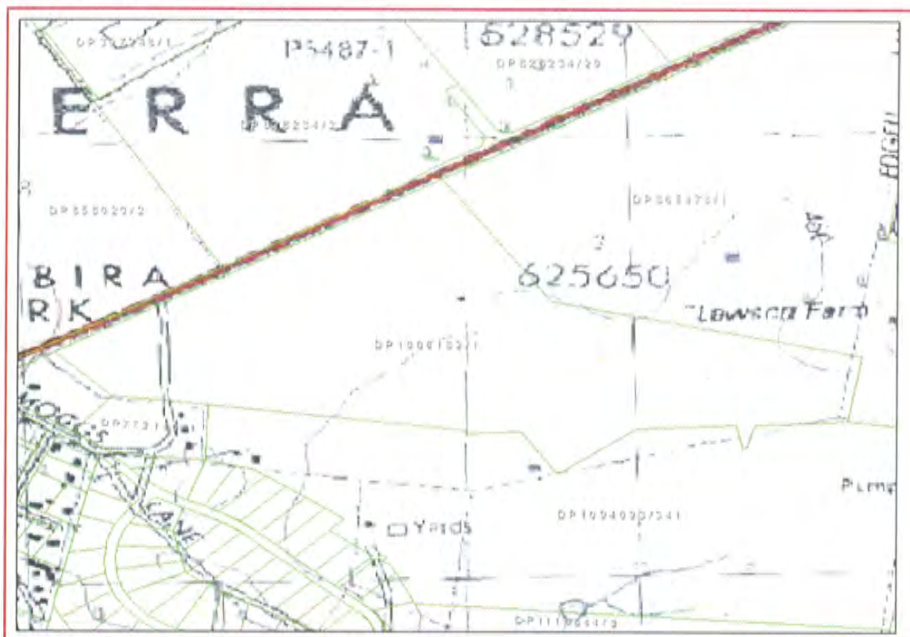
Attention: Emma Yule

Email: emma.yule@minespex.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 1, DP:DP1000182 with a Buffer of 50 meters, conducted by Emma Yule on 31 January 2013.

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 the Office of the Environment and Heritage 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](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit 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 be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage 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.

PO BOX 1967 Hurstville NSW 2220
43 Bridge Street HURSTVILLE NSW 2220
Tel: (02)9585 6345 (02)9585 6471 Fax: (02)9585 6094

ABN 30 841 387 271
Email: ahims@environment.nsw.gov.au
Web: www.environment.nsw.gov.au

APPENDIX C – TRAFFIC ANALYSIS

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Jabek Pty Limited

Land Development Consultants
ABN: 52155702686

107-125 Bellevue Road
MUDGEES NSW 2850

Phone: 02 63721818
Mobile: 0427721818

Email: crooks.jabek@yahoo.com.au

TRAFFIC ANALYSIS

Proposed Development

The proposed development consists of 136 residential lots of minimum 2000m² size. The development is situated approximately 2km North of the Glenwillow roundabout along Ulan Road. The development is accessed from a single entry point off Ulan Road. The development is to be staged in 6 separate stages of 20-30 block releases.

The internal road network has been designed with adequate sight distances as per Mid Western Regional Council Residential Development Control Plan. All lots within the development will be able to be accessed by a 19.0m single articulated vehicle, which was the design vehicle used in determining the adequacy of the road layout.

Site details and background information on the proposed Residential Subdivision, including a plan of the proposed subdivision, background information and zoning details, has been previously provided in the Statement of Environmental effects prepared by Jabek Pty Ltd and will not be included in this report.

Access to the Development

The development will be accessed from Ulan Road and traffic from the development will travel along Ulan Road either to the North towards Ulan, or to the South towards Mudgee. Ulan Road is defined in the 2008 Mudgee Traffic Management Study (Gennaoui Consulting, 2008) as being a sub-arterial road, conveying traffic from areas of development directly from one part of a region to another (not primarily used for access purposes).

Public transport is available from the entry to the development on Ulan Road. The number 563 bus service runs 3 times a day on a "hail and ride" system. It is assumed that only a small percentage of residents of the new subdivision will use public transport service. Cycle paths are available a short distance from the subdivision originating at the existing "Bombira Estate" and continuing into the Mudgee CBD. The inclusion of this cycleway will encourage residents to walk and cycle, but it is assumed for the purposes of this report that the majority of the subdivision residents will be using vehicles as their main mode of transport and only a small reduction in the estimated traffic figures from the development has been used.

At the site of the proposed subdivision, Ulan Road is sealed and conforms with Mid Western Regional Council minimum guidelines for sealed road and formation widths. The development

sits just inside a 100km/hr zone, with the existing 80km/hr zone starting approximately 150m from the proposed entry site.

Although the site has been designed with a single entry point to Ulan Road, a proposed development adjacent will include a connecting road to this development and a separate access point to Ulan Road. It is anticipated that in the future some traffic from this development will access Ulan Road by travelling through the adjacent subdivision, but for the purposes of this report no reduction in the expected subdivision traffic has been allowed for motorists using the alternative access point.

Expected Traffic Generation

The expected traffic increase generated by the development is shown in the table below and in the plan attached in Appendix A (BK007 – Traffic Generation).

Number of Dwellings	Daily Vehicle Trips	Peak Hour Vehicle Trips
136	979*	120

Table 1.1: Expected Increase in Traffic Due to Development

* Daily vehicle trips includes an allowance of 10% of daily trips to be internal to the subdivision and 10% of daily trips to be walking/cycling/public transport (Austroads 2009).

Traffic generated from the development was assumed to generally in accordance with table 4.5 of the Mudgee Traffic Management Study prepared by Gennaoui Consulting (2008), which assumes that the majority of the traffic from new residential lots will have a destination or origin that gives the following distribution:

- CBD 35%
- Industrial (Sydney Rd) 26%
- Existing Residential 14%
- Sydney Road 6%
- Ulan, Gulgong Roads 14%
- Internal Trips 5%

Using the above figures, the expected traffic generation throughout the subdivision and along Ulan Road is shown in Appendix A – Plan of Traffic Generated from Development.

It is important to note that these traffic figures are for the whole development, i.e. six stages completed. With the land to be released in 20-30 lot stages the development would not be expected to be complete for 5-7 years time and the traffic would be gradually increased with each stage release.

Traffic increases on the local road network surrounding the development and the impact on the level of service of the roads are shown in Table 2 below. Traffic data was obtained from Mid Western Regional Council with traffic counts conducted for the three month period between

February and May 2011 (latest available traffic data recorded by Mid Western Regional Council). As no peak hour data was available, peak hour figures shown in the table below have been estimated from the AADT figures in line with recommendations from Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections, section 4.8, page 47.

	AADT (Existing)	Peak Hour (Existing)	AADT (Post Development)	Peak Hour (Post Development)	Level of Service Pre Development	Level of Service Post Development
Ulan Road (North of Hollyoak Bridge – approx 1.4km from site)	7615	685	8398	781	A	B

Table 2: Traffic Data along Ulan Road pre and post development

The level of service rating refers to the Austroads definition of the number of vehicles that can pass over a given section of roadway during one hour while operating conditions are still maintained at the specified level of service. Levels of service range from A (almost no delays) to F (jammed), and it is suggested that levels of service do not exceed level C for sub-arterial roads such as Ulan Road. The carriageway level of service for Ulan Road will change from A to B on the estimates provided in this report, which is not considered to warrant any changes to the road to increase its capacity.

The percentage of heavy vehicles currently using Ulan Road was measured in the Mid Western Regional Council traffic counts as 5.4%. The development is not expected to generate large numbers of heavy vehicles along Ulan Road due to zoning restrictions and the intended use as a residential subdivision. Heavy vehicles using Ulan Road during the construction phase of the development will be limited by ensuring a balanced cut/fill ratio for the internal roads and other earthworks in the subdivision, so excess cut and fill will not need to be trafficked out of the development site.

Intersections Affected

The intersection of the new access road to the development was assessed for sight distance. The location of the new intersection is shown in figure 1 and 2 below.



Figure 1

View from location of new intersection looking South towards Mudgee

Figure 2

View from location of new intersection looking North towards Ulan



The safe intersection sight distance was measured in each direction at a point 1.25m above the ground at a point 5m back from the holding line at the intersection (on the minor road) to a point 1.1m above the ground on the major road. The distance measured during the site visit was more than 1km in the Northern direction (looking toward Ulan), with an extremely clear line of sight due to the straight road and gentle upwards slope in the Northerly direction. The

sight distance was measured at 450m in the Southern direction (towards Mudgee), with sight available from the proposed intersection to the corner of Ulan Road and Moggs Lane, where the road bends around and down the corner. In order to verify the distances recorded, travel times from sighting approaching cars were recorded during the site visit, with the lowest time recorded at 14 seconds for the Southern approach and over 30 seconds from the Northern approach.

Table 3.2 of Austroads (2010) Part 4A recommends that the minimum sight distance for an intersection with a 100km/hr design speed and a reaction time of 2.5 seconds (the most conservative estimate available) is 262m. The actual SIRD measured on site was well in excess of this amount.

The minimum gap sight distance was measured according to Austroads (2010) as the distance from a point 1.0m behind the hold line at a height of 1.1m above the ground, to the centre of the oncoming traffic lane at a height of 0.65m above the ground.

Austroads requires minimum gap sight distances to be as shown in Table 3 below:

Movement	Min t_a (critical acceptance gap - seconds)	Min gap sight distances (from t_a value)	Measured gap sight distances
Left hand turn from development to Ulan Road	14	389m	>500m
Right hand turn from Ulan Road to development	4	111	>500m
Right hand turn from development to Ulan Road	14	389m	430m

Table 3: Minimum gap sight distances

The values given in the above table for the minimum critical acceptance gap for the left and right hand turn from the development are conservative values that do not require oncoming traffic to slow, i.e. the vehicle turning onto Ulan Road should have sufficient time to accelerate to the design speed so that the oncoming traffic will not have to slow down. Austroads does allow a reduced figure for the critical acceptance gap of 5 seconds if the oncoming traffic is required to slow down, which is not the case in this instance as the sight distance is large enough to ensure that this should not happen.

Recommendations

It is recommended that due to the increase in traffic using the Ulan Road / New Access Road intersection the recommended entry to the development should be a CHR/CHL type intersection. Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections specifies the appropriate type of intersection based on major and minor road traffic volumes

during peak times. Based on the major road volume of +700 vehicles/hour and the minor volume of 120 vehicles/hour, the appropriate intersection type is a CHR/CHL intersection.

It is further recommended that consideration be given to extending the current 80km/hr speed zone along Ulan Road to include the entire subdivision frontage by expanding the 80km/hr speed zone by another 600m towards Ulan. Although not strictly necessary it would help to increase safety at the intersection of the new access road with Ulan Road.

Summary

The proposed subdivision at Ulan Road, Mudgee will generate an increase in traffic on the surrounding road network, specifically along Ulan Road. Ulan Road will continue to function at a level of service B, which is still acceptable. Due to the expected traffic to be using the single access point along Ulan Road, it is recommended that the intersection of the new access road with Ulan Road be constructed to a minimum CHR/CHL treatment to ensure the safety of the road users.

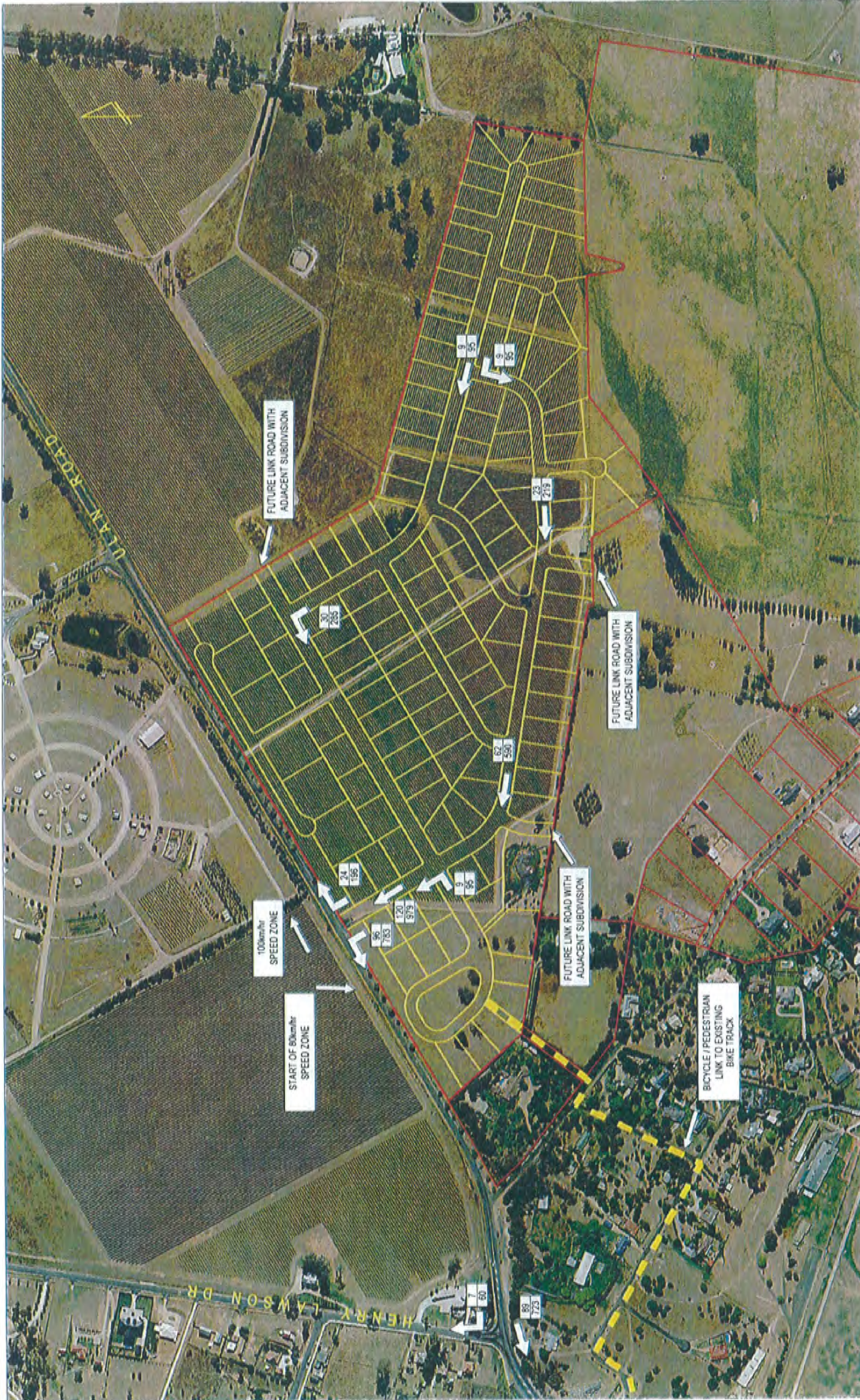
References

AUSTROADS (2009), "Guide to Traffic Management Part 12: Traffic Impacts of Development".

AUSTROADS (2005), "Guide to Traffic Engineering Practice – Part 5: Intersections at Grade".

Gennaoui Consulting Pty Ltd (2008), "Mudgee Traffic Management Study", March 08, Revision H, Pennant Hills, NSW

Prepared by:
Jim Disher
ENGINEER
JABEK PTY LIMITED



Client	JDL	Detail	CONCEPT RESIDENTIAL DEVELOPMENT
Reviewed	RCC		
Drawn	AHD		
Cost Engineer			
Project No.	A3		
Scale			
Revised			
Sheet	01/0013	Sheet Number	1 OF 1

Client
MR D. KENNEDY

Plan
TRAFFIC GENERATION FROM PROPOSED SUBDIVISION

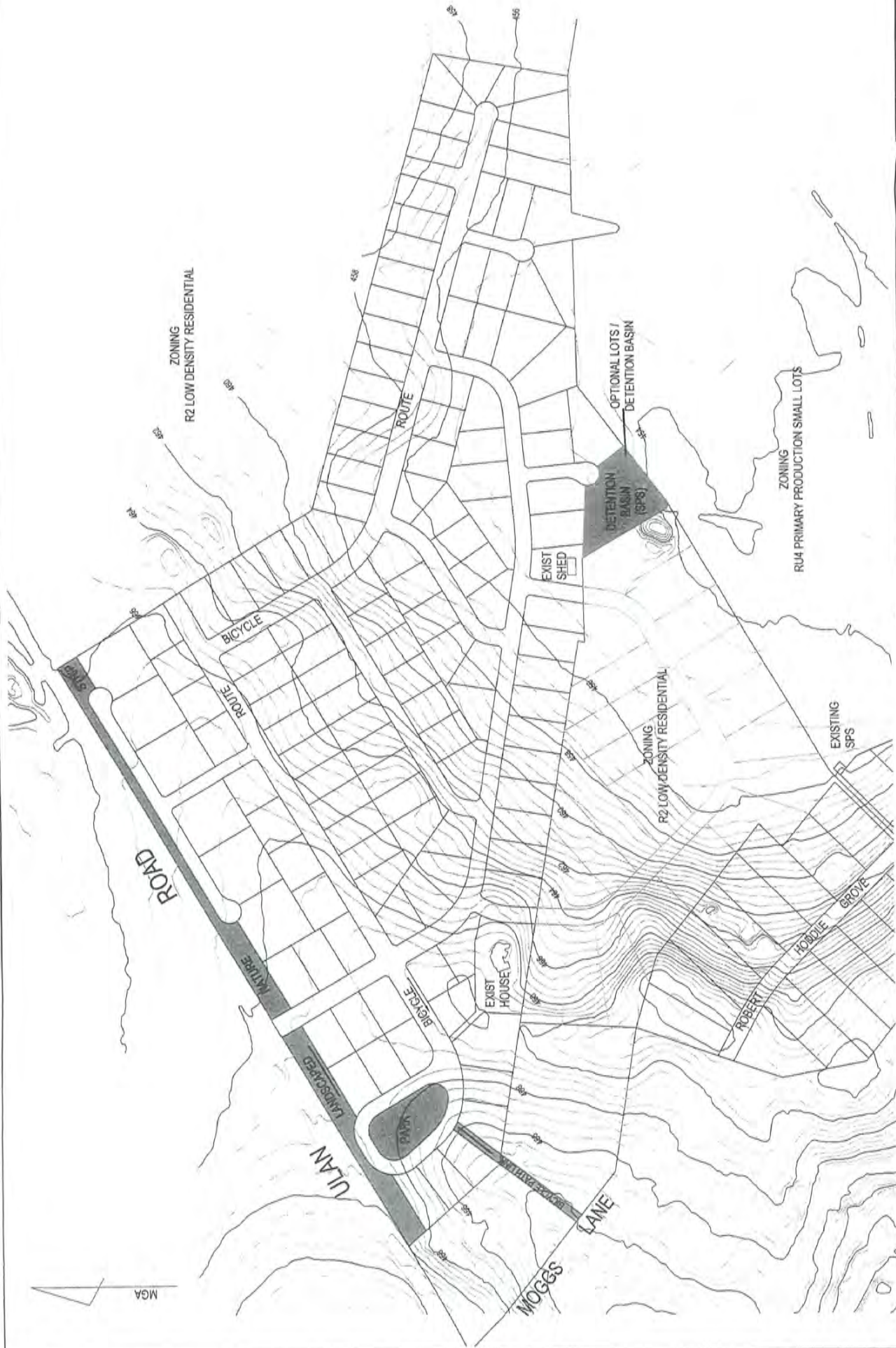
Jabek Pty Limited
Land Development Consultants
18/12/20, Inverkeithing Road
Woolston, New Zealand
Phone: 03 577 2119
Email: info@jabek.co.nz

Bob Crooks
Registered Surveyor

NOTES

APPENDIX D – CONCEPT PLANS

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Client	MR. DES KENNEDY
Project	PROPOSED SUBDIVISION OF LOT 1
Drawn	DP1000182
Scale	1:1000
Date	11/02/2013
Sheet Number	1 OF 5

Client	MR. DES KENNEDY
Project	PROPOSED SUBDIVISION OF LOT 1
Drawn	DP1000182
Scale	1:1000
Date	11/02/2013
Sheet Number	1 OF 5

Client	MR. DES KENNEDY
Project	PROPOSED SUBDIVISION OF LOT 1
Drawn	DP1000182
Scale	1:1000
Date	11/02/2013
Sheet Number	1 OF 5

Client	MR. DES KENNEDY
Project	PROPOSED SUBDIVISION OF LOT 1
Drawn	DP1000182
Scale	1:1000
Date	11/02/2013
Sheet Number	1 OF 5

Client	MR. DES KENNEDY
Project	PROPOSED SUBDIVISION OF LOT 1
Drawn	DP1000182
Scale	1:1000
Date	11/02/2013
Sheet Number	1 OF 5

Client	MR. DES KENNEDY
Project	PROPOSED SUBDIVISION OF LOT 1
Drawn	DP1000182
Scale	1:1000
Date	11/02/2013
Sheet Number	1 OF 5

Client	MR. DES KENNEDY
Project	PROPOSED SUBDIVISION OF LOT 1
Drawn	DP1000182
Scale	1:1000
Date	11/02/2013
Sheet Number	1 OF 5

(SPS) DENOTES SEWER PUMP STATION





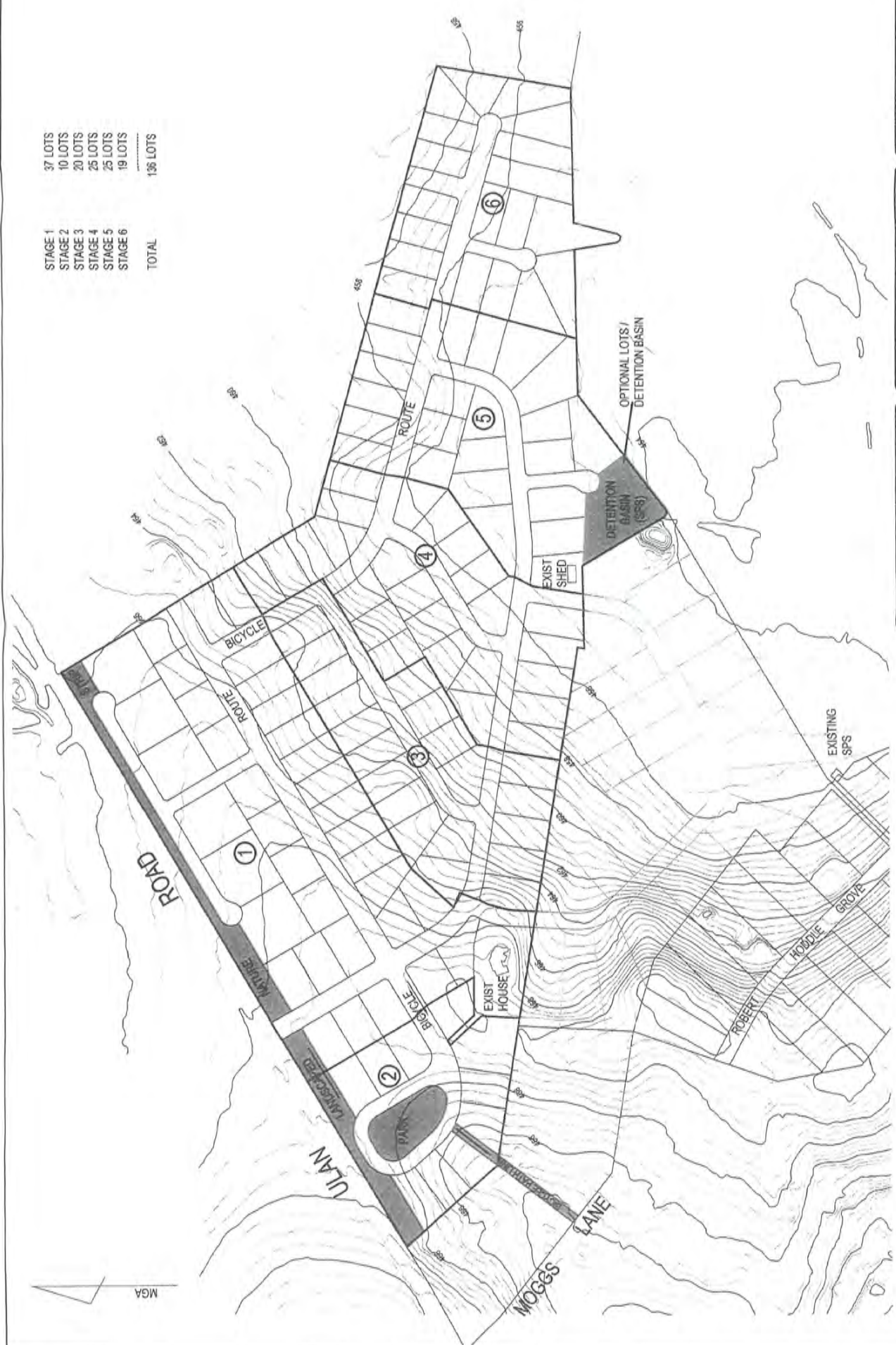
Drawn	KGE	Drawn	CONCEPTUAL DRAINAGE
Checked	RUC	Reviewed	MOVEMENTS
Dated	AHD	Scale	
Cost	Estimate	Sheet Size	A3
Scale		Scale	
Project	BR007 CONCEPT.Dwg	Date	11/02/2013
Sheet		Page	4 OF 5

Client: MR. DES KENNEDY
 Plan: PROPOSED SUBDIVISION OF LOT 1
 DP1000162

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 Land Development Consultants
 10/228-1005 Road
 Bob Crooks
 Registered Surveyor
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(SPS) DENOTES SEWER PUMPING STATION





STAGE 1	37 LOTS
STAGE 2	10 LOTS
STAGE 3	20 LOTS
STAGE 4	25 LOTS
STAGE 5	25 LOTS
STAGE 6	19 LOTS
TOTAL	136 LOTS

Client	MR. DES KENNEDY
Project	CONCEPTUAL STAGED DEVELOPMENT
Scale	1:1000
Date	11/02/2013
Sheet Number	5 OF 5

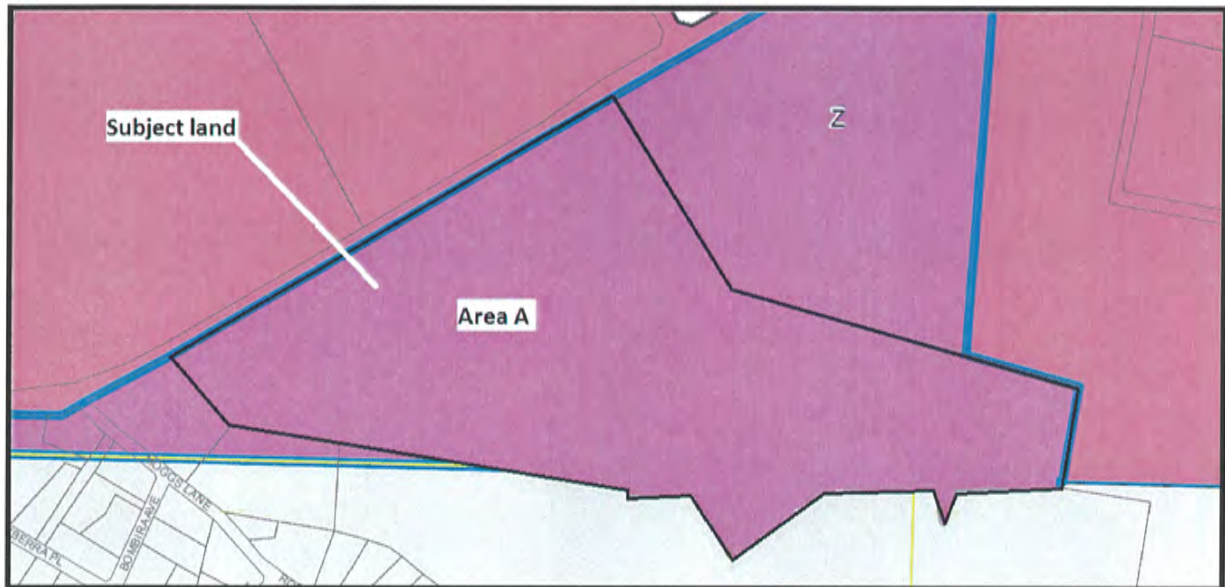
Client	MR. DES KENNEDY
Project	CONCEPTUAL STAGED DEVELOPMENT
Scale	1:1000
Date	11/02/2013
Sheet Number	5 OF 5

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(SPS) DENOTES SEWER PUMPING STATION



APPENDIX E – PROPOSED CHANGES TO LOT SIZE MAP UNDER MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012



Amending MWRLEP Lot Size Maps (Sheet LSZ_006F and Sheet LSZ_006G) to label the subject land 'Area A' as depicted above - to provide minimum subdivision size to 2000m², under Clause 4.1 (3A) of MWRLEP.

