

01 November 2017

Our Ref: A01-05 Consadine PProposal (vers002)

Attn: Planning and Development

The General Manager
Mid-Western Regional Council
PO BOX 86
MUDGEES NSW 2850

Dear Sir/Madam,

UPDATED PLANNING PROPOSAL TO ACHIEVE 2HA LOTS, PART LOT 4 DP1206488, BROADHEAD ROAD, SPRING FLAT

Please accept this proposal on behalf of the owner, Mr Peter Consadine. The property has been subject to recent development approval for subdivision. The subject land is part of Lot 4 DP1206488 (recently released DP for DA 367/2013 being the staged subdivision of Lot 1 DP773024 and Lot 9 DP1150667). This proposal refers to that part of the property that fronts Broadhead Road and Robertson Road, to the south of the approved development and adjoins existing developed 2ha lots.

Council originally provided support to the proposal in its ordinary meeting on 20 May 2015 with subsequent Gateway Determination received. In accordance with the first Gateway condition, the demonstration of a sustainable water supply to the satisfaction of DPI Water was key in progressing the proposal and several options were investigated. Where reticulated town water is not proven feasible, an alternative in this amended planning proposal is suggested. An option for sustainable waters is addressed through the water supply including rainwater catchments and bore supply proposed through a shared bore (likely community title arrangement). It is acknowledged if a community bore is not provided or other demonstrated sustainable water supply at DA stage, the lots will retain a 5ha min lot size.

The proposal has been amended to address and consolidate amendments to the proposal suitable for exhibition. The proposal has been amended as a result of consultation with DPE, MWRC, DPI Water and OEH, and to address the Gateway Conditions. Further, reference to Section 117 Direction 5.10 – Implementation of Regional Plans pertaining to the Central West and Orana Regional Plan has also been included which has been adopted since 2015 when first lodged.

This Planning Proposal relates to an amendment to *Mid-Western Regional Local Environmental Plan 2012*. As such the proposal is to be made publically available on exhibition. This amended proposal consolidates changes to the original Minespex proposal into a new document for ease of reference. Overall, the planning proposal has made consideration of any constraints to development and is not hindered by any environmental matter.

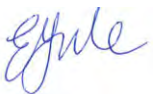
This land has merit for 2ha development as rural residential development, considering:

- The land is already zoned R5 Large Lot Residential.
- The proximity to Mudgee and distance to sealed road.
- Proximity to existing developed 2ha lots (adjoining to north).
- The topography and aspect of the land lending to views and varied residential development opportunities.
- The proposal would not take up valuable agricultural land (BSAL).
- The land is not constrained by significant environmental features.
- Elevation restricts servicing opportunities and the onsite disposal of wastewater is accomplished in a 2ha lot size.
- The land is separated from main roads, and will not compromise the aesthetic aspects of a main entrance to Mudgee town and suits this style of lifestyle lot.

The proposal aims to facilitate future subdivision of the land creating 2ha rural residential type lifestyle allotments in close vicinity to Mudgee township and existing similar development. The 2ha lifestyle lots are a distinctive living opportunity and not readily available near Mudgee. The style of dwelling associated with these sized un-serviced lots is typically a unique architectural dwelling utilising varied construction materials and is often a converted barn/shed used for the dwelling. The location of the proposed lots is separated from main roads, and will not compromise the aesthetic aspects of a main entrance to Mudgee town, (esp. from Sydney). The site will easily accommodate large lot residential housing in similar manner as the adjoining 2ha lots, whilst being considerate to environmentally sensitive areas. The development concept does not include connection to reticulated sewerage services and though services are being extended for DA367/2013, the terrain will restrict the likelihood of services being able to be physically provided. This aspect should provide certainty to Council regarding the long term integrity of the proposal for a long term 2ha lifestyle development.

The landowner has a proven track record in providing quality developments in Mudgee and wished to assure Council that this development would be pursued to fruition if supported. Should you require further information in relation to this matter, please do not hesitate to contact myself on 0439 724 980 or the owner, Mr Peter Consadine on 0401 258 904.

Yours faithfully



EMMA YULE

BAppSc, Grad Dip URP

Atlas Environment and Planning

THE PROPOSAL

PART 1 - Objectives and intended outcomes of the proposal

1.1 Statement of Intended outcomes

This planning proposal intends:

To enable the development of the land (approx. 50ha) within the property 'Fairview', for residential development, with lots of min. 2ha.

It is proposed to apply a 5ha minimum lot size to the subject land with a provision that lots may be further subdivided down to 2ha where a sustainable water supply is provided (such as roof rainwater catchments supplemented by a domestic bore or via a shared bore such as within a community title scheme).

This is consistent with the Council recommendation, May 2015 meeting:

"Council support the Planning Proposal in relation to part Lot 4 DP 1206488 Broadhead Road Mudgee;"

1.2 Details of the proposed development to be carried out – Concept Plan

The main purpose of this planning proposal is to make an amendment to the relevant LEP provisions, to enable a 2ha residential subdivision development. Future development is proposed that will involve the facilitation of at least 21 x 2ha. It is envisaged that the timing of this type of development, i.e. Large Lot Residential, could be in a 0-5 year timeframe. The development could be feasibly carried out as a community title scheme, with a community bore to supplement rainwater supply. The common areas within a Community Title scheme are known as the Association property and are comprised in lot 1 of the scheme. It is envisaged that the Lot 1 would contain a community bore and tank (and associated infrastructure). The minimum lot size would not apply to this Association land. Other lots with dwelling entitlement within the scheme would meet a minimum lot size of 2ha.

The proponent would request that the land's potential for '2ha lots' is considered at this time, addressing the growing demand identified in the Mudgee and Gulgong Urban Release Strategy (URS) for these lifestyle lots. The feasibility of the land to accommodate 2ha lot sizes in a subdivision layout is explored in a preliminary concept plan prepared by Jabek Pty Ltd. The layout demonstrates that ridge lines can be avoided for future dwellings, watercourses and slopes provide opportunities for views and varied development opportunities. (Refer to **Attachment 1**).

A concept plan is included to demonstrate that the future development of the land into 2ha lots is a feasible development concept. The preliminary concept sketch has excluded watercourses to demonstrate developable land has been included in each future lot. The layout uses the nominal lot size of 100m x 200m (2ha) to achieve a road layout that would form the basis of a future subdivision. Alternative development layouts exist for the

land, however this concept provides a development option that is considerate to the topography and achieves lots that have appropriate widths and frontages.

Topographically this land is ideal for 2ha lots as the aspect lends itself for physical separation and varied views. The land to be developed involves mapped visually sensitive land in the Mid-Western Regional LEP 2012. The future subdivision can easily adopt boundaries to enable dwelling sites away from ridge lines. The preliminary concept plan prepared by Jabek Pty Ltd depicts contours. This area will yield approximately 21 x 2ha lots.

The concept plan has demonstrated that the land can provide housing in a rural setting preserving scenic quality, whilst being considerate to environmentally sensitive areas. The connecting roads are being upgraded from Mudgee with the construction of the nearby subdivision requirements. The development of this land makes good use of infrastructure outlay. This preliminary concept layout is one option for development. Further survey and investigation may indicate alternative layouts and estimated yields. A diagrammatic overview of the proposal is depicted below and in **Attachment 1 - Concept Plan**.

The concept plan amended for exhibition demonstrates that the lot layout proposed includes suitable building envelopes with adequate on-site effluent disposal areas. The plan demonstrates that opportunities exist for a community bore to be sited on the land in accordance with DPI-Water buffer distances for water supply works approvals. The residue of Lot 4 DP 1206488 would be able to be utilised if needed for the location of a new bore and be part of the community title. The required buffers to the existing bore would require a shuffle to the proposed lot boundaries to ensure appropriate distances are met from effluent disposal areas. When a future reticulated community bore system is designed and the lot layout finalised the overall lot yield may change, however the loop road is located to the topography and would best service a 2ha subdivision.

This preliminary concept layout demonstrates through the dimensions and approximate lots sizes adopted, the potential for future residential development. The original diagrammatic overview of the proposal is depicted below in **Figure 1** and provided in **Attachment 1**.

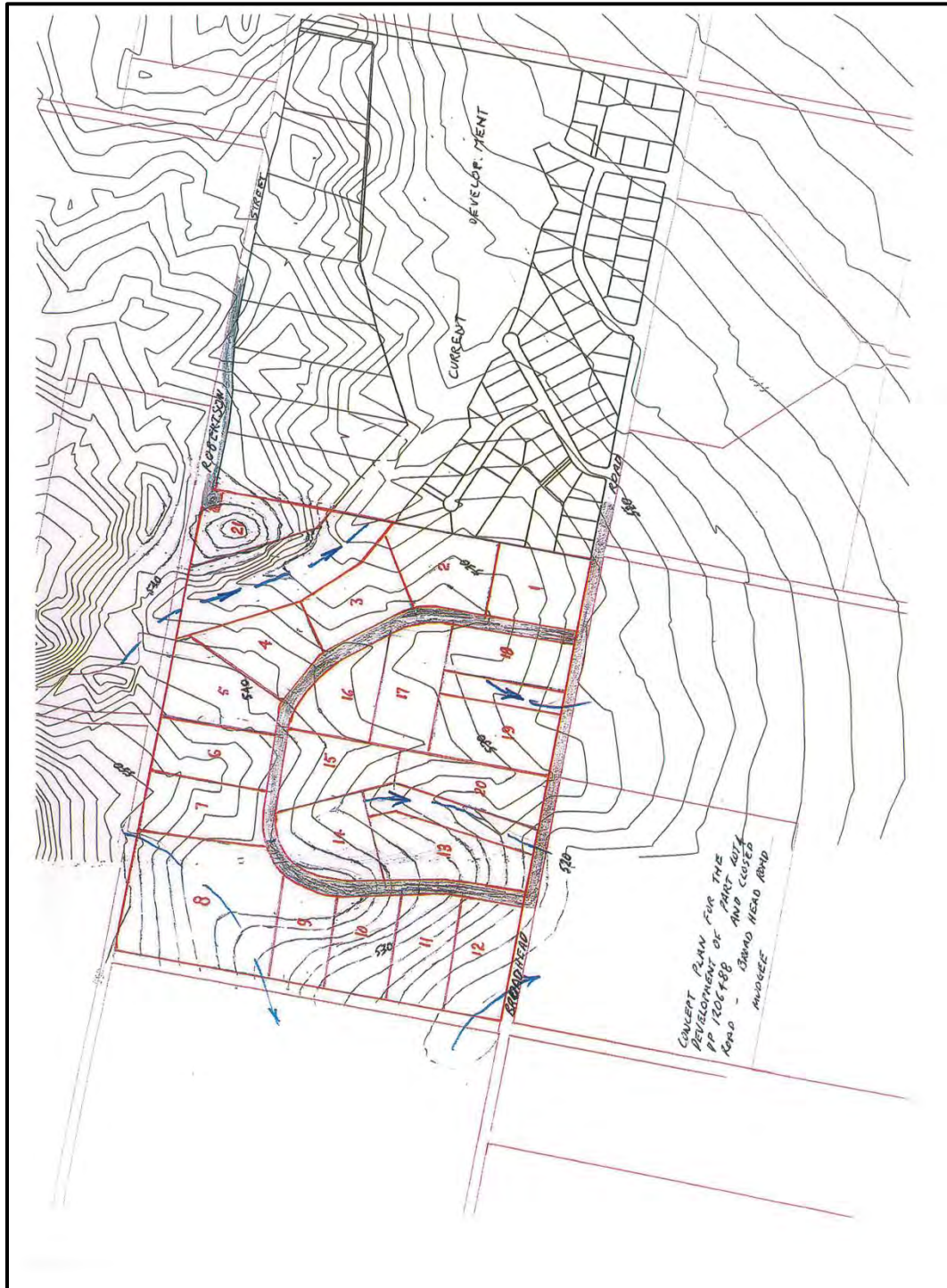


Figure 1: Concept Plan (nts)

PART 2 - Explanation of Provisions

One option to achieve the objectives and intended outcomes as described in Part 1 of this proposal, is through the subject land to retain existing R5 Large Lot Residential zoning, with a corresponding amendment to the lot size map as relevant.

This may be achieved by the following:

1. Lot Size Map (Sheet LSZ_006E) to be amended to reflect change minimum lot size to 2ha as related to the concept.
 - a. A 5ha minimum is applied to the subject land with a provision that lots may be further subdivided to a 2ha minimum where a sustainable water supply is demonstrated (e.g.: community bore).

PART 3 - Justification

This section sets out the reasoning for the proposed changes to the LEP, taking into consideration the intended outcomes and objectives outlined. The following questions are based on requirements contained in NSW Department of Planning and Environment *A guide to preparing planning proposals* (August 2016). This document aims to provide details sufficient to allow for exhibition.

SECTION A - Need for the Planning Proposal

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

YES.

The Urban Release Strategy references land the subject of other Planning Proposals received and that were not progressed by Council, awaiting the finalisation of the URS. The intention of this planning proposal is to ensure that the consideration of this land put forward in Broadhead Road is given due consideration and compared to other land addressed in the URS, and similar planning proposals, as they are addressed further now that the URS has been adopted by Council.

The URS gap analysis “found insufficient land zoned in Mudgee’s urban release areas to meet long term 20 year demand for standard residential lots (450-900sqm) and 2ha lots.”pg 82. The inclusion of this land for 2ha lots will not create a significant infrastructure outlay. This planning proposal presents an option to develop land without town services and addresses the needs for 2 ha lots.

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. Alternative avenues under the current available LEP provisions have been considered that may achieve the outcomes of the proposal; however no options other than LEP amendment have been identified. In this case, a lot size map amendment is supported as a logical outcome to achieve the objectives of the proposal. The planning proposal should also be reflected in updates to the CLUS and URS.

SECTION B - Relationship to the strategic planning framework

Q.3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

In June 2014 (prior to the Gateway Determination) the NSW Government released new draft regional boundaries for NSW. The boundaries are now finalised for each region, and form the basis for a new generation of strategic plans called Regional Growth Plans. The Mid-Western Regional LGA falls within the 'Central West and Orana' region.

The NSW Government released the Central West and Orana Regional Plan (adopted in June 2017). The Regional Growth Plans generally identify areas suitable for housing and employment expansion in the applicable region. The proposal is consistent with the identified *Goal 4 – Strong Communities and liveable places that cater for the region's changing population*.

Mudgee, Parkes and Lithgow are identified as important regional centres (supporting the regional cities, Dubbo, Bathurst and Orange). No inconsistencies have been identified with the specific actions identified in the Plan. In particular, Direction 25, and Direction 28 refer to housing choice and rural residential development.

Action 4.3.1 is noted: *ACTION 4.3.1 Deliver enabling planning controls that facilitate an increased range of housing choices, including infill housing close to existing jobs and services*. This action and the principles of the URS are similar in this regard.

No specific mapping for Mudgee as a regional centre has been included in the Central West and Orana Regional Plan. The potential for regional implications is minimal, with the development supportive of the goal 4 to promote dynamic, vibrant and healthy communities.

Direction 28: *Manage rural residential development* is considered also. The Plan suggests a consistent approach to the identification of suitable location for new rural residential development. The Gateway Determination condition 2, requires the simultaneous exhibition of criteria for 2ha rural residential development adopted by MWRC to be available on exhibition with this proposal. The criteria to be included in the Comprehensive Land Use Strategy is consistent with the Regional Plan.

The specific actions for this direction are referred below:

ACTION 28.1 Locate new rural residential areas:

- *close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure;*
- *to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and*
- *to avoid areas of high environmental, cultural or heritage significance, regionally important agricultural land or areas affected by natural hazards.*

The subject land being in close vicinity to existing residential development within the Mudgee town boundary supports the connectivity and good future accessibility to the town facilities (including social and community infrastructure) (adjacent Broadview Estate- residential development on Broadhead Road with lots of min 2000m² and existing developed 2ha lots in Robertson Road).

ACTION 28.2 Enable new rural residential development only where it has been identified in a local housing strategy prepared by Council and approved by the Department of Planning and Environment.

MWRC has supported the proposed LEP amendment and additional criteria for 2ha rural residential development is included in the CLUS amendment. The Mudgee and Gulgong Urban Release Strategy (URS) indicates the need for this style of housing.

ACTION 28.3 Manage land use conflict that can result from cumulative impacts of successive development decisions.

This land is already appropriately zoned for rural residential development. The style of rural residential development is compatible in the setting and is consistent with adjoining developed land. The land is not constrained by significant environmental factors and where natural drainage lines are apparent buffers have been included and proposed future lots would be increased in size to accommodate future development.

a. Does the proposal have strategic merit?

YES.

The planning proposal has strategic merit, as:

- The development site has been identified as a short term opportunity area for rural lifestyle opportunities in the CLUS.
- This planning proposal presents an option to develop land without reticulated services that addresses the demand for 2ha lots identified in the URS.
- The land adjoins developed 2ha development.
- The site utilises land that is ideal topographically for this style of development and is a logical extension of developed areas.
- The proposal is able to meet timing requirements for land release.
- The proposal will not cause substantial resource outlay by the Council/ratepayer.
- The realization of the development does not depend on the prior development of other land.
- The proposal is consistent with the guiding principles developed in the URS to ensure future residential land release is sustainable, economic, and provides positive environmental and social outcomes for the LGA.
- Potential environmental constraints to development are identified and overcome in design or can be further investigated at DA stage.

- Potential environmental constraints to development are identified and overcome in design or can be further investigated at DA stage.

The merit is demonstrated by the benefits the land provides in providing an option in particular for 2ha development that are consistent with the Mudgee and Gulgong URS. This planning proposal presents an option to develop land without reticulated services that addresses the demand identified. The scale of the proposed lot size amendment will also not risk an 'over supply' of land into the market.

b. Does the proposal have site-specific merit and is it compatible with the surrounding land uses, having regard to the following:

The natural environment; the existing uses, approved uses, and likely future uses in vicinity to the proposal; the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The suitability for 2ha lots is consistent with the CLUS findings, the site has merit for 2ha development as un-serviced lifestyle development, considering:

- The proximity to Mudgee and distance to sealed road.
- Proximity to existing developed 2ha lots (adjoining to north).
- The topography and aspect of the land lending to views and varied residential development opportunities.
- The proposal would not take up prime agricultural land.
- The land is not constrained by significant environmental features.
- Onsite disposal of wastewater is accomplished in a 2ha lot size where buffers are provided to drainage lines.

The land is approximately 2.3km south of Lions Drive along Broadhead Road in South Mudgee. This road was upgraded and sealed with subdivision works associated with DA0367/2013. The proximity to Mudgee on sealed road is consistent with the convenient lifestyle sought for such 2ha lots. The existing developed 2ha lots have access from Robertson Road. The concept plan includes one (1) additional lot that could be accessed from this road frontage. The watercourse, Sawpit Gully, provides an obstacle to further access from this road, and the concept plan has sought to avoid any disturbances to riparian corridors. As such a loop road can be developed off Broadhead Road, and new road and any upgrade can be sited to avoid existing treed areas.

The proposed development site does not take up BSAL mapped land (biophysical strategic agricultural land). The site has been used for grazing in the past and is cleared of significant native vegetation. Watercourses & gullies have been located on the concept plan and these have been excluded from the concept plan lot areas for yield estimation purposes. The photos below depict the land.

The majority of the land is **not** affected by Groundwater Vulnerability mapping (see **Figure 2** below). The MWR LEP 2012 has provisions to ensure measures would be engaged that ensure good design, and effluent disposal through a water cycle management plan be carried out within a development application process. No issue is raised with regard to the ability of the land to accommodate onsite disposal of wastewater within a 2ha lot size. Mapped watercourse areas are avoided in the Concept Plan.

The land is not constrained by significant environmental features. The land is not mapped flood prone land. The land is partially mapped as bushfire prone land and assessment would be required as part of a Development Application process, however due to the past clearing this is not envisaged to hinder 2ha lots in the future.



Plate 1- View to the west from Broadhead Road of the approx. location of Lot 1 and entry into new road within Concept Plan



Plate 2 – View towards location of Gully near Lot 18 in Concept Plan. Treed hills in background are of scenic importance for Mudgee



Plate 3 - View at location of existing paper road being
approx. location of Lots 19 & 20 in Concept Plan

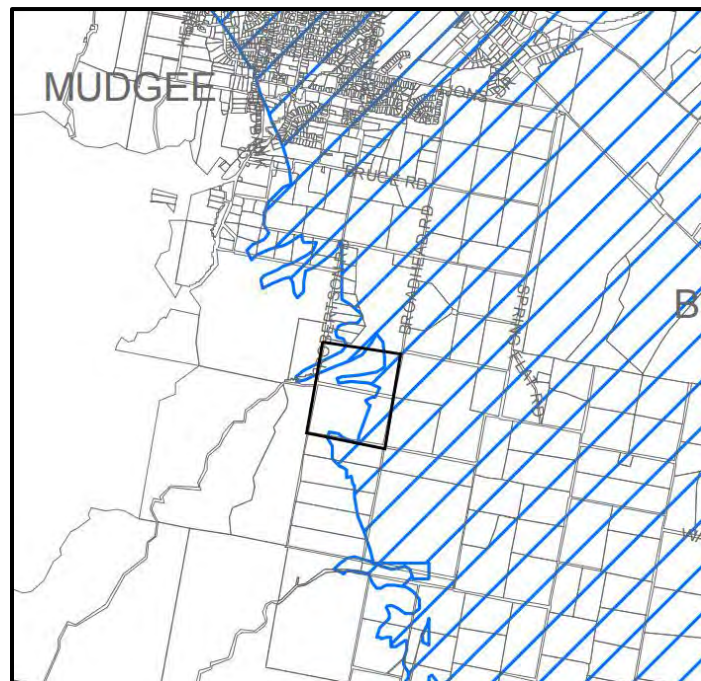


Figure 2: Excerpt Groundwater Vulnerability Map - Sheet GRV_006, MWRLEP 2012

The land will have strategic contiguity with existing developed 2ha lots and current developing 2000m² residential lots in Broadhead Road. The development of this land will maximise the use of existing road infrastructure and utilities in the long term minimising the costs to consumers and Council and financial risk to the rate payer (aligned to guiding principles in URS).

The topography of the land lends itself well to the style of lifestyle lot proposed. The land is located approx. 1.2km to the east of Avisford Nature Reserve and the associated treed hills within the Reserve and privately owned adjoining land are a significant visual element forming part of the unique character of Mudgee. A minimum of 2ha is suitable in the locality considering the mapping in the LEP as 'visually sensitive land', which incorporates the elevated areas. The aspect and building sites within lots can be further explored after survey within a development application process.

This planning proposal provides a site suitable for development which supports conservation of the significant visual elements that contribute to the character of Mudgee. Such as with the elevated land, the rural character of the main entry to Mudgee town is not affected by this development. The location within the already cleared, lower slopes and foothills to the treed hill backdrop to Mudgee is considered a positive attribute for 2ha style development. The concept lot layout has provided opportunities for dwelling sites that would be balanced in the visual setting without development on ridges. The topographic attributes can be considered further in a subdivision application and is not envisaged to be restrictive. The undulating terrain is ideal to create blocks with views and create a lifestyle and residential choice unique to Mudgee.

Q.4. Is the proposal consistent with Council's Local Strategy or other local strategic plan?

YES.

However, no strategy directly explores a constraints analysis for 2ha lifestyle lots surrounding Mudgee, though the URS identifies a clear demand for such lots.

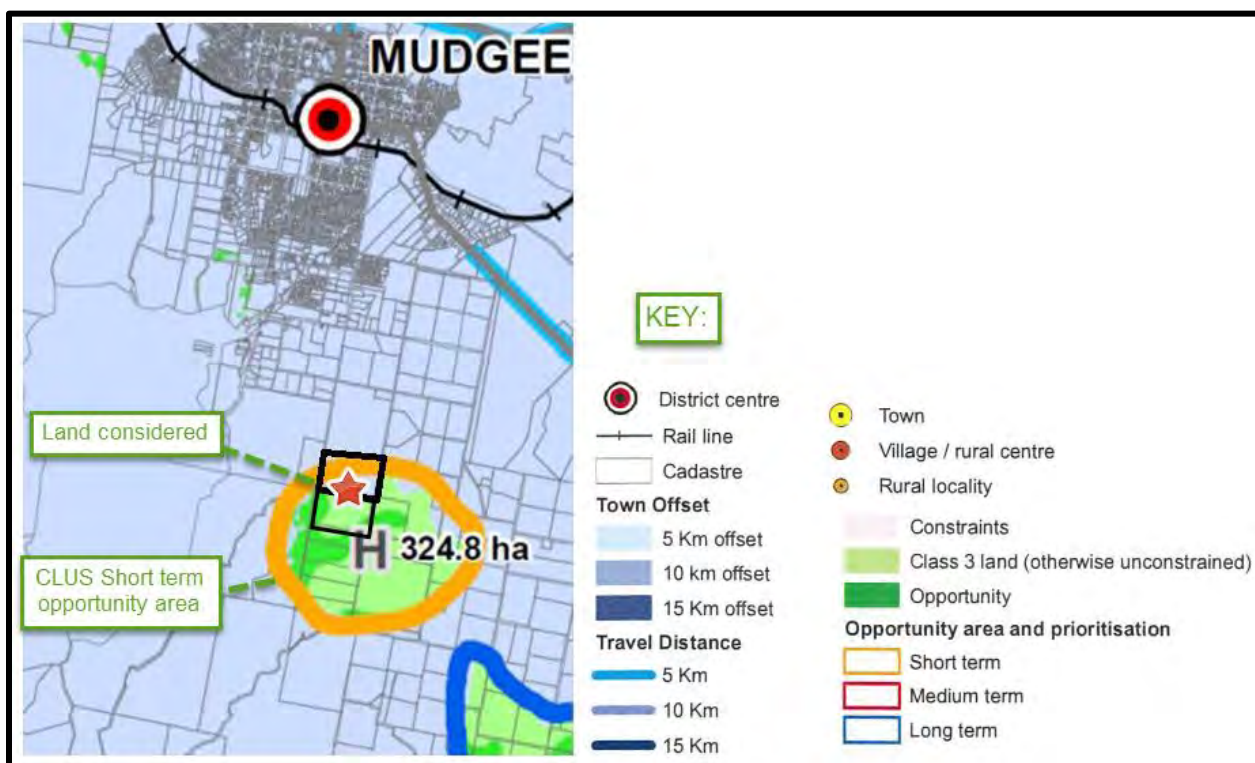
The Comprehensive Land Use Strategy (CLUS) forms the current basis of Council policy and constraints assessment. The CLUS assessed suitable land for lifestyle allotments however a minimum of 12ha was adopted as the minimum lot size, with 2ha lots located near to Mudgee on the Town Structure Plan. A lack of current available land for 2ha lots and with extension of reticulated services leading to development of smaller lot sizes in former large lot areas is apparent around Mudgee. The CLUS encourages opportunities for housing diversity in the Mid-Western Regional LGA. As an addendum to the CLUS was adopted by Council applying a criteria regarding development with a minimum lot size of 2 hectares. The criteria are considered below.

The Mudgee and Gulgong Urban Release Strategy (URS) provides guidance on the timing, location and type of future residential development. The URS supports that there is a growing demand and limited supply of large residential lots of 2ha. The proposal allows for release of land including 21 x 2ha lots. This planning proposal includes a concept for future rural residential development which will have dimensions appropriate to incorporate building sites with onsite effluent disposal areas with required buffers to neighbouring boundaries.

Mid-Western Regional Comprehensive Land Use Strategy (CLUS)

The Mid-Western Regional Council adopted the CLUS in 2010, which aimed to provide 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. This planning proposal is consistent with the CLUS as it makes the best use of available infrastructure and land within the existing settlement area.

The *“Mid-Western Regional Comprehensive Land Use Strategy”*, prepared by Parsons Brinckerhoff (August 2010) (CLUS) refers to the subject land as a lifestyle opportunity area. This is reflected by the current R5 Large Lot Residential zoning. The subject land falls within Sector H located to the South of Mudgee, identified as a ‘Short Term’ opportunity area. The CLUS states that *“These opportunity areas should be prioritised for rural lifestyle development and investigated for release in the short term. The minimum lot size for these opportunity areas should generally be 12 hectares, although Council may consider 2-6 hectares as identified on the Town Structure Map”* (page 67).



Excerpt CLUS Figure 4-3 Rural Lifestyle Opportunities – 15km offset are surrounding Mudgee

The site is consistent with the Mudgee Town Structure Plan in that the proposal acknowledges the planned development extent formed by Spring Flat Road as mapped in the CLUS. Also the land is identified as within the Opportunity area prioritised for the short term for rural lifestyle opportunities (as identified above). The

subject land was earmarked for 12ha lots in 2010 and the LEP provisions reflect this. The large lot residential opportunities identified on the Mudgee Town Structure Plan however do not provide many opportunities for 2ha development, with most vacant land, with reference to Clause 4.1 (3A), being able to be subdivided to 2000m² or 4000m² with connection to reticulated services (e.g.: opposite AREC on Ulan Road, Bombira subdivision, and the developed Hill Sixty subdivision). Constraints analysis specifically for 2ha lots was not included in the CLUS.

Current demand for 2ha lots cannot be met from current zoned areas or areas identified in the CLUS for 2ha lots. Reference to land identified as suitable for lifestyle opportunity areas in the CLUS and the constraints assessment undertaken is a valuable planning reference for this proposal. The opportunity areas were prioritised for rural lifestyle development and investigated for constraint, so it is assumed that the CLUS provides a good assessment of sites that would be suitable for lifestyle developments, today. The landowner believes this land should be considered for development prior to inclusion of additional land referred to in other planning proposals under consideration by Council that are inconsistent with the opportunity and constraints assessment already undertaken in the CLUS.

With this in mind, the planning proposal has further stemmed from the recommendations for Mudgee's Urban Release areas as identified within *"Mudgee and Gulgong Urban Release Strategy"*, prepared for Mid-Western Regional Council by Hill PDA Consulting December 2014 (URS). The development of this land is aligned to the 'Guiding Principles' of the Strategy. The URS outlines a need for 2ha rural residential type opportunities, which this proposal will serve to address in part.

Gap analysis found insufficient land zoned in Mudgee's urban release areas to meet long term 20 year demand for general residential lots (450-1000sqm) and 2ha lots. The analysis in the URS concluded that further land may need to be released in the long term to accommodate demand in the 10-20 year period if high levels of demand for 2ha lots were sustained. This proposal provides Council with an option to address this demand based on identified lifestyle opportunities.

The planning proposal would seek amendment to the LEP, whereby the land would be considered for living opportunities of 2ha minimum rather than the current 12ha minimum lot size. The site is located close to Mudgee Town and is a logical continuation of existing 2ha lot development adjoining to the north. The land is suitable for consideration as the existing adjoining 2ha lots are testament to the success of the type of living arrangement at the locality.

The land would be able to fulfil the staging of release i.e. 0-5 year estimate to satisfy approximately half of the recommended number of additional lots in accordance with the URS findings. (Note the URS includes Urban Release Area 22 (Burrundulla/Spring Flat) for 2ha development, which has not been endorsed by MWRC (this land was included by Hill PDA as a planning proposal known at the time). A release of 49 lots in 0-5 years and a further 49 lots in 5-10 years was recommended in relation to a new release area). Comparatively, this proposal will supply approximately 21 x 2ha lots in the 0-5 year stage.

The planning proposal provides an opportunity to utilise the land which is currently zoned R5 and suited to lower density residential subdivision, being capable of providing diversity in lot sizes and staged release of land.

The following attributes support the planning proposal:

Ownership:

The land is not constrained by involvement of multiple landowners and staging future development is feasibly implemented at the site.

Servicing:

The property offers land that can supply large lots (with sustainable water supply) with the majority of the land not mapped as groundwater vulnerable. Utility and telecommunication services are nearby with existing 2ha development and extension of services to 'Broadview Estate'.

Road Access:

The land has good road linkages. With frontage to Broadhead and Robertson Road, there are several opportunities to safely provide a new road. The close vicinity of the Mudgee CBD via sealed road increases the attractiveness for such residential development. The site is approximately 13mins drive to the Mudgee Post Office.

Environmental Aspects:

The topography is conducive to un-serviced development, capable of supporting lots of minimum 2ha. The land lends itself to good yields which will provide good return on investment in road infrastructure. Elevated building sites with good views are a unique offering in this location. Bushfire risk and potential for Aboriginal heritage would need further consideration at a DA stage.

A condition of the Gateway Determination required Council to amend the Comprehensive Land Use Strategy with the inclusion of criteria for rural residential development with a minimum area of 2 hectares. After consultation with Department of Planning and Environment, Council exhibited draft criteria in 2016 and adopted in February 2017. MWRC Council report states that the intention of adopting the criteria, was to provide an interim measure to ensure that all 2 hectare rural residential development opportunities may be captured, until the Comprehensive Land Use Strategy is reviewed to strategically identify land for rural residential opportunities, with a 2 hectare minimum.

These criteria are addressed below with reference to the proposal.

The following criteria must be applied for identification of Rural Residential Development with a two hectare minimum in the Mid-Western regional Local Government area.

The land:

1. Can be managed to avoid land use conflict.

Rural residential development should have regard to the surrounding agricultural land use and must provide a buffer to agricultural land.

The land has historically been used for grazing. The lots are of a size to allow for future housing to be located at suitable separation distances from ongoing agricultural activities. The proposal can be adopted with a legal restriction or zoning buffer to be created at the interface with the rural zoned land to the south if required. Rural residential and large lot residential development to the north does not require buffers.

2. Is unconstrained by flooding, as it is above the flood planning level of the 1 in 100 ARI

The area is not affected by flooding and has unconstrained flood free access out of the property and/or locality.

The land is unconstrained by flooding. Riparian buffers are depicted on the concept plan as per widths in current DPI-Water guidelines.

3. Can be connected to the existing road network by sealed road access.

The area can be connected to the existing sealed road network by sealed road access and is fully serviced by a sealed road.

The land can be connected to the existing sealed road network with some work to Broadhead Road seal expected.

4. Is not visually intrusive

There is no impact on the visual amenity or sensitive corridors identified in the CLUS on the Mudgee Town Structure Plan.

The site is not visually intrusive or likely to impact on any significant vista.

5. Will not undermine future residential land opportunities

It should be located on land that is not, or unlikely to be suitable for general residential land at some point in the future.

The subject land is outside the future urban investigation areas (and Future Residential Growth Areas as mapped in the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*). The proposal does not undermine future residential land opportunities but is compatible development being further supportive of infrastructure outlay.

6. Will not adversely impact on the groundwater system

Mudgee is fully within an area identified by the NSW Department of Primary Industries – Water as being significant in terms of groundwater vulnerability. Any development, and in particular un-serviced development needs to demonstrate that it will not adversely impact on the groundwater system.

A site and soil evaluation for onsite wastewater management for the future proposed subdivision would be appropriate at the DA stage as approx. 25% of the land is mapped as groundwater vulnerable. With adequate land area available for the required disposal areas, no adverse impact on the groundwater system in the future is identified.

With regard to water supply, the level of reliance on groundwater to supplement rainwater (roof catchments) for water supply is discussed further below.

7. Can be justified in terms of supply and demand

Reference should be made to the Urban Release Strategy in terms of the likely anticipated demand (excluding land zoned but having a 2,000-4,000 square metre option subject to servicing).

This proposed development is a response to the demand for the style of development and residential living opportunity. The relationship to the recorded demand in the URS has been discussed in section A Q1 of this planning proposal and acknowledged by MWRC by the previous support of the proposal and subsequent Gateway Determination. The development can be justified in terms of supply and demand. The URS refers to identification of insufficient land zoned in Mudgee's urban release areas to meet long term need for 2ha lots. A supply and demand analysis for Mudgee in the URS identified that land supply for 2ha residential lots would be exhausted after just 9 years. This proposal will be able to proceed without reliance of other land to be developed prior to this land becoming available and is suitable for meeting the timing of estimated land requirements.

8. Can be managed to reduce bushfire hazard

Bushfire hazard in the area can be appropriately managed or reduced.

The land is partially within a mapped bushfire prone area (cat 2). However the whole site is outside the bushfire hazard area. Development is able to proceed with appropriate fire protection measures for rural dwellings including asset protection zones and adequate water storage for fire-fighting.

9. Should avoid Biophysical Strategic Agricultural Land

Reference should be made to BSAL mapping which identifies the existence of any BSAL at the site of potential development.

The NSW Government mapped Biophysical Strategic Agricultural land. The maps adopted are made available on the official NSW legislation website in connection with the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 Policy. The land is not affected by BSAL mapping.

10. Has access to sustainable water supply.

The proposed lot must demonstrate the provision of a sustainable water supply. A sustainable water supply can be achieved by various means including the provision of reticulated water, roof catchment or accessing water from a river, lake or aquifer in accordance with the Water Management Act 2000, Department of Primary Industries – Water 'How much water do I need for my rural property' provides on methodology to calculate a required supply.

It is proposed that a sustainable water supply can be provided. The finer details can be demonstrated for the future rural residential subdivision at the DA stage, water supply is most likely to be through the roof water catchment and a supplementary supply provided through a community bore.

The landowner provided records of bore test for existing bore (this bore or a new bore within the same aquifer could be utilised as a future community bore). This historic bore is currently sought to be licenced. The bore is located within Lot 2 of the concept plan near existing residence. The bore flow test result is attached to this proposal. The results show yield at a rate of 2640L/hr (See **Attachment 2** - details prepared by Corbett Pumps and Irrigations).

Calculation for the assumed water demand have been based on the DPI – Water guidelines (see below).

Calculation of supply with reference to **Department of Primary Industries – Water ‘How much water do I need for my rural property’**:

STOCK WATER	Description	1. Consumption rate (m ³ / head)	2. Your stock numbers	1. x 2. = Sub total m ³
<i>Zero stock for rural residential lots</i>		0	0	0
DOMESTIC WATER	Description	m ³ per person or area	Persons / area	Sub total m ³
Household	House – without septic	51	-	-
	House – with septic	64	4	256
	Septic only	13	-	-
House Garden	For each 1000 m ² or 0.1 ha			
	Coastal / Tablelands	200	1000m ²	200
	Slopes	400		-
	Plains	600		-
	Western	800		-
FARMING		m ³ / unit	No of Units	Sub total m ³
<i>Dairy, Piggery, Dip Crop Spraying</i>	0	0	-	0
Fire Fighting	Based on a single event: - Buildings per m ²	0.125	300	37.6
	- Grass per m ²	0.075	-	-
Total Net Annual Water Requirement				m³
TOTAL				493.6
_____ m³ ÷ 1000 = _____ Megalitres (ML)				0.49ML/yr

Assumptions and notes regarding future water supply:

- The information in the DPI- Water guideline does not address estimating peak daily requirements, which would be considered for the future reticulation system design.
- The assumed roof of an average 4 bedroom house with attached garage is approx. 300m².
- The DPI – Water annual household requirement equates to an average approx. 1200L/day (including garden). (No reliance on greywater has been assumed for gardens).
- A sustainable supply of household water could be able to be provided through many means, including a reticulated community bore supply and roof water.
- A separate static supply for fire-fighting would be required (assumed min 10,000L) which should be full at the construction of a dwelling.
- The annual average rainfall for Mudgee is 684.5mm.
- The existing nearby registered bores with NSW Office of Water Work Summaries are also noted for comparison:
 - Lic.80BL115088 (within previous Fairview property, now Broadview Estate) – Yield 1.51L/s.
 - Lic.80WA704896 (229-233 Robertson Road existing 2ha development) – Yield 0.51L/s. .

(Refer to **Attachment 3** for Bore Log Details).

Comments:

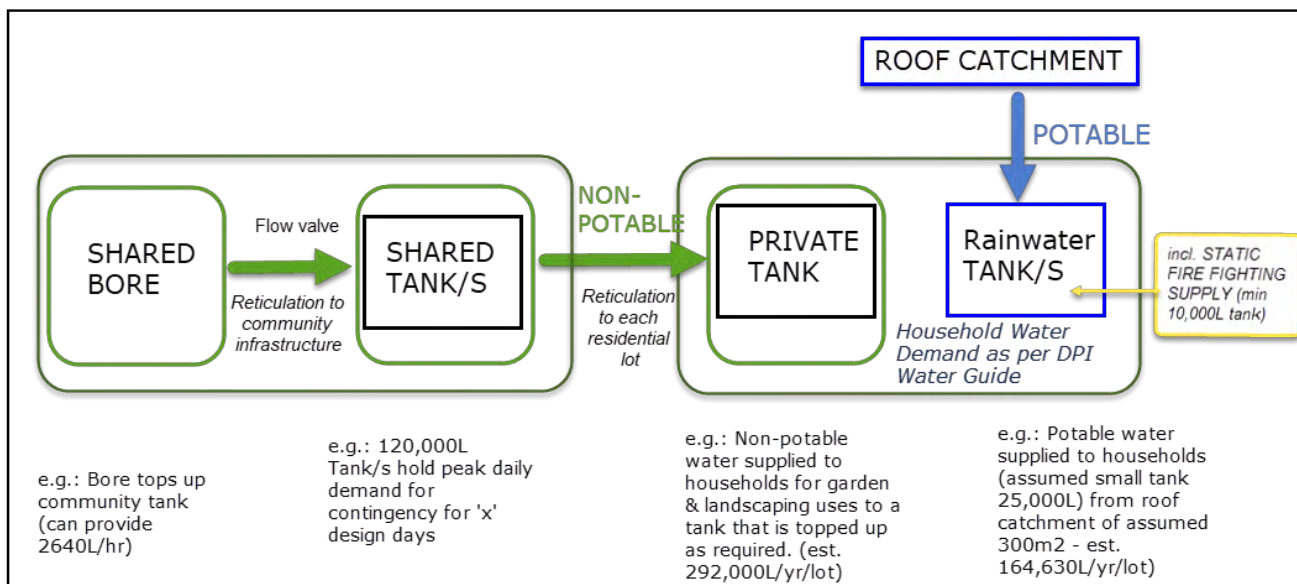
Based on the DPI Water guideline, '*How much water do I need for my rural property*', reliance on rainwater alone will not satisfy demand for household water.

However based on the Mudgee region rainfall & a tank of 25,000L capacity, with the assumed roof area - the rainwater tank will save approx. 164,630L annually from reliance on a bore supply (0.164ML).

The pump test on the existing bore supply demonstrated that a future community bore supply would be secure and able to meet the demands of the subdivision proposed. Based on all the lots developed (i.e. 21 lots), the bore testing demonstrates community bore water would meet the supplementary water demand (0.292ML/year/lot). Water analysis was undertaken of the existing bore and compared to the expected beneficial uses (and ANZECC guidelines). The bore water is not relied upon for potable water. No restrictions are envisaged for use of the bore water for domestic gardens (refer to Water Quality Analysis in **Attachment 2**). The electrical conductivity is considered to be high for use on some irrigated crops, however this is expected in the Mudgee landscape and not a limiting factor for residential development.

The future reticulated system will be able to accommodate the peak daily requirements. An engineer's design, at the DA stage, will confirm suitable pump size and community storage/reticulation to ensure the system is able to accommodate the demand and ensure water metering and quality monitoring capability.

Separate tank for fire-fighting to be installed or a designated volume in addition to the capacity assumed above for household water use. An overview of how a sustainable water supply would incorporate the shared bore is depicted below.



Mudgee and Gulgong Urban Release Strategy (URS)

The inclusion of the subject land in an amendment to the MWR LEP 2012 is consistent with the 'Guiding Principles' for release of residential land. See below:

Guiding Principles

- **Encourage higher density residential development in Mudgee and Gulgong town centres** – N/A (this principle relates to development of town centres)
- **Rely on areas already zoned and nominated for residential development in the first instance to meet future demand** – The URS identifies the lack of current available zoned land for 2ha developments, though this site is already zoned R5 Large Lot Residential. The intention is to amend the Lot Size Map to offer a new land release area to address future growth.
- **Maximise use of existing Council infrastructure** – The future un-serviced (water and reticulated sewer) 2ha development is aligned with this principle. The expenditure towards road and utility services would be maximised in the locality.
- **Encourage and meet demand for a diverse range of housing types and lots sizes** – As a new development the staging of release is conducive to ensuring the market receives 2ha lots providing a range of lots sizes in South Mudgee.
- **Facilitate orderly and coordinated approach to residential growth** – The location of the property represents a logical location for a residential release area adjoining existing 2ha lots and the new 'Broadview Estate' and is compatible with surrounding land uses. The timing of release can be informed by supply and demand monitoring by the developer in a staged development.
- **Ensure a pipeline supply buffer exists** - Council should have 5 years' worth of land zoned for each residential type as a buffer to avoid future shortage. This proposal is able provide land in logical stages and adhere to release triggers. This development on its own does not meet the predicted land supply required as determined in the URS for the 0-5yr staging.
- **Protect employment lands and high value agricultural land** – The subject land is in close proximity to the township of Mudgee and developed residential lifestyle lots. The land is not prime agricultural land. The proposal will align with this principle. Topographic attributes and roads separate the site from other rural land.
- **Avoid environmentally sensitive areas and natural hazards** - Residential growth should not encroach on areas identified as environmentally sensitive areas or natural hazards. The concept design has demonstrated that environmentally sensitive design can be implemented at the site.

Mid-Western Region Towards 2030 Community Plan

The goals of the Community Plan have been reviewed. The release of land can be staged to ensure affordability of housing is not adversely affected by over release in Mudgee. The proposal does not compromise the main entrance corridor to the Mudgee Township. The proposal will support the goal of providing a vibrant town.

The planning proposal presents opportunity for high amenity community whereby development is appropriately located and sensitive to surrounding land uses and environmental aspects.

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. The planning proposal will have negligible impact on economic development.

Q.5. 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.

SEPP	Applicable/Consistency
1 – Development Standards	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.
26 – Littoral Rainforests	Not relevant to planning proposal.
30 – Intensive Agriculture	Not relevant to planning proposal.
33 – Hazardous and Offensive Development	Not relevant to planning proposal.
36 – Manufactured Home Estates	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.
55 – Remediation of Land	Proposal is consistent. <i>See comments below.</i>
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.
70 – Affordable Housing (Revised Schemes)	Not relevant to planning proposal.
71 – Coastal Protection	Not relevant to planning proposal.
Affordable Rental Housing 2009	Not relevant to planning proposal. Through the provision of a variety of housing choices, the housing options in Mudgee will potentially cater to a range of income levels. The development

SEPP	Applicable/Consistency
	proposal is not to adversely affect rental housing.
Building Sustainability Index 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 2004	Future development will be able to deliver accessible housing.
Infrastructure 2007	Not relevant to planning proposal.
Integration and Repeals 2016	Not relevant to planning proposal.
Kurnell Peninsula 1989	Does not apply to MWRC LGA.
Kosciusko National Park – Alpine Resorts 2007	Not relevant to planning proposal.
Mining and Petroleum Production and Extractive Industries 2007	Relevant mapping has been referred to in this proposal.
Miscellaneous Consent Provisions 2007	Not relevant to planning proposal.
Penrith Lakes Scheme 1989	Does not apply to land within MWRC LGA.
Rural Lands 2008	The proposal is consistent with the Rural Planning Principles including due consideration of impacts on services and infrastructure and appropriate location when providing for rural housing. The proposal is consistent with the Rural Subdivision Principles, i.e. the proposal recognises and addresses the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses.
State and Regional Development 2011	Not relevant to planning proposal. The planning proposal does not include any state significant development.
State Significant Precincts 2005	Not relevant to planning proposal.

SEPP	Applicable/Consistency
Sydney Drinking Water Catchment 2011	Does not apply to land within MWRC LGA.
Sydney Region Growth Centres 2006	Does not apply to land within MWRC LGA.
Three Ports 2013	Does not apply to land within MWRC LGA.
Urban Renewal 2010	Does not apply to land within MWRC LGA.
Western Sydney Employment Area 2009	Not relevant to planning proposal.
Western Sydney Parklands 2009	Not relevant to planning proposal.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the whole of the State of NSW and is required to be considered in a rezoning proposal under Clause 6 of SEPP 55. Given the previous use of the site (i.e. residential component and historical grazing) the likelihood of contamination indicating the land is not suitable for the proposed concept is minimal.

Any localised surface soil contamination will require remediation before the land can be used for residential development. Should remediation be required, it is anticipated that this can occur at future development application stage. The Planning Proposal is consistent with SEPP 55.

Q.6. 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.

The proposal is consistent with those 117 Directions that are relevant to the site. An overview of applicable directions and compliance is included in **Table 1**.

Table 1: Section 117 Ministerial directions

Section 117 Ministerial directions		Compliance of Planning Proposal
1.1	Business and Industrial Zones	N/A
1.2	Rural Zones	The current zoning of the land is R5 Large Lot Residential, which aims to provide residential housing in a rural setting. The zoning is not sought to be amended and is suitable for the proposed lot size amendment.
1.3	Mining, Petroleum Production and Extractive Industries	No mining or extractive industry occurs in vicinity to the development site (within an urban residential zone). Consideration of mapped industry and resource lands has not identified any affected resources. The subject land is surrounded by residential zoned land.
1.4	Oyster Aquaculture	N/A
1.5	Rural Lands	The objectives of this direction are to protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes. The proposal is not predicted to restrict rural land activities.
2.1	Environment Protection Zones	N/A
2.2	Coastal Protection	N/A
2.3	Heritage Conservation	No items of European heritage are identified in vicinity of the subject site. The planning proposal adopts measures that facilitate the conservation of environmental heritage. Due diligence and mitigation measures are to be followed that will ensure the protection of any unknown Aboriginal heritage items occurring within vicinity of the future development lands. An AHIMS Search has been undertaken and attached to this proposal.

Section 117 Ministerial directions		Compliance of Planning Proposal
2.4	Recreation Vehicle Areas	N/A
2.5	E2 & E3 zones and Environmental Overlays in Far North Coast LEPs	N/A
3.1	Residential Zones	The planning proposal will create a 2ha lifestyle lot release area for the Mudgee Township and will contribute to future residential land supply in accordance with a demand quantified in the URS.
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 any future dwelling to accommodate small businesses will not be hindered.
3.4	Integrating Land Use and Transport	The proposal has considered the existing infrastructure, residential development patterns, and local transport issues when developing the concept plan for future subdivision. The proposal is consistent with the direction.
3.5	Development Near Licensed Aerodromes	N/A
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 Environmental Planning and Assessment Act 1979. The planning proposal is partially affected by the mapped bushfire prone land. Further consideration would be required at the DA stage.
5.1	Implementation of Regional Strategies	N/A. The Direction applies to land within the land applicable to the areas of the Far North Coast; Lower Hunter; South Coast; Sydney–Canberra Corridor; Central Coast and Mid North Coast.
5.2	Sydney Drinking Water Catchment	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A

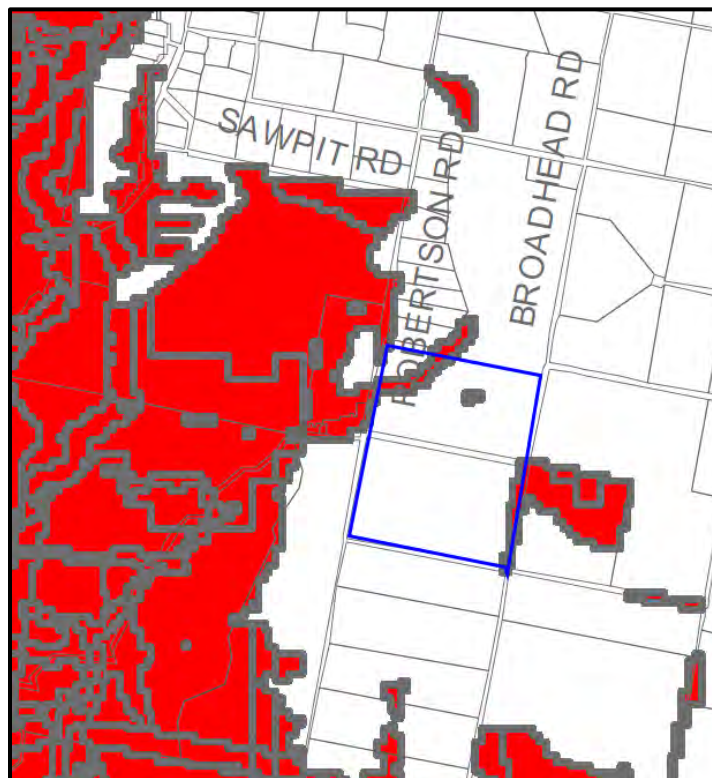
Section 117 Ministerial directions		Compliance of Planning Proposal
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8	Second Sydney Airport: Badgerys Creek	N/A
5.9	North West Rail Link Corridor Strategy	N/A
5.10	Implementation of Regional Plans	The subject land falls within the area of Central West and Orana Regional Plan. At the time of original proposal the plan was in draft form. The proposal was consistent with the regional strategy as exhibited and at the time was in the submission review period. The Central West and Orana Regional Plan 2036 was implemented Jun 2017. The Plan is the NSW Government's strategy for guiding land use planning decisions for the Central West and Orana region for the next 20 years. The proposal maintains consistency with the Regional Plan as discussed in this planning proposal.
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 – Land for public purposes is not included in the development concept. Drainage lines and buffers can be incorporated into easements within private land.
6.3	Site Specific Provisions	N/A – the proposed LEP amendment does not require site specific provisions.
7.1	Implementation of a Plan for Growing Sydney	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	N/A

SECTION C - Environmental, Social and Economic Impact

Q.7. 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 map below depicts the site in regard to the MWR LEP 2012 Sensitivity Biodiversity mapping. The land has minor constraint due to biodiversity with the majority of the land historically cleared for grazing purposes. This mapped land occurs within the road reserve and riparian corridor for Sawpit Gully. The Concept Plan has avoided disturbance of these vegetated areas.

The planning proposal is not likely to cause any impact on critical habitat or threatened species, populations or ecological communities. Site specific native flora and fauna survey is not warranted at this stage.



(Excerpt MWR LEP 2012 – Sensitivity Biodiversity Map (sheet BIO_006))

Q.8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

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.

The planning proposal constraints assessment has not identified any specific technical assessment that would be required.

Heritage

Heritage aspects relevant to the site have been considered. Attached to this proposal the AHIMS search results carried out for the wider locality (see **Attachment 4**). With a buffer of 1km, 18 recorded items are known for the locality. The consideration of the likelihood for occurrence of Aboriginal heritage and due diligence assessment processes will be able to be carried out in the future at DA stage. The occurrence of heritage would be able to be managed in the future and the development impacts assessed as a development layout is finalised.

Groundwater Vulnerability

The land is partially mapped as 'groundwater vulnerable' similarly to the majority of the Mudgee Township. The MWR LEP 2012 has provisions to ensure measures would be engaged that ensure good design, and effluent disposal through a water cycle management plan be carried out within a development application process.

Noting the requirements of Clause 6.4 of Mid-Western LEP 2012, a future DA for subdivision of the site may include a study to further consider potential groundwater impacts. The proposed lots have sufficient area available to install an on-site effluent management system in accordance with the current guidelines and Australian Standard.

Q.9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is in response to the gap analysis and recommendations to accommodate growth for Mudgee into the future. Mudgee has experienced a dynamic population growth influenced by mining activity in the region. Housing demand has also been subject to the drivers of mining industry growth, population/dynamics changes, and a growing need for housing diversity. The proposal addresses the possible social and economic effects of failing to maintain an adequate and timely land release.

Mudgee has had a limited supply of 2ha lots (and greater) and a growing demand. With this in mind it is difficult to predict the demand for such lots into the future. The predicted demand is addressed in the URS:

"Large Lot Residential (2ha and over)"

Demand for larger residential lots (2ha and greater) in Mudgee's urban release areas is projected to average 7 lot per annum or 37 lots over 5 years. If land is released in accordance with the recommendations of the Strategy there will be between 76 and 88 large residential lots available every five years until the year 2025. This level of supply will create a buffer of 43 to 51 lots over that period which is sufficient to meet the required 5 year buffer of 37 lots. The analysis indicates that further land may need to be released in the long term to accommodate demand in the 10-20 year period if high levels of demand for 2ha lots were sustained." Pg 88

The URS recommendations include release of up to 88 lots of 2ha lots in a 2015+ timeframe. Alternative planning proposals, including 2ha lots, were submitted to Council in 2014 and the subsequent moratorium on further planning proposals was issued by Council pending the finalisation of the URS. With the document now endorsed, reliance is made upon the findings with regard to demand and housing needs. This proposal represents a feasible alternative to supply considering the unique topographical aspects of this development site and lack of constraints.

The URS quantifies the demand, and the CLUS supports diversity in housing options. The strategy indicates that the lack of diversity in housing types arguably affects the ability of a diverse population, such as found in Mudgee, to find accommodation to suitably meet their needs. A supply of land is best sourced from varied locations and distances from town. To achieve the sought social and economic outcomes, it is believed that Council should address the current limited existing supply of zoned land, and facilitate release of the number of predicted lots, however within a variety of settings. The subject land would offer a rural residential lifestyle choice which offers a unique setting.

The property is not constrained by multiple owners and the delivery to the market is readily achieved. Market trends reported in the draft URS indicate a growing demand and limited supply of larger lot residential blocks around 2 hectares. The development site represents residential lifestyle development delivered in a coordinated manner with economic benefits of adjoining to similarly developed land. This ensures future development can proceed without foreseeable land use conflicts and unreasonable infrastructure costs.

1.3 SECTION D - State and Commonwealth interests

Q.10. Is there adequate public infrastructure for the planning proposal?

The site has current electricity and telecommunication services that would be assessed for extension to service additional lots. Servicing of public infrastructure will require consultation with appropriate public authorities at the design stage.

The proposal will generate increased volumes of traffic which will warrant due engineering assessment of the existing road system. The current provisions within MWRC DCP 2013 will be able to be met in any new roads and lot design. This can be addressed at DA stage.

The level of servicing is commensurate to expectations for 2ha lifestyle lots. The current LEP provisions and adopted servicing requirements imposed by MWRC in the past have set 2ha as the min lot size without connection to water and sewer services. Lots of areas less than 2ha are expected to be connected to reticulated services and the lot size maps reflect this. Consistent with this adopted development standard, the land is not proposed to be serviced by reticulated sewer. Potential for servicing with town water supply was further investigated with Council following initial consultation with NSW DPI-Water. This service was identified to have issues regarding maintaining an appropriate water quality and associated costs to Council and is not considered feasible at this time (due to the supply of Council of potable water only). The proposed water supply for this amended planning proposal is through a reticulated supply from a community bore and rainwater from roof catchments.

There is adequate public infrastructure for the planning proposal. The future subdivision will also attract s94 contributions payable to Council.

Q.11. 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?

Consultation with NSW Department of Primary Industries – Water (DPI – Water), NSW Office of Environment and Heritage (OEH) has been carried out by MWRC and has led to further investigations supporting variation to the proposal.

Key views and concerns are summarised below:

Groundwater vulnerability –

- Achieving 250m buffer distances between effluent disposal areas and a domestic bore supply were raised as concerns.

Locating any new community bore will be considerate to the buffers required to ensure minimal risk is posed from onsite effluent disposal. The proposal to supplement rainwater from roof catchments with a community bore will reduce the buffers from potential future bores required to be assumed. This will ensure that buffer distances are met and a 2ha lot area can be achieved.

Sustainable water supply –

- The DPI-Water Guideline – '*How much water do I need for my rural property*' was established as the requirement for water demand.

The Planning Proposal has been amended primarily with regard to demonstrating a sustainable water supply. As noted, the implementation of reticulated town water supply was investigated; and has not been pursued. The lots size is proposed to be mapped as 5ha with provision to be reduced to 2ha with the demonstration of sustainable water supply. The proposal continues to seek development of 2ha lots as originally proposed. Pump tests for existing bores and usage were investigated within the aquifer. With the ability to locate a new bore (meeting buffer distances and within a community title -association land) such is proposed that a sustainable water supply can be demonstrated with rainwater from roof catchments in conjunction with a reticulated supply from a community bore.

Riparian Land

The DPI-Water comments refer to the Guidelines for Controlled Activities on Waterfront Land (DPI 2012). Appropriate buffer distances have been depicted in the concept plan and consideration of buffer distances has been made. The watercourse and buffers can be incorporated into lots as easements, without burdening Council with public reserve land.

PART 4 - Mapping

MWRC has a SI LEP in force and mapping should be carried out consistently with the requirements of the Standard technical requirements for LEP maps. The land subject to the planning proposal is included within Land Zoning Map (Sheet LZN_006E) which is depicted in **Figure 3**. The land is currently zoned R5 Large Lot Residential, which is consistent with the objectives of the 2ha lots development.

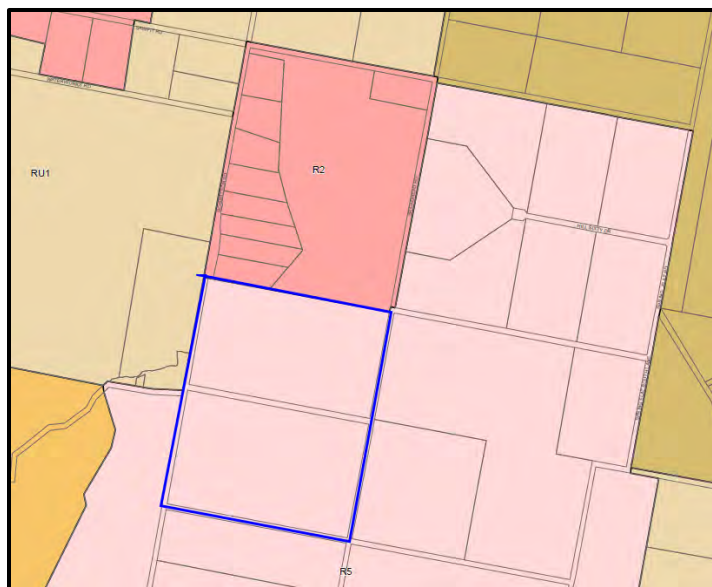


Figure 3: No Proposed change to zoning map (excerpt Land Zoning Map - Sheet LZN_006E)

The corresponding lot size map is proposed to be amended to allow the minimum 2ha lot size proposed. The land is included within Lot Size Map (Sheet LSZ_006E) which is proposed to be amended (see **Figure 4**).

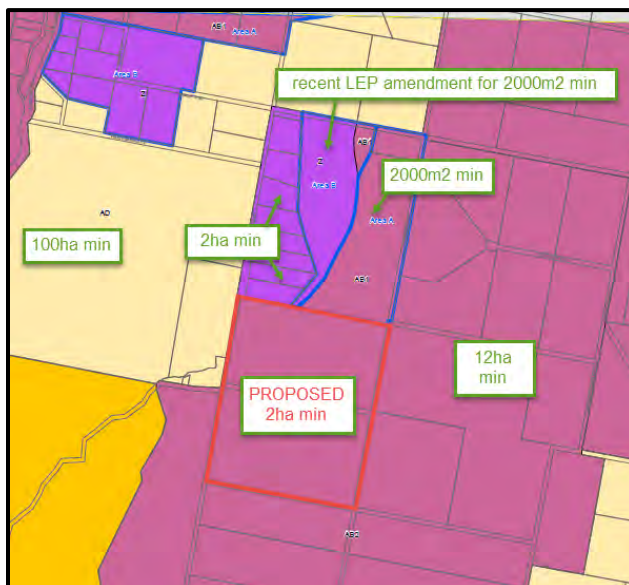


Figure 4: Excerpt Lot Size map (Sheet LSZ_006) showing location of proposed 2ha lot size amendment

PART 5 - Community Consultation

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 were confirmed by the Department of Planning and Infrastructure (DP&I) at the gateway determination. Condition 1 required consultation with the NSW Office of Water to determine the suitability of a 2ha minimum and impacts on groundwater having regard to water supply. The approval of DP&E was required to be satisfied that the issues were addressed prior to placing the proposal on exhibition.

This amended proposal addresses the minimum lot size and potential for groundwater impacts and provision of a sustainable water supply.

PART 6 – Project Timeline

This will be prepared with MWRC.

Attachments:

Attachment 1 – Concept Plan

Attachment 2 - Fairview Bore test by Corbett Pumps and Irrigations and Water quality testing (ALS GLOBAL)

Attachment 3 – Bore Log Details

Attachment 4 – AHIMS Search result

CONCLUSION

This Planning Proposal relates to an amendment to *Mid-Western Regional Local Environmental Plan 2012* for the relevant Lot Size Map to that part of Lot 4 DP1206488, Broadhead Road, Mudgee, south of 'Broadview Estate'. The aim of this report has been to describe the strategic merit and site suitability for the proposed amendment to the lot size map to accommodate 2ha rural residential lifestyle development.

The planning proposal has included the concept plan to highlight the following:

- Estimation of lot yield from the land;
- Feasibility of suitable building sites avoiding environmentally sensitive areas (watercourses);
- Layout of development and integration with existing road layouts; and
- Demonstrate that building sites are available that would avoid ridge lines and facilitate sites with varied views ideal for 2ha lifestyle developments.

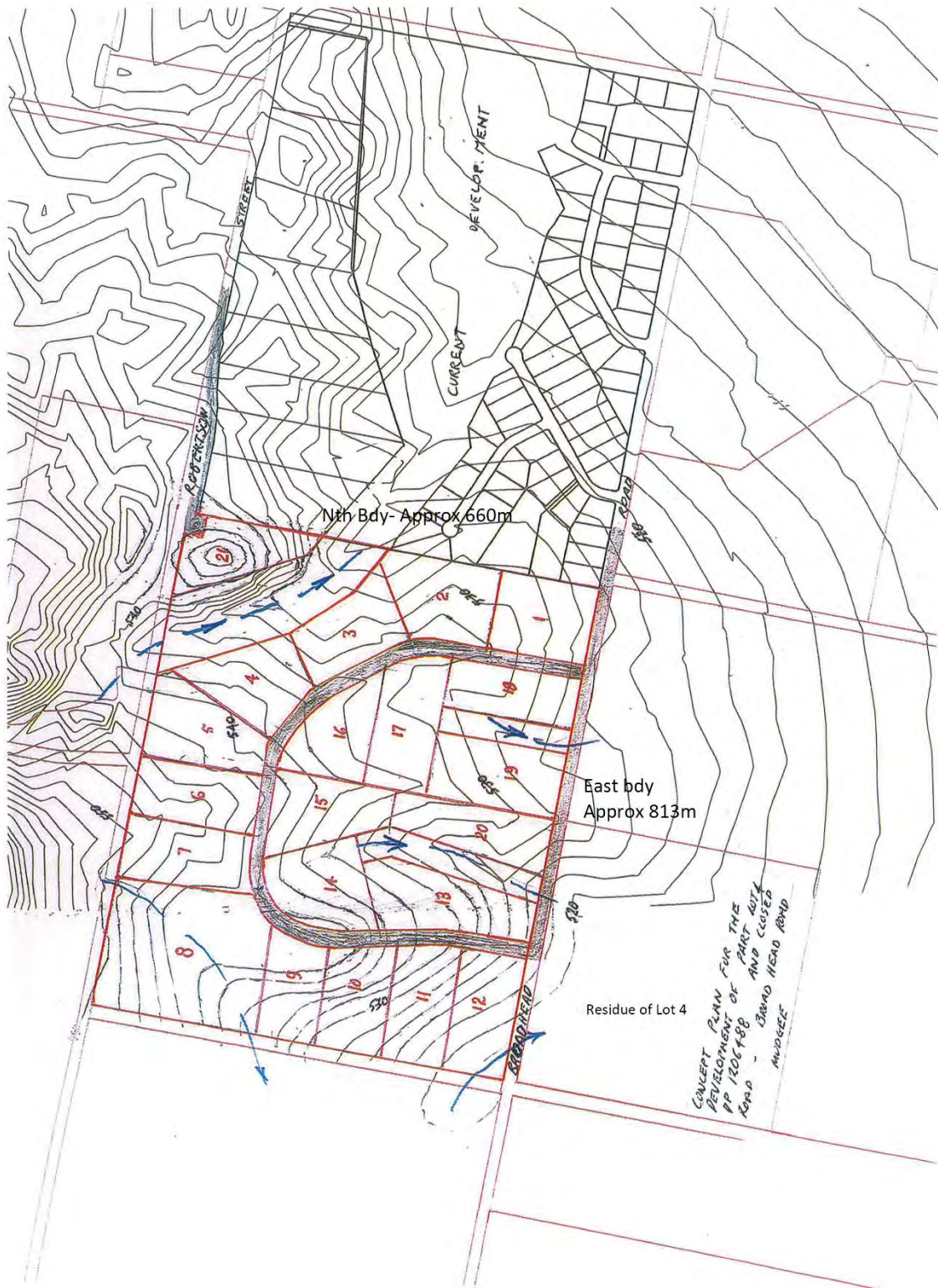
The URS reviews land available with a 20 years+ timeframe, as such this proposal is not considered premature at this time, especially considering the identified demand for this form of development. In accordance with the guiding principles of the URS, Council should maintain 5 years' worth of land zoned for each residential type as a buffer to avoid future shortage. It is acknowledged that with limited current supply it is difficult to ascertain what that demand might be over the next five years. It is envisaged that the timing of this type of development, i.e. Large Lot Residential, could be in 0-5 year timeframe without being hindered by multiple landowners.

Development is proposed that will involve the facilitation of 2ha lots, only with the demonstration of a sustainable water supply. The land will have contiguity with neighbouring 2ha developed lots and 'Broadview Estate'. This proposal is able to partially meet the predicted demand for 2ha lots and is close to Mudgee. The development site represents residential lifestyle development delivered in a coordinated manner. This ensures future development can proceed without foreseeable land use conflicts and unreasonable infrastructure costs.

Overall, the planning proposal has made consideration of what style of lifestyle the 2ha lot is associated with, and presents land which is ideal for this type of development. The slopes lend to varied views and access to northerly aspect, the land is close to existing sealed road, and does not take up valuable agricultural land. The support of this planning proposal will ensure the successful future development of the wider Mudgee community and is not hindered by environmental constraint.



Attachment 1 - Concept Plan





Attachment 2 – Fairview Bore test by Corbett Pumps and Irrigations and Water Quality Analysis (ALS GLOBAL)



M: 0417 546 768 P: 02 6372 7887 F: 02 6372 0801
E: pumpacorbett@hotmail.com
PO Box 647, Mudgee, NSW 2850 ABN: 36 140 021 501

20 September 2017

Peter Consadine
Broadhead Rd
MUDGEE NSW 2850

RE: 2ND FLOW TEST

As per your request for a second flow test, this time the test was conducted over 24hrs directly at the pump through 1" open ended poly pipe rather the hose tap at the back of the house.

The testing started on Tuesday the 18th September 2017 at 3pm and ended at 3pm on Wednesday the 19th September.

The flow was checked every hour until 7pm and left it run through the night and checked at 7am the following morning and measured hourly until 10am and then measured at 2pm and 3pm to end the flow test.

Test results as follows:

3pm	18/9/17	13.6 sec per 10 litres
4pm	18/9/17	13.6
5pm	18/9/17	13.7
6pm	18/9/17	13.6
7pm	18/9/17	13.7
7am	19/9/17	13.5
8am	19/9/17	13.6
9am	19/9/17	13.8
10am	19/9/17	13.6
2pm	19/9/17	13.5
3pm	19/9/17	13.5

This is an average of 13.6 seconds per 10 litres.

44 litres per minute, 2640 litres per hour, 63360 litres per 24hours

A handwritten signature in black ink, appearing to read "David Corbett", with a long horizontal flourish extending to the right.

David Corbett
Corbett Pumps & Irrigation



CERTIFICATE OF ANALYSIS

Work Order : ME1701432
Client : MUDGEE CASH CLIENT
Contact : Peter Consadine
Address : 6 Avisford court
MUDGEE NSW 2850
Telephone : ----
Project : Comprehensive Water Quality Package
Order number : ----
C-O-C number : ----
Sampler : Peter Consadine (Client Sampler)
Site :
Quote number : ----
No. of samples received : 1
No. of samples analysed : 1

Page : 1 of 4
Laboratory : Environmental Division Mudgee
Contact : Mary Monds
Address : 1/29 Sydney Road Mudgee NSW AUSTRALIA 2850
Telephone : 02 6372 6735
Date Samples Received : 18-Oct-2017 08:35
Date Analysis Commenced : 18-Oct-2017
Issue Date : 25-Oct-2017 16:57



This report supersedes any previous report(s) with this reference. Results apply to the sample(s) as submitted. This document shall not be reproduced, except in full.

This Certificate of Analysis contains the following information:

- General Comments
- Analytical Results

Additional information pertinent to this report will be found in the following separate attachments: Quality Control Report, QA/QC Compliance Assessment to assist with Quality Review and Sample Receipt Notification.

Signatories

This document has been electronically signed by the authorized signatories below. Electronic signing is carried out in compliance with procedures specified in 21 CFR Part 11.

Signatories	Position	Accreditation Category
Ankit Joshi	Inorganic Chemist	Sydney Inorganics, Smithfield, NSW
Ashesh Patel	Inorganic Chemist	Sydney Inorganics, Smithfield, NSW
Celine Conceicao	Senior Spectroscopist	Sydney Inorganics, Smithfield, NSW
Mary Monds	Environmental Services Representative	Laboratory - Mudgee, Mudgee, NSW

RIGHT SOLUTIONS | RIGHT PARTNER

Page : 2 of 4
 Work Order : ME1701432
 Client : MUDGEE CASH CLIENT
 Project : Comprehensive Water Quality Package



General Comments

The analytical procedures used by the Environmental Division have been developed from established internationally recognized procedures such as those published by the USEPA, APHA, AS and NEPM. In house developed procedures are employed in the absence of documented standards or by client request.

Where moisture determination has been performed, results are reported on a dry weight basis.

Where a reported less than (<) result is higher than the LOR, this may be due to primary sample extract/digestate dilution and/or insufficient sample for analysis.

Where the LOR of a reported result differs from standard LOR, this may be due to high moisture content, insufficient sample (reduced weight employed) or matrix interference.

When sampling time information is not provided by the client, sampling dates are shown without a time component. In these instances, the time component has been assumed by the laboratory for processing purposes.

Where a result is required to meet compliance limits the associated uncertainty must be considered. Refer to the ALS Contact for details.

Key : CAS Number = CAS registry number from database maintained by Chemical Abstracts Services. The Chemical Abstracts Service is a division of the American Chemical Society.
 LOR = Limit of reporting
 ^ = This result is computed from individual analyte detections at or above the level of reporting
 ø = ALS is not NATA accredited for these tests.
 ~ = Indicates an estimated value.

- Samples were received outside of recommended ALS holding times for analysis of pH. Results should be scrutinised accordingly.
- Only approved EPA methods for the analysis of water pollutants in New South Wales are used: pH by classical APHA 4500 H+B and in-house EA005; EC by classical APHA 2510 and in-house EA010.
- Test MW004-CTAG: NATA accreditation does not cover the performance of this service.
- Only approved EPA methods for the analysis of water pollutants in New South Wales are used: Alkalinity – by classical using APHA 2320 B and in-house ED037 & P; Alkalinity - bicarbonate by classical using APHA 2320 B and in-house ED037 & P; Alkalinity - carbonate by classical using APHA 2320 B and in-house ED037 & P; Alkalinity - hydroxide by classical using APHA 2320 B and in-house ED037 & P; Sulfate by discrete analyser using APHA 4500 SO42- and in-house ED041G; Chloride by discrete analyser using APHA 4500Cl- E and in-house ED045G; are conducted by ALS Sydney, NATA accreditation no. 825, site no. 10911.
- Only approved EPA methods for the analysis of water pollutants in New South Wales are used: Cations - using APHA 3120 and 3125; USEPA SW 846 - 6010 and 6020; Cations are determined by either ICP-AES or ICP-MS techniques. This method is compliant with NEPM (2013) Schedule B(3); Total Harness/SAR by ED093F; Total Metals using APHA 3125; USEPA SW846 - 6020 and in-house EG020; Fluoride by classical using APHA 4500 F- C and in-house EK040 & P; Nitrogen - nitrate by discrete analyser using EK058G; Ionic Balance by EN055; are conducted by ALS Sydney, NATA accreditation no. 825, site no. 10911.
- Test MUD-WAT: NATA accreditation does not cover the performance of this service.

Page : 3 of 4
 Work Order : ME1701432
 Client : MUDGEE CASH CLIENT
 Project : Comprehensive Water Quality Package



Analytical Results

Sub-Matrix: WATER (Matrix: WATER)		Client sample ID		1	----	----	----	----
		Client sampling date / time		17-Oct-2017 12:00	----	----	----	----
Compound	CAS Number	LOR	Unit	ME1701432-001	-----	-----	-----	-----
				Result	-----	-----	-----	-----
EA005: pH								
pH Value	----	0.01	pH Unit	6.5	----	----	----	----
EA010: Conductivity								
Electrical Conductivity @ 25°C	----	1	µS/cm	1060	----	----	----	----
ED037P: Alkalinity by PC Titrator								
Hydroxide Alkalinity as CaCO ₃	DMO-210-001	1	mg/L	<1	----	----	----	----
Carbonate Alkalinity as CaCO ₃	3812-32-6	1	mg/L	<1	----	----	----	----
Bicarbonate Alkalinity as CaCO ₃	71-52-3	1	mg/L	304	----	----	----	----
Total Alkalinity as CaCO ₃	----	1	mg/L	304	----	----	----	----
ED041G: Sulfate (Turbidimetric) as SO₄ 2- by DA								
Sulfate as SO ₄ - Turbidimetric	14808-79-8	1	mg/L	78	----	----	----	----
ED045G: Chloride by Discrete Analyser								
Chloride	16887-00-6	1	mg/L	142	----	----	----	----
ED093F: Dissolved Major Cations								
Calcium	7440-70-2	1	mg/L	68	----	----	----	----
Magnesium	7439-95-4	1	mg/L	58	----	----	----	----
Sodium	7440-23-5	1	mg/L	88	----	----	----	----
Potassium	7440-09-7	1	mg/L	2	----	----	----	----
ED093F: SAR and Hardness Calculations								
Total Hardness as CaCO ₃	----	1	mg/L	296	----	----	----	----
Sodium Adsorption Ratio	----	0.01	-	1.90	----	----	----	----
EG020T: Total Metals by ICP-MS								
Iron	7439-89-6	0.05	mg/L	0.36	----	----	----	----
EK040P: Fluoride by PC Titrator								
Fluoride	16984-48-8	0.1	mg/L	0.3	----	----	----	----
EK058G: Nitrate as N by Discrete Analyser								
Nitrate as N	14797-55-8	0.01	mg/L	0.10	----	----	----	----
EN055: Ionic Balance								
Total Anions	----	0.01	meq/L	11.7	----	----	----	----
Total Cations	----	0.01	meq/L	12.0	----	----	----	----
Ionic Balance	----	0.01	%	1.44	----	----	----	----
MUD-WAT: Calculated Methods (Department of Agriculture)								
CaCO ₃ Saturation Index	----	0.1	-	-0.4	----	----	----	----
MW004-CTAG: E.coli by Colitag								

Page : 4 of 4
 Work Order : ME1701432
 Client : MUDGE CASH CLIENT
 Project : Comprehensive Water Quality Package



Analytical Results

Sub-Matrix: WATER (Matrix: WATER)				Client sample ID	1	----	----	----	----
				Client sampling date / time	17-Oct-2017 12:00	----	----	----	----
Compound	CAS Number	LOR	Unit	ME1701432-001	-----	-----	-----	-----	-----
				Result	-----	-----	-----	-----	-----
MW004-CTAG: E.coli by Colitag - Continued									
⊖ <i>Escherichia coli</i>	----	1	Detection in 100mL	Not detected	----	----	----	----	----
MW004-CTAG: Total Coliforms by Colitag									
⊖ Total Coliforms	----	1	Detection in 100mL	Not detected	----	----	----	----	----



Attachment 3 – Bore Log Details

NSW Office of Water Work Summary

GW051958

Licence: 80BL115088

Licence Status: CONVERTED

Authorised Purpose(s): STOCK
Intended Purpose(s): STOCK

Work Type: Bore

Work Status:

Construct.Method: Rotary Air

Owner Type: Private

Commenced Date:
Completion Date: 01/07/1980

Final Depth: 45.70 m
Drilled Depth: 45.70 m

Contractor Name:

Driller:

Assistant Driller:

Property: FAIRVIEW
GWMA: -
GW Zone: -

Standing Water Level (m):
Salinity Description: Good
Yield (L/s):

Site Details

Site Chosen By:

County
Form A: WELLI
Licensed: WELLINGTON

Parish
WELLI.031
MUDGE

Cadastre
29
Whole Lot //

Region: 80 - Macquarie-Western
River Basin: 421 - MACQUARIE RIVER
Area/District:

CMA Map: 8832-4S
Grid Zone:

Scale:

Elevation: 0.00 m (A.H.D.)
Elevation Source: (Unknown)

Northing: 6386444.0
Easting: 743167.0

Latitude: 32°37'58.4"S
Longitude: 149°35'31.2"E

GS Map: -

MGA Zone: 0

Coordinate Source: GD.,ACC.MAP

Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Threaded Steel	-0.30	25.90	165			Driven into Hole
1	1	Opening	Slots - Vertical	22.90	24.40	165		1	Oxy-Acetylene Slotted, A: 2.00mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
22.90	24.40	1.50	Fractured	15.20		1.51			

Geologists Log

Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
0.00	0.30	0.30	Topsoil	Topsoil	



0.30	4.60	4.30	Clay	Clay	
4.60	25.90	21.30	Shale Decomposed Water Supply	Shale	
25.90	45.70	19.80	Shale	Shale	

Remarks

*** End of GW051958 ***

Warning To Clients: This raw data has been supplied to the NSW Office of Water by drillers, licensees and other sources. The NOW does not verify the accuracy of this data. The data is presented for use by you at your own risk. You should consider verifying this data before relying on it. Professional hydrogeological advice should be sought in interpreting and using this data.

NSW Office of Water

Work Summary

GW804982

Licence: 80WA704896

Licence Status: CURRENT

Authorised Purpose(s): DOMESTIC
Intended Purpose(s): DOMESTIC

Work Type: Bore

Work Status: Supply Obtained

Construct.Method: Rotary Air

Owner Type: Private

Commenced Date:

Completion Date: 28/01/2013

Final Depth: 40.00 m

Drilled Depth: 40.00 m

Contractor Name: MCKECHNIE DRILLING PTY LTD

Driller: Malcolm Dexter McKechnie

Assistant Driller: B McKechnie

Property: "DEILEN PARK" BROADVIEW
ESTATE 229-233 ROBERTSON
ROAD SPRING FLAT 2850 NSW

Standing Water Level: 23.000

GWMA:
GW Zone:

Salinity:
Yield: 0.500

Site Details

Site Chosen By:

County
Form A: WELL1
Licensed:

Parish
WELLI.31

Cadastre
4/1150667

Region: 80 - Macquarie-Western

River Basin: 421 - MACQUARIE RIVER
Area/District:

CMA Map: 8832-4S

Grid Zone:

Scale:

Elevation: 0.00 m (A.H.D.)
Elevation Source: Unknown

Northing: 6386685.0
Easting: 742925.0

Latitude: 32°37'50.7"S
Longitude: 149°35'21.7"E

GS Map: -

MGA Zone: 0

Coordinate Source: GIS - Geographic
Information System

Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1		Hole	Hole	0.00	40.00	200			Rotary Air
1		Annulus	Waterworn/Rounded	0.00	40.00	200	125		Graded, Q:2.000m3, PL:Pourved/Shovelled
1	1	Casing	Pvc Class 9	0.00	40.00	125	117		Seated on Bottom, Riveted, S: 34.00-40.00m
1	1	Opening	Slots - Vertical	26.00	38.00	125		1	Mechanically Slotted, PVC Class 9, Riveted, SL: 200.0mm, A: 2.00mm

Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
32.00	34.00	2.00	Unknown	23.00		0.50		02:00:00	

Geologists Log Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
0.00	1.00	1.00	Topsoil	Topsoil	
1.00	40.00	39.00	Shale	Shale	

Remarks

28/01/2013: Form A Remarks:
Nat Carling, 11-Apr-2013; Coordinates based on location map provided with the Form-A.

*** End of GW804982 ***

Warning To Clients: This raw data has been supplied to the NSW Office of Water by drillers, licensees and other sources. The NOW does not verify the accuracy of this data. The data is presented for use by you at your own risk. You should consider verifying this data before relying on it. Professional hydrogeological advice should be sought in interpreting and using this data.

Attachment 4 – AHIMS Search Result

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Consadine 1km

Client Service ID : 170141

Minespex Pty Ltd

Date: 23 April 2015

Units 1 and 2 73 Market Street

Mudgee New South Wales 2850

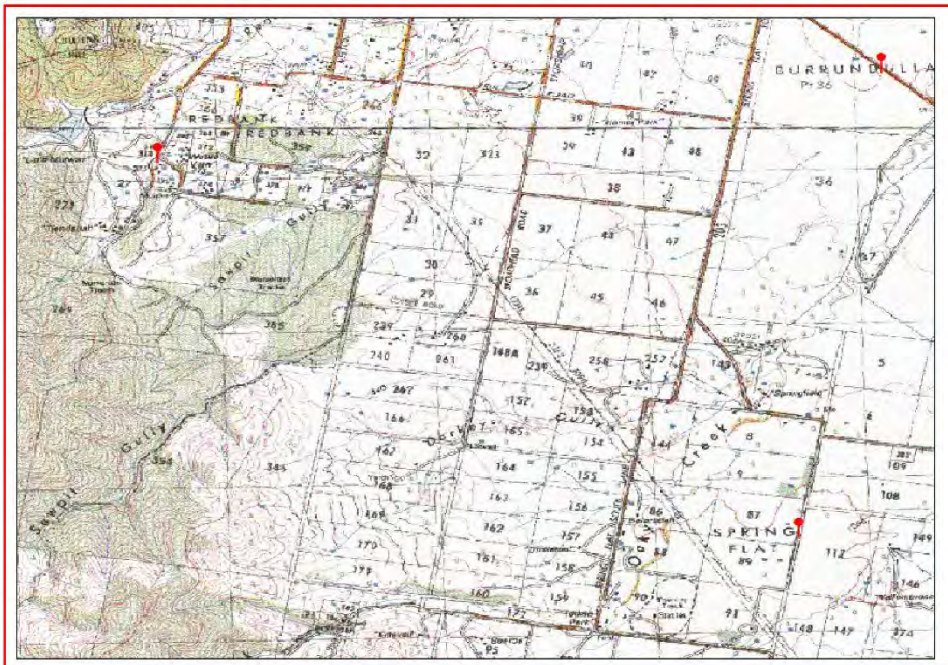
Attention: Emma Yule

Email: emma.yule@minespex.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 9, DP:DP1150667 with a Buffer of 1000 meters, conducted by Emma Yule on 23 April 2015.

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:

18	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.