

1.1.1 Supplementary Report – Planning Proposal ‘Burrundulla’, Lots 3 & 4 DP1069441 Spring Flat Road, Mudgee

REPORT BY THE TOWN PLANNER TO 17 JUNE 2015 COUNCIL MEETING
Supplementary Report – Planning Proposal Spring Flat Road
GOV400043, LAN900043, LAN900044

RECOMMENDATION

That:

1. the supplementary report and report by the Town Planner on the Supplementary Report – Planning Proposal ‘Burrundulla’, Lots 3 & 4 DP1069441 Spring Flat Road, Mudgee be received;
2. Council support in principle the intent of the Planning Proposal for 2ha rural residential lots on the subject land with an additional requirement that the documentation be amended:
 - i) such that the land that is rezoned is limited to an area sufficient to accommodate 25 lots at the southern portion of the site; and
 - ii) to rezone a 20m wide corridor along Sydney Road to RE1 Public Recreation and vegetated to act as a visual buffer.
3. Prior to public exhibition of the Planning Proposal, a hydrological assessment be conducted to investigate the potential impacts of on-site effluent disposal on groundwater which feeds into the Mudgee town water supply and to demonstrate the most appropriate method of servicing;
4. The Planning Proposals be forwarded to the Department of Planning and Environment Gateway for determination.

Executive summary

At the 20 May 2015 Council meeting, the applicant provided a response to Council recommendations for the subject planning proposal seeking clarification on a number of issues (Refer to Attachment 1). It is considered that the issues raised by the applicant have been addressed in the report to Council, however; further clarification is provided below.

Detailed report

1. LIMIT AREA TO ACCOMMODATE 25 LOTS AT SOUTHERN PORTION OF SITE

1.1 Council’s Urban Release Strategy 2014 (URS) as adopted identifies the Burrundulla/Spring Flat locality with a capacity of 98 x 2ha lots post 2015, with 49 lots within 1st 5 years.

Comment:

As per the assessment on supply and demand undertaken as part of the ‘Menah’ and Broadhead Road report, despite the URS the supply of land for 2ha lots is zero. Council need to balance the provision of supply with the need to avoid flooding the market. Based on the Urban Release Strategy the requirement for this form of development is 7 lots per year. Allowing for five years supply, plus a sensitivity buffer of 5 years this would be 70 lots. Further, if Council takes the approach to the location of this form of development in terms of providing market choice in a

manner consistent with other forms of residential land, these 70 lots could justifiably be distributed amongst the sites identified in the three proposals rather than singling one site out. Purely based on the criteria (refer to the 'Menah'/Broadhead Road Report), the Broadhead Road site is the most suitable, however, it only yields 21 lots. This leaves a 49 lot shortfall which could be distributed, at this stage between the "Menah" site and the subject site on Spring Flat Road. Therefore, it would be desirable that, should Council support the 2ha rural residential form of development at these locations it is, at this stage, limited to 25 lots at each site. The take up of zoned land will continue to be monitored consistent with the recommendations of the Urban Release Strategy.

1.2 The URS identifies the two other planning proposal "Broadhead" and "Menah" sites for residential subdivision post 2020 and 2035 respectively.

Comment:

See 1.1 above.

2. REZONE 20M WIDE BUFFER ALONG SYDNEY ROAD TO RE1 PUBLIC RECREATION AND VEGETATED AS A VISUAL BUFFER.

2.1 Financial implications of Council acquiring this buffer land and maintaining this land in perpetuity are not considered.

Comment:

Subject to further negotiations with applicant.

2.2 Suitability of the proposed buffer as public recreation land has not been considered.

Comment:

The proposal in its current form does not adequately address the potential visual impact of urban subdivision of future lots with frontage to Sydney Road. The intention of the recommendation is to ensure that a mature vegetation screen is already established along Sydney Road if further release of land for this form of development is required in the future. The proposed RE2 Public Recreation vegetated buffer is considered suitable to achieve this outcome.

2.3 Effect of existing screening along Sydney Road along has not been considered.

Comment:

The existing screening along Sydney Road is located within the State Highway road reserve. State highway road reserve is subject to change and, as such, the proposed rezoning to RE1 Public Recreation will provide Council control to ensure the sensitive gateway to the Mudgee town centre is managed effectively to alleviate potential visual impacts of residential development in the long term.

2.4 The Comprehensive Land Use Strategy identifies a 50m wide vegetated buffer for 'gateway planning' along the Castlereagh Highway.

Comment:

Staff recommendation is consistent with the intention of the Comprehensive Land Use Strategy.

2.5 The URS recommends the whole of the site be rezoned to R5 Large Lot Residential with a minimum lot size of 2ha/lot, and does not identify 'visual impact' as a constraint.

Comment:

As outlined in 2.1 above, consistent with the two proposals submitted from Minespex for the same form of development, where there are opportunities available at alternative locations, rezoning should not be limited to a single site. However, the area of land within each of these sites that is actually rezoned should be limited to an area equivalent to a yield of 25 lots as the first stage of the release.

This recommendation was based on criteria which Council staff developed to guide assessment as to the suitability of the three sites (and future sites) for rural residential development. The site suitability criteria included impact on visual amenity or sensitive corridors which the 'Menah' and Broadhead Road proposals have also been assessed against.

2.6 As part of a future DA for subdivision, Council may impose requirements for additional landscaping and minimum setbacks from the Highway to further address any concerns of visual impact (i.e. view of 5 houses, separated at least 150m apart, with landscaping).

Comment:

As outlined previously, Council staff's recommendation to rezone a 20 metre wide corridor along Sydney Road to RE1 Public Recreation and vegetated to act as a visual buffer will ensure that a mature vegetation screen is already established along Sydney Road if further release of land for this form of development is required in the future. This requirement provides Council control to ensure the sensitive gateway to the Mudgee town centre is managed effectively to alleviate potential visual impacts of residential development in the long term. Setbacks will not achieve visual buffer for storage and other uses that may occur on the site.

2.7 A 100m setback is considered more appropriate, consistent with the range of setbacks of existing dwellings and buildings along Sydney Road south of Spring Flat Road.

Comment:

See 2.6 above.

2.8 As a comparison, existing development and recent subdivision along Ulan Road has a 30m wide landscape buffer which is considered to provide ample screening.

Comment:

Noted. See 2.6 above.

3. PRIOR TO PUBLIC EXHIBITION OF THE PLANNING PROPOSAL, A HYDROLOGICAL ASSESSMENT IS TO BE CONDUCTED TO INVESTIGATE POTENTIAL GROUNDWATER IMPACTS OF ON-SITE EFFLUENT DISPOSAL ON GROUNDWATER.

3.1 Details of on-site effluent disposal capacity advised by Barnson's engineers as part of the Planning Proposal have not been considered in this report.

Comment:

Council staff have considered the details of on-site effluent disposal capacity advised by Barnson's engineers, however, the proposal fails to adequately address the potential impacts of on-site effluent disposal on sensitive groundwater which feeds into the Mudgee town water supply. A hydrological assessment is required in order to determine this impact.

3.2 A hydrological assessment is required by Council as part of a future DA – pursuant to Mid-Western Regional LEP 2012, Clause 6.4 – Groundwater vulnerability requires that Council must consider potential impacts on groundwater and measures to minimise such impacts (whether on-site disposal or reticulated sewer connection).

Comment:

The report recommends that a hydrological study be conducted prior to public exhibition of the planning proposal. Conducting the hydrological assessment prior to public exhibition rather than at the DA stage would be worthwhile to ensure that rural residential development on the site will not adversely impact on the sensitive groundwater system and to determine if on-site sewerage disposal is appropriate on the subject land. It should be noted that the 'Menah' planning proposal is located downstream of the Mudgee town water supply and is accompanied with hydrological assessment.

3.3 The indicative area for 25 lots as recommended is approximately 1.3km south of Sydney Road. Extending Council's reticulated sewer this distance, if required by Council would jeopardise the feasibility of the proposal given its reduction to 25 lots. No consideration is made of this cost issue in the report.

Comment:

This is a determinative issue based on the results of the hydrological study. If the hydrological modelling indicates that on-site disposal is not acceptable due to risks to the town water supply source, the site will be required to connect to the town sewerage scheme. Staff will not support a proposal which places considerable risk on sensitive groundwater which feeds the town's water supply on the basis of cost associated with development. However, Council staff support in principle the intent of the Planning Proposal for 2 ha lots indicating potential for further release of land on the northern portion of the site for this form of development in the future.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.



HEATH DENNERLEY
TOWN PLANNER

CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

2 June 2015

Attachments: (included at the end of the business paper):

1. Planning Proposal – 'Burrundulla', Lots 3 & 4 DP1069441 Spring Flat Road, Mudgee
2. Revised Planning Proposal 'Burrundulla' Spring Flat Road March 2015
3. Response to recommendations submitted by applicant

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

Planning Proposal – ‘Burrundulla’, Lots 3 & 4 DP1069441 Spring Flat Road, Mudgee

REPORT BY THE TOWN PLANNER TO 17 JUNE 2015 COUNCIL MEETING

Planning Proposal Spring Flat Road
GOV400043, LAN900043, LAN900044

RECOMMENDATION

That:

1. the report by the Town Planner on the Planning Proposal – ‘Burrundulla’, Lots 3 & 4 DP1069441 Spring Flat Road, Mudgee be received;
2. Council support in principle the intent of the Planning Proposal for 2ha rural residential lots on the subject land with an additional requirement that the documentation be amended:
 - i) such that the land that is rezoned is limited to an area sufficient to accommodate 25 lots at the southern portion of the site; and
 - ii) to rezone a 20m wide corridor along Sydney Road to RE1 Public Recreation and vegetated to act as a visual buffer.
3. Prior to public exhibition of the Planning Proposal, a hydrological assessment be conducted to investigate the potential impacts of on-site effluent disposal on groundwater which feeds into the Mudgee town water supply and to demonstrate the most appropriate method of servicing;
4. The Planning Proposals be forwarded to the Department of Planning and Environment Gateway for determination.

Executive summary

Council has received three Planning Proposals for 2ha rural residential development. Two of these proposals are from Minespex seeking an amendment to Local Environmental Plan 2012 to facilitate the development of land known as ‘Menah’ into 2 ha and 12 ha lots and also at Broadhead Road for 2 ha rural residential lots. These two proposals are being considered under a separate report.

A third proposal for the same form of development has been received from Barnson on behalf of Burrundulla Pty Limited and is the subject of this report. If necessary for efficiency of administration the proposals will be combined for the purposes of the Gateway Determination. The Planning Proposal is seeking an amendment to Mid-Western Regional Local Environmental Plan 2012 to rezone the land from RU4 Primary Production Small Lots to R5 Large Lot Residential with a minimum lot size of 2ha. Council deferred consideration of the proposal at its meeting on 4 December 2013 until the completion of the Urban Release Strategy, which was endorsed in August 2014.

In terms of the release of land, this report concludes that, consistent with the proposals submitted from Minespex for the same form of development, where there are opportunities available at alternative locations, rezoning should not be limited to a single site. However, the area of land within each of these sites that is actually rezoned (as opposed to that included in the Town Structure Plan) should be limited to an area equivalent to a yield of 25 lots as the first stage of the release.

Detailed report

The site is located on the southern side of Sydney Road and the eastern side of Spring Flat Road, being Lot 3 and 4 DP 1069441 known as 'Burrundulla' and consisting of 139ha. The proposal would rezone the land from RU4 Primary Production Small Lots to R5 Large Lot Residential with a minimum lot size of 2ha. An indicative lot layout indicates a lot yield of 52 lots. The following figure, extracted from the Planning Proposal document shows the preliminary concept plan for the site.

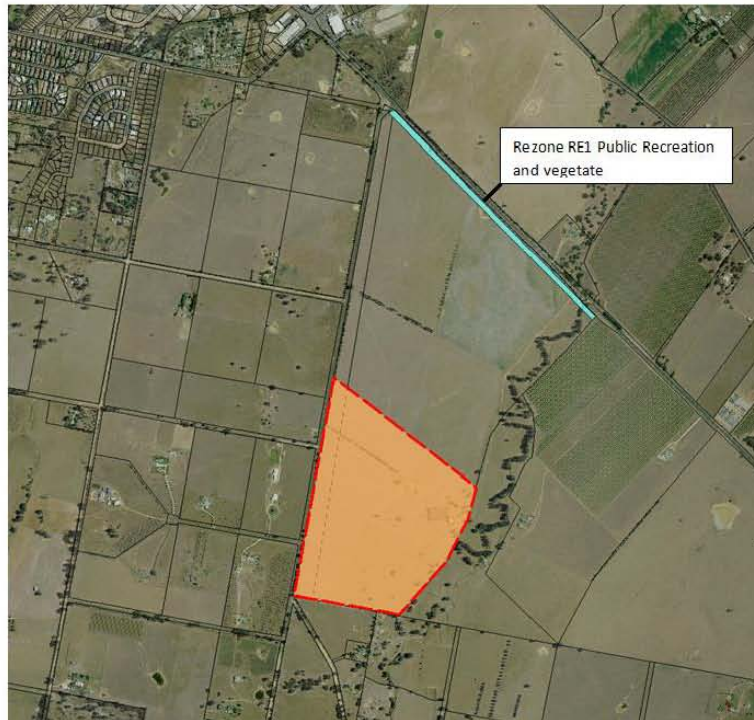
Figure 1 – Preliminary concept plan for 52 Lots



As per the assessment on supply and demand undertaken as part of the 'Menah' and Broadhead Road report, despite the URS the supply of land for 2ha lots is zero. Infrastructure demands and delivery of lots to the market have a different cost structure than general residential development which will always be fully serviced. Council need to balance the provision of supply with the need to avoid flooding the market. Based on the URS the requirement for this form of development is 7 lots per year. Allowing for five years supply, plus a sensitivity buffer of 5 years this would be 70 lots. Further, if Council takes the approach to the location of this form of development in terms of providing market choice in a manner consistent with other forms of residential land, these 70 lots could justifiably be distributed amongst the sites identified in the three proposals rather than singling one site out. Purely based on the criteria, the Broadhead Road site is the most suitable (refer to the 'Menah'/Broadhead Road Report), however, it only yields 21 lots. This leaves a 49 lot shortfall which could be distributed, at this stage between the "Menah" site and the subject site on Spring Flat Road. Therefore, it would be desirable that, should Council support the 2ha rural residential form of development at these locations it is, at this stage, limited to 25 lots at each site.

In light of this, it is recommended that the Planning Proposal be amended to rezone only the southern portion of the site R5 Large Lot Residential with a minimum lot size of 2ha to accommodate the 25 lots. The southern portion of the site is considered most suitable for rural residential development as it is setback approximately 1 kilometre from Sydney Road and is enclosed by a mature vegetation screen, providing an ample visual buffer to protect the main entrance corridor to the Mudgee town centre. An indicative location is identified in Figure 2 below.

Figure 2- Indicative area to accommodate 25 lots



Council has concerns regarding the visual impact of potential rural residential lots on the northern portion of the site with frontage to Sydney Road. As such, this report also recommends that the planning proposal be amended to rezone a 20 metre wide corridor along Sydney Road to RE1 Public Recreation and vegetated to act as a visual buffer. This requirement will ensure that a mature vegetation screen is already established along Sydney Road if further release of land for this form of development is required in the future. The recommendation is consistent with the Comprehensive Land Use Strategy and Mudgee Town Structure Plan which identifies a buffer along this section of Sydney Road to *"protect main entrance corridors to the town, provide setback criteria and restrict access to the highway"*.

Photo 1- View from Sydney Road at north-west corner looking south, noting tree corridor in the distance.



Photo 2- View from Spring Flat Road at south-west corner looking north, noting visual buffer to Sydney Road.



Site Suitability Criteria

The planning proposal has been assessed against the criteria that were identified in the report for 'Menah' and Broadhead Road to determine site suitability.

Criteria	Complies	Comment
will not undermine future residential land opportunities	Yes	Is outside both the north and south future urban investigation areas
can be managed to avoid land use conflict	Yes	May need additional safeguards

Criteria	Complies	Comment
is unconstrained by flooding	Yes	The site is not flood prone land and is above the 1:100 year flood level and probable maximum flood event.
can be connected to the existing road network by sealed road access	Yes	The site has sealed road access with frontage to Sydney Road and Spring Flat Road. Access via Spring Flat Road may be achieved to avoid direct entry/egress from Sydney Road which is a classified State Main Road.
is not visually intrusive and does not impact on visual amenity or sensitive corridors	No	The proposal in its current form does not address the potential visual impact of urban subdivision of future lots with frontage to Sydney Road. However, as outlined above, Council's recommendation for 2 hectare lots only on the southern portion of the site mitigates potential impacts.
will not adversely impact on the groundwater system	No	Is within the high groundwater vulnerability area. Proposal is not supported by a hydrological study. Site is up stream of the Mudgee town groundwater supply. (See comments below).
can be justified in terms of supply and demand	Possible – need to consider the context of URS	Supply and demand will continue to be difficult to measure until such time as this form of development reaches the market and Council has the sales data.
can be managed to reduce bushfire hazard	Yes	Outside the bushfire hazard area.
Land is not constrained by identified biodiversity sensitivity	Yes	Part of the site is identified as high biodiversity sensitivity along the watercourse which has been avoided in the layout.
avoid agricultural land capability assessment class I-II agricultural land	Yes	The site is identified in as class III in the eSPADE Google Maps-based information system administered by the Office of Environment and Heritage.

Based on the criteria, sensitive groundwater, visual amenity and demand/supply remain the only inconsistencies. At this stage the proposal does not include the connection of the lots to reticulated water or sewer. The proposal fails to adequately address the potential impacts of on-site effluent disposal on groundwater which feeds into Mudgee town water supply.

This report recommends that a hydrological study be conducted prior to public exhibition of the planning proposal to determine if on-site sewerage disposal is appropriate on the subject land.

Council support in principle the intent of the Planning Proposal for 2 ha lots indicating potential for further release of land on the northern portion of the site for this form of development in the future. As such, conducting the hydrological assessment prior to public exhibition would be worthwhile to ensure that rural residential development on the site will not adversely impact on the sensitive groundwater system. If the hydrological modelling indicates that on-site disposal is not acceptable due to risks to the town water supply source, the site can connect to the town sewerage scheme via the Industrial Sewerage Station on Burrundulla Road.

In regards to visual amenity, as outlined above, Council's recommendation to amend the planning proposal to rezone only the southern portion of the site for 2ha rural residential lots and to include a 20 metre wide corridor along Sydney Road to RE1 Public Recreation to be vegetated as a visual buffer will alleviate potential impacts in the short and long term.

In terms of supply and demand, as discussed above, despite the URS the supply of land for 2ha lots is zero. Based on the earlier assumptions in terms of land supply, the 'Burrundulla' site should be limited to 25 lots.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The recommendation is consistent with the Community Plan. The strategic planning function sits under the theme Looking After Our Community in the Community Plan in relation to the delivery of housing through effective land use planning.

HEATH DENNERLEY
TOWN PLANNER

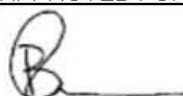


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

2 June 2015

Attachments: 1. Planning Proposal (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER