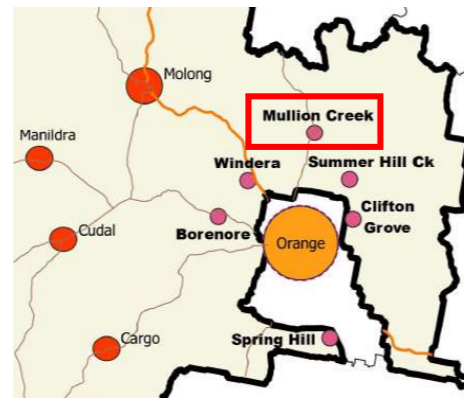


9. MULLION CREEK & STRATEGY AREA SA5

9.1. Location

The existing Mullion Creek Village/ Large Lot Residential (LLR) area is located to the north of the City of Orange (see Figure opposite) alongside Mulyan Creek with primary access from Burrendong Way & secondary access from Belgravia Rd & Long Point Rd. The turn off to Long Point Road (village centre) is located ~9-10km from the Orange LGA boundary & 13-14km from the Northern Distributor Road.

Figure 1: Existing Zone R5 Large Lot Residential area with vacant/constrained land.



9.2. Existing Zone R5 Large Lot Residential

9.2.1. Key Facts

2020	Zone R5 Large Lot Residential (LLR) Area
Area	~226ha (including some roads)
Lots	~97-100 (some undevelopable or Crown lots)/ Average size ~2.5ha/lot
Dwellings	Lots with dwellings ~77 (~80% of lots)
Other Uses	Community ~6 lots (~6%) (School/Church/RFS/Bore/Crown)
2016 Pop.	Census boundary not aligned to Zone R5 area
Est. 2019 Pop.	~220 = 77 dwellings * 2.85 occupancy
Growth Rate	~77 dwellings 1976-2016 (40 years). Average ~2 dwellings/year
Dev. Potential	Vacant small lots (2019) ~7 -only 4 (~4%) not constrained. Subdivision ~33-41 lots @ 70% probability = 29 lots
Supply/ Demand	~15-20 years @ historic growth rate

9.2.2. History & Lot Size

Mullion Creek is a historical locality that likely originated around the time of the opening of the Mullion Creek Railway Station on 1 June 1880. A historic small lot pattern is located east of the railway line around the school. More recent subdivisions include:

- 12-lots south of Bevan Road ('Delgany Estate') in 1976;
- 6-lots south of Delgany Estate ('Jumbuck') in 1991 then 10-lots west of the railway line ('Merivale') in 1993 (total 16 lots);
- 3-lots along Long Point Road to north-east in 1996 & 4-lots in 2000 (total 7 lots);
- 4-lots on Ostini Lane in 2001 then 8-lots on Rosella Place in 2006 & additional lot fronting Ostini Lane in 2007 (total 13 lots);
- Rezoning west of Mulyan Creek ('Burrows') in CLEP1991 Am. No.14 in 2001 with 3-lots in 2002, 8-lots in 2003 & 8-lots ('Mulyan Woods') in 2006 (total 19 lots).

In CLEP1991, historic large lot residential areas were given a Minimum Lot Size (MLS) for subdivision of 0.4ha but areas identified in the Cabonne Rural Settlement Strategy 1999 (mostly land west of Mulyan Creek) had a 2ha MLS.

In CLEP2012, due to the dominant lot size & site constraints - areas close to the village centre were given an MLS of 1ha with more constrained land to the west & south in 2ha MLS. There has been limited additional subdivision since 2012.

CLEP2012 Amendment No.9 (2019) rezoned part of 2008 Subregional Strategy Area SA5 to the west of the existing Zone R5 area & south of Belgravia Rd but a further subdivision is yet to be approved.

In 2019/2020 there were ~97-100 lots in Zone R5 (~226ha) - an average of 2.5ha/lot.

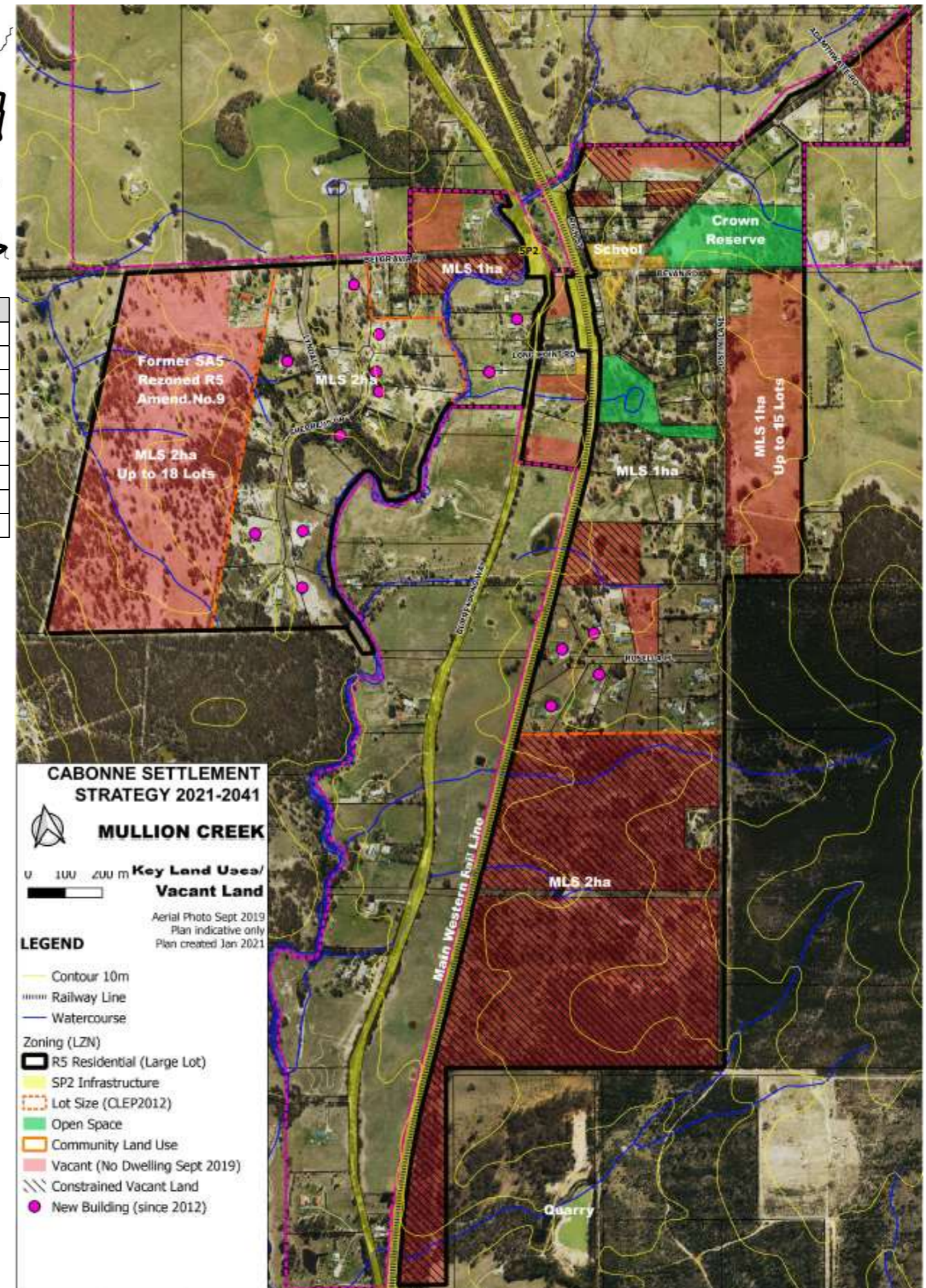
9.2.3. Demand & Vacant Land Supply

In September 2019, the aerial photo (see Figure opposite) shows there were ~77 dwellings (80% of lots) & 6 community lots. Historic dwelling demand can be estimated from dwelling construction in Mullion Creek across different time periods, as follows:

- 1976-2020 (Delgany Estate ~44 years) ~70 dwellings = average ~1.6 dwellings/ year;
- 1991-2020 ('Jumbuck' ~29 years) ~54 dwellings = average of 1.86 dwellings/year.
- 2009-2019 (~10 years) ~15 new dwelling approvals/construction (~1.5 dwellings/year).
- 2012 -2020 (CSS2012 ~8 years) shows this has slowed to 8 dwellings = ~1 dwelling/year possibly due to lack of land supply.

The Figure opposite shows there are only 4 small vacant lots (without constraints) & several larger lots that could produce up to 8 dwellings. In addition, the recently rezoned 75 Belgravia Rd parcel indicates a possible 18 lots (Planning Proposal) & Council has been approached re 9 Ostini Lane - possible 15 lots @ 1ha/lot. Total lot yield with subdivision = 33 + 8 = 41 lots. If only 70% proceed this is ~29 lots/dwelling with reasonable likelihood of proceeding over the next 20 years.

For the purpose of this Strategy, future dwelling growth is projected at ~2 dwellings/year. Based on this, the likely 29-lot supply in the existing Zone R5 (LLR) area would last ~15-20 years. However, demand may increase & supply decrease if other large lot residential areas such as South Winderera SA6 are not made available or there is increased growth pressure from Orange.



9.2.4. Opportunities & Constraints

Figure 2 (opposite): Constraint mapping of existing Zone R5 & Strategy Area SA5/ future investigation area(s).

The existing Zone R5 area has the following key opportunities:

- Community services are more than most Zone R5 areas and include a local primary school, church, hall, park, RFS shed, recreation areas/commons & a community progress association;
- Located within 15km of Orange (services/employment/recreation) with housing demand to north of Orange;
- Flatter land along Mulyan Creek reduces development cost;
- Lower quality agricultural land is more suited to residential growth with less impacts on agriculture/land use conflicts;
- Network of local roads provide good access & servicing of land;
- Reticulated bore with partially treated water for limited lots (e.g., Delgany Estate);
- Attractions include local park, commons, reserve & Mullion Creek State Conservation Area to north.

The existing Zone R5 area has the following key constraints:

- Need to drive to Orange for retail/services/employment with limited public transport options/reliance on private vehicles / roads in need of upgrade but sealed;
- Significant vegetation/biodiversity areas in and around the settlement;
- Category 1 & 2 bushfire classes affect large part of settlement;
- Noise/vibration from Main Western Rail Line & traffic movement along Burrendong Way a barrier to east-west movement (particularly pedestrians)/requires setbacks for residential amenity;
- Some roads are not sealed adding development cost to extend;
- Some flood & drainage issues along Mulyan Creek (a sensitive watercourse/no current flood study) may limit growth potential;
- No proximity to reticulated water/sewer requires on-site effluent management & limits lot size & water security;
- Possible forestry operations to south-east (land use conflicts);
- Clay Quarry adjacent to south – 1km buffer overlaps existing Zone R5 & Strategy Area SA5A & may limit growth;
- Groundwater sensitivity may limit bores (esp. on smaller lots).

9.2.5. Constraints & Minimum Lot Size Review

After Delgany Estate was created in 1976, most of the land has been rezoned & subdivided from 1991 onwards. CLEP1991 had a Minimum Lot Size (MLS) for subdivision of 0.4ha though subdivision through the 1990s (mostly east of the rail line) produced lots ranging from 0.6-2ha in size suggesting the market preferred slightly larger lots.

The NSW Government has historically preferred new large lot residential to have a 2ha MLS to reduce conflict between on-site effluent management & bore(s) but this is a 'rule-of-thumb' only & 2ha is a large area to maintain & inefficient use of land.

Bushfire risk may also require larger lot sizes to allow for Asset Protection Zones (APZs) around dwelling whilst avoiding large areas of vegetation removal. Larger lots may also be needed around the edges of the settlement to enable dwelling setbacks from adjacent agriculture to minimise land use conflict.

There has not been an analysis of appropriate lot size for on-site effluent systems but there is no evidence of them failing on the smaller 0.4ha lots. However, subdivision below 1ha is unlikely to be suitable even for the less constrained lands so it is NOT recommended to change the MLS for now.

As a result, when CLEP2012 was introduced (see Figure.1) it implemented:

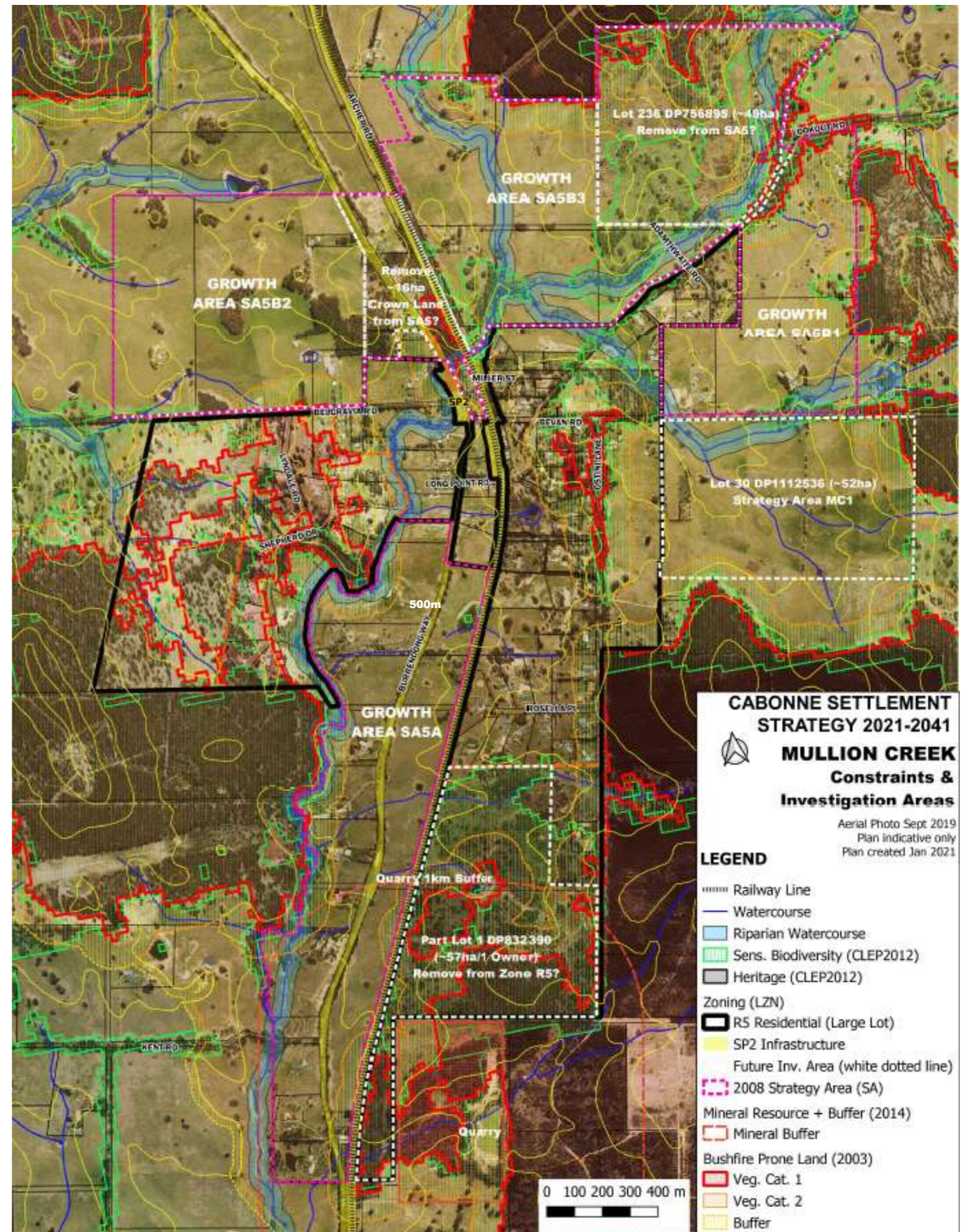
- A 1ha MLS for most historic subdivided areas towards the centre (aligned with demand for slightly larger lots); and
- A 2ha MLS for the newer areas to the west (Belgravia Rd) & south of Rosella Place (responding to the higher amount of site constraints towards the fringe of the settlement).

It effectively precludes significant additional subdivision in most of the historic areas except for a limited number of larger lots. It is not proposed to change this Minimum Lot Size (MLS) at this time and it has not been raised in preliminary discussions with the community.

9.2.6. Commercial & Industrial Uses

As a large lot residential locality, Mullion Creek has not traditionally facilitated growth of retail or commercial uses (except as home businesses & home industries). Whilst there have been historic discussions around a potential shop area on Long Point Rd west of the rail line (near Burrendong Way) this has not eventuated. The proximity of this settlement to North Orange (~13-14km) suggests that stand-alone retail may not be viable or required in Zone R5 & in this zone it is currently prohibited. The settlement is also not identified for industrial growth in the 2008/2020 Subregional Strategy.

This Strategy does not seek to identify an area for a business or village zone at this time. However, it does not preclude the potential for site-specific applications for an Additional Permitted Use (APU) for a small retail business where impacts can be addressed/mitigated.



9.2.7. Infrastructure & Environment

Most of the Mullion Creek existing Zone R5 area does not have connection to reticulated sewer or water (except for reticulated bore networks like Delgany Estate). It is unlikely in the foreseeable future that reticulated water/sewer could be constructed within Council's budgets so lots are likely to need to support on-site effluent management & rainwater capture.

There is no current evidence of issues with on-site systems on lots >1-2ha. Ideally centralised bores with reticulated network for non-potable uses should be considered to minimise conflicts with on-site effluent systems.

Low voltage electricity & telecommunications are present along most public roads. NBN currently provides fixed wireless technology to service this area but the maps suggest that it is patchy east of the rail line & in the new release area on Belgravia Rd.

9.2.8. Open Space, Recreation & Community Uses

Mullion Creek is distinct from other stand-alone large lot residential areas in that it has a public primary school, church, hall (albeit in need of repair), RFS shed, & crown reserve for recreation. The school appears to have strong enrolment & there is limited room for any additional expansion of buildings within the existing land. The school relies significantly on recreational facilities across Long Point Rd in the Crown reserve.

Even with population growth, the proximity of Mullion Creek to Orange & higher-level services & recreation means that at this time there is no need to identify additional land for community or recreation uses (other than possibly the school) in the Zone R5 areas.

However, the community has highlighted their priority to improve pedestrian & bicycle connections within the settlement & have provided input into the Cabonne *Pedestrian Access Management Plan (PAMP)* that needs review. Safe connections are the key infrastructure the settlement desires in its recognition as a key settlement. Primarily the desire is to facilitate safe connections to the school & recreation areas along Long Point Rd, Belgravia Rd, & provide a walking track via Council's reserve.

The community would also in the process of getting structural works completed to the hall to make it useable again as well as upgrades to the recreation areas & would like the assistance of Council to achieve its goals.

9.3. Population & Dwellings

There is no *Urban Locality Census District* for Mullion Creek that would provide an accurate population/demographics for just the Zone R5 LLR area.

This Strategy recognises there has been a significant amount of smaller concessional & historic lot fragmentation around Mullion Creek & rural dwellings resulting in a significant number of dwellings outside Zone R5 that may use Mullion Creek for its school, church, progress association & other community facilities. However, for comparison purposes these are not measured in this Strategy.

Census boundary State Suburb SSC12826 covers Mullion Creek but extends down to Clergate & out north east as far as the Macquarie River/Cabonne LGA boundary. In 2016, this SSC had a population of ~557 people & 189 private dwellings. In part this may represent the 'catchment population' of Mullion Creek. However, this does not reflect the population within the urban zoned settlement area.

The closest way to measure population & dwellings is by ABS Census District - Mesh Block. In 2016, there were four (4) relevant mesh blocks including: 10151170000 (School only); 10151180000 (core R5 area); & 10151250000 (south & north-west extending beyond R5 area). (Note: 10151260000 north-east includes some of Strategy Area SA5 but has not been included at this time).

The combination of these mesh blocks in 2016 had ~268 people & 94 dwellings (an average occupancy of ~2.85 people/dwelling). This did not significantly change from 2011. As one mesh block exceeds the Zone R5 area this needs to be discounted slightly.

In 2019 there were ~77 dwellings (not 94) – so at an occupancy of ~2.85 people/dwelling this is ~220-250 people. Therefore, the population of Mullion Creek within the existing Zone R5 area is just less than that of Yeoval & Cumnock.

9.4. 2008 Subregional Strategy & Constraints

9.4.1. Strategy Area SA5 Mullion Creek

The 2008 *Subregional Strategy* recommended two potential growth areas for large lot residential around Mullion Creek (totalling ~350ha excluding recent rezoning):

- a) SA5A (~100ha) land to the south of the existing Zone R5 area between Mulyan Creek & the rail line (both sides of Burrendong Way); and
- b) SA5B (~230-250ha) land to the north of the existing Zone R5 area, further broken down in this Strategy to the following sub-areas:
 - i) SA5B1 (~47ha) NE between Long Point Rd & Bevan Rd;
 - ii) SA5B2 (~70ha) NW between Burrendong Way & Belgravia Rd; &
 - iii) SA5B3 (~114ha) North- between rail line & Long Point Rd.

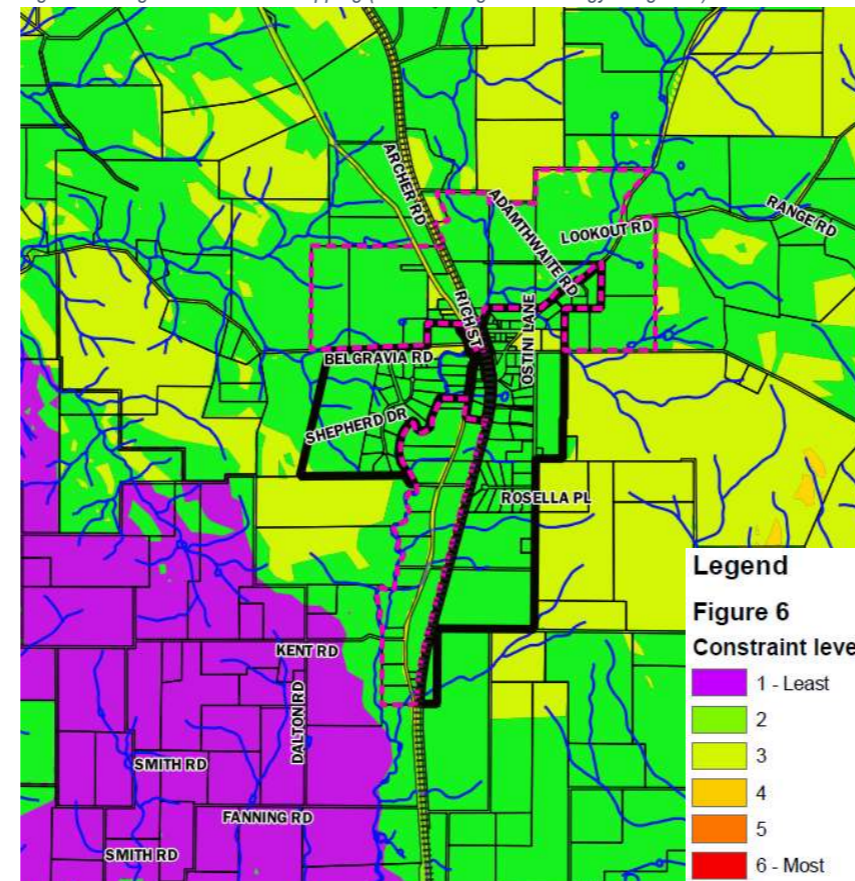
Note: Land south of Belgravia Rd (~41ha) rezoned to Zone R5 in 2019.

The 2008 *Subregional Strategy* noted that SA5 is constrained by bushfire & potential mineral resource land but stated mineral exploration was unlikely even though SA5A was within 1km of a historic quarry.

9.4.2. Opportunities & Constraints

The 2008 *Subregional Strategy* provided a weighted Soft Constraints Analysis & represented them as levels from 1 (least) to 6 (most) constrained (see Figure below).

Figure 3: Weighted Constraint Mapping (2008 Subregional Strategy – Figure.6).

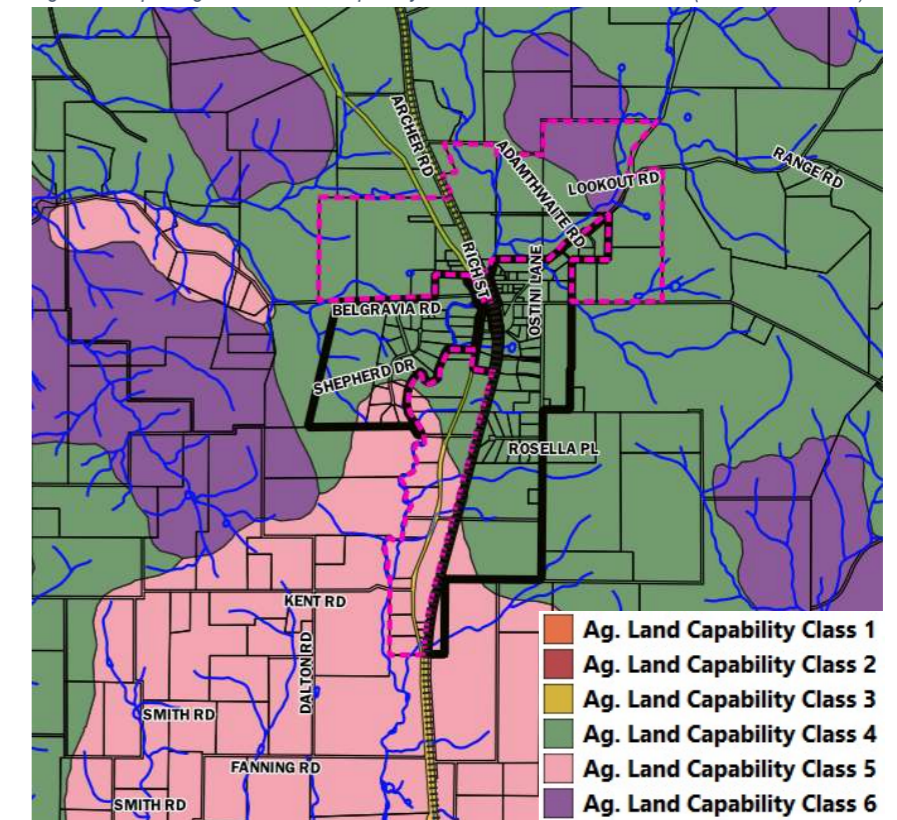


This shows the existing Zone R5 area (black line) & Strategy Area SA5 (purple dotted line) at Mullion Creek are mostly in Constraints Level 2 (green) so it is comparable overall with other Zone R5 areas in Cabonne. However, there is less constrained (Level 1 – Purple) land to the south-west but this area is likely to have greater agricultural conflict.

9.4.3. Agricultural Land Capability Class

The Figure below shows that the areas surrounding Mullion Creek are mostly in Agricultural Land Capability Class 4, 5 or 6 that are restricted in their agricultural productivity/use so urban/residential growth in these areas is likely to have limited impact on agricultural productivity.

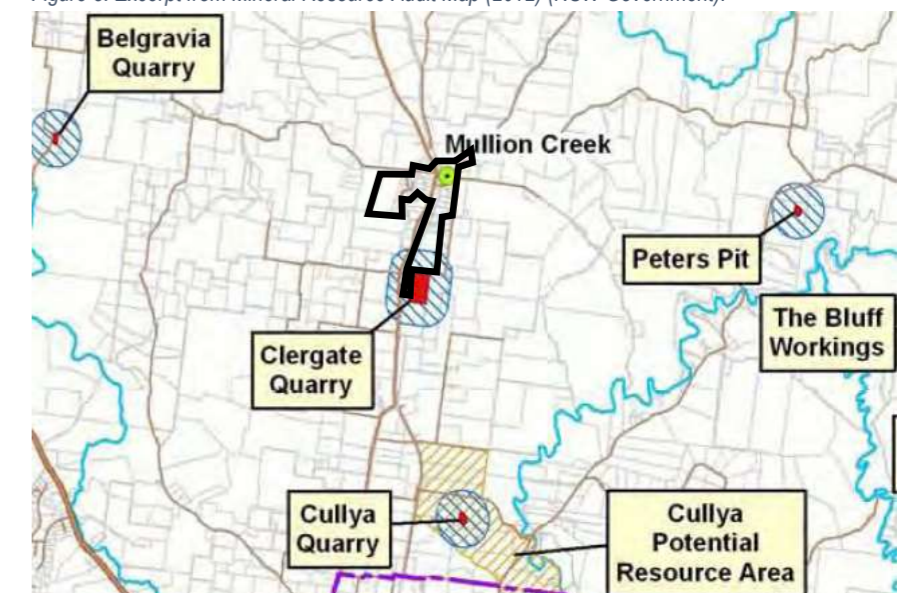
Figure 4: Map of Agricultural Land Capability Classes around Mullion Creek (NSW Government).



9.4.4. Mineral Potential

The 2012 Mineral Resource Audit (see Figure below) shows that the closest existing quarry/mine to Mullion Creek is Clergate (Clay) Quarry immediately adjacent to the Zone R5 area at the southern end of Ostini Lane. This does not appear to be active at this time. However, good planning policy requires protection of exiting or known likely mineral resources. A 500m buffer has been shown on the constraints map & this Strategy recommends that land within the buffer area (east of the railway line) has limited additional development potential. Whilst part of Strategy Area SA5A is also within the buffer it is separated by the rail line but potential is also likely to be limited.

Figure 5: Excerpt from Mineral Resource Audit Map (2012) (NSW Government).



REFERRAL AREA

 **Identified Resource Area – containing active mineral, petroleum and/or extractive operations and/or identified resources.**
Development within these areas could adversely affect or be affected by **current** or **future** resource development operations. Any proposed zoning changes or developments that may prohibit or restrict **current** or potential **future** operations in these areas should be referred to Resources & Energy Division of NSW Trade & Investment.

 **Potential Resource Area – containing potential mineral, petroleum and/or extractive resources.**
Development within these areas could adversely affect or be affected by **future** resource development operations. Any proposed zoning changes or developments that may prohibit or restrict potential **future** operations in these areas should be referred to Resources & Energy Division of NSW Trade & Investment.

 **Transition Area – areas adjacent to identified resource areas.**
Development within these areas could adversely affect or be affected by **current** or **future** resource development operations in the adjacent resource areas. Any proposed zoning changes or developments that may prohibit or restrict **current** or potential **future** operations in the adjacent resource areas should be referred to Resources & Energy Division of NSW Trade & Investment.

9.4.5. Suitability of 2008 Strategy Areas

Figure.2 breaks down the 2008 Strategy Areas into the follow sub-areas with constraints suggesting an order of priority for development (noting that the market may choose a different order of priority):

- SA5A** between the railway line & Mulyan Creek is a logical subdivision area that would have limited impact on agriculture, good access & flatter topography. However, buffers to rail, road & watercourses will be required. Therefore, yield is likely to be limited & a significant number of lots are already developed. The southern end has a higher bushfire potential & proximity to the quarry.
- SA5B1** to the north-east (between Bevan Rd/Lookout Rd) appears to be suitable land for development. It is on higher land that is less drainage prone & slope is not steep. It has road access from the south & north. There is limited vegetation & lower bushfire risk. This is the preferred area for short to medium term release.
- SA5B2** to the west (north of Belgravia Rd) also has a gentle slope & would be relatively easy to develop. It has good access, limited pockets of vegetation, & limited watercourses. However, part of this land is currently cropped so rezoning would result in consumption of agricultural land & potential increase in land use conflict.
- SA5B3** to the north requires access from Archer Rd (level rail crossing is relatively unsafe) or via steeper topography from Long Point Rd. It has less agricultural potential but a significant amount of land would be consumed with watercourse, vegetation & bushfire buffers. There is also orcharding to the north. This land has the lowest potential yield & possibly the highest costs to develop.

9.5. Nearby Orange Growth Areas

It is important to note that Orange LGA has some large lot residential growth areas to the north of this Zone R5 area that may also provide some growth potential.

This includes the former abattoir site for Mr Bob Healy that was recently rezoned with potential for around 400-450 lots down to 0.4ha in lot area. However, it is important to note these smaller (possibly serviced) lots are a different market to the larger 1-2ha lots proposed in Mullion Creek.

9.6. Strategy (Growth Investigation) Area(s)

9.6.1. Suitability/Need for Growth around Mullion Creek

As noted above, based on historic dwelling approval/construction rates over the last 20-40 years, there is up to ~15-20 years' supply in the existing Zone R5 area.

Whilst it can take >2-4 years to rezone new land & bring new land to market, this would appear to be sufficient for the short to medium term (next 5-10 years).

In addition, the previously adopted Strategy Area SA5 would provide any additional growth required during the next 10-20 years should the rate of demand increase beyond existing supply.

However, as noted above, there is limited potential yield from Strategy Areas SA5A & SA5B3 in particular. If Council were to remove some of these 2008 Strategy Areas from consideration then there may be other areas that are more suitable, as follows.

9.6.2. Changes to Existing Zone R5 Area

In Figures.2/6, this Strategy recommends that the majority of land at 174 Ostini Lane (southern end) that forms part of Lot 1 DP832390 (~57ha) is removed from Zone R5 for the following reasons:

- Some significant vegetation & biodiversity sensitivity;
- Category 1, 100m buffer & Category 2 bushfire prone land;
- It is opposite heavily vegetated land that may be used for forestry & has a significant bushfire risk;
- Ostini Lane is not fully formed & upgrades would increase development cost;
- It is largely within 1km of the Quarry to the south;
- It is adjacent to the Main Western Railway Line;
- ~4-5ha of this land fronting Ostini Lane in the north-east corner is retained to retain potential for 1-2 additional residential lots for this affected owner.

9.6.3. Changes to Strategy Area SA5

This Strategy recommends the following changes to the SA5 areas (see Figures.2/6) (assuming any reduction in area is associated with relocation of potential to another more suitable area – see below):

- Removal of ~16ha of SA5B area between the rail line & just west of Burrendong Way that is Crown land, significantly vegetated, narrow & affected by potential road/rail noise/vibration, & is the northern gateway to Mullion Creek. This land is unlikely to be released for public use or developed.
- Consider removal of ~49ha from SA5B3 to the north of Long Point Rd as this land is separated from Long Point Rd by a riparian watercourse & steep topography making road access difficult/expensive; it has some significant vegetation & is bushfire prone land, & it is the most removed from the village centre – leaving the remainder of SA5B3 that is held by the same owner.
- Require that any rezoning of SA5A address both the buffer to the Clergate Quarry & buffer to the rail line as well as safe access to Burrendong Way with sufficient yield to justify the rezoning. Land west of Burrendong Way already has dwellings on lots from 3-8ha so the potential of the southern half of SA5A is limited.

9.6.4. New Strategy Growth Area MC1

As shown in Figures.2/6, this area is located to the east of Mullion Creek village & south of Bevan Rd – Part Lot 30 DP1112536. It has potential for large lot residential growth for the following reasons:

- ~52ha with one (1) owner;
- Potential replacement for the loss of land in SA5B (similar area);
- Potential yield of 20-30 lots with internal roads;
- Natural extension of existing Zone R5 area along Bevan Rd (needs upgrade);
- Largely outside the bushfire prone land or could include buffers.

However, this land has a number of drainage channels & slopes that may reduce yield & require buffers/setbacks, particularly the north-western corner closest to the settlement. This area is likely to need an average Minimum Lot Size of 1-2ha with larger lots around the eastern perimeter.

9.7. Recommendations

9.7.1. Summary of Recommendations

In summary, this Strategy finds that the existing Mullion Creek Large Lot Residential has a 15-20 years supply of land assuming that the two larger part vacant lots in the existing Zone R5 area are developed in the short term & dwellings are constructed at a rate of ~1-2 dwellings/year.

However, if demand from Orange increases then additional land may need to be considered for rezoning in accordance with this Strategy in the next 5-10-year review of this Strategy.

9.7.2. Minimum Lot Size Review

Minimum Lot Size (MLS) for existing Zone R5 areas is reviewed in *Section 9.2.5* and for new Strategy Areas identified in this Strategy in *Section 9.6* above.

9.7.3. Planning Controls

There is currently no site-specific DCP for Mullion Creek but *DCP No.6 Rural Small Holdings* would apply.

A new comprehensive DCP covering large lot residential development should be prepared. In addition, for any Strategy (Growth) Areas, there should ideally be DCP site-specific controls, potentially including a structure plan guiding access & connections & responses to site constraints to deliver the best outcomes.

9.7.4. Additional Studies

It is important to note that this Strategy is NOT a comprehensive investigation of the suitability of any Strategy (Growth) Areas for future development. The land owners or Applicants will need to prepare a Planning (Rezoning) Proposal, potentially supported by a number of environmental & other studies to justify any rezoning and/or development.

Figure 6: Strategy (Growth Investigation) Area(s) within indicative timing.

Note: The order/priority for Strategy Areas may change from what is shown but re-ordering needs to be addressed to the satisfaction of Council. Areas suggested for removal/down-zoning are unlikely to proceed unless new areas are being added & will be discussed with relevant land-owners.

