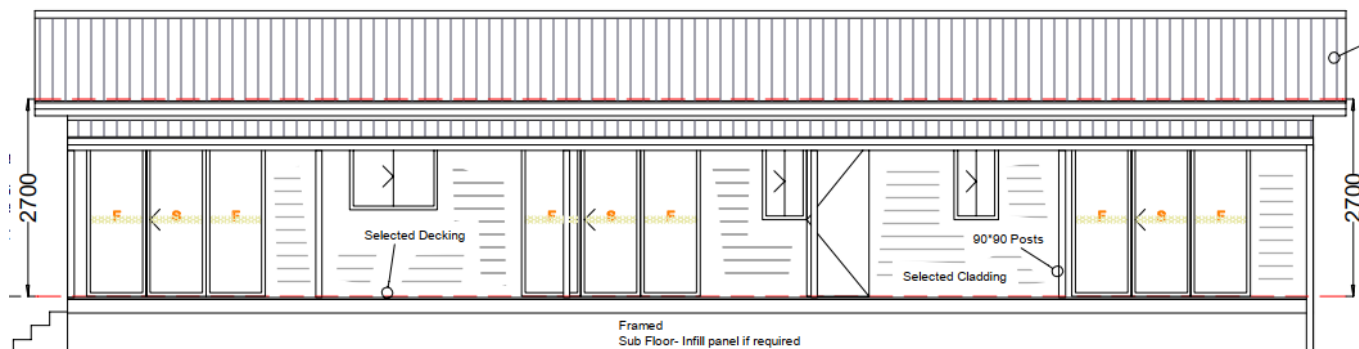


Statement of Environmental Effects & DA Package	
In Support of a Development Application	
Proposal	Dwelling house – to erect a single storey, three (3) bedroom dwelling house on the property, to consolidate the three (3) existing lots into a single lot of approximately 135 ha, and to seek a variation of the minimum lot size under Clause 4.6 of the LEP.
Subject Land and address	Lots 74 and 223 DP 754608 and Lot 1 DP 400990 Jerrybang Lane MONTEAGLE NSW 2594
Applicant	Mr R M & Mrs E M Westmacott
Owner	Mr R M & Mrs E M Westmacott
Application prepared by	DA Busters – Development Assistance Services Ph: 0466 722 869 Email: Craig@DAbusters.com
LGA	Hilltops Council



Proudly assisted by:



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A. The Site and Area

The site

The address and property details:

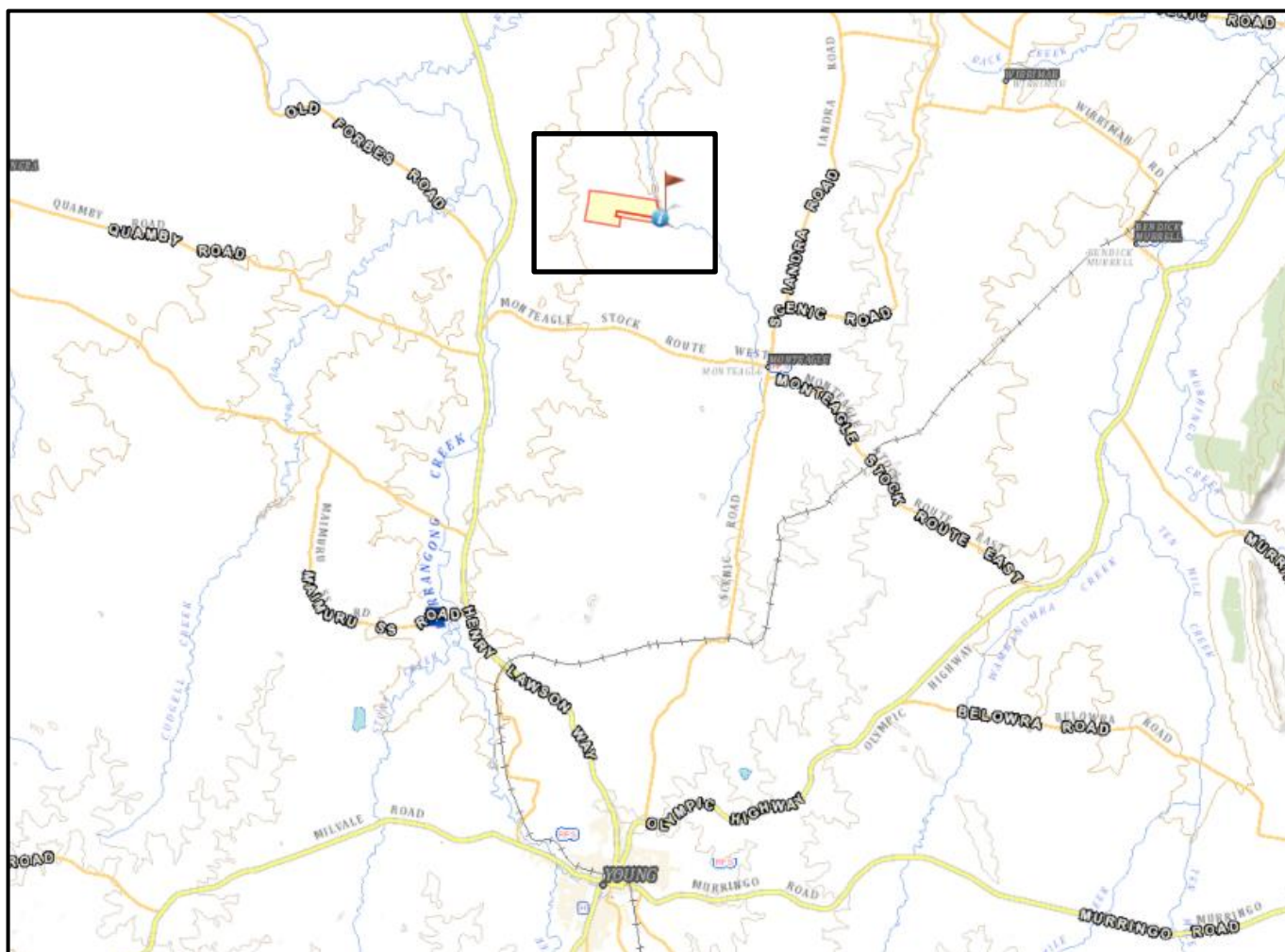
Lots 74 and 223 DP 754608 and Lot 1 DP 400990
Jerrybang Lane
MONTEAGLE NSW 2594

The locality

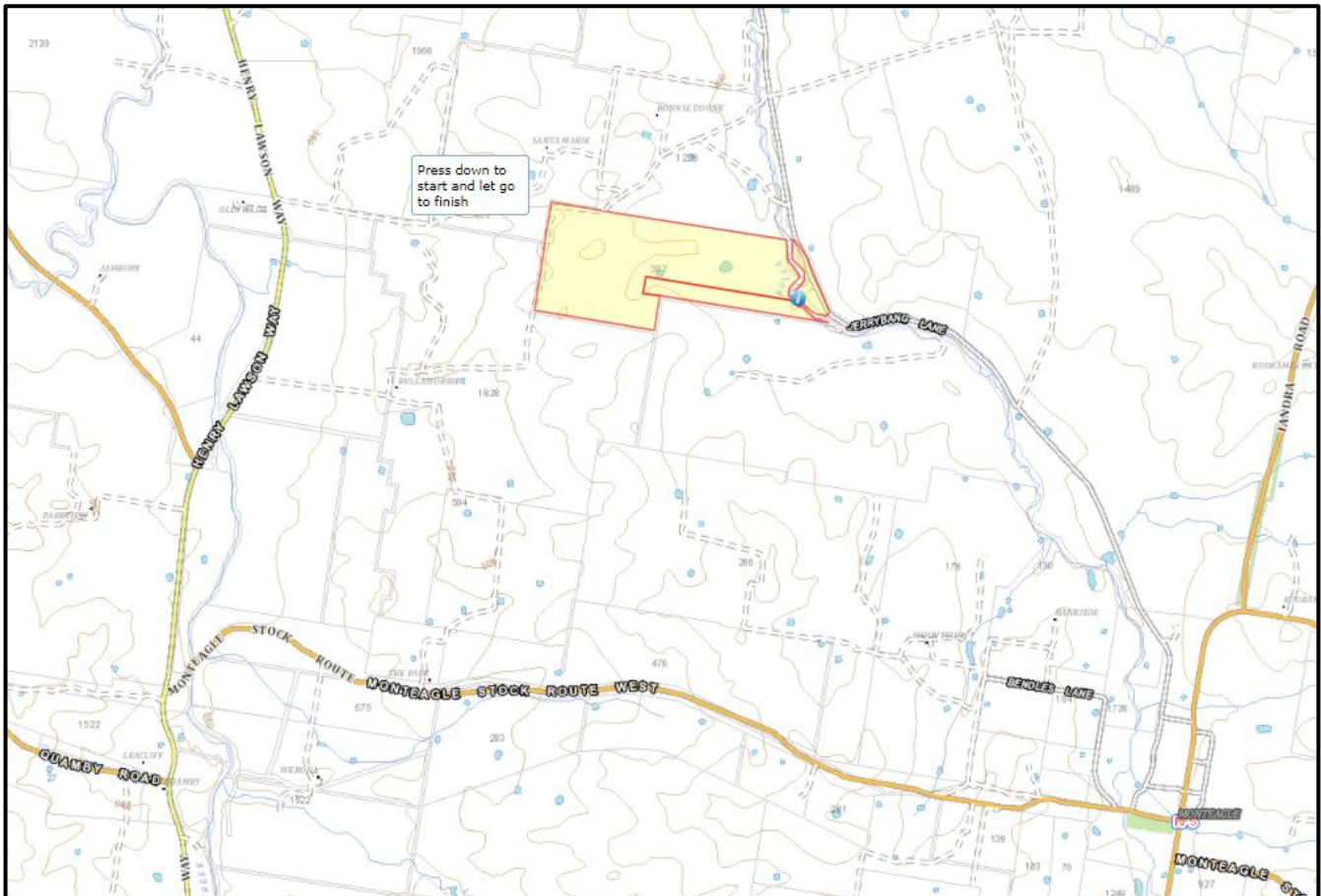
The site is located 4 km north-west of Monteagle Village, which is 12 km north of Young. It is situated in a predominantly rural area, and the surrounding area is characterised by a mixture of lot and holding sizes, and is generally agricultural in nature, with most properties supporting dwelling houses and ancillary residential and farming structures. The prevalence of dwellings increases close to, and within, the village of Monteagle.

The 135 ha site itself is located on the western side of Jerrybang Lane, with Bulla Creek transecting the property, at the eastern end of site adjacent the road. The site is adjoined by farming land in all directions.

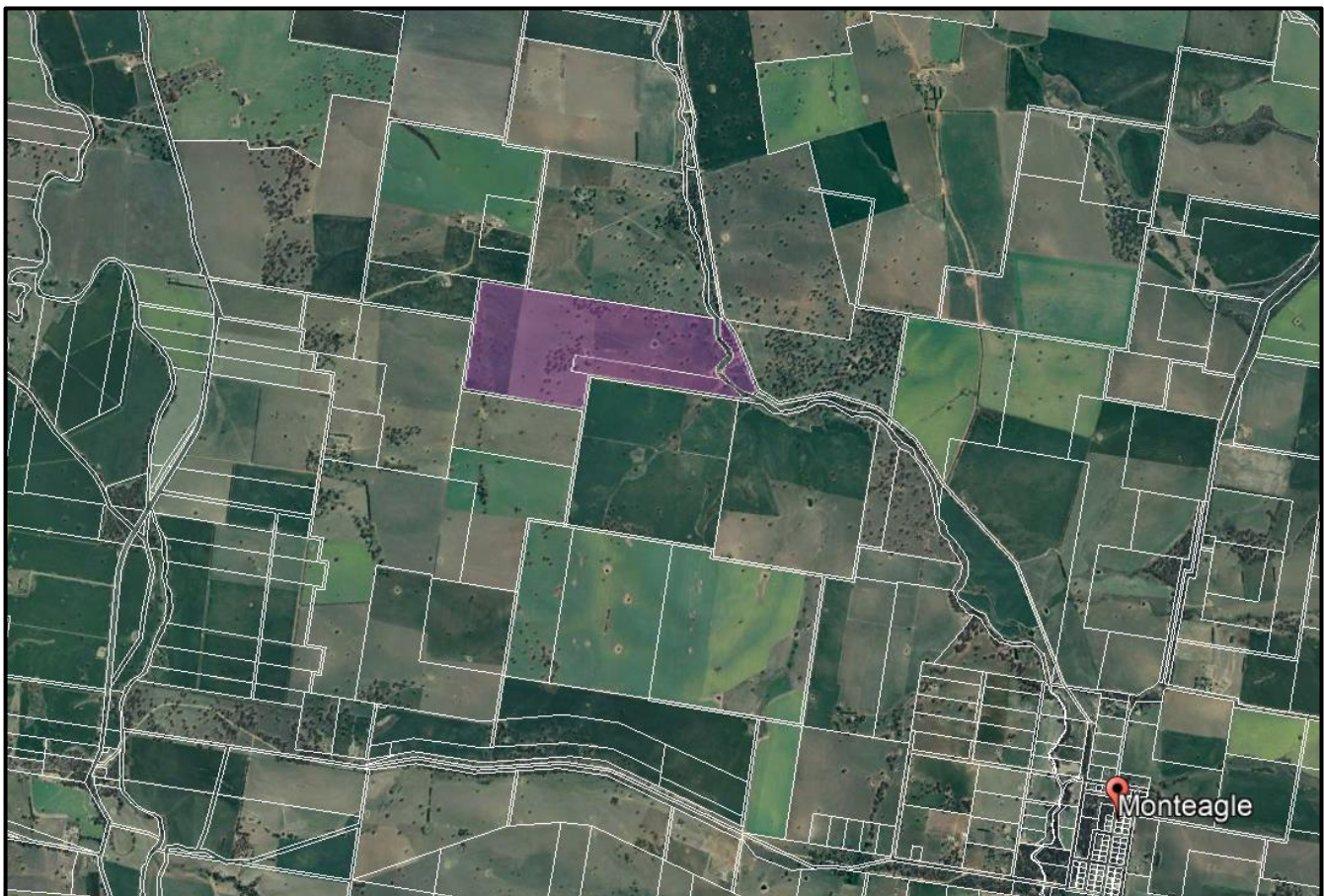
Locality Map (Source: NSW Six Maps)



Neighbourhood Map (Source: NSW Six Maps)



Aerial imagery of and surrounding area, with site shaded pink (Source: Google Earth, imagery date 2.10.2018)



Aerial imagery of site (Source: Google Earth, imagery date 2.10.2018)



What is the present and past use of the site?

The site is presently used for agricultural purposes, including both cropping and grazing, which is what the site has been historically used for.

What is the area of the site ?

The site comprises three (3) lots in total, that includes two (2) original parish lots, to the west of Bulla Creek. The third lot is located between the Creek and Jerrybang Lane. This land was originally part of the lots to the east of Jerrybang Lane, and was under the care and control of the then Pastures Protection Board since 1932, and was eventually excised as a separate lot in 1955.

The site as a whole is approximately 135 ha in area, with the individual lots being 6 ha (Lot 1), 16 ha (Lot 223) and 113 ha (Lot 74) in area. It is generally rectangular in shape, although the western end of the site is wider. The land has a depth of approximately 2 km, with a width of between approximately 560 metres and 820 metres.

If applicable, describe the existing dwelling or built structures on the land

Nil

If there is an existing building on the site how does it address the street and is there laneway access?

Not applicable

Describe the key features of the site (e.g. any significant slope, significant trees or vegetation, water bodies etc):

The site is characterized by its undulating nature, but generally falls from the western part of the site towards the east, adjacent Jerrybang Lane. Bulla Creek runs north-south through the eastern part of the site, and there is another less pronounced drainage line that runs generally in a north-east direction through the middle of the property.

The site is essentially cleared farming land, although there are number of isolated paddock trees and patches of trees throughout the site. There are also two (2) dams on the property, located centrally on the site, along the secondary drainage line.

There are no infrastructure constraints to the erection of the dwelling. There is no reticulated water and sewer, and whilst overhead power lines pass through the north-west corner of the site, the house will be well clear of the lines.

Is the site classified as Bushfire Prone or Flood Prone land ?

The site is not mapped as bushfire prone or flood prone land.

The Site Context

How would you describe the setting of the area, and the relationship of the development to it ?

The area is predominantly rural in nature, with a variety of lot and holding sizes in the area, and with an increased number of residential uses, close to, and within, the Village of Monteagle. Agricultural uses in the area are generally cropping and grazing, with some limited intensive agricultural uses (orchards) to the west and south of the Village, approximately 3.5 km and 6 km south-east of the site.

The holding and lot pattern in the area is varied, with:

- smaller residential lots (2000 m²) in the Village of Monteagle,
- small rural-residential lots (2 ha to 10 ha) west of the Village and 2.5 km south and south-east of the site,
- larger rural holdings (100 ha and greater) in all directions.

The average holding size of the properties within 4 km of the site (excluding the site itself) is 345 ha and the median holding size is 155 ha. Of these holdings, the majority (63%) of them have at least one dwelling on them, and several of the remaining holdings have dwelling entitlements or are within 10% of the minimum lot size (subject to consolidation). Further to this, the average lot size for those lots that have dwellings on them, is 155 ha, and the median lot size is 111 ha.

These properties identified are represented in the following table, and also graphically in the subsequent imagery, which clearly shows the holding pattern (by colour), lot pattern and dwelling locations (red dots).

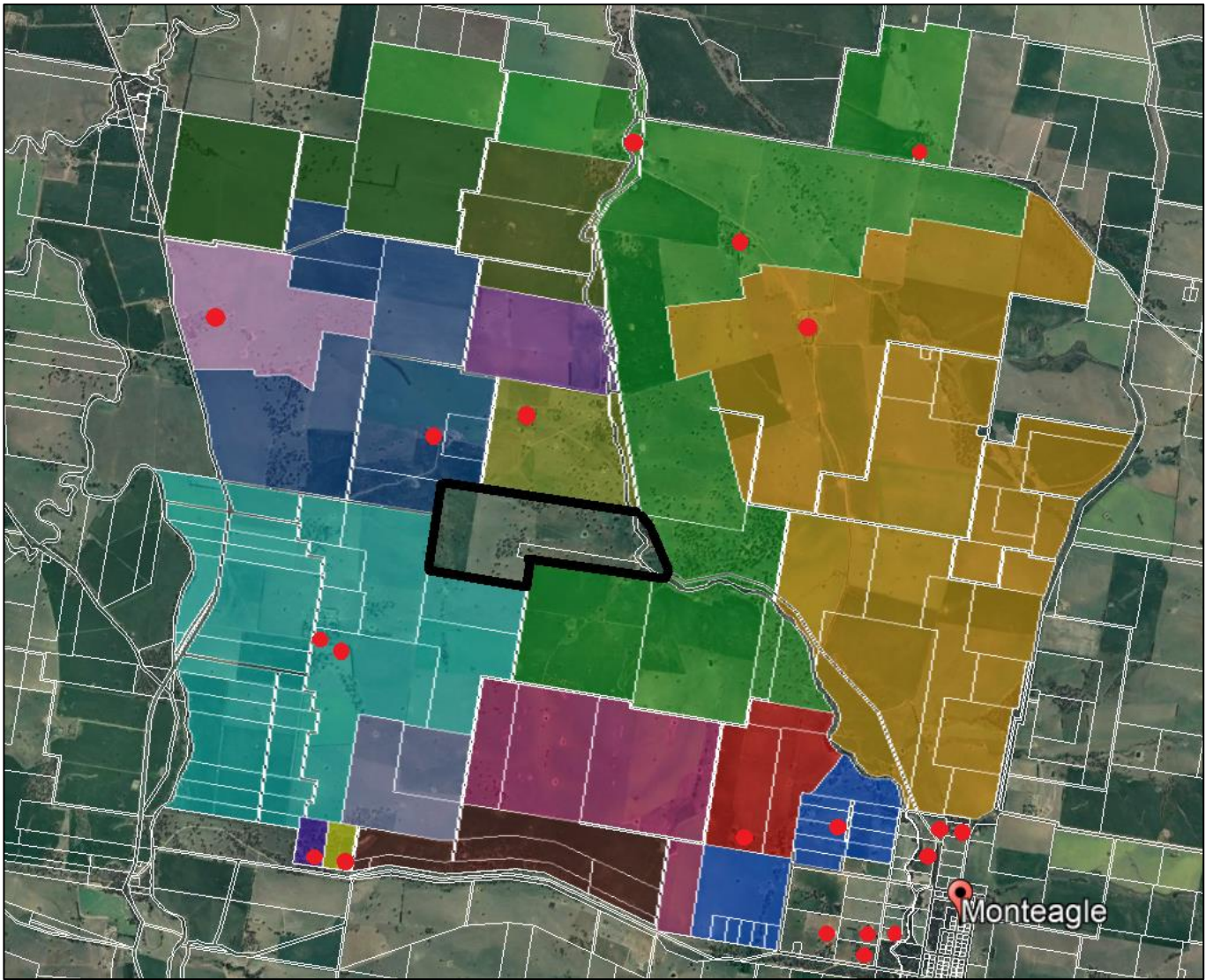
The erection of a single dwelling on the property is considered consistent with the current uses in the area. Furthermore, the consolidation of the property into a single allotment will preserve the ability of the property to continue to be operated for agricultural purposes, as it presently is.

The design of the dwelling will be consistent with others in the area, being single storey in nature and built in materials often used in the area. It will not impact on any significant scenic qualities or features of the landscape, as it is setback from the front boundary and slightly lower than the surrounding landform. The dwelling will not impact on any dwellings on the adjacent land in terms of overshadowing or visual and acoustic privacy, due to the generous setbacks to neighbouring properties and dwellings, or on the right to farm.

Holdings within 4 km of the property

Address	Lot/DP	Holding size	Size of lot with dwelling
890 Jerrybang Lane (light green)	56, 73, 75, 76, 155, 218/754608 9/400990 1/1261877 1/599580 2/111229 A/182886	1257 ha	571 ha (1/1261877 – 2 dwellings) 6.8 ha (A/182886)
1228 Jerrybang Lane (light yellow)	58/754608 2/400990	138 ha	126 ha (58/754608)
1966 Henry Lawson Way (dark blue)	21, 113, 114, 119/754608 1/432312 1/401213 201/1112570	487.5 ha	111 ha (113/754608)
Jerrybang Lane (purple)	57/660176 3, 4/400990	97 ha	Vacant
2104 Henry Lawson Way (pink)	20/607319	161 ha	161 ha
Jerrybang Lane (olive)	A/387478 44/754608 B/386460	167 ha	Vacant
2210 Henry Lawson Way (dark green)	11, 192, 120/754608	285 ha	Vacant
1828 Henry Lawson Way (light blue)	27-29, 39, 40, 63 102, 104- 112, 195, 202, 209/754608	750 ha	124 ha (195/754608 – 2 dwellings)
594 Monteagle SR West (lilac)	135/754608 1/900776	109 ha	Vacant
280 Monteagle SR West (dark pink)	96, 97/754608 3/1111604	293 ha	Vacant
178 Bendles Lane (red)	71, 72/ 754608 38/665760	125 ha	63 ha (71/754608)
476 Monteagle SR West (brown)	134/1119000 223, 234, 241, 242, 250/ 754608	150 ha	Vacant
610 Monteagle SR West (dark purple)	258/754608	12 ha	12 ha
592 Monteagle SR West (dark yellow)	259/754608 2/1174171	12 ha	11 ha (259/754608)
130 Bendles Lane (medium blue)	160-163, 166, 176, 168, 179, 180, 183, 264, 265, 281, 282, /754608 1/971713 4/1111604	127 ha	6.5 ha
1489 Jerrybang Lane (orange)	23, 37, 45, 67, 68, 77, 79, 88- 92, 147-150, 188, 196, 197, 220, /754608 2/1261877 4/1243324	1354 ha	513 ha (2/1161877)

Aerial imagery showing holding and lot pattern and dwellings



B. The Proposed Development

Generally, the proposed development involves the erection of a single storey, three-bedroom dwelling.

More specific details of the development include:

<i>The number of storeys proposed</i>	- 1 storey
<i>The roof type proposed</i>	- Colourbond
<i>Dwelling wall type proposed</i>	- Cladding
<i>Dwelling wall height and roof height measured from finished ground level</i>	- 3.2 metres to eave and 4.7 metres to ridge line.
<i>Gross floor area (GFA)</i>	- 205 m ² (including verandah)
<i>Setbacks from each site boundary</i>	- East (front) - 1750 metres West (rear) - 265 metres North (side) - 281 metres South (side) - 517 metres
<i>Any landscape work proposed</i>	- Lawn and garden will be provided, as per the BASIX certificate.
<i>Vehicle, access and parking</i>	- Access to the site will be via the existing access to the site off Jerrybang Lane, and parking will be adjacent the dwelling.
<i>Is development permissible under another SEPP or EPI ?</i>	- This development is permissible under the provisions of the Young LEP 2010 (see additional discussion below).
<i>Describe the extent of any demolition proposed</i>	- Nil demolition proposed.
<i>If any trees are to be removed, or impacted upon, describe the trees</i>	- Nil trees to be removed
<i>Total open space or unbuilt upon area available</i>	- 99.9% of the site
<i>Subdivision proposed</i>	- No subdivision proposed, although it is proposed to consolidate all three (3) lots into a single allotment of approximately 135 ha.

C. Compliance with Planning Controls

GENERAL REQUIREMENTS OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

As per these sections of the above Acts, it is not considered that the development is likely to significantly affect threatened species, populations or ecological communities, because:

Biodiversity Conservation Act 2016

- the development will not significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, as there are no trees and shrubs to be removed, there are no threatened ecological communities on the site, the development will not adversely impact the life cycle or habitat of any of the threatened species that may occur in the region, and the development is not a key threatening process. [7.2(1)(a)],
- the development does not exceed the biodiversity offsets scheme thresholds (dwelling site is not mapped as high biodiversity value on the Biodiversity Values Map¹ and does not exceed the clearing threshold) [7.2(1)(b)],
- the site has not been declared as an area of outstanding biodiversity value [7.2(1)(c)].

¹ Note: A very small part of the site adjacent Bulla Creek is mapped as high biodiversity value on the BVM (see attached Biodiversity Offset Scheme Entry Threshold Map and Biodiversity Values Map and Threshold Report), however the development is 1,600 metres from this area and will have no impact on it whatsoever. An access track is already existing across this area, and no works are required in this area.

Fisheries Management Act 1994

- as per the seven-part test under section 221ZV of the Act, there are no threatened species, populations or ecological communities, occurring on-site, or are known to be in the area, there is no declared critical habitat in the region and the development is not a key threatening process.

4.10 Designated development

This development is not a category of designated development, under Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

4.14 Consultation and development consent—certain bush fire prone land

The land is not mapped as bushfire prone so consideration of the requirements of *Planning for Bush Fire Protection* is not required.

4.36 Development that is State significant development

The development is not State significant development, as it is not identified in *State Environmental Planning Policy (State and Regional Development) 2011*.

4.46 Integrated development

The development is not integrated development, with the only relevant consideration being proximity to watercourses. The proposed dwelling is greater than 40 metres from any watercourse in the area.

6.2 Meaning of subdivision of land

As per clause 6.2(3)(e)(i) a plan of consolidation is not the subdivision of land, and development consent is not legally required for this part of the development, but none-the-less forms part of this application.

SECTION 4.15 CONSIDERATIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979:

State Environmental Planning Policies (SEPPs)

A number of SEPPs apply to the land, however, only the following have any relevance to the proposed development:

State Environmental Planning Policy No 55—Remediation of Land

There is no evidence to indicate that the land is a site of possible contamination based on past or current land uses, and no obvious signs of contamination on-site, so no further investigation is warranted.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate is attached to this application.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of this SEPP that may have relevance to this development, are discussed as follows:

- *Clause 45* applies to an application for development in proximity to electricity infrastructure, and requires a referral to the relevant supply authority if it meets certain criteria. This development is not within five (5) metres of an exposed overhead power line. Therefore, no formal referral to the local supply authority is required;
- *Clause 55* applies to developments adjacent to a gas pipeline corridor, which it is not in this instance;
- *Clauses 84, 85, 86 and 87* applies to developments adjacent or in railway corridors, which the site is not;
- *Clause 101* applies to developments that have frontage to a classified road, which this site does not,
- *Clause 102 (Impact of road noise or vibration on non-road development)*, not applicable based on the annual average daily traffic volume of the local road network;
- *Clause 103 (Excavation in or immediately adjacent to corridors)*, does not apply as the development will not result in an excavation adjacent a listed road;
- *Clause 104 and Schedule 3 (Traffic generating development)*, does not apply, as the type and scale of development is not identified in the Schedule.

State Environmental Planning Policy (Koala Habitat Protection) 2020

This SEPP applies to the Hilltops LGA, and to land that has an area of at least 1 ha. The site of the proposed dwelling does not contain any potential koala habitat, and no trees are to be removed to facilitate the development,. Furthermore the former Young Shire Council area was never identified under this SEPP, until it was amalgamated with Boorowa Shire (which the SEPP did apply to), and a search of the BioNet Atlas, does not reveal any sightings of koalas in the area. Accordingly, if Council is satisfied as to this, consent may be granted in accordance with Clause 8 of the SEPP.


Local Environmental Plans (LEPs)



Young LEP 2010

The relevant provisions of the above LEP, are discussed as follows:

Clause	Complies	Comments
1.2 Aims of plan	Yes	<p>The development is consistent with the following aims of the LEP:</p> <p><i>(b) to encourage the proper management, development and conservation of resources through the principles of ecologically sustainable development by protecting, enhancing and conserving the following—</i></p> <p><i>(i) land of significance to agricultural production,</i></p> <p>The dwelling will occupy less than 0.02 % of the site, and will not impact on the ability of the remainder of the site to be used for agricultural purposes, as it presently is. It is located adjacent a rocky part of the site, and is setback suitable distances from neighbouring farm lands. Furthermore, the consolidation of the lots, will preserve the property in a single farming unit, and minimise the likelihood of further fragmentation.</p>

Clause	Complies	Comments
		<p>(c) to protect, conserve and enhance the natural and cultural heritage of Young, including native biodiversity, threatened species, remnant and riparian vegetation, corridors and links and environmentally sensitive lands,</p> <p>The development is sited well clear of any areas that are mapped as significant from an environmental perspective, and will have no impact in that regard.</p> <p>The remainder of the aims are not relevant to this proposal, or are not impacted by the proposal.</p>
1.4 Definitions	N/A	The proposed development is defined as a dwelling house which means, a building containing only one dwelling, and a dwelling is further defined as a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.
1.9A Suspension of covenants, agreements and instruments	Yes	There are no easements or covenants that affect the property, and accordingly no variations are sought.
2.2 Zoning	N/A	The site is zoned RU1 – Primary Production
2.3 Zone objectives and land use table	Yes	<p>The development is permitted with consent, in accordance with the land use table, and it is consistent with the following objectives of the zone:</p> <ul style="list-style-type: none"> ▪ To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. <p>The development will occupy well under 1% of the site, allowing the remainder of the land to be used for agricultural purposes, as it presently is.</p> <ul style="list-style-type: none"> ▪ To minimise the fragmentation and alienation of resource lands. <p>The development will result in the consolidation of the existing three (3) lots into a single allotment, which removes the potential for further fragmentation,</p> <ul style="list-style-type: none"> ▪ To minimise conflict between land uses within this zone and land uses within adjoining zones <p>The development does not propose any use that would result in any conflict with the nearby Village zone, or within this zone.</p> <ul style="list-style-type: none"> ▪ To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation. <p>The location of the dwelling is far enough away from Bulla Creek, such that the disposal of effluent and discharge of stormwater will have no negative impact on the adjacent water course.</p> <p>The remaining objectives are not relevant to this proposal.</p>
2.7 Demolition	N/A	No demolition proposed.
4.6 Exceptions to development standards	Yes	A variation relating to the minimum lot size for the erection of a dwelling is being sought in this instance, using the provisions of this clause. See Appendix A for further details.
5.10 Heritage Conservation	Yes	There are no items of European heritage identified on either the State Heritage Register or in the LEP as being present on-site, and the site is not located in a Heritage Conservation Area (HCA). Furthermore, the site is not mapped as a known area of significance in the Young Aboriginal Heritage Study, and a search of the Aboriginal Heritage Information Management System (AHIMS) database shows that no Aboriginal sites have been recorded, and no Aboriginal places have been declared, within 200 metres of the site. Furthermore, given the setbacks to Bulla Creek and the disturbed nature of the site (farmed for well over 100 years), the likelihood of relics being found during the construction of a dwelling is minimal.
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Yes	<p>The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in certain zones (including the RU1 zone), particularly between residential land uses and other rural land uses.</p> <p>A consent authority must take into account following matters:</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development</p> <p>The land in the vicinity is used predominantly for rural purposes, with most properties supporting a dwelling house, as is intended for the subject site.</p>

Clause	Complies	Comments
		<p>(b) <i>whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</i></p> <p>The zone is meant to protect the agricultural productivity of the land, and the consolidation of the lots will preserve the agricultural viability of land. The erection of dwelling house will not have a significant impact on the predominant or preferred land use that is suggested by the zoning, but will facilitate the ongoing management and operation of the site as an agricultural undertaking.</p> <p>(c) <i>whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</i></p> <p>Given the size, nature and use of the land in the area, which is consistent with this property and proposed development, it is not expected that the erection of a dwelling house will be incompatible the adjacent uses, particularly as the setback to adjacent properties, is significant.</p> <p>(d) <i>any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</i></p> <p>No measures are considered necessary to minimise or avoid impacts.</p>
6.21 Flood planning	N/A	The site is not flood affected.
6.1 Erection of dwelling houses on land in certain residential, rural and environment protection zones	No	This clause establishes a series of standards that need to be satisfied in order to secure a right to erect a dwelling, and applies to the land which is subject to this application. This property does not satisfy these requirements and seeks to use clause 4.6 to establish a right to erect a dwelling (see Appendix A).
6.2 Subdivision for residential purposes in Zone RU5	N/A	The development is not for the subdivision of land in the RU5 zone.
6.3 Land	Yes	<p>A small part of the site is mapped as a “sensitive land area” on the mapping that accompanies this clause, being the north-west corner of the property and the area adjacent Bulla Creek (see map below) . The proposed dwelling is located near, but not in the mapped area at the rear of the site, but it is considered that it has been located to avoid any adverse environmental impact in terms of soil resources and the stability of the landscape. Minimal earthworks are to be carried out, and suitable sedimentation and erosion control measures will be implemented and maintained on site during the construction phase, where necessary.</p> 
6.4 Water	Yes	A small part of the site is identified as “riparian corridor” on the Natural Resources Sensitivity Water Map. The proposed dwelling is located well clear this mapped area, and there is already an existing access track through this area, which caters for large farm machinery, with no works required to facilitate access to proposed dwelling. None of the site has been mapped as “groundwater vulnerability”.

Clause	Complies	Comments
		
6.5 Biodiversity	Yes	<p>Parts of the site have been identified as “biodiversity” on the Natural Resources Biodiversity Map (see map below). However, the dwelling has been sited to avoid any adverse environmental impact, as the land on which the dwelling is proposed to be erected, is not mapped, and no trees are to be removed. Accordingly, no impact is expected on terrestrial for aquatic biodiversity, as result of this development.</p> 
6.7 Earthworks	Yes	<p>Minimal cut and fill is proposed (less than 600 mm), and it will not impact on local drainage patterns, watercourses or adjacent properties.</p>

Development Control Plans (DCPs)

Young Development Control Plan

An assessment of the DCP applicable matters is detailed below.

Compliance Table for YDCP		
Clause	Control	If non-compliance state and address
2.1 Rural Dwellings		
<i>AR1 Sites are identified and safe access provided</i>	<i>Access complies with DCP provisions</i>	Complies – the existing access has been in use for decades, and has sufficient sight distance to both the north and the south. A rural addressing number will be provided to clearly identify the site.
<i>AR2.1 Minimum setback to road boundary</i>	<i>30m – RU1 zone</i>	Complies
<i>AR2.2 Minimum setback to side or rear boundary</i>	<i>20m – RU1 zone</i>	Complies
<i>AR2.3 Minimum setback from ridge line</i>	<i>50m</i>	Complies
<i>AR2.3 Minimum setback distance from certain land uses</i>	<i>Piggeries: 500m (housing & waste store) 250m (waste utilisation area)</i>	Complies – none nearby
	<i>Feedlots: 500m (yards & waste store) 250m (waste utilisation area)</i>	Complies – none nearby
	<i>Poultry: 500m (sheds & waste store) 250m (waste utilisation area)</i>	Complies – none nearby
	<i>Other intensive livestock: 300m</i>	Complies – none nearby
	<i>Grazing of stock: 50m</i>	Complies
	<i>Cropping: 200m</i>	Complies
	<i>Horticulture: 75 metres (from Section 4.5 of DCP)</i>	Complies – none nearby
	<i>Greenhouse or controlled environment horticulture: 200m</i>	Complies – none nearby

Compliance Table for YDCP		
Clause	Control	If non-compliance state and address
	<i>Rural industries including feed mills and sawmills: 500 m</i>	Complies – none nearby
	<i>Abattoirs: 1000 m</i>	Complies – none nearby
	<i>Potentially hazardous or offensive industries: 1000 m</i>	Complies – none nearby
	<i>Mining, petroleum, production etc: 500 m (or 1000 m where the proposal involves blasting)</i>	Complies – none nearby
	<i>Existing sheep and cattle yard sites: 150 m</i>	Complies – none nearby (excluding the one on the property)
	<i>Existing livestock dip sites: 300 m</i>	Complies – none nearby
	<i>Disused mining areas: 300 m</i>	Complies – none nearby
AR2.5 Materials	<i>Materials to be used selectively to minimise glare to roads / nearby dwellings.</i>	Complies – roof to be colourbond
AR2.6 Street presentation	<i>Dwellings to have a residential appearance from street or road.</i>	Does not comply with the control, but complies with the performance outcome, in that the impact on the rural landscape is minimised. The dwelling is located some 1,700+ metres from the road, on undulating land, with scattered trees across the landscape, so will be virtually indiscernible.
AR3 Effluent disposal	<i>To be as per Council Policy No. 31 (Wastewater Management in Unsewered Areas).</i>	There is ample room on-site for an on-site wastewater management system that complies with Council's policy.
AR4.1 BASIX water storage	<i>Onsite water capture and storage complies with BASIX certificate</i>	Roof water will be collected and reticulated back to the dwelling in accordance with the requirements of the BASIX Certificate.
AR4.2 Total water storage	<i>As per Appendix E and have fire-fighting reserve</i>	Complies – a minimum of 52,000 litres of water will be supplied, along with a fire fighting reserve of 20,000 litres.
AR5 Pesticide residues	<i>Testing required if former orchard</i>	Not applicable – the property was not a former orchard.

Compliance Table for YDCP		
Clause	Control	If non-compliance state and address
<i>AR6 Vehicle and occupant safety</i>	<i>Comply with 2.1.5 of DCP</i>	Not applicable – no garage is proposed at this time
4.1 Car Parking and Vehicle Access		
<i>APA1.1 Parking requirements</i>	<i>2 spaces per dwelling (stack parking permitted for one space).</i>	Complies – ample parking is available on site.
4.3 Development Requiring Tree Removal or Lopping - <i>These controls apply to the alterations and additions to a dwelling in all zones other than RU1 and RU3.</i>		
<i>AT1.1, AT1.2, AT2, AT3.1 and AT3.2 – tree removal</i>	<i>Avoid removal, retain and protect</i>	Not applicable - No tree removal proposed
4.5 Spray drift		
<i>ASD1.1 Location of new dwellings to orchards and vineyards</i>	<i>RU1 zone - 150 metres</i>	Not applicable – no orchard adjoins the site.

D. Assessment of Likely Impacts of Development

Construction Impacts

Will the proposal impact upon any trees, or have any impact on the soil or site drainage patterns during construction?
The development does not involve the removal of trees, and the minor earthworks will have no impact on site drainage.

How will construction noise and rubbish removal be managed during construction?

Construction work will be carried out during normal work hours, and in compliance with any conditions of consent relating to hours of construction. Given the closest dwelling is over 750 metres away, on undulating land with trees buffers, it is not expected that there will be any detrimental impacts on adjacent properties in this regard. In the unlikely event this occurs, the noise would be a short-term, transient event.

Construction waste will be stored on-site in suitable receptacles, and shall be removed from site on a regular basis, to minimise the chances of windblown rubbish and nuisance.

Sedimentation and erosion controls

Sedimentation and erosion control measures shall be installed prior to work commencing on-site, and will be maintained throughout the duration of the works, to prevent sediment leaving the site.

Privacy

Will the proposal result in the loss of visual or acoustic privacy to any neighbouring land use? **No**

If so, what measure will be taken to minimise that loss?

The proposed dwelling will not result in any loss of visual or acoustic privacy given the large vegetated setbacks between the proposed dwelling, and most of the dwellings on adjacent properties. The closest dwelling is located more than 750 metres from the proposed dwelling, with an interrupted line of sight.

Views

Will the proposal result in the loss of views to any neighbouring land use? **No**

Given the substantial separation between the existing dwellings in the area and the proposed new dwelling, the undulating nature of the land and the large number of trees in the immediate area, views will not be compromised by the proposed development.

Overshadowing

Will your proposal result in any additional overshadowing to any neighbouring land use? **No**

There will be no overshadowing as a result of the development, given the large size of the lots and setbacks, which are characteristic of the area.

Economic and Social Impacts

Will your proposal result in any social and economic impacts within the locality? **No**

No negative socio-economic impacts to the locality are foreshadowed. The construction phase will generate a small but positive economic benefit, for tradesman and businesses in the region.

Drainage

What are the proposed methods of disposing of stormwater from the site and are any new easements required?

Stormwater will be collected in a rainwater tank, reticulated back to the dwelling, and any overflow from the tank piped clear of the dwelling and disposed of so as not to cause erosion.

Access and Traffic

The introduction of an additional dwelling in the area, will result in additional vehicle movements, typically 9 movements per day. It is considered that the local road network will adequately cater for this increase in vehicle movements, with no roadworks required.

APPENDIX # 1

Clause 4.6 variation

1 . What is the name of the environmental planning instrument that applies to the land?

Young Local Environmental Plan 2010

2. What is the zoning of the land?

RU1 – Primary Production

3. What are the objectives of the zone?

The objectives of the zone as set out in the LEP are;

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain areas of high conservation value vegetation
- To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.

4. What is the development standard being varied? e.g. FSR, height, lot size

The minimum lot size for the erection of a dwelling.

5. Under what clause is the development standard listed in the environmental planning instrument?

Clause 6.1(3)(a)

6.1 *Erection of dwelling houses on land in certain residential, rural and environment protection zones*

- (3) *Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is—*
- (a) *a lot that is at least the minimum lot size specified for that lot by the Lot Size Map.*

6. What are the objectives of the development standard?

The objectives of the development standard are:

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.

7. What is the numeric value of the development standard in the environmental planning instrument?

170 ha

8. What is proposed numeric value of the development standard in your development application?

135 ha

9. What is the percentage variation (between your proposal and the environmental planning instrument)?

20 %

10. **How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

It is considered that that the development standard is unnecessary in this instance, for a number of reasons:

- the objectives of the standard are achieved notwithstanding non-compliance with the standard, as follows:
 - the main objective of the development standard (minimum lot size) is to “minimise unplanned **rural residential development**”. The 2019 Hilltops Rural and Residential Study defines rural residential development as “any land that is un-serviced where the primary use of the land is residential”. Even with the erection of a dwelling, the primary use of the land will still be agricultural in nature. Accordingly, is considered that the objective of the development standard is achieved;
 - the second standard relates to the replacement of lawfully erected dwelling houses, which is not relevant to this particular development,
- this property is farmed in conjunction with another agricultural holding located 5km to the north-east on landra Road, and the intent of the application is to erect a dwelling for a family member, who will be involved in management of the existing agricultural operation. It makes more sense to erect this extra dwelling on the fragmented part of the holding, given the distance between the properties and to have someone on-site, at all times,
- the relevant objectives of the zone are still achieved, as follows:
 - *to encourage sustainable primary industry production by maintaining and enhancing the natural resource base* - the development will occupy well under 1% of the site, allowing the remainder of the land to be used for agricultural purposes, as it presently is, which presently includes a recently harvested wheat crop, a lucerne paddock and grazing of sheep,
 - *to minimise the fragmentation and alienation of resource lands* – the development will result in the consolidation of the existing three (3) lots into a single allotment of 135 ha in conjunction with the erection of a dwelling, which will further preserve the ability of the land to be operated as a single viable farming unit, and reduce the potential fragmentation of a holding by the sale of land along existing lot boundaries,
 - *to minimise conflict between land uses within this zone and land uses within adjoining zones* - the development does not propose any use that would result in any conflict with the nearby Village zone, or with adjacent land uses in the zone, with ample setbacks providing protection from potential conflict between existing and proposed dwellings and rural activities,
 - *to protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation* - the location of the dwelling is far enough away from Bulla Creek, such that the disposal of effluent and discharge of stormwater will have no negative impact on the adjacent watercourse;
- the introduction of one (1) additional dwelling into the local area, is consistent with the existing character and development pattern of the area (see earlier in the report),
- this 135 ha holding is similar in size if not larger, than several of the holdings in the area, including 1228 Jerrybang Lane (138 ha, immediately to the north) and 178 Bendles Lane (125 ha, 1.4 km to the south-east),
- the 135 ha property is also well in excess of the median lot size for lots with a dwelling (111 ha), and is consistent with the average lot size for lots with a dwelling (155 ha),
- the development will result in a holding with a dwelling, which is almost identical in size to the property immediately north (1228 Jerrybang Lane),
- 63% of the holdings have one or more dwellings, and others have dwelling entitlements, so one additional holding with a dwelling is consistent in nature and character;
- the land has a demonstrated capability of sustaining an agricultural use, based on past and present uses,
- in its capacity as an agricultural lot, the inclusion of a dwelling on the land will not diminish the ability of the land to be utilised for agricultural purposes;
- a dwelling on the site will not detrimentally impact the surrounding agricultural land and would not result in an undue level of residential development in the area;
- the chosen location of the dwelling will not cause overlooking or overshadowing;

- a review of the Hilltops Clause 4.6 Register, shows that Council has considered, and consented to, a number of variations to this same development standard under all three LEPs, some well in excess of the variation being sort in this instance, and in circumstances that are similar to this one (e.g same zone, proximity to a Village zone, consistency with the character of the area, etc). Some examples include:
 - 2014/DA-00054 - 105 Horseferry Road, Wirrimah - 90% variation,
 - 2014/DA-00091 – Lot 292, Quamby SS Road, Maimuru - 16% variation,
 - 2014/DA-00157 - 212 Creamery Road, Murringo - 94% variation,
 - 2016/DA-00075 - 62 Sads Lane, Monteagle - 28% variation,
 - 2017/DA-00087 - 602 Spring Creek Road, Young - 43% variation,
 - T2017-030 – Lot 239, Araluen Road, Murrumburrah - 80% variation,
 - T2017-038 – Lot 220, Bibaringa Road, Wombat - 58% variation,
 - T2017-045 – Lot 249, Araluen Road, Murrumburrah - 92% variation,
 - T2018-004 – Lot 340, 1400 Wombat Road, Wombat - 98% variation,
 - T2018-005 – Lot 337, 1400 Wombat Road, Wombat - 98% variation,
 - DA2020/0127 – 1511 Geegullalong Road, Murringo – 42% variation,
 - DA2021/0032 - 1003 Henry Lawson Way, Young – 27.5% variation,
 - DA2021/0082 - 4037 Murringo Road, Young – 81% variation.

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.

Whilst this question is still in the Department’s current Guide for Varying Development Standards, the Act has been renumbered, and the objects of the Act have changed slightly. Under the amended Act, the equivalent objects of Section 1.3 of the Act to those quoted above, are as follows:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
The introduction of one additional dwelling, essentially for persons who will be involved in the day to day operations of a fragmented rural holding, is seen as a positive social outcome for the local community.
- (c) *to promote the orderly and economic use and development of land,*
This application presents an opportunity for the consolidation of the land into a single holding that would secure a large agricultural holding with a dwelling entitlement, that would promote the agricultural use of the land.

12. Is the development standard a performance based control? Give details.

No

13. Would strict compliance with the standard, in your particular case, be unreasonable or unnecessary? Why?

The property is only marginally below the minimum lot size of 170 hectares, with a combined site area of 135 hectares, and as demonstrated by adjacent properties can support a dwelling, and at the same time, can be viably farmed. The erection of a dwelling on this part of a larger fragmented rural holding, will provide for the better management of the property as a whole, and for an opportunity for intergenerational transfer, and succession planning into the future. Strict compliance with the standard would deny the owners the opportunity to achieve these outcomes, for the sake of a 20% variation.

14. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

In addition to the reasons outlined above in Question 10, the following planning grounds are also offered in support for justifying contravening the development standard:

- the development is consistent with the established character of the area,

- with the exception of the minimum lot size, the development demonstrates compliance with all relevant provisions of the Young LEP 2010,
- the development demonstrates compliance with all relevant provisions of the Young DCP,
- the proposal for a dwelling is consistent with the relevant objective of Clause 6.1, which is to “minimise unplanned rural residential development”,
- the proposal is consistent with the underlying objective of the standard which is to minimise the fragmentation of productive rural lands, and in fact proposes to consolidate the land to avoid further fragmentation,
- the development will be consistent with the relevant RU1 zone objectives, as it will not diminish the existing primary industry in the area, will not result in any further fragmentation of land, will not result in any land use conflict between the use and the surrounding land uses, and will result in an ancillary non-agricultural land use that is compatible with the character of the zone,
- there are no environmental constraints on the site, that would prevent a dwelling being erected in the chosen location,
- there is ample room available for the continued agricultural use of the land,
- the site chosen is suitable for the erection of a dwelling in terms of size, slope, dimensions, aspect, existing character and amenity,
- no clearing of trees is required for the development,
- it will not result in any adverse environmental impacts.

APPENDIX # 2

Planning Portal Report

Property Report

392 IANDRA ROAD MONTEAGLE 2594



Property Details

Address:	392 IANDRA ROAD MONTEAGLE 2594		
Lot/Section	1/-/DP1232734	1/-/DP400990	143/-/DP754608
Plan No:	146/-/DP754608	16/-/DP754608	17/-/DP754608
	18/-/DP754608	19/-/DP754608	2/-/DP1232734
	20/-/DP754608	200/-/DP754608	205/-/DP754608
	208/-/DP754608	223/-/DP754608	3/-/DP1232734
	3/-/DP727658	34/-/DP754608	4/-/DP1232734
	41/-/DP754608	5/-/DP727658	74/-/DP754608
	8/-/DP754608		
Council:	WEDDIN SHIRE COUNCIL, HILLTOPS COUNCIL		

Summary of planning controls

Planning controls held within the Planning Database are summarised below. The property may be affected by additional planning controls not outlined in this report. Please contact your council for more information.

Local Environmental Plans	Weddin Local Environmental Plan 2011 (pub. 5-12-2011) Young Local Environmental Plan 2010 (pub. 8-3-2013)
Land Zoning	RU1 - Primary Production: (pub. 15-9-2017) RU1 - Primary Production: (pub. 2-8-2010)
Height Of Building	NA
Floor Space Ratio	NA
Minimum Lot Size	170 ha 400 ha
Heritage	NA
Land Reservation Acquisition	NA
Foreshore Building Line	NA
Local Provisions	Sensitive Land Areas
Riparian Lands and Watercourses	Natural Resource Sensitivity
Terrestrial Biodiversity	Areas of High Biodiversity

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)

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Detailed planning information

State Environmental Planning Policies which apply to this property

State Environmental Planning Policies can specify planning controls for certain areas and/or types of development. They can also identify the development assessment system that applies and the type of environmental assessment that is required.

- State Environmental Planning Policy (Affordable Rental Housing) 2009: Land Application (pub. 31-7-2009)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004: Land Application (pub. 25-6-2004)
- State Environmental Planning Policy (Concurrences and Consents) 2018: Land Application (pub. 21-12-2018)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017: Land Application (pub. 1-9-2017)
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application (pub. 12-12-2008)
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004: Land Application (pub. 31-3-2004)
- State Environmental Planning Policy (Infrastructure) 2007: Land Application (pub. 21-12-2007)
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007: Land Application (pub. 16-2-2007)
- State Environmental Planning Policy (Primary Production and Rural Development) 2019: Land Application (pub. 28-2-2019)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017: Allowable Clearing Area (pub. 17-9-2021)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017: Excluded (pub. 17-9-2021)
- State Environmental Planning Policy No 21—Caravan Parks: Land Application (pub. 24-4-1992)
- State Environmental Planning Policy No 33—Hazardous and Offensive Development: Land Application (pub. 13-3-1992)
- State Environmental Planning Policy No 36—Manufactured Home Estates: Land Application (pub. 16-7-1993)
- State Environmental Planning Policy No 50—Canal Estate Development: Land Application (pub. 10-11-1997)
- State Environmental Planning Policy No 55—Remediation of Land: Land Application (pub. 28-8-1998)
- State Environmental Planning Policy No 64—Advertising and Signage: Land Application (pub. 16-3-2001)
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development: Land Application (pub. 26-7-2002)

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)

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Property Report

392 IANDRA ROAD MONTEAGLE 2594

Other matters affecting the property

Information held in the Planning Database about other matters affecting the property appears below. The property may also be affected by additional planning controls not outlined in this report. Please speak to your council for more information

Land near Electrical Infrastructure	This property may be located near electrical infrastructure and could be subject to requirements listed under ISEPP Clause 45. Please contact Essential Energy for more information.
Local Aboriginal Land Council	COWRA YOUNG
Regional Plan Boundary	Central West and Orana South East and Tablelands

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)

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APPENDIX # 3

Title



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: AUTO CONSOL 12203-36

SEARCH DATE	TIME	EDITION NO	DATE
5/11/2021	8:17 AM	3	15/11/1999

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
LOCAL GOVERNMENT AREA HILLTOPS
PARISH OF WILTON COUNTY OF MONTEAGLE
TITLE DIAGRAM SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

RICHARD MARSH WESTMACOTT
ELIZABETH MCGAVIN WESTMACOTT
AS JOINT TENANTS (T 6115149)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOT 74 IN DP754608
LOT 223 IN DP754608

TITLE DIAGRAM

CROWN PLAN 880.1780
CROWN PLAN 685.1780.

*** END OF SEARCH ***

WESTMACOTT

PRINTED ON 5/11/2021

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Received: 05/11/2021 08:17:16



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/400990

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
5/11/2021	12:14 PM	2	25/10/1999

LAND

LOT 1 IN DEPOSITED PLAN 400990
LOCAL GOVERNMENT AREA HILLTOPS
PARISH OF WILTON COUNTY OF MONTEAGLE
TITLE DIAGRAM DP400990

FIRST SCHEDULE

RICHARD MARSH WESTMACOTT
ELIZABETH MCGAVIN WESTMACOTT
AS JOINT TENANTS (T 6115149)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 LAND EXCLUDES THE ROAD(S) SHOWN IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

WESTMACOTT

PRINTED ON 5/11/2021

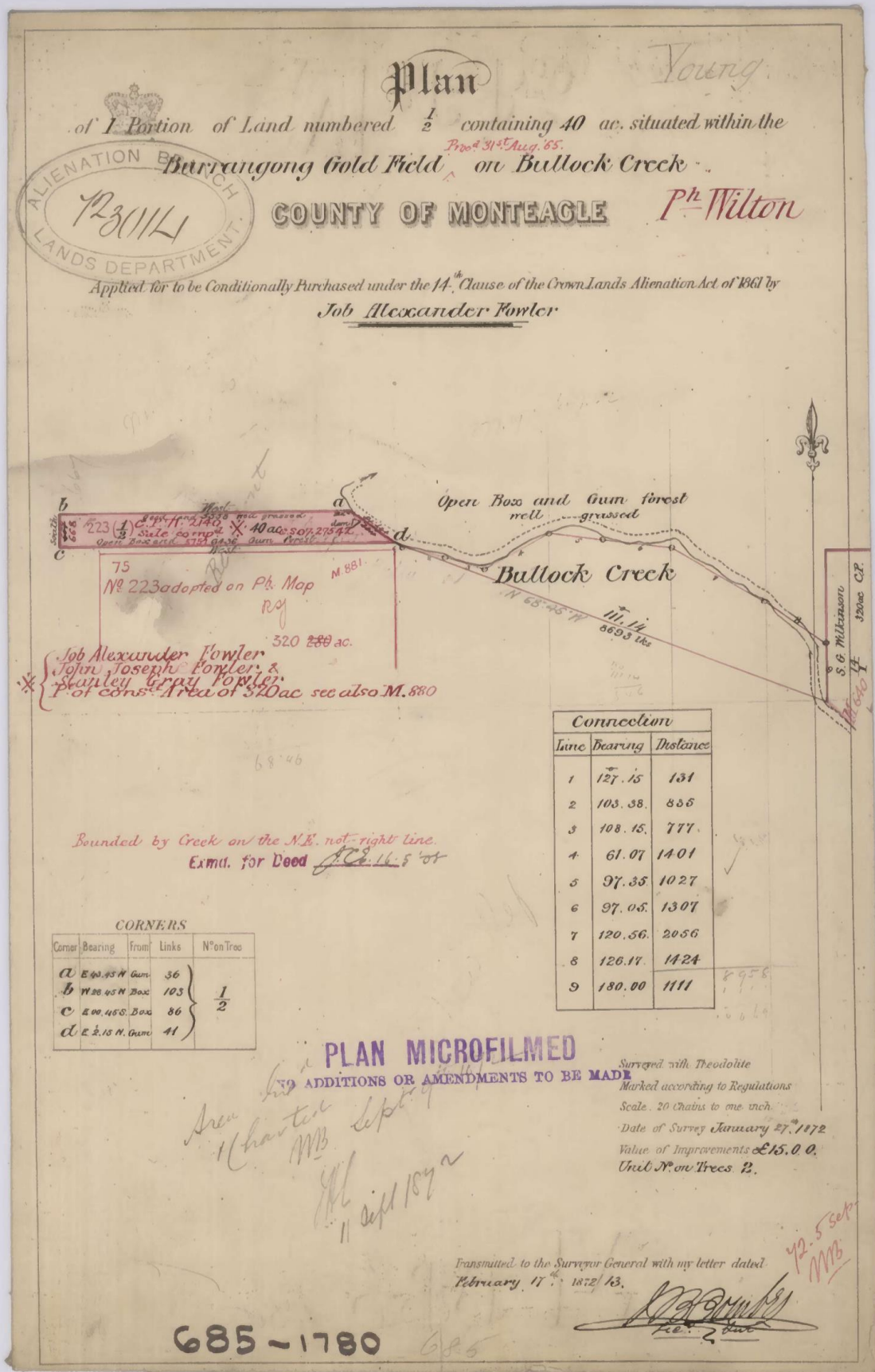
* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

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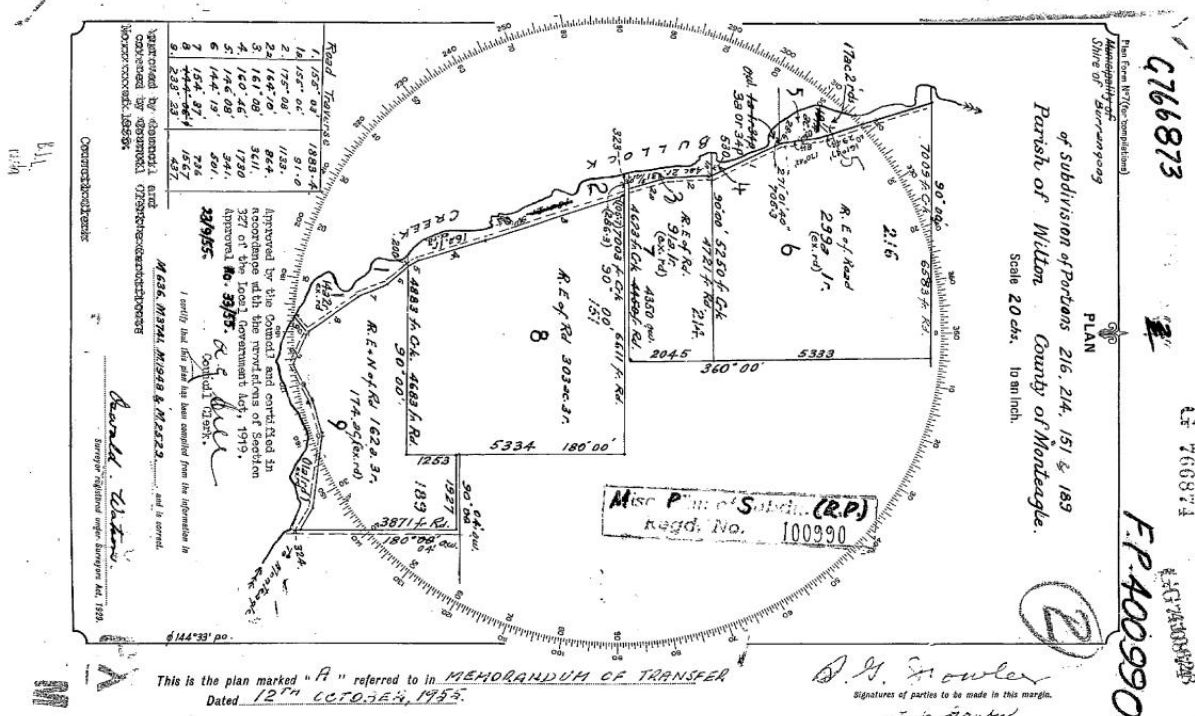
Received: 05/11/2021 12:14:22

APPENDIX # 4

DPs



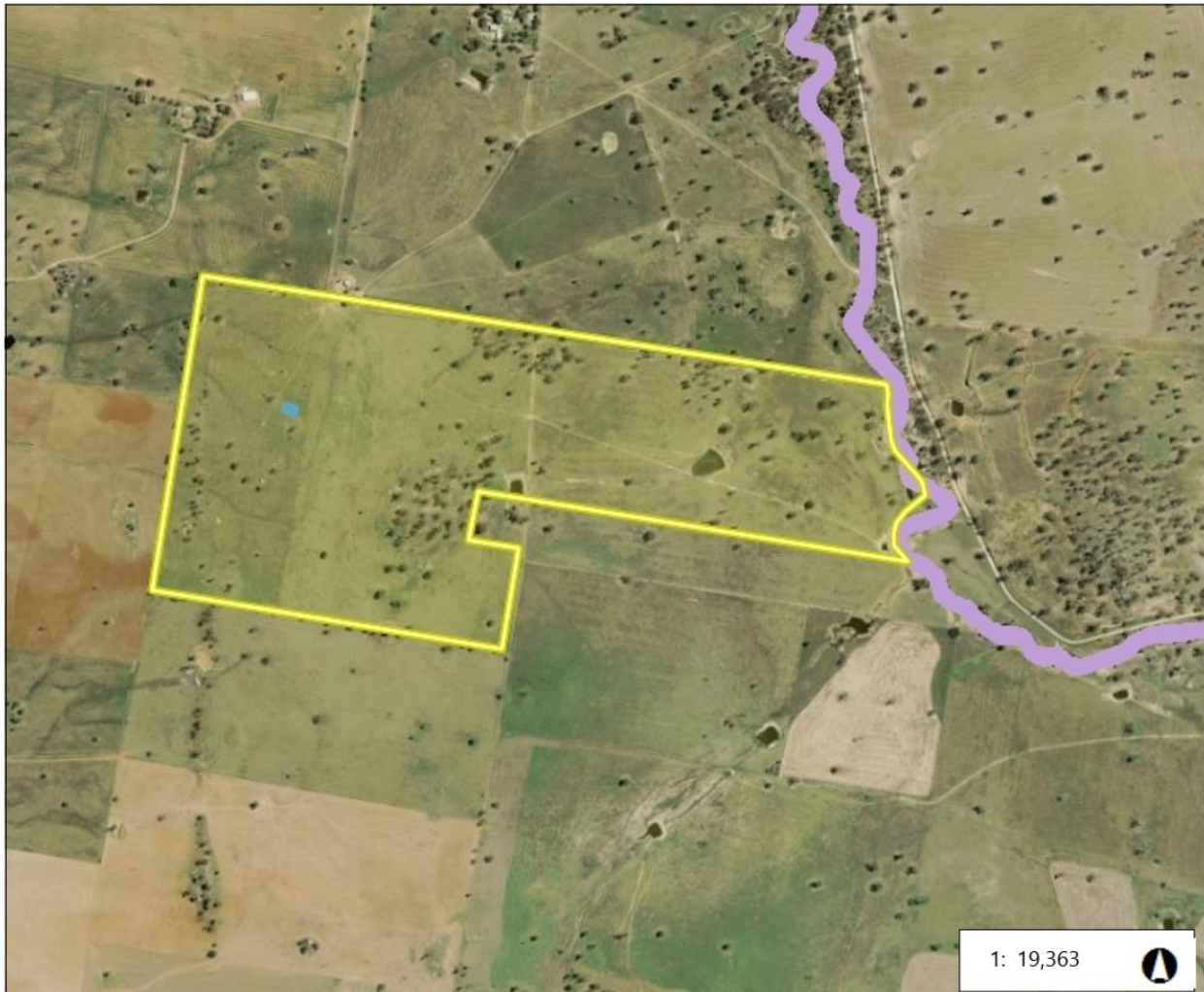
CONVERSION TABLE ADDED DEPARTMENT OF LANDS		DP 400590	
LINKS	METRES	AC RD	P
28.6	5.753	3	34
91	19.306	4	31 3/4
105.7	21.263	11	1
200	40.234	14	2
286.3	57.554	18	1
322	64.977	21	1
334	72.848	24	1
341	68.508	16	3
437	87.010	17	4
501	100.765	29	1
530	106.619	30	3
705.3	111.684		
736	159.000		
814	173.463		
864	173.463		
1133	227.923		
1253	252.064		
1567	315.230		
1730	348.021		
1827.4	399.480		
1930	411.365		
2045	441.365		
2944	592.239		
3611	726.418		
3871	778.721		
4250	875.081		
4450	920.000		
4673	973.000		
4683	962.070		
4721	949.714		
4883	982.303		
5350	1056.132		
5353	1072.839		
5517	1171.050		
5583	1132.020		
6611	1329.522		
7003	1408.780		
7009	1409.987		



APPENDIX # 5

BOSET Map and BVM&T Report

Biodiversity Offset Scheme (BOS) Entry Threshold Map



983.7 0 491.83 983.7 Metres

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

Notes

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NSW Environment & Heritage

Biodiversity Values Map and Threshold Report

Results Summary

Date of Calculation	29/01/2022 12:28 PM	BDAR Required*
Total Digitised Area	0.05 ha	
Minimum Lot Size Method	LEP	
Minimum Lot Size	170 ha	
Area Clearing Threshold	1 ha	
Area clearing trigger Area of native vegetation cleared	no	no
Biodiversity values map trigger Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
Date of the 90 day Expiry	N/A	

*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BOSET user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Office of Environment and Heritage and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies with all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature _____ Date: 29/01/2022 12:28 PM