

# STATEMENT OF ENVIRONMENTAL EFFECTS (SoEE)

**LOT 2 DP 777450 YOUNG NSW 2594**

*60 Boundary Road, Young*



Figure 1: Aerial image of the Site.

**ARÊTE** SURVEY  
SOLUTIONS

## **Two (2) Lot Subdivision Large Lot Residential Use**

**Prepared for:**  
Patrick Fitzgerald

**To be lodged with:**  
Hilltops Council

**Date:**  
20 September 2023  
*Version B (Final for DA Lodgement)*

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## 1.0 EXECUTIVE SUMMARY

### 1.1 Summary of Proposed Development

<b>Applicant</b>	Patrick Fitzgerald
<b>Site Description</b>	Lot 2 DP 777450 – frontage to Boundary Road, YOUNG NSW
<b>Existing Site Areas</b>	~4.91ha (Subject to Survey)
<b>Summary of Proposed Development</b>	<p>Subdivision of the existing one (1) lot into two (2) lots for the purpose of future large lot residential use including ancillary works/outcomes such as:</p> <ul style="list-style-type: none"> <li>a) Minor upgrades to the two gravel public road frontages, being driveways to connect to each proposed lot;</li> <li>b) Provision of electricity/telecommunications to all lots (as required by relevant authorities);</li> <li>c) Fencing of all lots.</li> </ul>
<b>DA/CC</b>	Development Application only.
<b>Dev. Type</b>	This is likely to be local development.
<b>Additional Approvals/ Concurrences/ Referrals</b>	
<b>Advertising/ Notification</b>	We suggest that the impacts of subdivision for future residential use are minor in this location and the proposal is consistent with the key development controls so it does NOT need to be advertised in local newspapers.

## 1.2 Supporting Plans/Reports

The Application is supported by the following plans/documents:

<b>Subdivision Concept</b>	23096_DA-Aerial – Subdivision Concept Plan (Aerial) / Notification Plan 23096_DA-Contours – Subdivision Concept Plan (with Contours)	September 2023	
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## 1.3 Suggest Not Required

We suggest the following plans/reports are not required to support this application or could be appropriately conditioned (if required):

- a) Traffic Impact Study – This is a subdivision of two (2) lots only with a clear and legible access to existing local streets (not classified roads). Traffic generation is unlikely to significantly affect local intersections.
- b) Biodiversity Development Assessment Report (BDAR) – This is not required as the subdivision does not involve any clearing of significant trees AND/OR the clearance of vegetation is below the relevant thresholds.
- c) Bushfire Assessment – The Site is not mapped as bushfire prone land by the NSW RFS.
- d) Flood Study – The Site is not mapped within the Flood Planning Area in the LEP. Whilst there are minor intermittent drainage channels to the north and south of the Site there is a low risk of overland flows affecting the Site.
- e) Stormwater Concept Plan – This is a large lot residential subdivision. Due to the limited site coverage of potential future development, we suggest that a Stormwater Concept Plan is not required. Dwellings will have rainwater tanks for roof water collection. On a 2.0ha lot a standard dwelling will have limited impact on permeability of the site. Lots will drain naturally.
- f) Soil & Water Management Plan / Sediment & Erosion Plan – This is an application for subdivision only. Earthworks (other than forming up access to each lot) is not required and can be conditioned at the time of approving future dwellings or prior to the Subdivision Construction Certificate for road works (if required).

## 2.0 EXISTING SITE & SURROUNDS

### 2.1 Location & Overview

The Site is located to the south-east of Young between the existing Zone RU4 Primary Production Small Lots and Zone RU1 Primary Production to the south. Access to the site is from Boundary Road approximately 1km east of the intersection of Back Creek Road and Boundary Road.

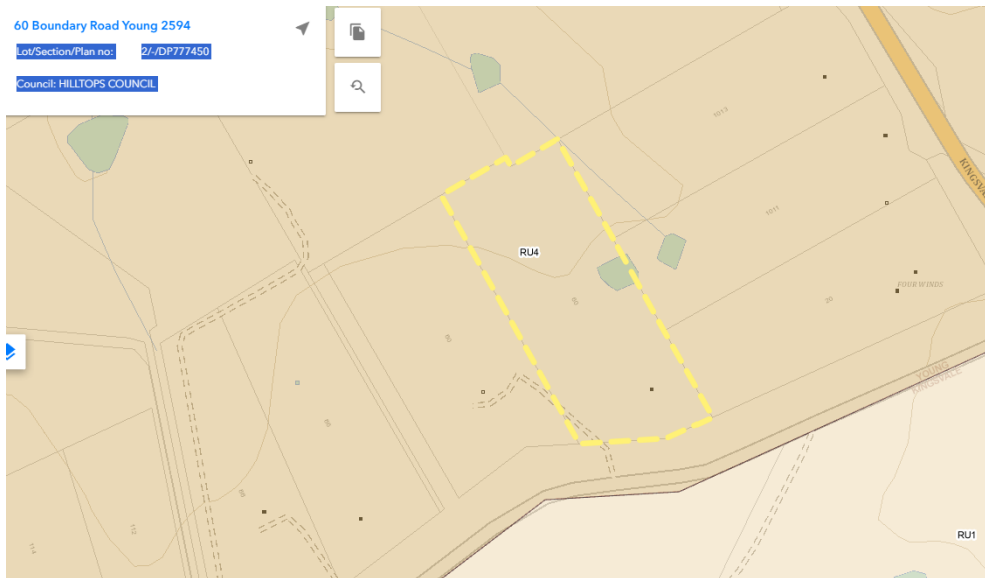


Figure 2: Map showing location of Site (yellow dotted line) in Zone RU4 Primary Production Small Lots (NSW Planning Portal).



Figure 3: Land zoning overlaid on an older aerial photo of Site (yellow dotted line) (NSW Planning Portal).

## **2.2 Existing Development / Context**

- a) The Site has an existing dwelling, sheds/structures and associated ground works.
- b) The existing boundaries are a regular shape with a large frontage/lot width to Boundary Road (~150m).
- c) It may have been historically used for light grazing agriculture but there is no evidence of intensive agriculture or industry suggesting any potentially contaminating activities.
- d) There are 2-3 larger eucalyptus trees on the Site that are not proposed for removal at this time.
- e) There are utility services in the area and along the road frontages of the lot. NBN is serviced to the parcel via fixed wireless connection.

## **2.3 Topography & Drainage**

The lot is gently sloping as shown in the site contour plan. An existing dam is located along the eastern boundary line and will be wholly contained within Lot 21 as shown on the accompanying plans.

The nearest major watercourse to the site is Petticoat Gully, located north of the site. The tributary located near the north-eastern corner flows to Petticoat Gully through dams located in private properties.

It is expected that the majority of the Site would not be flood affected as the Site sits towards the top of the local catchment and drainage lines through the Site are most likely only going to cause intermittent overland flows and do not impact significantly on its future development.

## **2.4 Surrounding Uses**

The land to the north west and east of the subject land is zoned RU4 with lot sizes varying from approximately 20 hectares to 2.3 hectares. The land south of Boundary Road is zoned RU1.

The land north of Boundary Road and along Back Creek Road is typically utilised as Small rural holding lifestyle blocks.

Impacts on surrounding properties are addressed in more detail in the Sections below.

### **3.0 PROPOSED DEVELOPMENT**

#### **3.1.1 Overview of Proposal**

The Proposed Development involves subdivision of the existing one (1) lot into two (2) lots for the purpose of future small rural holding. Ancillary works/outcomes include:

- a) Minor upgrades to the two gravel public road frontages to connect to each proposed lot;
- b) Provision of electricity/telecommunications to all lots (as required by relevant authorities);
- c) Fencing of all lots with rural dog proof fencing.

#### **3.1.2 Public Road Access & Upgrades**

Each proposed lot will have direct access to a public road, as follows:

- a) All lots to have separate frontage and access to Boundary Road.

Boundary Road is unsealed from Back Creek Road to Kingsvale Road. This provides sufficient access for the lots. It is assumed that this road will be upgraded by Hilltops Council in the future.

Sufficient driveway access points will be provided at the entrance to each lot to council standards.

#### **3.1.3 Lot Size & Layout**

The existing Site is 4.91ha. The Minimum Lot Size (MLS) for the Site is 2.0 hectares under Hilltops LEP 2022. The Site has potential to be subdivided into up to two (2) lots..

The Subdivision design includes one (1) lot to the north with access via a battle-axe handle along the western boundary, and one (1) rectangular lot over the existing residence and structures to the south-east. There is no new internal road required for access.

All proposed lots will meet or exceed the MLS with proposed lot sizes as follows:

- Lot 21 ~ 2.73 ha
- Lot 22 ~ 2.18 ha

#### **3.1.4 Dwelling Envelopes & Setbacks**

Each lot has been provided with a 'dwelling envelope' that is large enough to support a range of dwelling locations as well as likely on-site effluent disposal areas. Young DCP 2011 has a desired setback for RU4 dwellings of 10m :

- a) Lot 21 – Does not require a building envelope as this lot contains existing dwelling and associated structures.
- b) Lot 22 – Is to have a building envelope as this does not have any current dwelling located within the lot. The building envelope is to have setbacks of 20m from the side, dividing boundary and rear boundary lines as shown on the accompanying plan. The setback from the eastern boundary is to be positioned such that the overland flow path is not impacted by any future dwelling or sewage disposal.

#### **3.1.5 Tree Removal**

The Site is largely cleared of vegetation due to its historic grazing/agricultural use. There are 2-3 larger eucalypt trees located at the North-east corner of the site which will not be impacted by the proposed subdivision. This leaves significant cleared areas for future dwellings/ outbuildings with a low probability of needing further tree removal. Proposed lot boundaries/fencing will not interfere with existing trees. See more discussion in relation to SEPP (Vegetation on Non-Rural Lands) in the following Section of this Report.



## 4.0 TOWN PLANNING CONSIDERATIONS

### 4.1 Relevant Legislation & State Environmental Planning Policies (SEPPs)

In determining the application, Council must take into consideration the relevant matters under section 4.15(1), formerly Section 79C, of the Environmental Planning and Assessment Act 1979 No 203 (as amended). These are assessed below.

#### 4.1.1 SEPP (Biodiversity and Conservation) 2021 Allowable Clearing

No clearing to significant vegetation will be undertaken as part of the subdivision. SEPP allowable clearing map shows that the subject land is included in the allowable clearing area.

There is no sensitive biodiversity mapped on the Biodiversity Values Map & Threshold Tool (BMAT). As no native trees are being removed the vegetation clearing does not exceed any threshold. Therefore, there is no requirement for a Biodiversity Development Assessment Report (BDAR) for this application.

As there is no clearing of any native trees on the property and the eucalyptus trees are retained (regardless of whether they are a suitable species for koala), there should be no impact on core koala habitat and a Plan of Management is not required. Due to the sparse native vegetation on the Site and surrounding area it is unlikely to support any significant koala populations.

There is no evidence that the proposed subdivision and ancillary works would have any significant impact on other biodiversity. This is cleared/former agricultural land that has been substantially modified and has little native flora/vegetation. Therefore, the chances of impact on biodiversity from this application are low.

#### 4.1.2 SEPP (Building Sustainability Index: BASIX) 2004

The proposed subdivision is not affected by Building Sustainability Index by way of the exclusion of buildings contained by the DA. The definition of a BASIX affected building is shown in Environmental Planning Assessment Regulation 2000 Clause 3(1):

BASIX affected building means any building that contains one or more dwellings but does not include a hotel or motel.

#### 4.1.3 SEPP (Exempt and Complying Development Codes) 2008

The SEPP (Exempt and Complying Development Codes) 2008 [Part 1 Division 1](#) Clause 1.3 aims to: Provide streamlined assessment processes for development that complies with specified development standards by:

- a. providing exempt and complying development codes that have State-wide application, and
- b. identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and
- c. identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and
- d. enabling the progressive extension of the types of development in this Policy, and
- e. providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.

The proposed subdivision of the subject land does not comply with exempt and complying development as stated in Part 2 Division 1 Subdivision 38 Subdivision :



The subdivision of land, for the purpose only of any one or more of the following, is development specified for this code:

- a. widening a public road,
- b. a realignment of boundaries:
  - i. that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and
  - ii. that will not create additional lots or increase the number of lots with a dwelling entitlement or increase the opportunity for additional dwellings, and
  - iii. that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (other than a lot that was already smaller than that minimum size), and
  - iv. that will not adversely affect the provision of existing services on a lot, and
  - v. that will not result in any increased fire risk to existing buildings, and
  - vi. if located in Zone RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4—that will not result in more than a minor change in the area of any lot, and
  - vii. if located in any other zone—that will not result in a change in the area of any lot by more than 10%,
- c. (Repealed)
- d. rectifying an encroachment on a lot,
- e. creating a public reserve,
- f. excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

The proposed subdivision is for the creation of lots for Primary Production Small Lots purposes as stipulated in the LEP which do not meet the requirements as stated in the SEPP. The SEPP does not apply to this DA.

#### **4.1.4 SEPP (Housing) 2021**

The proposed subdivision is for the creation of lots for Primary Production Small Lots. Any future dwelling applications on the proposed lots will address this SEPP. The SEPP does not apply to this DA.

#### **4.1.5 SEPP (Industry and Employment) 2021**

The proposed subdivision is for the creation of lots for residential purposes as stipulated in the LEP. As the SEPP deals with Western Sydney employment area and advertising and signage, the SEPP will apply to this DA.

#### **4.1.6 SEPP No 65 – Design Quality of Residential Apartment Development**

The proposed subdivision is not affected by Design Quality of Residential Apartment Development as the SEPP policy does not apply the DA as indicated by Part 1(4):

This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed-use development with a residential accommodation component.

#### **4.1.7 SEPP (Planning Systems) 2021**

SEPP (Planning Systems) 2021 refers to State Significant Development and Aboriginal Land. Schedule 1 & 2 list areas and types of State Significant Development.

The proposed subdivision is for RU4 Primary Production Small Lot purposes only as stipulated in the LEP. The SEPP does not apply to this DA.

#### **4.1.8 SEPP (Precincts-Central River City) 2021**

The proposed subdivision is for RU4 Primary Production Small Lot purposes only as stipulated in the LEP. The SEPP does not apply to this DA.

**4.1.9 SEPP (Precincts-Eastern Harbour City) 2021**

The proposed subdivision is for RU4 Primary Production Small Lot purposes only as stipulated in the LEP. The SEPP does not apply to this DA.

**4.1.10 SEPP (Precincts-Regional) 2021**

The proposed subdivision is for Young NSW RU4 Primary Production Small Lot purposes only as stipulated in the LEP. The SEPP does not apply to this DA.

**4.1.11 SEPP (Precincts-Western Parkland City) 2021**

The proposed subdivision is for RU4 Primary Production Small Lot purposes only as stipulated in the LEP. The SEPP does not apply to this DA.

**4.1.12 SEPP (Primary Production) 2021**

SEPP (Primary Production) 2021 deals with Primary Production and rural development. The Aims of the SEPP are to:

- (a) to facilitate the orderly economic use and development of lands for primary production,
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) to encourage sustainable agriculture, including sustainable aquaculture,
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

In consideration of the SEPP the proposed development will minimise potential land use conflict between existing and proposed development on land. The proposed development will be a subdivision of land proposed to be used for the purposes of a dwelling and is typical development of the use of land in the vicinity of the development. The proposed development is unlikely to have a significant impact on land uses that are the predominant land uses in the vicinity.

The proposed development meets the objectives of the SEPP.

**4.1.13 SEPP (Resilience and Hazards) 2021**

The proposed subdivision is for RU4 Primary Production Small Lot purposes only as stipulated in the LEP. The SEPP does not apply to this DA.

**4.1.14 SEPP (Resources and Energy) 2021**

The proposed subdivision is for RU4 Primary Production Small Lot purposes only as stipulated in the LEP. The SEPP does not apply to this DA.

#### 4.1.15 SEPP (Transport and Infrastructure) 2021

This SEPP seeks to protect & enable infrastructure development. There is no significant state or regional infrastructure affected by this subdivision.


The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:


- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

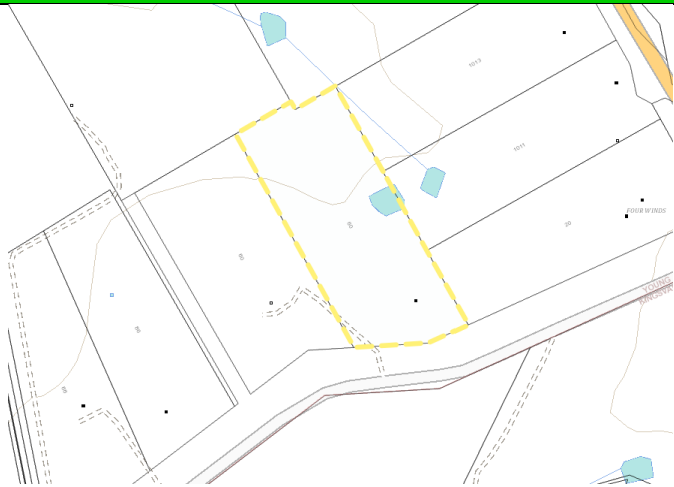
The Site is well-setback from Back Creek Road and Kingsvale Road, the nearest major roads. Traffic generation from two (2) proposed lots will be minimal and will utilise existing local roads for access. Under Schedule 3 of the SEPP, traffic-generating development that exceed certain thresholds are required to be referred to TfNSW. The creation of two (2) new residential lots does not exceed the thresholds (200 lots to any road / 50 lots accessing within 90m of a classified road) to require referral.

#### 4.2 Hilltops Local Environmental Plan 2022 ('HLEP2022')


The following is a review and comment on the most relevant provisions of Hilltops Local Environmental Plan 2022 ('HLEP2022') that commenced on 1/01/2023 and applies to the Site

PROVISION	COMMENT
<p><b>2.1 - Land use zones &amp; Land Use Table</b></p>  <p>Figure 6: Excerpt from Land Zoning Map.</p> <p><b>Zone Objectives</b> The objectives of this zone are:</p> <ul style="list-style-type: none"> <li>To enable sustainable primary industry and other compatible land uses.</li> </ul>	<p>The Site is within Zone RU4 that extends to the north, west and east of the Site. However, the Site's southern edge is adjacent to Zone RU1.</p> <p>Zone RU4 is land that is designed Agriculture, Dwelling houses and Dual Occupancies are permitted with consent (not part of this application).</p> <p>The proposed subdivision subdivides the land down to 2ha lots sizes for residential housing in a landscaped semi-rural setting. Local roads provide access to the Site from road frontage as discussed above.</p>


PROVISION	COMMENT
<ul style="list-style-type: none"> <li>• To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To maintain areas of high conservation value vegetation.</li> <li>• To encourage development that is in accordance with sound management and land capability practices, and that takes into account the natural resources of the locality.</li> <li>• To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.</li> <li>• To encourage the development of non-agricultural land uses that are compatible with the character of the zone and sustain high quality rural amenity.</li> </ul>	<p>The Site has access to electricity/telecommunications and lot sizes support on-site effluent management and rainwater/bore water so there is limited additional demand on utilities.</p> <p><b>The proposal is consistent with the zone objectives.</b></p>
<p><b>2.6 - Subdivision</b> Development consent is required for subdivision. Subdivision cannot be used to subdivide the principal &amp; secondary dwellings on a lot unless they meet the Minimum Lot Size (MLS).</p>	<p>This is a Subdivision Application that requires a development application to Council. It is not exempt or complying development.</p> <p><b>Complies.</b></p>
<p><b>4.1 - Minimum subdivision lot size</b></p>  <p>Figure 7: Excerpt from Lot Size Map</p>	<p>The Site has a Minimum Lot Size (MLS) of 2ha. All of the proposed lots are 2ha or greater. <b>Complies.</b></p> <p>This is consistent with the general lot sizes of other subdivisions along Boundary Road &amp; Back Creek Road to the west, east and north of the site. Two (2) new lots are unlikely to place significant additional pressure on roads, utilities or public services in the area.</p> <p>The Site is not directly adjacent to rural land RU1 where there may be a higher land use conflict and is buffered by road separation to create a suitable transition in zone.</p>
<p><b>4.2 – Rural Subdivision</b></p>	<p>Not Applicable as land is proposed to be subdivide larger than minimum lot size.</p>
<p><b>4.6 - Exceptions to development standards</b></p>	<p>We do not need to rely on Clause 4.6 as all proposed lots exceed the minimum lot size. Not Applicable.</p>
<p><b>5.10 - Heritage conservation</b></p>	<p>The Subject site is not a heritage item or within a heritage conservation area. There are no listed heritage items within 2 km of the Site.</p> <p>We suggest that subdivision is unlikely to have any significant</p>

PROVISION	COMMENT
 <p>Figure 8: Excerpt from Heritage Map</p>	<p>heritage impacts and a heritage impact statement is not required.</p> <p><b>Complies.</b></p>
<p><b>5.16 - Subdivision of, or dwellings on, land in certain rural, residential or conservation zones.</b></p> <p>This applies to Proposal as the Site is in Zone RU4 and it includes the subdivision of land (proposed to be used for the purpose of a dwelling).</p> <p>The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).</p> <p>The following matters are to be taken into account—</p> <ol style="list-style-type: none"> <li>the existing uses and approved uses of land in the vicinity of the development,</li> <li>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,</li> <li>whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</li> <li>any measures proposed by the applicant to avoid or minimise</li> </ol>	<p>The existing and approved uses to the south and east of the Site (within Zone RU4) are predominantly small rural ('lifestyle') lots on lots around 2ha to 20ha. The proposal is consistent with those subdivisions and would not have any significant conflict.</p> <p>This Site is at the southern edge of the Zone RU4 area and interfaces with Zone RU1 to the south but is buffered by local roads.</p> <p>The subdivision provides lot sizes that support dwelling envelopes sites that are setback a minimum of 10m.</p> <p>This means that the likelihood of impacts to/from the south and is low and will not significantly increase land use conflict. Setbacks from adjacent boundaries are greater than minimum, future dwellings will not impact neighbouring land.</p> <p>The Site is not near any existing or likely known quarries/extractive industries and is not identified on the NSW Government (2012) Mineral Resource Audit Map.</p> <p><b>Complies.</b></p>

PROVISION	COMMENT
<p><b>5.21 - Flood Planning</b></p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>a) to minimise the flood risk to life and property associated with the use of land,</li> <li>b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</li> <li>c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</li> <li>d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</li> </ul>	<p>There are no Flood Planning Maps for the site. The nearest major creek (see Section 2.3) is Petticoat Gully, located more than 200m north of the Site.</p> <p>The drainage on land is to the north east from the Site. There is a small dam on the site.</p> <p>Flood behaviour will not be affected by the proposal as there is minimal restriction of water infiltration due to the low likely site coverage so stormwater is unlikely to significantly increase.</p> <p><b>Not Applicable or Complies.</b></p>
<p><b>6.2 - Essential Services</b></p> <p>Development consent must not be granted to development unless the consent authority is satisfied the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required;</p> <ul style="list-style-type: none"> <li>a) the supply of water,</li> <li>b) the supply of electricity,</li> <li>c) the disposal and management of sewage,</li> <li>d) stormwater drainage or on-site conservation,</li> <li>e) suitable road access.</li> </ul>	<p>Each of the proposed lots will have direct access to a public road with a suitable driveway entrance provided (this can be conditioned).</p> <p>RU4 lots are usually only provided with electricity/telecommunications. There is access from the overhead powerlines that pass near the Site and can be extended in consultation with the relevant electricity authority.</p> <p>On-site effluent reports can be provided to support the future application for on-site management/disposal systems.</p> <p>Rainwater can be collected on-site as part of future dwellings/shed applications.</p> <p>NBN / Telstra network is provided to the area through wireless NBN and therefore directly connected network establishment is not required.</p> <p>The proposed services/utilities provide sufficient safety and amenity for a large lot residential use in this location.</p> <p><b>Complies.</b></p>

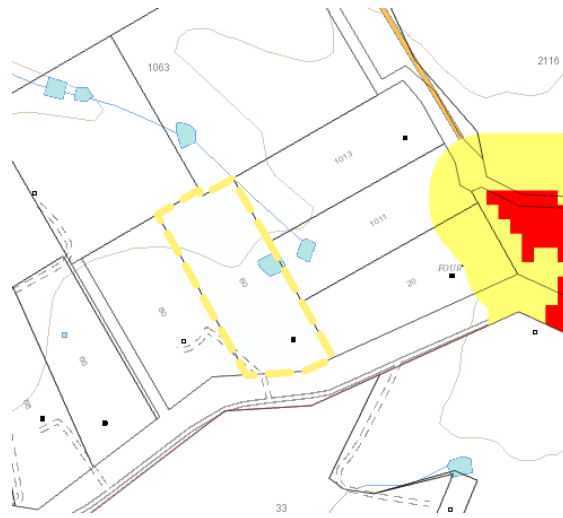
PROVISION	COMMENT
<p><b>6.3 - Terrestrial Biodiversity</b></p> <p>Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <ul style="list-style-type: none"> <li>a) whether the development is likely to have— <ul style="list-style-type: none"> <li>i. an adverse impact on the habitat, condition, ecological value and significance of threatened species, populations or ecological communities on the land, and</li> <li>ii. an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</li> <li>iii. the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</li> <li>iv. an adverse impact on a regionally significant species of fauna or flora, or habitat, and</li> <li>v. an adverse impact on the habitat elements providing connectivity on the land, and</li> </ul> </li> <li>b) appropriate measures to avoid, minimise or mitigate the impacts of the development.</li> </ul>  <p>Figure 9: Terrestrial Biodiversity</p> <p><span style="display: inline-block; width: 15px; height: 10px; background-color: #4CAF50; margin-right: 5px;"></span> Biodiversity</p>	<p>Whilst the Terrestrial Biodiversity Map overlay appears to affect the Site along part of the northern boundary and the road reserve, it can be seen from the aerial photograph that this only includes a couple of trees at the north eastern corner and these would be retained as part of this subdivision.</p> <p>The area shown in the south western corner does not contain any significant vegetation on the and the proposal will not affect any significant trees.</p> <p><b>Complies.</b></p> <p>See Section 4.1 of this Report (SEPP review) above for more discussion on vegetation protection, and the low likelihood of impacts on local biodiversity.</p>



PROVISION	COMMENT
<p><b>6.4 - Riparian Land &amp; Watercourses</b></p> <p>The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> <li>a) water quality,</li> <li>b) natural water flows,</li> <li>c) the stability of the bed and banks of waterways and groundwater systems.</li> </ul>  <p>Figure 10: Riparian Land and Watercourses map</p>	<p>The closest Riparian Land and Watercourse is found 2km east of the subject Site, being Sawpit Gully.</p> <p>A watercourse is indicated at the north east corner of the Site. This watercourse flows into Petticoat Gully.</p> <p>The drainage on land is to the north east from the Site. There is a small dam located on the eastern boundary of the site.</p> <p>Overland flow behaviour will not be affected by the proposal as there is minimal restriction of water infiltration due to the low likely site coverage so stormwater is unlikely to significantly increase.</p> <p><b>Not Applicable or Complies.</b></p>
<p><b>6.5 - Groundwater Vulnerability</b></p>	<p>Not Applicable as land is not within Groundwater vulnerability mapping</p> <p><b>Not Applicable.</b></p>

#### 4.3 Development Control Plan(s) ('DCP')

The only relevant Development Control Plan(s) ('DCPs') to this Site is Young Development Control Plan (DCP) 2011, updated January 2019.

DCP Section 5.1 Subdivision in the Rural Zones RU4	
<b>Minimum Allotment Size</b>	Addressed in LEP2022 Clause 4.1 Minimum subdivision lot size above. Complies.
<b>Services Electricity</b>	Addressed in LEP2022 Clause 6.2 – Essential Services above. Complies.
<b>Fencing</b>	Fencing of proposed lot boundaries can be conditioned as part of the approval. There is already new fencing around the existing lot boundary and to the street that will be modified for the new access points.
<b>Bushfire Protection</b>	<p>The land is not shown on the NSW Planning Portal or RFS website (see Figure below) as being bushfire prone land. Therefore, a Bushfire Report is not required and referral to the RFS is not required for the subdivision.</p>  <p>Figure 11: Excerpt of NSW planning portal search for bushfire prone land (Not affected).</p>
<b>Consideration of other Natural Hazards</b>	Flooding, Stormwater and Biodiversity are addressed in the sections above. Proposed dwelling envelopes are generally outside any natural hazard areas. Complies.
<b>Siting of Dwellings &amp; Assoc. Buildings</b>	<p>This is an application for Subdivision &amp; building envelopes ONLY. Whilst it has included some indicative dwelling locations &amp; driveways these are only shown to test the subdivision design and demonstrate it can achieve reasonable objectives for siting. All building will form part of future Development Applications (DAs) and address these controls (where relevant).</p> <p>The access to each lot does involve 1 battle-axe lots with access handles.</p> <p>No significant trees need to be removed. The location of the rear lot in relation to existing electrical infrastructure lessens the lengths of connections for electricity.</p> <p>Any future dwelling is likely to blend into the natural topography and have minimal visual impact.</p> <p>Building envelopes are setback 20m along the western and northern boundary to avoid impact from adjoining parcels.</p>
<b>Access &amp; Roading</b>	Addressed in the Section(s) above. Suitable setback from the road frontage for each lot entrance.

DCP Section 5.1 Subdivision in the Rural Zones RU4	
<b>Water Supply</b>	Dwellings do not form part of the application but it is likely they will each support a suitably sized water tank (depending on number of bedrooms) with a reserve water supply for firefighting.
<b>Disposal of Wastes</b>	On-site effluent reports can be provided to show suitable means for disposal of waste-water.
<b>Building Design &amp; 4.8 Ribbon Dev.</b>	This will form part of the future development applications. However, there are only one local road frontages and dwellings will be setback from these frontages.
<b>Disposal of Garbage</b>	The future dwelling applicants can apply to Council for Council waste services.
<b>Privacy &amp; Impact on Neighbours</b>	As stated above, the Site is buffered by road to the south Zone RU1. The adjoining parcels to the north, east and west are zoned RU4. A setback of 20m minimum from these boundaries is greater than the DCP. Therefore, there will be limited impact on residential amenity from this development.
<b>Tree Preservation</b>	Addressed above. No tree removal is required for this subdivision application and there is sufficient room in each proposed lot to enable a dwelling without any removal of significant native trees.
<b>Noxious Weeds</b>	This can be conditioned if required.
<b>Soil Conservation</b>	Only minimal earthworks associated with creating access to each lot is included in this application. Sediment & Erosion Control Plans can be conditioned (if required).
<b>Flooding</b>	Addressed in LEP2022 Clause 5.21 Flood Planning above. Little flood risk.

## 5.0 CONCLUSION

On the basis of the above site analysis, subdivision design, and assessment – we suggest that the Proposed Development is consistent or justifies departure from any controls and it should be approved with conditions.