

Statement of Environmental Effects In Support of a Development Application

Proposal	RE-SUBDIVISION - To undertake a redistribution of Lots 1 – 5, 9 - 12 Sec 53 DP 759144 & Lot 2 DP 251940 by way of subdivision in order that all boundaries are appropriate distances from current structures on the premises.
Subject Land Address	Lot 1 – 15 Sec 53 DP 759144
	No 21 Campbell Street, YOUNG 2594
Applicant/Owner	CMS SURVEYORS ON BEHALF OF G Aroney No 2 Pty Ltd [REDACTED]
	90 Wallendoon St Cootamundra 2590
Appn Prepared By	DA Busters – Development Assistance Services Ph: 0466 722 869
LGA	Hilltops Council – former Young Shire Council



Historic View from NE

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1 Introduction/Executive Summary

The land that is the basis of this application has housed some of the foundational buildings of the Township of Young over several generations and section 53 which has been in existence from before 1861 when the Town was surveyed and laid out. In the 20th century, the land has housed some important Catholic buildings from the formative years of Young including the Sacred Heart Hospital, a Chapel & Monastery and Nun's/Teachers quarters, along with ancillary structures (Morgue, Workshops etc). The Church and the Order of the Sisters of Mercy did in the early 2000's, dispose of the land as a non working asset which they no longer had use for with the newer Mercy Health building being attached to the New Public Hospital in about 2006.

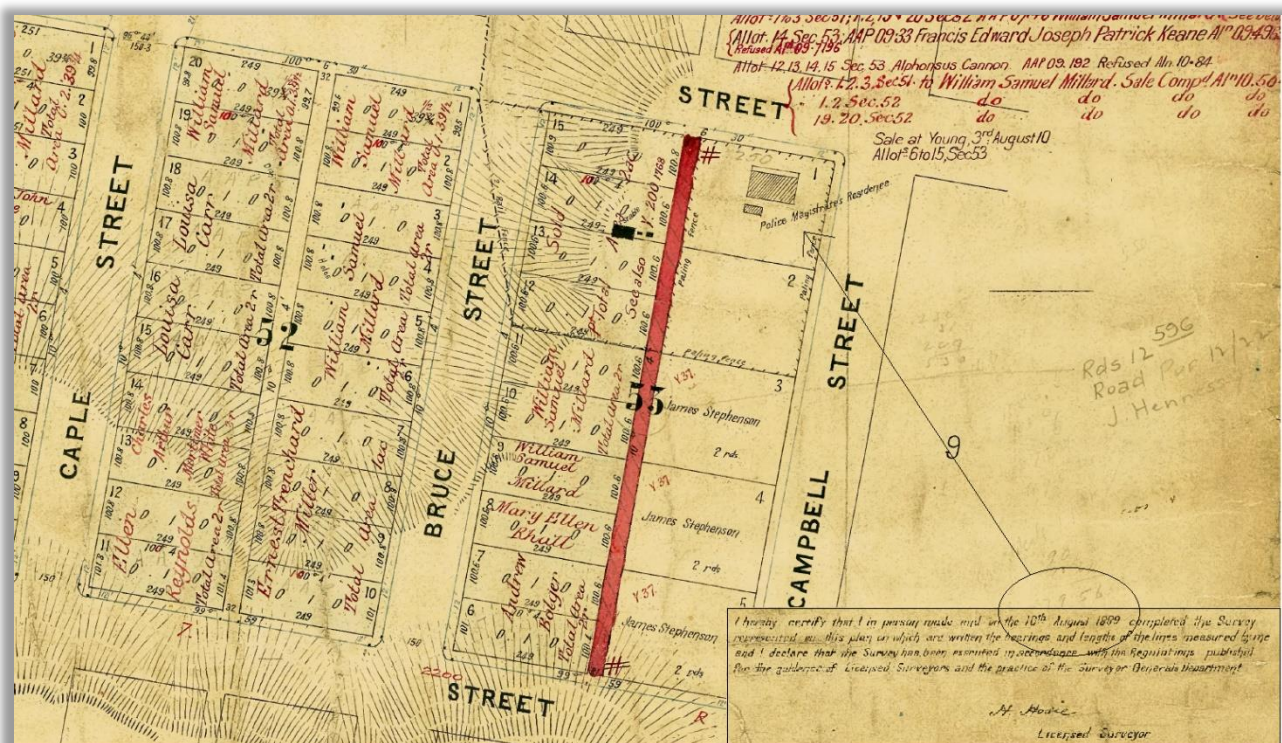
Quite a deal of the buildings referred to above have been built historically without due regard to property boundaries in the way that modern building laws currently deal with same. The current Owners are seeking to resolve these issues by way of reorganisation and re-subdivision of strategic allotments in and around the main buildings. This will make the upgrade of buildings or the dissolution of assets far less complicated in the modern regulatory world.

Accordingly, Lots 1 – 5 (fronting Campbell Street), Lots 9 – 12 (fronting Bruce Street) & former Laneway allotment Lot 2 DP 251940, are being refashioned around the existing built assets per the attached and proposed plan.

1.1 History of the Site

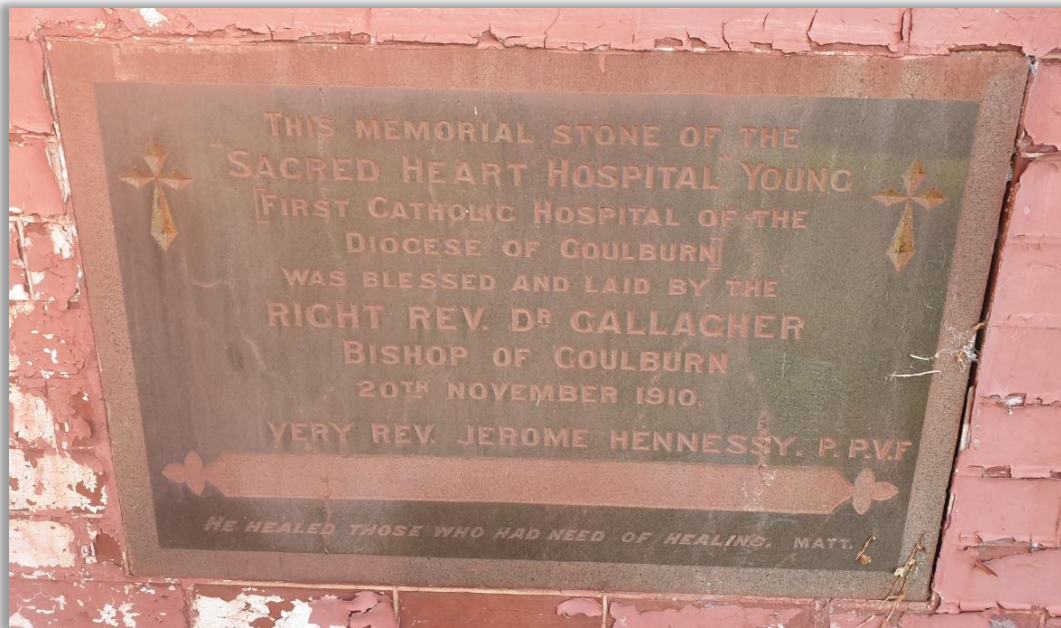
The site is currently occupied by a set of buildings incorporating the former Catholic Hospital, and related Chapel, Monastery Building, Nun's quarters, Workshop, Morgue building and associated structures (cloisters, garden sheds etc). The Nun's quarters (later Teacher Flats) is now a Boarding House as also is the Monastery. All other buildings are vacant or falling into a state of disrepair.

The allotment was created circa 1850's to 1860's at the original layout of the Township of Young, however appears to have been Govt used until sale closer to 1910. An 1889 title plan extract (Crown Plan) shows the Police Magistrate Residence on Lot 1 Sec 53 at 188.9 when the Surveyor signed off on this section.



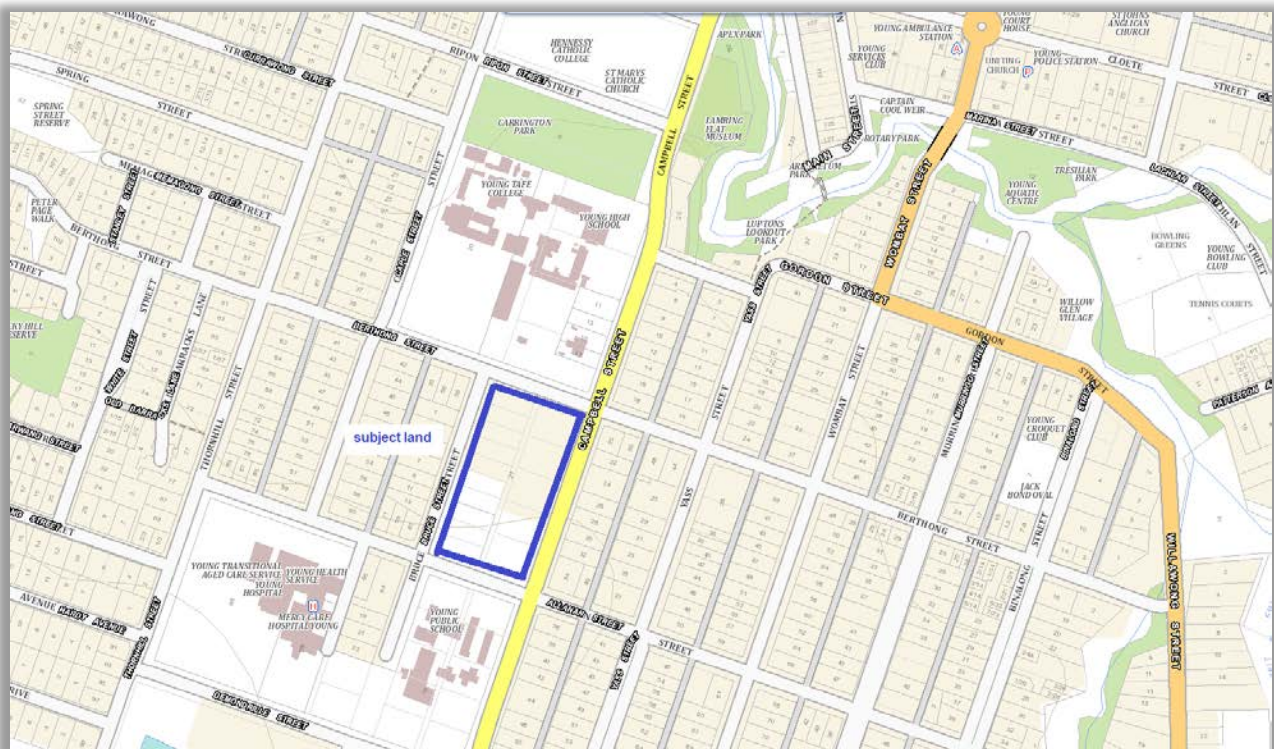
1889 Crown Plan Extract – see Police/Magistrate Residence on Lot 1
& shed on Lot 14

In approximately 1905-1910 the whole of Sec 53 was acquired by what appears to be elders of the local Church being Messrs Hennessy, O'Connor & Bolger, including the sanitary Lane in parts. The Foundation stone for the Sacred Heart Hospital demonstrates a 1910 build, with extensions in 1913, 1964 & 1968 whilst the other buildings were at various years along this timeline.



In approximately 2015, Council at a General Meeting did approve an application from the Owner of the time to demolish the Sacred Heart Hospital section of the development. As at May 2023 this was not acted upon and potentially has lapsed.

Figure 1a – Cadastre & Contour Plan (source NSW SIX Maps) & Aerial Image





SIX Maps view circa 2012



Google street view from Nuns quarters Boarding House down toward Young
Google Streetview



View from corner Berthong & Campbell Streets looking SW to other buildings above

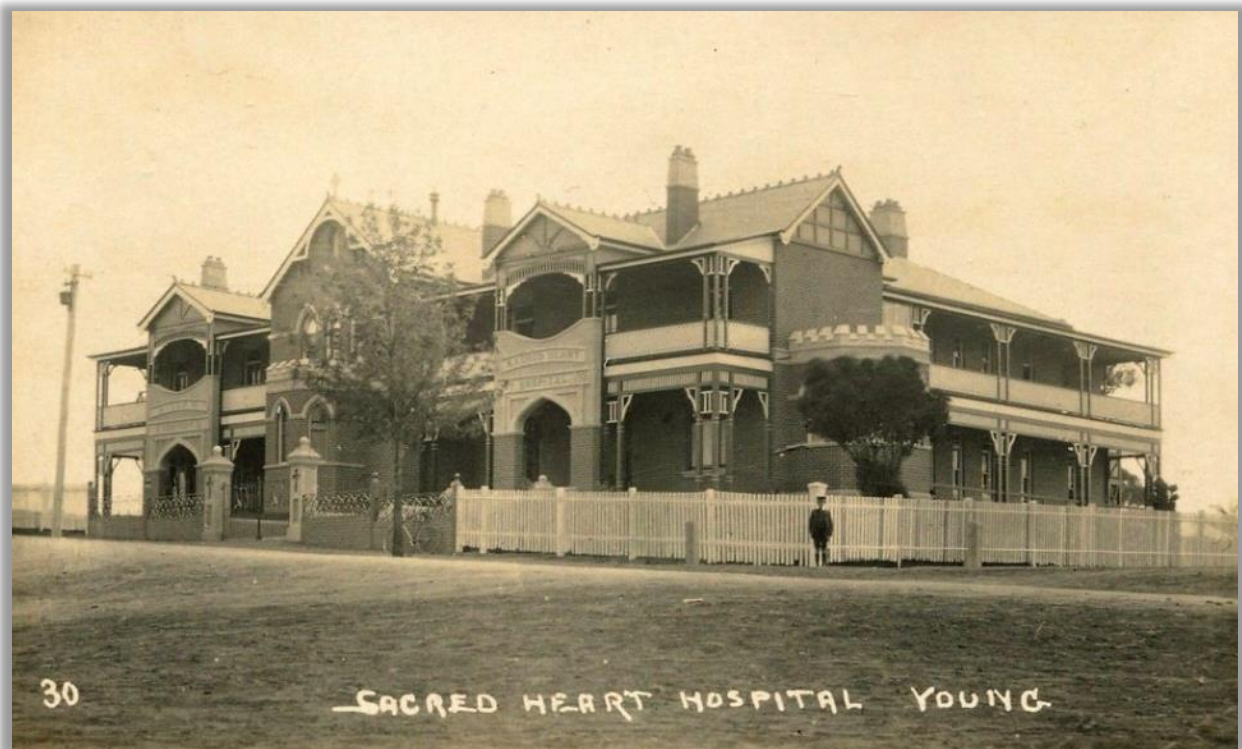


Image circa 1911-12 – Source Flickr-Aussie Mobs

1.2 Locality

The subject land is approximately 736m from the Post Office of Young and is in the established older inner south western housing and institutions (schools, hospitals etc) area of the Young Township, on Campbell St (Highway entry into Town) which is an arterial route through Town.

Figure 1b – Locality Map (source SIX Maps)

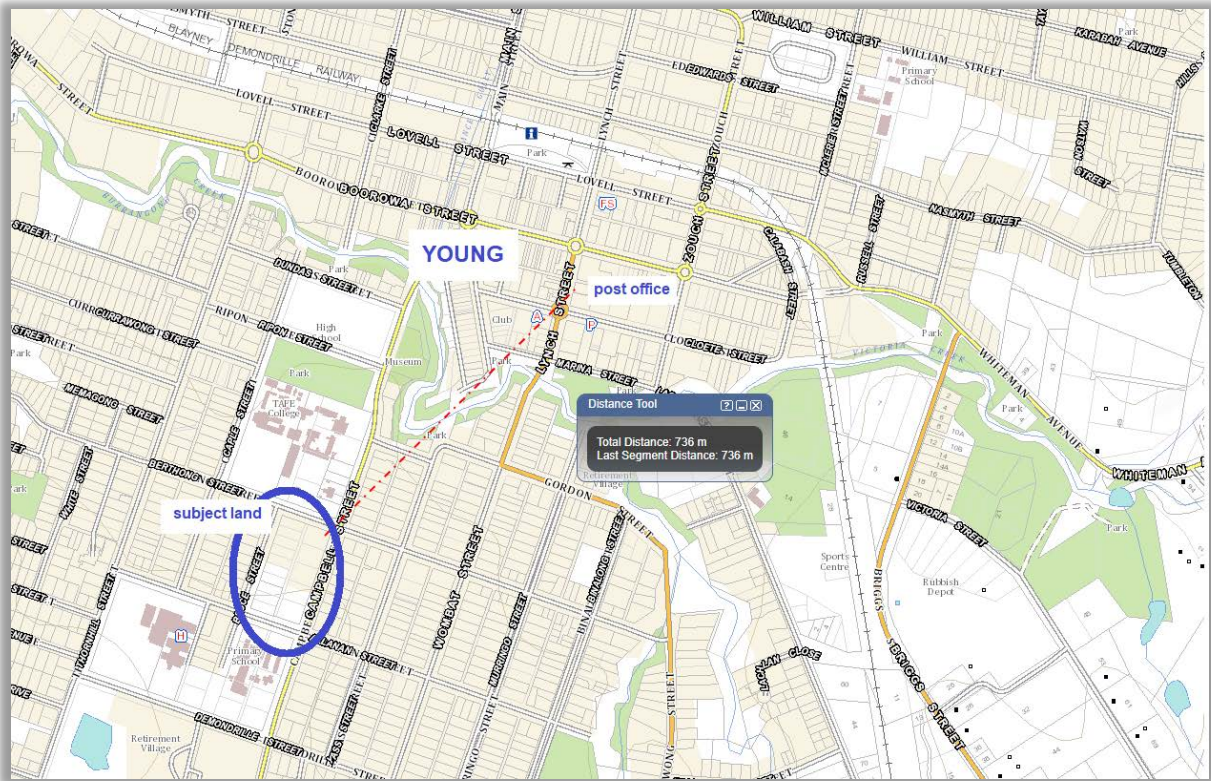


Figure 1c – Aerial of Land with proposal superimposed (source SIX Maps)



Rotated aerial view – North to right of page

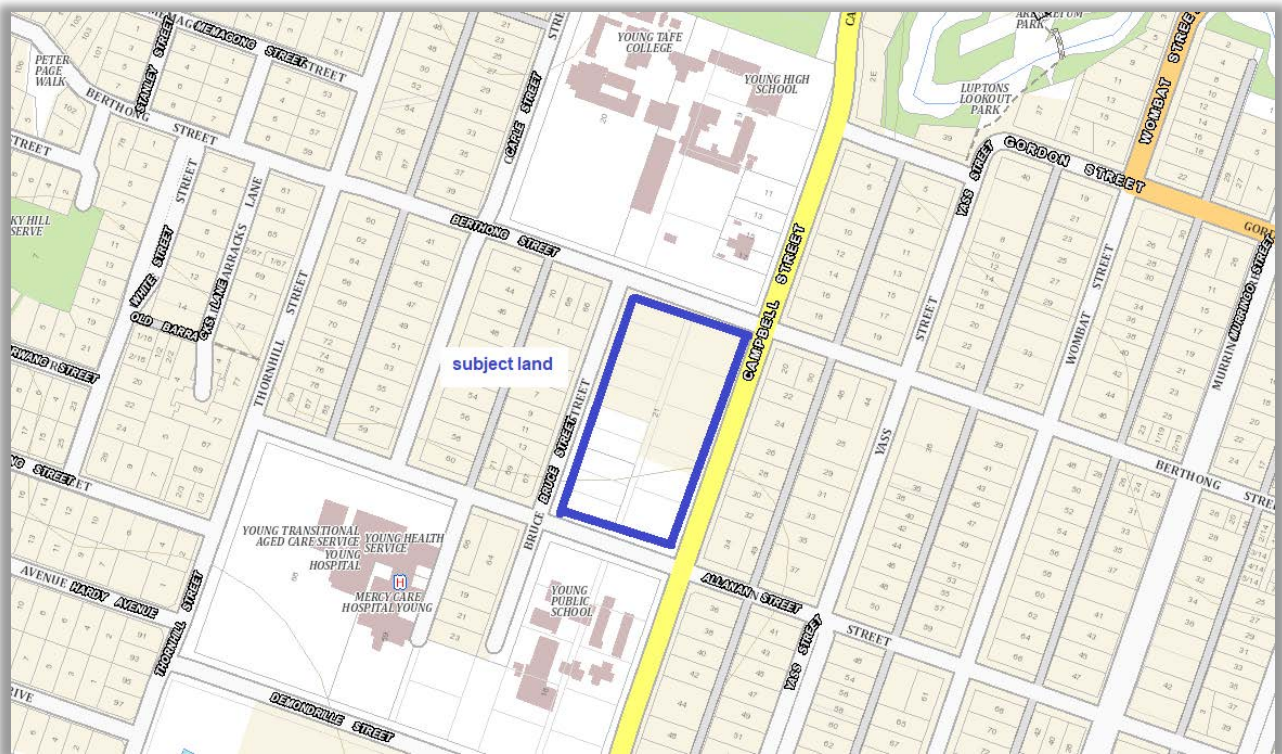
2 Site Analysis

2.1 Site Location and Context

The site is located on the inner southern side of the CBD of the township of Young on the hill descending in to Town. The land is within the originally settled part of the Township. The land is within a wider sector of residential properties of similar sizes and also schools & hospitals. The locality is characterised by mixed housing styles of older cottages and more recent urban renewal with no, or little consistency as to dwelling cladding or roofing styles. Dwellings are predominantly single storey and well setback.

The allotment is on the down slope toward Burrangong Creek as the CBD is approached and is set between Young High School, Young Public School, the TAFE & the Hospital.

Figure 2a – Locality Analysis Plan (source SIX Maps circa 10 years ago)



2.2 Site Description

There are 5 primary built structures located on the site. These buildings include

- Former Sacred Heart Hospital.
- Former Chapel
- Former Monastery
- Former Nun's quarters/flats
- Rear Workshop building

Other ancillary structures exist around the site.

No trees exist nor will be affected by this proposal.

Figure 3a, b, c, d, e – Site Photos (Google)



Sacred Heart Hospital



Chapel



Former Monastery – note cloisters from Chapel



Nuns Flats/Quarters



Workshop & ancillary structures

3 Description of Proposed Development

3.1 Elements of the Proposed Development

RE-SUBDIVISION (reorganisation of buildings to not clash with boundaries)

Generally, the proposed development involves the adjustment of boundaries around existing buildings and adjustments to other lots to rationalise sizes as a result, as well to arrange access from options other than from the Classified Road (Campbell Street). More specific details of the development include:

Existing Lots 6, 7, 8 & 13, 14, & 15 – Section 53 DP 759144 = no change.

Former Lot 2 DP 251940 – incorporated into Lot adjustments (former Lane)

Proposed Lot 1, 7, 8 Former part Lots 4 & 5 adjusted and rationalised in size and RoW & Part Lot 2 DP 251940

Proposed Lots 2, 3 & 4 Former Lots 9, 10, 11 & 12 (accommodates rear workshop and access RoW & Part Lot 2 DP 251940

Proposed Lots 5 & 6 Former Lots 1, 2, 3 & Pt 4 (accommodates front buildings with RoW from south and west) & Part Lot 2 DP 251940

The Plan set prepared by CMS Surveyors is very self explanatory on the ultimate layout.

Vehicle, access and parking - Access to each allotment will be restrained from occurring from Campbell Street and therefore will be from Berthong, Bruce or Allannan Streets and Rights of Way as shown.

As a result, no new (or any) access will be condoned from the classified road.

Parking across a ROW on proposed Lot 4 to proposed Lot 6 for parking beside the boarding house, is proposed.

Utilities Sewer – effluent disposal exists and is available via sewer lines in Berthong & Bruce Streets – see map below. As a result of these lines not extending for whole of land coverage, Easements for services are to be created and piped – see easements at rear of lots 8, 7, 6, 2, 3 & across 4 down to Bruce Street lamp hole.

Water – The property is connected to the Young reticulation system available in predominantly Bruce & Berthong Streets (hydrant noted in front and fire protection booster adjacent cnr Berthong & Campbell), yet water services the land on all 4 streets surrounding the subject lots.

Power – Power is available adjacent and around property and also a line runs through the property. See easements flagged and also the Essential Energy mapping below confirming.

Is development permissible under another SEPP or EPI ? - This development is permissible under the provisions of the Hilltops LEP 2023 (see additional discussion below).

Describe the extent of demolition

- Nil demolition proposed with this application.

Describe the trees to be removed

- No trees forecast for removal with this application.

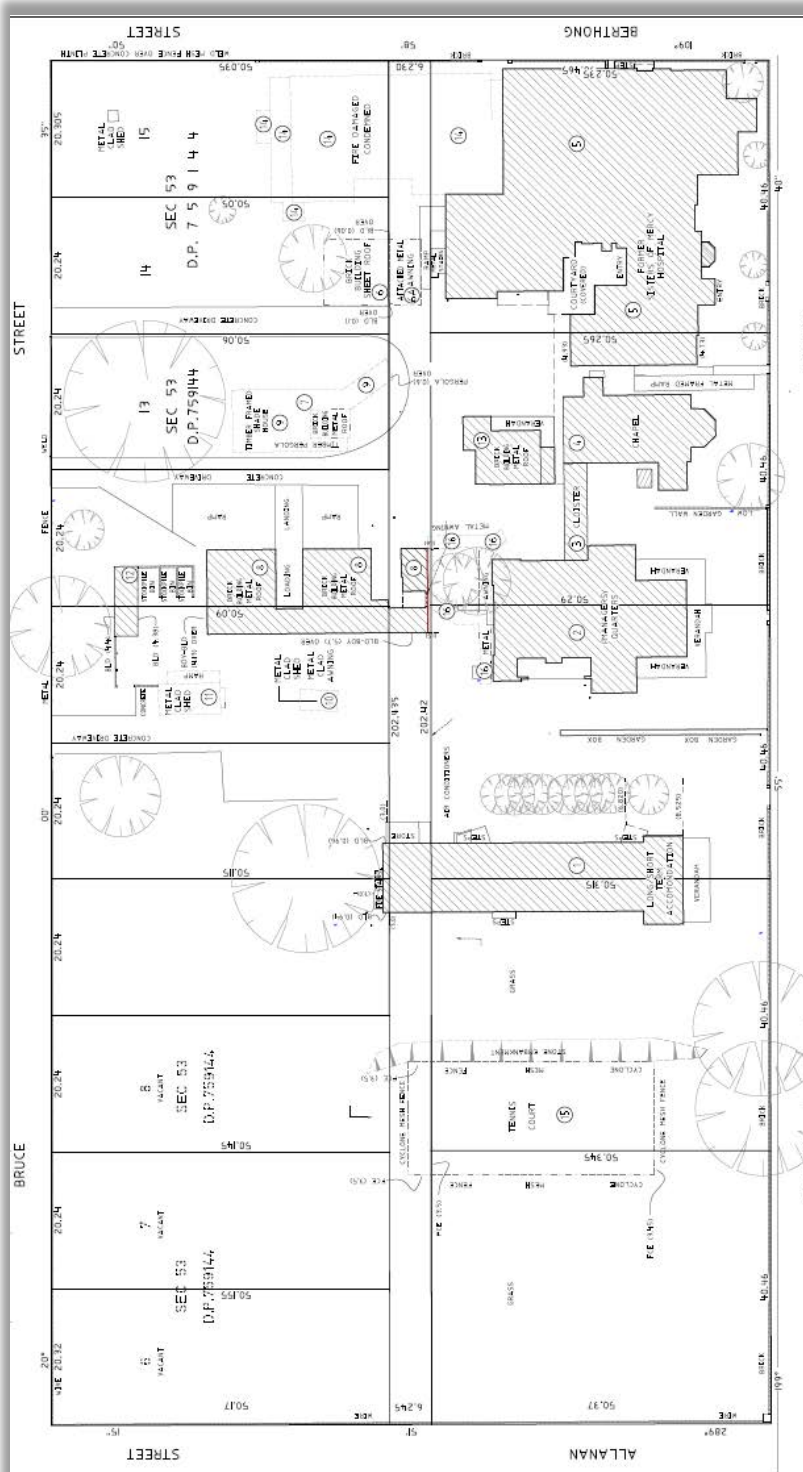
Total open space or unbuilt upon area available

- Many of current and proposed sites vacant

Subdivision proposed

- Yes – see info below

NOTE – Further DCP & LEP assessment to follow – next section



Existing Layout – note encroachments



Intended layout around buildings

PROPOSED RE-SUBDIVISION

The proposal is for 10 of the existing allotments to be reconfigured into 8 allotments of different layout to address building encroachment and access issues. This is not merely the redistribution of the sanitary laneway, it has involved reorganisation around buildings, provision of accesses and also servicing considerations.

This will leave allotments available for disposal which do NOT require access from the State Highway (Campbell Street), are not encumbered by building encroachments, and that will be able to be very useable land within the DCP Health & Education Precinct, for other uses or redevelopment.

The proposed subdivision layout is included in the Appendices to this report.

3.2 Building Materials

There is no construction of buildings proposed with the subdivision element of this development.

3.3 Operational Details

The development (subdivision is not a business) will not be subject to operational hours as it will be residential land when completed, occupiable by another dwelling.

During the giving effect to the development phase, the only work that is proposed is the connection of utilities, accessways, and potentially some fencing.

3.4 Vehicular Access and Parking

The properties all front or have access to Allannan, Berthong & Bruce Streets. No access is sought nor required from Campbell Street and an 88B restriction condition is anticipated in regard to the latter stipulation. As allotments are developed, whereas accessways will need to be established.

It should be noted that the boarding house allotment (proposed Lot 6, displays not only an accessway in and across Lot 4, it also establishes parking as required for this existing development – 13 new spaces (accessible are doublets). This will lead to the removal of several non native silver poplar as a result.

3.5 Signage

No signage is proposed –subdivision.

3.6 Landscaping and Tree Removal

As stated above, the removal of trees on the north side of the boarding house to afford parking retrospectively to the development, is proposed.

This will amount to 9 mature trees as pictured below and 2 shrub type white cedar bushes on the right;



Trees located in proposed parking area to service the boarding house

3.7 Demolition

No demolition proposed nor required.

3.8 Stormwater Management

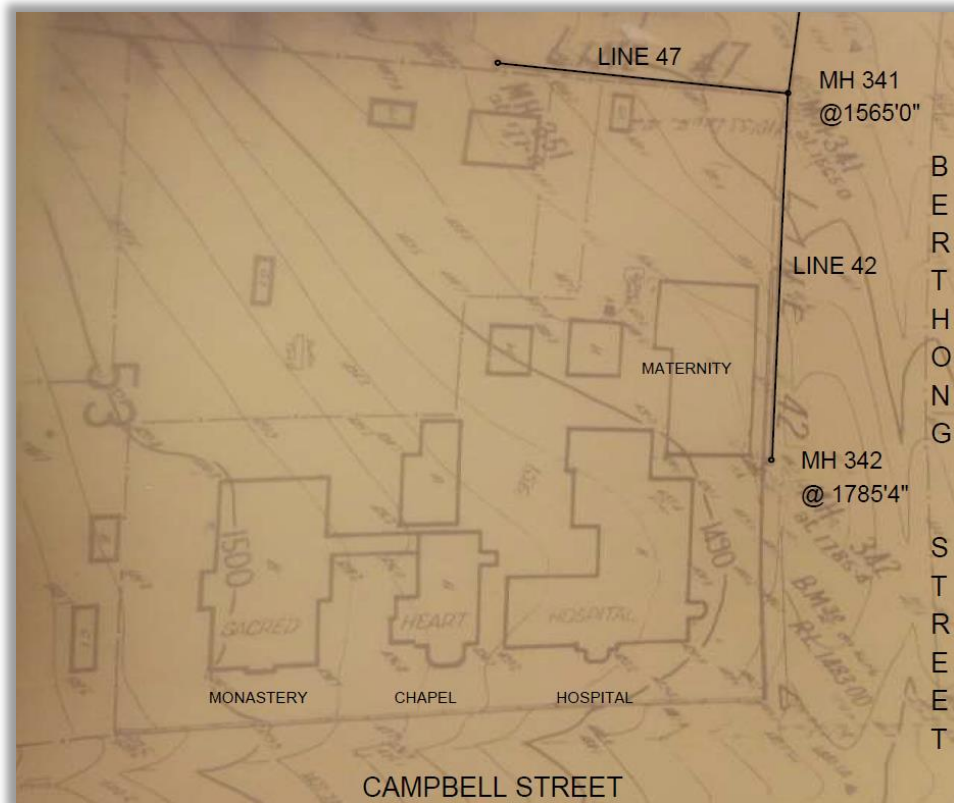
The existing buildings and the proposed allotment layouts either currently discharge stormwater to the street or have fall to enable so.

3.9 Construction Management

A Construction Management Plan & Sediment Erosion Control Plan is to be prepared, for the Subdivision Works Certificate Application when the rear access through to the carpark beside the boarding house is proposed. Primarily this is just a removal of top soil, introduction of road base and k&g edge process before sealing. Stormwater design will need to be incorporated to these works also..

3.10 Effluent Management

The land is serviced by reticulated sewerage in Bruce and also Berthong Streets. Easements to service the allotments (and mains extensions thereto) will be required. The Owner is aware that a potential Headworks charge will apply, along with any connection costs, for the new allotment. As a net reduction in lots will occur, the ET calculation will be complicated due to credits and edits.



Council hard copy map reproduction



Extract Council Sewer Maps online

3.11 Water Services

Reticulated Town Water is available to the allotments and the present buildings are connected. The Owner is aware that a Goldenfields and Council Headworks charge will potentially NOT apply (less resultant lots) at this time.

3.12 Electricity Network

Power is available via overhead mains in the streets adjacent as detailed in the following. . The Essential Energy network mapping obtained and below would indicate that the mains do not cause any interference with the proposal or development. This can be noted also by the streetview image re-included below. Also note easement allowed for over central line on subdivision layout.



Electricity Infrastructure Mapping



Frontage to Berthong & Campbell Street – note Power Lines



Cnr Berthong & Bruce Streets



Cnr Allannan & Bruce Streets



Cnr Allannan & Campbell Streets



Power lines evident between Monastery & Boarding House – see plan

It is intended to place a compliant easement over the internal line however due to recent experience, this will place an easement width that will encompass existing buildings. Any improvements to existing building sections within that easement will need very careful design and agency approval from Essential Energy, moving forward.

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## 4 Relevant Legislation and Planning Controls

The following Legislation, Environmental Planning Instruments (EPI's) and Development Control Plans (DCP's) are relevant to the proposed development:

- State Environmental Planning Policies as tagged and discussed below
- Environmental Planning and Assessment Act 1979;
- Local Government Act & Regulations (Water & Sewerage)
- Roads Act 1993;
- Hilltops Local Environmental Plan 2022;
- Young Development Control Plan 2011

### 4.A State Environmental Planning Policies

- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Allowable Clearing Area (pub. 21-10-2022) – **Not on mapped lands nor exceeding threshold**
- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Land Application (pub. 2-12-2021) – **Not on mapped lands nor exceeding threshold**
- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Subject Land (pub. 2-12-2021) – **Not on mapped lands nor exceeding threshold**
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004: Land Application (pub. 25-6-2004) – **not required this application**
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application (pub. 12-12-2008) – **pathway not allowable**
- State Environmental Planning Policy (Housing) 2021: Land Application (pub. 26-11-2021) – **not applicable this application**
- State Environmental Planning Policy (Industry and Employment) 2021: Land Application (pub. 2-12-2021) – **not applicable this application**
- State Environmental Planning Policy (Planning Systems) 2021: Land Application (pub. 2-12-2021) – **not applicable this application**
- State Environmental Planning Policy (Primary Production) 2021: Land Application (pub. 2-12-2021) – **not applicable this application**
- State Environmental Planning Policy (Resilience and Hazards) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Resources and Energy) 2021: Land Application (pub. 2-12-2021) – **no impact known**
- State Environmental Planning Policy (Transport and Infrastructure) 2021: Land Application (pub. 2-12-2021) – **no impact known or positively planned for**
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development: Land Application (pub. 26-7-2002) – **no impact known**

### 4.1 Environmental Planning and Assessment Act 1979

The proposal, as with all development applications, is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP& Act 1979). No known variations or non-compliances were evident in preparing this application. All of the required information to be furnished with a Development Application are being offered in this report or attached to it.

### 4.2 Roads Act

Under Section 138 of the Roads Act, consent is required from the appropriate roads authority to:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or



- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road,

Therefore, approval is required under Section 138 from the Hilltops Council (local road) for the new access and crossover work which will primarily service proposed Lot 11 – see above image.

Works in the Road to provide the new RoW access points will require a Works in Road Reserve Permit from Council under sec 138~. Likewise, extension of sewer mains to current points will also need a sec 138 approval.

#### 4.3 Local Government Act 1993 & Regulations thereunder

Under Section 68 of the Local Government Act, consent is required from Council for the following:

Part A Structures or places of public entertainment

- 1 Install a manufactured home, moveable dwelling or associated structure on land

Part B Water supply, sewerage and stormwater drainage work

1 Carry out water supply work

- 2 Draw water from a council water supply or a standpipe or sell water so drawn

3 Install, alter, disconnect or remove a meter connected to a service pipe

4 Carry out sewerage work

5 Carry out stormwater drainage work

6 Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer

A section 68 application for connection of utilities to the development (on-site), will need to be made.

A separate application process exists to obtain a new water meter and sewer connection. These will be undertaken at that time of construction. Sewer drainage may well be provided to each site for mains/backbone.

#### 4.4 Local Environmental Plan

##### 4.4.1 Hilltops Local Environmental Plan 2022

##### **Zoning**

The site is zoned R1 – General Residential under the Hilltops Local Environmental Plan 2022 (LEP) (refer to Figure 7).

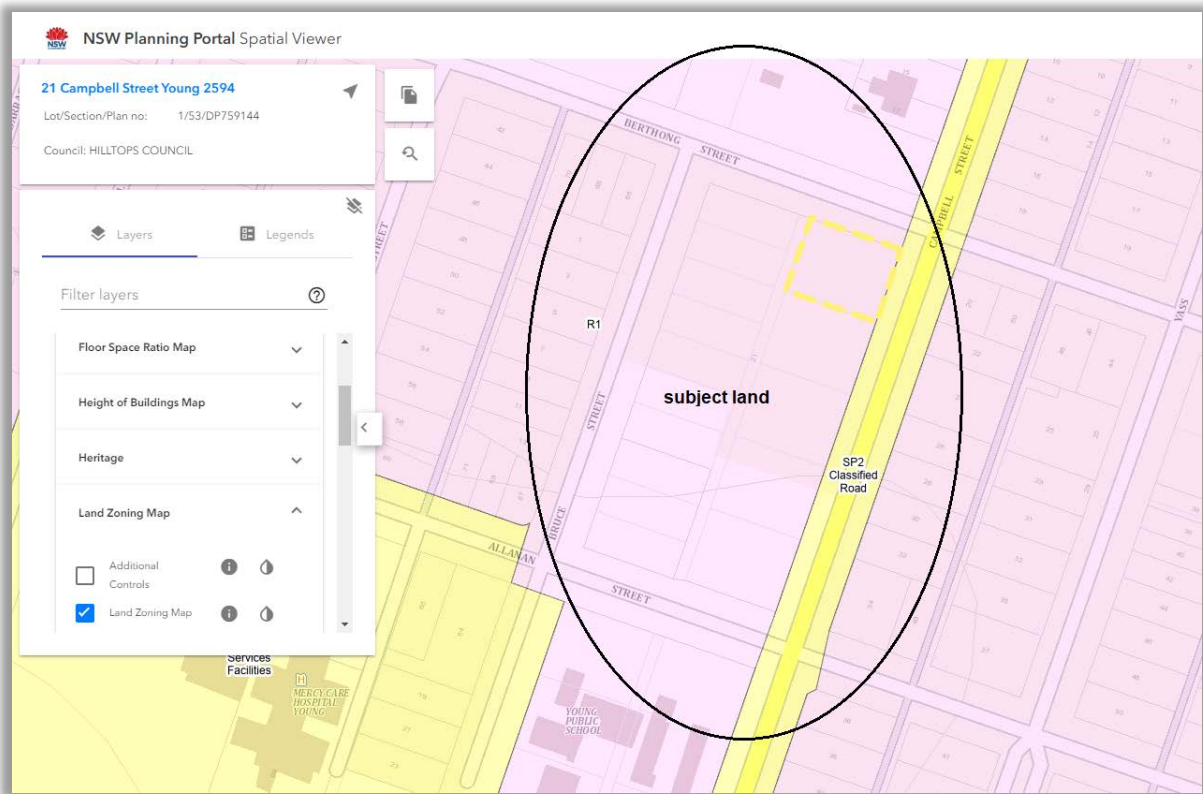
The objectives of this zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide and protect a high quality residential amenity that adds value to the existing character and amenity of the town, neighbourhood and street.
- To provide fully serviced residential lots linked to town water and sewer networks.

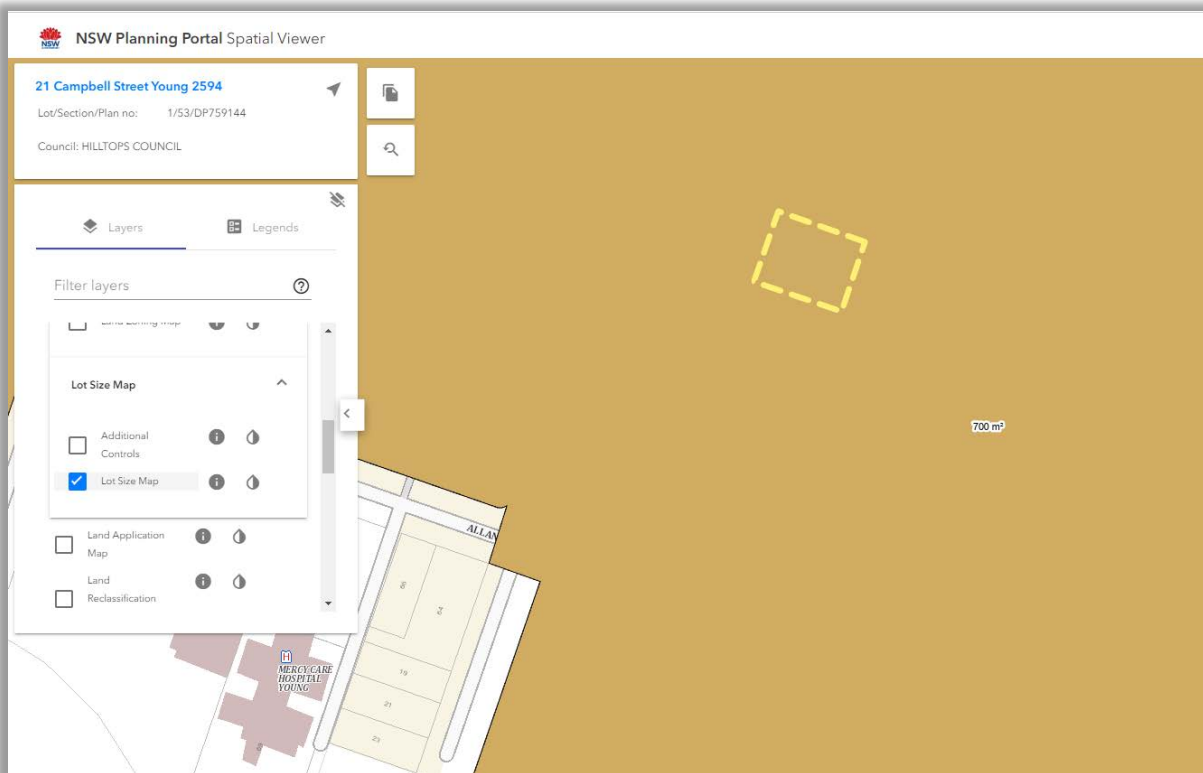
The proposed use of the site by way of this development is consistent with the first two and latter two zoning objectives and will be not applicable to the third. Plans and Contributions Policies exist to allow orderly and structured user-pays development in the R1 zone. Additionally Schedule 1 of the LEP extends the permissible use range regardless of objectives.

The proposed use as defined in the LEP is a “subdivision”. The proposed work is actually a consolidation and reorganisation in real terms. Subdivision of the land is a permissible use within the R1 zone with consent from Council and in accordance with Part 4.1 & 4.1A of the LEP and the applicable mapping.

Figure 7 – Zoning Map extracts

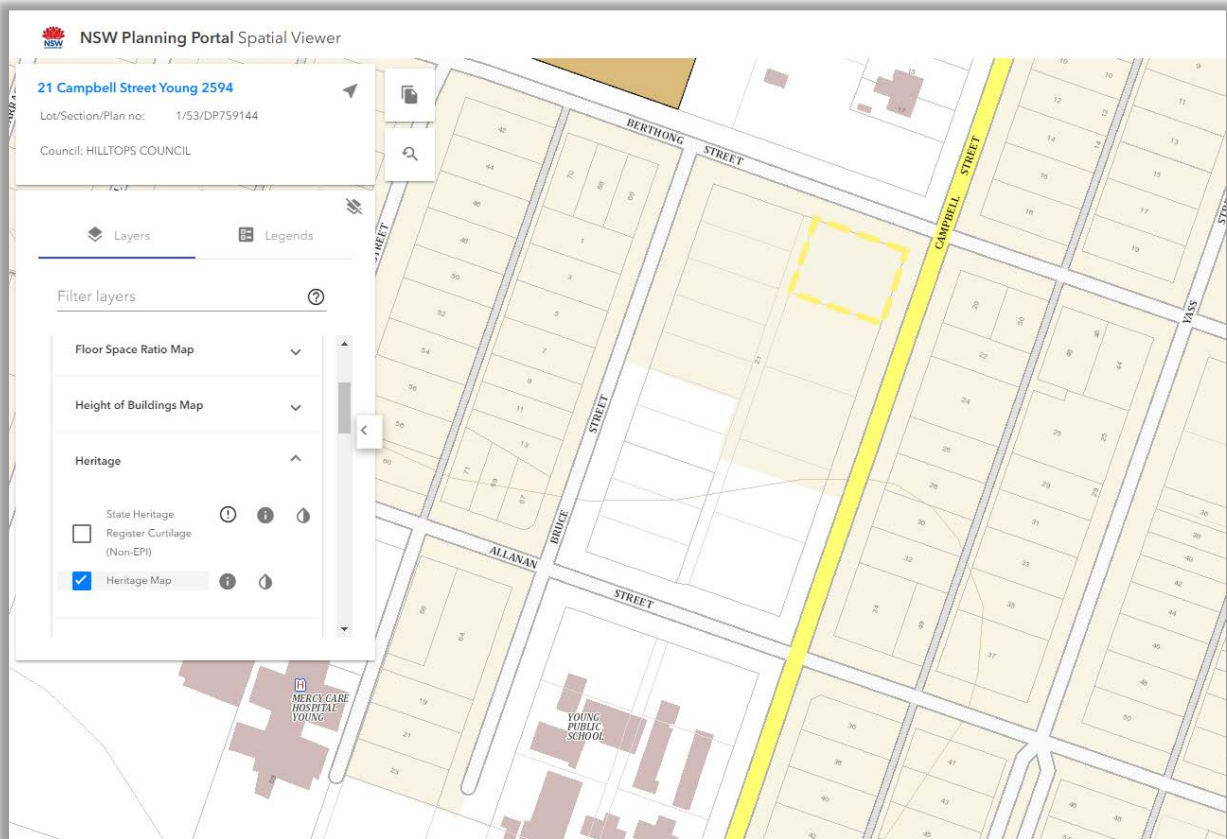


Zone extract



Lot size extract – 700 sq.m min





NOT identified on HER Mapping

#### Schedule 1 Additional permitted uses

(Clause 2.5)

##### 1 Use of certain land at Kalangan Road, Galong

- (1) This clause applies to Lot 1, DP 606878, Kalangan Road, Galong, known as St Clement's Retreat Centre.
- (2) Development for the purposes of a single place of public worship that is a monastery with tourist and visitor accommodation is permitted with development consent.

##### 2 Use of certain land at Neill Street, Harden

- (1) This clause applies to Lot 20, Section 29, DP 758737, 136 Neill Street, Harden.
- (2) Development for the purposes of storage premises used for the storage of motor vehicles is permitted with development consent.

##### 3 Use of certain land at Simmonds Road, Harden

- (1) This clause applies to Lot 3, DP 787896, Simmonds Road, Harden, known as Stock's Native Nursery.
- (2) Development for the purposes of restaurants or cafes, plant nurseries and dwelling houses is permitted with development consent.

##### 4 Use of certain land at 21 Campbell Street, Young

- (1) This clause applies to Lots 1–15, Section 53, DP 759144 and Lot 2, DP 251940, 21 Campbell Street, Young.
- (2) Development for the following purposes is permitted with development consent—
  - (a) backpackers' accommodation,
  - (b) business premises,
  - (c) office premises.

##### 2.5 Additional permitted uses for particular land

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
  - (a) with development consent, or
  - (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

Schedule 1 Additional Uses – Hilltops LEP 2022  
Item No 4 – 21 Campbell St  
Permits “Backpackers Accommodation”, “Business Premises”, “Office Premises”

## HILLTOPS LEP – Relevant issues review

| Clause           | Complies | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.2 Aims of plan | Yes      | <p>The development is consistent with the following aims of the LEP:</p> <p>(b) to provide for the lifestyles sought by current and future residents of Hilltops, including by providing for the following—</p> <ul style="list-style-type: none"> <li>(i) the rural lifestyle and liveability of Hilltops communities,</li> <li>(ii) connected, safe and accessible communities,</li> <li>(iii) diverse and affordable housing options,</li> <li>(iv) timely and efficient provision of infrastructure,</li> <li>(v) sustainable building design and energy efficiency,</li> </ul> <p>(c) to build and sustain healthy, diverse and empowered communities that actively participate in planning and managing their future, including by providing for the following—</p> <ul style="list-style-type: none"> <li>(i) social infrastructure that is appropriately planned and located in response to demand and demographic change,</li> <li>(ii) the protection and enhancement of cultural heritage values,</li> <li>(iii) land management practices that support sustainable outcomes, including water efficiency,</li> <li>(iv) the siting and arrangement of land uses for development in response to climate change,</li> <li>(v) the planning of development to manage emissions,</li> <li>(vi) planning decisions that recognise the basic needs and expectations of diverse community members,</li> </ul> <p>(e) to recognise and sustain the diverse natural environment and natural resources that support the liveability and economic productivity of Hilltops, including by providing for the following—</p> <ul style="list-style-type: none"> <li>(i) the avoidance of further development in areas with a high exposure to natural hazards,</li> <li>(ii) the minimisation of alterations to natural systems, including natural flow regimes and floodplain connectivity, through effective management of riparian environments,</li> <li>(iii) the retention and protection of remnant vegetation,</li> <li>(iv) the revegetation of endemic vegetation to sustain natural resource values, reduce the impact of invasive weeds and increase biodiversity,</li> <li>(v) buffers and setbacks to minimise the impact of conflicting land uses and environmental values, including potential impacts on noise, water, biosecurity and air quality,</li> <li>(vi) the management of water on a sustainable and total water cycle basis to provide sufficient quantity and quality of water for consumption, while protecting biodiversity and the health of ecosystems</li> </ul> <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      | <p>The proposed development is defined as a <i>subdivision</i> which means,</p> <p><b>6.2 Meaning of “subdivision” of land</b><br/>(cf previous s 4B)</p> <p>(1) For the purposes of this Act, subdivision of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—</p> <ul style="list-style-type: none"> <li>(a) by conveyance, transfer or partition, or</li> <li>(b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.</li> </ul> <p>(2) Without limiting subsection (1), subdivision of land includes the procuring of the registration in the office of the Registrar-General of—</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |



| Clause                                                                                                   | Complies            | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                          |                     | <p>(a) a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919, or</p> <p>(b) a strata plan or a strata plan of subdivision within the meaning of the Strata Schemes Development Act 2015.</p> <p>Note—<br/> The definition of plan of subdivision in section 195 of the Conveyancing Act 1919 extends to plans of subdivision for lease purposes (within the meaning of section 23H of that Act) and to various kinds of plan under the Community Land Development Act 2021.</p> <p>(3) However, subdivision of land does not include—</p> <p>(a) a lease (of any duration) of a building or part of a building, or</p> <p>(b) the opening of a public road, or the dedication of land as a public road, by the Crown, a statutory body representing the Crown or a council, or</p> <p>(c) the acquisition of land, by agreement or compulsory process, under a provision of an Act (including a Commonwealth Act) that authorises the acquisition of land by compulsory process, or</p> <p>(d) a division of land effected by means of a transaction referred to in section 23G of the Conveyancing Act 1919, or</p> <p>(e) the procuring of the registration in the office of the Registrar-General of—</p> <p>(i) a plan of consolidation, a plan of identification or a miscellaneous plan within the meaning of section 195 of the Conveyancing Act 1919, or</p> <p>(ii) a strata plan of consolidation or a building alteration plan within the meaning of the Strata Schemes Development Act 2015.</p> |
| 1.9A Suspension of covenants, agreements and instruments                                                 | Yes                 | No restrictions as to user / covenants apply to the site. There is provision for water and electricity yet these are not impinged upon. In fact these will be recognised under 88B come final plan of subdivision when effected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2.2 Zoning                                                                                               | N/A                 | The site is zoned R1 – General Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2.3 Zone objectives and land use table                                                                   | Yes                 | The development is permitted with consent, in accordance with the land use table, and it is consistent with the objectives of the zone as stated above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2.7 Demolition                                                                                           | N/A                 | No demolition proposed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2.8 Temporary use of land                                                                                | N/A                 | The application is not for the temporary use of land.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4.1 Min Subdiv Lot Size                                                                                  | Complies            | Per mapping below, minimum lot size in zone is 700 sq.m – All lots exceed this size.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4.1A Dual Occupancy Lot sizes                                                                            | Complies            | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.2A Dwellings in RU1, RU4 & C3                                                                          | Lot sizes           | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 4.6 Exceptions to development standards                                                                  | N/A                 | Development permissible so no variation sought                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5.10 Heritage Conservation                                                                               | N/A                 | The allotment, its buildings, nor Adjacent land nor buildings in locality listed as Heritage nor in a HCA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones | N/A                 | Not subdividing further                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6.1 Earthworks                                                                                           | N/A                 | No extensive earthworks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6.2 Essential Services                                                                                   | Work reqd to comply | Development consent must not be granted to development unless the consent authority is satisfied the following services that are essential for the development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Clause                                                        | Complies | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               |          | are available or that adequate arrangements have been made to make them available when required—<br>(a) the supply of water, <b>available at front of site and whole of perimeter</b><br>(b) the supply of electricity, <b>available at front of site</b><br>(c) the disposal and management of sewage, <b>sewer available to site – needs augmentation and connection through, and adjacent site with easements</b><br>(d) stormwater drainage or on-site conservation, <b>disposal to street gutters/drainage available</b><br>(e) suitable road access <b>capable – not to Campbell Street</b> |
| 6.3 Terrestrial Biodiversity                                  | N/A      | Not mapped as affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6.4 Water - Riparian                                          | N/A      | Not mapped as affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6.5 Water – Groundwater Vulnerability                         | Yes      | Not mapped as affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6.6 Salinity                                                  | N/A      | Not mapped as affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6.7 Highly Erodible Soils                                     | N/A      | Not mapped as affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 6.8 Drinking Water Catchments                                 | N/A      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6.9 Development along Lachlan & Boorowa Rivers & Lake Wyangla | N/A      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6.10 Development on Carinya Estate                            | N/A      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6.11 DCP for Urban Release Areas                              | N/A      | Does not exist                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Schedule 1 – Item 4 Additional Permitted Uses                 | To note  | (1) This clause applies to Lots 1–15, Section 53, DP 759144 and Lot 2, DP 251940, 21 Campbell Street, Young.<br>(2) Development for the following purposes is permitted with development consent—<br>(a) backpackers' accommodation,<br>(b) business premises,<br>(c) office premises.                                                                                                                                                                                                                                                                                                            |



## 4.5 Development Control Plan (Young DCP 2011)

The relevant sections (Dual Occupancy & also Subdivision, of the Young DCP are addressed below.

### Subdivision Chapter/s

| Compliance Table for YDCP 2011                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                    |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Clause                                                                                 | Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | If non-compliance state and address                                                                                                                |
| Chapter 5 – Subdivision Development                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                    |
| Section 5.1<br>Subdivision in Rural Zones (RU1, RU4, and E3)                           | <ul style="list-style-type: none"> <li>not applicable</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                    |
| Section 5.2<br>Subdivision in the General Residential Zone (R1) and Village Zone (RU5) | <p><i>If subdivision is for multiple lots including construction of a road:</i></p> <ul style="list-style-type: none"> <li>Avoid four-way intersections and provide a minimum spacing between intersections of 40m or 20m for minor access roads and cul-de sacs;</li> <li>Provide minimum road carriageway widths as follows: <ul style="list-style-type: none"> <li>Cul-de-sac or minor access road (up to 15 dwellings) – 9m</li> <li>Local Street (15-100 dwellings) – 11m</li> <li>Collector (above 100-300 dwellings) – 12m.</li> </ul> </li> <li>Provide verges sides of road carriageways as follows: <ul style="list-style-type: none"> <li>Cul-de-sac or minor access road (up to 15 dwellings) – 4.5m</li> <li>Local Street (15-100 dwellings) – 4.5m;</li> <li>Collector (above 100-300 dwellings) – 4.5m.</li> </ul> </li> <li>Road Construction to be in accordance with <b>Council's Engineering Guidelines for Subdivision and Development</b>.</li> <li>No more than 5% of new lots to be battle-axe allotments;</li> <li>Avoid cul-de-sacs or otherwise only apply to access less than 15 dwellings;</li> <li>Orientate at least 70% of proposed allotments north-south or east-west;</li> <li>Provide larger lots on south-facing slopes;</li> <li>If terracing of sloping lots is required (to allow level building area) then developer should terrace the site and provide certification from structural and geotechnical engineer;</li> <li>Maintain natural watercourses and incorporate within open space areas; and</li> <li>Arrange layout so as to maximise access to existing views for both existing and proposed allotments.</li> </ul> | <p>No road proposed – 2 distinct rights of way being created and new carpark via RoW access from Bruce Street through prop Lot 4 to prop Lot 6</p> |
|                                                                                        | <p><i>Site Design:</i></p> <ul style="list-style-type: none"> <li>Average lot size of 700m<sup>2</sup> and minimum lot size of 650m<sup>2</sup>;</li> <li>New allotments to accommodate a building envelope of 16m x 9m. This envelope to be no closer than 1m to any side or rear</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Complies</p> <p>Complies</p>                                                                                                                    |

| Compliance Table for YDCP 2011                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clause                                                                                                                                             | Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | If non-compliance state and address                                                                                                                                                                                                                                                                                           |
|                                                                                                                                                    | <p>boundary and 6m to the front boundary and should allow an 8m high dwelling to not overshadow more than 50% of their private open space or north-facing roof between 9am and 3pm on 21st June;</p> <ul style="list-style-type: none"> <li>• At least 70% of allotments to be oriented within 15 degrees of north- south or east-west;</li> <li>• East west lots to have minimum width of 20m at 6m from the front boundary. Other lots to have minimum 18m at that point; and</li> <li>• Where battle-axe allotments only 2 lots may use shared driveway.</li> </ul>                                                                                                                                                                                                                                                                                                     | <p>Larger allotments – compliance achieved based on size and options available.</p> <p>Complies</p> <p>n/a</p>                                                                                                                                                                                                                |
|                                                                                                                                                    | <p><i>Servicing</i></p> <ul style="list-style-type: none"> <li>• Power and lighting to be provided in accordance with Country Energy Requirements;</li> <li>• A layback or roll-over kerb to be provided to each lot;</li> <li>• All allotments to have a sewer and water connection in accordance with <u>Council's Engineering Guidelines for Subdivision and Development</u>;</li> <li>• Where sewer is not available lots to satisfy <b>Council's On Site Management Plan</b> for waste water disposal;</li> <li>• Drainage in accordance with <u>Council's Engineering Guidelines for Subdivision and Development</u>;</li> <li>• Written confirmation from telecommunications carrier and natural gas company confirming that facilities are available to new lots; and</li> <li>• Check with Council whether development contributions will be required.</li> </ul> | <p>Existing street lighting surrounding development = n/a</p> <p>Proposed at any access point</p> <p>See servicing on Subdiv design</p> <p>n/a</p> <p>Further design at SWC stage</p> <p>All exist and connected presently</p> <p>A matter for Council assessment yet noted that lesser lot yield than that which exists.</p> |
| Heritage Conservation Area Provisions                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                               |
| Section 2.7                                                                                                                                        | Any proposal for subdivision or excavation within a conservation zone should be in accordance with the guidelines from the Heritage Office: <i>Design in Context: Guidelines for infill development in Historic Environment</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Not in a HCA nor is land identified as heritage                                                                                                                                                                                                                                                                               |
|                                                                                                                                                    | A heritage impact statement may be required for an application for subdivision or excavation within the conservation zone, or adjacent to a heritage item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Not applicable nor required                                                                                                                                                                                                                                                                                                   |
| Development Requiring Tree Removal or Lopping - These controls apply to applications to subdivide or excavate in all zones other than RU1 and RU3. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                               |
| Section 4.3                                                                                                                                        | <p>Designated trees should be protected and retained where possible.</p> <p><i>Designated trees are defined within <u>Section 4.3.1 of the YDCP</u></i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>No designated trees to be removed.</p> <p>Depending upon assessment, nine (9) tree (exotic spp) need removal to facilitate new boarding house carpark. Also 2 shrubs – see photo above.</p>                                                                                                                                |



| Compliance Table for YDCP 2011 |                                                                                                                               |                                                |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Clause                         | Control                                                                                                                       | If non-compliance state and address            |
|                                | Where a designated tree is removed it should be replaced by at least 2 trees local to the area of a similar size at maturity. | Owner ok to replace – condition expected on DA |
|                                | Work should not occur within the drip line of a retained tree unless an arborist report has been prepared.                    | n/a                                            |

## 5 Summary of Assessment of Planning Issues

The following is a summary of the above assessments of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 79C (1) of the EP&A Act 1979 that are relevant to the proposal.

### 5.1 Compliance with Planning Instruments and Controls

- The proposal meets traffic and access requirements pursuant to reasonable Council Local Road Standards and AusRoads Guidelines;
- The proposal is a permissible use, under Parts 4, 5 & 6 of the Hilltops LEP 2023, within the R1 zone (duly noting the Schedule 1 of LEP permissibility's and DCP preferred Medical/Health Precinct; and
- The proposal is reasonable under the heads of consideration under sec 4.15 of the EP & A Act 1979.

### 5.2 Traffic, Access and Parking

The proposal is reasonable due to;

- Safe sight distances from proposed access location
- Construction of new driveway crossover, to Council standards
- No impact on primary frontage to quiet local road
- Intended make-up carpark to service traffic generating development (boarding house) on one of the sites.

#### Parking

Each allotment is sized adequate to accommodate design for parking.

New carpark to meet needs for boarding house proposed.

### 5.3 Visual Impact

The proposed works will not negatively impact upon the visual amenity and built character of the surrounding area. Primarily it is a re-subdivision of land, however backbone servicing and a carpark are proposed along with a couple of Rights of Carriageway to make allotments shovel-ready.

### 5.4 Amenity

The re-subdivision to make sense of servicing, buildings formerly over boundaries and rectifying other servicing mistakes of the past, is the crux of this application. Ultimately there is a reduction in allotments which must serve the locality better. It is contended that existing uses and the permissibility range of the Schedule 1 listing under the LEP shows a clear intent that this town block was always envisioned by the EPI makers to be Health/Medical support in nature. Amenity will be better served being tested at individual building and land use DA's not at a subdivision reducing allotments and rationalising servicing.

#### 5.4.1 Noise

No untoward noise impacts expected due to adequate lot sizes, planned aspect of development and reasonable opportunities for setbacks for subsequent development. Short term noise and vibration expected at RoW creation and carpark construction.

#### 5.4.2 Privacy



The proposal will not create any privacy concerns to the area or between neighbours due to adequate setbacks from other development (wide streets, verges and laneways) allowing all parties the ability to enjoy their own properties without impacting on their neighbours.

#### 5.4.3 Overshadowing

No overshadowing is expected due to planned layout of development and aspect of lots, keeping in mind standard appurtenant items like fencing etc.

#### 5.5 Water Management

Town water exists to the front of the property on all 4 street frontages. It is expected that connection to the main would be required and applicable headworks paid if not paid already– see earlier comment, for each allotment as newly created.

#### 5.6 Sediment and Erosion Control

As stated before, sedimentation and erosion control measures will need to be employed when working adjacent the street K & G drain for the new access/es, creation of RoW's and the new carpark. These will be required at SWC application.

#### 5.7 Social and Economic Impacts

The proposed development on the site is anticipated to have an ongoing positive social and economic impact on the local Young area, and the broader community. This will be as a result of a range of serviced and unencumbered allotments becoming available in the Health & Medical Precinct. allotment in a high value area becoming available.

#### 5.8 Heritage Impact/Aboriginal Object

No known Indigenous or European heritage will be affected by this subdivision. Report attached for AHIMs search.

Historically, Council has approved the demolition of the Mercy Hospital on the corner, yet this has lapsed. The Chapel and the Monastery have high Catholic Architectural and cultural influence for the Town, yet all of the buildings will be contained on proposed Lot 5, with the newer boarding house being on Lot 6. No impact except for containment and servicing is proposed at this application.

#### 5.9 Demolition

No demolition is proposed other than dismantling of 2 minor outbuildings.

#### 5.10 Utilities and Services

Water & Sewer have been discussed above. Water is available to the site's perimeter, sewer needs work internal and external of the site.

The road network is safe, of a fair standard and kerb and guttered. Approved type access/es will be made to this road network from streets other than the classified road.

Data/Telephone exists on the subject land and due to the internal of Town nature of the land, is available to all of the lots created.

Electricity is available along all frontages of the site and through the site (easement to be placed.).

## 6 Conclusion

Given the merit of the design of the proposal and the absence of any significant adverse environmental impacts or policy variances, the DA is considered to be in the public's interest and worthy of Council's support.

### ADVICE NOTE:

Should there be any technical enquiry about this report, please contact the undersigned to assist my client – CMS Surveyors (applicant for this proposal).

A handwritten signature in dark ink, appearing to be 'K. Filmer', with a small dot at the end of the signature.

**K Craig Filmer**

B. App Sc (Env Health – Building Surveillance Major)

MAAC; MEHA; BPB-A1 Certifier (BDC 0945 LG)

**Development & Environmental Health Specialist**



## **Appendix 1 – Subdivision Layout**

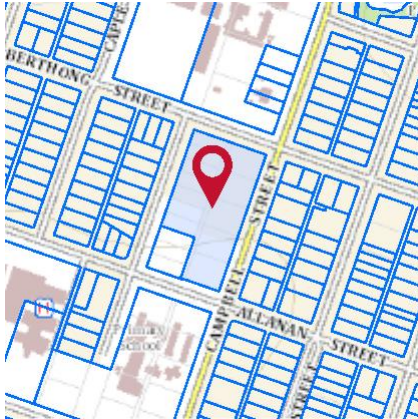
## **Appendix 2 – NSW Planning Portal Report**





# Property Report

21 CAMPBELL STREET YOUNG 2594



## Property Details

|             |                               |                |                |
|-------------|-------------------------------|----------------|----------------|
| Address:    | 21 CAMPBELL STREET YOUNG 2594 |                |                |
| Lot/Section | 1/53/DP759144                 | 10/53/DP759144 | 11/53/DP759144 |
| /Plan No:   | 12/53/DP759144                | 13/53/DP759144 | 14/53/DP759144 |
|             | 15/53/DP759144                | 2/-/DP251940   | 2/53/DP759144  |
|             | 3/53/DP759144                 | 4/53/DP759144  | 5/53/DP759144  |
|             | 9/53/DP759144                 |                |                |
| 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    | Hilltops Local Environmental Plan 2022 (pub. 23-12-2022) |
| Land Zoning                  | R1 - General Residential: (pub. 23-12-2022)              |
| Height Of Building           | NA                                                       |
| Floor Space Ratio            | NA                                                       |
| Minimum Lot Size             | 700 m <sup>2</sup>                                       |
| Heritage                     | NA                                                       |
| Land Reservation Acquisition | NA                                                       |
| Foreshore Building Line      | NA                                                       |

## 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.

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



# Property Report

21 CAMPBELL STREET YOUNG 2594

- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Allowable Clearing Area (pub. 21-10-2022)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Subject Land (pub. 2-12-2021)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004: Land Application (pub. 25-6-2004)
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application (pub. 12-12-2008)
- State Environmental Planning Policy (Housing) 2021: Land Application (pub. 26-11-2021)
- State Environmental Planning Policy (Industry and Employment) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Planning Systems) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Primary Production) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Resilience and Hazards) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Resources and Energy) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Transport and Infrastructure) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development: Land Application (pub. 26-7-2002)

## 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

|                                      |                                                                                                                                                                                      |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.5 m Buffer around Classified Roads | Classified Road Adjacent                                                                                                                                                             |
| 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        | YOUNG                                                                                                                                                                                |
| Regional Plan Boundary               | South East and Tablelands                                                                                                                                                            |

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

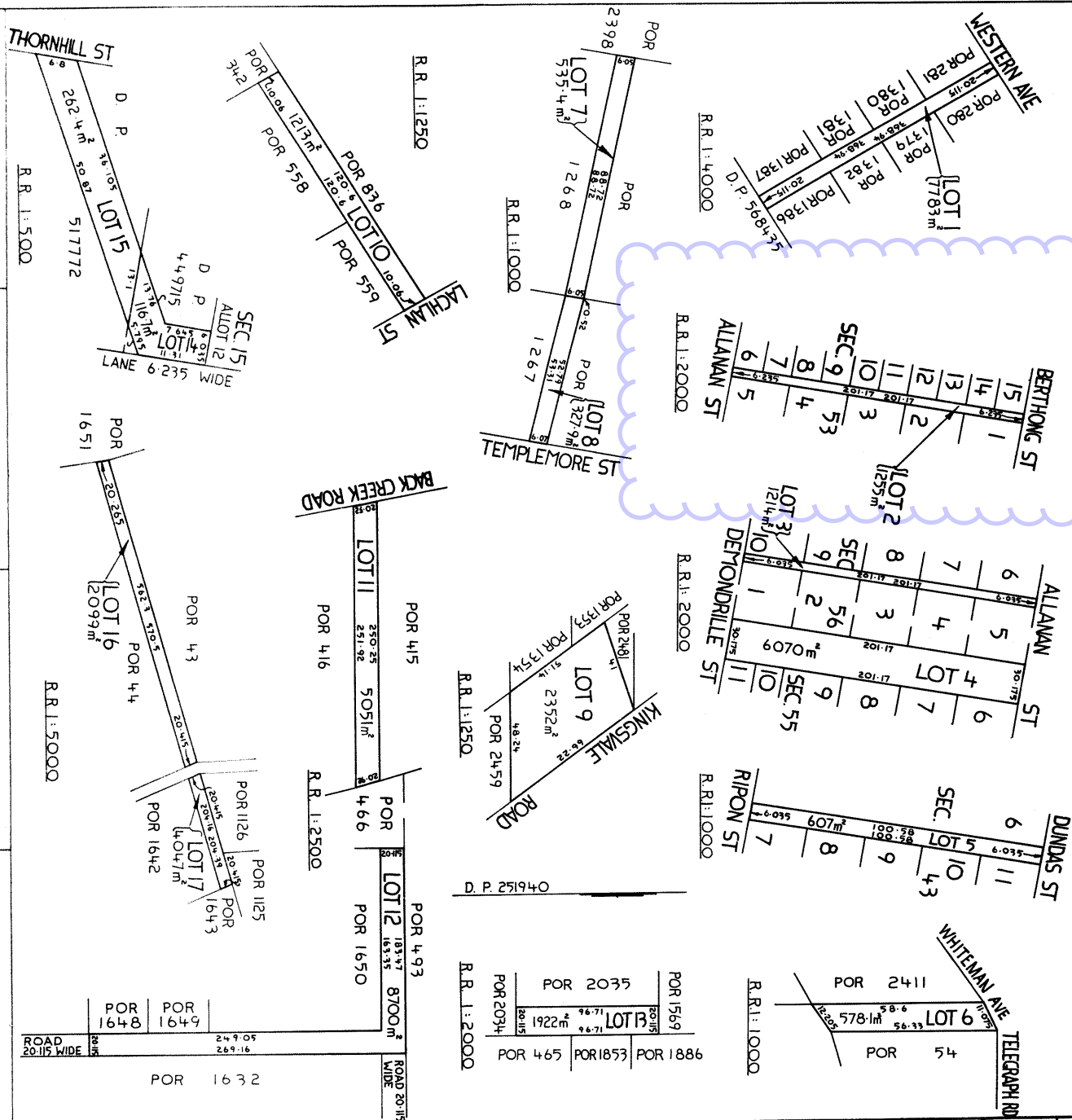






## **Appendix 3 – Existing Lot Layout**

**Title – Deposited Plan**



D.P. 251940 (E)

Registered: 14.7.6-1976

C.A.: TORRENS

Title System: TORRENS

Purpose: DEPARTMENTAL

Lot: 1011, 13 & 14

Last Plan: do.

PLAN # REDEFINING AREA GRANTS.

Reduction Ratio: Lengths are in meters.

Main/Name: YOUNG LGA: HILLTOPS

Shire: BURRUMBOING BURRUMBOING

Locality: YOUNG

Parish: YOUNG

County: MONTAGUE

This is Sheet of

(Delete if inapplicable)

of

A map of the area shown in this plan is shown in the map of the area shown in this plan.

is accurate and has been made (1) by me (2) under my

professional knowledge and in accordance with the Survey Practice

Regulation, 1977 and has been made on 1

Signature: [Signature]

Survey registered under Survey Act, 1978, as amended

Return form of Authority.

REFERENCE TO SECTION NOT REQUIRED FOR LOTS IN THIS DEPOSITED PLAN

Prepared in Registrar General's Dept. of NSW

Land 1/2

Town of Young  
Plan

Of Allotment 1+2 Section 53

County of Monteagle Parish of Young

Land Board District

Waqqa Waqqz

Eastern Division

RESUMED AREA N°

## PASTORAL HOLDING

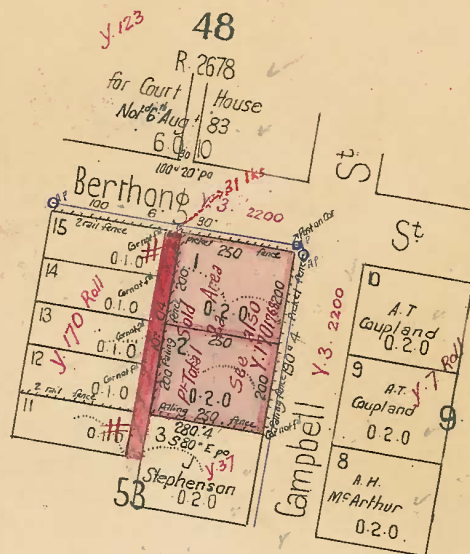
Applied for under the Section of the Crown Lands Act of by

Measured for Auction Sale

Within Burrangong Gold Field. Proclaimed 31<sup>st</sup> Aug<sup>r</sup> 1865.  
Within R 124 (Mines) from Occupation. Not<sup>d</sup> 12<sup>th</sup> April 1889.

Sale at Young 3<sup>rd</sup> Aug 10

Allot 1 and 2: John Gallagher, Jerome Hennessy, Machtilde O'Connor & Andrew Bolger. Sale Completed A/n 10.15581



(Unnecy Lane Pt 1r10p Sold to John Gallagher, Jerome Hennessy  
# Machtilde O' Connor & Andrew Bolger under 20th Sec P.R Act 1902  
Vide Roads 12.596 See also Y37 & 170 1768 R. EXH. 100- 0622 29-50

- Note -

Timber cleared, gently undulating

Good loamy soil

Azimuth taken from Algon Survey

Field Book Vol. **B** Folio **65**

### Reference to Corners

| Corner                        | Bearing | From | Links | N° on Tree |
|-------------------------------|---------|------|-------|------------|
| numbered posts at all corners |         |      |       |            |

Reference to Traverse

| Line | Bearing | Distance |
|------|---------|----------|
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| 75   |         |          |
| 76   |         |          |
| 77   |         |          |
| 78   |         |          |
| 79   |         |          |
| 80   |         |          |
| 81   |         |          |
| 82   |         |          |
| 83   |         |          |
| 84   |         |          |
| 85   |         |          |
| 86   |         |          |
| 87   |         |          |
| 88   |         |          |
| 89   |         |          |
| 90   |         |          |
| 91   |         |          |
| 92   |         |          |
| 93   |         |          |
| 94   |         |          |
| 95   |         |          |
| 96   |         |          |
| 97   |         |          |
| 98   |         |          |
| 99   |         |          |
| 100  |         |          |

I hereby certify that I in person made and on the 21<sup>st</sup> Feby 1910 completed the survey represented on this plan on which are written the bearings and lengths of the lines measured by me and I declare that the survey has been executed in accordance with the regulations published for the guidance of licensed Surveyors and the practice of the Department of Lands.

*Licensed Surveyor*

Transmitted to the District Surveyor with my letter of 28<sup>th</sup> Feb'y 1910 No 1

Voucher N°1910/1 Passed £ 1.13.7 J.W.W

Calculation Book N<sup>o</sup> — Folio —

Checked and Charted, E. W. Farmer 15-3-10

Examined Sup: *Symonorel* 15-3-10

Plan approved 17<sup>th</sup> March 1910

J W Wendredge  
Draftsman-in-Cha

Lithographed by Turner & Henderson

Improvements Old picket fence N 64 y } £2.10.0  
paling fence (E and W) } £2.0.0  
paling fence E and W }  
v 5th bdy. } £3.5.0

Scale 4 Chains to an Inch



PLAN

OF 50 Allotments

Number 1 to 20 of Section 51, 1 to 20 of Section 52, & 6 to 15 of Section 53

TOWN OF YOUNG

COUNTY OF MONTEAGLE

PARISH OF YOUNG

LAND DISTRICT OF YOUNG

LAND-BOARD DISTRICT OF GOULBURN

| Allot. | Sec. | Purchaser.                     | Result. |
|--------|------|--------------------------------|---------|
| 6      | 53   | Andrew Bolger                  | D. P.   |
| 7      | "    | Andrew Bolger                  | D. P.   |
| 8      | "    | Mary Ellen Rhall               | D. P.   |
| 9      | "    |                                |         |
| 10     | "    | William Samuel Millard         | D. P.   |
| 11     | "    |                                |         |
| 12     | "    |                                |         |
| 13     | "    | John Gallagher Jerome Hennessy | D. P.   |
| 14     | "    | Machtildie O'Connor And        |         |
| 15     | "    | Andrew Bolger                  |         |

Measured for Sale under the 61<sup>st</sup> section of the Crown Lands Act of 1884.

Scale

Total Area measured 12<sup>ac</sup> 1<sup>ro</sup> 38<sup>ar</sup>

Sale at Young 28<sup>th</sup> June 05 (cont)

Allot 10 and 11 Sec 51 A.A.P. 100, James Gordon, George Spencer Whittem, and Edward Taylor (A<sup>1</sup> 10.11021)

Allot 13, 14, 15, 16, 17, 18 Sec 52 A.A.P. 10-102 Rupert Edgar James Wood. Sale Completed A<sup>1</sup> 10.2557

Allots 3, 4, 5, 6 Sec 52 A.A.P. 10-101 William Samuel Millard. Sale Completed A<sup>1</sup> 10.8389

Allots 7, 8, 9, 10 Sec 52 A.A.P. 10-103 Ernest Trenchard Miller. Sale Completed A<sup>1</sup> 10.15068

Allots 11, 12 Sec 52 A.A.P. 10-122 Ellen Reynolds. Sale Completed A<sup>1</sup> 10.16837

Allots 13, 14 Sec 52 A.A.P. 10-123 Charles Arthur Mortimer White. Sale Completed A<sup>1</sup> 10.6148

Allots 15, 16, 17 and 18 Sec 52 Louise Carr A.A.P. 10-144. do do A<sup>1</sup> 11.17138

Allot 12 Sec 51 Robert Charles Allmark A.A.P. 118. Sale Completed A<sup>1</sup> 11.5593

Allot 15 Sec 51 Henry Ernest Phillip Brown A.A.P. 11.20. Sale Completed A<sup>1</sup> 12.11890

Allot 4 Sec 51 Charles John Pearse A.A.P. 11.21. Sale Completed A<sup>1</sup> 12.1446

Allots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 Sec 51 Priscilla Norman A.A.P. 11.22. Sale Completed A<sup>1</sup> 11.4714

Allots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 Sec 51 A.A.P. 11.23. Sale Completed A<sup>1</sup> 11.5311

Within the Barramung Gold Field proclaimed 31<sup>st</sup> August 1865.

Within Reserve 124 (Mines) notified 12<sup>th</sup> April 1889.

Sale at Young 9<sup>th</sup> April 1890

Town Lots. Allot 1 to 20 Sec 51, 1 to 20 Sec 52 not bid for

Sale at Young 21<sup>st</sup> Aug<sup>r</sup> 1895

Allots 1 to 20 Sec 51, 1 to 20 Sec 52, and 6 to 15 Sec 53. Not bid for

Sale at Young 23<sup>rd</sup> March 04 Allots 12 to 15 Sec 53. Not bid for

Sale at Young 28<sup>th</sup> June 1905

Allot 1 to 20 Sec 51, 1 to 20 Sec 52 & 6 to 15 Sec 53. Not bid for L B<sup>05</sup> 2236.

Allot 20 Sec 51 George Alfred Wilkins A.A.P. 05.156

Allot 19 Sec 51 George Alfred Wilkins A.A.P. 05.157

Allot 18 Sec 51 George Alfred Wilkins A.A.P. 05.158

Allot 17 Sec 51 George Alfred Wilkins A.A.P. 05.159

Allot 16 Sec 51 Charlotte Theresa Jones A.A.P. 06.48. Sale comp<sup>d</sup> A<sup>1</sup> 06.735

Allot 1 to 3 Sec 51, 1, 2, 19 & 20 Sec 52 A.A.P. 07.46 William Samuel Millard (See below)

Allot 14 Sec 53 A.A.P. 09.33 Francis Edward Joseph Patrick Keane A<sup>1</sup> 09.4363

Allot 12, 13, 14, 15 Sec 53 Alphonsus Cannon A.A.P. 09.182. Refused A<sup>1</sup> 10.84

Allots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 Sec 51 to William Samuel Millard. Sale Comp<sup>d</sup> A<sup>1</sup> 10.50

Allots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 Sec 52 do do do do

19. 20. Sec 52 do do do do

Sale at Young 3<sup>rd</sup> August 10

Allot 6 to 15 Sec 53

Rds 12 596

Road Pur 11/2

J. Hennessy

PLAN MICROFILMED  
NO ADDITIONS OR AMENDMENTS TO BE MADE

Azimuth taken from Town Alignment shown thus...  
Field Book Vol T Folio 117

| Improvements                    | £ s  |
|---------------------------------|------|
| Stables (Allots 13 & 14 Sec 53) | 40 0 |
| Fowl house (Lot 13 " " )        | 5 0  |
| Fence ( " 12 " " )              | 2 0  |
| " ( " 15 " " )                  | 2 0  |

I hereby certify that I in person made and on the 16<sup>th</sup> August 1889 completed the Survey represented on this plan on which are written the bearings and lengths of the lines measured by me and I declare that the Survey has been executed in accordance with the Regulations published for the guidance of Licensed Surveyors and the practice of the Surveyor General's Department

H. Hosie  
Licensed Surveyor

Transmitted to the District Surveyor with my Letter of 26<sup>th</sup> August N<sup>o</sup> 24/89

9 April 90

Acc<sup>d</sup> 233  
237.80 @ 24 40% Increase  
Con<sup>g</sup> 1900 100 5 100 @ 24  
Passed  
15 Oct 1899  
M.B.

Checked and Certified  
10 Oct 89

Examined  
10 Oct 1899

Now approved  
J. D. Gifford  
Taking Office

170.1768



Applied for to purchase by Arthur Hannibal MacArthur under the 8<sup>th</sup> Section of the of the  
Crown Lands Alienation Act.

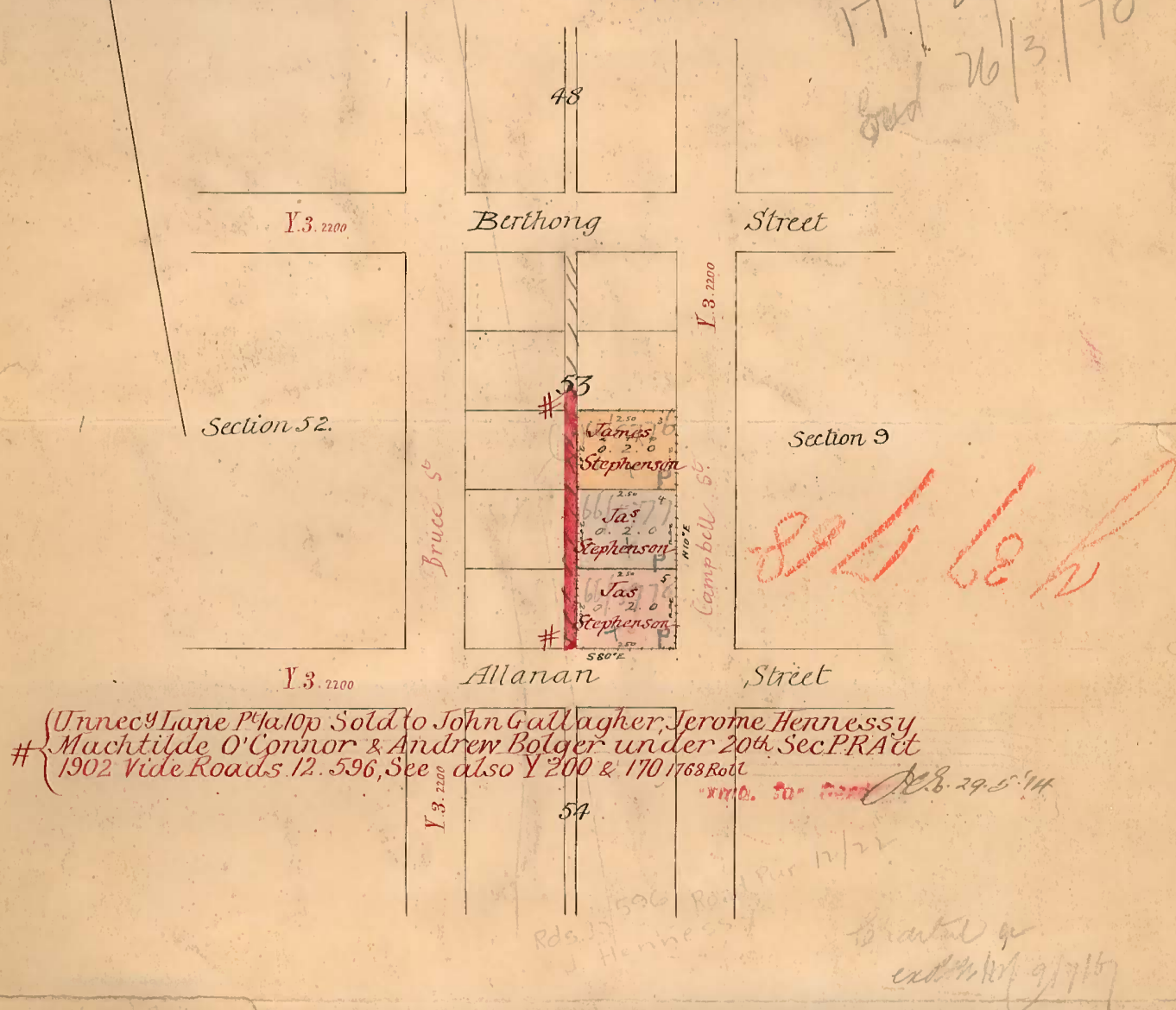
Town lots UU to W.W

Alots. 3. 4. 5 Sec 53

These lots contain improvements and were applied for as such but forfeited vide Mis. 67/3194, 3195, 3196. Vide A<sup>n</sup> 69/9561 above lots sold

PLAN MICROFILMED  
NO ADDITIONS OR AMENDMENTS TO BE MADE

17 | 2 | 1870  
26 | 3 | 70



Notes

Surveyed by Circumferentor  
Marked in accordance with Regulations  
Scale 4 chains to an Inch

Transmitted with my letter N<sup>o</sup> 67/100 dated Feby. 2<sup>d</sup>.  
to the Surveyor General.

*W. B. Brewster*  
*Dec. 30, 1880*

37-1768

## **Appendix 4 – BOSET Report**

### **Biodiversity Offsets**



## Biodiversity Values Map



279.3 0 139.64 279.3 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

© NSW Department of Planning and Environment

## Biodiversity Values Map and Threshold Report

### Results Summary

|                                                                                                                                  |                    |                       |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
| <b>Date of Calculation</b>                                                                                                       | 16/05/2023 8:21 AM | <b>BDAR Required*</b> |
| <b>Total Digitised Area</b>                                                                                                      | 00.0 sqm           |                       |
| <b>Minimum Lot Size Method</b>                                                                                                   | LEP                |                       |
| <b>Minimum Lot Size</b><br>10,000sqm = 1ha                                                                                       | 700 sqm            |                       |
| <b>Area Clearing Threshold</b><br>10,000sqm = 1ha                                                                                | 2,500 sqm          |                       |
| <b>Area clearing trigger</b><br>Area of native vegetation cleared                                                                | no                 | no                    |
| <b>Biodiversity values map trigger</b><br>Impact on biodiversity values map(not including values added within the last 90 days)? | no                 | no                    |
| <b>Date of the 90 day Expiry</b>                                                                                                 | 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 BMAT 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 Department of Planning and Environment 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: 16/05/2023 08:21 AM



## **Appendix 5 – AHIMs REPORT**

### **Indigenous Heritage Search**

Kenneth Filmer

Date: 16 May 2023

18 Pineview Cct 91 Boorowa Street Young  
Young New South Wales 2594

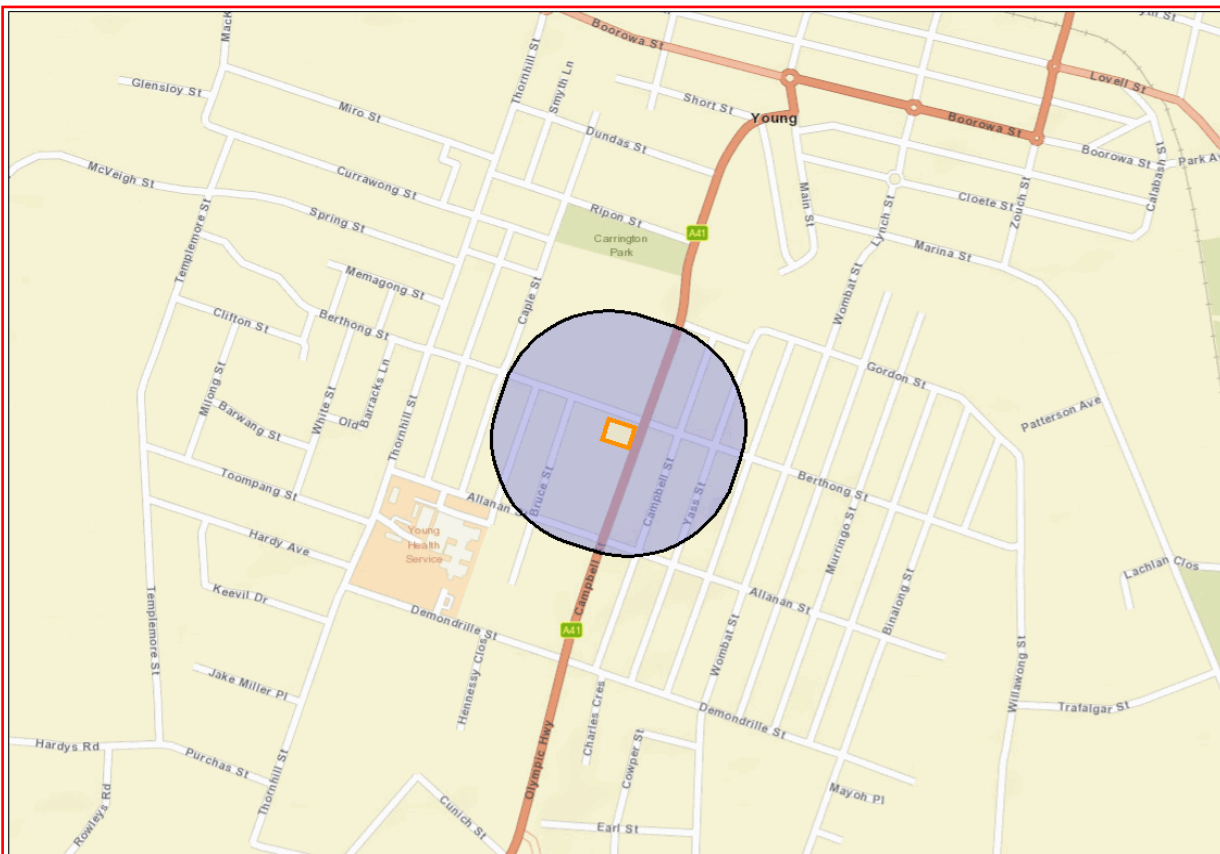
Attention: Kenneth Filmer

Email: craig@dabusters.com

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 1, DP:DP759144, Section : 53 with a Buffer of 200 meters, conducted by Kenneth Filmer on 16 May 2023.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

|   |                                                                       |
|---|-----------------------------------------------------------------------|
| 0 | Aboriginal sites are recorded in or near the above location.          |
| 0 | Aboriginal places have been declared in or near the above location. * |



**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.