

STATEMENT OF ENVIRONMENTAL EFFECTS

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PROJECT:	Development Application for the approval of a Three (3) Lot Torrens Title Rural Residential Subdivision at Lot 1228 DP754611 4207 Victoria Gully Road, YOUNG. pursuant to the provisions within the <i>Hilltops Local Environmental Plan 2022 (YVLEP2013)</i> and the <i>Young Development Control Plan 2012 (YDCP2012)</i> .
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OUR REFERENCE:	5413_SEE1
DATE:	DECEMBER 2024
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SIGNATURE:	



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1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared for *Mohamed Said* (the **Applicant**) by DPS YASS Pty Ltd. This Statement is to accompany a development application to Hilltops Council for the approval of a Three (3) Lot Torrens Title Rural Residential Subdivision at Lot 1228 DP754611 4207 Victoria Gully Road, YOUNG.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. This report aims to assess the potential impacts and environmental effects of the proposed development of the subject site under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

This SEE includes a comprehensive assessment of environmental impacts of the proposal. Where potential impacts and constraints are identified, measures are proposed to mitigate any harm to the natural environment as well as the amenity of existing and future development throughout the locality.

This site is zoned RU4 Primary Production Small Lots pursuant to the *Hilltops Local Environmental Plan 2022* (HLEP2022). The proposed development is permissible with development consent within the RU4 Primary Production Small Lots zone. The proposed development formulates contextual elements derived from the existing rural residential character with respect to the immediate vicinity and is consistent with the objectives and provisions within the HLEP2022.

The proposal is classified as local development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and therefore will be determined by Council.

This assessment concludes that the proposal is of an appropriate scale and mass and is consistent with the character of the area. It will have no unacceptable amenity impacts upon surrounding properties nor any adverse impacts upon the natural environment. The proposal will have numerous positive social and economic impacts, and is considered in the public interest, accordingly DPS YASS Pty Ltd is supportive of the development proposal.



1.1 PURPOSE OF THIS REPORT

This SEE has been prepared in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)* for the purposes of demonstrating:

- The proposal is consistent with the controls in the HLEP2022 and the YDCP2012.
- The supporting technical studies which accompany the DA establish that the environmental impacts of the proposed concept are generally positive and where appropriate, make recommendations for the detailed design phase of the project which will provide certainty and clarity to guide the development.
- The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:
 - Facilitates ecologically sustainable development of rural residential land. This is explained in more detail later in this Statement.
 - The subject site is located within the RU4 Primary Production Small Lots zone of Young. The vision for the expansion of Hilltops LGA is to create high quality and ecologically sustainable environment integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development which will support the other uses of the area.
 - Accommodates future rural residential living opportunities on the eastern periphery of Young, within relatively close proximity to Young and surrounding regional towns and villages.
 - The site is zoned for development purposes, and the proposed development provides for a development (rural residential) including a Three (3) Lot Torrens Title Subdivision that is consistent with the objectives and controls contained in the HLEP2022 and the YVDCP2012.
- Demonstrating that the environmental impacts of the development have been considered; and
- Outlining the steps to be undertaken to protect the environment or to mitigate against any potential harm, if necessary.

This SEE describes the proposal and its environment, including a detailed description of the site and its surrounds and an assessment of the proposal against the relevant planning controls.

The SEE demonstrates that the proposed development is acceptable under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and concludes that the proposed development should be granted approval subject to the relevant conditions of development consent.



1.2 TYPE OF DEVELOPMENT APPLICATION

Section 1.5 of the EP&A Act defines what constitutes 'development'.

Development is defined as the following:

- a) *The use of land*
- b) *The subdivision of land***
- c) *The erection of a building*
- d) *The carrying out of work*
- e) *The demolition of a building or work*
- f) *Any other act, matter or thing that may be controlled by an environmental planning instrument.*

The scope of the proposal is considered to be 'development' in accordance with Section 1.5 of the EP&A Act. Therefore, pursuant to Section 4.5 of the EP&A Act development consent is sought from Hilltops Council.



1.3 OWNER AND APPLICANT DETAILS

1.3.1 The Applicant

Mohamed Said
Director/ Secretary
Adam Investment Group Pty Ltd
ACN 638 243 802

C/- DPS Pty Ltd
PO Box 5
YASS NSW 2582

Contact: Rachel Doberer
Phone: (02) 6226 3322
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1.3.2 The Owner(s)

Mohamed Said
Director/ Secretary
Adam Investment Group Pty Ltd
ACN 638 243 802

Hussam Elkheuir
Director/ Secretary
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1.3.3 Site Address

The subject site for this application is legally identified as Lot 1228 DP754611 4207 Victoria Gully Road, YOUNG and shown in **Figures 1.1 and 1.2** (Location Maps) of this Statement.



1.4 SITE AND LOCATION

1.4.1 Site Description

The subject site is located on the periphery of Young (refer **Figure 1.1**), approximately 95km to Yass CBD, roughly 120km to Murrumbateman Village, 155km to Canberra CBD and approximately 176km to Goulburn CBD. The site is located on Victoria Gully Road and connects to Yass, Murrumbateman, Canberra and Goulburn seamlessly via Moppity Road, Cusack Road, Cunningham Road, Lachlan Valley Way, the Hume and Barton Highways, which are some of the main connecting road corridors in the area.

The subject site is made up of one lot and is zoned RU4 Primary Production Small Lots in the Hilltops LEP 2022 (HLEP2022). It is bounded by other similar rural residential lots to the North, South, East and West (refer **Figure 1.2**).

Legal and physical access to the subject site is gained off Beralston Road. The site is an irregular shaped parcel of land with a total area of land of 81.24ha. The land is currently utilised for rural residential purposes, following this subdivision, the use is intended to remain the same.



Figure 1.1: Subject Site in relation to the Town of Young (Source: Google Earth Aerial Imagery, November 2024)



Figure 1.2: Location Map (Source: Google Earth Aerial Imagery, November 2024)



1.4.2 Existing Easements, Restrictions on the Use of Land and Positive Covenants

- Easement for Transmission Line Variable Width affecting the part(s) shown so burdened in the Title Diagram (DP1043697).

1.4.3 Proposed Easements, Restrictions on the Use of Land and Positive Covenants

- It is expected and Easement for Overhead Powerlines 20 Wide will need to be created in favour of Essential Energy over the existing infrastructure fronting Murringo Road in order to obtain a Notice of Arrangements that will confirm power to all three proposed Lots, numbered 1 to 3.



1.5 PROPOSED DEVELOPMENT

This report has been prepared by DPS to accompany the Development Application (**DA**) submission and is lodged under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* for a proposed Three (3) Lot Torrens Title Rural Residential Subdivision that is permissible with Council consent.

This SEE is to be read in conjunction with the following Plans and Specialist Reports included in the Appendix's.

- ❖ Proposed Plan of Subdivision prepared by DPS YASS P/L reference 5413_PPS1 dated September 2024 (refer **Figure 1.3 and Appendix A**).
- ❖ Site & Soil Assessment for On-site Effluent Disposal for proposed Lot 2 prepared by Land Capability Services dated November 2024 (refer **Appendix B**).
- ❖ Pasture Assessment Report prepared by Roger Garnsey Agronomy dated 27 September 2024 (refer **Appendix C**).
- ❖ NSW Government AHIMS Web Search Result dated 19 September 2024 and Site-Specific Due Diligence Procedure dated 16 September 2024 (refer **Appendix D**).
- ❖ Certificate of Title, Deposited Plan and ASIC Search Results for Lot 1228 DP754611 (refer **Appendix E**).

The purpose of this report is to consider the site characteristics and the anticipated impacts of the proposed development providing an assessment in accordance with the matters for consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Specifically, the SEE includes the following information:

- Description of the site in its local context
- Identifies any proposed works
- Identifies and addresses relevant policies
- Assessment against relevant Council plans and policies
- Assess of potential environmental impacts and identification of mitigation measures

The subject site has a total area of 6.27ha of land with two existing dwelling house(s) and ancillary structures on proposed Lots 1 and 3. The proposed DA has been prepared to take into consideration the future use of the site and aims to improve the overall functionality of the site.

The proposed subdivision and associated works are not anticipated to have any adverse impacts on the surrounding amenity of adjoining lots or the nearby waterways. It is expected that any associated subdivision works for the proposed development may have potentially a minor impact on the location whilst under construction.

However, it is understood as part of the development assessment process that correspondence with neighbours regarding the proposed development along with any potential impact on their visual amenity may be undertaken to Councils discretion.

This DA is not considered 'Integrated Development' pursuant to Section 4.46 of the EP&A Act. Therefore, it is not a requirement that the Development Application be referred to the NSW Rural Fire Service (**RFS**) for their assessment and issuing of General Terms of Approval (**GTAs**).



Further discussion regarding Integrated Development matters is provided later in this Statement.

This development application (DA) is not considered as 'Designated Development', 'Regionally Significant Development' or 'State Significant Development' pursuant to the EP&A Act or EP&A Regulation.

The subject site is mapped on the:

- Lot Size Map within the YVLEP2013
- Land Zoning Map within the YVLEP2013
- Terrestrial Biodiversity Map within the YVLEP2013

However, as a result of this investigation it has been determined that any minor environmental impacts associated with the future operation of the subject site can be mitigated. It is concluded that the proposed development of the site is appropriate and permissible with development consent. Further discussion regarding this mapping is provided later in this Statement.

The proposed subdivision has been designed to take into consideration the specific site characteristics, the existing accesses, access ways and fencing, The proposal retains the character of the existing and surrounding properties, in turn maximising the potential use of the site whilst also being mindful of any existing constraints.

This report concludes that the proposed development indicates a positive contribution to the Young locality, is consistent with the strategic planning for the area and the relevant planning legislation and policies. It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated. As a result of this investigation, it is concluded that the proposed development of the site is permissible with conditional consent.



1.6 PROPOSED WORKS

This DA seeks to facilitate the development of the subject site for the purpose of domestic rural residential use, specifically the application seeks development consent for a subdivision creating three (3) Torrens Title Rural Residential Lots as indicated on the Proposed Plan of Subdivision (refer **Figure 1.3** and **Appendix A**).

During construction and on-going use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the applicant's contractors. The proposed works will generally consist of site re-grading to establish the desired levels for the proposed fencing works.

In detail, this development application seeks approval for:

- The subdivision of the subject site into three (3) Torrens Title Rural Residential Lots (refer **Appendix A**).
- New internal fencing between proposed Lots 1, 2 & 3.
- Upgrade of the existing access servicing proposed Lot 1.
- Construction of a new access servicing proposed Lot 2.

on Lot 1228 DP754611 as per the Proposed Plan of Subdivision. Each of these components of the proposed development is described in more detail below.

The proposed development has been designed to tie in with adjoining existing and future land uses, existing lot boundaries and visual amenity. It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have minimal adverse environmental effects on the subject/ surrounding land, or any adjoining development, where managed with the appropriate conditions.

1.6.1 Fencing

As part of the delivery of the proposed development, internal rural fencing will be installed between the new internal boundary between proposed Lots 1 & 2.

It is anticipated that given the relatively unvegetated strip of land the proposed fencing will traverse, there will be minimal effect felt on the biodiversity off the land. Having said that and during the construction of the fencing and the ongoing use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the applicant's awarded contractors.

These measures are intended to be a minimum treatment only as the contractor will be required to modify and stage the erosion and sediment control measures to suit the construction program, sequencing and techniques/ These measures are detailed further in this Statement.

The proposed subdivision development has been prepared to meet the specific criteria that allows it to be classified as Ecologically Sustainability Development, this is explained in more detail below.



1.6.2 Civil Works

Earthworks on the site can be designed to achieve no export and no importation of material that exceeds the permissible 100m³. This strategy has been proposed to minimise the impact on surrounding neighbours and the public road network.

During construction and ongoing use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the applicant's awarded contractors. These measures are intended to be a minimum treatment only as the contractor will be required to modify and stage the erosion and sediment control measures to suit the construction program, sequencing, and techniques. These measures are detailed further in this Statement.

The proposed works will generally consist of minor grading to establish the desired levels for the upgrade of the existing access/ entrance way to proposed Lot 1 and the creation of a new access way to proposed Lot 2. These levels have been designed to optimise the utilisation of cut and fill across the site, where possible maintaining the fall to the road and to maintain surrounding boundary levels.

1.6.3 Ecological Sustainable Development

The original concept of sustainable development articulated in *Our Common Future* is of 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

In Australia, the adjective 'sustainable' is qualified by the word 'ecologically' to emphasise the necessary integration of economy and environment.

Ecologically Sustainable Development (ESD) involves a cluster of elements or principles. The following six (6) are worth highlighting:

1. Principle of sustainable use
2. Principle of integration
3. Precautionary principle
4. Inter-generational and inter-generational equity
5. Conservation of biodiversity diversity and ecological integrity
6. Internalisation of external environmental costs.

The concept of sustainability applies not merely to development but to the environment.

The Australian National Strategy for Ecologically Sustainable Development defines ESD as 'development that improves the total quality of life both now and in the future, in a way that maintains the ecological processes on which life depends'.

ESD requires the effective integration of economic and environmental considerations in the decision-making process.

The principle of integration ensures mutual respect and reciprocity between the economic and environmental considerations. Specifically, the following points need to be taken into consideration when assessing a development application:



- Environmental considerations are to be integrated into economic and other development plans, programs and projects, and
- Development needs are to be taken into account when applying environmental objectives.

ESD mandates that the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making including in the formulation, adoption and implementation of any economic and other development plan, program or project.

Although it could be argued ESD lacks a precise accepted definition, it is generally recognised as an important concept as it ensures environmental factors and future generations are considered in assessing current development applications.

The proposed development for a three (3) Lot Torrens Title Rural Residential Subdivision can be categorized as an ESD as depicted in this Statement as it is a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.



2. ASSESSMENT

The statutory process under the Environmental Planning and Assess Act 1979 requires an evaluation in accordance with the provisions of Section 4.15. The matters for consideration include:

The provisions of:

- ❖ Any environmental planning instrument,
- ❖ Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),
- ❖ Any development control plan,
- ❖ Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,
- ❖ The regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,
- ❖ The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality,
- ❖ The suitability of the site for the development,
- ❖ Any submission made in accordance with this Act or the regulations; and
- ❖ The public interest

This section of the SEE assesses the proposed development against the planning framework and planning controls applicable to the site and the development, including:

- Threatened Species and Biodiversity Impacts (Section 1.7 of the EP&A Act)
- Integrated Development Matters (Section 4.46 of the EP& A Act)
- Bushfire Prone Land (Section 4.14 of the EP&A Act), and
- Matters for consideration relating to Development Applications (Section 4.15 of the EP&A Act)



2.1 ENVIRONMENTAL PLANNING INSTRUMENTS

Hilltops Local Environmental Plan 2022

The Hilltops Local Environmental Plan 2022 (HLEP2022) is the statutory framework regulating land uses within the Hilltops LGA and the development of the site. The site is zoned RU4 Primary Production Small Lots (refer **Figure 2.2**).

This development involves the subdivision of the subject lot into Three (3) Torrens Title Rural Residential Lots that is permissible with conditional consent pursuant to clause(s) 2.1 and 2.6 of the HVLEP2022 within the RU4 Primary Production Small Lot zone. An assessment against the relevant Planning Legislation is tabulated below.

TABLE 1 - AIMS OF THE HLEP 2022

AIMS OF THE HLEP 2022	COMPLIANCE
<i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	Not applicable. The proposed development is for the subdivision of land only.
<i>(a) to advance the environmental, economic and social goals of Hilltops,</i>	Consistent. The proposed development has been prepared in accordance with the relevant legislation and has consciously been prepared to advance the environmental, economic and social goals of Hilltops.
<i>(b) to provide for the lifestyles sought by current and future residents of Hilltops, including by providing for the following—</i> <i>(i) the rural lifestyle and liveability of Hilltops communities,</i> <i>(ii) connected, safe and accessible communities,</i> <i>(iii) diverse and affordable housing options,</i> <i>(iv) timely and efficient provision of infrastructure,</i> <i>(v) sustainable building design and energy efficiency,</i>	Consistent. The proposed subdivision and associated works are permitted with development consent pursuant to Section 2.6 of the HLEP2022 and will facilitate development in accordance with the relevant aims of the LEP. In particular the development will: • Provide for the orderly development of the land, consistent with the delivery of residential land. • Housing diversity is defined as ‘a diversity of housing types to help cater to the housing needs of people at different stages of their lives’. By creating three (3) manageable rural lots, housing density will slightly increase without any adverse impacts on its context or overall desired outcome. • Not cause any unplanned impact on areas of Indigenous or European heritage, environmentally or visually sensitive land. • Provide for a connected, safe and accessible community



<i>(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—</i> <i>(i) social infrastructure that is appropriately planned and located in response to demand and demographic change,</i> <i>(ii) the protection and enhancement of cultural heritage values,</i> <i>(iii) land management practices that support sustainable outcomes, including water efficiency,</i> <i>(iv) the siting and arrangement of land uses for development in response to climate change,</i> <i>(v) the planning of development to manage emissions,</i> <i>(vi) planning decisions that recognise the basic needs and expectations of diverse community members,</i>	Consistent. The proposed three (3) Lot Torrens Title Rural Residential Subdivision minimises any likely impact on the amenity of neighbouring properties, it will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts. It is noted the proposed development is situated on the periphery of Young to the east. The proposed subdivision layout responds to the characteristics of the site and the surrounding environment as illustrated on the Proposed Plan of Subdivision (refer Appendix A). It is demonstrated the proposal will not result in any adverse environmental impacts notwithstanding being located on BFPL. The proposed development has been designed to take into account the existing land uses and has been able to retain efficient and productive-sized allotments, maintaining the opportunity for sustainable rural residential development. The proposed subdivision has taken a holistic and sustainable approach to the development with the intention of creating a development that offers productive sized lots delivering a better environmental planning outcome for Young and Hilltops LGA as a whole. The proposed subdivision will not impact on either the built or natural environment in any substantial way. In this regard: ❖ It will not result in any substantial changes to the established streetscape qualities of the area; ❖ The act of subdividing will not directly impact on neighbouring properties. It is determined a future dwelling house will have good separation distances to adjoining dwellings. ❖ The act of subdividing will not result in any substantial changes to traffic volumes in the locality. ❖ Subdividing the site will not necessitate the removal of any existing important vegetation. Whilst the subject site is not within the town of Young, it is located in an area where local character is embraced. Local character is what makes a place or area distinctive or unique. Local character is the combination of multiple factors, which relate to the area's history, built form, public and private spaces, community values and how they connect to a place. The proposed subdivision responds to the character of the Young locality and is consistent with the relevant planning controls that are identified later in this Statement.
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	The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the surrounding environment, in turn actively maintaining the character of Hilltops.
<i>(d) to facilitate a strong and diverse economy by providing a range of services and opportunities for residents and investors, including by providing for the following—</i> <i>(i) the protection of employment lands and rural lands from incompatible land uses to enhance productivity over time,</i> <i>(ii) accessibility to expand markets for economic activity,</i> <i>(iii) economic activity, value adding opportunities and job creation,</i> <i>(iv) long-term sustainable productivity and intensive agriculture, subject to consideration of soil types, topography and environmental impact,</i> <i>(v) major infrastructure projects,</i> <i>(vi) innovative renewable energy projects,</i>	Not applicable. The proposed development is for the subdivision of rural residential land only. Whilst the proposed development is not relevant to aims listed, the initial and future development of the land will contribute in varying degrees to the local economy and Hilltops more generally.
<i>(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—</i> <i>(i) the avoidance of further development in areas with a high exposure to natural hazards,</i> <i>(ii) the minimisation of alterations to natural systems, including natural flow regimes and floodplain connectivity, through effective management of riparian environments,</i> <i>(iii) the retention and protection of remnant vegetation,</i>	Consistent. As indicated on Councils LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns. The potential building area and proposed access way for proposed Lot 2 occupies cleared sections of the subject site which is void of significant vegetation (refer Figure 2.1). The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land. Specifically, any potential biodiversity removal is limited to: • The future building of a dwelling house and ancillary structures on proposed Lot 2.



- (iv) *the revegetation of endemic vegetation to sustain natural resource values, reduce the impact of invasive weeds and increase biodiversity,*
- (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,*
- (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.*

- New internal fencing as per the proposed new allotment layout and demonstrated on the Proposed Plan of Subdivision (refer **Appendix A**)

Further to that, it is noted a Pasture Assessment Report has been prepared by Roger Garnsey Agronomy that confirms:

*'The pasture assessment involved recording the relative amount of exotic & native species at 10 random samples across each of the blocks using a 40cm x 40cm quadrant. This has been tabulated overleaf and shows that these areas are dominated by exotic/ introduced pasture species, with a minor component of native perennial grasses/ legumes (refer **Appendix C**).*

It is noted there is no potential clearing of remnant trees within the areas listed above, therefore demonstrating the proposed development is actively protecting and enhancing the environmental and biodiversity values of Hilltops LGA.

Further to that and during the construction phase of the proposed development, to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.



Figure 2.1: Current Aerial Imagery of Existing Site/ Proposed Building Areas (Source: Google Earth, December 2024)

	The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land. It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity. This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.
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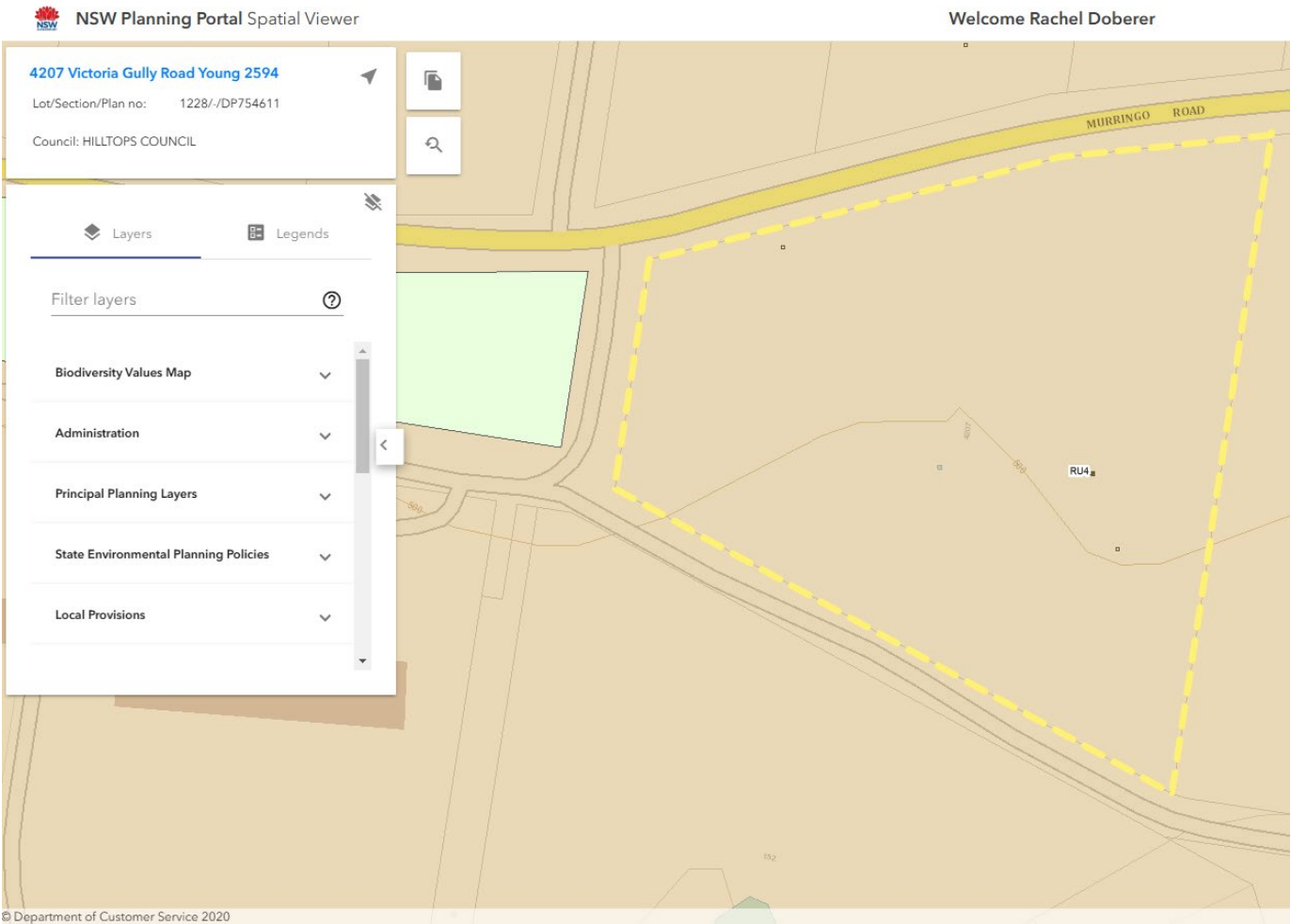


Figure 2.2: Land Zoning Map (Source: NSW Government Planning Portal Spatial Viewer, December 2024)



TABLE 2 - OBJECTIVES OF THE RU4 PRIMARY PRODUCTION SMALL LOTS ZONE

The subject site is zoned RU4 Primary Production Small Lots (refer **Figure 2.2**). The following table demonstrates that the proposed three (3) Lot Torrens Title Rural Residential Subdivision is consistent with the objectives of the zone.

OBJECTIVES OF RU1 PRIMARY PRODUCTION ZONE – YVLEP2013	COMPLIANCE
<i>To enable sustainable primary industry and other compatible land uses..</i>	Consistent. The proposal is found to be consistent with the RU1 Primary Production land use objectives providing for a low-impact rural residential development that is permitted within the zone with conditional consent. The proposed development is sympathetic with the surrounding amenity of the area, considers the opportunities and constraints of the site including all relevant legislation and is therefore considered worthy of Councils support. The proposed development provides an appropriate planning outcome for the subject land that takes into consideration the ecological impacts, aesthetic value of the land and the surrounding land uses. The proposed development is situated on land free of any major constraints. It is considered the proposed development is consistent with the aims and objectives of the relevant planning instruments, is compatible with and responds positively to the site-specific conditions. No significant or threatened ecological species or vegetation exists on the subject site. The proposed DA has been prepared in respect to the biodiversity of the site, onsite wastewater reports, bushfire assessment, natural topography, vista's, amenities, buffer zones and accessibility. These factors have determined that there is sufficient land available on each proposed lot for the construction of a future dwelling house/ dual occupancy and associated infrastructure with no adverse effects to be felt on the biodiversity of the site This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP, has minor environmental impacts that are manageable and compatible with the existing and desired local area character.
<i>To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that</i>	Consistent. The proposed subdivision will create additional rural residential lots for a new dwelling(s) in the Young locality.



<i>require smaller lots or that are more intensive in nature.</i>	It is intended that the proposed lots will encourage diversity in primary industry enterprises and systems appropriate for the area and the size of the lots.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	Consistent. The surrounding lots are also zoned RU4 Primary Production Small Lots and are therefore surrounded by similar rural residential development, which in turn minimises conflict between land uses within this zone and adjoining zones.
<i>To maintain areas of high conservation value vegetation.</i>	Not applicable. The subject lot is not located on land that contains high conservation value vegetation.
<i>To encourage development that is in accordance with sound management and land capability practices, and that takes into account the natural resources of the locality.</i>	Consistent. The proposed subdivision is creating rural residential lots that are already and will encourage the use of rural land for agriculture that is in accordance with sound management and land capability practices that takes into account the natural resources of the locality. Further to that and during the construction phase of the proposed development, to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property. The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land. It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity. This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.
<i>To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.</i>	Consistent. The proposed subdivision will introduce an additional land owner that will assist with the protection and enhancement of the water quality of receiving watercourses and groundwater systems and to reduce land degradation. It is expected the proposed development will encourage the introduction of further vegetation to not only assist with



	privacy screening that will create a more appealing visual amenity, it will also assist with the enhancement and quality of groundwater.
<i>To encourage the development of non-agricultural land uses that are compatible with the character of the zone and sustain high quality rural amenity.</i>	Consistent. The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the rural environment. The proposed outcome (subdivision) creates three (3) lots that is are expected to lay the foundation for more efficient utilization of the land, and it is expected to contribute in varying degrees to the local economy.



TABLE 3 - OBJECTIVES OF CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE

The subject site has a minimum lot size of 2ha (refer **Figure 2.3**).

The following table demonstrates that the proposed three (3) Lot Torrens Title Rural Residential Subdivision is consistent with the objectives and controls of Clause 4.1 – Minimum Subdivision Lot Size.

OBJECTIVES OF CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE	COMPLIANCE												
(b) <i>for semi-rural land and rural villages—</i> (i) <i>to ensure land use and development are undertaken on appropriately sized parcels of land, and</i>	Complies. The proposed subdivision development is seeking Council consent for the creation of three lots which meet the minimum lot size requirements, the detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision (refer Appendix A). <table><tr><th>LOT NUMBER</th><th>LOT SIZE (HA)</th><th>COMPLIES WITH MLS CONTROLS</th></tr><tr><td>Proposed Lot 1</td><td>2</td><td>Yes</td></tr><tr><td>Proposed Lot 2</td><td>2</td><td>Yes</td></tr><tr><td>Proposed Lot 3</td><td>2.27</td><td>Yes</td></tr></table> The proposed subdivision is consistent with the aims and objectives of the HLEP2022. The proposal will facilitate development in accordance with the HLEP2022 and will deliver allotments that can facilitate a variety of housing products to provide variety and attract buyers at different price points in the market. It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have no adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.	LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH MLS CONTROLS	Proposed Lot 1	2	Yes	Proposed Lot 2	2	Yes	Proposed Lot 3	2.27	Yes
LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH MLS CONTROLS											
Proposed Lot 1	2	Yes											
Proposed Lot 2	2	Yes											
Proposed Lot 3	2.27	Yes											
(ii) <i>to ensure sufficient land area to promote high levels of amenity, and</i>	Complies. The proposed three (3) Lot Torrens Title Rural Residential Subdivision minimises any likely impact on the amenity of neighbouring properties, it will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts. It is noted the proposed development is located on the periphery of Young to the east. The proposed subdivision layout responds to the characteristics of the site and the surrounding environment as illustrated on the Proposed Plan of Subdivision (refer Appendix A).												



	It is demonstrated the proposal will not result in any adverse environmental impacts. The proposed development has been designed to take into account the existing land uses and has been able to retain efficient and productive-sized allotments, maintaining the opportunity for sustainable rural residential development. The proposed subdivision has taken a holistic and sustainable approach to the development with the intention of creating a development that offers productive sized lots delivering a better environmental planning outcome for Young and Hilltops LGA as a whole. The proposed subdivision will not impact on either the built or natural environment in any substantial way. In this regard: ❖ It will not result in any substantial changes to the established streetscape qualities of the area; ❖ The act of subdividing will not directly impact on neighbouring properties. It is determined a future ❖ dwelling house will have good separation distances to adjoining dwellings. ❖ The act of subdividing will not result in any substantial changes to traffic volumes in the locality. ❖ Subdividing the site will not necessitate the removal of any existing important vegetation. The subject site is located in an area where local character is embraced. Local character is what makes a place or area distinctive or unique. Local character is the combination of multiple factors, which relate to the area's history, built form, public and private spaces, community values and how they connect to a place. The proposed subdivision responds to the character of Young and is consistent with the relevant planning controls that are identified later in this Statement. The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the surrounding environment, in turn actively maintaining the character of Hilltops.
<i>(iii) to ensure new lots have adequate land area for on-site sewer management or are able to connect to a reticulated sewer network, and</i>	Complies. Proposed Lots 1 and 3 have existing dwelling houses that are connected to their own respective onsite wastewater treatment system. However, as we are proposing to subdivide the subject lot, creating an additional lot that will require the installation of an onsite wastewater treatment system, A Site & Soil



Assessment for On-site Effluent Disposal has been prepared by Land Capability Services dated November 2024 (refer **Appendix B**) confirming there is adequate available space for effluent disposal within the southern area of proposed Lot 2.

The conclusion and following recommendation within the consultant reports states:

'This report provides site and soil assessment for on-site effluent disposal at the applicant's proposed new subdivision. An Aerated Wastewater Treatment System (AWTS) is proposed.

An AWTS coupled with surface or subsurface irrigation provides a suitable form of effluent treatment for the site and soil characteristics of the land in question.

The management recommendations includes the size and location of the proposed irrigation area.

The following prescriptions are site specific and must be strictly adhered to, in order to maximise water and nutrient uptake, and thus minimise runoff and seepage:

- *The AWTS must be accredited by NSW Health.*
- *An irrigation area of 400m² should be determined within the area shown as suitable in Figure 1.*
- *The irrigation area should be sown to improved pastures, which once established, should be regularly mown to improve rates of nitrogen uptake.*
- *The treated effluent may be applied by surface irrigation. Surface sprays must be of the large droplet type that do not produce aerosols, and are to be regularly rotated through-out the area to evenly spread hydraulic and nutrient loads.*
- *The treated effluent may also be applied by sub-surface irrigation. Auto flush return to the tank should be installed to ensure flocculants in the lines are recycled back to the tank. Pressure compensating dripper heads to be used. Vacuum breakers or air release valves to be installed at highest point in irrigation field, to prevent migration of soil into irrigation lines. Irrigation laterals to be installed on the contour at 100mm depth and at nominal 1000mm spacing. A single disc filter of nominal 100mm diameter (85mm interval) to be installed upstream of irrigation system. Filter to be cleaned at quarterly service intervals.*
- *The distribution line from the AWTS to the effluent irrigation area must be buried at least 300mm underground or 450mm where vehicles pass over.*



	• <i>The irrigation area must not be disturbed by any building activity such as stockpiles of excavated material or vehicle traffic.</i> • <i>Detergents should be selected for low levels of phosphorus and sodium.</i>
(iv) <i>to create lots that—</i> (A) <i>are compatible with the existing predominant lot pattern or desired future layout of the locality, and</i> (B) <i>minimise adverse impacts on the amenity and productivity of adjoining primary production lands,</i>	Complies. The proposed subdivision has been prepared to ensure that the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of Hilltops. The proposal has intentionally been prepared to minimise any impacts on the amenity and productivity of adjoining primary production lands.

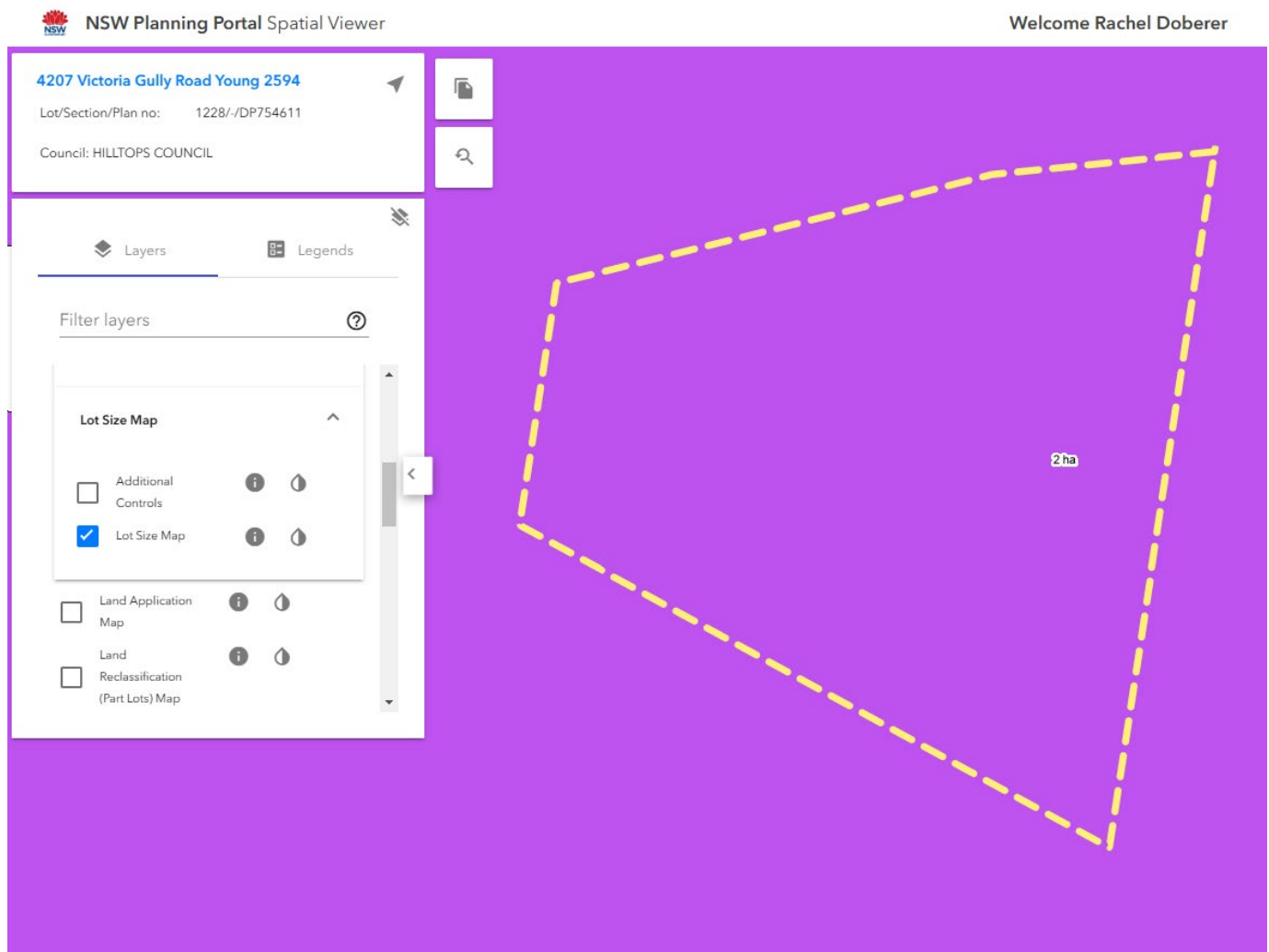


Figure 2.3: Lot Size Map (Source: NSW Government Planning Portal Spatial Viewer, December 2024)



TABLE 4 – RELEVANT PLANNING CONTROLS

The following table demonstrates the proposed subdivision is compliant with the relevant planning considerations within the YVLEP2013.

PLANNING CONTROLS	COMPLIANCE												
Clause 2.1 Land Use zones	Complies. The subject site is zoned RU4 Primary Production Small Lots. The subdivision of land within this zone is permissible with development consent.												
Clause 2.6 Subdivision – consent requirements	Complies. The subject site is zoned RU4 Primary Production Small Lots. The subdivision of land within this zone is permissible with development consent.												
Clause 4.1 Minimum Subdivision Lot Sizes	Complies. The proposed subdivision development is seeking Council consent for the creation of three lots which meet the minimum lot size requirements, the detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision (refer Appendix A). <table><tr><th>LOT NUMBER</th><th>LOT SIZE (HA)</th><th>COMPLIES WITH MLS CONTROLS</th></tr><tr><td>Proposed Lot 1</td><td>2</td><td>Yes</td></tr><tr><td>Proposed Lot 2</td><td>2</td><td>Yes</td></tr><tr><td>Proposed Lot 3</td><td>2.27</td><td>Yes</td></tr></table> The proposed subdivision is consistent with the aims and objectives of the HLEP2022. The proposal will facilitate development in accordance with the HLEP2022 and will deliver allotments that can facilitate a variety of housing products to provide variety and attract buyers at different price points in the market. It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have no adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.	LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH MLS CONTROLS	Proposed Lot 1	2	Yes	Proposed Lot 2	2	Yes	Proposed Lot 3	2.27	Yes
LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH MLS CONTROLS											
Proposed Lot 1	2	Yes											
Proposed Lot 2	2	Yes											
Proposed Lot 3	2.27	Yes											
Clause 4.3 Height of buildings	Not applicable. The subject site is not identified on the Height of Buildings Map within the YVLEP2013.												



<i>Clause 4.4 Floor space ratio</i>	Not applicable. The subject site is not identified on the Floor Space Ratio Map within the YVLEP2013.
<i>Clause 4.6 Exceptions to development standards</i>	Not applicable. The proposed development is not proposing a variation to the HLEP2022.
<i>Clause 5.10 Heritage conservation</i>	Consistent. The land is not identified as a heritage item in the YVLEP2013 to which this land relates. Within the LEP, a review of the heritage items reveals that adjoining allotments are not classed as items of heritage value. Therefore, it is considered that the proposal will not impact on any adjoining heritage items. According to the Office of Environment and Heritage website, there are no identified aboriginal relics or aboriginal heritage items located on the property. The farming techniques carried out on this property for generations, including grazing and cropping have altered the landscape, making it difficult to believe any objects of significance would exist in situ. However as identified in the Due Diligence Procedure for the Protection of Aboriginal Objects supplied in Appendix D, if any items are found during construction, construction works shall cease, and the Department shall be notified. As the development is not listed as a heritage item, no specific heritage study is required to be submitted as part of this development application.
<i>Clause 5.21 Flood planning</i>	Not applicable. The subject site is not identified as Flood Prone Land (FPL).
<i>Clause 6.1 Earthworks</i>	Complies. As part of the delivery of the proposed development, it is proposed to create a three (3) Lot Torrens Title Subdivision as indicated on the Proposed Plan of Subdivision (refer Appendix A). The objective of Clause 6.1 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Before granting development consent for earthworks, the following issues must be considered:



	• The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development. • The effect of the development on the likely future use or redevelopment of the land. • The quality of the fill or the soil to be excavated, or both. • The effect of the development on any existing and likely amenity of adjoining properties. • The source of any fill material and the destination of any excavated material. • The likelihood of disturbing relics. • The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area. • Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. The extent of bulk earthworks on the subject site has been minimised as much as practicable through careful design of the vertical and horizontal geometry of the lot. It is anticipated that given the purpose, nature and extent of excavation, that conventional methods of ancillary earthworks are able to be employed and that subject to the design of the works there will be minimal adverse impacts to the drainage, flooding or to adjoining properties. The proposed works will involve the installation of a number of sediment and erosion control measures to address any potential impacts associated with the development. These measures will be in place for the duration of the construction phase to avoid, minimise and mitigate any impacts that could potentially occur. These measures may include: • A temporary site security/ safety fence to be constructed around the site; • Sediment fencing provided downstream of disturbed areas, including any topsoil stockpiles; • Dust control measures including covering stockpiles, installing fence hessian and watering exposed areas; • Placement of hay bales or mesh and gravel inlet filters around and along proposed catch drains and around stormwater inlet pits.
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	Due to the existing condition of the land and the overall outcome of the proposal, it is expected that the proposed development will not cause any disruption or have any detrimental effect on the drainage patterns or the soil stability of the site. On this basis, the objectives of Clause 6.1 would not be compromised.
Clause 6.2 Essential Services	<i>the supply of water,</i> Proposed Lots 1 and 3 have existing rainwater tanks plumbed to the existing dwelling house(s). It is expected proposed Lot 2 will install rainwater tank(s) at construction stage for a dwelling house. Lot 2 also has an existing dam to supply water for farm use, bushfire protection and irrigation. <i>the supply of electricity,</i> Proposed Lots 1 and 3 have an existing power supply servicing the existing dwelling house(s) (refer Figure 2.4). Proposed Lot 2 has access to EE Power Poles CE200838 (refer Figure 2.5). It is noted this supply is a HV/ LV pole that has been installed for residential and farm infrastructure  Figure 2.4: Existing Essential Energy Infrastructure (Source: Essential Energy Network Information Portal, December 2024).

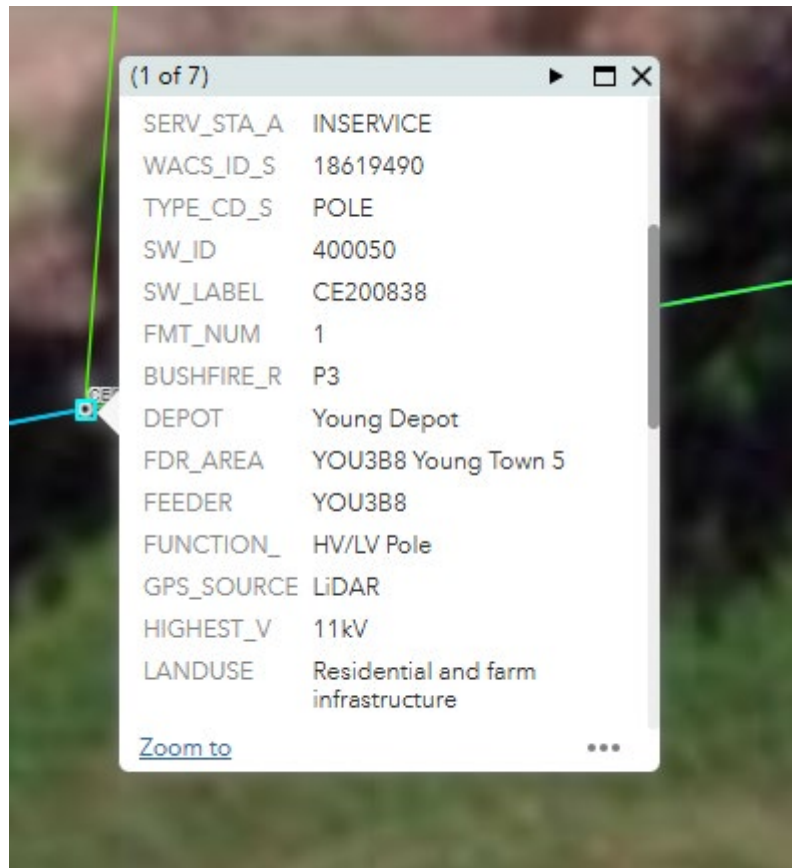


Figure 2.5: Existing Essential Energy Infrastructure Information (Source: Essential Energy Network Information Portal, December 2024).

the disposal and management of sewage,

Proposed Lots 1 and 3 have existing on-site wastewater treatment systems servicing the existing dwelling house(s) that are working efficiently.

Proposed Lot 2 will require the installation of an on-site wastewater treatment system as recommended in the Site & Soil Assessment for On-site Effluent Disposal prepared by Land Capability Services (refer **Appendix B**), at construction stage for dwelling house.

stormwater drainage or on-site conservation,

The proposed subdivision development will have minimal effect on the existing natural overland flow path for stormwater runoff.

All appropriate stormwater drainage techniques are existing and are intended to remain in place.

suitable road access,

Proposed Lot 1 has an existing legal and physical access of Murringo Road that may require upgrading in order to meet Councils controls/ specifications (refer **Figure 2.6**).

It is noted Murringo Road is a well-formed Council maintained sealed road (refer **Figure 2.7**).



Figure 2.6: Existing Access to Proposed Lot 1 (Source Google Earth, December 2024)



Figure 2.7: Murringo Road (Source Google Earth, December 2024)

Proposed Lot 2 will require the construction of a new access way off Telegraph Road as per the Proposed Plan of Subdivision (refer **Appendix A**).

Proposed Lot 3 has an existing legal and physical access of Telegraph Road that is in good condition/ meets Councils controls/ specifications (refer **Figure 2.8**).

It is noted Telegraph Road is a well-formed Council maintained gravel road (refer **Figure 2.9**).



Figure 2.9: Telegraph Road (Source: Google Earth, December 2024)

Clause 6.3 Terrestrial biodiversity

Complies. As indicated on Council's LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns (refer **Figure 2.4**).

The proposed building area on Lot 2 occupies cleared sections of the subject site which is void of significant vegetation (refer **Figure 2.10**).

The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.

Specifically, any potential biodiversity removal is limited to:

- The future building of a dwelling house and ancillary structures on proposed Lot 2, and



- Construction of a new access way to service proposed Lot 2.
- New internal fencing as per the proposed new allotment layout and demonstrated on the Proposed Plan of Subdivision (refer **Appendix A**)

It is noted there is no potential clearing of remnant trees within the areas listed above, therefore demonstrating the proposed development is actively protecting and enhancing the environmental and biodiversity values of Hilltops LGA.

Further to that and during the construction phase of the proposed development, to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.

The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land.

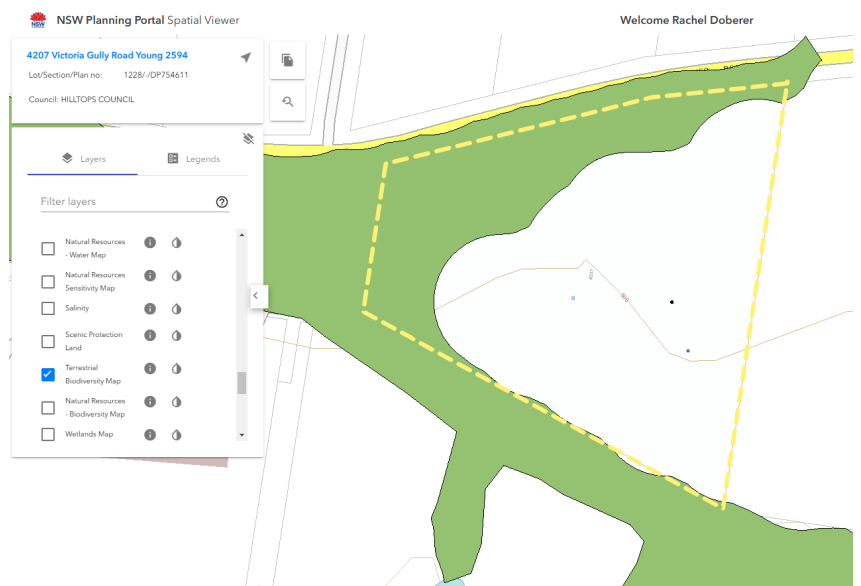


Figure 2.10: Terrestrial Biodiversity Map (Source: NSW Government Planning Portal Spatial Viewer, December 2024)

It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity.

This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.

<i>Clause 6.4 Riparian land and watercourses</i>	Not applicable. The subject site is not identified on the Riparian Land and Watercourses Map within the HLEP2022.
<i>Clause 6.5 Groundwater vulnerability</i>	Complies. Proposed Lots 1 and 3 have existing dwelling houses that are connected to their own respective onsite wastewater treatment system. However, as we are proposing to subdivide the subject lot, creating an additional lot that will require the installation of an onsite wastewater treatment system, A Site & Soil Assessment for On-site Effluent Disposal has been prepared by Land Capability Services dated November 2024 (refer Appendix B) confirming there is adequate available space for effluent disposal within the southern area of proposed Lot 2. The conclusion and following recommendation within the consultant reports states: <i>‘This report provides site and soil assessment for on-site effluent disposal at the applicant’s proposed new subdivision. An Aerated Wastewater Treatment System (AWTS) is proposed.</i> <i>An AWTS coupled with surface or subsurface irrigation provides a suitable form of effluent treatment for the site and soil characteristics of the land in question.</i> <i>The management recommendations includes the size and location of the proposed irrigation area.</i> <i>The following prescriptions are site specific and must be strictly adhered to, in order to maximise water and nutrient uptake, and thus minimise runoff and seepage:</i> <i>• The AWTS must be accredited by NSW Health.</i> <i>• An irrigation area of 400m² should be determined within the area shown as suitable in Figure 1.</i> <i>• The irrigation area should be sown to improved pastures, which once established, should be regularly mown to improve rates of nitrogen uptake.</i> <i>• The treated effluent may be applied by surface irrigation. Surface sprays must be of the large droplet type that do not produce aerosols, and are to be regularly rotated through-out the area to evenly spread hydraulic and nutrient loads.</i> <i>• The treated effluent may also be applied by sub-surface irrigation. Auto flush return to the tank should be installed to ensure flocculants in the lines are recycled back to the tank. Pressure compensating dripper heads to be used. Vacuum breakers or air release valves to be installed at highest point in irrigation field, to prevent migration of soil</i>



	<i>into irrigation lines. Irrigation laterals to be installed on the contour at 100mm depth and at nominal 1000mm spacing. A single disc filter of nominal 100mm diameter (85mm interval) to be installed upstream of irrigation system. Filter to be cleaned at quarterly service intervals.</i> <i>• The distribution line from the AWTS to the effluent irrigation area must be buried at least 300mm underground or 450mm where vehicles pass over.</i> <i>• The irrigation area must not be disturbed by any building activity such as stockpiles of excavated material or vehicle traffic.</i> <i>• Detergents should be selected for low levels of phosphorus and sodium.</i>
<i>Clause 6.6 Salinity</i>	Not applicable. The subject site is not identified on the Salinity Map within the HLEP2022.
<i>Clause 6.7 Highly erodible soils</i>	Not applicable. The subject site is not identified on the Highly Erodible Soils Map within the HLEP2022.
<i>Clause 6.8 Drinking water catchments</i>	Not applicable. The subject site is not identified on the Drinking water catchment Map within the HLEP2022.
<i>Clause 6.9 Development along the Lachlan</i>	Not applicable. The subject is not identified on the Water, Waste and Sewage Buffer Map within the YVLEP2013.
<i>Clause 6.10 Development on land intended to be acquired for Barton Highway Duplication</i>	Not applicable. The subject site is not identified on the Barton Highway Duplication Map within the YVLEP2013.



2.2 POTENTIAL NATIVE VEGETATION IMPACT PURSUANT TO THE BIODIVERSITY CONSERVATION ACT 2016 AND THE BIODIVERSITY CONSERVATION REGULATION 2017

The NSW *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017, the purpose of which is *'to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development'*.

The BC Act outlines the NSW framework for addressing impacts on biodiversity from development and clearing. Supported by the NSW *Biodiversity Conservation Regulation 2017* (BC Regulation), the BC Act establishes a framework to avoid, minimize and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS).

Under the BC Act, the BOS is triggered, and a Biodiversity Development Assessment Report (BDAR) required if a proposed development:

1. Will involve clearance of native vegetation (including trees, understory plants, groundcover plants, and wetland plants) or a prescribed impact (as set out in Clause 6.1 of the BC Regulation on land identified on the Biodiversity Values Map; and/or
2. Will exceed the native vegetation clearance threshold for the smallest minimum lot size associated with the development area; and/or
3. May significantly impact one or more BC Act listed entities (i.e threatened species or ecological communities)

The subject lot is not mapped on the Biodiversity Values Map, it is also important to note that any potential areas of native vegetation disturbance are not located in this area. A Pasture assessment Report prepared by Roger Garnsey Agronomy dated 27 September 2024 (refer **Appendix C**) states:

The pasture assessment involved recording the relative amount of exotic & native species at 10 random samples across each of the blocks using a 40cm x 40cm quadrat. This has been tabulated overleaf and shows that these areas are dominated by exotic/ introduced pasture species, with a minor component of native perennial grasses/ legumes.

It is noted the table referred to in the statement above lists the percentage of native vegetation as 0% and the percentage of exotic species as 100%.



2.3 DEVELOPMENT CONTROL PLAN

The following section discusses the relevant planning controls under the DCP.

Young Development Control Plan 2011 (YDCP2011)

The YDCP2011 provides the non-statutory planning, design and environmental objectives and controls to ensure orderly, efficient and sensitive development within the LGA is achieved. The relevant sections of the DCP considered to apply to the proposed development include:

- Chapter 5 – Subdivision Development

TABLE 5 – COMPLIANCE WITH THE YDCP2011

5.1.1 Objectives

- a) To ensure that access arrangements are appropriate for the type of rural subdivision.

5.1.2 Functional Statement

- a) Lots are provided with appropriate services;
- b) Constraint-free building envelopes are available;
- c) The use of rights-of-carriageway is minimized.

5.1.3 Performance Outcomes and Acceptable Solutions

SECTION 5.1 SUBDIVISION IN THE RURAL ZONES RU1, RU4 AND E3	
PERFORMANCE OUTCOMES	COMPLIANCE
PSD1.1 <i>All created allotments have legal and practical access including alternative emergency access as may be required by the development.</i>	Complies. Proposed Lot 1 has an existing legal and physical access of Murringo Road that may require upgrading in order to meet Councils controls/ specifications (refer Figure 2.6). It is noted Murringo Road is a well-formed Council maintained sealed road (refer Figure 2.7). Proposed Lot 2 will require the construction of a new access way off Telegraph Road as per the Proposed Plan of Subdivision (refer Appendix A). Proposed Lot 3 has an existing legal and physical access of Telegraph Road that is in good condition/ meets Councils controls/ specifications (refer Figure 2.8). It is noted Telegraph Road is a well-formed Council maintained gravel road (refer Figure 2.9).



PSD1.2 <i>Adequate physical access is available to a new allotment, being an allotment created for agricultural purposes or of sufficient size so as to have the right to apply for a dwelling.</i>	Complies. Proposed Lot 2 will require the construction of a new access way off Telegraph Road as per the Proposed Plan of Subdivision (refer Appendix A). It is noted Telegraph Road is a well-formed Council maintained gravel road (refer Figure 2.9).
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2.4 INTEGRATED DEVELOPMENT

Sections 4.46 and 4.47 of the EP&A Act requires a review of whether the proposed development on the subject site would trigger an approval under other environmental or related legislation. Such development is categorised as 'Integrated Development'.

The following provides brief commentary on whether any aspect of the development triggers a need for the consent authority to obtain General Terms of Approval from the relevant approval bodies.

TABLE 6 – INTEGRATED DEVELOPMENT

ACT	COMMENT
<i>Coal Mine Subsidence Compensation Act 2017</i>	The site is not located within a mine subsidence district.
<i>Fisheries Management Act 1994</i>	The subject site does not contain any permanent water bodies, nor is it located within Key Fish Habitat. It is considered the proposed development will not harm marine vegetation, nor will it require dredging of the bed and land reclamation of a Key Fish Habitat Creek.
<i>Heritage Act 1977</i>	No works are proposed that are referred to pursuant to section 57 of <i>Heritage Act 1977</i> .
<i>Mining Act 1992</i>	No mining lease is being sought as part of this DA, noting this DA is for a proposed Three (3) Lot Torrens Title Rural Residential Subdivision.
<i>National Parks and Wildlife Act 1974</i>	The subject site has not been identified as containing any archaeological sites and is primarily of 'low' archaeological potential.
<i>Petroleum (Onshore Act) 1991</i>	No production lease is being sought as a part of this DA, noting this DA is for a proposed Three (3) Lot Torrens Title Subdivision.
<i>Protection of the Environment Operations Act 1997</i>	The implementation of appropriate environmental protection works will ensure that no licence will be required.
<i>Roads Act 1993</i>	Section 138 of the Roads Act 1993 requires an approval from the Roads Authority (either Council or TfNSW) for certain



	works in, on or over a public road, or to connect to a classified road. Minor works may be required to connect/ upgrade the Site to a Council road (Murringo Road and Telegraph Road). TfNSW is not likely to be the referral agency for the subject application pursuant to Section 4.46 of the EP&A Act. The basis for this is any potential road works adjacent to and within Murringo Road and Telegraph Road. Under this legislation, the proposed development, therefore, does not trigger the application as requiring integrated approval from TfNSW.
<i>Rural Fires Act 1997</i>	The subject land is not identified as being bushfire prone land (BFPL) pursuant to the mapping within the YVLEP2013. As such, the development does not warrant referral to The New South Wales Rural Fire Service (NSW RFS) for their General Terms of Approval (GTAs).
<i>Water Management Act 2000</i>	There are no watercourses that traverse the site or nearby. As such the development does not warrant approval pursuant to section 91(2) of the <i>Water Management Act 2000</i> for a controlled activity.



2.5 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policies (SEPPs) are environmental planning instruments that deal with matters of State or Regional environmental planning significance.

The following provides a brief commentary on whether the key SEPPs are relevant to this proposal.

TABLE 7 – SEPPS

SEPP	COMMENT
<i>SEPP (Biodiversity and Conservation) 2021</i>	This SEPP aims to protect the biodiversity values of trees and vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of tree and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands, and koalas are included in the SEPP. Clearing of vegetation requires consent and has been assessed under the provisions of the Biodiversity Conservation Act. No additional permits from Council for the clearing of vegetation is anticipated. There are no recent records of Koalas in the locality and the species is generally not known to occur in the lowland agricultural lands of the Hilltops Council LGA. The subject land does not constitute Koala habitat, and therefore Council can be satisfied that the proposed development is unlikely to have any impact on Koalas or Koala habitat and may grant consent to the development application.
<i>SEPP (Transport and Infrastructure) 2021</i>	There are provisions contained within the SEPP which are triggers for the referral of the DA to certain authorities prior to Council being able to grant consent. The potential triggers for referral are summarised as follows: <u>Development Likely to affect an electricity transmission or distribution network</u> Clause 2.48 of the SEPP requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that comprises or involves: • The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of electricity tower. • Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or



	within 5 metres of an exposed overhead electricity power line. • Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line. • Development involving or requiring the placement of power lines underground. Based in a review of the plans and documents submitted with the DA, the proposed DA is unlikely to trigger referral to the electrical supply authority, as the nearest overhead pole location is further than 5 metres of any anticipated future construction site. <u>Development in or adjacent to road corridors and road reservations</u> Clause 2.122 of the SEPP requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP. The nature and scale of the proposed development does not trigger referral of the application to TfNSW.
<i>SEPP (Primary Production) 2021</i>	This SEPP contains planning provisions to protect and support agricultural lands and opportunities for Primary Production. The proposed development for a three (3) lot Rural Residential Torrens Title subdivision, does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.
<i>SEPP (Resilience and Hazards) 2021</i>	This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out. It is noted the proposed development is not located on 'Contaminated Land'. 'Contaminated Land' means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.



	Taking into consideration the historic use of the site Council can be satisfied that the land is not contaminated and is not land specified in subsection (4) of clause 4.6 of the SEPP (such that there is no requirement for a preliminary site investigation report).
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	The proposed development is for the subdivision of three (3) Rural Residential Torrens Title Lots which does not require a BASIX Certificate. As such this SEPP is not applicable to the assessment of this application.
<i>SEPP (Exempt and Complying Codes) 2008</i>	The proposed three (3) lot Torrens Title Rural Residential subdivision does not qualify to be assessed against this code. As such this SEPP is not applicable to the assessment of this application.
<i>SEPP (Planning Systems) 2021</i>	This SEPP contains planning rules that allow for a strategic and inclusive planning system for the community and the environment for State Significant Development. The proposed development is not classified as State Significant Development and therefore this SEPP is not applicable to this development application.
<i>SEPP (Resources and Energy) 2021</i>	This SEPP contains planning rules that promote the sustainable use of NSW's resources and transitioning to renewable energy. Specifically for the assessment and development of mining, petroleum production and extractive material resource proposals. The proposed development does not relate to the developments listed above and as such this SEPP is not applicable to this development application.
<i>SEPP (Housing) 2021</i>	This SEPP facilitates development of affordable and diverse housing including boarding houses, build-to-rent housing, seniors housing, caravan parks/ manufactured home estates, group home, secondary dwellings, social and affordable housing and short-term rental accommodation. The proposed development does not relate to the delivery of development listed above. As such this SEPP is not applicable to this development application.



<i>SEPP (Industry and Employment) 2021</i>	This SEPP contains planning rules that applies to employment land in western Sydney and for advertising and signage in NSW. The proposed development does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.
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2.6 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the subject application as per Clause 4.15 of the EP&A Act

The following table summarises the key findings in the context of Section 4.15 of the Act under which the application must be assessed.

TABLE 8 – SECTION 4.15 OF THE EP&A ACT

OBJECT	COMMENT
(a) <i>the provisions of—</i> <i>(i) any environmental planning instrument, and</i> <i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i> <i>(iii) any development control plan, and</i> <i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i> <i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <i>(v) (Repealed)</i> <i>that apply to the land to which the development application relates,</i>	The proposed development has been prepared taking into consideration any potential socioeconomic and environmental concerns. It has been determined the proposed development will not raise any matters of significance to inhibit the approval of the development application. The proposal has been assessed against the relevant provision of the Environmental Planning and Assessment Act 1979, the relevant Local Environmental Plan specifically the HLEP2022 and the Young Development Control Plan 2011 (YDCP2011). The proposal is permissible with Councils consent within the zone and meets the relevant objectives of the RU4 Primary Production Small Lots zone confirming the proposed development meets the relevant objectives. Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also attaining an environmentally sustainable development that is compatible with and sympathetic to surrounding and neighbouring properties.
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The proposed development has been prepared to facilitate an ecologically sustainable development that represents rational, orderly, economic and sustainable use of the land. The proposed three (3) Lot Torrens Title Rural Residential Subdivision has been designed to take into consideration the subject site and surrounds.



	The proposed development has been prepared by integrating the relevant economic, environmental and social considerations to result in an achievable planning outcome. It has been determined that any minor impacts of the development will have little to no effect on the surrounding environment. The proposed development of the subject lot is expected to lay the foundation for more efficient utilization of the land, and it is expected to contribute to the local economy in varying degrees.
<i>(c) the suitability of the site for the development,</i>	The proposed subdivision is consistent with, and compatible with the surrounding land uses of Young. The proposed development has been designed to have regard for the existing land uses and will not adversely affect the amenity of the surrounding area, environment, or adjoining neighbours, maintaining the opportunity for sustainable residential development. Therefore, the site is considered suitable for the proposed development.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Council is required to take into consideration any submission made in accordance with Council's notification policy and the notification provisions of the EP&A Act.
<i>(e) the public interest.</i>	This development application seeks approval for a proposed three (3) lot Torrens Title Rural Residential Subdivision. The proposal is considered in the public interest for the following reasons: • The site is located within the RU Primary Production Small Lots zone of Young. The vision for the expansion of Young LGA is to create a high quality and ecologically sustainable environment integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development which will support the other uses of the area. • The site is zoned for development purposes, and the proposed development provides for a subdivision that is consistent with the objectives and controls contained in the HLEP2022 and the YDCP2011. • The proposal accommodates rural residential living opportunities, within close proximity to Young and surrounding regional towns and villages. • It is expected any construction works associated with the proposed and future development will contribute in varying degrees to the local economy and Hilltops LGA more generally.



3. CONCLUSION

This application seeks approval for a Three (3) Lot Torrens Title Rural Residential Subdivision. It is concluded, the approval of the Development Application at Lot 1228 DP754611 4207 Victoria Gully Road, YOUNG is an appropriate, orderly and compatible form of development when assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The environmental assessment of the proposed development has demonstrated that it will have minimal adverse environmental impacts. The proposal is permissible with Council's consent within the zone and meets the relevant objectives of the RU4 Primary Production Small Lots zone.

Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also achieving an environmentally sustainable development that is compatible with and sympathetic to surrounding properties.

The proposal has been prepared with respect to create an appealing residential subdivision development within on the eastern periphery of Young. The application is supported by the appropriate documents that satisfy Council's requirements and demonstrate that the subject site is suitable for the proposed development.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the *Environmental Planning and Assessment Act 1979* (as amended) and the *Environmental Planning and Assessment Regulation 2021*.

The assessment concludes the subdivision is permissible within the RU4 Primary Production Small Lots zone, is consistent with the specific provisions contained in the YLEP2022 and the YDCP2011. It is recommended that sufficient information has been submitted with the Development Application to allow Hilltops Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development should be supported.



APPENDIX A

PROPOSED PLAN OF SUBDIVISION



APPENDIX B

SITE & SOIL ASSESSMENT FOR ON-SITE EFFLUENT DISPOSAL FOR PROPOSED LOT 2



APPENDIX C

PASTURE ASSESSMENT REPORT



APPENDIX D

AHIMS SEARCH RESULTS AND SITE SPECIFIC DUE DILIGENCE PROCEDURE



APPENDIX E

CERTIFICATE OF TITLE AND DEPOSITED PLAN FOR LOT 1228 DP754611

