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# Statement of Environmental Effects

## In Support of a Development Application

698 Red Hills Road, Marulan NSW 2579

Prepared For

ABU BADER

3 October 2024





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## 1.0 Introduction

Fides has been commissioned by A BADER to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a two-lot subdivision at Lot 40 DP 882293 – 698 Red Hills Road, Marulan.

This SEE has been prepared pursuant to the Environmental Planning and Assessment Regulation 2021 and is provided in the following format.

**Section 2** of this report provides a description of the subject site and its locality.

**Section 3** outlines the proposed development.

**Section 4** details the planning framework applicable to the subject site and proposed development.

**Section 5** identifies the impacts of the proposed development.

**Section 6** provides a conclusion to the SEE.

## 2.0 The Site

### 2.1 Site Location and Description

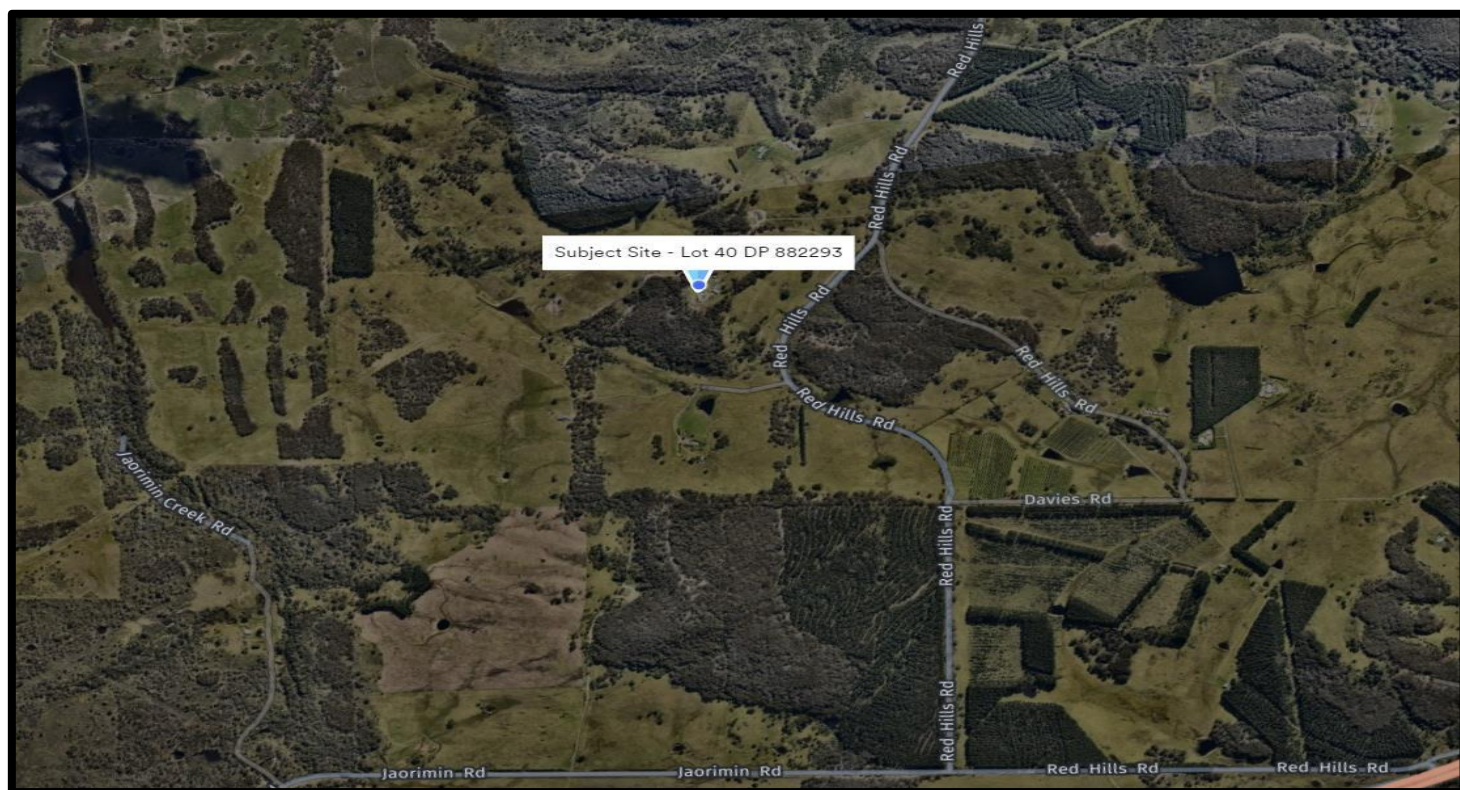
The site is located approximately 6.98kms along Red Hills Road from the intersection of Red Hills Road and Jaorimin Road, Marulan. The site contains an existing dwelling house and ancillary farm sheds with essential services such as electricity and telephone servicing the allotment. (The subject site is depicted in Figure 1). The site is surrounded by existing rural residential development as per the original subdivision consent 24/1/933 and plan registered on the 29 February 1999 under Subdivision Certificate 1445. (The subject site is depicted in Figure 2).



Figure 1 – The site

Source: Sixmaps





**Figure 2 – The Site Locality**

Map Source: nearmap

## 2.2 Site Features and existing developments

### Development Description

The development proposal involves:

1. The creation of 2 allotments ranging in size from 10ha and 40ha (subject to survey);
2. The installation of required gateway access to service the proposed allotments; and
3. The carrying out of works as required by Council on the issue of development consent.

## 2.3 Surrounding Lands

The site is accessed off the sealed Red Hills Road. Viewing from the aerial photograph the surrounding land contains cleared and partially cleared rural residential lots with sporadic dwelling houses

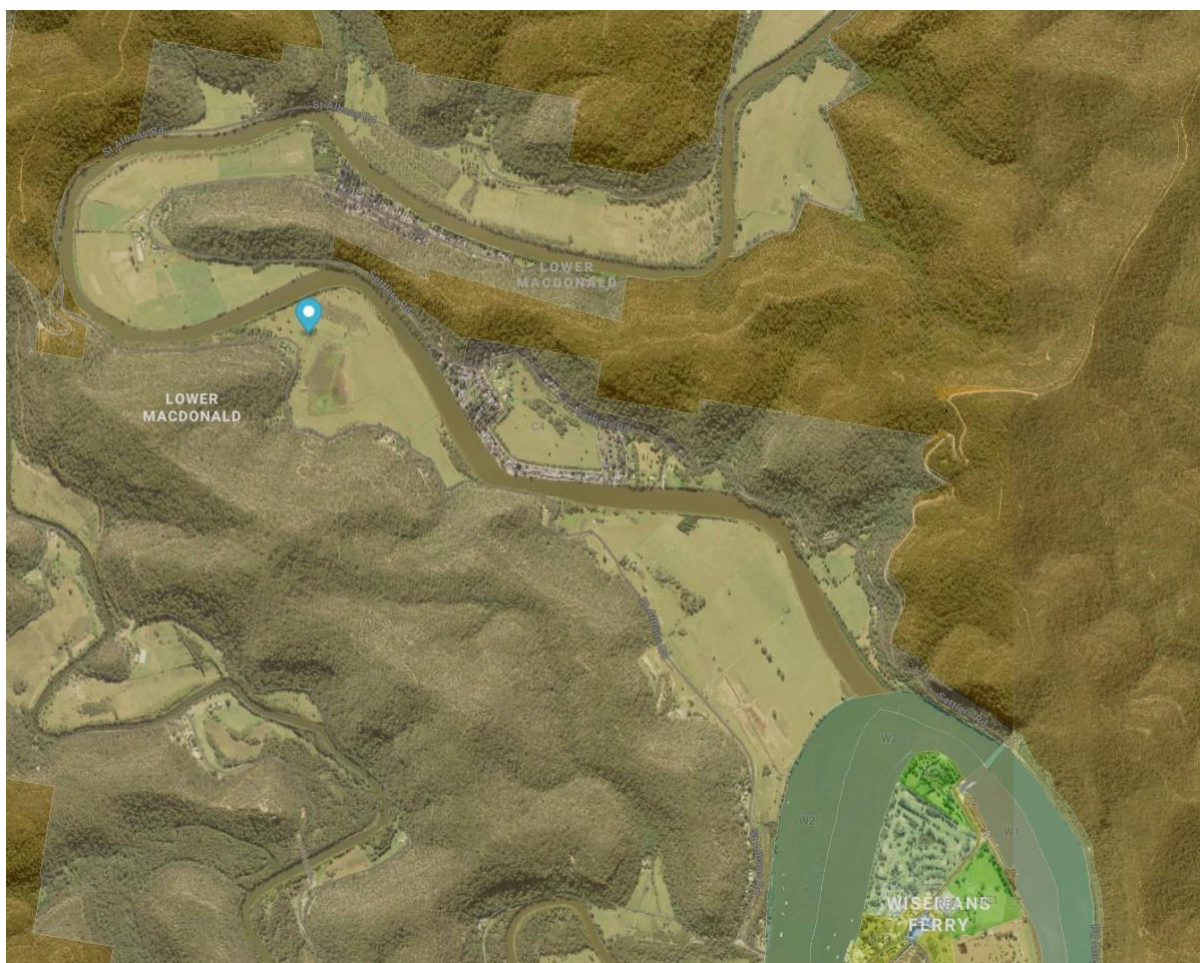


Figure 2 – Aerial photo of site with adjoining developments

Source: Mecone Mosaic.

## 3.0 Zoning and Planning Controls

### 3.1 Zoning

The site is within the Goulburn Mulwaree Local Government Area ('LGA') and the Goulburn Mulwaree Local Environmental Plan 2009. The site is within the C3 Environmental Management zone under the Goulburn Mulwaree Local Environmental Plan 2009. The proposed development is permissible development under the zone subject to compliance with various clauses detailed in this Statements detailed in this Statement

## 3.2 Other Planning Controls

The site is also affected by the Hawkesbury DCP 2023, State Environmental Planning Policy, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Primary production) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022 and State Environmental Planning Policy (Transport and Infrastructure)

## 4.0 Planning Considerations

### 4.1 Object of the EP&A Act

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment (DPIE). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- (a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) To promote the orderly and economic use and development of land,
- (d) To promote the delivery and maintenance of affordable housing,
- (e) To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) To promote good design and amenity of the built environment,
- (h) To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- (i) To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- (j) To provide increased opportunity for community participation in environmental planning and assessment.

The proposed development is conducive to the above objects.

Section 1.7 of the EP&A Act requires consideration of Part 7 of the Biodiversity Conservation Act 2016 (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. A development is considered to result in a significant impact in the following assessed circumstances.



## 4.2 Section 1.7

Table 1 – Section 1.7

Test	Assessment
1. it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	No
2. the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	No
3. it is carried out in a declared area of outstanding biodiversity value.	No

**Source: Environmental Planning and Assessment Act 1979**

## 4.3 Subordinate Legislation

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs; and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- Goulburn Mulwaree Local Environmental Plan 2009
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Goulburn Mulwaree Development Control Plan 2009

The requirements of these are discussed in **section 4.5** of this Statement.

## 4.4 Integrated Development

Section 4.46 of the EP&A Act states that development requiring consent and another activity approval is defined as Integrated Development. The proposed development is classified as Integrated Development by virtue of requiring:

- An approval under S100B of the Rural Fires Act 1997.

## 4.5 Planning Instruments

### 4.5.1 LOCAL ENVIRONMENTAL

#### 4.5.1.1 PLAN Introduction

The *Goulburn Mulwaree Local Environmental Plan 2009 (LEP)* is the applicable local planning instrument applying to the land. The aims of the LEP are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,



- (a) to promote and coordinate the orderly and economic use and development of the land in the area,
- (b) to provide a framework for the Council to carry out its responsibility for environmental planning provisions and facilitate the achievement of the objectives of this Plan,
- (c) to encourage sustainable management, development and conservation of natural resources,
- (d) to promote the use of rural resources for agriculture and primary production and related processing service and value adding industries,
- (e) to protect and conserve the environmental and cultural heritage of Goulburn Mulwaree,
- (f) to enhance and provide a range of housing opportunities in, and the residential and service functions of, the main towns and villages in Goulburn Mulwaree,
- (g) to establish a framework for the timing and staging of development on certain land in Goulburn and Marulan,
- (h) to provide a range of housing opportunities, including large lot residential development in the vicinity of the villages,
- (i) to allow development only if it occurs in a manner that minimises risks due to environmental hazards, and minimises risks to important elements of the physical environment, including water quality,
- (j) to provide direction and guidance as to the manner in which growth and change are to be managed in Goulburn Mulwaree,
- (k) to protect and enhance watercourses, riparian habitats, wetlands and water quality within the Goulburn Mulwaree and Sydney drinking water catchments so as to enable the achievement of the water quality objectives.

The proposed development is not antipathetic to the aims of the plan.

#### **4.5.1.2 Mapping**

A review mapping via the NSW Planning Portal identifies the following applicable mapped constraints:

Table 2 – NSW Planning Portal – Property Report

<b>Constraint</b>	<b>Applicability</b>	<b>Section addressed</b>
Land Zoning Map	Applicable	4.5.1.3
Lot Size Map	Applicable	4.5.1.4
Floor Space Ratio Map	Not Applicable	
Height of Buildings Map	Not Applicable	
Land Reservation Acquisition Map	Not Applicable	
Heritage Map	Not Applicable	
Natural Resources Sensitivity Land Map	Not Applicable	4.5.1.5
Scenic and Landscape Values Map	Not Applicable	
Key Sites Map	Not Applicable	
Urban Release Area Map	Not Applicable	
Additional Permitted Uses Map	Not Applicable	
Active Street Frontages Map	Not Applicable	
Flood Planning Land Map	Not Applicable	
Drinking Water Catchment	Applicable	4.5.2.1

This matter is further discussed in Appendix D – Ember Bushfire Consulting – Bushfire Assessment Report.

The above matters, together with other relevant LEP clauses, are discussed in the following sections.

#### **4.5.1.3 Land Use Zoning**

The site is within the Goulburn Mulwaree Local Government Area ('LGA') and the Goulburn Mulwaree Local Environmental Plan 2009. The site is within the C3 Environmental Management zone under the Goulburn Mulwaree Local Environmental Plan 2009. The proposed development is permissible development under the zone subject to compliance with various clauses detailed in this Statements

### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To facilitate the management of water catchment areas, environmentally sensitive land and areas of high conservation value.

### **2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home occupations

### **3 Permitted with consent**

Agriculture; Air strips; Animal boarding or training establishments; Camping grounds; Caravan parks; Centre- based child care facilities; Community facilities; Depots; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Farm buildings; Forestry; Home-based child care; Home businesses; Home industries; Information and education facilities; Oyster aquaculture; Pond- based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Rural workers' dwellings; Secondary dwellings; Signage; Stock and sale yards; Tank-based aquaculture; Tourist and visitor accommodation; Water recycling facilities

### **4 Prohibited**

Industries; Intensive livestock agriculture; Multi dwelling housing; Residential flat buildings; Retail Fidess; Rural industries; Seniors housing; Service stations; Serviced apartments; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

The proposed development (Subdivision for the purpose of Dwelling house) is permissible with consent pursuant to Clause 4.1C.

The subdivision falls with the C3 Environmental Management Zone with objectives each of which is detailed and considered below:

To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.

**Response:** The proposal has been designed to minimise any potential impact to the natural resources of the land including special ecological, scientific, cultural or aesthetics.

*To provide a limited range of development that does not have an adverse effect on those values.*

**Response:** The proposal is permissible and has been designed to minimise any potential effects on existing developments.

*To facilitate the management of water catchments areas, environmentally sensitive land and areas of high conservation value.*

**Response:** Areas of conservation, scientific, cultural or aesthetic value are considered to be unaffected by the development.

#### 4.5.1.4 Minimum Subdivision Lot Size

The proposal is utilising the provisions of clause 4.1C of the *Goulburn Mulwaree Local Environmental Plan 2009*:

- (1) The objective of this clause is to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the rural and environmental values of the land by encouraging buildings to be appropriately sited.

**Response:** The subject land has been designed in consideration of the rural and environmental values that exist. A future dwelling location has been appropriately sited is to minimise potential impacts.

- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone RU6 Transition,
  - (d) Zone R5 Large Lot Residential,
  - (e) Zone E3 Environmental Management,
  - (f) Zone E4 Environmental Living.

**Response:** The subject land is located within the C3 Environmental Management Zone (former E3 Environmental Management zone).

- (3) Despite the other provisions of this Plan, development consent may be granted for the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the Community Land Development Act 1989) to create lots of any size if—
- (a) the consent authority is satisfied that the land to be subdivided is proposed to be used for the purpose of residential accommodation, and
  - (b) the average area of the lots resulting from the subdivision will not be less than the minimum size shown on the Lot Size Map for the relevant land, and
  - (c) the consent authority is satisfied that the development retains, and is complementary to, the rural and environmental attributes of the land and its surrounds, and
  - (d) in relation to land in Zone E3 Environmental Management or Zone E4 Environmental Living, each lot resulting from the subdivision will have an area of at least 10 hectares.

**Response:**

- The subject land is proposed to be subdivided for the purpose of residential accommodation. The attached document supports the justification for the future erection of a dwelling.
  - The average area of an allotment resulting from the subdivision will not meet the minimum lot size as shown on the Lot size map but complies with Clause 4.1C(3)(d).
  - The proposal is considered complementary to the rural and environmental attributes of the land and surrounds, providing for continuity in the location of dwelling houses along Red Hills Road, sensitivity to the location of the gas pipeline easement and minimal clearing of vegetation for the placement of a future dwelling. Further development of the site will enable a manageable area under direct supervision to ensure positive environmental outcomes occur to the land and in the locality.
  - The site is located within the C3 Environmental Management zone with the proposed allotments having areas greater than the minimum 10 hectares.
- (4) Development consent must not be granted for the subdivision of a lot created under this clause unless the consent authority is satisfied that—
- (a) the lots to be created will not be used for the purpose of residential accommodation, and
  - (b) the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.

**Response:** The proposal meets the requirements of the clause by creating allotments for future residential accommodation. The location of a future dwelling has been designed to minimise any potential environmental impacts.



#### 4.5.1.5 Terrestrial Biodiversity

The site is identified on the Terrestrial Biodiversity Map under Goulburn Mulwaree Local Environmental Plan 2009.

- (1) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—
  - (a) the development is designed, sited and managed to avoid the potential adverse environmental impact, or
  - (b) if a potential adverse impact cannot be avoided, the development—
    - (i) is designed and sited so as to have minimum adverse impact, and
    - (ii) incorporates effective measures so as to have minimal adverse impact, and
    - (iii) mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.

**Response:** The subject site is not located in proximity to any area of biodiversity value under the Biodiversity Value Map and using the Threshold Tool does not propose clearing more than 5,000 square metres.

A Biodiversity Values Map and Threshold Tool was obtained on-line indicating that the site is not containing a biodiversity value. The attached Biodiversity Values Map indicates that the area clearing threshold is 5,000sqm = 0.5ha.

This area is not exceeded as per the calculations provided below:

#### Proposed Lot 1:

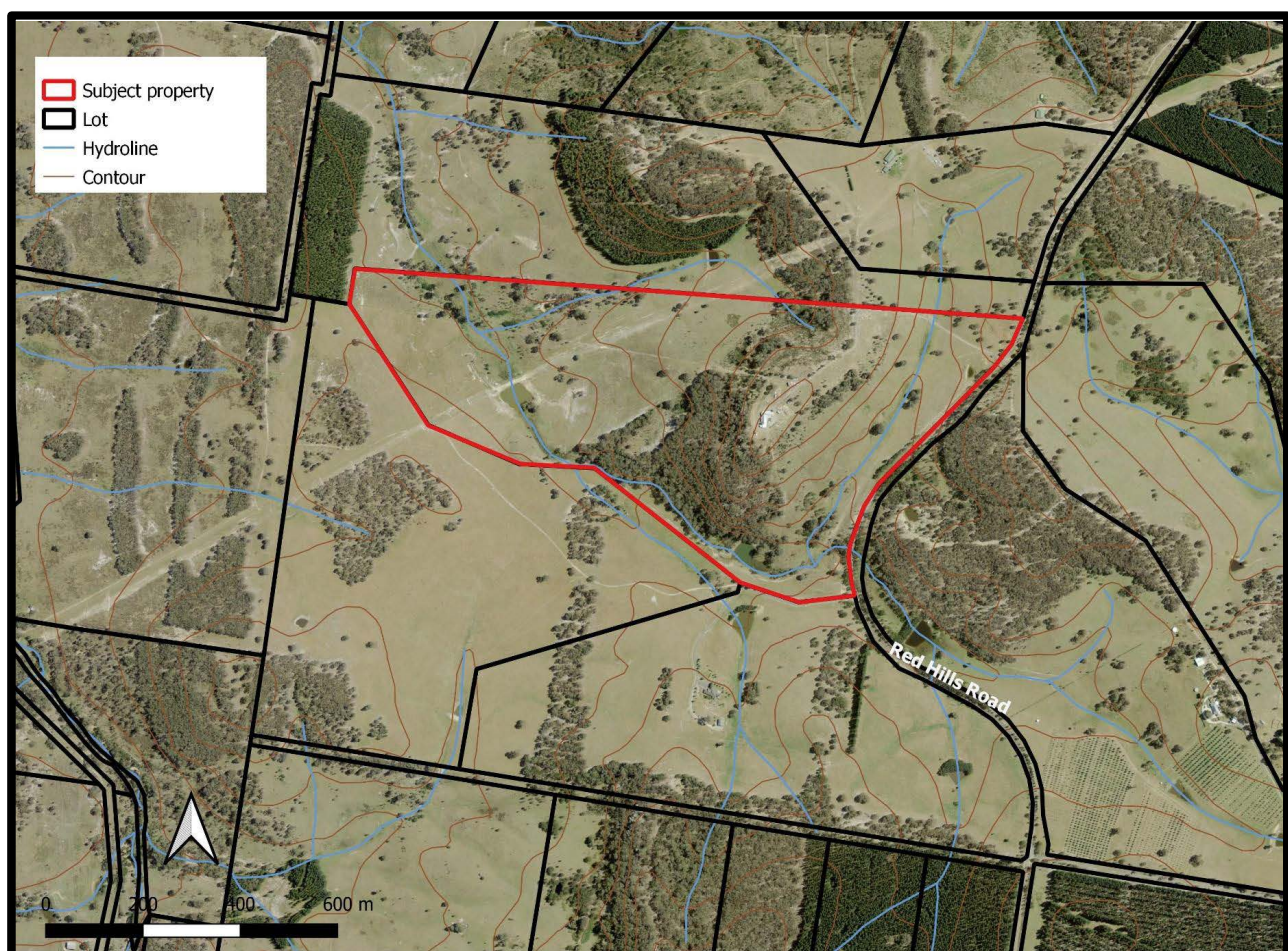
- Existing internal access utilised – no upgrades required –  $300\text{m} \times 4\text{m} = 1,200\text{ m}^2$
- Proposed house site:  $400\text{m}^2$  (inconsideration a building envelope under the DCP requires  $150\text{m}^2$ )
- Dwelling APZ – just under  $2,500\text{m}^2$
- The area within the APZ will contain the recommended AWTS unit. The AWTS requires surface irrigation, therefore no clearing required.
- Internal fencing – utilise existing fencing with 135m of new fencing would be proposed if required.

#### Proposed Lot 2

- Proposed internal access –  $295\text{m} \times 4\text{m} = 1,180\text{m}^2$
- Existing house site and infrastructure including existing APZ –  $0\text{m}^2$

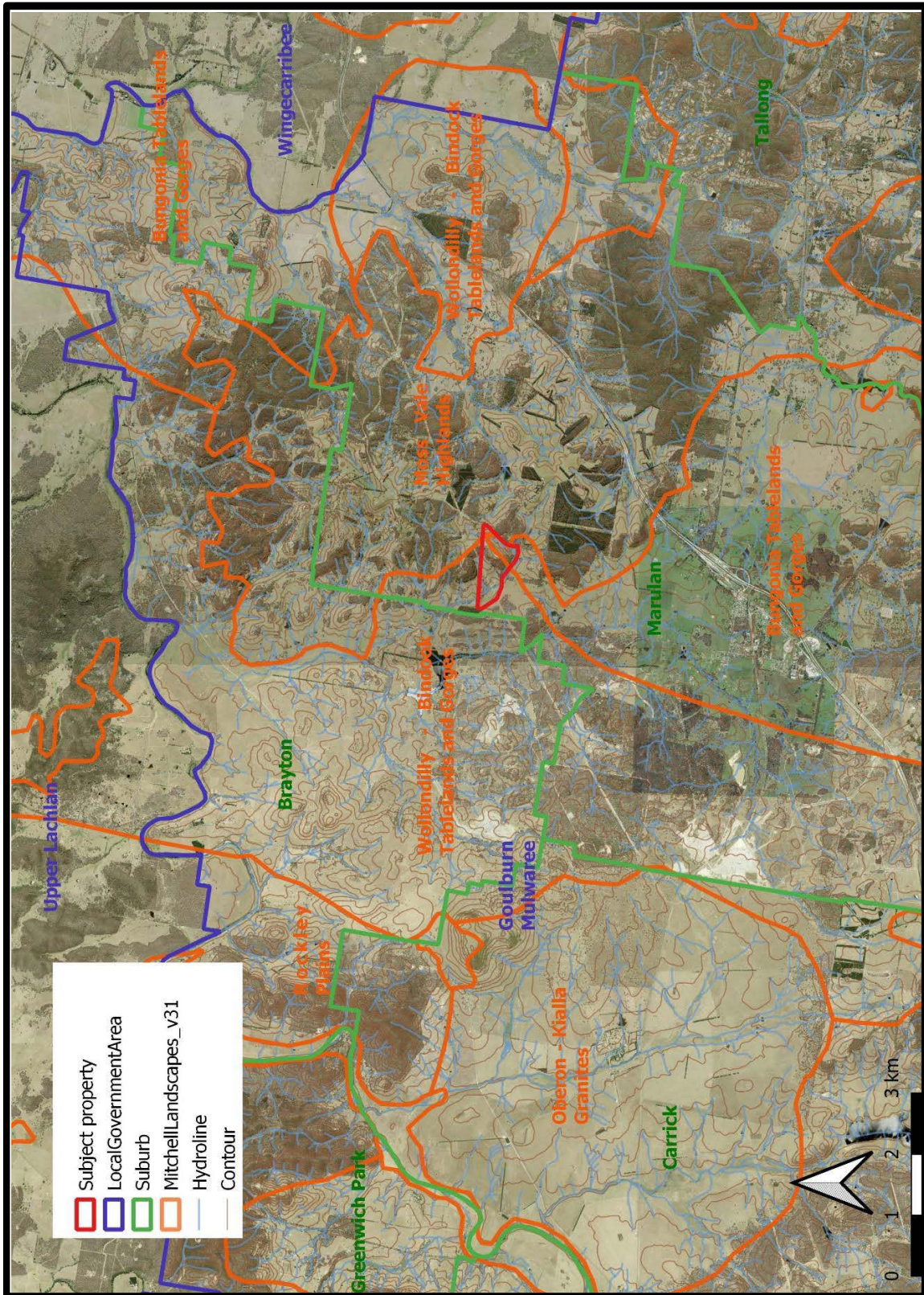
### Total Clearing: 3,500 m<sup>2</sup>

- Forest on the ridgelines across the eastern parts of the property has been identified as PCT 3643 *Bungonia Tableland Silvertop Ash-Stringybark Forest*. This PCT is estimated to be 47% cleared from its pre-European extent.
- PCT 3643 is not currently associated with any threatened ecological communities (TECs) listed under either the BC Act or EPBC Act.
- The property does not appear to be part of an important or notable wildlife corridor but does contain corridors of vegetation that would provide some connectivity for wildlife through the landscape.
- No Species or Eco system have been generated under Biodiversity method completed by South East Environmental and attached to the application.



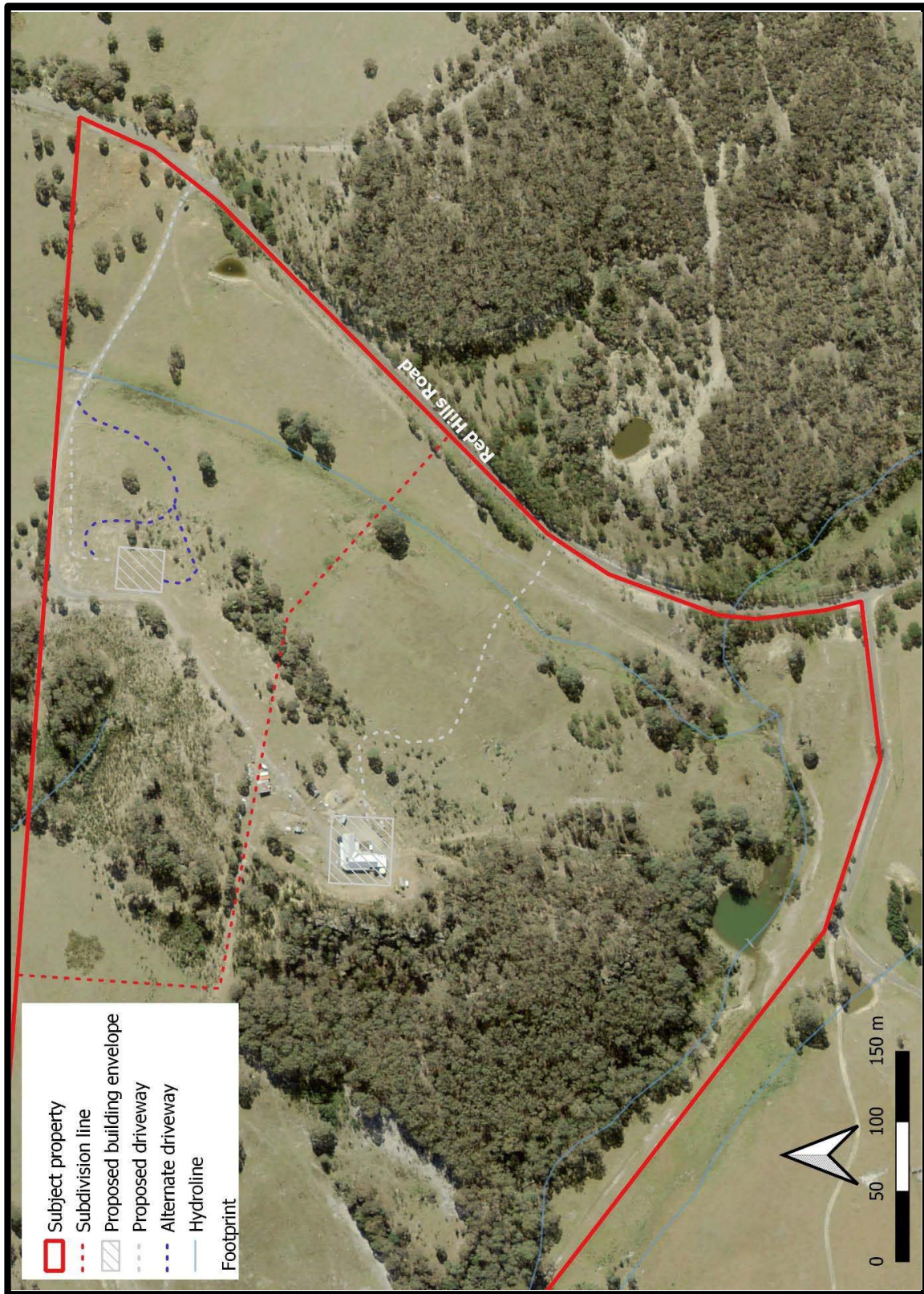
Biodiversity values across the property have been categorised into three preliminary constraint levels:





Landscape context of subject property





Proposed subdivision layout



## **4.5.2 STATE ENVIRONMENTAL PLANNING POLICY**

### **4.5.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

#### **Chapter 2 – Vegetation in non-rural areas**

##### **2.6 Clearing that requires permit or approval**

- (1) A person must not clear vegetation in a non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.
- (2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.
- (3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.
- (4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.
- (5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.
- (6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.

#### **Response:**

A Biodiversity Values Map and threshold Tool was obtained on-line indicating that the site as containing a biodiversity value. The attached Biodiversity Values Map indicates that the area clearing threshold is 5,000sqm = 0.5ha. This area is not exceeded for the proposal. See Appendix 4.

#### **Chapter 8 – Sydney Drinking Water Catchment**

The aims of this Chapter are -

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

**Response:**

A Wastewater Management Report has been undertaken by Strategic Environmental and Engineering Consultants. A full copy of the report is referenced Appendix 6 and is separately attached.

**4.5.2.2 State Environmental Planning Policy (Transport and Infrastructure) 2021**

- (1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—
  - (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
  - (b) development carried out—
    - (i) within or immediately adjacent to an easement for electricity purposes (whether the electricity infrastructure exists), or
    - (ii) immediately adjacent to an electricity substation, or
    - (iii) within 5m of an exposed overhead electricity power line,
  - (c) installation of a swimming pool any part of which is—
    - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
    - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
  - (d) development involving or requiring the placement of power lines underground unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

**Response:**

The proposal will require referral to Essential Energy for consideration. Design will be in accordance with essential energy requirements.

#### **4.5.2.3 State Environmental Planning Policy (Resilience and Hazards) 2021**

The provisions within the repealed SEPP 55 have been transferred to Chapter 4 (Remediation of Land in the Resilience and Hazards SEPP. The SEPP consolidation does not change the legal effect of the repealed SEPPs with Section 30 of the *Interpretation Act 1987* applying to the transferred provisions. The SEPP consolidation is administrative; the intent and provisions remain largely unchanged.

Clause 4.6(1) (Contamination and remediation to be considered in determining a development application) relevantly states that a consent authority must not consent to the carrying out of any development on land unless:

- a) It has considered whether the land is contaminated, and
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

#### **Response:**

A Detailed Site Investigation (DSI) was conducted in May 2024, followed by the implementation of a Remediation Action Plan (RAP). Site validation was successfully completed on 30 May 2024 by Australian GeoEnviro, See appendix 5.

From this assessment, no contamination or potential contamination has been identified on the land subject to the proposed development. Based on the findings outlined above, the site is deemed suitable for the proposed development.

#### **4.5.3 DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

Not Applicable.

#### **4.5.4 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

Not Applicable.

#### **4.5.5 DEVELOPMENT CONTROL PLANS**

##### **4.5.5.1 Goulburn Mulwaree Development Control Plan 2009**

The Goulburn Mulwaree Development Control Plan 2009 (DCP) applies to the site. **Table 3** provides a summary of relevant matters raised via the DCP together with an assessment of project specific compliance.

As outlined at **Table 3**, the development is generally compliant with all relevant provisions of the Development Control Plan.

#### **4.5.6 DEVELOPMENT CONTRIBUTIONS PLANS**

Goulburn Mulwaree Infrastructure Contributions Plan 2021 is the applicable plan for the proposal.

### **5.0 Impacts, Site Suitability & The Public Interest**

Pursuant to Division 1 of the EP&A Regulation, this section of the report provides and evaluation of the proposed development against the provisions of sec 4.15 of the EP&A Act.

#### **5.1 4.15(1)(a)(i) The provision of any environmental planning instrument**

The development proposal has been assessed against the relevant provisions of the following environmental planning instruments:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Goulburn Mulwaree Local Environmental Plan 2009

The development is consistent with the provisions of these environmental planning instruments, refer to the detailed discussion in Section 4 of this SEE.

#### **5.2 4.15(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act**

The proposed development has been assessed against the provisions of the relevant draft instruments that have been the subject of public consultation under the Act.

#### **5.3 4.15(1)(a)(iii) The provisions of any development control plan**

The proposed development has been assessed against the provisions of the Goulburn Mulwaree Development Control Plan 2009. See Table 4 for further comments.

#### **5.4 4.15(1)(a)(iiia) The provisions of any planning agreement or draft planning agreement under section 7.4**

#### **5.5 4.15(a)(iv) The provisions of the regulations**

This Development Application has been made in accordance with the Environmental Planning and Assessment Regulations 2021



## **5.6 4.15(1)(b) The likely impacts of the development**

The development comprises a rural subdivision for future residential uses. The development will not result in any direct social or economic impact other than to provide for future residential occupancy with residents that would add to the local community and provide support for local industries required in the construction and continued existence.

### Built From, Neighbourhood Character and Visual

The proposal provides for future housing that would contain design integration with the existing dwellings surrounding the site. The proposed development will provide a positive contribution to the locality by virtue of the articulation, visual interest and appropriate scale in context of this area.

### Noise

The noise impacts that could be generated by the proposal are consistent with the approved development on the site and will not result in any adverse noise impact on adjoining properties given that any potential noise generated during construction of the subdivision will occur within the permitted hours and days consented by Council.

### Views and Vistas

The proposed development will not obstruct any significant view corridors from any nearby residence or from the public domain.

### Safety, Security and Crime Prevention

The proposal contributes towards a physical environment that encourages a feeling of safety through increased activity on the property. The proposal provides a design and layout that addresses community concerns with regards to community safety and crime on the basis it is a residential development for residential uses. The proposal reduces the opportunity for criminal activity on and around the site through increased human activity on the site, strong territorial reinforcement through clear private/public areas and increased passive and active surveillance.

### Social and Economic Impact in the Locality

The proposed development has been designed to optimise the achievement the achievement of potential social benefits including those related to access, future housing, security and safety and community interaction. The proposal provides for future housing development that will reduce pressures on housing availability. The proposal will contribute to new job creation for the local community and will be a source of employment during the construction phase. Overall, the proposal will have a positive short and longer term economic and social benefits on the locality.

### Construction Impacts

Construction impacts would be short-lived and manageable. The following standard

construction management measures would be implemented to ensure impacts to the locality are minimised:

- Standard construction hours (7 am to 4 pm Monday to Friday and 8 am to 1 pm Saturday and at no times on public holidays) would be implemented.
- Avoiding dust generating activities during windy and dry conditions; and
- Maintaining all equipment in good working condition such that the construction contractor and site manager ensure the prevention of the release of smoke by construction equipment, which would be in contravention of Section 124 of the *Protection of the Environment Operations Act 1997* and Clause 16 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

### Cumulative Impacts

It is not anticipated that the development would result in any cumulative impacts including:

- individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects);
  - individual impacts so close in space that the effects overlap (space crowded effects);
  - repetitive, often minor impacts eroding environmental conditions (nibbling effects); or
- different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects).

## **5.7 4.15(1)(c) The suitability of the site for the development**

The development has been shown to have been designed in accordance with the LEP allowances and Council guidelines contained within the Development Control Plan and having full regard to the present nature of the site and controls dictated by best environmental management of existing site constraints. The development proposal as designed is considered suitable for the site and compatible within the locality.

## **5.8 4.15(1)(d) Any submissions made in accordance with the Act or the regulations**

Public submissions regarding the development proposal have not been made at this stage but would be considered following public notification in accordance with Council policy.

## **5.9 4.15(1)(e) The public interest**

There are no other known issues of public interest that should preclude the consent of this development application.

## **6.0 Conclusion**

This Statement of Environmental Effects (SEE) seeks approval for a rural subdivision of Lot 40 DP 882293 at 698 Red Hills Road, Marulan. The proposal has been assessed against the Environmental Planning and Assessment Act 1979, relevant planning instruments, and development control plan requirements, and is permissible with consent.

The SEE has considered potential environmental impacts and found no unacceptable effects. Approval of the development is consistent with relevant legislation and is in the public interest.

# **APPENDIX A**

## **DCP COMPLIANCE TABLE**



Table 3 – Development Control Plan Matters and Assessment

Objective/requirement	Standard	Assessment	Compliance
<p>Section 1.8</p> <p><b>Variations to Controls</b></p>	<p>Council acknowledges that it is not possible for this plan to account for all possible situations and development scenarios. Consequently, the development controls under this plan have been designed to be flexible.</p> <p>When circumstances warrant, Council may consent to an application which departs, to a minor extent, from the provisions of this plan. In such cases, a written submission must be lodged with the development application, outlining the variation, providing reasons why the variation is necessary or desirable, and setting out how the objectives of the particular provision are satisfied by the proposal.</p> <p>Some of the relevant factors in determining whether a departure from this plan is warranted include:</p> <ul style="list-style-type: none"> <li>a) Whether there will be any detrimental impact on the amenity of the existing and future residents.</li> <li>b) Whether there will be any detrimental impact on the amenity of the area</li> <li>c) That nature and size of the departure</li> <li>d) The degree of compliance with other relevant requirements</li> <li>e) The circumstances of the case, including whether the particular provision is unreasonable and /or unnecessary</li> </ul>		NA

Objective/requirement	Standard	Assessment	Compliance
	<p>f) Priorities identified on a site analysis of being more importance than what is being departed from.</p> <p>g) Whether non-compliance will prejudice the objectives of the zone and the aims of this plan.</p>		
<p>Section 3.1</p> <p><b>Indigenous Heritage and Archaeology</b></p>	<p>To provide for the consideration of impacts on indigenous heritage and archaeology from proposed development within the Goulburn Mulwaree Local Government Area.</p>	<p>Having regard to the matter for consideration – An Aboriginal Cultural Due Diligence Assessment has been undertaken by Past Traces Heritage Consultants. The report recommends:</p> <p>Recommendation 1: The development proposal should be able to proceed with no additional archaeological investigations. No areas of potential archaeological deposits or heritage sites have been identified within the development area and the potential for Aboriginal or historical heritage objects within the development area has been assessed as low.</p> <p>Recommendation 2: Under the NPW Act 1977 all Aboriginal places and objects are protected from harm even if they have not been previously identified during the assessment process. If Aboriginal material is discovered during works, then the steps as outlined below should be followed:</p> <ul style="list-style-type: none"> <li>• All work must cease in the vicinity of the find and project manager notified immediately.</li> <li>• A buffer zone of 10m should be fenced in all direction of the find and construction</li> </ul>	<p>YES</p>

Objective/requirement	Standard	Assessment	Compliance
		<p>personnel made aware of the 'no go' zone.</p> <ul style="list-style-type: none"> <li>• NSW Heritage must be notified of the find and advice sought on the proper steps to be undertaken.</li> <li>• After confirmation from NSW Heritage a heritage consultation should be engaged to undertake assessment of the find and provide appropriate management recommendations to the proponent.</li> </ul> <p>Recommendation 3: Further archaeological assessment would be required if the proposal activity extends beyond the area of the current investigation.</p> <p>Implementation of the above management recommendations will result in a low potential for the project to impact on heritage values or result in damage to heritage sites.</p>	
Section 3.2 <b>European (Non-Indigenous) Heritage Conservation</b>	To conserve and enhance the heritage significance and qualities of heritage items conservation areas and archaeological remains and relics.	The subject land is not listed, nor it is located within a Heritage Conservation zone.	NA
Section 3.6 <b>Vehicular Access and Parking</b>	<p>Where on-site car parking or service areas are required, ensure that the layout and design does not detract from amenity of adjoining areas.</p> <p>To ensure the design of parking and servicing areas is efficient, safe, convenient, discrete and suitably landscaped.</p> <p>Minimise nuisance caused by traffic movement, generation, and servicing.</p>	The proposal allows for the use of the existing access to service proposed Lot 1 with a S138 application submitted in support of this application for the installation of a new gateway access to service proposed Lot 2.	NA

Objective/requirement	Standard	Assessment	Compliance
Section 3.7 <b>Crime Prevention through Environmental Design</b>	Enhance and improve community safety within the Goulburn Mulwaree local government area Create a physical environment that encourages a feeling of safety Address community concerns with regard to issues of community safety and crime prevention Reduce the level of crime within the Goulburn Mulwaree local government area Prevent the opportunity for criminal activity Ensure that new development promote CPTED	The proposal creates the opportunity for future dwellings with resultant increased passive and active surveillance in and around the property. The proposal contributes towards a physical environment that encourages a feeling of safety through increased activity on the property. The proposal provides a design and layout that addresses community concerns with regards to community safety and crime on the basis it is a residential development that is for private residential uses. The proposal reduces the opportunity for criminal activity on and around the site through increased human activity on site, strong territorial reinforcement through clear private/public areas and increased passive and active surveillance.	YES
Section 3.9 <b>Tree and Vegetation Preservation</b>	Support the aims of the Vegetation SEPP to protect the biodiversity values of trees and other vegetation.	See Sec 4.5.1.5 for detailed comments.	YES
Section 3.17 <b>Bushfire Risk Management</b>	The RFS advises that any development on bush fire prone land will be the subject to the requirements of Section 79BA of the <i>Environmental Planning and Assessment Act 1979</i> and Section 100B of the <i>Rural Fires Act 1997</i> .	The land is identified as being bushfire prone land. A Bushfire Assessment Report has been undertaken by Ember Bushfire Consulting and is separately attached.	YES
Section 5.2 <b>Subdivision</b>	Control the density of development to limit population growth and maintain the rural character of the area. Promote lots of sufficient size to conduct agriculture and other rural pursuits.	The proposal has been designed to retain significant landscape features, remnant vegetation and identified existing constraints/easements. Due consideration has been given to the identification of future dwelling location to incorporate all essential services and facilities. Electricity provisions shall be made available to the proposed allotments and all access ways will be	YES

Objective/requirement	Standard	Assessment	Compliance
		designed and constructed in accordance with the current version of Council's Standards for Engineering.	
Section 5.9 <b>Rural Land Use Conflict</b>	To ensure that rural development occurs in such a way as to minimise land use conflict.	The nominated dwelling envelope is appropriately separated from other land uses contained within Table 5-1 of the GMDCP 2009.	YES
Section 7.1 <b>Utility Services</b>	To provide satisfactory utility services to the development site.	Satisfactory arrangements of the provision of utility services will be provided prior to the request for the release of a Subdivision Certificate.	YES
Section 7.2.2 <b>Rural Roads</b>	All proposals are to be designed and constructed to comply with the current version of Councils Standards for Engineering Works for rural roads, drainage, erosion and sediment control and other special features covered in the standard.	The proposal does not require the establishment of a public road.	YES
Section 7.4 <b>Easements</b>	Easements shall be required pursuant to section 88B of the <i>Conveyancing Act 1919</i> , as specified.	Required easements will be identified on the final deposited plan and associated instruments provided.	YES

						CIVIL
						SUBDIVISIONS
						ENVIRONMENTAL
						TOWN PLANNING
						REMEDIATION
						PROJECT MANAGEMENT



**Get In Touch**

Contact us to discuss this report at our contact details listed here.

fidesenvironmental.com.au  
operations@fidesenvironmental.com.au  
1300513069  
Suite 1 / Level 2, 255 Castlereagh Street,  
Sydney, NSW 2000