

Statement of Environmental Effects

Lots 1823, 1824, 1825 DP 754611
123 Dairymans Lane, Young



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January 2025

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Statement of Environmental Effects – 123 Dairymans Lane, Young				
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INTRODUCTION

1.1. THIS REPORT

This statement provides an opinion, in addition to relevant information for the consent authority to assess and determine the subject development application including the following:

- A site analysis of the site and surrounding lands;
- Description of the proposed development;
- Evaluation of the proposed development against legislative and policy framework;
- Conclusion.

The Statement of Environmental Effects is prepared in accordance with Schedule 1 of Environmental Planning and Assessment Regulation 2000 for the purposes of demonstrating that the environmental impact of development has been considered against the relevant controls and to outline steps to be undertaken to protect the environment or to mitigate any potential harm, if necessary.

The development proposal is local as defined by the Environmental Planning and Assessment Act 1979 ('EPAA') and as such the Hilltops Council is the consent authority.

1.2. THE PROPOENT

The site is privately owned freehold land, held by Blitz Property Investments Pty Ltd, and Ferguson Family Fund Pty Ltd who are the applicants for this development.

1.3. PROJECT LOCATION

The site is located at 123 Dairymans Lane, Young. The holding is approximately 14.06ha in total. The property is located on the eastern edge of the Young CBD.

1.4. DESCRIPTION OF DEVELOPMENT SITE

The site is located in a RU4 – Primary Production Small Lots Zone under the Hilltops Local Environmental Plan 2022. Lot 1823, 1824, 1825 DP 754611 and is vacant.

The site is accessed off Dairymans and James Lane, which is a sealed council road.

The land slopes from north to south.

The lots have neighbours surrounding in all directions.





2. THE DEVELOPMENT

2.1 OBJECTIVES AND OVERVIEW OF THE DEVELOPMENT

The objective of the proposed development is to obtain development consent for a 6 lot Torrens Title Subdivision at 123 Dairymans Lane, Young (the site). This development is enabled through the LEP and DCP.

2.2 DEVELOPMENT OPTIONS

A review of the alternative uses for the site identified the following:

1. Do nothing and leave the site as it is

By doing nothing and leaving the site as it is there are no additional benefits to the site or the surrounding area.

2. Lodge an application for the proposed subdivision

This second option is reflective of the landowner's interests and takes into account the relevant environmental planning regulations and features of the site. The proposed development will facilitate better development on the site to achieve better outcomes for the owner and wider community.

It is considered that by lodging an application for the proposed subdivision is in the best interest of the owner but also for the surrounding locality as it will help provide additional residential options to allow diversity of the residents.

2.3 STAGING

This development is not intended to be a staged development.

3 STATUTORY CONTEXT

The following Acts and planning instruments are considered relevant to the proposal.

3.1 RELEVANT LEGISLATION (ACTS AND REGULATIONS)

3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The relevant sections of the Environmental Planning and Assessment Act 1979 (EPA & A Act) is s4.15 – Evaluation. This is addressed later in this SoEE.

3.1.2 BIODIVERSITY CONSERVATION ACT 2016

The lots are mapped as Terrestrial Biodiversity and on the Biodiversity Values Map, a Biodiversity Assessment has been undertaken, and a copy is provided. The report concluded:

The proposal to subdivide the property into six (6) lots each with a building envelope and driveway would remove vegetation that comprises essentially introduced grasses and weeds. A small number plants of common native groundcover species may also occur within the areas impacted, however, these are all common species. The proposal would not impact any of the native trees on the property. There would be no impact to any threatened species of flora or to the 'White Box – Yellow Box – Blakely's Red Gum Woodland' critically endangered ecological community that occurs on the property.

There would be negligible impact on native fauna from construction of the proposal. Operation of the proposal may indirectly impact native fauna within nearby areas of tree cover. With effective implementation of the proposed recommendation any such impacts are not likely to be significant.

With effective implementation of the recommendations specified below there would be no significant impact on flora or fauna from the proposed development.

Recommendations

- 1. Building envelopes for each lot should be contained within the recommended building envelopes illustrated in Figure 1-4.*
- 2. In order to protect trees on the property that have important biodiversity values Council should condition its approval for the proposal such that the RFS Rural Boundary Clearing Code does not apply for the proposed new lots.*
- 3. Nighttime lighting at the proposed new dwellings should be directing away from any nearby tree canopies.*

3.1.3 LOCAL GOVERNMENT ACT 1993

No Section 68 application will be required for this application. Future Dwellings will be required to lodge Section 68 applications for onsite waste water. This application provides a report to show that lots are capable of onsite waste water disposal within the new lots.

3.1.4 WATER MANAGEMENT ACT 2000

The application will require approval under the Water Management Act 2000 Part 3.

3.1.5 ROADS ACT 1993

The application will require an approval under the Roads Act 1993 for 4 new lot entrances on James Lane.

3.1.6 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP'S)

3.1.6.1 State environmental planning policy (Transport and infrastructure) 2021

Division 5, Subdivision 2 Development Likely to affect an electricity transmission or distribution network Clause 2.48 Determination of development applications – other development.

(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 or not 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.

The proposal is not within or immediately adjacent powerlines infrastructure; therefore the development satisfies the SEPP.

3.1.6.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This State Environmental Planning Policy (SEPP) does not apply to the lot.

3.1.7 HILLTOPS LOCAL ENVIRONMENTAL PLAN 2022

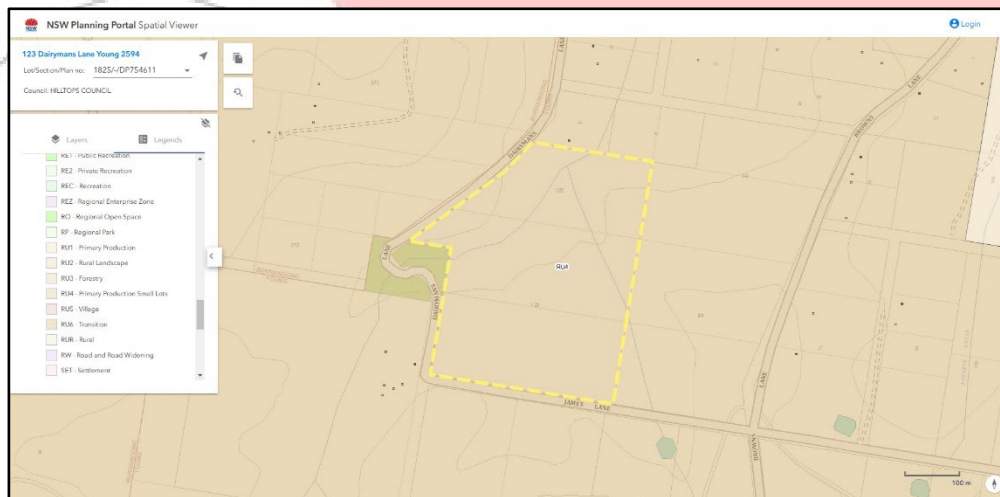
The site is zoned RU4 'Primary Production Small Lots' under provisions of the Hilltops Local Environmental Plan 2022 (HLEP 2022). The proposed development relates to the construction of a shed which is ancillary to the agricultural use of land which is permissible.

Objectives of the RU4 'Primary Production Small Lots' zone are as follows:

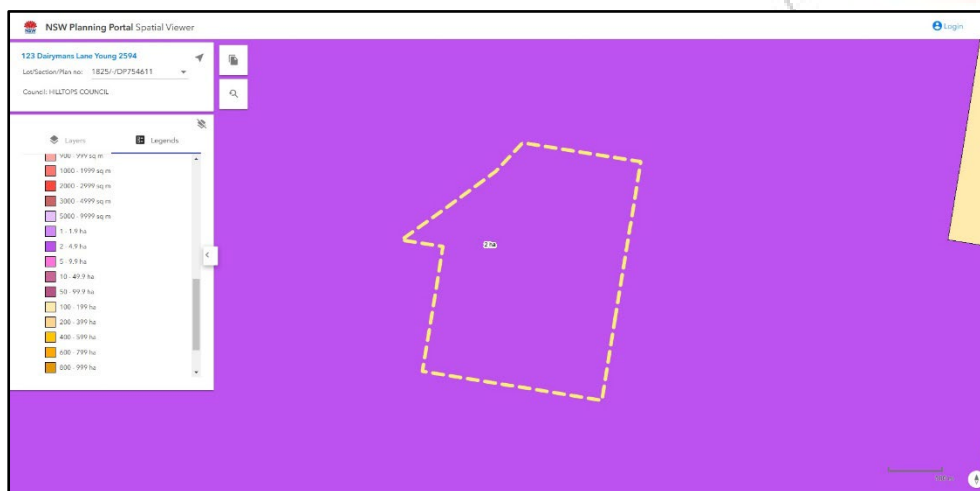
- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain areas of high conservation value vegetation.
- 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.
- To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.
- To encourage the development of non-agricultural land uses that are compatible with the character of the zone and sustain high quality rural amenity.

Comment – The development is in keeping with the objectives of the zone and is in keeping with other developments in the area.

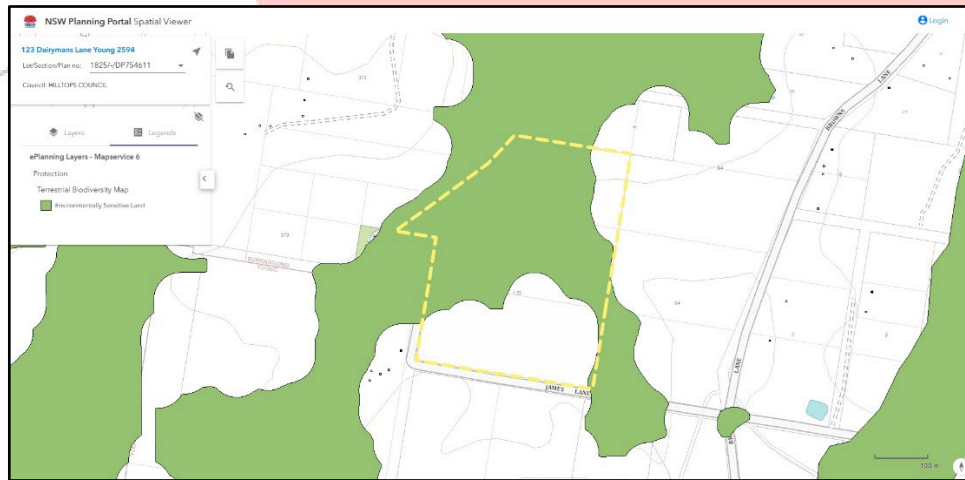
The relevant provisions of the LEP are addressed in Appendix A of this report.



Zoning Map (Source: NSW Planning Portal)



Minimum Lot Size Map (Source: NSW Planning Portal)



Terrestrial Biodiversity (Source: NSW Planning)

3.1.8 YOUNG DEVELOPMENT CONTROL PLAN 2011

The relevant provisions of the Young Development Control Plan 2011 are addressed in the Table in Appendix B of this report.

3.1.9 YOUNG DEVELOPER CONTRIBUTIONS PLAN

The development is considered part of the section 94 area and contributions may apply.

4 CONSULTATION WITH COUNCIL AND GOVERNMENT AGENCIES

Preliminary consultation with Government Agencies has not been undertaken.

4.1 HILLTOPS COUNCIL

Preliminary Discussions have not been held with Hilltops Council to discuss the broad issues to be addressed in the development application.

4.2 GENERAL AND COMMUNITY CONSULTATION

Preliminary consultation has not been undertaken with adjoining property owners and industry members as part of the preparation of this application and the statutory public exhibition requirements under the Environmental Planning and Assessment Act 1979. Further consultation will be undertaken by the Council in the form of Advertisement and Notification as required by the EP&A Act and Council's Policies.

5 SITE CHARACTERISTICS AND KEY DEVELOPMENT ISSUES

5.1 LIKELY DEVELOPMENT IMPACTS

Section 4.15 – (1) Matters for consideration – general of the Environmental Planning and Assessment Act 1979 states:

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - i. any environmental planning instrument, and
 - 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - iii. any development control plan, and
 - iv. 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
 - v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - vi. any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

5.2 CONTEXT AND SETTING

The proposed development has demonstrated consistency with the surrounding locality through the environmental planning framework and site features that have informed the proposed development. The proposed development is in keeping with surrounding developments.

5.3 VISUAL IMPACT

The development will not negatively impact on the visual amenity of the locality, the area is open to the surrounding properties and as such will be visible until such time as all the lots are developed and landscaped. The works required for the proposed subdivision however are not extensive and will not involve significant site disturbance.

5.4 PRIVACY AND OVERSHADOWING

The development is for a 6-lot torrent title subdivision. There are neighbours adjoining the allotments, however, it is not anticipated that this proposal will result in the loss of privacy or overshadowing for those neighbours due size of the proposed lots.

5.5 ACCESS, TRAFFIC AND PARKING

Access is existing for proposed lots 1 and 3, Lots 2, 4, 5 & 6 require new lot entrances, lot 5 will have a singular access and lots 2, 4 & 6 will have an access for all three lots. Internal roadways will required for lots 2 and 4.

The lots have sufficient area for off-street parking.

5.6 ARCHAEOLOGY

A search of AHIMS has been completed and did not identify any sites of interest.

5.7 HERITAGE

The site is not a heritage listed item, nor is it in proximity to any heritage items. The site is not within a Heritage Conservation Area.

5.8 SERVICES

The site is connected to all required services.

5.9 LANDSCAPING

The site has an existing units with existing landscaping. This application is for subdivision only, no changed to existing landscaping proposed and no new landscaping required at this time.

5.10 BUSHFIRE

The site is not identified as Bushfire Prone Land. However a Bushfire Assessment has been provided.

5.11 NOISE AND VIBRATION

No potential for noise or vibration impacts have been identified. Construction noise will be as per normal construction times/processes.

5.12 ECOLOGY

Site works are proposed, however no impacts have been identified.

5.13 SAFETY, SECURITY AND CRIME PREVENTION

No safety, security for crime prevention measures required.

5.14 WATER MANAGEMENT

Stormwater management will remain as existing.

5.15 FLOODING

The site is not located within a flood prone area.

5.16 EROSION AND SEDIMENT CONTROL

Erosion and Sediment Controls will be installed as per required by Council.

5.17 SOCIAL AND ECONOMIC ASSESSMENT

The development would not result in any direct social or economic impact other than to provide support for the continued agriculture use of the land.

5.18 SITE SUITABILITY AND THE PUBLIC INTEREST

The proposed development is considered to be a suitable use of the site. This development is permissible under the LEP and has addressed any relevant concerns through this SoEE. The proposal is considered to be within the public interest.

6 CONCLUSION

This SoEE has shown that the development is within the public interest, both socially, economically and environmentally. The proposed subdivision is the most suitable option for the development of the site. Any relevant matters have been addressed through this SoEE.

The key reasons why the proposed is acceptable includes;

- The proposed development is permissible through the LEP.
- The proposed development will have a positive impact on the site and the surrounding community
- Care has been taken to design and locate the lots to ensure that it is sympathetic to the site and the surrounding areas.

It is considered that the proposal will have no significant impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Councils determination of this matter. If we can provide any further information or clarity, please don't hesitate to contact us.

APPENDIX A – HILLTOPS LOCAL ENVIRONMENTAL PLAN 2022

Requirement	Proposed/Comments	Compliance
Clause 1.2 Aims of the Plan		
<p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to advance the environmental, economic and social goals of Hilltops,</p> <p>(b) to provide for the lifestyles sought by current and future residents of Hilltops, including by providing for the following—</p> <ul style="list-style-type: none"> (i) the rural lifestyle and liveability of Hilltops communities, (ii) connected, safe and accessible communities, (iii) diverse and affordable housing options, (iv) timely and efficient provision of infrastructure, (v) sustainable building design and energy efficiency, <p>(c) to build and sustain healthy, diverse and empowered communities that actively participate in planning and managing their future, including by providing for the following—</p> <ul style="list-style-type: none"> (i) social infrastructure that is appropriately planned and located in response to demand and demographic change, (ii) the protection and enhancement of cultural heritage values, (iii) land management practices that support sustainable outcomes, including water efficiency, 	<p>The development satisfies the aims of the plan by:</p> <ul style="list-style-type: none"> • Advances the economic goals of the council. • Providing diverse and affordable housing options; 	✓

<p>(iv) the siting and arrangement of land uses for development in response to climate change,</p> <p>(v) the planning of development to manage emissions,</p> <p>(vi) planning decisions that recognise the basic needs and expectations of diverse community members,</p> <p>(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—</p> <p>(i) the protection of employment lands and rural lands from incompatible land uses to enhance productivity over time,</p> <p>(ii) accessibility to expand markets for economic activity,</p> <p>(iii) economic activity, value adding opportunities and job creation,</p> <p>(iv) long-term sustainable productivity and intensive agriculture, subject to consideration of soil types, topography and environmental impact,</p> <p>(v) major infrastructure projects,</p> <p>(vi) innovative renewable energy projects,</p> <p>(e) to recognise and sustain the diverse natural environment and natural resources that support the liveability and economic productivity of Hilltops, including by providing for the following—</p> <p>(i) the avoidance of further development in areas with a high exposure to natural hazards,</p>		
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<p>(ii) the minimisation of alterations to natural systems, including natural flow regimes and floodplain connectivity, through effective management of riparian environments,</p> <p>(iii) the retention and protection of remnant vegetation,</p> <p>(iv) the revegetation of endemic vegetation to sustain natural resource values, reduce the impact of invasive weeds and increase biodiversity,</p> <p>(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,</p> <p>(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.</p>		
Landuse Table		
<p>Zone RU4 Primary Production Small Lot</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To enable sustainable primary industry and other compatible land uses. • To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. • To minimise conflict between land uses within this zone and land uses within adjoining zones. 	<p>The proposed development satisfies the objectives of the zone.</p>	

<ul style="list-style-type: none"> • To maintain areas of high conservation value vegetation. • 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. • To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation. • To encourage the development of non-agricultural land uses that are compatible with the character of the zone and sustain high quality rural amenity. 		
4.1 Minimum Subdivision Lots Size		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) for residential land—</p> <p>(i) to ensure land use and development are undertaken on appropriately sized parcels of land, and</p> <p>(ii) to ensure sufficient land area to promote high levels of residential amenity, and</p> <p>(iii) to ensure new lots are adequately serviced with town water supply and a reticulated sewer network, with an effective way of disposing of domestic waste, and</p> <p>(iv) to create lot sizes and arrangements that—</p> <p>(A) support the efficient provision and management of roads and services, and</p> <p>(B) align with existing and proposed development layouts in the neighbourhood, and</p> <p>(C) minimise adverse impacts on the amenity and productivity of adjoining development,</p>	<p>The development supports the objectives of the zone and meets the minimum lot size requirements for the zone.</p>	

<p>(b) for semi-rural land and rural villages—</p> <p>(i) to ensure land use and development are undertaken on appropriately sized parcels of land, and</p> <p>(ii) to ensure sufficient land area to promote high levels of amenity, and</p> <p>(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</p> <p>(iv) to create lots that—</p> <p>(A) are compatible with the existing predominant lot pattern or desired future layout of the locality, and</p> <p>(B) minimise adverse impacts on the amenity and productivity of adjoining primary production lands,</p> <p>(c) for rural land—</p> <p>(i) to ensure land use and development are undertaken on appropriately sized parcels of land, and</p> <p>(ii) to facilitate the orderly and economic use and development of rural lands for rural and related purposes, and</p> <p>(iii) to prevent fragmentation of primary production agricultural land, and</p> <p>(iv) to sustain primary production and natural resource values, and</p> <p>(v) to minimise potential for land use conflict between primary production land uses and other land uses, and</p> <p>(vi) to protect supply chains for primary production land uses including natural resources and access to markets.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that</p>		
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<p>requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>(b) by any kind of subdivision under the Community Land Development Act 2021.</p>		
<p>6.3 Terrestrial biodiversity</p>		
<p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) an adverse impact on the habitat, condition, ecological value and significance of threatened species, populations or ecological communities on the land, and</p> <p>(ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) an adverse impact on a regionally significant species of fauna or flora, or habitat, and</p> <p>(iv) an adverse impact on the habitat elements providing connectivity on the land, and</p>	<p>A Biodiversity Assessment has been undertaken for the site and all recommendations have been/will be implemented.</p> <p>No adverse impacts were identified.</p>	

(b) appropriate measures to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—

(a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or
(b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact, or
(c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.

APPENDIX B – YOUNG DEVELOPMENT CONTROL PLAN 2011

Requirement	Proposed/Comments	Compliance
1.1 Introduction		
<p>The objectives of the plan are:</p> <p>(a) To provide detailed provision for regulating development;</p> <p>(b) To protect and improve the environment;</p> <p>(c) To protect and improve amenity and design of development;</p> <p>(d) To conserve, protect and enhance environmental heritage;</p> <p>(e) To encourage a diversity of housing to meet the needs of the residents; and</p> <p>(f) To facilitate development that is environmentally sustainable.</p>	<p>The proposed development satisfies the objectives.</p>	✓
Section 5.1 Subdivision in the Rural Zones RU1, RU4 and E3		
<p>PSD1.1 All created allotments have legal and practical access including alternative emergency access as may be required by the development;</p>	<p>ASD1.1 Each allotment created has legal access to a public road or Crown Road (duly formed or upgraded for the purpose) either through direct frontage, a right-of-way arrangement, or by consolidation with an existing allotment that has such access;</p>	<p>Each lot will have legal access to either Dairymans Lane or James Lane with direct frontage.</p>
<p>PSD1.2 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;</p>	<p>ASD1.2.1 For lots created for agricultural purposes:</p> <p>a) A right as to user is provided on the title to any allotment created for agricultural purposes (that does not have constructed physical access provided or already available at the time of creation) to require the construction of such</p>	<p>Lots are not created for agricultural purposes but for dwelling entitlement.</p>

	<p>access at such time as the allotment is no longer in the same ownership as a directly abutting allotment; and</p> <p>b) Any such access is constructed prior to transfer of title, and consists of a recessed gate (sufficient that an articulated vehicle can stand clear of the road carriageway) OR a cattle grid TOGETHER WITH a piped crossing over the table drain constructed to Council's Engineering Subdivision and Development guidelines;</p>	
	<p>ASD1.2.2 For lots created with the right to apply for a dwelling:</p> <p>a) Access is provided to a non- classified road where possible, and in accordance with Council's Engineering Subdivision and Development guidelines;</p> <p>b) Where access to a classified road is necessary, this is provided in accordance with RTA standards for access to a rural dwelling;</p> <p>c) Street numbering is provided in accordance with the rural addressing scheme;</p> <p>d) Any electricity services are provided by way of overhead wiring;</p> <p>e) Where land has been identified as former orchard or other potentially contaminate landuse, a report from a suitably qualified consultant is submitted to Council demonstrating that the land is suitable for the intended use;</p>	<p>Access has been designed as per Council's standards.</p> <p>Dairymans Lane and James Lane are not classified roads.</p> <p>Street numbering will be provided as per Council Policy.</p> <p>Land is not a former orchard.</p>

	f) Separation distances are consistent with Section 2.1.5 Table 2.1.	Comply
	<p>ASD1.2.3 Standard of construction for roads built and roads fronted or other road network facilities are provided as part of the development application, such standards to incorporate:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Minimum formed road width 8m; <input type="checkbox"/> Minimum sealed carriageway width 7m; <p>Subdivisions exceeding 25 lots shall: have their main subdivision service road connect to the existing road network in at least two (2) locations.</p>	No new road required.

APPENDIX C – AHIMS



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Dairymans Lane

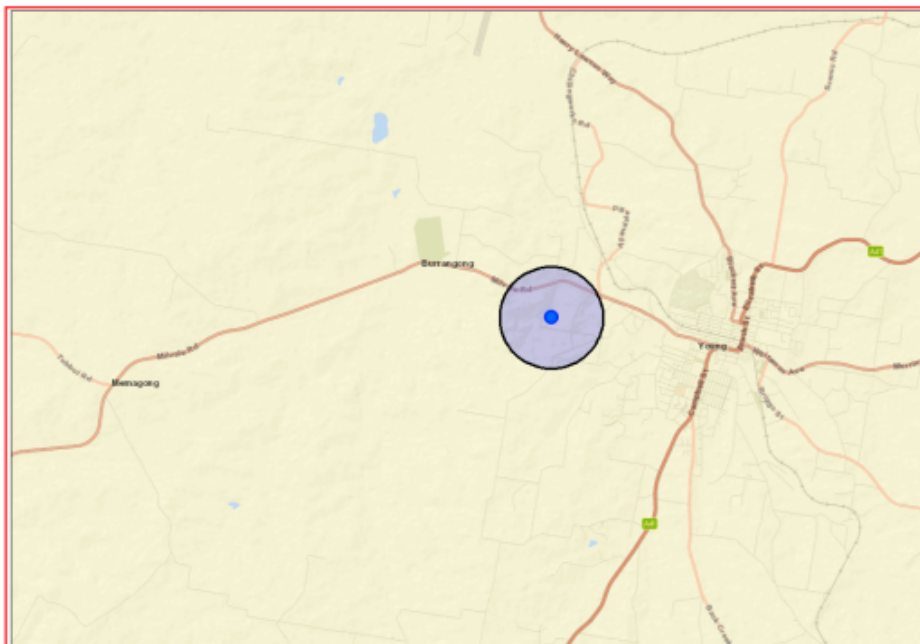
Client Service ID : 967028

Date: 20 January 2025

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 123 DAIRYMANS LANE YOUNG 2594 with a Buffer of 1000 meters, conducted by Narlisa Cooper on 20 January 2025.

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



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

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