

**CMS Surveyors Pty Limited**

A.B.N. 79 096 240 201

LAND SURVEYING, PLANNING & DEVELOPMENT CONSULTANTS



## **STATEMENT OF ENVIRONMENTAL EFFECTS**



**PROPOSED SUBDIVISION OF  
Lot 1 in DP790884 & Lot 2 in DP1132779  
Being part of the holding addressed as  
80 – 88 Batinichs Road Young NSW 2726**

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# Statement of Environmental Effects

## Proposed Subdivision of Lot 1 in DP790884 & Lot 2 in DP1132779

**Client: Craig and Dianne Perceval**

**80 – 88 Batinichs Road Young**

Prepared under instructions from

**Craig and Dianne Perceval**

Ref: 21185

January 2025

Version	Purpose	Prepared/Reviewed	Date
Draft SEE	Client Review	PG / KR	Feb 2024
Final	Council Issue	PG	Jan 2025

### Study Limitations and Disclaimer

This report has been prepared on behalf of Craig and Dianne Perceval for the purpose of supporting a development application to Hilltops Council for a proposed subdivision at Peter Gailey.

Information provided in this report has been obtained from currently available public sources, including Council and the Department of Planning and Environment website, as acknowledged within the document. While reasonable measures have been undertaken to verify the currency and validity of the information taken within these sources, no liability is accepted for errors or omissions within the source documentation provided by these agencies, as accessed at the date of publication.

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## 1. Introduction / Executive Summary

The subdivision will see the subdivision of the two existing lots being Lot 1 in DP790884 & Lot 2 in DP1132779 into two new lots.

Lot 1 in DP790884 is known as No. 80 Batinichs Road Young.

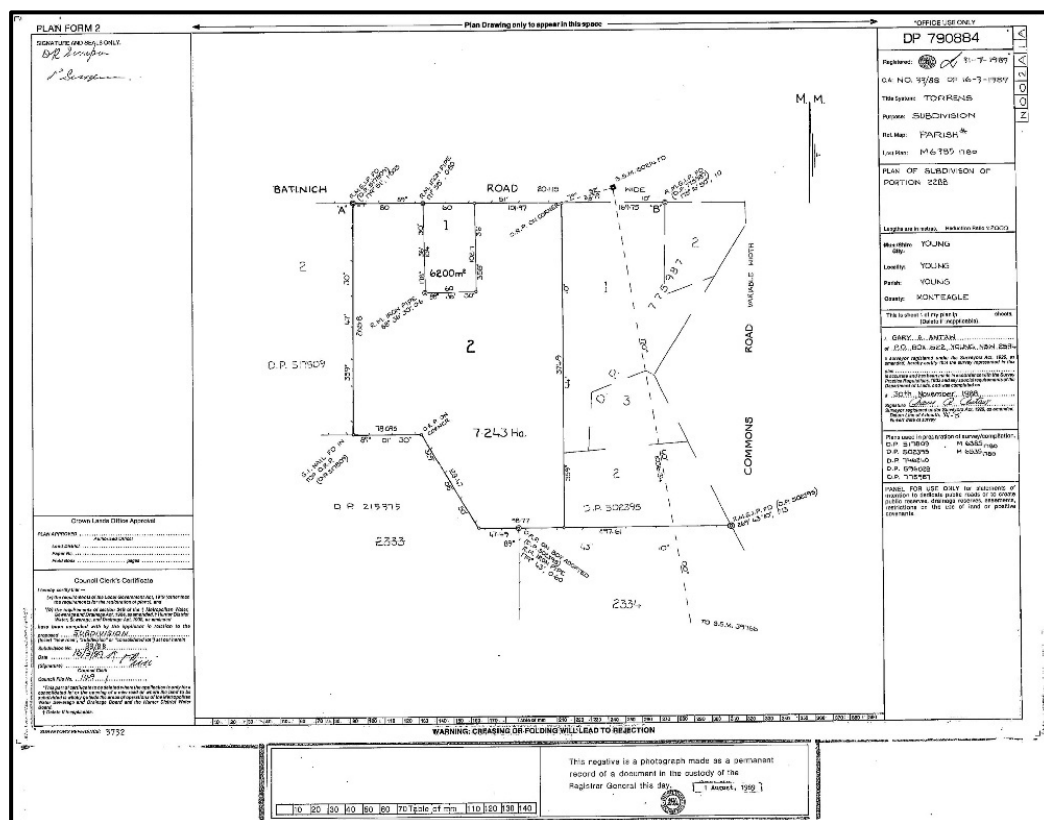
Lot 2 in DP1132779 is known as No. 88 Batinichs Road Young

### 1.1. Legal Description and Location

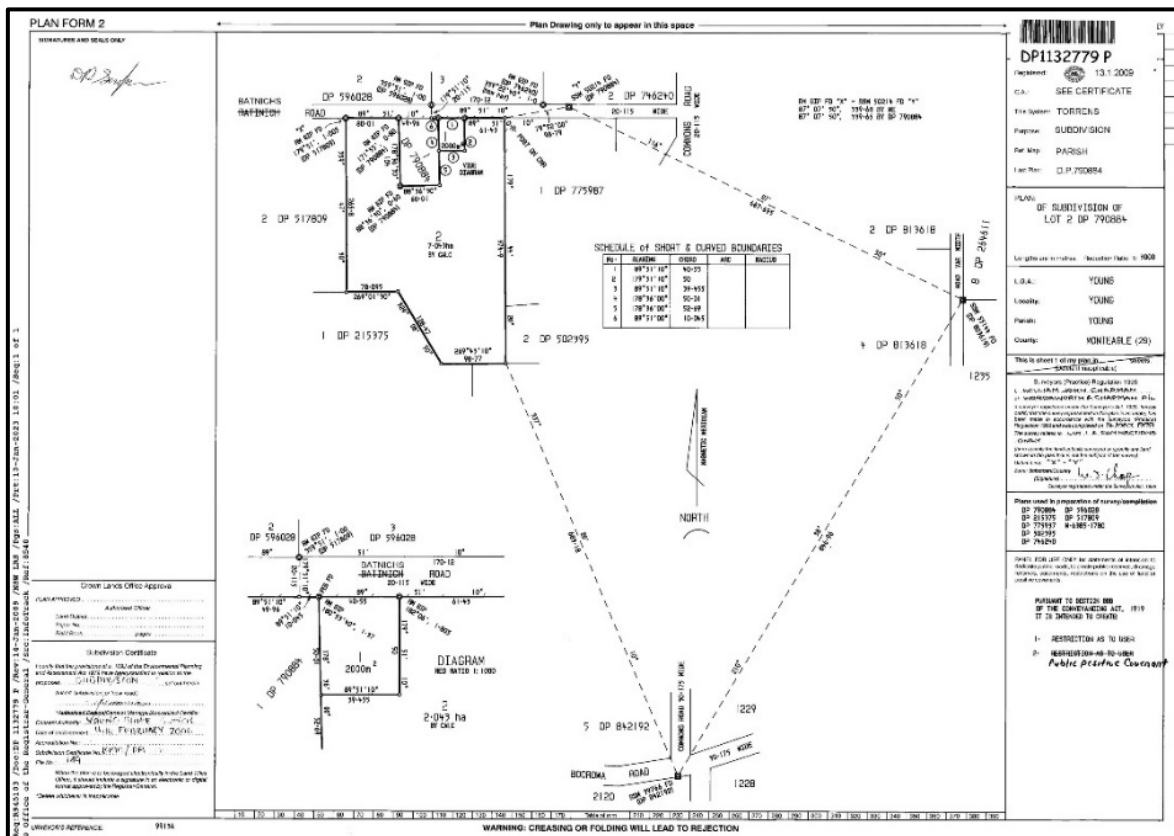
The subject land is comprised in the following Folio Identifiers:

- 1/790884
- 2/1132779

The land is in the Local Government Area of Hilltops Council, Parish of Young, County of Mont Eagle.

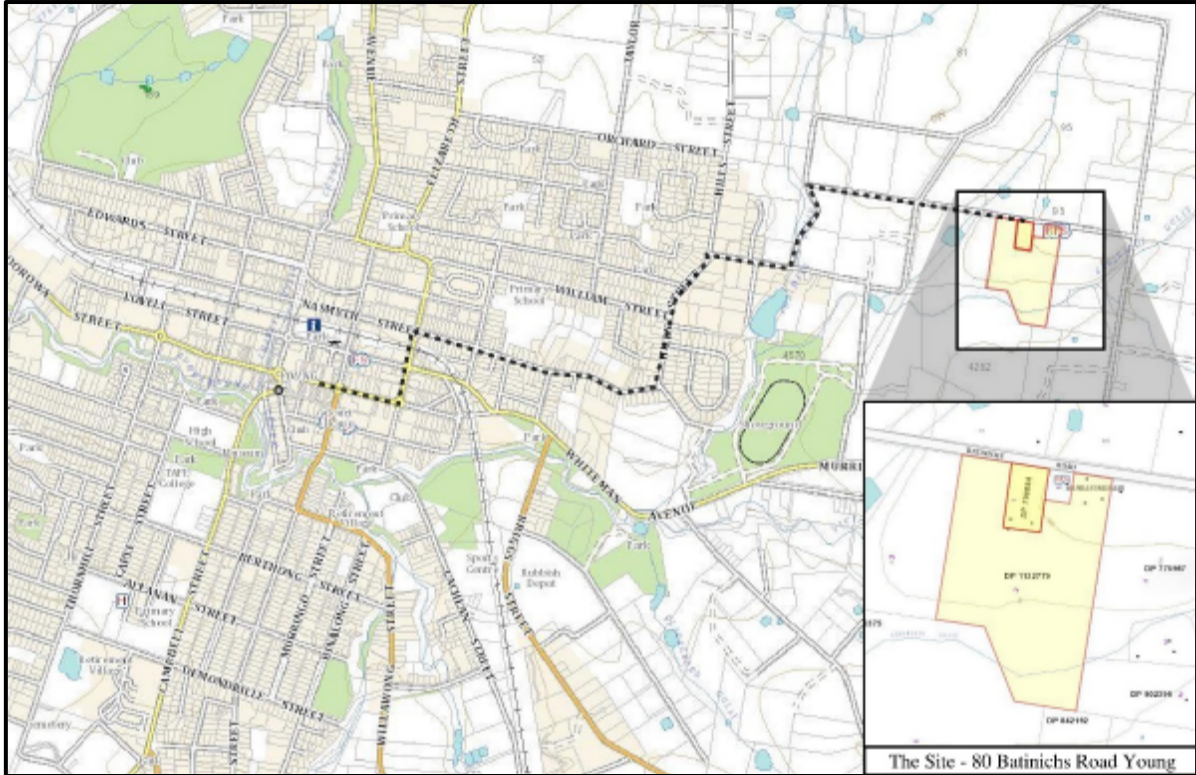


**Figure 1: DP790884 Source: NSW Land Registry Service**



**Figure 2: DP1132779** **Source:** NSW Land Registry Service

## 1.2. Location



**Figure 3:** Locality Plan showing the location of the subject site relative to the Young CBD

The site is located approximately 4km east of Young CBD. The site is located on the southern side of a gravel formation known as Batinichs Road.

Batinichs Road is approximately 1.2km long and situated between Commons Road to the east and McDonells Road to the west. The road generally experiences low traffic volumes.

## 1.3. Site Description and Context

Current land use of the subject parcel is rural residential and located in an RU4 – Primary Production Small Lots zoning.

The site consists of rural lands which were previously cleared to make way for a cherry orchard. The orchard has since been removed and the land is now primarily used for rural residential purposes.

The topography of the site sees the land falling from east to west with a gentle slope. The site and those surrounding are elevated when compared to the urban environs of Young, providing panoramic vistas to the west and southwest.

The site addressed as 80 Batinichs Road (Lot 1 in DP790884) has an established dwelling, in-ground pool and adjacent metal clad shed. The house is serviced by

- Mains power
- On-site water storage tanks, used for stormwater management and potable water source
- On-site septic system
- Land line telecommunications
- Established vehicle crossing equipped with a culvert pipe, recessed gated entry and rural number address plate.

80 Batinichs Road is also fenced with rural style post and wire fencing.

The site addressed as 88 Batinichs Road (Lot 2 in DP1132779) contained an established dwelling up until 2022. The dwelling was the first dwelling to be erected upon the land however the house fell into disrepair, eventually condemned and demolished. Two metal clad sheds remain on site.

The pre-existing dwelling was serviced by

- Mains power
- On-site water storage tanks, used for stormwater management and potable water source.
- On-site septic system
- Land line telecommunications
- Vehicular crossing.

The vehicular crossing servicing 88 Batinichs Road, has not been maintained since the removal of the dwelling. The interface of the driveway and the gravel road formation has seen deterioration due to erosion caused by water runoff.

At the time when the house was demolished, the overhead power connection was terminated at the adjacent service pole located on the boundary to Batinichs Road.

.

## **1.4. Encumbrances Legal and Physical**

A summary of the legal encumbrances upon the affected lots has been provided below;

### Lot 1 in DP790884

1. Land excludes minerals and is subject to reservations and conditions in favour of the Crown – see Crown Grant(s)

### Lot 2 in DP1132779

1. Land excludes minerals and is subject to reservations and conditions in favour of the Crown – see Crown Grant(s)
2. DP1132779 Positive Covenant

The positive covenant Burdens Lot 1 and 2 in DP1132779 and states that lot 1 shall not be sold separately to Lot 2 without the consent of Young Shire Council. This covenant can be amended to appropriately reflect the proposed subdivision.

Currently, Lot 1 contains an RFS shed which services the needs of 'Wambanumba' Rural Bushfire brigade. The Certificate of Title (CT) for Lot 1 in DP1132779 still remains in the name of Diane Percival. The CT does not provide any indication of a lease agreement between the land holder and the NSW Rural Fire Service being formalised.



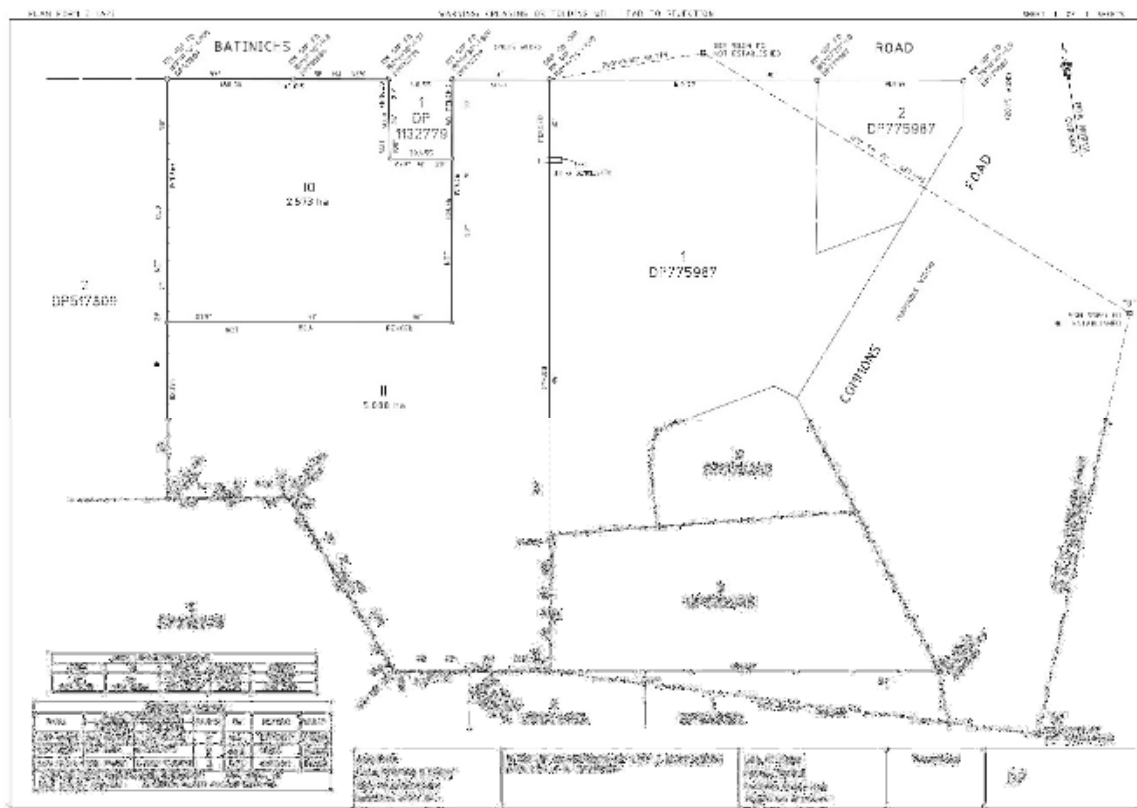
## 2. The Proposal

### 2.1. Description of the Proposal

The proposal will see the reconfiguration of the common boundary between 80 Batinichs Road (Lot 1 in DP790884) & 88 Batinichs Road (Lot 2 in DP1132779) in order to increase the land area of 80 Batinichs Road to 2.57Ha. Figure 4 shows the proposed subdivision.

Proposed Lot 10 will envelop the existing dwelling which is already serviced.

Proposed Lot 11 will envelop the existing sheds.



**Figure 4:** Final Plan of Subdivision prepared by CMS Surveyors

## 2.2. Proposed Encumbrances

Essential Energy's Document '***Easement Requirements, Clause 5.2.2 – Rural Subdivisions and Boundary Adjustments of Existing Block***' will require the applicant to create:

1. Easement for Overhead Powerlines 20 wide
2. Restriction on the use of Land

### 3. Hilltops Local Environment Plan Summary

#### 3.1. Local Environment Plan Considerations

Local Environment Plan Review Summary				
Hilltops Local Environment Plan 2022				
Folio Number(s)		Title Area		Local Governing Authority
Lot 1 in DP790884		0.62Ha		Hilltops Council
Lot 2 in DP1132779		7.043Ha		Hilltops Council
Total		7.663Ha		
Current Number of Lots		2		
Proposed Number of Lots		2		
Land Zoning:		RU4 - Primary Production Small Lots		
Minimum Lot Size:		2Ha		
Does the subject land have an existing building entitlement?			Lot 1 in DP790884	Yes
			Lot 2 in DP1132779	Yes
Will the proposed development result in additional Building entitlements being created?			No	
Will the development require the opening of a new road?			No	
Is the existing allotment currently serviced with the following reticulated services				
Mains Power	Lot 1 in DP790884	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Existing dwelling connected
	Lot 2 in DP1132779	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Power terminated at service pole
Water Mains	Lot 1 in DP790884	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No Reticulated services available
	Lot 2 in DP1132779	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No Reticulated services available
Council Stormwater	Lot 1 in DP790884	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No Reticulated services available
	Lot 2 in DP1132779	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No Reticulated services available
Sewage	Lot 1 in DP790884	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No Reticulated services available
	Lot 2 in DP1132779	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	No Reticulated services available
Telecommunications	Lot 1 in DP790884	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Existing dwelling connected
	Lot 2 in DP1132779	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Currently terminated at street

Table 1

## Local Environment Plan Review Summary - Continued Environmental Considerations and Hazards

	<input checked="" type="checkbox"/> Yes	No
Located in Designated Heritage / Conservation Mapped Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has a AHIMS basic search been undertaken?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are Aboriginal Sites recorded on or near the site	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Aboriginal places been declared within or near the subject site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Located in an area designated for Urban Release	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Located in an area identified in the Terrestrial Biodiversity Mapped Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Located in an area identified in the Ground Vulnerability Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Located in an area identified in the Environmental Sensitive Land Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Located in an area identified in the Drinking Water Catchment Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Located in an area identified in the Riparian and Water Courses Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Located in an area identified in the Highly Erodible Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Located in an area identified in the Salinity Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Hazard Areas</b>		
Is the subject land located in a Bush Fire Prone area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Table 2**

### 3.2. Development Control Plan Considerations

Development Control Plan Review Summary				Deemed Not Applicable	Compliance Achievable	Req. Variation to Development Standard
Section 4.3		Section 4.3 – Subdivision in RU4, RU5 and R5 Zones				
Performance Outcomes		Acceptable Solutions				
To ensure that subdivision layouts:						
PSD1.1	All created allotments have legal and practical access including alternative emergency access as may be required by the development;	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;		✓	
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;	ASD1.2	For lots created for agricultural purposes: 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 access at such time as the allotment is no longer in the same ownership as a directly abutting allotment; <b>and</b>	✓		
			<b>b)</b> Any such access is constructed prior to transfer of title, and consists of a recessed gate (sufficient that an articulated vehicle can	✓		



Development Control Plan Review Summary				Deemed Not Applicable	Compliance Achievable	Req. Variation to Development Standard
Section 4.3 Section 4.3 – Subdivision in RU4, RU5 and R5 Zones						
Performance Outcomes		Acceptable Solutions				
			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			
		ASD1.2.2	For lots created with the right to apply for a dwelling:			
			a) Access is provided to a non- classified road where possible, and in accordance with Council's Engineering Subdivision and Development guidelines;		✓	
			b). Where access to a classified road is necessary, this is provided in accordance with RTA standards for access to a rural dwelling;	✓		
			c). Street numbering is provided in accordance with the rural addressing scheme;		✓	
			d). Any electricity services are provided by way of overhead wiring		✓	
			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;			✓
			f). Separation distances are consistent with Section 2.1.5		✓	

Development Control Plan Review Summary Section 4.3 Section 4.3 – Subdivision in RU4, RU5 and R5 Zones				Deemed Not Applicable	Compliance Achievable	Req. Variation to Development Standard
Performance Outcomes		Acceptable Solutions				
			Table 2.1.			
		<b>1.2.3</b>	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: <ul style="list-style-type: none"><li>• Minimum formed road width 8m;</li><li>• Minimum sealed carriageway width 7m;</li></ul> Subdivisions exceeding 25 lots shall: have their main subdivision service road connect to the existing road network in at least two (2) locations.	✓		

**Table 3**

## 4. Regulatory requirements

### 4.1. Applicable Planning Instruments

**State**      **State Environment Planning Policy**

**Local**      **Hilltops Local Environment Plan 2022**  
**Young Development Control Plan 2011 – Updated Jan 2011**

### 4.2. Zoning – RU4 – Primary Production Small Lots



**Figure 5** Screen shot captured from Hilltops Local Environment Plan 2022 mapping on the NSW Planning Portal Digital EPI Viewer – Zone Mapping

#### **Objectives of zone (Obtained from Land Use Table – Hilltops Local Environment Plan 2022)**

- 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.*

The land subject to this application is located within the RU4 zoning. The current land use is rural residential, i.e. Dwelling Houses are permitted under 'Part 3, Permitted with Consent' of the land use Table for RU4 zonings.

An existing dwelling and a detached metal clad storage shed currently exist on Lot 1 in DP790884.

Up until 2022, a dwelling existed on Lot 2 in DP1132779, however the dwelling was demolished and removed from site due to be structurally un-sound, otherwise the dwelling would have still remained in place.

### **4.3. Principle Development Standards – Minimum Subdivision Lot Size**

Hilltops Local Environment Plan 2022, Clause 4.1 Minimum Subdivision Lot Size

#### **a) for semi-rural land and rural villages**

- i) to ensure land use and development are undertaken on appropriately sized parcels of land, and*
- ii) to ensure sufficient land area to promote high levels of amenity, and*
- 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*

*iv) to create lots that*

- (1) are compatible with the existing predominant lot pattern or desired future layout of the locality, and*
- (2) minimise adverse impacts on the amenity and productivity of adjoining primary production lands*

**Response**

The proposed development is located within an RU4 zoning – Primary Production Small Lots. The proposed subdivision will not result in a change in Land use and is in keeping with the adjoining properties in terms of land size.

- 2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan*

**Response**

The Proposed development is located within the area designated with a minimum Lot size of 2.0HA

- (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*

**Response**

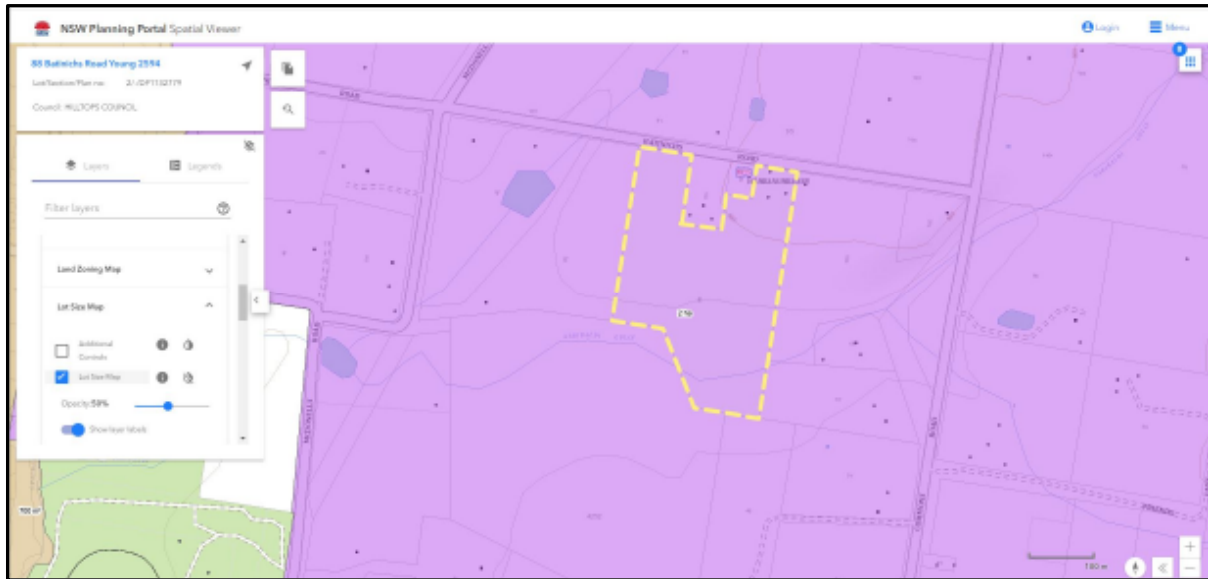
Under this application, the proposed lots will meet and exceed the minimum lot size requirements.

- 4) This clause does not apply in relation to the subdivision of any land*
  - a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
  - b) by any kind of subdivision under the Community Land Development Act 2021*

**Response**

Clause 4.1.4) does not apply to this development as the resulting plan will be registered as Torrens Title





**Figure 6 :-** Screen shot captured from Hilltops Local Environment Plan 2022 mapping on the NSW Planning Portal Digital EPI Viewer – Lot Size Mapping

Lot	Minimum	Proposed area	Complies
Lot 10	2Ha	2.573Ha	Yes
Lot 11	2Ha	5.088Ha	Yes

**Table 4: Minimum Lot Size Compliance**

#### 4.4. Principle Development Standards – Clause 4.2 Rural Subdivision

**Clause 4.2 Rural Subdivision** discusses the opportunity to create allotments which do not meet the minimum lots size. As the proposed development will meet the minimum lot size requirements, **Clause 4.2 Rural Subdivision** is deemed not applicable in this instance.

#### 4.5. Principle Development Standards – Clause 4.2a erection of dwelling houses and dual occupancies on land in Zone Ru1, Ru4 or C3

1) *The objectives of this clause are as follows—*

- a) *to minimise unplanned rural residential development*
- b) *to enable the replacement of lawfully erected dwelling houses and*

*dual occupancies in certain rural and conservation zones*

**Response**

Under the current Hilltops Local Environment Plan 2022, the minimum Lot size is 2.0Ha.

The proposed lots will meet the minimum size requirements of 2.0Ha

**4.6. Principle Development Standards – Clause 4.6**

**Exceptions to Development Standards**

Under this application no variations to development standards are being claimed.

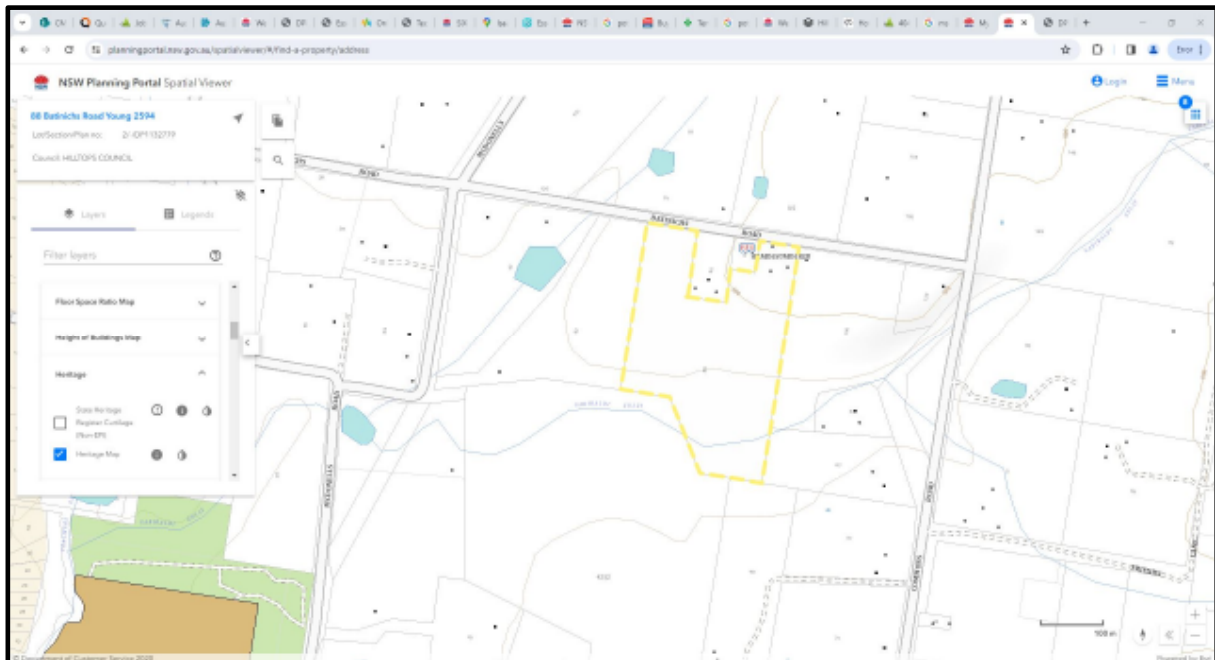
## 5. Miscellaneous Provisions

### 5.1. Heritage conservation

*Hilltops Local Environment Plan 2022 Clause 5.10 Heritage Conservation*

**1) Objectives** *The objectives of this clause are as follows*

- a) to conserve the environmental heritage of Hilltops,**
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,**
- c) to conserve archaeological sites,**
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance**



**Figure 7:-** Screen shot captured from Hilltops Local Environment Plan 2022 mapping on the NSW Planning Portal Digital EPI Viewer – Heritage Mapping

As per the snapshot of the Heritage Mapping captured from the NSW Planning Portal Spatial Viewer, the subject site has not been identified in

heritage mapping. The panel to the left of the indicating the heritage mapping layer is activated and therefore demonstrating the reports findings.

## 5.2. Aboriginal Heritage Information Management System (AHIMS)

*Hilltops Local Environment Plan 2022 Clause 5.10.8 Aboriginal Places of Heritage Significance*

A basic search undertaken in the AHIMS website indicates that there are no known Aboriginal Artefacts located within the confines of either site.

A copy of the basic search results for both 80 & 88 Batinichs Road has been annexed to this report.

## 5.3. Historical Imagery



**Figure 8: – Aerial Imagery (Circa 1969) obtained from Historical Imagery Viewer. At the time imagery being captured, the subject lands were known as Portion 2288.**





**Figure 9** Aerial Imagery (Circa 1997) obtained from Historical Imagery Viewer. At the time imagery being captured, the subject lands were known as Lots 1 and 2 in DP790884. The imagery demonstrates the existence of the cherry orchard and the existence of dwelling which was situated upon Lot 2 in DP790884.



**Figure 10:** Aerial Imagery (Circa 2015) obtained from Sixmaps. At the time imagery being captured, Lot 2 in DP790884 had been further subdivided in to two lots. Since the subdivision, Lot 1 in DP1132779 had been further developed with a RFS shed.





**Figure 11:** Aerial Imagery (Circa 2015) obtained from Sixmaps. At the time imagery being captured, the dwelling previously located upon Lot 2 in DP1132779 had fallen into disrepair and was demolished and removed from site in 2022. The cherry orchard had also been ripped out.

Aerial Imagery obtained from the Historical Records Viewer Website indicates that horticultural activities have been undertaken on the site, however the orchard has since been removed.

It is acknowledged that there are no current dwellings upon the subject, as such, there is a requirement for a contamination report where horticultural activities have, or are, being carried out. It also could be argued that, should had the pre-existing dwelling still be standing, the requirement for a contamination report over proposed Lot 11 would have not been required.

It is requested that the need for a contamination report is deferred until such time that an application for a proposed dwelling is lodged to council.

To prevent legal recourse to Hilltops Council by future landholders, the terms for the Restriction on the use of Land would state:

*Before the lodgement and approval of any new dwelling upon the burdened lot, a contamination report prepared by suitably qualified testing agency is required to be lodged to Hilltops Council for the proposed building site to confirm that there are no chemical residues present in the soil of the proposed site of the dwelling.*

#### **5.4. Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

*Hilltops Local Environment Plan Clause 5.16*

- 1) *The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).***

##### **Response**

Lot 10 under his proposal will envelop the existing dwelling currently located upon Lot 1 in DP790884. The reconfiguration of the boundaries under this proposal will not result in a conflict of land use.

Lot 11 under this proposal will also envelop lands previously occupied by a dwelling which has since been removed in the last 2 years. The reconfiguration of the boundaries under this proposal will not result in a conflict of land use.

- 2) *This clause applies to land in the following zones***

- a) Zone RU1 Primary Production,***
- b) Zone RU2 Rural Landscape,***
- c) Zone RU3 Forestry,***
- d) Zone RU4 Primary Production Small Lots,***
- e) Zone RU6 Transition,***
- f) Zone R5 Large Lot Residential,***
- g) Zone C2 Environmental Conservation***
- h) Zone C3 Environmental Management***

##### **Response**

The proposal falls within the RU4 Zoning – Primary Production Small Lots.

- 3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—**
- a) subdivision of land proposed to be used for the purposes of a dwelling**
  - b) erection of a dwelling**

### **Response**

Under this application, the resulting allotments will be used in manner which reflects rural-residential development.

Lot 11, while a dwelling does not currently occupy the land, it has the potential for residential development. The future dwelling will need to adhere to relevant ordinances which are enforce at the time of the application to build is lodged.

- 4) The following matters are to be taken into account**
- a) the existing uses and approved uses of land in the vicinity of the development**
  - b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,**
  - c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),**
  - d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).**

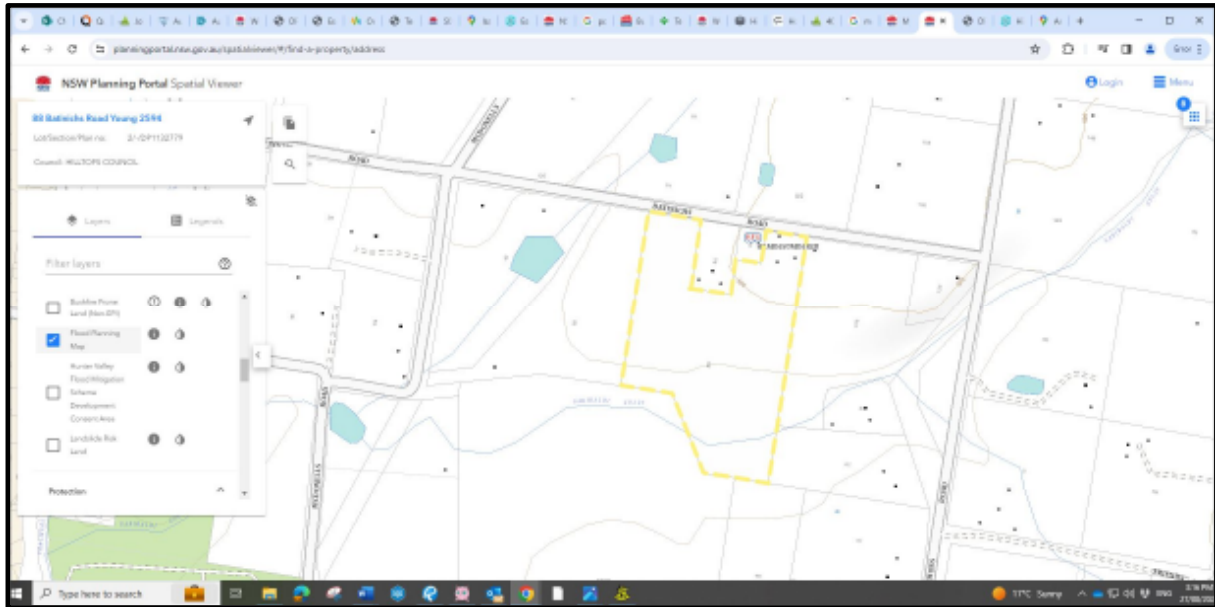
### **Response**

Under this application, there is no intention to change the current land use (i.e. Residential). The context of the surrounding subdivisions is largely Primary production – Small Lots.

Cherry Orchards still exist in the surrounding lands, however the surrounding lands are gradually becoming residential lifestyle allotments. The proposed subdivision will be in keeping with the surrounding lands.

## 5.5. Flood Planning

### *Hilltops Local Environment Plan 2022 Clause 5.21 Flood Planning*



**Figure 12:-** Screen shot captured from Hilltops Local Environment Plan 2022 mapping on the NSW Planning Portal Digital EPI Viewer – Flood Planning Mapping

As per the snapshot of the Flood Planning Mapping captured from the NSW Planning Portal Spatial Viewer, the subject site has not identified the site with areas in Flood Planning mapping. The panel to the left of the indicating the Flood Planning mapping layer is activated.



## 6. Additional Local Provisions

### 6.1. Earthworks

Under this application, there is no intention for the carrying out of bulk earthworks in order facilitate the needs the current land use.

### 6.2. Essential Services

*Hilltops Local Environment Plan 2022 – Clause 6.2*

**1) Development consent must not be granted to development unless the consent authority is satisfied the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—**

- a) the supply of water,**
- b) the supply of electricity,**
- c) the disposal and management of sewage,**
- d) stormwater drainage or on-site conservation,**
- e) suitable road access**



**Figure 13:** Extract captured Hilltops Intra-maps. Publicly accessible Intra-maps interface. Screen shot marked up to indicate the location of the reticulated mains relative to the proposed subdivision.

## Local Environment Plan Review Summary Services Summary

Services																						
	Power			Reticulated Water			On-site Water Manageme			Reticulated Sewage			On-site Sewage Manageme			Reticulated Stormwater			Natural Gas			
	Y	N	X	Y	N	X	Y	N	X	Y	N	X	Y	N	X	Y	N	X	Y	N	X	
1/790884	●					●	●					●	●					●			●	
2/1132779		●				●	●					●	●					●			●	
Lot 10	●					●	●					●	●					●			●	
Lot 11		●				●	●					●	●					●			●	
Existing										Proposed												
Y – Yes, Service is Available and Connected										Y – Yes, Service is Available and is / will be connected												
N – No, Service is available, but not connected.										N – No, Service is available, however but will be not connected under this application.												
X – Investigations indicates that the nominated service is not currently available to the site										X – Investigations indicates that the service are not currently available to the site												

### Supply of Water

*Hilltops Local Environment Plan 2022 – Clause 6.2.(a). Supply of Water*

The proposed development is not currently connected to reticulated water supply. The reticulated mains currently terminate approximately 490m to the west of the site.

The existing dwelling which will be enveloped by Lot 10 is equipped with its own Rainwater Tanks which capture runoff directly from the roof. Rainwater tanks provide potable water to the dwelling.

Future residential development upon Lot 11 will need to install on-site rainwater storage tank(s). The location and capacity of the rainwater tanks

required will need to be sympathetic to the needs for the dwelling proposed for Lot 11.

The use of rainwater tanks in place of reticulated water supplies is considered as an acceptable alternative in rural settings where reticulated services are not available.

Where potable water is to be sourced from private water sources, it is recommended the occupants/land holders follow the NSW Health departments guidelines "Private Water Supply" when connecting the on-site private water supply to the home.



## Supply of Electricity

### *Hilltops Local Environment Plan 2022 – Clause 6.2.(b). Supply of electricity*

Lot 10 will envelop the existing dwelling and by extension, the connection to mains power. No further works will be required to supply proposed Lot 10 with mains power.

As indicated earlier in the report, Lot 2 in DP1132779 contained a dwelling which was demolished in 2022 due to the dwelling being structurally compromised. At the time of the demolition the overhead connection was terminated at the service pole to ensure the safety of land holders and public alike. As the landholder had no intention of replacing the dwelling, the option of installing a point of attachment (pole) and relocating the meter was not actioned.

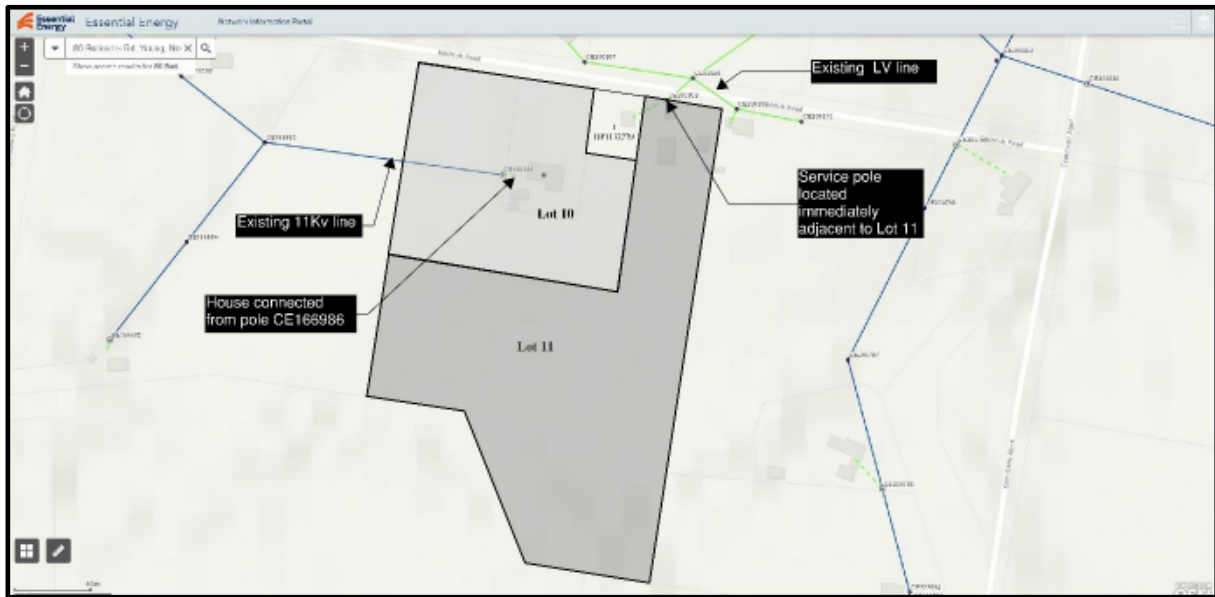
As Lot 11 will have the potential for residential development, the reconnection to mains power would involve the installation of a service pole within Lot 11 which would be connected to the mains power via a short overhead span. Behind the Point of Attachment, the dwelling would be connected via underground powerline.

Under this application, it is requested that Lot 11 remain unconnected to mains power until such time that a building application is lodged to the council.

A Restriction on the use of Land will be created over Lot 11 with the following terms:.

1. No dwelling will be permitted to be erected upon the burdened land until
  - a. Mains power is connected to Lot 11; or
  - b. along with an application to erect a dwelling upon the burdened lot, design / specifications are supplied to the approving body demonstrating that the proposed off-grid power solution has the capacity to meet the power loads anticipated for the proposed dwelling.

The authority with the power to modify, release or vary the Restriction on the Use of Land will be vested in Hilltops Council or its successor.



**Figure 14:** Mark up of Essential Energy Network mapping demonstrating the location of existing Essential Energy assets relative to the proposed development.

## The disposal and management of sewage.

*Hilltops Local Environment Plan 2022 – Clause 6.2.(C). The disposal and management of sewage.*

A review of Hilltops Intra-map online application indicates that there is no reticulated sewage in the vicinity of the site.

The management of sewage is undertaken on site by on-site sewer management system, being septic systems.

Lot 10 will envelop the existing On-Site Sewer Management system. No augmentation of the septic tank or the waste dispersal area (absorption trenches) will be required as the offset distance from the dispersal area to the boundary will be increased.

It is envisaged that a potential dwelling for Lot 11 will require a new septic system. The specifications and location of the On-Site Sewer Management system will need to be sympathetic to the needs of the dwelling.

Should an application be lodged to council for a proposed dwelling, details and specifications of the On-Site Sewer Management system will be included together with the Architectural documentation and geotechnical reports.

## **Stormwater drainage or on-site conservation**

*Hilltops Local Environment Plan 2022 – Clause 6.2.(d). Stormwater drainage or on-site conservation*

No reticulated stormwater systems are available to the site.

As with most rural settings, stormwater discharged from the roof is collected in Rainwater storage tanks to be re-used in the dwelling.

Lot 10 will envelop the existing dwelling along with the connected rainwater tanks.

Surplus water which would otherwise exceed the capacity of the existing tanks is discharged to ground and to the rear of the existing allotment, away from adjacent dwellings.

Under this proposal, it is proposed to retain the existing rainwater tanks in their current capacity.

Lot 11 currently does not have any rainwater tanks on-site.

Location and capacity of rainwater tanks proposed for Lot 11 should be sympathetic to the needs to any dwelling proposed for the site.

## **Suitable Road Access**

*Hilltops Local Environment Plan 2022 – Clause 6.2.(d). Suitable road access*

The proposed subdivision is currently serviced by Batinichs Road which is a gravel formation that is under the jurisdiction of Hilltops Council. Batinichs Road is located between Isaacs Road and Commons Road.

The road formation is a generally a single lane formation which experiences low traffic volumes.



**Figure 15:** Imagery captured from Google Maps Street view

Lot 10 will inherit the existing vehicular access point which consists of

- a gravel all-weather driveway, equipped with a culvert pipe.
- Recessed gated entry.

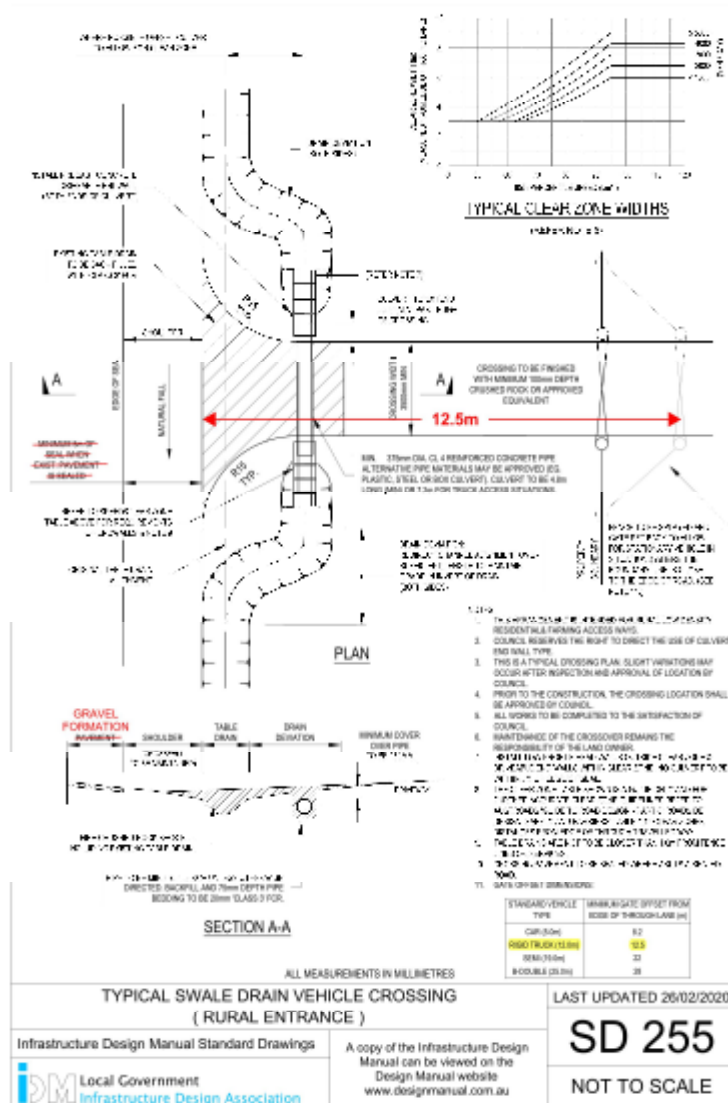


**Figure 16:**

The existing vehicular entry to Lot 11 will require an upgrade to meet current requirements set down by current Hilltops Engineering policies, minimum requirements include:



- All weather gravel formation fitted with a culvert pipe.
- Recessed point of entry.
- Rural addressing plate affixed to the front entry



**Figure 17:** Typical detail (Marked-up) for new vehicular crossing in a rural setting.

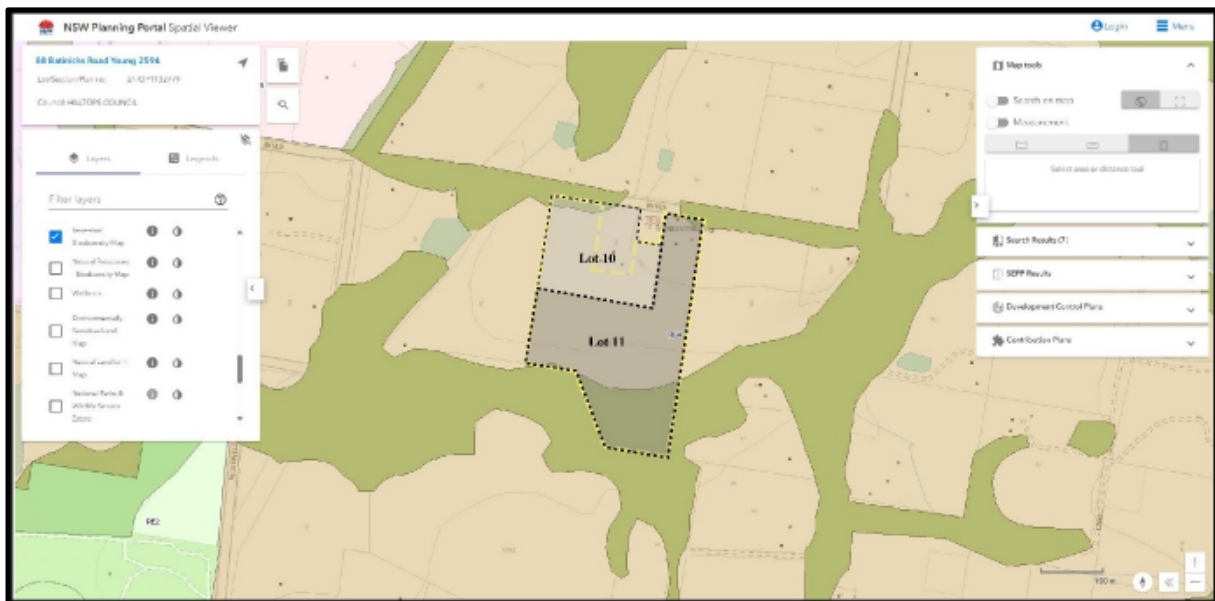
It would be anticipated that vehicles accessing Lot 11 would be limited to passenger vehicles or, worst case scenario, heavy rigid vehicles. As such, in accordance the typical detail shown in Figure 17 above, the set back of the recessed entry point should be 12.5m back from the road edge.

## Sight Distances

The proposed subdivision will utilise the pre-existing vehicular crossings as their point of entry.

As the vehicular crossings have long been established a Sight Distance analysis will not be undertaken. The vehicle crossing for Lot 11 will need to be upgraded to current standards however the point of intersection will remain.

## 6.3. Terrestrial Biodiversity Map



**Figure 18:** The image above has been obtained from the Planning portal Spatial Viewer with the filter set to Terrestrial Biodiversity.

Parts of both Lots 10 & 11 have been identified in the Terrestrial Biodiversity Mapping as per **Figure 18** above.

Hilltops Local Environment Plan 2022, Clause 6.3 Terrestrial Biodiversity

**1) The objective of this clause is to maintain and enhance terrestrial biodiversity by—**



- a) protecting native fauna and flora, and*
- b) protecting the ecological processes necessary for their continued existence, and*
- c) encouraging the conservation and recovery of native fauna and flora and their habitats*

**Response**

Acknowledged

- 2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.*

**Response**

Acknowledged

- 3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—*
- a) whether the development is likely to have—*
    - i) an adverse impact on the habitat, condition, ecological value and significance of threatened species, populations or ecological communities on the land, and*
    - ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
    - iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
    - iv) an adverse impact on a regionally significant species of fauna or flora, or habitat, and*
    - v) an adverse impact on the habitat elements providing connectivity on the land, and*
  - b) appropriate measures to avoid, minimise or mitigate the impacts of the development.*

**Response**

The proposed subdivision will see the reconfiguration of boundaries between two existing allotments. Under this application, there is no intent to disturb existing remnant bush

land.



**Figure 19:** The image above has been obtained from the Planning portal Spatial Viewer with the filter set to Terrestrial Biodiversity

The proposal will see Lot 10 encompass a small area of remnant bush land, located to the north-west edge, however a majority of the native vegetation is located in the road reserve rather the land to be enveloped by Lot 10.

Lot 11 will also encompass areas of remnant bush land which is located to the south-east corner. The configuration of Lot 11 would provide ample opportunities for sites for potential residential development without the need to disturb the bushland which is identified in the Terrestrial biodiversity mapping.

Further to the above, as the existing point of access, power and existing improvements are located in the north-eastern corner, it would be envisaged that any potential dwelling would be positioned in close proximity to the area mentioned.

## 6.4. Riparian land and Watercourses



**Figure 20:** – The image above has been obtained from the Planning portal Spatial Viewer with the filter set to Riparian Land and Watercourses.

Mapping obtained from the NSW Planning Portal Spatial Viewer indicates that there are no Riparian lands and Watercourses affecting the subject land.

## 6.5. Ground Water Vulnerability

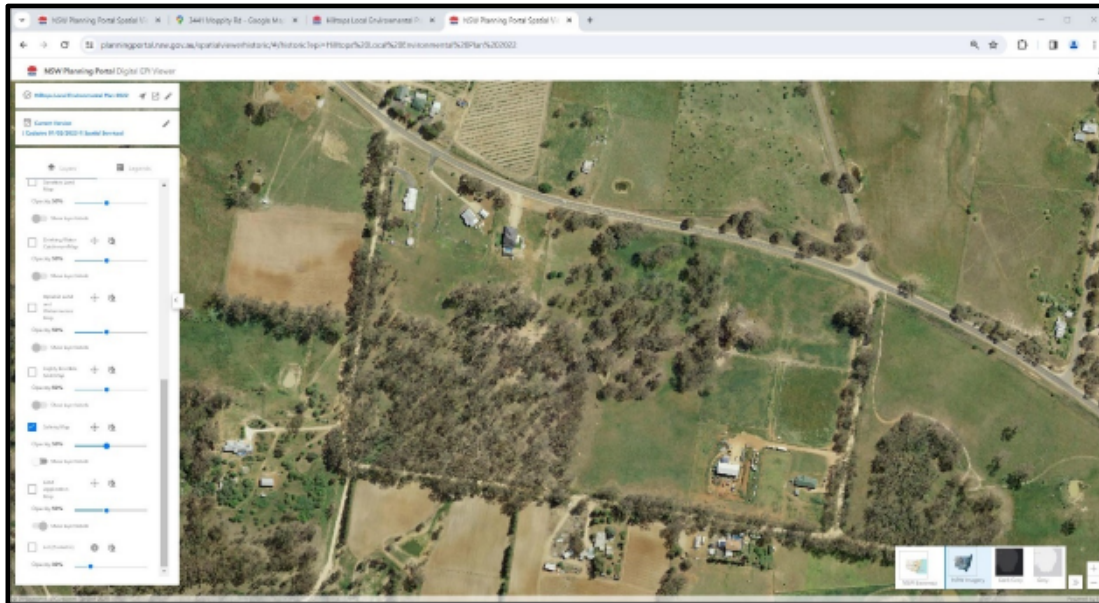


**Figure 21:** The image above has been obtained from the Planning portal Spatial Viewer with the filter set to Ground Water Vulnerability.



Mapping obtained from the NSW Planning Portal Spatial Viewer indicates that no areas within the proposed site have been identified in the Ground Water Vulnerability mapping.

## 6.6. Salinity



**Figure 22:-** The image above has been obtained from the Planning portal Spatial Viewer with the filter set to Salinity

Mapping obtained from the NSW Planning Portal Spatial Viewer indicates that no areas within the proposed site have been identified in the Salinity mapping.

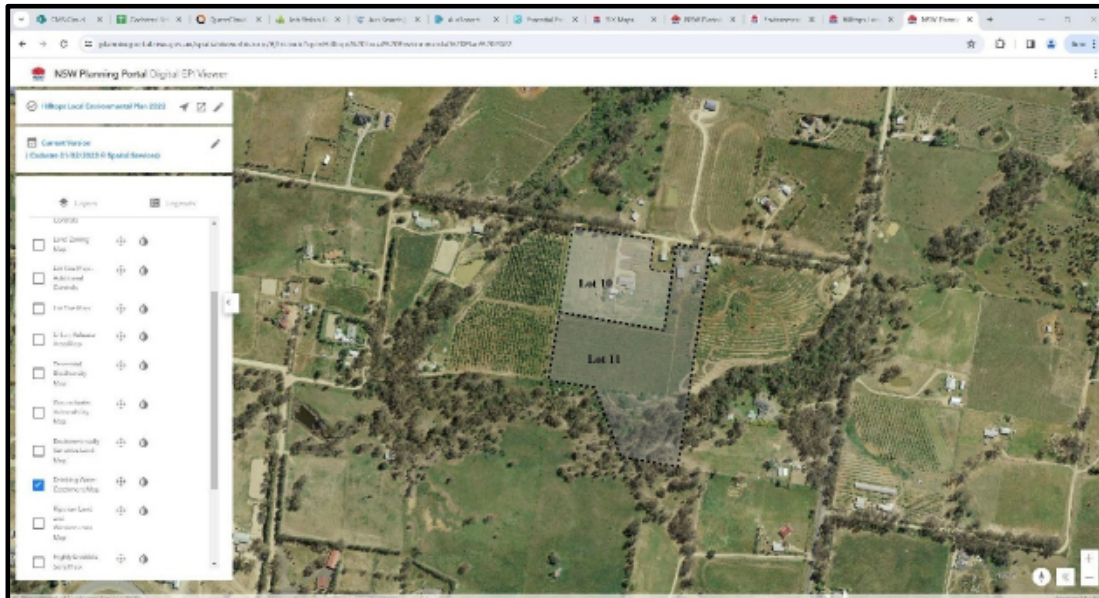
## 6.7. Highly Erodible Soils



**Figure 23:-** The image above has been obtained from the Planning portal Spatial Viewer with the filter set to Highly erodible soils.

Mapping obtained from the NSW Planning Portal Spatial Viewer indicates that no areas within the proposed site have been identified in the Highly Erodible Soils Mapping.

## 6.8. Drinking Water Catchment

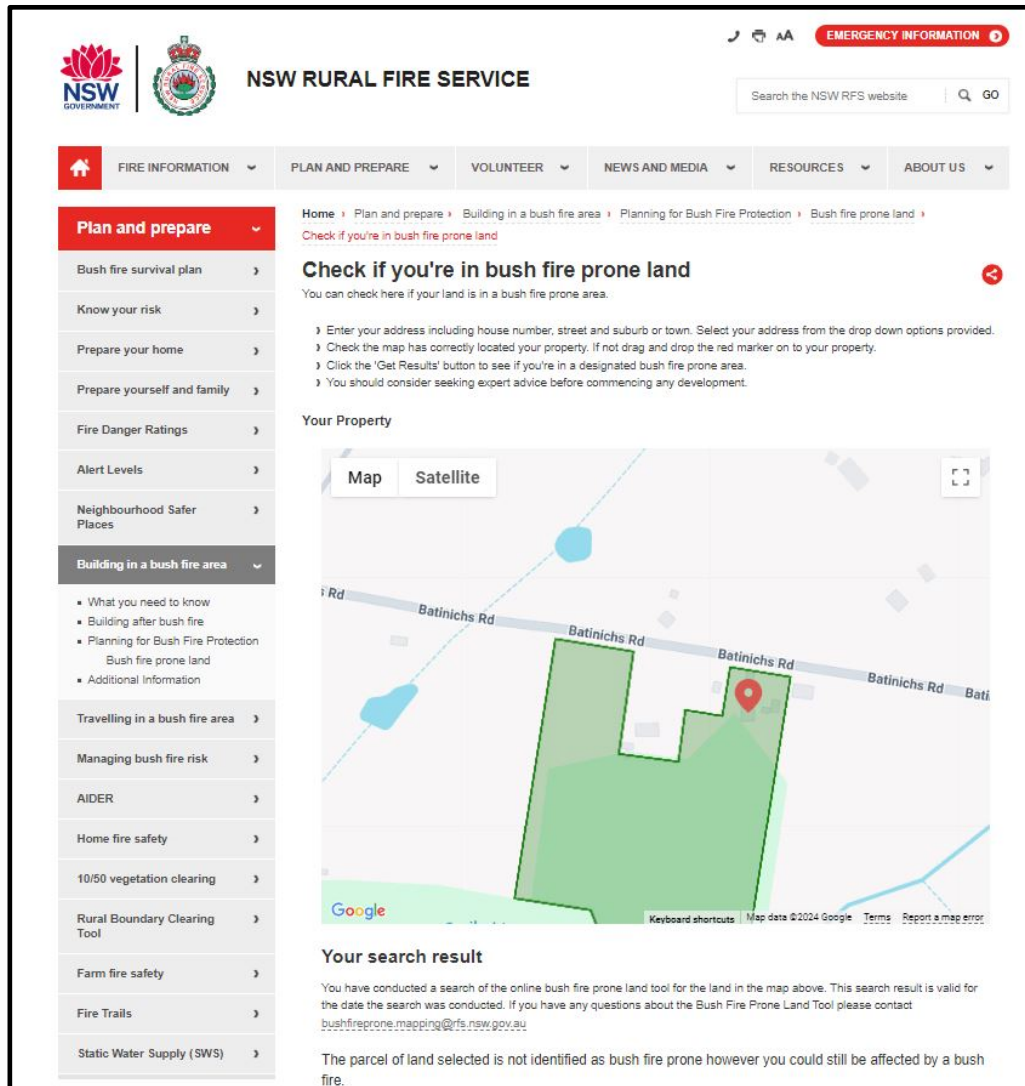


**Figure 24:-** The image above has been obtained from the Planning portal Spatial Viewer with the filter set to Drinking Water Catchment.

Mapping obtained from the NSW Planning Portal Spatial Viewer indicates that no areas within the proposed site have been identified in the Drinking Water Catchment Mapping

## 6.9. Bushfire Prone Area

A check of the property address on the NSW Rural Bushfire website has not identified the subject allotments as being in a Bushfire Prone Area.



**Figure 25:** Extract Taken from NSW RFS Website



### **6.10. Site Amenity and Hazards**

There is no evidence of soil instability or risk of subsidence or slip on the site.

### **6.11. Privacy, Views, and Overshadowing:**

The proposed subdivision will have no adverse effects on Privacy, views, or Overshadowing.

### **6.12. Air and Noise**

It is not anticipated to be any changes to air quality or noise levels because of the proposal under this application.

### **6.13. Soil and Water**

Under this application no significant bulk earthworks will required to service the proposed subdivision

### **6.14. Energy and Waste**

Potential energy consumption as result of the reconfiguration of boundaries will not see a significant increase in demands on local energy.

While the potential for a dwelling to be situated upon Lot 11, it is not anticipated to see a significant increase in the generation of waste other what would normally be generated by the average dwelling.

Waste generated would be taken to the local waste transfer centre for processing and recycling where opportunities present themselves.

## **7. Suitability of the Site for the Proposal**

Under the current framework of the Hilltops Local Environment Plan 2022, the proposed subdivision is deemed to be suitable with respect to the following aspects:

- The reconfiguration of the existing boundaries will essentially not present opportunities for additional building entitlements, as the existing lots either have an existing dwelling or previously contained a dwelling.
- The existing vehicular entry points (x2) are already established.
- Power is already available to the site; however Lot 11, while not currently being connected has had the power terminated until such time that a dwelling is erected on the site and power is reconnected, or alternative energy sources are employed.
- The proposed development will not result in a significant increase on demands on local services.
- The proposed allotments will both have frontages to a public road.

## **8. Conclusion**

The proposed will have no adverse environmental effects.


The subdivision will allow No.80 Batinichs Road to achieve an area which is compliant with the current minimum lot size.

The reconfiguration of the common boundary will not see a change in the visual amenity of the surrounding area. The only change, as seen from the road reserve, would be the upgrade of the existing vehicle crossing to 88 Batinichs Road.

We look forward to the council's favourable decision regarding this application. Should the assessing officer require any further clarification, please do not hesitate to contact CMS Surveyors Pty Ltd at this office.

## 9. Annexure

### Annexure 1– Lot 1 in DP790884



**LAND  
REGISTRY  
SERVICES**  
NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

### Title Search

**Information Provided Through**  
Aussearch  
Ph. 02 9054 6867 Fax.

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FOLIO: 1/790884  
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SEARCH DATE -----	TIME -----	EDITION NO -----	DATE -----
10/2/2023	10:05 AM	5	30/9/2021

LAND  
----

LOT 1 IN DEPOSITED PLAN 790884  
AT YOUNG  
LOCAL GOVERNMENT AREA HILLTOPS  
PARISH OF YOUNG COUNTY OF MONTEAGLE  
TITLE DIAGRAM DP790884

FIRST SCHEDULE  
-----

CRAIG PETER PERCEVAL  
DIANNE PATRICIA PERCEVAL  
AS JOINT TENANTS (T Y694020)

SECOND SCHEDULE (2 NOTIFICATIONS)  
-----

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 ~~LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)~~

NOTATIONS  
-----

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

8510


PRINTED ON 10/2/2023

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Version: 1.0/2/2023 10:05 AM

## Annexure 2: Certificate of Title 2/1132779



**LAND  
REGISTRY  
SERVICES**  
NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

### Title Search

Information Provided Through  
Aussearch  
Ph. 02 9129 6777

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FOLIO: 2/1132779  
-----

SEARCH DATE -----	TIME -----	EDITION NO -----	DATE -----
21/8/2024	10:50 AM	2	24/2/2012

LAND  
-----

LOT 2 IN DEPOSITED PLAN 1132779  
AT YOUNG  
LOCAL GOVERNMENT AREA HILLTOPS  
PARISH OF YOUNG COUNTY OF MONTEAGLE  
TITLE DIAGRAM DP1132779

FIRST SCHEDULE  
-----

DIANNE PATRICIA PERCEVAL (AD AG834735)

SECOND SCHEDULE (2 NOTIFICATIONS)  
-----

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 DP1132779 POSITIVE COVENANT

NOTATIONS  
-----

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

22189

PRINTED ON 21/8/2024

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Excluded 11/06/2024 10:50:22

## Annexure 3 – AHIMS basic search results – 80 Batinichs Road Young



### AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : 22185

Client Service ID : 923922

Date: 27 August 2024

CMS Surveyors Pty Ltd

PO Box 525

Cootamundra New South Wales 2590

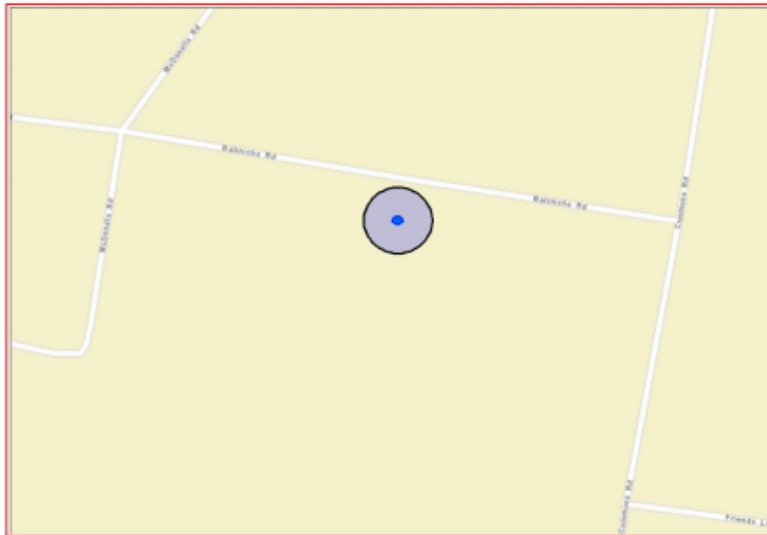
Attention: Peter Gailey

Email: coota@cmssurveyors.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 80 BATINICHS ROAD YOUNG 2594 with a Buffer of 50 meters, conducted by Peter Gailey on 27 August 2024.

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. *

