

Statement of Environmental Effects

395 Cedar Party Road, & 70 Carey Road Wingham NSW 2429

Development Application for:

A Two (2) into Five (5) Lot Subdivision

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1 Introduction

Council Approval Group has been engaged by KA Carey to prepare and submit a Development Application for a two **(2) into five (5) lot** Torrens title subdivision at 395 Cedar Party Road and 70 Carey Road. Once determined, this proposal will create 2 Lots with existing dwellings and 3 new lots allowing for the erection of additional dwellings, with the land to be used for permitted rural land use.

Specifically, this Statement of Environmental Effects (SoEE) includes:

- an analysis of the subject site and the surrounding locality.
- a description of the proposed development.
- an analysis of the proposal against the provisions of the Greater Taree (LEP 2010), relevant SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with the requirements of the Environmental Planning and Assessment Act and Part 3 of the *Environmental Planning and Assessment Regulation 2021* for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the *LEP 2010*. We are pleased to present this SoEE for a two (2) into five (5) lot Torrens title subdivision which, once approved, will provide more manageable land holdings in the area to facilitate farming and residential.

2 The Subject Site and Locality

2.1 Description of site and surroundings

The site is improved with a dwelling house on the eastern part of the lot. Patches of trees and vegetation are located within the site.

The location of the site is shown on the location and aerial maps at Figures 1 and 2. A Google Street image of the property is included at Figure 3.

Address	Title Details	Site Area	Site Frontage
395 Cedar Party Road, Wingham NSW 2429	Lot 52, DP831604	1,645,006.07 sqm (approx.) 164.5 hectares (approx.)	22.3 metres (approx.)
70 Carey Road, Wingham NSW 2429	Lot 2 DP 595259	5.663 hectares	350.9 metres

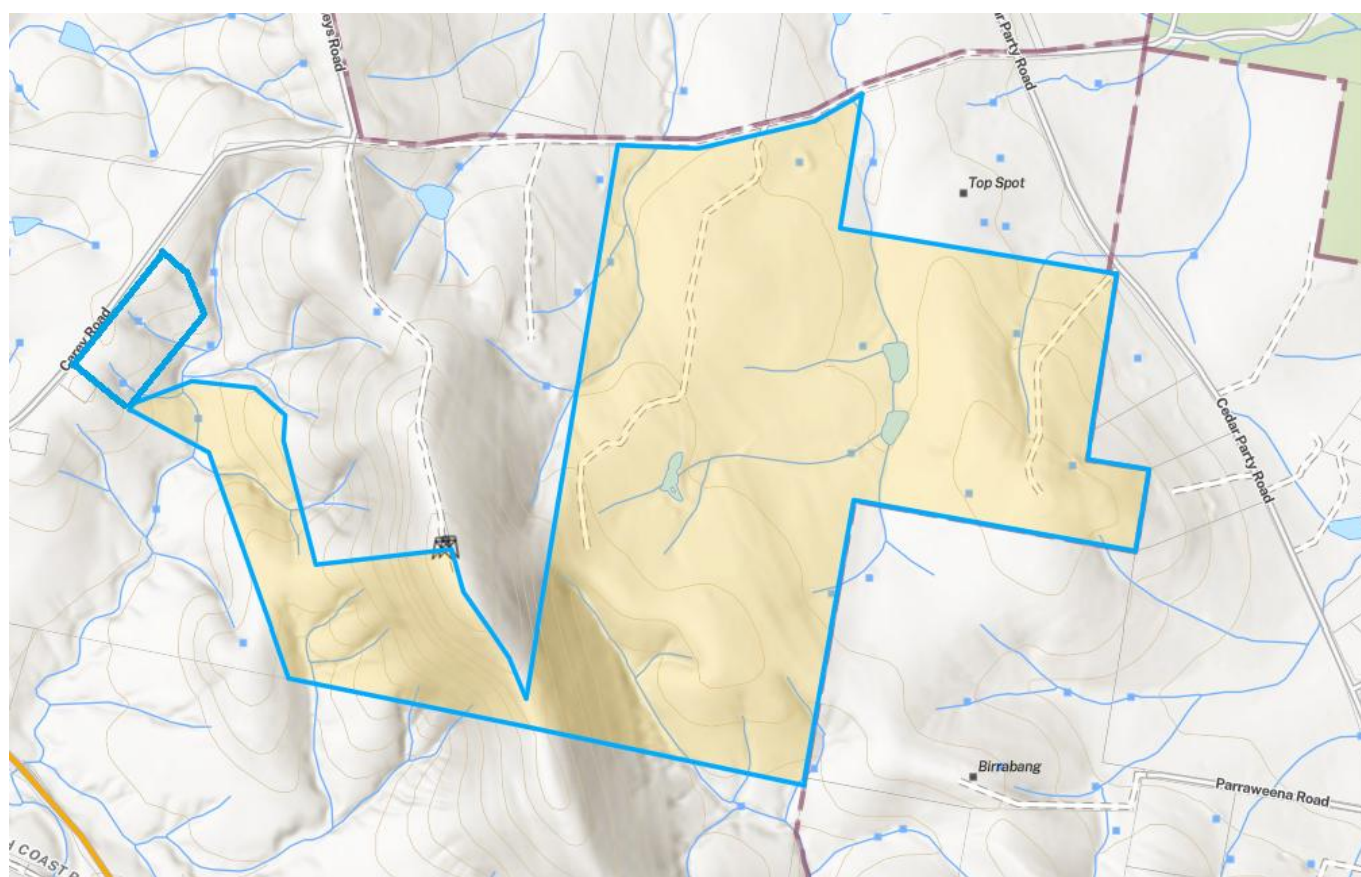


Figure 1 Site location (Source: Map 6)

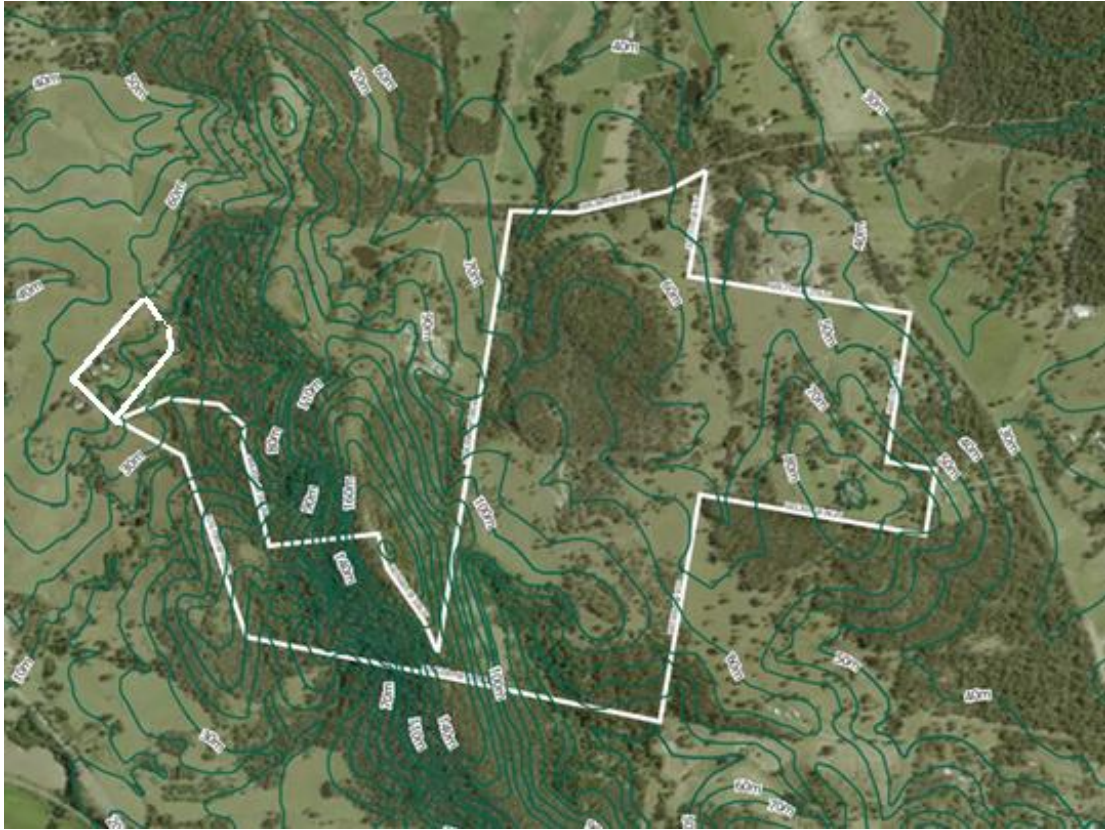


Figure 2 Site aerial (Source: Land checker)



Figure 3 Google Street View from Cedar Party Road



Figure 4 Street view of 70 Carey Road from Carey Road

2.2 Summary environmental mapping constraints

In summary, the land is mapped with the following mapping constraints under the LEP:

- Floor Space Ratio: not applicable
- Building Height: not applicable
- Minimum Lot Size: 40 ha
- Heritage: not applicable

2.3 Site zoning

The site is zoned under Greater Taree Local Environmental Plan 2010 (LEP) as Zone RU1 – Primary Production.

2.4 Development history

A search of Council's online database did not reveal any results.

3 The Proposed Development

3.1 Description of proposed development

The site, which is the subject of this development application, is currently comprised in two separate parcels of land as identified in Section 2.1 of this SoEE . The proposed development is for a two (2) into

five (5) lot subdivision. The proposal includes a boundary realignment of existing Lot 2 DP 595259 (proposed Lot 101) to provide a 24-metre-wide access strip to proposed Lot 102.

The proposed lots all exceed the mapped minimum lot size standard under the LEP of 40ha, except for the proposed Lot 101. The proposed lot sizes are:

- Lot 101- 5.26 ha (currently Lot 2 DP 595259 is 5.663 hectares)
- Lot 102 - 42.1 ha
- Lot 103 - 41ha
- Lot 104 - 41 ha
- Lot 105 - 41 ha

An existing dwelling is located on proposed Lots 101 and 105. Indicative Building envelopes are shown on the three proposed vacant lots, along with the required APZ setbacks for all 5 lots as specified in the bushfire report prepared by David Pensioni and submitted with this application.

The proposed building envelope within Lot 102 is shown elongated to ensure that it is not more than 200m from a public road as required by RFS.

3.2 Details of proposed development

3.2.1 Privacy, Views, Overshadowing, and Noise

The subdivision of this lot will not impact on privacy, views, overshadowing or noise.

When a future application for development application for dwellings on the proposed vacant lots is applied for, the controls from the relevant DCP will form part of the package.

3.2.2 Trees and Vegetation

No vegetation clearing is proposed or required to facilitate the subdivision.

3.2.3 Access and Traffic

The proposed subdivision will not significantly generate traffic in the area. Proposed lots 102, 103 and 104 will be accessed from Carey Road and Lot 105 is accessed from Cedar Party Road. The proposed Lot 101 boundaries will be adjusted to consolidate with proposed Lot 102 to allow access from Carey Road.

Each of the proposed lots will be accessed as follows:

- Lot 101- the existing dwelling is provided with an existing access from the western part of Carey Road and there will be no change to this.
- Lot 102 – a new 24m wide access handle will be provided to this lot from the western part of Carey Road, created by the boundary adjustment with Lot 2 DP 595259 (proposed Lot 101)
- Lot 103 – a new access will be required from Carey Road
- Lot 104 - a new access will be required from Carey Road
- Lot 105 - the existing dwelling is provided with an existing access from the Cedar Party Road and there will be no change to this

3.2.4 Stormwater

Each proposed lot 102, 103 and 104 are adequate in size to facilitate onsite disposal of stormwater. Further details for stormwater drainage can be considered when development applications for dwellings are proposed.

3.2.5 Sewerage

Onsite wastewater systems can be provided for each proposed building envelope on Lots 102, 103 and 104. The existing dwellings on proposed Lots 105 and 101 will use the existing waste water treatments systems.

4 Environmental Assessment

4.1 State Environmental Planning Policies

4.1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021:

Part of the site is mapped as containing high value biodiversity. The proposed building envelopes will not be in areas affected by this mapping.

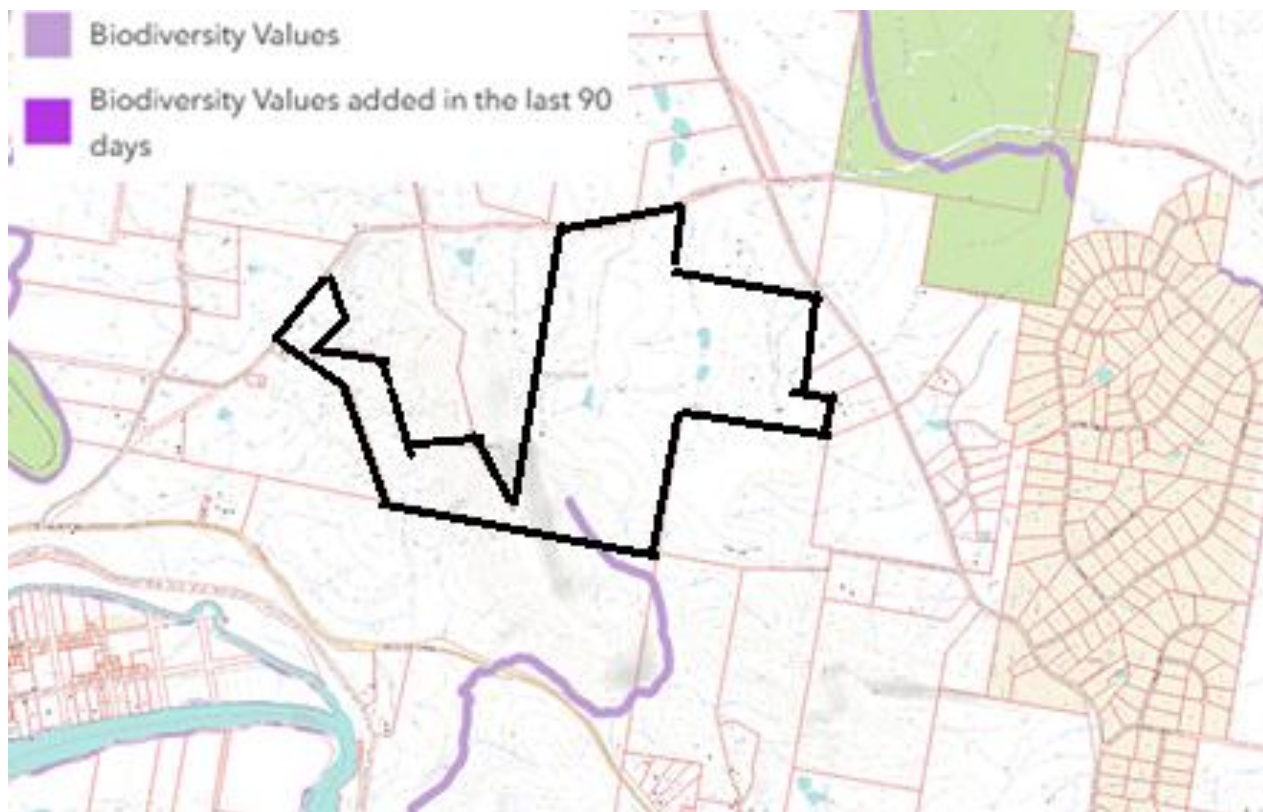


Figure 5 Biodiversity mapping

4.1.1 SEPP (Resilience and Hazards) 2021

Clause 4.6 requires consent authorities to whether the land is contaminated and, if it is contaminated, whether remediation is required to make the land suitable for the proposed development.

The existing land contains two dwellings, and the remainder of the site has only been used for low intensity agricultural (grazing) activities. The site has no known use or activity which has been conducted on the site which could have given rise to the contamination of the site.

Therefore, no further consideration of the requirements of this clause is required.

4.2 Greater Taree Local Environmental Plan 2010(LEP)

Greater Taree Local Environmental Plan 2010 (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned RU1 – Primary Production. The Land Use Table for the zone is as follows:

2. Permitted without consent

Extensive agriculture; Forestry; Home occupations; Intensive plant agriculture

3. Permitted with consent

Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Helipads; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Jetties; Marinas; Markets; Mooring pens; Moorings; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Timber yards; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

4. Prohibited

Livestock processing industries; Any other development not specified in item 2 or 3

The subject Development Application to Council seeks approval for a 2 into 5 lot Subdivision. The proposal is permitted with the consent of Council.

The objectives of the Zone RU1 – Primary Production are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To permit small scale rural tourism uses associated with primary production and environmental conservation with minimal impact on primary production and the scenic amenity of the area.
- To maintain the rural landscape character of the land.
- To protect and enhance the native flora, fauna and biodiversity links.
- To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.

It is considered that the proposal is consistent with these objectives, in that:

- The onsite density does not exceed what has been anticipated for the area as a result of the subdivision.
- The proposed subdivision will assist in providing for the housing needs within a rural environment, maintaining the amenity and character of the locality.

Other Relevant Clauses

LEP Clause / Provision	Statement of Compliance
<p>1.2 Aims of Plan</p> <p>(1) This Plan aims to make local environmental planning provisions for land in Greater Taree City in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</p> <p>(2) The particular aims of this Plan are as follows—</p> <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 promote and encourage the ecologically sustainable development of Greater Taree City,</p> <p>(b) to encourage the proper management, development and conservation of natural and human made resources (including natural areas, forests, coastal areas, water, groundwater dependent ecosystems, agricultural land, extractive resources, towns, villages, and cultural amenities) for the purpose of promoting the social and economic welfare of the community, protecting ecological and cultural heritage and achieving a better environment,</p> <p>(c) to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses,</p> <p>(d) to facilitate the provision and co-ordination of community services and facilities,</p> <p>(e) to encourage the protection of the environment, including the protection and conservation of native animals and plants, threatened species and endangered ecological communities and their habitats,</p> <p>(f) to minimise the exposure of development to natural hazards and natural risks,</p> <p>(g) to seek the provision of adequate and appropriate infrastructure to meet the needs of future development,</p> <p>(h) to encourage a strong, growing and diversified economy that promotes local self-reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations.</p>	<p>Complies</p> <p>In particular the proposed development complies with the aims to encourage the proper management, development and conservation of natural, and human made resources for the purpose of promoting the social and economic welfare of the community, protecting ecological heritage and achieving a better environment and to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses.</p> <p>The proposed development will provide for sites that are larger enough to be used for farming while providing for accommodation and land ownership of smaller more manageable land in the rural area. The building envelopes proposed will be located close to the public road to reduce vegetation clearing to create asset protection zones and access driveways.</p>

LEP Clause / Provision	Statement of Compliance
<p>Clause 2.6 Subdivision—consent requirements</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Note—</p> <p>The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p>	<p>Complies</p> <p>The proposed development does not include subdivision of a secondary dwelling.</p>
<p>Clause 4.1 Minimum subdivision lot size</p> <p>(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.</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>Complies</p> <p>The proposed lots all exceed the minimum lot size of 40ha applicable to the site. The proposed lot sizes are:</p> <ul style="list-style-type: none"> • Lot 102 -42.83 ha • Lot 103 -41.34 ha • Lot 104 -40.19 ha • Lot 105 -42.39 ha <p>Lot 2 DP 595259 is currently 5.663 ha approximately and will be subdivided and consolidated with proposed Lot 102 to provide access to the newly created Lot 2.</p>
<p>Clause 4.1D Exceptions to minimum subdivision lot size for boundary adjustments</p> <p>(1) The objective of this clause is to facilitate changes to boundaries between lots where one or more resultant lots do not meet the minimum lot size, but the objectives of the relevant zone can be achieved.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(3) Despite clause 4.1(3), development consent may be granted to the subdivision of land to which this clause applies by way of a boundary adjustment between adjoining lots where one or more resultant lots do not meet the minimum lot size shown on the Lot Size Map in relation to that land if the consent authority is satisfied that—</p> <p>(a) the subdivision will not create additional lots, and</p> <p>(b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and</p> <p>(c) the potential for land use conflict will not be increased as a result of the subdivision, and</p> <p>(d) if the land is in Zone RU1 Primary Production, Zone RU3 Forestry or Zone RU4 Primary Production Small Lots—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and</p> <p>(e) if the land is in Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living—the subdivision will result in the continued protection and long-term maintenance of the land.</p> <p>(4) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following—</p> <p>(a) the existing uses and approved uses of other land in the vicinity of the subdivision,</p> <p>(b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,</p> <p>(c) whether the subdivision is likely to be incompatible with a use of land in any adjoining zone,</p>	<p>Complies</p> <p>The changes to the boundaries of proposed Lot 102 will result in a boundary adjustment and not result in an additional lot in relation to the existing site, Lot 2 DP 595159.</p> <p>The change to the lot boundaries and reduction in size is required to ensure that the shortest access driveway can be made available to the building envelope of proposed Lot 102.</p> <p>The number of dwellings or opportunities for dwellings on Lot 2 DP 595159 after the subdivision will be the same as before the subdivision.</p> <p>The proposed building envelope on proposed Lot 102 will be close to Carey Road to ensure a large area for rural uses are available to the rear.</p>

LEP Clause / Provision	Statement of Compliance
<p>(d) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,</p> <p>(e) whether the subdivision is likely to have an adverse impact on the environmental values of the land.</p> <p>(5) This clause does not apply—</p> <p>(a) in relation to the subdivision of individual lots in a strata plan or community title scheme, or</p> <p>(b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.</p> <p>(6) Despite clause 4.2A, development consent may be granted for the erection of a dwelling house on land that, immediately before the adjustment of its boundaries under this clause, was a lot on which the erection of a dwelling house was permissible.</p>	
<p>Clause 4.2 Rural subdivision</p> <p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p> <p>(5) A dwelling cannot be erected on such a lot.</p>	<p>Complies</p> <p>The site is mapped with a minimum lot size of 40 ha.</p> <p>All newly created lots within the boundaries of Lot 52 DP 831604 will comply with the minimum lot size clause.</p>
<p>4.2A Erection of dwelling houses on land in certain rural and conservation zones</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the introduction of unplanned rural residential development, and</p> <p>(b) to enable the replacement of lawfully erected dwelling houses in rural zones.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been legally erected, unless the lot is—</p> <p>(a) a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or</p> <p>(b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or</p> <p>(c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible immediately before that commencement, or</p> <p>(d) an existing holding.</p>	<p>Complies</p> <p>New building envelopes are shown only on Lots that can comply with the minimum lot size clause.</p>
<p>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</p> <p>(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</p>	<p>Complies</p> <p>Surrounding land uses are rural in nature. The proposed subdivision will create 4 new lots that are compliant with the minimum lot size clause with new building envelopes close to the road, leaving</p>

LEP Clause / Provision	Statement of Compliance
<p>conservation zones concerned (particularly between residential land uses and other rural land uses).</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU3 Forestry,</p> <p>(d) Zone RU4 Primary Production Small Lots,</p> <p>(e) Zone RU6 Transition,</p> <p>(f) Zone R5 Large Lot Residential,</p> <p>(g) Zone C2 Environmental Conservation,</p> <p>(h) Zone C3 Environmental Management,</p> <p>(i) Zone C4 Environmental Living.</p> <p>(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—</p> <p>(a) subdivision of land proposed to be used for the purposes of a dwelling,</p> <p>(b) erection of a dwelling.</p> <p>(4) The following matters are to be taken into account—</p> <p>(a) the existing uses and approved uses of land in the vicinity of the development,</p> <p>(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,</p> <p>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</p> <p>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</p>	<p>large parts of the centre of the original site for rural development.</p>
<p>7.1 Acid sulfate soils</p> <p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p>	<p><u>Complies</u></p> <p>The site is not mapped as Acid Sulfate soils</p>
<p>7.3 Earthworks</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without separate development consent.</p> <p>(2) Development consent is required for earthworks unless—</p> <p>(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the work is ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p>	<p><u>Complies</u></p> <p>No earthworks are proposed as part of this DA.</p>

LEP Clause / Provision	Statement of Compliance
<p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	
<p>7.11 Essential services</p> <p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p>	<p><u>Complies</u></p> <p>All essential services can be made available to the proposed lots.</p> <p>Water supply will be provided by water storage tanks and onsite. Sewage treatment and disposal, and stormwater disposal will be detailed in future development applications for dwellings on the vacant proposed Lots 102 to 104.</p>

4.3 Great Lakes Development Control Plan 2014

Great Lakes Development Control Plan 2014 applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

LEP Clause / Provision	Statement of Compliance
<p><u>Clause 4.1 Ecological Impacts</u></p> <p>In considering whether to grant consent to a development, Council will consider biodiversity and ecological matters relevant to the development and the land which is affected by that development. In this regard, Council will consider matters that include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. the avoidance (where possible) or minimisation of loss and harm to remnant native vegetation and trees and the 2. habitat of wildlife populations, and 3. the protection of natural biodiversity, including native vegetation and wildlife, their habitats and biological 4. processes and functions, and 5. the protection of all ecological values of the natural landscape including scenic, recreational, aesthetic and 6. cultural heritage values, and 7. the design and siting of the development (including the footprints of all built structures, access, services, 8. bushfire asset protection zones, water management structures, and other ancillary features of that 9. development) in the area of the land that is of least ecological or biodiversity constraint and where the siting of 10. that development results in the least possible ecological or biodiversity-related impact, and 11. the appropriate siting and design of a development (including lot boundaries) with regards to the protection of 	<p><u>Complies</u></p> <p>The location of the proposed building envelopes is on parts of the site that are clear of vegetation to reduce any impact on the ecology.</p> <p>The site is not mapped as heritage significant. Building envelopes will be located on the lower parts of the site to reduce visual impact.</p>

LEP Clause / Provision	Statement of Compliance
<ol style="list-style-type: none"> 12. agricultural sustainability, ecological integrity, topography, landform, native vegetation, wildlife habitat, wetlands 13. and watercourses, and 14. the adoption of suitable and effective protective safeguards that avoids, minimises or compensates for the 15. clearing of habitat and native vegetation within any development, and 16. the capability of the land to accommodate the development without impairment or harm to important 17. ecosystem services functions and the condition, ecological value and significance of fauna and flora, and 18. the avoidance of fragmentation or disturbance of wildlife habitats and the protection, maintenance and (where 19. possible) enhancement of ecological linkages and wildlife corridors in a local, sub-regional and regional 20. context, and 21. the avoidance (where possible) and minimisation of negative impacts on natural landscapes that provide key 22. ecological services provisions, including but not limited to, rainforests, wetlands, riparian zones, vegetated 23. steep lands, rare, regionally significant or poorly conserved ecological communities, threatened species 24. habitats, endangered ecological communities and protected land, and 25. the identification and active protection of natural landscapes that provide key ecological services provisions, 26. including but not limited to, rainforests, wetlands, riparian zones, vegetated steep lands, rare, regionally 27. significant or poorly conserved ecological communities, threatened species habitats, endangered ecological 28. communities and protected land, including the need to adopt buffers of adequate width and configuration to 29. such areas to protect them from the overt direct or indirect effects of that development, and 30. the compensating or offsetting of unavoidable impacts of a development such that the natural environment and 31. native biodiversity is maintained or improved. The provision of any offsets should be located on the development 	<p>The site is not mapped as containing high value fauna or fauna under the LEP.</p> <p>A small part of the site on the southern portion of proposed Lot 102 is mapped as high biodiversity values on the Biodiversity Values Map (BVM) as shown on Figure 5 of this report. The development and proposed building envelopes will not be in this area.</p> <p>An ecology report can be provided as part of the development applications for dwellings on the vacant lots.</p> <p>Building envelopes are proposed closed to the road and within areas of the site that is clear of vegetation. Each proposed building envelope is 2500m² (50 m²x 50 m²).</p> <p>The style of fencing can be conditioned to protect areas of high conservation value native vegetation and native wildlife p</p>
<u>Clause 4.4 Effluent Disposal</u>	
<ol style="list-style-type: none"> (1) <i>Site specific constraints that have the potential to impact on the environmental or public health must be accounted for in the capability of the treatment system and the design of the land application area. Council may refuse to permit development where it is determined that the environmental impacts and/or public health related risks are considered too great.</i> (2) <i>The design of the OSMS (including land application areas or disposal drains) must meet the requirements of:</i> <ol style="list-style-type: none"> (a) <i>Great Lakes On-site Sewage Management Strategy and Development Assessment Framework (or as amended) ;</i> (b) <i>Australian Standard AS 1547:2000- Onsite Domestic Wastewater Management (or as amended);</i> (c) <i>Environmental Health Protection Guidelines- On-site Sewage Management for Single Households (or as amended);</i> (d) <i>Any other guideline deemed relevant by Council officers, and/or published by a recognised department/ organisation.</i> 	<p><u>Complies</u></p> <p>Adequate space is available on each proposed Lot to provide an onsite wastewater treatment system.</p>

LEP Clause / Provision	Statement of Compliance
<p>(3) <i>In accordance with the Local Government Act 1993 (s68C) (or as amended), an application to install, alter or construct a waste treatment device or human waste storage facility must be submitted to Council for determination prior to any works commencing on any part or modification of the on-site sewage management system.</i></p> <p>(6) <i>The On-site Sewage Management System disposal area shall not be contained within or form any part of, the private open space or natural landscape areas of the site.</i></p> <p>(7) <i>The discharge of any untreated grey-water from any source to a waterway, watercourse (whether intermittent or permanent), stormwater drain, drainage channel or ground surface is not permitted. Council approval is required for all grey-water disposal.</i></p> <p>(8) <i>The beneficial reuse of treated effluent within the property confines is encouraged and must be done so in a manner that reflects the objectives of this clause/section.</i></p>	
Clause 4.7 Bush Fire	
<p>Controls</p> <p>(1) <i>All development proposals on land identified as bush fire-prone are to be accompanied by a bush fire hazard assessment report in accordance with the NSW Rural Fire Service Planning for Bush Fire Protection 2006 (or as amended).</i></p> <p>(2) <i>The bush fire hazard assessment report must have regard to the siting of any trees to be retained as recommended within the Arborist's report.</i></p> <p>(3) <i>Any bush fire protection measures (i.e. Asset Protection Zones) must not encroach upon any adjoining land.</i></p> <p>(4) <i>Selection of materials and methods of construction must have regard to AS 3959-2009 Construction of buildings in bush fire prone areas and Planning for Bush Fire Protection 2006 (or as amended).</i></p>	<p>Complies</p> <p>A bushfire hazard report is submitted with this Development Application. The report recommends APZ's in Table 10 of the report. Compliant separation distances are shown on the proposed subdivision plan.</p>
Clause 9.2.1 Design Principles	
<p><i>Good subdivision design goes beyond minimum lots size requirements. Careful appraisal and systematic analysis of the site with consideration of all the natural and manmade constraints is required to ensure that its best qualities are used most effectively to suit the proposed development. The matters that may be taken into account when determining the suitability or otherwise of a site for subdivision include, but are not necessarily limited to, the following:</i></p> <p>Hazards and Constraints:</p> <ul style="list-style-type: none"> <i>Hazards such as soil stability, acid sulphate soils, flooding, erosion and bushfire;</i> <i>Possible contamination of the site from previous land use activities;</i> <i>Potential impact of sea level rise and coastal erosion and the need for foreshore protection;</i> <p>Protection and enhancement of natural features:</p> <ul style="list-style-type: none"> <i>The likely impact of the proposal upon threatened species or their habitat;</i> <i>Retention of special qualities or features such as trees and views;</i> <i>Protection of dominant ridge lines and hilltop;</i> <i>Protection of existing waterways;</i> <i>Heritage and archaeological conservation;</i> <i>Slope and orientation of the land and the extent of excavation works and/or fill required;</i> <p>Infrastructure and surrounding development:</p> <ul style="list-style-type: none"> <i>Availability of utilities;</i> <i>Design of roads, access ways and individual site access;</i> 	<p>Complies</p> <p>The proposed building envelopes are located on parts of the site that does not contain vegetation. This reduces the need for excessive vegetation clearance.</p> <p>All infrastructure can be provided. Building envelopes are shown in proximity to the access roads to avoid construction of long driveways and impacts on ecology.</p> <p>Water can be provided with rainwater tanks and ground water supplement.</p>

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<ul style="list-style-type: none"> • <i>Provision of adequate site drainage;</i> • <i>Potential impact of stormwater runoff and pollutant discharge into waterways;</i> • <i>The relationship of the subdivision layout to adjacent land suitable for subdivision;</i> • <i>Enhancement of existing or future subdivision in the locality;</i> <p>Future land uses and development:</p> <ul style="list-style-type: none"> • <i>Provision of public open space in line with any adopted open space and landscaping strategies;</i> • <i>Proposed future use of the land and relevant development controls such as setbacks, car parking, landscaping etc;</i> • <i>The proposed method of effluent disposal, location and sizing of related land application areas and the likely impacts upon the receiving environments;</i> <p><i>Energy efficiency of the subdivision and the opportunities for solar access to future development.</i></p>	
<u>Clause 9.2.2 Site Design</u>	
<p>Controls</p> <ol style="list-style-type: none"> (1) <i>Site works and landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, vegetation or watercourses should be preserved.</i> (2) <i>Subdivisions should incorporate existing vegetation, landforms and contours wherever possible, rather than completely reshaping the site.</i> (3) <i>Subdivision design should maintain existing mature trees and consideration should be given to the objectives and controls contained in the Tree and Vegetation Preservation chapter of this plan.</i> (4) <i>Council will encourage the location of boundaries along natural features where appropriate, in order to minimise the likelihood of soil erosion. However, allotment boundaries should not follow watercourses.</i> (5) <i>Where subdivision affects heritage items, Council may require the submission of a Heritage Impact Statement prior to consideration of the application. The impact of any subdivision on the curtilage or immediate context of a heritage item must be evaluated in this Statement.</i> (6) <i>Consideration should be given to the location and type of water sensitive design measures in accordance with the Water Sensitive Design section of this plan.</i> <p><i>Consideration will also be given to the likely effects of flooding.</i></p>	<p>Complies</p> <p>Future dwellings can be designed to comply with these standards.</p>
<u>Clause 9.2.3 Services</u>	
<p>Controls</p> <ol style="list-style-type: none"> (1) <i>Where available, satisfactory arrangements shall be made with the appropriate authority for the provision of utility services to each allotment in the subdivision. The design and construction of utility services shall conform to the specific standards of the relevant servicing authorities including: water supply and sewerage; electricity; and telecommunications.</i> (2) <i>A certificate of compliance from the telephone supply authority is required confirming that arrangements have been made for the provision of telephone supply throughout the subdivision.</i> <p><i>In areas where reticulated water supply is available, water supply mains and service conduits should be provided to each allotment in the subdivision. An adequate reticulated water supply system is to be provided for domestic supply and fire-fighting purposes.</i></p> <ol style="list-style-type: none"> (3) <i>In areas where sewerage service is available, sewerage reticulation should be provided to each allotment in the subdivision. Sewerage reticulation is to be arranged where possible to allow the whole of each new allotment to be serviced by gravity drainage. Where necessary, pumping stations, rising mains and extension of existing mains shall be provided.</i> (4) <i>Subdivisions in unsewered areas may only be permitted where allotment sizes and layouts are adequate to allow onsite disposal of all sewage and wastewater</i> 	<p>Complies</p> <p>The proposed lots and layouts are adequate to allow onsite disposal of all sewage and wastewater generated on the allotment.</p>

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<p><i>generated on the allotment. Council does not support the installation of effluent pumpout systems due to the high potential for system failure and associated risk of contamination of sensitive waterways. Refer to Council's current Onsite Sewage Management Strategy and Decision Assessment Framework to determine requirements for the land application area.</i></p> <p>(5) <i>For subdivision requiring a new low voltage electricity supply, reticulation is to be via an underground supply system unless Council determines the ground conditions to be unsuitable for extensive underground infrastructure.</i></p> <p>(6) <i>Battleaxe blocks are to be serviced with underground electricity.</i></p> <p>(7) <i>Where possible, compatible public utility services shall be coordinated in common trenching to maximum cost effect.</i></p> <p><i>Services shall be planned to provide a common accessible service easement of width to be determined by Council considering the particular circumstances. Easements are to be provided in accordance with authority requirements for each service.</i></p>	
<p>Clause 9.2.4 Landscaping</p>	
<p>Controls</p> <p>(1) <i>A plan is to be submitted showing the location of any existing Cabbage Tree Palms so that a decision can be made as to whether these should be relocated or should remain.</i></p> <p>(2) <i>In established areas, landscaping shall relate to the scale of other elements of the streetscape and the landscaping of adjoining development. Where possible, landscaped areas shall adjoin the landscaped areas of adjacent allotments.</i></p> <p>(3) <i>The provision of landscaped buffers and/or earth mounds may be required to screen developments from nearby roads. Plantings may also be required adjacent to public roads where access is to be restricted.</i></p> <p>(4) <i>For subdivisions involving the creation of greater than 5 lots, a landscape/street tree-planting concept plan is to be submitted with the development application. Council, as a condition of approval, will require at least one advanced tree in the road reserve in front of each lot, where the soil is suitable. Two trees (one on each frontage) will be required for corner lots. Further plantings may be necessary where drainage /water quality control facilities or public open space are to be provided.</i></p> <p><i>Earthworks including excavation, filling and levelling will not be permitted within the root zone of trees intended to be kept.</i></p>	<p>Complies</p> <p>The proposed subdivision is to create rural lots. The requirement for a landscape plan is unnecessary.</p>
<p>Clause 9.2.5 Drainage</p>	
<p>Controls</p> <p>(1) <i>Excavation or filling of land should be limited to 1m above or below existing ground levels. Levels shall be adjusted so that allotments drain to the street and/or the stormwater drainage system to ensure there is no intensification of runoff to adjacent land. Where required, a system of inter-allotment drainage shall be required with the subdivision application.</i></p> <p>(2) <i>Drainage from subdivision sites should be consistent with the predevelopment stormwater patterns.</i></p> <p>(3) <i>Drainage systems should be designed to ensure safety and minimise the likelihood for stormwater inundation of habitable floor areas. The drainage system shall be designed in accordance with Council's Design Specifications and Construction Specifications</i></p> <p>(4) <i>For integrated development (i.e. lots under the 450m²), an appropriate stormwater flow management system should be established to reduce the velocity of stormwater discharge.</i></p> <p>(5) <i>Allotment drainage shall discharge to the roadway gutter wherever possible. Inter-allotment drainage (including the creation of easements to drain water) will be required where discharge to the street for all lots is not possible.</i></p> <p>(6) <i>Allotment drainage and stormwater must not be directed to land application areas associated with onsite effluent disposal systems.</i></p>	<p>Complies.</p> <p>No excavation or filling is proposed as part of the development.</p>

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<p>(7) On-site stormwater detention may be required in the development to maintain flows no greater than the undeveloped rate of flow, both within and downstream from the development area. Advice should be sought from Council's Engineering Services Division to determine if this is required.</p> <p>(8) Development must not detrimentally affect water quality or result in the discharge of effluent from the site. Natural drainage systems should not be altered, particularly in catchments for estuaries and wetlands.</p> <p>(9) Water sensitive design measures must be provided onsite, in accordance with the Water Sensitive Design section.</p> <p>(10) Any application for subdivision may be required to include drainage calculations in respect of run off discharge prepared by and certified by a suitably qualified person.</p> <p>(11) Easements shall be created over drainage systems, including piped stormwater lines and open drainage channels. Widths of required easements will depend upon the circumstances.</p> <p>Drainage reserves may be required to be dedicated (at no cost to Council) over natural and artificial watercourses.</p>	
<p><u>Clause 9.2.6 Road Design and Construction</u></p>	
<p>Controls</p> <p>(1) Where subdivision involves the construction of new roads, the road network to be established shall be designed in such a manner so that each lot can be developed and accessed in a practical and feasible manner.</p> <p>(2) The developer shall be responsible for connecting new to existing road construction.</p> <p>(3) The configuration and design of roads shall be in accordance with Council's Design Specifications.</p> <p>(4) Where a subdivision adjoins an existing road, the road infrastructure may be required to be upgraded. This may include the construction of kerb and guttering, pavement widening and sealing, ancillary drainage and footpaths.</p> <p>(5) Council, except for Community Title subdivision, will require the dedication of all roads and pathways constructed to public road standards. The dedication of roads within Community Titles subdivisions will be considered on a case-by-case basis.</p> <p>Street name signs shall be erected at the junction of all roads in the subdivision. Proposed street names shall be submitted for approval by Council's Engineering Services Division. Signage shall conform to and be located according to Councils standard drawings.</p>	<p>Complies</p> <p>No new roads are proposed.</p>
<p><u>Clause 9.5 Large Lot Residential, Rural and Environmental Subdivision</u></p>	
<p>Controls</p> <p>(1) An allotment size in excess of this minimum area standard as shown in the LEP 2014 lots size map may be required where land is identified as having agricultural or environmental value that would be compromised if the land is fragmented by subdivision.</p> <p>(2) Allotment dimensions should allow for the inclusion of buffer distances for onsite sewage management systems as prescribed by the NSW Department of Local Government's Environment & Health Guidelines titled "On-site Sewage Management for Single Households".</p> <p>(3) Land application areas for onsite disposal systems are not to be located on or adjacent to areas where mature trees have been removed. Residual tree roots have the potential to cause the disposal area to fail due to funnelling of effluent. Details may be required with the subdivision application.</p> <p>(4) Where sites contain areas of significant vegetation, the subdivision boundaries shall be designed so as to minimise the clearing of land.</p> <p>(5) Boundaries over hills, ridgelines and elevated areas shall be designed so as to minimise visual impact as a result of clearing.</p> <p>(6) All subdivision boundaries are to be designed so as to ensure the best practical</p>	<p>Complies</p> <p>All lots comply with the minimum area standard of 40 ha as shown in the LEP 2014.</p> <p>Adequate space is available on each proposed lot for buffer distances for onsite sewage management systems as prescribed by the NSW Department of Local Government's Environment & Health Guidelines titled "On-site Sewage Management for Single Households".</p> <p>Building envelopes are proposed where land is clear of vegetation.</p>

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<p><i>location for fence-lines and fire trails.</i></p> <p>(7) <i>A topographical map is to be submitted showing the proposed boundaries and all site improvements including buildings, dams etc.</i></p> <p>(8) <i>Proposed allotments will indicate a dwelling site that allows for reasonable sunlight access.</i></p> <p><i>The plan of subdivision shall indicate an appropriate dwelling site for each lot, taking into consideration the constraints and opportunities for the future development of the land.</i></p>	
<p>Section 88B Instruments</p> <p><i>Generally, Council does not support the use of Section 88B instruments (restrictive covenants under Section 88B of the Conveyancing Act 1919).</i></p> <p><i>However, development applications for the subdivision of land with a slope of greater than 20%, must include a Section 88B instrument identifying the location and dimensions of future building envelopes for each allotment, to ensure compliance with the planning outcomes for steeply sloping land.</i></p>	<p>A section 88 B instrument is not proposed at this stage. The future building envelopes and existing dwellings are shown on the proposed subdivision plan.</p>
<p>10.3.3 Vehicle Access and Driveways</p> <p>Controls</p> <p>(1) <i>Hard surface driveway areas are to be minimised to reduce the impacts of stormwater runoff and to improve visual amenity.</i></p> <p>(2) <i>Driveways, car parking areas and uncovered paved or hard landscaped areas are to be constructed from permeable materials where possible to maintain natural drainage flows and maximise stormwater infiltration on site.</i></p> <p>(3) <i>Vehicle crossovers are to be located a minimum 1m from the side boundary, at the front boundary.</i></p> <p>(4) <i>Driveways and crossovers are to be:</i></p> <p style="padding-left: 20px;"><i>(a) Limited to one per frontage;</i></p> <p style="padding-left: 20px;"><i>(b) Located to minimise the removal of any existing street trees.</i></p> <p>(5) <i>A turning area is to be provided to enable vehicles to enter and leave the site in a forward direction wherever possible. Turning areas are to be designed to allow the 85% Design Car Turning Path.</i></p> <p style="padding-left: 20px;"><i>(a) This should be provided where the site is steep, fronts a busy road or is in a highly pedestrianised area.</i></p> <p style="padding-left: 20px;"><i>(b) This shall be provided for shared driveways and where vehicles would otherwise have to reverse for more than 30m.</i></p> <p>(6) <i>All driveways and car parking shall be designed in accordance with Australian Standard AS2890.1 and Council's Steep Driveway Policy</i></p>	<p>Complies</p> <p>Hard surface driveways will be minimised or avoided in lieu of gravel surface. Lots will be large enough to provide adequate vehicle turning movements.</p>
<p><u>Clause 12.4 Controls</u></p>	
<p>Removal or pruning of vegetation on land to which the <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> applies, must comply with the process outlined in the Vegetation Management Policy.</p>	<p>Complies</p> <p>The proposed development can comply if tree removal is required in future to facilitate building envelopes.</p>
<p><u>Chapter 14 Waste Management</u></p>	<p>Waste management will be dealt with in a accordance with Council's policies.</p>

4.4 Section 4.15 Considerations

4.4.1 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposed subdivision creates 4 lots which comply with the minimum lot size requirement of the LEP, and as detailed in this SoEE all lots are suitable for permitted rural land uses and a dwelling. The remaining existing lot is the subject of a boundary adjustment to provide suitable access to one of the proposed new lots and the use of this existing lot with a dwelling will continue.
- The proposal is consistent with the existing development within the locality.
- The proposal is consistent with the objectives and development standards applying to the land.
- Overall, the development is considered an appropriate usage of the site.

4.4.2 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site.
- It will have a positive effect on the streetscape and immediate locality; and
- It is consistent with all relevant LEP aims and objectives.

4.4.3 Section 4.15 of the Environmental Planning and Assessment Act, 1979

Matters for Consideration	Considered?
Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to 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)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iia) – Has consideration been given to all relevant provisions of 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?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by Council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

5 Summary and Conclusion

Council Approval Group is pleased to submit this Statement of Environmental Effects and accompanying information for **2 into 5 lot Subdivision** at 395 Cedar Party Road.

This Statement of Environmental Effects for the proposed development has considered:

- the circumstances of the case.
- an analysis of the subject site and the surrounding locality.
- an analysis of the proposal against the provisions of the *LEP 2010*, as well as relevant DCPS, SEPPs and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP in particular:

- The onsite density does not exceed what has been anticipated for the area as a result of the subdivision.
- The proposed subdivision will assist in providing for the housing needs within a rural environment, maintaining the amenity and character of the locality.

We are pleased to present this SoEE for 2 into 5 lot Subdivision, which, once approved, will provide for additional accommodation in a rural area.

5.1 Recommendation

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration.