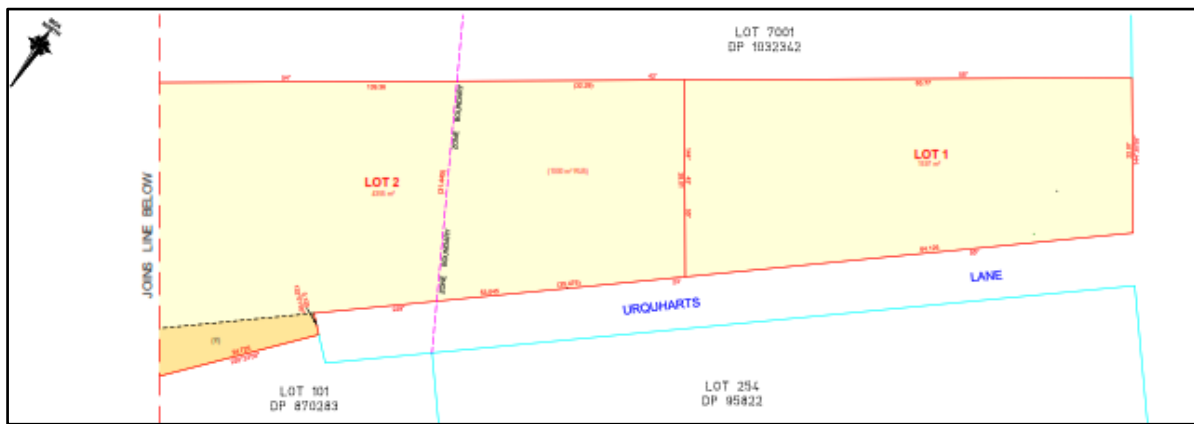




LE MOTTEE GROUP

SURVEYING | CIVIL ENGINEERING | TOWN PLANNING | PROJECT MANAGEMENT
STRATA CERTIFICATION | ECOLOGY | BUSHFIRE ASSESSMENT

Pty Limited ABN 38 136 535 156



PROPOSED 2-LOT SUBDIVISION

STATEMENT OF ENVIRONMENTAL EFFECTS v2

Lot 100 DP 870284

2 URQUHARTS LANE, STROUD

OUR REF: 9420

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1. INTRODUCTION

1.1 BACKGROUND

Le Mottee Group (LMG) has been engaged by Tim and Jill Scott to prepare Plans and a Statement of Environmental Effects (SoEE) to accompany a Development Application (DA) to Mid Coast Council for the 2-lot Subdivision of 2 Urquharts Lane, Stroud.

The proposed development is minor in nature and is of minimal environmental impact.

This SoEE provides details about the site and proposed development as well as making an assessment of the proposed development pursuant to the relevant matters under Section 79C of the *Environmental Planning and Assessment Act, 1979*.

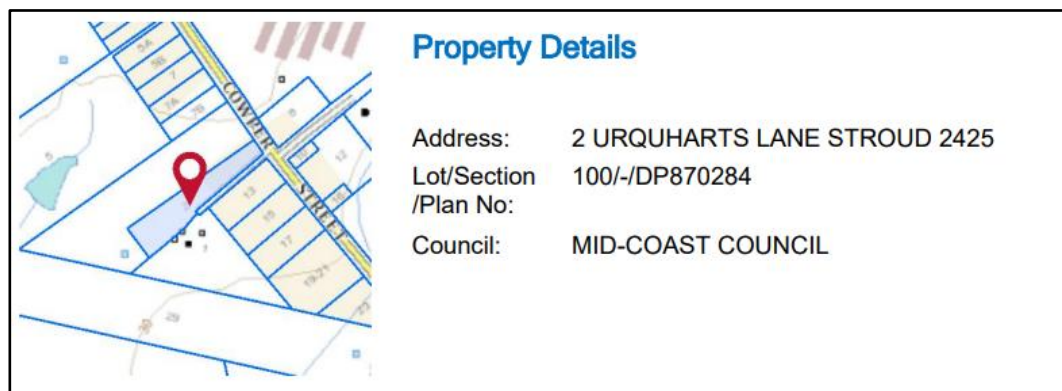


Figure 1: Property Details (Source: NSW Spatial Viewer).

1.2 OVERVIEW

The proposed development subject to this report is the subdivision of **Lot 100 DP 870284** into two (2) rural lots.

This report considers the proposed development against the controls of the Great Lakes Local Environmental Plan (GLLEP) & Development Control Plan (GLDCP). Under the GLLEP (2014) the proposed subdivision is permitted with consent under the provision of Clause 4.1D of the LEP.

There is nothing in the Great lakes LEP (2014) or DCP (2014) that prohibits the proposed subdivision.

Summary of planning controls

Planning controls held within the Planning Database are summarised below. The property may be affected by additional planning controls not outlined in this report. Please contact your council for more information.

Local Environmental Plans	Great Lakes Local Environmental Plan 2014 (pub. 3-5-2024)
Land Zoning	RU2 - Rural Landscape: (pub. 3-5-2024) RU5 - Village: (pub. 3-5-2024)
Height Of Building	8.5 m
Floor Space Ratio	0.4:1
Minimum Lot Size	1000 m2 40 ha
Heritage	NA
Land Reservation Acquisition	NA
Foreshore Building Line	NA

Figure 2: Summary of Planning Controls (Source: NSW Spatial Viewer).

1.3 SCOPE AND STRUCTURE OF THE REPORT

The remainder of the report is structured as follows:

- **Section 2** – Site Description
- **Section 3** – Proposed Development
- **Section 4** – Planning Provisions
- **Section 5** – Conclusion

1.4 SUPPORTING DOCUMENTS

The following documents are provided as Attachments to this report:

- **Annexure A** – Survey and Plan of Proposed Subdivision; and
- **Annexure B** – Bushfire Threat Assessment.
- **Annexure C** – Civil Design Plans.

2. SITE DESCRIPTION

The following section identifies the subject land, existing development on site and the surrounding development.

2.1 LOCALITY

The subject land is located in Stroud, within the Great lakes district of the Mid Coast LGA.

Stroud is situated approximately 56km south-west of Tuncurry, 36km north-west of Hawkes Nest and approximately 50km north-east west of Maitland. The location of the subject land is shown below in Figure 1.

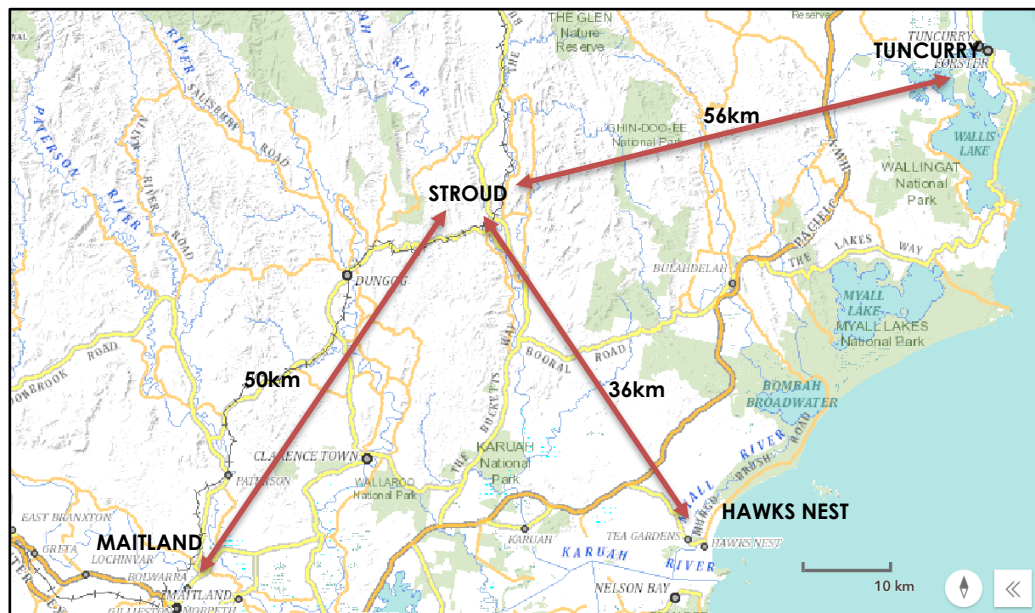


Figure 3: Location of the subject land (Source: Six Maps).

2.2 SUBJECT LAND

The subject land is located at 2 Urquharts Lane, Stroud. The land is formally identified as **Lot 100 DP 870284**. For the purpose of this report, Lot 100 shall be referred to as 'the site'.

The site has an area of 6952m² with access to the site direct from The Bucketts Way and Urquharts Lane.



Figure 4: The site (Source: NSW Spatial Planner).

2.3 EXISTING DEVELOPMENT

The site supports an existing dwelling and ancillary structures such as a metal garage, sheds and stable.

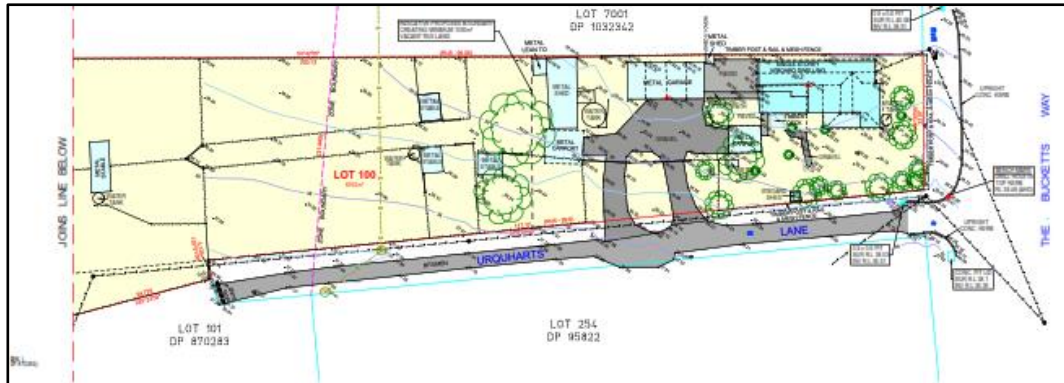


Figure 5: Survey Plan of Site showing Existing Structures (Source: Le Mottee Group).

2.4 SURROUNDING DEVELOPMENT

Development in the surrounding area includes rural lots with dwelling houses and ancillary structures.

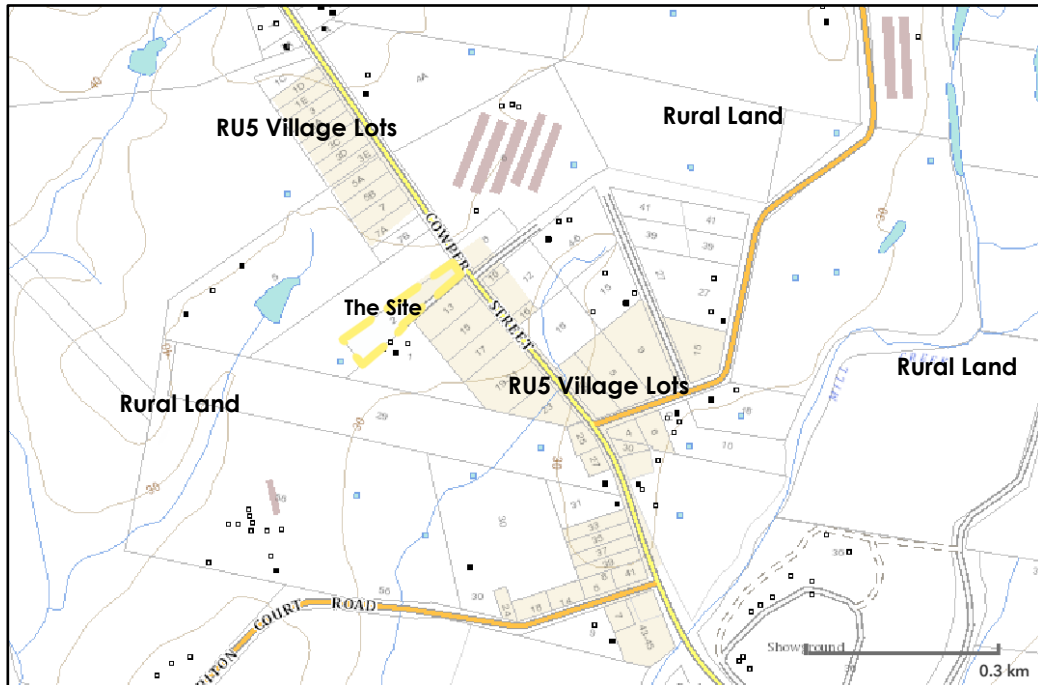


Figure 6: The site and surrounding land (Source: NSW Six Maps).

The Stroud Town Centre supports local services such as Stroud Grocer, Stroud Public School, Hairdressers, Café's, Butchery, Hotel, Pharmacy, Stroud Hardware and Produce Store, three Churches, Stroud Park, Showground, and Swimming Pool.

3. PROPOSED DEVELOPMENT

3.1 AIM OF THE PROPOSED DEVELOPMENT

The aim of the proposed development is to subdivide the site into two (2) lots under Clause 4.1D of the Great Lakes LEP.

3.1.1 DEVELOPMENT DETAILS

The proposed subdivision will create two (2) Torrens title Lots as detailed below:

- **Lot 1** – shall be 1597m² and shall be entirely zoned RU5 (Village). Access to Lot 1 shall be via the existing access driveway off Urquharts Lane. Lot 1 shall support the existing dwelling, garage, metal shed and carport.
- **Lot 2** – shall be 4355m² and shall contain 1000m² of land zoned RU5 (Village) and all the land zoned RU2 (Rural Landscape). Access to Lot 2 shall be direct from Urquharts Lane. Lot 2 shall support the existing metal stables and shall be suitable for supporting a future dwelling.

See below plan of Subdivision:

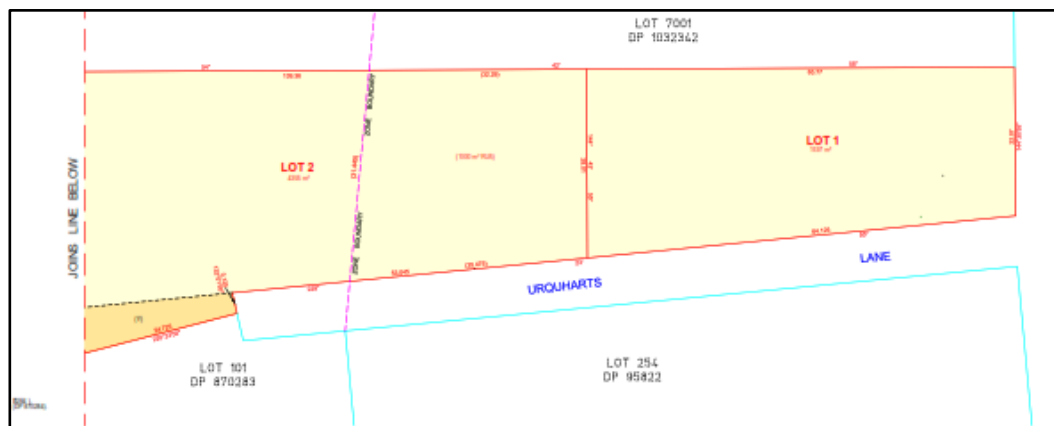


Figure 7: Proposed Subdivision layout.

For further details on the subdivision layout please refer to the plan of proposed subdivision provided as Annexure A of this report.

4. PLANNING PROVISIONS

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Section 79C of the Environmental Planning and Assessment Act, 1979 provides the matters that must be considered in the assessment of any development application.

Section 79C of The Environmental Planning and Assessment Act, 1979, as amended, states the following:

‘(1) Matters for consideration – general

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

- *The provisions of:*
 - (i) Any environmental planning instrument, and*
 - (ii) Any draft environmental planning instrument that is or has been place on public exhibition and details of which have been notified to the consent authority, and*
 - (iii) Any development control plan, and*
 - (iv) Any matters prescribed by the regulations, that apply to the land to which the development application relates,*
- *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- *The suitability of the site for the development,*
- *Any submissions made in accordance with this Act or the regulations,*
- *The public interest.’*

The matters of relevance for this application are dealt with in the following sections of this Statement.

4.2 GREAT LAKES LOCAL ENVIRONMENTAL PLAN, 2014

4.2.1 SAVINGS PROVISION

Pursuant to Clause 1.8A of the LEP, a development application that has been made before the commencement of a draft LEP, which has not been finally determined before that commencement, must be determined as if the draft Plan had not commenced. Therefore, whilst the draft Midcoast LEP was endorsed by Council on 26th February 2025, the provisions and controls of the current LEP provide the legislative basis for this application.

4.2.2 EXISTING ZONING

Under the Great Lakes Local Environmental Plan (LEP) 2014, the subject site has a split zone being zoned **RU5 Village** and **RU2 Rural Landscape**. A copy of the land zoning map extract is included as Figure 8.

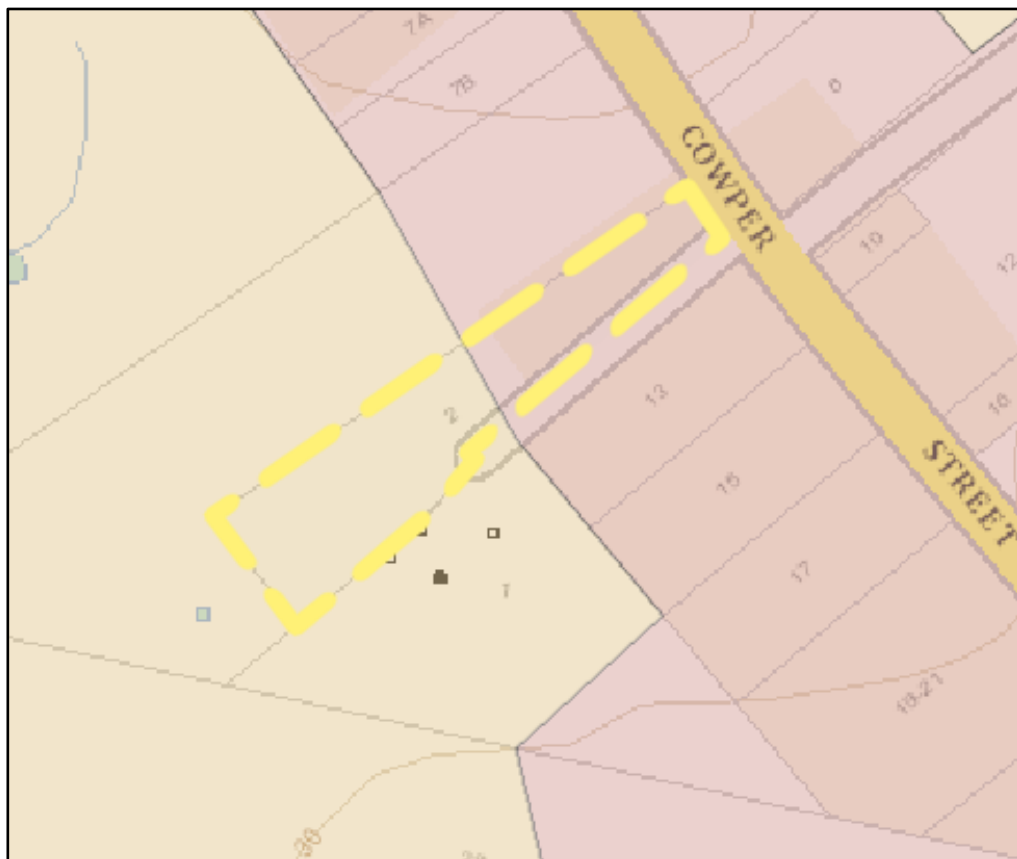


Figure 8: Great Lakes LEP 2014 land zoning map extract (NSW Spatial Planner).

ZONE OBJECTIVES:

RU5 Village

Objectives of zone:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To provide for a range of land uses, services and facilities that are associated with a coastal village.*
- *To enable non-residential development that does not prejudice the established land use pattern within the village.*

RU2 Rural Landscape

Objectives of zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.*
- *To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity.*

The proposed subdivision will create two (2) lots under Clause 4.1D of the LEP. Lot 1 shall support the existing dwelling and shall be entirely zoned RU5 Village while proposed Lot 2 shall contain 1000m² of land zoned RU5 Village and all the land zoned RU2 Rural Landscape. Proposed Lot 2 shall be capable of supporting a future dwelling.

The proposed subdivision is in keeping with the character of the area and shall support the objectives of each zone.

4.2.3 MINIMUM SUBDIVISION LOT SIZE

The site has a split zone and therefore, is subject to two (2) different minimum lot sizes as follows:

- RU5 Village – the land zoned RU5 has a minimum lot size of 1000m².
- RU2 Rural Landscape – the land zoned RU2 has a minimum lot size of 40ha.

Given the area of Lot 100 is 6953m², the subdivision is unable to meet the minimum lot size for land zoned RU2 and as such, subdivision is sought under the provisions of Clause 4.1D of the LEP.

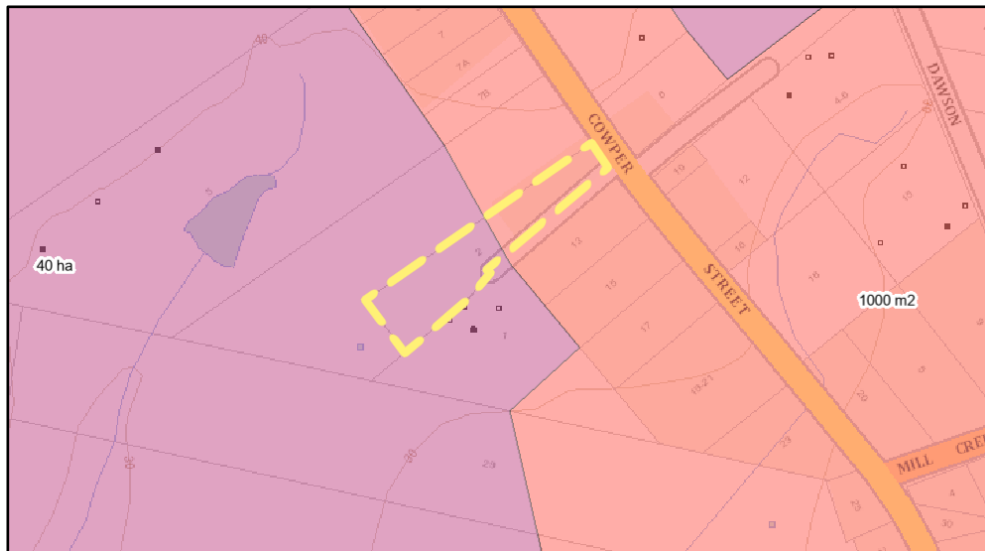


Figure 9: Great Lakes LEP 2014 minimum lot size map extract 005 (AB2=20ha)

4.2.4 MINIMUM SUBDIVISION LOT SIZES FOR CERTAIN SPLIT ZONES

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

(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,

(b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

(2) This clause applies to each lot (an **original lot**) that contains—

(a) land in a residential, employment, mixed use or village zone, or land in Zone W4 Working Waterfront, and

(b) land in Zone RU2 Rural Landscape, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living.

(3) Despite clause 4.1, development consent may be granted for the subdivision of an original lot to create other lots (the **resulting lots**) if—

(a) one of the resulting lots will contain—

(i) land in a residential, employment, mixed use or village zone, or land in Zone W4 Working Waterfront, that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and

(ii) all of the land in Zone RU2 Rural Landscape, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living that was in the original lot, and

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

(4) Despite any other provision of this Plan, the erection of a dwelling house is permitted with development consent on any resulting lot.

The proposed subdivision is sought under the provisions of Clause 4.1D of the LEP. Clause 4.1D allows for the subdivision of lots that within more than one zone but cannot be subdivided under Clause 4.1 of the LEP as the minimum lot size for one zone is unable to be met but the minimum lot size of the other can be met.

In this case, there is insufficient land zoned RU2 Rural Landscape within the site to meet the 40ha minimum lot size however, there is sufficient land zoned RU5 Village to meet the 1000m² minimum lot size that applies to this land zone. Pursuant to Clause 4.1D (3), one lot – being proposed Lot 2, shall contain 1000m² of land zoned RU5 village, which meets the minimum lot size for this zone and all the land zoned RU2. While proposed Lot 1 shall contain at least 1000m² of land zoned RU5 Village, which meets the minimum lot size for this zone.

Erection of a future dwelling is permissible, despite any other provision of the LEP, pursuant to Clause 4.1D (4).

The proposed subdivision shall occur in a manner that promotes suitable land use and development in addition to meeting the objectives of each zone as follows:

- The subdivision will provide sufficient land in each proposed lot to meet the minimum lot size of 1000m² for RU5 Village.
- All the RU2 land shall be contained within one lot in addition to the minimum area to meet the lot size requirements for the RU5 Village zoned land within the site.
- The proposed subdivision is in keeping with the established land use patterns within the village.
- The subdivision will not fragment rural land and will not impact potential agricultural uses as the area of RU2 zoned land shall remain the same and shall be supported entirely within proposed Lot 2.
- The proposed subdivision will maintain the village character of the area as the RU5 zoned land will front Cowper Street and is consistent with the established pattern of neighbouring land within the Stroud Village.
- The proposed subdivision is compatible with adjacent land uses and will not create any conflicting uses or pattern of subdivision.

- The proposed subdivision will provide a for range of compatible land uses and will maintain the natural resource base.
- The proposed subdivision will not prejudice the established pattern of subdivision or land uses of neighbouring lots.

PERMISSIBILITY:

The proposed development subject to this report is the subdivision of **Lot 100 DP 870284** into two (2) lots. Both proposed Lots shall meet the objectives and requirements for subdivision pursuant to Clause 4.1D of the LEP.

The proposed subdivision is permitted with consent. A future dwelling on proposed Lot 2 is permissible with consent under Clause 4.1D (4) despite any other provision in the LEP.

4.3 GREAT LAKES DEVELOPMENT CONTROL PLAN, 2014

The relevant sections of this Part have been addressed below:

4.3.1 CHAPTER 4 – ENVIRONMENTAL CONSIDERATIONS

ECOLOGICAL IMPACTS

The proposal is subdivision only and does not involve the clearing of any vegetation or the construction of any structures that may have an impact on the natural environment. The site is mostly cleared and shall not require removal of trees or other significant vegetation for future dwelling construction on proposed Lot 2. As such, this section has been authored concisely.

FLOODING

The subject site is not flood prone as shown below as Figure 10.

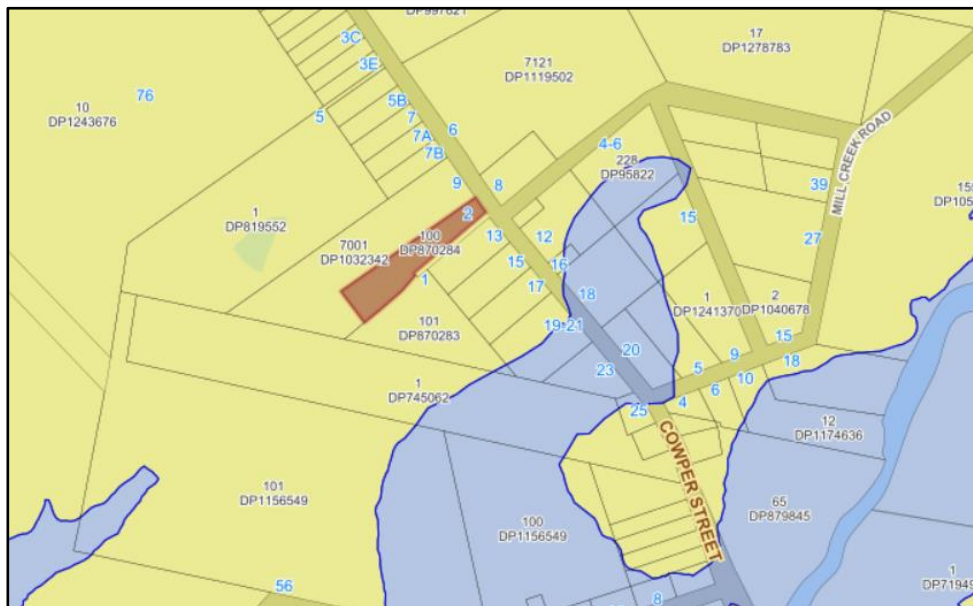


Figure 10 – Mid Coast Council Intramaps
(<https://maps.midcoast.nsw.gov.au/intramaps23a/#>)

COASTAL PLANNING AREAS

The subject site is not within a coastal planning area.

EFFLUENT DISPOSAL

Proposed Lot 1 already supports an existing dwelling and is supported by reticulated sewer and water.

Proposed Lot 2 shall contain sufficient area to support a future dwelling and provides access to reticulated sewer and water.

The proposed subdivision will not result in adverse impacts on the health of the environment from sewage.

POULTRY FARMS BUFFER

A chicken meat farm is located on 6 Cowper Street Stroud. The existing dwelling on proposed Lot 1 is located approximately 125m south-west from the nearest poultry shed and the future dwelling on proposed Lot 2 shall be located greater than 220m south-west from the nearest sheds. Other existing dwellings on Cowper Street are located nearer to the sheds, being within 100m distance.

The predominant winds in Stroud are from the west and north-west. It is not expected that the site would be impacted by odour concerns due to the separation, presence of tree breaks on the poultry site and predominant wind direction.

CONTAMINATED LAND

The land is not identified as being potentially contaminated.

BUSHFIRE

The site is mapped as bushfire prone land as shown on *Figure 11*. As such, a bushfire report has been prepared and is included as Annexure B to this report.

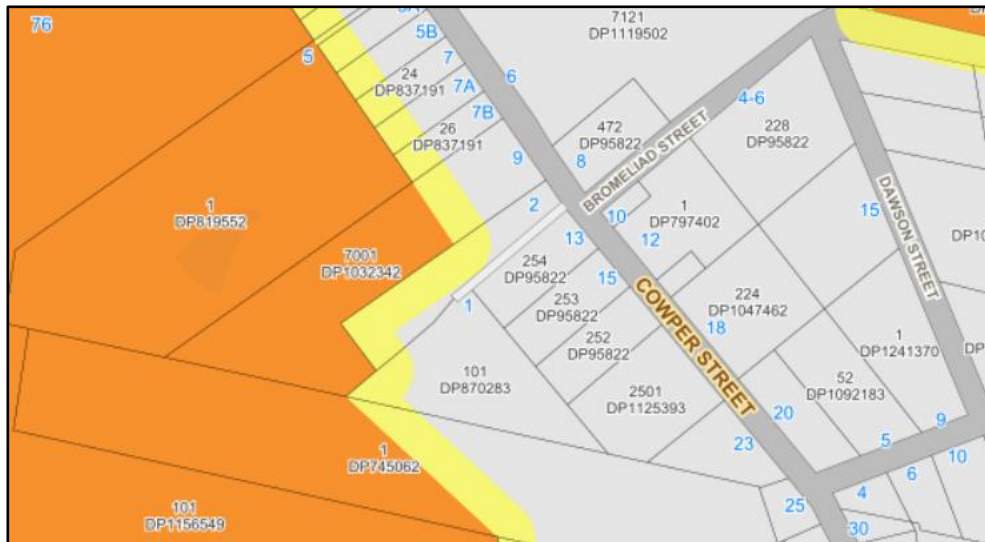


Figure 11 – NSW Planning Portal Bushfire Prone Land Mapping

A Bushfire Threat Assessment (BTA) has been undertaken by Le Mottee Group to assess the bushfire hazard and associated potential threats relevant to the proposal. The BTA addressed requirements and recommendations for Asset Protection Zone's (APZ), and Outer Protection Zone's (OPZ).

To ensure the proposed Subdivision satisfies Planning for Bushfire Protection several recommendations have been provided. These include:

- The site is proposed to be subdivided into 2 lots.
- The property is bushfire prone.
- No further APZ's are recommended due to the surrounding managed grazing lands and managed land.
- The site is adequately serviced by water mains and a hydrant.
- The site is adequately serviced by power and infrastructure will be extended to service the subdivided lots.
- The site currently has the necessary infrastructure for access for fire fighting and emergency egress.
- The proposed Subdivision complies with the acceptable solutions outlined in Chapter 5 of PBP.

Please see Bushfire Threat Assessment attached as Annexure B for further details.

4.3.1 CHAPTER 9 – SUBDIVISION

SITE DESIGN

The proposed subdivision shall meet the objectives and controls for subdivision of land under Chapter 9 of the DCP as follows:

- Rural zoned land within the site shall not be fragmented.
- The amenity of existing and adjacent land uses shall be maintained.
- Appropriate services can be achieved for each lot.
- Vegetation removal is not required, and wildlife corridors will not be fragmented.
- Environmental constraints have been considered.
- Adequate provisions for future dwelling construction, services, access, parking and drainage are provided.
- The pattern of subdivision reflects and follows the existing pattern of subdivision in the area and minimum lot size for RU5 Village shall be provided within each lot.
- Agricultural land shall not be fragmented, and all the rural land zone shall be contained within proposed Lot 2, in addition to the minimum lot area required for RU5 village.
- The size, shape and characteristics of each lot are appropriate and consistent with surrounding pattern of subdivision and land uses.
- The scenic value of the rural land shall be maintained.
- The subdivision is in character with the surrounding locality.
- Potential hazards and constraints have been considered.
- The subdivision will not interfere with natural resources.
- Each lot shall be adequately serviced with water, sewer and electrical utilities to each lot available.
- A stormwater management plan has been proposed to provide adequate site drainage.
- Stormwater and runoff shall be appropriately maintained.

- The subdivision shall enhance the existing pattern of subdivision.
- Relevant development controls such as setbacks shall be met.
- Negligible impacts to the environment are not expected.

SERVICES AND ACCESS

- Utilities such as sewer, water and electricity shall be provided to each lot in an efficient and cost-effective manner.
- Direct access to each proposed lot shall be provided from Urquharts Lane.
- Negligible impacts to the environment are not expected.
- Provision has been made for service easements.

LOTS SMALLER THAN THE MINIMUM LOT SIZE

- This application is for subdivision only however, a future dwelling may be erected on proposed Lot 2 under Clause 4.1D (4) despite any other provision in the LEP.
- Services can be adequately provided to proposed Lot 2. Proposed Lot 1 already supports a dwelling with services.
- Adequate visual and aural privacy shall be maintained as the land zoned RU2 shall be supported in proposed Lot 2 and RU5 village zoned land shall be contained in proposed Lot 1. This is consistent with surrounding subdivision patterns and land zoning use.
- Access to the sun and natural light can be adequately provided for each lot given their size.
- The minimum lot size for land zoned RU5 shall be provided in each proposed lot.
- Stormwater runoff shall be controlled, and targets maintained as per the Stormwater Management plan that has been proposed as part of this application;

RURAL SUBDIVISION

- All the land zoned RU2 shall be contained within proposed Lot 2 and no fragmentation of rural land shall occur.
- Proposed Lot 2 shall be more than capable of supporting a future dwelling.
- The subdivision design will not alter the scenic value of the land. The site will still have the same outlook to the naked eye and as such will protect the scenic value and natural habitats or rural land.

LANDSCAPING

The subdivision will maintain the existing character and does not require any clearing to achieve the desired allotment design, Therefore, the requirement for landscaping is not applicable to this application.

ROAD DESIGN AND CONSTRUCTION

The proposed development is for subdivision only and does not propose any new internal or external roads.

5. CONCLUSION

The proposed development subject to this report is the subdivision of **Lot 100 DP 870284** into two (2) lots under Clause 4.1D of the LEP. Proposed Lot 1 shall support the existing dwelling and exceed the minimum lot size for the land zoned RU5 Village.

Proposed Lot 2 shall be capable of supporting a future dwelling under Clause 4.1D (4) and shall contain the minimum lot size of land zoned RU5 Village and all the land zoned RU2 Rural Landscape.

Both lots shall be accessed via Urquharts Lane, with Lot 1 retaining the existing access and a new access driveway being established into proposed Lot 2. A future dwelling on proposed Lot 2 shall be subject to a separate Development Application.

The development is permitted with consent under the provisions of the Great Lakes Local Environmental Plan, 2014. The proposed development makes logical and sensible use of the site, as well as being of minimal environmental impact.

This statement sets out the primary matters for consideration under Section 79C of the Environmental Planning & Assessment Act and is accompanied by a number of attachments dealing with specific issues related to the site.

Given that there are no matters which justify refusal of the application, we respectfully request that Council provide a favourable determination.

Annexure A

Survey Plan and Plan of Proposed Subdivision

Le Mottee Group

Annexure B

Bushfire Threat Assessment

Le Mottee Group

Annexure C

Civil Design Plans

Le Mottee Group