

# Statement of Environmental Effects

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



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July 2026

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| Document Version and Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |           |            |         |              |
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| Statement of Environmental Effects – 123 Dairymans Lane, Young                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |            |         |              |
| No:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Date:     | PP Ref:    | Author: | Reviewed by: |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Jan 2025  | Draft SOEE | NJC     |              |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | July 2026 | SOEE       | NJC     |              |
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# INTRODUCTION

## 1.1. THIS REPORT

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

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

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

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

## 1.2. THE PROPOENT

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

## 1.3. PROJECT LOCATION

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

## 1.4. DESCRIPTION OF DEVELOPMENT SITE

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

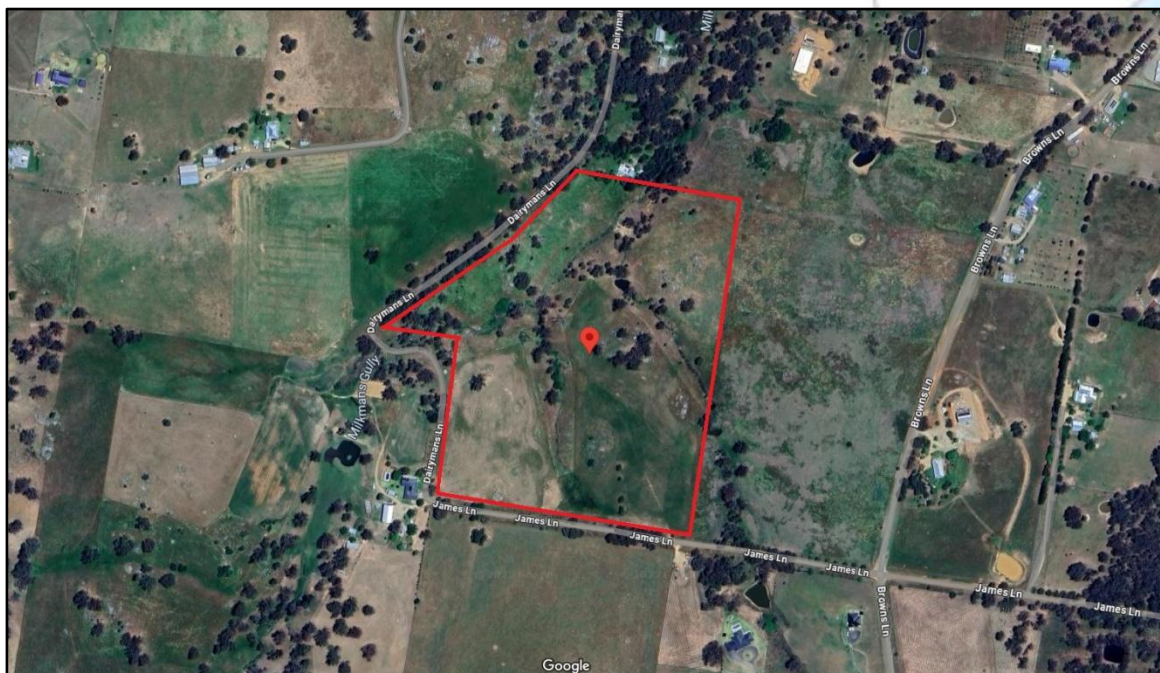
The site is accessed off Dairymans and James Lane, which is a sealed council road.

The land slopes from north to south.

The lots have neighbours surrounding in all directions.



Aerial Photo of Site (Source: Six Maps)



Google Map



## 2. THE DEVELOPMENT

### 2.1 OBJECTIVES AND OVERVIEW OF THE DEVELOPMENT

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

### 2.2 DEVELOPMENT OPTIONS

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

1. Do nothing and leave the site as it is

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

2. Lodge an application for the proposed subdivision

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

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

### 2.3 STAGING

This development is not intended to be a staged development.

## 3 STATUTORY CONTEXT

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

### 3.1 RELEVANT LEGISLATION (ACTS AND REGULATIONS)

#### 3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

#### 3.1.2 BIODIVERSITY CONSERVATION ACT 2016

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

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

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

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

#### *Recommendations*

- 1. Building envelopes for each lot should be contained within the recommended building envelopes illustrated in Figure 1-4.*
- 2. In order to protect trees on the property that have important biodiversity values Council should condition its approval for the proposal such that the RFS Rural Boundary Clearing Code does not apply for the proposed new lots (i.e. landholders would need Council approval to clear native vegetation within 25m of lot boundaries). Note: this would not apply where building envelopes are identified within 25m of lot boundaries, since these areas have been assessed and found to not contain any established native trees or other areas of native vegetation important for biodiversity.*
- 3. Nighttime lighting at the proposed new dwellings should be directing away from any nearby tree canopies.*

4. Should Council require that James Lane be upgraded, it is recommended that an equal number of trees to that removed, and of species characteristic of the 'White Box – Yellow Box – Blakely's Red Gum Woodland' critically endangered ecological community, be replanted elsewhere alongside these lanes or other nearby roads.

5. Immediately prior to any tree clearing associated with upgrading of the lanes, a qualified ecologist or fauna handler should inspect the trees. Any fauna found within the trees (e.g. nests) should be appropriately relocated prior to commencement of the tree clearing.

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### 3.1.3 LOCAL GOVERNMENT ACT 1993

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

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### 3.1.4 WATER MANAGEMENT ACT 2000

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

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### 3.1.5 ROADS ACT 1993

The application will require an approval under the Roads Act 1993 for upgrades to roads and lot entrances.

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### 3.1.6 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP'S)

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#### 3.1.6.1 State environmental planning policy (Transport and infrastructure) 2021

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

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out—

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is—

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

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

## **Chapter 2, Part 2.3, Division 17, Subdivision 2, Section 2.122 Traffic Generating Development.**

(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—

(a) new premises of the relevant size or capacity, or

(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.

(2) In this section, relevant size or capacity means—

(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—

(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and

(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.

(4) Before determining a development application for development to which this section applies, the consent authority must—

(a) give written notice of the application to TfNSW within 7 days after the application is made, and

(b) take into consideration—

(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including—

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(5) The consent authority must give TfNSW a copy of the determination of the application within 7 days after the determination is made.

The subdivision is for 6 lots, and is not near a state significant road, this part of the SEPP does not apply.

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#### 2.1.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This State Environmental Planning Policy (SEPP) does not apply to the lot; the land did not contain a hazardous or potential hazardous industry nor is it proposed to be used for a hazardous or potential hazardous industry. A preliminary investigation via historical aerial imagery was undertaken and found that there was no evidence of intensive agriculture or other hazardous industry on the site.

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#### 2.1.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

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

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### 2.1.2 HILLTOPS LOCAL ENVIRONMENTAL PLAN 2022

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

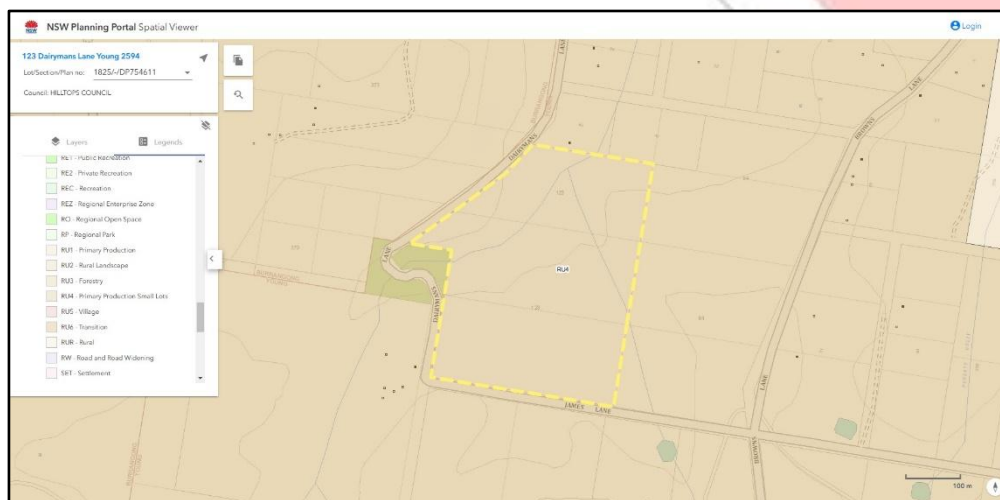
Objectives of the RU4 'Primary Production Small Lots' zone are as follows:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

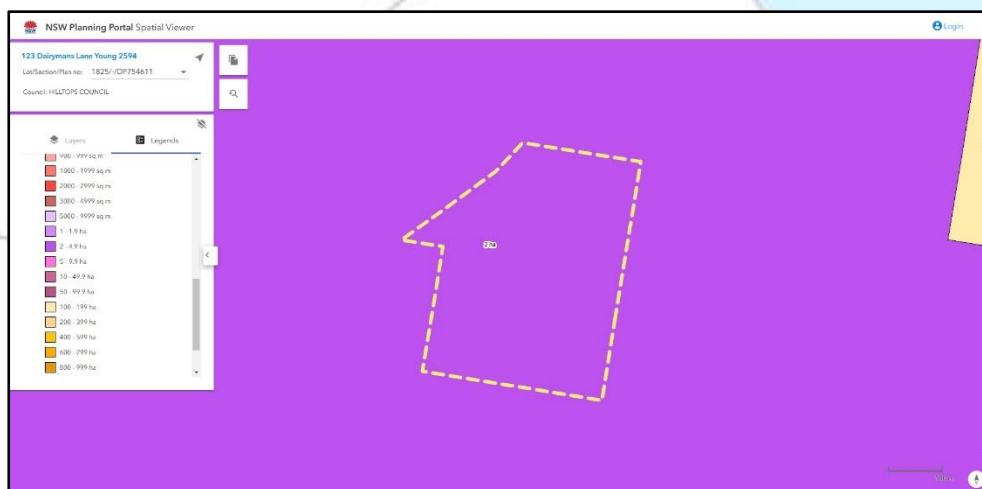
- To maintain areas of high conservation value vegetation.
- To encourage development that is in accordance with sound management and land capability practices, and that takes into account the natural resources of the locality.
- To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.
- To encourage the development of non-agricultural land uses that are compatible with the character of the zone and sustain high quality rural amenity.

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

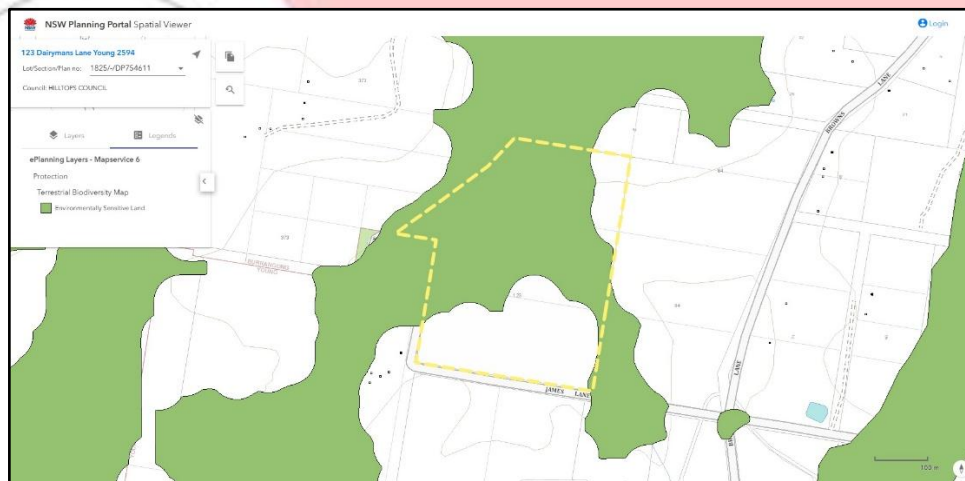
The relevant provisions of the LEP are addressed in Appendix A of this report.



Zoning Map (Source: NSW Planning Portal)



Minimum Lot Size Map (Source: NSW Planning Portal)



Terrestrial Biodiversity (Source: NSW Planning)

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### 2.1.3 HILLTOPS DEVELOPMENT CONTROL PLAN 2025

The relevant provisions of the Hilltops Development Control Plan 2025 are addressed in the Table in Appendix B of this report.

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### 2.1.4 YOUNG DEVELOPER CONTRIBUTIONS PLAN

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

### 3 CONSULTATION WITH COUNCIL AND GOVERNMENT AGENCIES

Preliminary consultation with Government Agencies has not been undertaken.

#### 3.1 HILLTOPS COUNCIL

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

#### 3.2 GENERAL AND COMMUNITY CONSULTATION

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

## 4 SITE CHARACTERISTICS AND KEY DEVELOPMENT ISSUES

### 4.1 LIKELY DEVELOPMENT IMPACTS

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

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

- (a) the provisions of:
  - i. any environmental planning instrument, and
  - ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - iii. any development control plan, and
  - iv. any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
  - vi. any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

## 4.2 CONTEXT AND SETTING

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

## 4.3 VISUAL IMPACT

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

## 4.4 PRIVACY AND OVERSHADOWING

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

## 4.5 ACCESS, TRAFFIC AND PARKING

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

The lots have sufficient area for off-street parking.

## 4.6 ARCHAEOLOGY

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

## 4.7 HERITAGE

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

## 4.8 SERVICES

The site is connected to all required services.

## 4.9 LANDSCAPING

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

## 4.10 BUSHFIRE

The site is not identified as Bushfire Prone Land.

## 4.11 NOISE AND VIBRATION

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

## 4.12 ECOLOGY

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

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

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

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

### *Recommendations*

- 1. Building envelopes for each lot should be contained within the recommended building envelopes illustrated in Figure 1-4.*
- 2. In order to protect trees on the property that have important biodiversity values Council should condition its approval for the proposal such that the RFS Rural Boundary Clearing Code does not apply for the proposed new lots (i.e. landholders would need Council approval to clear native vegetation within 25m of lot boundaries). Note: this would not apply where building envelopes are identified within 25m of lot boundaries, since these areas have been assessed and found to not contain any established native trees or other areas of native vegetation important for biodiversity.*
- 3. Nighttime lighting at the proposed new dwellings should be directing away from any nearby tree canopies.*
- 4. Should Council require that James Lane be upgraded, it is recommended that an equal number of trees to that removed, and of species characteristic of the 'White Box – Yellow Box – Blakely's Red Gum Woodland' critically endangered ecological community, be replanted elsewhere alongside these lanes or other nearby roads.*
- 5. Immediately prior to any tree clearing associated with upgrading of the lanes, a qualified ecologist or fauna handler should inspect the trees. Any fauna found within*

*the trees (e.g. nests) should be appropriately relocated prior to commencement of the tree clearing.*

#### **4.13 SAFETY, SECURITY AND CRIME PREVENTION**

No safety, security for crime prevention measures required.

#### **4.14 WATER MANAGEMENT**

Stormwater management will remain as existing.

#### **4.15 FLOODING**

The site is not located within a flood prone area.

#### **4.16 EROSION AND SEDIMENT CONTROL**

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

#### **4.17 SOCIAL AND ECONOMIC ASSESSMENT**

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

#### **4.18 SITE SUITABILITY AND THE PUBLIC INTEREST**

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

## 5 CONCLUSION

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

The key reasons why the proposed is acceptable includes;

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

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

## APPENDIX A – HILLTOPS LOCAL ENVIRONMENTAL PLAN 2022

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |  |
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| <p>(iv) the siting and arrangement of land uses for development in response to climate change,</p> <p>(v) the planning of development to manage emissions,</p> <p>(vi) planning decisions that recognise the basic needs and expectations of diverse community members,</p> <p>(d) to facilitate a strong and diverse economy by providing a range of services and opportunities for residents and investors, including by providing for the following—</p> <p>(i) the protection of employment lands and rural lands from incompatible land uses to enhance productivity over time,</p> <p>(ii) accessibility to expand markets for economic activity,</p> <p>(iii) economic activity, value adding opportunities and job creation,</p> <p>(iv) long-term sustainable productivity and intensive agriculture, subject to consideration of soil types, topography and environmental impact,</p> <p>(v) major infrastructure projects,</p> <p>(vi) innovative renewable energy projects,</p> <p>(e) to recognise and sustain the diverse natural environment and natural resources that support the liveability and economic productivity of Hilltops, including by providing for the following—</p> <p>(i) the avoidance of further development in areas with a high exposure to natural hazards,</p> |  |  |
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| <p>(ii) the minimisation of alterations to natural systems, including natural flow regimes and floodplain connectivity, through effective management of riparian environments,</p> <p>(iii) the retention and protection of remnant vegetation,</p> <p>(iv) the revegetation of endemic vegetation to sustain natural resource values, reduce the impact of invasive weeds and increase biodiversity,</p> <p>(v) buffers and setbacks to minimise the impact of conflicting land uses and environmental values, including potential impacts on noise, water, biosecurity and air quality,</p> <p>(vi) the management of water on a sustainable and total water cycle basis to provide sufficient quantity and quality of water for consumption, while protecting biodiversity and the health of ecosystems.</p> |                                                                       |  |
| <b>Landuse Table</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                       |  |
| <p>Zone RU4 Primary Production Small Lot</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> <li>• To enable sustainable primary industry and other compatible land uses.</li> <li>• 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.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul>                                                                                                                                                                                                                                                                                         | <p>The proposed development satisfies the objectives of the zone.</p> |  |

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

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| <p>(b) for semi-rural land and rural villages—</p> <ul style="list-style-type: none"> <li>(i) to ensure land use and development are undertaken on appropriately sized parcels of land, and</li> <li>(ii) to ensure sufficient land area to promote high levels of amenity, and</li> <li>(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</li> <li>(iv) to create lots that— <ul style="list-style-type: none"> <li>(A) are compatible with the existing predominant lot pattern or desired future layout of the locality, and</li> <li>(B) minimise adverse impacts on the amenity and productivity of adjoining primary production lands,</li> </ul> </li> </ul> <p>(c) for rural land—</p> <ul style="list-style-type: none"> <li>(i) to ensure land use and development are undertaken on appropriately sized parcels of land, and</li> <li>(ii) to facilitate the orderly and economic use and development of rural lands for rural and related purposes, and</li> <li>(iii) to prevent fragmentation of primary production agricultural land, and</li> <li>(iv) to sustain primary production and natural resource values, and</li> <li>(v) to minimise potential for land use conflict between primary production land uses and other land uses, and</li> <li>(vi) to protect supply chains for primary production land uses including natural resources and access to markets.</li> </ul> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that</p> |  |  |
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| <p>requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>(b) by any kind of subdivision under the Community Land Development Act 2021.</p>                                                                  |                                                                                                                                                                                                                                                               |  |
| <p><b>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                               |  |
| <p>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).</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>The application is for subdivision for dwelling purposes in an RU4 zone. The development is in keeping with surrounding development and land uses, it will not have a significant impact on those land uses, will not be incompatible with those uses.</p> |  |

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| <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><b>6.1 Earthworks</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                               |  |
| <p>(1) The objective of this clause is 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>(2) Development consent is required for earthworks unless—</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Earthworks will be required and will form part of the future works. Preliminary plans are provided and will be expanded on at the time of a Subdivision Works Certificate application.</p> |  |

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| <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development—</p> <p>(a) permitted without consent under this Plan, or</p> <p>(b) for which development consent has been granted.</p> <p>(3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the 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,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of the fill material and the destination of the excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> |  |  |
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| <b>6.2 Essential services</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| <p>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—</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable road access.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The development will be serviced by electricity and suitable road access.</p> <p>Water will be supplied by future dwellings in the form of rainwater tanks.</p> <p>Sewer disposal will be undertaken by onsite waste water disposal to be determined at the time of future dwelling construction.</p> <p>Stormwater will remain as currently is except for where it is diverted by road/access construction where appropriate disposal and redirection will be provided.</p>                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| <b>6.3 Terrestrial biodiversity</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—</p> <ul style="list-style-type: none"> <li>(a) whether the development is likely to have— <ul style="list-style-type: none"> <li>(i) an adverse impact on the habitat, condition, ecological value and significance of threatened species, populations or ecological communities on the land, and</li> <li>(ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</li> <li>(iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</li> </ul> </li> <li>(iv) an adverse impact on a regionally significant species of fauna or flora, or habitat, and</li> <li>(iv) an adverse impact on the habitat elements providing connectivity on the land, and</li> </ul> | <p>The lots are mapped as Terrestrial Biodiversity and on the Biodiversity Values Map, a Biodiversity Assessment has been undertaken, and a copy is provided. The report concluded: The proposal to subdivide the property into six (6) lots each with a building envelope and driveway would remove vegetation that comprises essentially introduced grasses and weeds. A small number plants of common native groundcover species may also occur within the areas impacted, however, these are all common species. The proposal would not impact any of the native trees on the property. There would be no impact to any threatened species of flora or to the 'White Box – Yellow Box – Blakely's Red Gum Woodland' critically endangered ecological community that occurs on the property.</p> <p>There would be negligible impact on native fauna from construction of the proposal.</p> |  |

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| <p>(b) appropriate measures to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied—</p> <p>(a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or</p> <p>(b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact, or</p> <p>(c) if a significant adverse environmental impact cannot be minimised—the development will be managed to mitigate the impact.</p> | <p>Operation of the proposal may indirectly impact native fauna within nearby areas of tree cover. With effective implementation of the proposed recommendation any such impacts are not likely to be significant.</p> <p>With effective implementation of the recommendations specified below there would be no significant impact on flora or fauna from the proposed development.</p> <p><i>Recommendations</i></p> <p>1. <i>Building envelopes for each lot should be contained within the recommended building envelopes illustrated in Figure 1-4.</i></p> <p>2. <i>In order to protect trees on the property that have important biodiversity values Council should condition its approval for the proposal such that the RFS Rural Boundary Clearing Code does not apply for the proposed new lots (i.e. landholders would need Council approval to clear native vegetation within 25m of lot boundaries). Note: this would not apply where building envelopes are identified within 25m of lot boundaries, since these areas have been assessed and found to not contain any established native trees or other areas of native vegetation important for biodiversity.</i></p> <p>3. <i>Nighttime lighting at the proposed new dwellings should be directing away from any nearby tree canopies.</i></p> <p>4. <i>Should Council require that James Lane be upgraded, it is recommended that an equal number of trees to that removed, and of species characteristic of the 'White Box – Yellow Box – Blakely's Red Gum Woodland' critically endangered ecological community, be replanted</i></p> |  |
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|  | <p><i>elsewhere alongside these lanes or other nearby roads.</i></p> <p><i>5. Immediately prior to any tree clearing associated with upgrading of the lanes, a qualified ecologist or fauna handler should inspect the trees. Any fauna found within the trees (e.g. nests) should be appropriately relocated prior to commencement of the tree clearing..</i></p> |  |
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## APPENDIX B – HILLTOPS DEVELOPMENT CONTROL PLAN 2025

| Section 5.1 Subdivision in the rural zones RU1, RU4 and C3                                                                                              |                                                                                                                                                                                                                                                           |                                                                                                           |
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| Overall Objective                                                                                                                                       |                                                                                                                                                                                                                                                           |                                                                                                           |
| a) To ensure that access arrangements are appropriate for the type of rural subdivision.                                                                |                                                                                                                                                                                                                                                           |                                                                                                           |
| Performance Requirements                                                                                                                                | Acceptable Solutions                                                                                                                                                                                                                                      | Comment/Compliance                                                                                        |
| <b>RSD1 Servicing</b>                                                                                                                                   |                                                                                                                                                                                                                                                           |                                                                                                           |
| PRSD1 All created allotments have legal and practical access including alternative emergency access as may be required by the development.              | ARSD1.1 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. | Each lot will have direct legal access to a public road.                                                  |
| <b>RDS2 Subdivision for Dwelling Purposes</b>                                                                                                           |                                                                                                                                                                                                                                                           |                                                                                                           |
| PRSD3 Roads in accordance with the road hierarchy are available to a new allotment, being of sufficient size to have the right to apply for a dwelling. | ARSD3.1 Access is provided to a non-classified road where possible, and in accordance with Council's Engineering Guidelines.                                                                                                                              | Access will be provided to the new lots in accordance with Council's Engineering Guidelines               |
|                                                                                                                                                         | ARSD3.2 Where access to a classified road is necessary, this is provided in accordance with Transport for NSW standards for access to a rural dwelling.                                                                                                   | N/A                                                                                                       |
|                                                                                                                                                         | ARSD3.3 Street numbering is provided in accordance with Council's rural addressing policy.                                                                                                                                                                | Street numbering will be completed once development consent is given and all DA conditions have been met. |

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|                                                                                                                                                                                  | ARSD3.4 Standard of construction for roads built and roads fronted or other road network facilities are provided in accordance with Council's Engineering Guidelines.                                                                            | No new road               |
|                                                                                                                                                                                  | ARSD3.5 Subdivisions exceeding 15 lots are to have their main subdivision service road connect to the existing road network in at least two locations.                                                                                           | N/A                       |
| PRSD4.A Minimise cut and fill through site sensitive subdivision, road layout and infrastructure to support future dwellings/development.                                        | ARSD4.1 Subdivision will be designed to respond to the natural topography of the site wherever possible to minimise the extent of cut and fill.                                                                                                  | No cut and fill required. |
| PRSD4.B Facilitate sensitive design and construction of retaining walls on sloping land at the subdivision works stage of a development to support future dwellings/development. | ARSD4.2 Subdivision and building work are designed to ensure minimal cut and fill is required for the construction phase.                                                                                                                        | No cut and fill required. |
|                                                                                                                                                                                  | ARSD4.3A Retaining walls are to be a maximum 1m.                                                                                                                                                                                                 | No retaining walls        |
|                                                                                                                                                                                  | ARSD4.3B A written variation to the maximum cut or fill may be considered if in Council's opinion, supporting information adequately demonstrates that the development will not have adverse impacts on adjoining properties and visual amenity. | No cut and fill           |
|                                                                                                                                                                                  | ARSD4.3C Council may require, for steep sloping sites exceeding 10% grade, a geotechnical study (prepared by a suitably qualified                                                                                                                | N/A                       |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | geotechnical engineer) to accompany and support a written variation.                                                                                                                                                                      |                                                             |
| PRSD5 The development provides a means of funding local infrastructure and services that are required as a result of the subdivision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | ARSD5.1 Payment of any Section 7.11 or Section 7.12 contributions plans that apply to development.                                                                                                                                        | Contributions will be paid where levied                     |
| PSD6 Development is suitably serviced, addressing potential contamination and adhering to agricultural buffers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ARSD6.1 Any electricity services are provided by way of overhead wiring.                                                                                                                                                                  | Electricity will be provided to the new lot.                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ARSD6.2 Where land has been identified as former orchard or other potentially contaminating land use, a report from a suitably qualified consultant is submitted to Council demonstrating that the land is suitable for the intended use. | No evidence of orchard or any other contaminated land uses. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ARSD6.3 Development is to be in compliance with Council's Contaminated Lands Policy.                                                                                                                                                      | N/A                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ARSD6.4 Separation distances are consistent with Table 2.1 – Agricultural Buffer Distances in the DCP                                                                                                                                     | N/A                                                         |
| <b>RSD4 Design Suggestions and Variations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                           |                                                             |
| <p>Good design practice minimises the use of "right-of-carriageway". Should a right of carriageway be employed, the following provisions apply.</p> <p>Rights-of-carriageway are strips of land over which one or more parcels of land enjoy certain right of access. Right-of-Carriageways are private agreements between individual owners of the parcels of land involved and Council does not have any responsibilities nor rights with regards to them.</p> <p>Council will require the approval of all owners of land over which a Right-of-Carriageway is proposed prior to a Development Application for subdivision being lodged. Construction and maintenance of a Right of Carriageway and associated access to the public road carriageway is not the responsibility of Council but is the full responsibility of the relevant landholders.</p> |                                                                                                                                                                                                                                           |                                                             |

## APPENDIX C – AHIMS



### AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Dairymans Lane

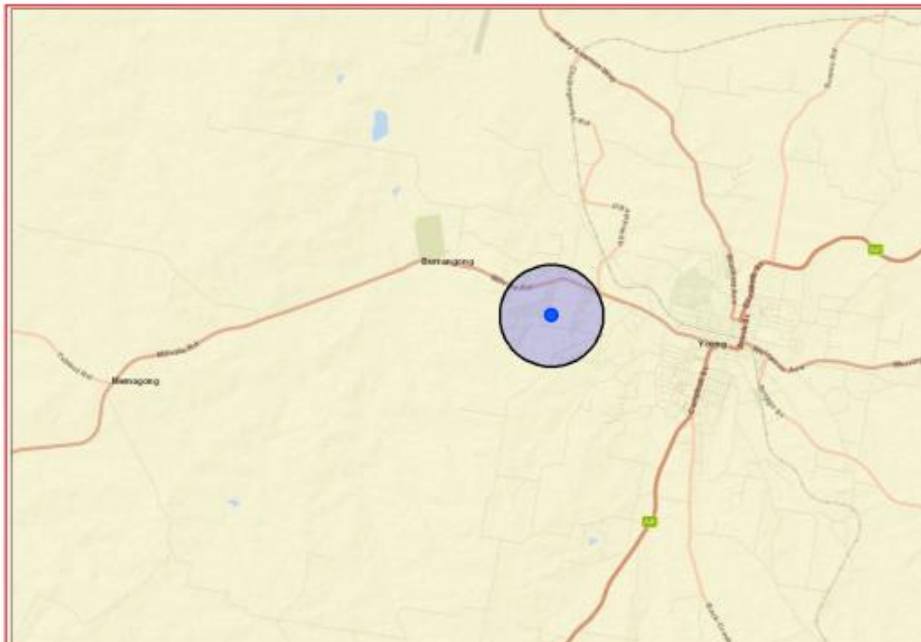
Client Service ID : 967028

Date: 20 January 2025

Dear Sir or Madam:

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

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



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

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