

STATEMENT OF ENVIRONMENTAL EFFECTS

PREPARED BY:

DPS YASS PTY LTD
ABN 31 602 010 006

7 ADELE STREET
YASS NSW 2582

PO BOX 5
YASS NSW 2582

PROJECT:	Development Application for a Three (3) Lot Torrens Title Subdivision at Lots 4 and 5 Section C DP6919, 20-22 Derby Street, Harden pursuant to the provisions within the <i>Hilltops Local Environmental Plan 2022 (HLEP2022)</i> , and the <i>Hilltops Development Control Plan 2025 (HDCP2025)</i> .
APPLICANT:	
OUR REFERENCE:	6083_SEE1
DATE:	JULY 2026
AUTHOR:	 Town Planning Assistant
SIGNATURE:	

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1. INTRODUCTION

This Statement of Environmental Effects has been prepared for [REDACTED] (Applicant) by DPS YASS Pty Ltd. This statement is to accompany a development application to Hilltops Council for the approval of a Three (3) Lot Torrens Title Subdivision at Lots 4 and 5 Section C DP6919, 20-22 Derby Street, Harden. It is proposed to create three lots of 1160m², 700m² and 1934m² from the existing lots.

This statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. This report aims to assess the potential impacts and environmental effects of the proposed development of the subject site under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

This SEE includes a comprehensive assessment of the environmental impacts of the proposal. Where potential impacts and constraints are identified, measures are proposed to mitigate any harm to the natural environment as well as the amenity of existing and future development throughout the locality.

This site is zoned R1 General Residential pursuant to the *Hilltops Local Environmental Plan 2022* (HLEP2022). The proposed development is permissible with development consent within the R1 General Residential zone. The proposal is classified as local development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and therefore will be determined by Council.



1.1 PURPOSE OF THIS REPORT

This SEE has been prepared in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)* for the purposes of demonstrating:

- The proposal is consistent with the controls in the HLEP2022 and the HDCP2025.
- The supporting technical studies which accompany the DA establish that the environmental impacts of the proposed concept are generally positive and where appropriate, make recommendations for the detailed design phase of the project which will provide certainty and clarity to guide the development.
- The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:
 - The subject site is located within the R1 General Residential zone of Harden. The vision for the expansion of Harden LGA is to create a high-quality and ecologically sustainable environment integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development that will support the other uses of the area.
 - Accommodates future living opportunities in the locality of Harden and within proximity to Young and Boorowa.
 - The development is suitable within this zone, as the proposed two-lot subdivision is consistent with the objectives and controls contained in HLEP2022 and the HDCP2025.
- Demonstrating that the environmental impacts of the development have been considered; and
- Outlining the steps to be undertaken to protect the environment or to mitigate against any potential harm, if necessary.

This SEE describes the proposal and its environment, including a detailed description of the site and its surrounds and an assessment of the proposal against the relevant planning controls.

The SEE demonstrates that the proposed development is acceptable under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and concludes that the proposed development should be granted approval subject to conditions.



1.2 TYPE OF DEVELOPMENT APPLICATION

Section 1.5 of the EP&A Act defines what constitutes 'development'.

Development is defined as the following:

- a) *The use of land*
- b) ***The subdivision of land***
- c) *The erection of a building*
- d) *The carrying out of work*
- e) *The demolition of a building or work*
- f) *Any other act, matter or thing that may be controlled by an environmental planning instrument.*

The scope of the proposal is considered to be 'development' in accordance with Section 1.5 of the EP&A Act. Therefore, pursuant to Section 4.5 of the EP&A Act development consent is sought from Hilltops Council.

1.3 OWNER AND APPLICANT DETAILS

1.3.1 The Applicant

[REDACTED]
C/- DPS Pty Ltd
PO Box 5
YASS NSW 2582

Contact: [REDACTED]
Phone: [REDACTED]
Email: claudia@dpsyass.com.au

1.3.2 The Owner(s)

[REDACTED]
C/- DPS Pty Ltd
PO Box 5
YASS NSW 2582

Contact: [REDACTED]
Phone: ([REDACTED])
Email: claudia@dpsyass.com.au

1.3.3 Site Address

The subject site for this application is legally identified as Lots 4 and 5 Section C DP6919 and shown in **Figure 1.1** (Location Maps) of this Statement.



1.4 SITE AND LOCATION

1.4.1 Site Description

The subject site is located within Harden (refer to **Figure 1.1**). The site is located on Derby Street and consists of two regularly shaped lots and is currently 3794m². It is zoned R1 General Residential in the Hilltops LEP 2022 (HLEP2022) and is bounded by other similar lots to the North, South, East and West. The land is currently utilised for residential purposes.



Figure 1.1: Subject Site in relation to Harden (Source: Google Earth Aerial Imagery)

1.4.2 Existing Easements, Restrictions on the Use of Land and Positive Covenants

There are no existing easements, restrictions on the use of land or positive covenants.

1.4.3 Proposed Easements, Restrictions on the Use of Land and Positive Covenants

There are no proposed easements, restrictions on the use of land or positive covenants.

1.5 PROPOSED DEVELOPMENT

This report has been prepared by DPS to accompany the Development Application (**DA**) submission and is lodged under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* for a proposed Three (3) Lot Torrens Title Subdivision that is permissible with Council consent. It is proposed to create three lots of 1160m², 700m² and 1934m² from the two existing lots.

This SEE is to be read in conjunction with the following Plans and Specialist Reports included in the Appendix's.

- Proposed Plan of Subdivision prepared by DPS YASS P/L reference 6083_PPS1 dated June 2026 (refer to **Appendix A**).
- Certificate of Title and Deposited Plan for Lots 4 and 5 Section C DP6919 (refer to **Appendix B**).

The purpose of this report is to consider the site characteristics and the anticipated impacts of the proposed development providing an assessment in accordance with the matters for consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Specifically, the SEE includes the following information:

- Description of the site in its local context.
- Identifies any proposed works.
- Identifies and addresses relevant policies.
- Assessment against relevant Council plans and policies.
- Assessment of potential environmental impacts and identification of mitigation measures.

The subject site has a total area of 3794m² of land. Proposed Lots 2 and 3 each have an existing residential dwelling and ancillary structures that are intended to remain. There is a local heritage item within the subject site that is listed within the HLEP2022 as "Pise House Item I100". There are no proposed modifications to the house, and it is intended for this house to remain untouched during and following the completion of the proposed development. Proposed Lot 1 will be a battleaxe-shaped block and is currently vacant.

The proposed DA has been prepared to take into consideration the future use of the site and aims to improve the overall functionality of the site. The proposed subdivision and associated works are not anticipated to have any adverse impacts on the surrounding amenity of adjoining lots or the nearby waterways.

The subject site is mapped on the:

- Lot Size Map within the HLEP2022
- Land Zoning Map within the HLEP2022
- Groundwater Vulnerability Map within the HLEP2022

It has been determined that any minor environmental impacts associated with the future operation of the subject site can be mitigated. The proposed subdivision has been designed to take into consideration the specific site characteristics and the existing accesses. The proposal retains the character of the existing and surrounding properties, in turn maximising the potential use of the site whilst also being mindful of any existing constraints.



1.6 PROPOSED WORKS

This DA seeks to facilitate the development of the subject site for the purpose of domestic use; specifically, the application seeks development consent for a subdivision creating three (3) Torrens Title Lots, from the existing allotments, as indicated on the Proposed Plan of Subdivision (refer to **Appendix A**).

The proposed development has been designed to tie in with adjoining existing and future land uses, existing lot boundaries and visual amenity. It is an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have minimal adverse environmental effects on the subject/ surrounding land, or any adjoining development, where managed with the appropriate conditions.

1.6.1 Civil Works

Earthworks on the site can be designed to achieve no export and no importation of material that exceeds the permissible 100m³. This strategy has been proposed to minimise the impact on surrounding neighbours and the public road network. During construction and ongoing use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the applicant's contractors.

1.6.2 Ecological Sustainable Development

The original concept of sustainable development articulated in *Our Common Future* is of 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

In Australia, the adjective 'sustainable' is qualified by the word 'ecologically' to emphasise the necessary integration of economy and environment. Ecologically Sustainable Development (ESD) involves a cluster of elements or principles. The following six (6) are worth highlighting:

1. Principle of sustainable use.
2. Principle of integration.
3. Precautionary principle.
4. Inter-generational and inter-generational equity.
5. Conservation of biodiversity diversity and ecological integrity.
6. Internalisation of external environmental costs.

The concept of sustainability applies not merely to development but to the environment. The Australian National Strategy for Ecologically Sustainable Development defines ESD as 'development that improves the total quality of life both now and in the future, in a way that maintains the ecological processes on which life depends'.

ESD requires the effective integration of economic and environmental considerations in the decision-making process. The principle of integration ensures mutual respect and reciprocity between the economic and environmental considerations. Specifically, the following points need to be taken into consideration when assessing a development application:

- Environmental considerations are to be integrated into economic and other development plans, programs and projects, and



- Development needs are to be considered when applying environmental objectives.

ESD mandates that the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making, including in the formulation, adoption and implementation of any economic and other development plan, program or project.

Although it could be argued ESD lacks a precise accepted definition, it is generally recognised as an important concept as it ensures environmental factors and future generations are considered in assessing current development applications.

The proposed development for a three (3) Lot Torrens Title Subdivision can be categorised as an ESD as depicted in this Statement, as it is a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.



2. ASSESSMENT

The statutory process under the Environmental Planning and Assess Act 1979 requires an evaluation in accordance with the provisions of Section 4.15. The matters for consideration include:

The provisions of:

- ❖ Any environmental planning instrument,
- ❖ 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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved),
- ❖ Any development control plan,
- ❖ 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,
- ❖ The regulations (to the extent that they prescribe matters for the purposes of this paragraph), 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 on the locality,
- ❖ The suitability of the site for the development,
- ❖ Any submission made in accordance with this Act or the regulations; and
- ❖ The public interest.



2.1 ENVIRONMENTAL PLANNING INSTRUMENTS

Hilltops Local Environmental Plan 2022

The Hilltops Local Environmental Plan 2022 (HLEP2022) is the statutory framework regulating land uses within the Hilltops LGA and the development of the site. The site is zoned R1 General Residential (refer to **Figure 2.1**). This development involves the subdivision of the two subject lots into three (3) Torrens Title Lots that is permissible with conditional consent pursuant to clause(s) 2.1 and 2.6 of the HLEP2022 within the R1 General Residential zone. An assessment against the relevant Planning Legislation is tabulated below.

TABLE 1 - AIMS OF THE HLEP 2022

AIMS OF THE HLEP 2022	COMPLIANCE
<i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	Not applicable. The proposed development is for the subdivision of land only.
<i>(a) to advance the environmental, economic and social goals of Hilltops,</i>	Complies. The proposed development advances the social and economic goals of Hilltops by creating an additional residential allotment and future housing opportunity within the Harden locality. It also represents an efficient use of residentially zoned land with minimal environmental impact.
<i>(b) to provide for the lifestyles sought by current and future residents of Hilltops, including by providing for the following—</i> <i>(i) the rural lifestyle and liveability of Hilltops communities,</i> <i>(ii) connected, safe and accessible communities,</i> <i>(iii) diverse and affordable housing options,</i> <i>(iv) timely and efficient provision of infrastructure,</i> <i>(v) sustainable building design and energy efficiency,</i>	Complies. The proposed three-lot subdivision provides an additional residential allotment within the Harden locality, supporting housing choice and future residential opportunities for current and future residents. The proposal makes efficient use of existing residential land and infrastructure and is consistent with the liveability objectives of Hilltops.



<i>(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—</i> <i>(i) social infrastructure that is appropriately planned and located in response to demand and demographic change,</i> <i>(ii) the protection and enhancement of cultural heritage values,</i> <i>(iii) land management practices that support sustainable outcomes, including water efficiency,</i> <i>(iv) the siting and arrangement of land uses for development in response to climate change,</i> <i>(v) the planning of development to manage emissions,</i> <i>(vi) planning decisions that recognise the basic needs and expectations of diverse community members,</i>	The proposed three-lot subdivision supports a healthy and diverse residential community by providing an additional housing opportunity within an established urban area of Harden. The proposed subdivision has been designed to utilise the existing infrastructure and is designed to tie into the surrounding streetscape. The proposal makes efficient use of residentially zoned land, responds appropriately to site constraints and servicing requirements, and is not expected to result in unreasonable environmental, heritage or amenity impacts.
<i>(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—</i> <i>(i) the protection of employment lands and rural lands from incompatible land uses to enhance productivity over time,</i> <i>(ii) accessibility to expand markets for economic activity,</i> <i>(iii) economic activity, value adding opportunities and job creation,</i>	Not applicable. The proposed development is for the subdivision of residential land only.



<i>(iv) long-term sustainable productivity and intensive agriculture, subject to consideration of soil types, topography and environmental impact,</i> <i>(v) major infrastructure projects,</i> <i>(vi) innovative renewable energy projects,</i>	
<i>(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—</i> <i>(i) the avoidance of further development in areas with a high exposure to natural hazards,</i> <i>(ii) the minimisation of alterations to natural systems, including natural flow regimes and floodplain connectivity, through effective management of riparian environments,</i> <i>(iii) the retention and protection of remnant vegetation,</i> <i>(iv) the revegetation of endemic vegetation to sustain natural resource values, reduce the impact of invasive weeds and increase biodiversity,</i> <i>(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,</i> <i>(vi) the management of water on a sustainable and total water cycle basis to provide</i>	The proposed subdivision provides an appropriate planning outcome for the subject land that takes into consideration the ecological impacts, aesthetic value of the land and the surrounding uses. The proposed subdivision is not located in an area with high exposure to natural hazards and no natural systems will be impacted by the proposed development. The subject site is situated within an urban residential zone of Harden and will take place on land free of any major constraints and large remnant vegetation.



sufficient quantity and quality of water for consumption, while protecting biodiversity and the health of ecosystems.

22 Derby Street Harden 2587

Lot/Section/Plan no: 5/C/DP6919

Council: HILLTOPS COUNCIL

Layers

Legends

Filter layers

Heritage

Land Zoning Map

☐ Additional Controls

☒ Land Zoning Map

Lot Size Map



Figure 2.1: Land Zoning Map (Source: NSW Government Planning Portal Spatial Viewer)



TABLE 2 - OBJECTIVES OF THE R1 GENERAL RESIDENTIAL ZONE

The subject site is zoned R1 General Residential (refer to **Figure 2.1**). The following table demonstrates that the proposed three (3) Lot Torrens Title Subdivision is consistent with the objectives of the zone.

OBJECTIVES OF R1 GENERAL RESIDENTIAL ZONE – HLEP2022	COMPLIANCE
<i>To provide for the housing needs of the community.</i>	Complies. The proposed three-lot subdivision provides an additional residential allotment within the Harden locality, supporting housing choice and future residential opportunities for current and future residents. The proposal makes efficient use of existing residential land and infrastructure
<i>To provide for a variety of housing types and densities.</i>	Complies. The proposed subdivision will create an additional residential lot for new dwellings in the Harden locality. It is intended that the proposed lot will encourage housing diversity in the area.
<i>To enable other land uses that provide facilities or services to meet that day to day needs of the residents.</i>	Not applicable. The proposed development is for the subdivision of residential land only.
<i>To provide and protect a high quality residential amenity that adds value to the existing character of the and amenity of the town, neighbourhood and street.</i>	Complies. The proposal development has considered the site, nature, and scale of development while also recognising the surrounding character of the area. The proposed subdivision will not impact the existing amenity of the area.
<i>To provide fully serviced residential lots linked to town water and sewer networks.</i>	Complies. Proposed lots 2 and 3 have existing connections to the town's water and sewer networks (refer to Figure 2.2). It is anticipated that proposed Lot 1 will connect to the relevant infrastructure required during the future construction stage for a dwelling house.



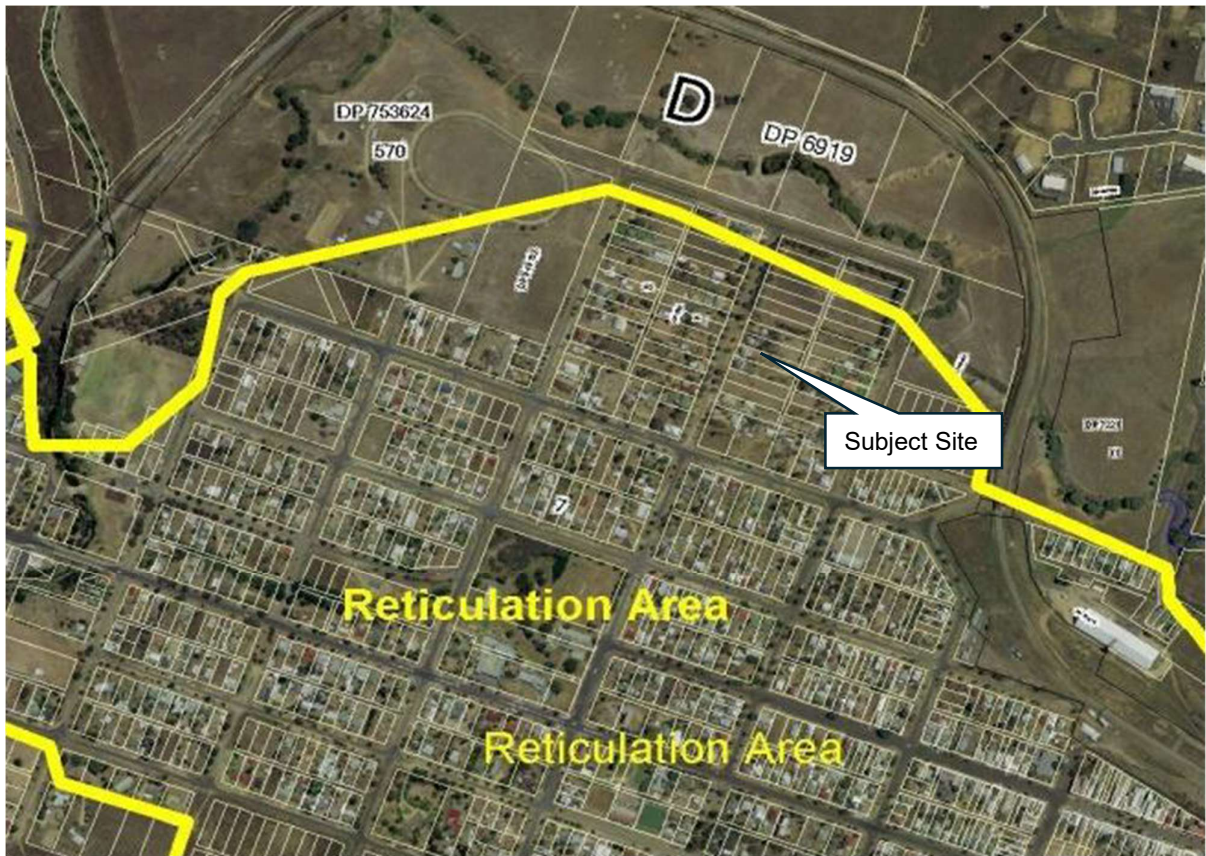


Figure 2.2 Harden – Murrumburrah Sewer Reticulation Extent Area (Source – Hilltops Council PIRMP 2023)

TABLE 3 – CLAUSE 4.1 MINIMUM SUBDIVISION LOT SIZE

The subject site has a minimum lot size of 700m² (refer to **Figure 2.3**). The following table demonstrates that the proposed three (3) Lot Torrens Title Subdivision is consistent with the objective and controls of Clause 4.1 – Minimum Subdivision Lot Size.

OBJECTIVES OF CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE	COMPLIANCE
1) <i>The objectives of this clause are as follows—</i> (a) <i>for residential land—</i> (i) <i>to ensure land use and development are undertaken on appropriately sized parcels of land, and</i>	Complies. The proposed subdivision is located in the R1 General Residential zone and has a minimum lot size of 700m². It is proposed to create three lots of 1160m², 700m² and 1934m² from the two existing lots. This will create sufficient lot sizes that are more than capable of holding a residential dwelling, ancillary structure and a large yard area.
(ii) <i>to ensure sufficient land area to promote high levels of residential amenity, and</i>	Complies. The proposed subdivision has been carefully designed with consideration for existing land uses, resulting in the retention of efficient and productive allotment sizes. This supports the continued opportunity for sustainable residential development within the area. The development is consistent with the location and zoning of the subject land and represents an appropriate and efficient use of the site.
(iii) <i>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</i>	Complies. Proposed lots 2 and 3 have existing connections to the town's water and sewer networks. It is anticipated that proposed Lot 1 will connect to the relevant infrastructure required during the future construction stage for a dwelling house.
(iv) <i>to create lot sizes and arrangements that—</i> (A) <i>support the efficient provision and management of roads and services, and</i> (B) <i>align with existing and proposed development layouts in the neighbourhood, and</i> (C) <i>minimise adverse impacts on the amenity and productivity of adjoining development,</i>	Complies. The proposed subdivision will not impact the existing management of roads or services. The proposal responds to the distinct qualities of Harden, and it aligns with the existing and proposed development of the neighbourhood. The proposed subdivision has considered the location, scale, and nature of development to ensure the character of the township is maintained.



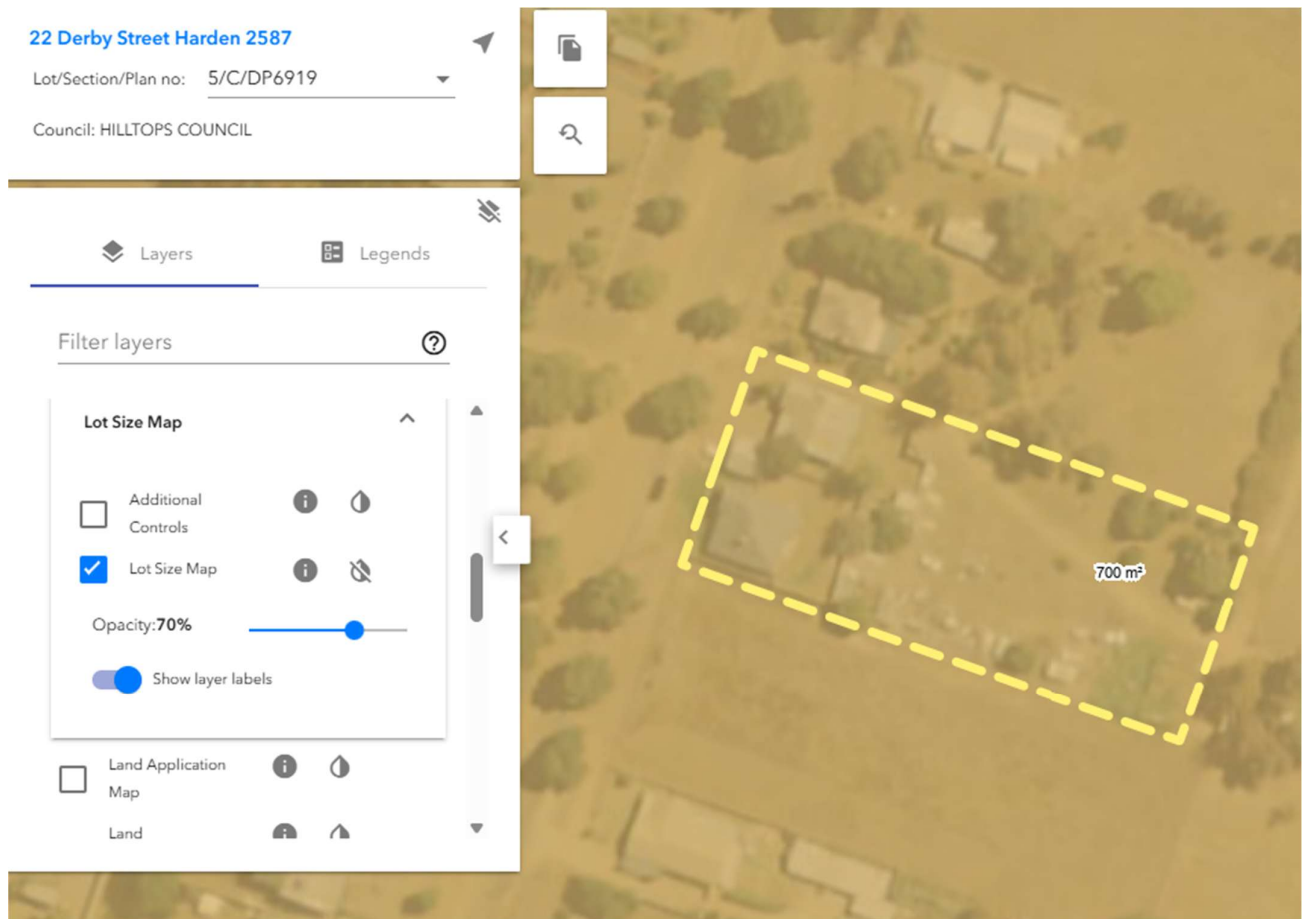


Figure 2.3: Lot Size Map (Source: NSW Government Planning Portal Spatial Viewer)

TABLE 4 – RELEVANT PLANNING CONTROLS

The following table demonstrates the proposed subdivision is compliant with the relevant planning considerations within the HLEP2022.

PLANNING CONTROLS	COMPLIANCE
<i>Clause 2.1 Land Use zones</i>	Complies. The subject site is zoned R1 General Residential. The subdivision of land within this zone is permissible with development consent.
<i>Clause 2.6 Subdivision – consent requirements</i>	Complies. The subject site is zoned R1 General Residential . The subdivision of land within this zone is permissible with development consent.
<i>Clause 4.3 Height of buildings</i>	Not applicable. The HLEP2022 has not adopted the Height of Buildings Development Standard.
<i>Clause 4.4 Floor space ratio</i>	Not applicable. The HLEP2022 has not adopted the Floor Space Ratio Development Standard.
<i>Clause 4.6 Exceptions to development standards</i>	Not applicable. The proposed development does not propose a variation to the HLEP2022.
<i>Clause 5.10 Heritage conservation</i>	Complies. There is a local heritage item within the subject site that is listed within the HLEP2022 as “Pise House Item I100”. There are no proposed modifications to the house and it is intended for this house to remain untouched during and following the completion of the proposed development. It is noted that the heritage listing does not mention the curtilage, outbuildings or other features of the lot. Any dwelling to be constructed on proposed Lot 1 will need to account for the heritage item, but this will not preclude the approval of the subdivision proposed.
<i>Clause 5.21 Flood planning</i>	Not applicable. The subject site is not identified as Flood Prone Land (FPL).
<i>Clause 6.1 Earthworks</i>	Complies. The objective of Clause 6.1 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 heritage items or features of the surrounding land. Before granting development consent for earthworks, the following issues must be considered:



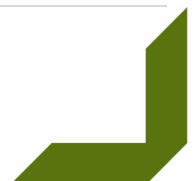
	• The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development. • The effect of the development on the likely future use or redevelopment of the land. • The quality of the fill or the soil to be excavated, or both. • The effect of the development on any existing and likely amenity of adjoining properties. • The source of any fill material and the destination of any excavated material. • The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area. • Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. The proposed works will involve the installation of a number of sediment and erosion control measures to address any potential impacts associated with the development. These measures will be in place for the duration of the construction phase to avoid, minimise and mitigate any impacts that could potentially occur. Due to the existing condition of the land and the overall outcome of the proposal, it is expected that the proposed development will not cause any disruption or have any detrimental effect on the drainage patterns or the soil stability of the site. On this basis, the objectives of Clause 6.1 would not be compromised.
<i>Clause 6.3 Terrestrial biodiversity</i>	Not applicable. This subject site is not mapped on Council's Terrestrial Biodiversity Map.
<i>Clause 6.4 Groundwater vulnerability</i>	Complies. As indicated on Council's LEP Groundwater Vulnerability Map, the subject site has been identified/ mapped as having groundwater vulnerability concerns. However, minimal works are anticipated for this subdivision, and it is anticipated that these works will not impact the existing groundwater.



	 Figure 2.4: Groundwater Vulnerability Map (Source: NSW Government Planning Portal Spatial Viewer)
<i>Clause 6.5 Riparian land and watercourses</i>	Not applicable. This subject site is not mapped on Council's LEP Riparian Land and Watercourses Map.
<i>Clause 6.6 Salinity</i>	Not applicable. This subject site is not mapped on Council's LEP Salinity Map.
<i>Clause 6.7 Highly erodible soils</i>	Not applicable. The subject site is not identified on the Highly Erodible Soils Map within the HLEP2022.
<i>Clause 6.8 Essential services</i>	<i>The supply of water,</i> Proposed Lots 2 and 3 each have existing connections from the dwelling houses to the town water supply system that are intended to remain. It is anticipated that proposed Lot 1 will connect to the town's water supply. <i>The supply of electricity,</i> The existing dwellings on proposed Lots 2 and 3 have an existing connection to power. There is an existing power supply for a future house on proposed Lot 1 to connect to during the future construction stage of a dwelling house. <i>The disposal and management of sewage,</i>



	The existing dwelling on proposed Lots 2 and 3 have a connection to the town's sewer system. It is anticipated that proposed Lot 1 will connect to the town sewer system. <i>Stormwater drainage or on-site conservation,</i> The proposed subdivision development will have minimal effect on the existing natural overland flow path for stormwater runoff. All appropriate stormwater drainage techniques are existing and are intended to remain in place. <i>Suitable vehicular access,</i> Proposed Lots 1 and 3 have existing property accesses off Derby Street. There is adequate space for parking at the front of the existing residence within Proposed Lot 2. <i>Connection to a communications network with voice or data capability (or both).</i> Proposed Lots 2 and 3 have an existing connection to the NBN Satellite mobile telecommunications network servicing the existing dwelling houses. Proposed Lot 1 will connect to the existing available infrastructure, being the NBN Satellite mobile telecommunications network, upon the construction of a dwelling house.
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2.2 DEVELOPMENT CONTROL PLAN

Hilltops Development Control Plan 2025 (HDCP2025)

The HDCP provides the non-statutory planning, design and environmental objectives and controls to ensure orderly, efficient and sensitive development within the LGA is achieved. The relevant sections of the DCP considered to apply to the proposed development include:

- Chapter 1 - General Provisions
- Chapter 5 - Subdivision Controls

TABLE 5 – COMPLIANCE WITH THE HDCP2025

CHAPTER 1 – GENERAL PROVISIONS	
CONTROLS	COMPLIANCE
<i>1.4 Objectives of the Hilltops Development Control Plan 2025</i> <i>a) Provide detailed provision for regulating development.</i>	Complies. The proposed development has been designed in accordance with the relevant legislation and development controls of the Hilltops Development Control Plan 2025.
<i>b) Protect and improve the environment within the Hilltops LGA.</i>	Complies. The subject site is not identified on Council's Terrestrial Biodiversity Map within the HDCP2025. The proposed development will occur within a residential zone of Harden that is relatively clear of large or significant vegetation. The proposal is expected to have a minimal impact in terms of the natural environment; this extends to the management of the biodiversity and environmental values of the land. Similarly, the social environment will not be impacted by this proposal; rather, the opportunity for an additional dwelling will add to the social environment of the local community.
<i>c) Protect and improve amenity and design of development.</i>	Complies. The proposed development has been designed to take into consideration the specific site characteristics and the specific design controls. The proposed subdivision responds to the surrounding character of Harden and is consistent with the relevant planning controls. The proposed development has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and surrounding environment, in turn actively maintaining the existing neighbourhood character.



<i>d) Conserve, protect and enhance environmental heritage.</i>	Complies. There is a local heritage item within the subject site that is listed within the HLEP2022 as "Pise House Item I100". There are no proposed modifications to the house and it is intended for this house to remain untouched during and following the completion of the proposed development.
<i>e) Encourage a diversity of housing to meet the needs of the residents; and</i>	Complies. The proposed development advances the social and economic goals of Hilltops by creating an additional residential allotment and future housing opportunity within the Harden locality.
<i>f) Facilitate development that is environmentally sustainable.</i>	Complies, the proposed development has been prepared in accordance with the relevant legislation and has consciously been prepared to promote ecologically sustainable development, as indicated earlier in this Statement. The proposed development is actively utilising the principles behind ESD as it is a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs. The size and orientation of proposed Lot 1 is such that any dwelling proposed to be erected upon is capable of being designed and constructed to take advantage of solar access and meet sustainability measures.

CHAPTER 5 – SUBDIVISION DEVELOPMENT

CONTROLS	COMPLIANCE
<i>PSD2.1</i> <i>Lot configuration is efficient, responsive to context and appropriately sized for development.</i>	Complies. The proposed lots are deemed to be more than sufficient in size and are in accordance with the minimum lot size of 700m² for the R1 General Residential zone of Harden. The proposed development has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the residential area and surrounding environment, in turn actively maintaining the existing neighbourhood character.
<i>PSD2.2</i> <i>Minimise the use of cul-de-sacs, and where these are provided, ensure adequate minimum frontages to facilitate reasonable access and dwelling construction.</i>	Complies. Proposed Lots 1 and 3 have existing property accesses off Derby Street. There is adequate space for parking at the front of the existing residence within Proposed Lot 2.



PSD4 <i>Minimise allotments and the use of battle-axe</i>	Complies. Proposed Lot 1 has been designed as a battleaxe-style block. The subdivision has been intentionally designed as such to utilise the existing property access from Derby Street. The design also allows for adequate solar access for any future dwelling.
PRSD8.A <i>Minimise cut and fill through site sensitive subdivision, road layout and infrastructure to support future dwellings/development</i>	Complies. The proposed subdivision will not require any cut or fill to occur on site.
PSD9 <i>An efficient and suitable subdivision pattern is achieved in line with the Land Use Zone Objectives.</i>	Complies. As demonstrated previously in this statement, the proposed subdivision aligns with the objectives of the R1 general Residential Zone of the HLEP2022.
PSD13 <i>Development is suitably serviced, including any easements that may be required, for disposal of sewage and wastewater, stormwater, electricity and telecommunications.</i>	Complies. The proposed subdivision will ensure that each lot is suitably serviced and will create any easements that may be required.
PSD14 <i>The development shall have appropriate stormwater drainage connected, where possible into Council's existing stormwater infrastructure.</i>	Complies. The proposed subdivision development will have minimal effect on the existing natural overland flow path for stormwater runoff. All appropriate stormwater drainage techniques are existing and are intended to remain in place.



2.3 INTEGRATED DEVELOPMENT

Sections 4.46 and 4.47 of the EP&A Act require a review of whether the proposed development on the subject site would trigger an approval under other environmental or related legislation. Such development is categorised as 'Integrated Development'. The following provides brief commentary on whether any aspect of the development triggers a need for the consent authority to obtain General Terms of Approval from the relevant approval bodies.

TABLE 6 – INTEGRATED DEVELOPMENT

ACT	COMMENT
<i>Coal Mine Subsidence Compensation Act 2017</i>	The site is not located within a mine subsidence district.
<i>Fisheries Management Act 1994</i>	The subject site does not contain any permanent water bodies, nor is it located within Key Fish Habitat. It is considered that the proposed development will not harm marine vegetation, nor will it require dredging of the bed and land reclamation of a Key Fish Habitat Creek.
<i>Heritage Act 1977</i>	There is a local heritage item within the subject site that is listed within the HLEP2022 as "Pise House Item I100". There are no proposed modifications to the house and it is intended for this house to remain untouched during and following the completion of the proposed development. As such, no works are proposed that are referred to pursuant to section 57 of <i>Heritage Act 1977</i> .
<i>Mining Act 1992</i>	No mining lease is being sought as part of this DA, noting this DA is for a proposed Three (3) Lot Torrens Title Subdivision.
<i>National Parks and Wildlife Act 1974</i>	The subject site has not been identified as containing any archaeological sites and is primarily of 'low' archaeological potential.
<i>Petroleum (Onshore Act) 1991</i>	No production lease is being sought as a part of this DA, noting this DA is for a proposed Three (3) Lot Torrens Title Subdivision.
<i>Protection of the Environment Operations Act 1997</i>	The implementation of appropriate environmental protection works will ensure that no licence will be required.
<i>Roads Act 1993</i>	Section 138 of the Roads Act 1993 requires an approval from the Roads Authority (either Council or TfNSW) for certain



	works in, on or over a public road, or to connect to a classified road. Minor works may be required to connect the Site to a Council road. TfNSW is not likely to be the referral agency for the subject application pursuant to Section 4.46 of the EP&A Act. Under this legislation, the proposed development, therefore, does not trigger the application as requiring integrated approval from TfNSW.
<i>Rural Fires Act 1997</i>	The subject site is not located on land that is classed as bushfire prone land and, as such, will not require a referral to the Rural Fire Service.
<i>Water Management Act 2000</i>	The development does not warrant approval pursuant to section 91(2) of the Water Management Act 2000 for a controlled activity.



2.4 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policies (SEPPs) are environmental planning instruments that deal with matters of State or Regional environmental planning significance. The following provides a brief commentary on whether the key SEPPs are relevant to this proposal.

TABLE 7– SEPPS

SEPP	COMMENT
<i>SEPP (Biodiversity and Conservation) 2021</i>	This SEPP aims to protect the biodiversity values of trees and vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of tree and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands, and koalas are included in the SEPP. Clearing of vegetation requires consent and has been assessed under the provisions of the Biodiversity Conservation Act. No additional permits from Council for the clearing of vegetation are anticipated.
<i>SEPP (Transport and Infrastructure) 2021</i>	There are provisions contained within the SEPP that are triggers for the referral of the DA to certain authorities prior to Council being able to grant consent. The potential triggers for referral are summarised as follows: <u>Development likely to affect an electricity transmission or distribution network</u> Clause 2.48 of the SEPP requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that comprises or involves: • The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of electricity tower. • Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line. • Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line. • Development involving or requiring the placement of power lines underground.



	Based on a review of the plans and documents submitted with the DA, the proposed DA is unlikely to trigger referral to the electrical supply authority, as the nearest overhead pole location is further than 5 metres from any anticipated future construction site. <u>Development in or adjacent to road corridors and road reservations</u> Clause 2.122 of the SEPP requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP. The nature and scale of the proposed development does not trigger referral of the application to TfNSW.
<i>SEPP (Primary Production) 2021</i>	This SEPP contains planning provisions to protect and support agricultural lands and opportunities for Primary Production. The proposed development for a three (3) lot subdivision is within the R1 General Residential Zone and as such this SEPP does not apply to this development application.
<i>SEPP (Resilience and Hazards) 2021</i>	Complies. The consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out. It is noted that the land on which this proposed development is to take place is within the R1 General Residential Zone and is not likely to be contaminated. Taking into consideration the historic use of the site, Council can be satisfied that the land is not contaminated and is not land specified in subsection (4) of clause 4.6 of the SEPP (such that there is no requirement for a preliminary site investigation report).
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	The proposed development is for the subdivision of three (3) Torrens Title Lots which does not require a BASIX Certificate. As such this SEPP is not applicable to the assessment of this application.
<i>SEPP (Exempt and Complying Codes) 2008</i>	The proposed three (3) lot Torrens Title subdivision does not qualify to be assessed against this code. As such this SEPP is not applicable to the assessment of this application.



<i>SEPP (Planning Systems) 2021</i>	This SEPP contains planning rules that allow for a strategic and inclusive planning system for the community and the environment for State Significant Development. The proposed development is not classified as State Significant Development and therefore this SEPP is not applicable to this development application.
<i>SEPP (Resources and Energy) 2021</i>	This SEPP contains planning rules that promote the sustainable use of NSW's resources and transitioning to renewable energy. Specifically for the assessment and development of mining, petroleum production and extractive material resource proposals. The proposed development does not relate to the developments listed above and as such this SEPP is not applicable to this development application.
<i>SEPP (Housing) 2021</i>	This SEPP facilitates development of affordable and diverse housing, including boarding houses, build-to-rent housing, seniors housing, caravan parks/ manufactured home estates, group homes, secondary dwellings, social and affordable housing and short-term rental accommodation. The proposed development does not relate to the delivery of the development listed above. As such, this SEPP is not applicable to this development application.
<i>SEPP (Industry and Employment) 2021</i>	This SEPP contains planning rules that applies to employment land in western Sydney and for advertising and signage in NSW. The proposed development does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.



2.5 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the subject application as per Clause 4.15 of the EP&A Act. The following table summarises the key findings in the context of Section 4.15 of the Act under which the application must be assessed.

TABLE 8 – SECTION 4.15 OF THE EP&A ACT

OBJECT	COMMENT
(a) <i>the provisions of—</i> <i>(i) any environmental planning instrument, and</i> <i>(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 Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i> <i>(iii) any development control plan, and</i> <i>(iiia) 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</i> <i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <i>(v) (Repealed)</i> <i>that apply to the land to which the development application relates,</i>	The proposed development has been prepared taking into consideration any potential socioeconomic and environmental concerns. It has been determined the proposed development will not raise any matters of significance to inhibit the approval of the development application. The proposal has been assessed against the relevant provision of the Environmental Planning and Assessment Act 1979, the relevant Local Environmental Plan specifically the HLEP2022 and HDCP2025. The proposal is permissible with Councils consent within the zone and meets the relevant objectives of the R1 General Residential Zone. Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also attaining an environmentally sustainable development that is compatible with and sympathetic to surrounding and neighbouring properties.
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The proposed development has been prepared to facilitate an ecologically sustainable development that represents rational, orderly, economic and sustainable use of the land. The proposed three (3) Lot Torrens Title Subdivision has been designed to take into consideration the subject site and surrounds.



	It has been determined that any minor impacts of the development will have little to no effect on the surrounding environment. The proposed development of the subject lot is expected to lay the foundation for more efficient utilisation of the land, and it is expected to contribute to the local economy in varying degrees.
<i>(c) the suitability of the site for the development,</i>	The proposed subdivision is consistent with, and compatible with the surrounding land uses of Harden. The proposed development has been designed to have regard for the existing land uses and will not adversely affect the amenity of the surrounding area, environment, or adjoining neighbours, maintaining the opportunity for sustainable development. Therefore, the site is considered suitable for the proposed development.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Council is required to take into consideration any submission made in accordance with Council's notification policy and the notification provisions of the EP&A Act.
<i>(e) the public interest.</i>	This development application seeks approval for a proposed three (3) lot Torrens Title Subdivision. The proposal is considered in the public interest for the following reasons: • The site is located within the R1 General Residential zone of Harden. The vision for the expansion of Hilltops LGA is to create a high-quality and ecologically sustainable environment integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development which will support the other uses of the area. • The site is zoned for development purposes, and the proposed development provides for a subdivision that is consistent with the objectives and controls contained in the HLEP2022 and HDCP2025. • The proposal accommodates living opportunities within proximity to Harden, Young and Boorowa. • It is expected any construction works associated with the proposed and future development will contribute in varying degrees to the local economy and Hilltops more generally.



3. CONCLUSION

This application seeks approval for a three (3) Lot Torrens Title Subdivision. It is concluded that the approval of the Development Application at Lots 4 and 5 Section C DP6919 20-22 Derby Street, Harden , is an appropriate, orderly and compatible form of development when assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also achieving an environmentally sustainable development that is compatible with and sympathetic to surrounding properties. The proposal has been prepared with respect to creating an appealing subdivision development within the Harden locality. The application is supported by the appropriate documents that satisfy Council's requirements and demonstrate that the subject site is suitable for the proposed development.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.

The assessment concludes the subdivision is permissible within the R1 General Residential zone, is consistent with the specific provisions contained in the HLEP2022 and HDCP2025. It is recommended that sufficient information has been submitted with the Development Application to allow Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development should be supported.



APPENDIX A

PROPOSED PLAN OF SUBDIVISION



APPENDIX B

CERTIFICATE OF TITLE AND DEPOSITED PLAN FOR LOTS 4 & 5 SECTION C DP6919

