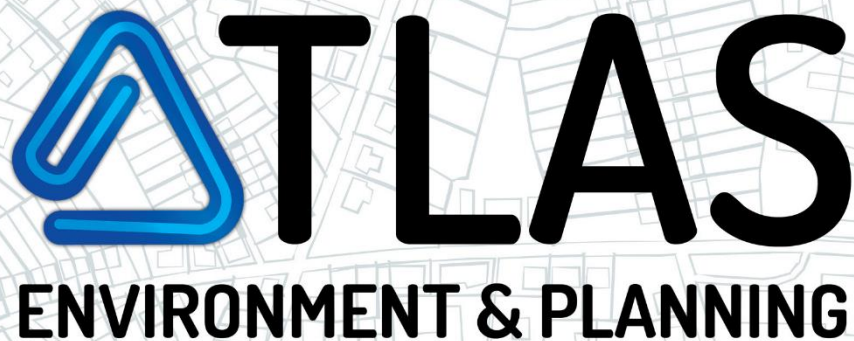




Statement of Environmental Effects
for the Proposed Subdivision, 25 Rifle Range
Road, MUDGEE, being Lot 69 DP756894

prepared for
Mr S Carr

February 2022



Emma Yule t/a Atlas Environment and Planning (Atlas), responsible for the preparation and contents and information provided within this report declare that there is no current benefit nor expect to have a beneficial interest in the study area of this project and will not benefit from any of the recommendations outlined in this report.

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VERSION AND AMENDMENT CONTROL HISTORY

VERSION	DATE	DESCRIPTION	QA/QC
001	JAN 2022	DRAFT FOR CLIENT REVIEW	CLIENT
002	FEB 2022	FINAL	EY



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APPENDIX D – COPY OF TRANSGRID PRE-LODGEMENT ADVICE



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1 INTRODUCTION

1.1 OVERVIEW

Atlas Environment and Planning has been engaged by Mr Symond Carr to assess the potential impacts of the proposal and prepare a Statement of Environmental Effects to describe the proposed Torrens title subdivision of 25 Rifle Range Road, Mudgee. The proposed development involves a subdivision of one existing lot (Lot 69 DP756894) with the purpose to create seven (7) vacant residential lots of min. 2000m² pursuant to clause 4.1(3A(a) of the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012).

This subdivision will facilitate the development and future occupation of the land in accordance with the zone objectives. The plans supporting this application demonstrate how the proposed layout relates to the existing lot boundaries, existing overhead transmission lines, mapped bushfire prone land, existing built infrastructure, and interaction with the existing reticulated services. The land has frontage to Rifle Range Road, with a new road proposed providing frontage to all new lots. This R2 Low Density Residential zoned land is proposed to be developed with reticulated services extended as shown on the proposed plans.

Supporting Documents:

- Appendix A – BOSET Report
- Appendix B – AHIMS Search Result
- Appendix C – Traffic Impact Statement prepared by Triaxial Consulting Pty Ltd.
- Appendix D – Copy of TransGrid pre-lodgement advice.

- Separately- Bushfire Hazard Assessment prepared by Bushfire Planning and Design (with NSW RFS pre-lodgement advice).
- Plans of proposed subdivision prepared by Jabek Pty Ltd (sheets 1 to 4).



2 BACKGROUND

2.1 SITE IDENTIFICATION

The site is located approximately 2.7km from the Mudgee Post Office in Market Street (4 min and is well accessed via Douro Street and Henry Bayly Drive). The location of the subject land is shown below in **Figure 1**.

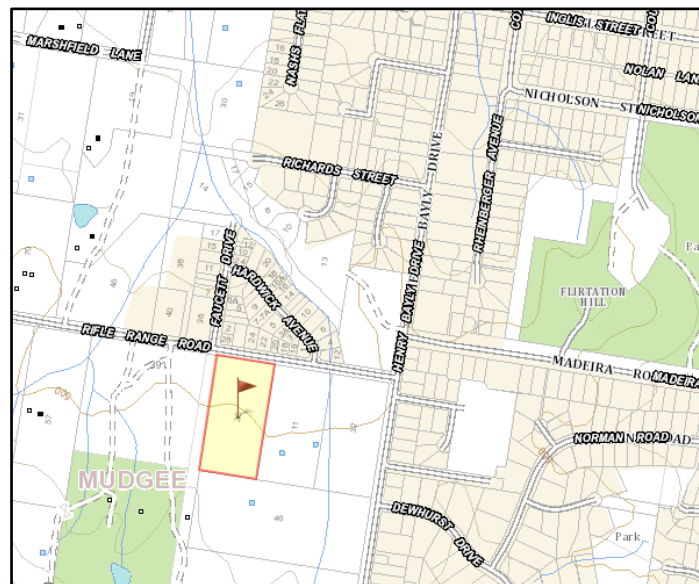


Figure 1: Site Location – 25 Rifle Range Road, MUDGEE

Source: (NSW Government Land and Property Information- six maps viewer).

Owners: Carrie Hooper

Property Description: The subject land includes approximately 2ha in one title. The land is rectangular shaped with frontage to Rifle Range Road – approx. 100m.

Site address: 25 Rifle Range Road, MUDGEE.

Land description: Lot 69 in DP756894.



3 EXISTING SITE CONDITIONS

The area is characterised by the setting of the surrounding residential lots on the lower slopes and larger lots of R2 zoned land, including the subject land with development potential. The topography changes to undulating to elevated with the access to Mount Misery and the Mudgee Rifle Range land supporting native vegetation (treed land to the southwest of the subject land). The wider setting has further developed since the aerial photograph below.



Figure 2: Aerial – vicinity of subject land

Source: (Six Maps).

Photos of current site conditions are provided below.

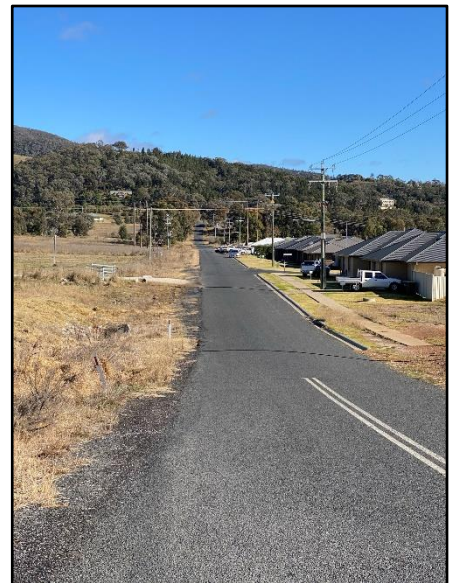


Plate 1: View of existing Lot 69 looking to south west with Transgrid Transmission line running along western lot boundaries.



**Plate 2: View Rifle Range Road
looking to west**

**Plate 3: View of existing poles and
stays depicted in Sheet 3 of 4 of
proposed plans (Proposed Lot 1)**



Prior to progression of the proposed development concept, a site analysis was carried out to identify any site issues. In summary the following is noted:

- The land is zoned R2 Low Density Residential pursuant to the Mid-Western Regional Local Environmental Plan 2012. The minimum lot size is AB1 - 10ha (Area A) or 2000m² when connected to services subject to MWR LEP 2012 cl4.1 (3A). Demonstrating the development integration
- The development land is subject to restrictive easements related to the Transgrid Transmission lines and other Electricity easements. The schedule of easements provided on the plans relate to servicing. Proposed easements have been noted on plans.



- The development site does not have any excessive slopes, contours are shown on the plan of subdivision. No site contamination issues are noted for the land.
- The land does not have any mapped watercourses.
- The southwestern corner of the site is partially mapped Bushfire Prone Land- buffer. Hence a Bushfire Hazard Assessment was carried out to support the proposal and ensure compliance with Planning for Bushfire Protection 2019.
- Potential for land use conflict is minimal with other residential development surrounding the site. The rifle range land is also zoned R2 Low Density Residential.
- The site is not in vicinity to any known environmentally sensitive areas. The site has no areas mapped terrestrial biodiversity sensitive land. The site has been cleared in the past.

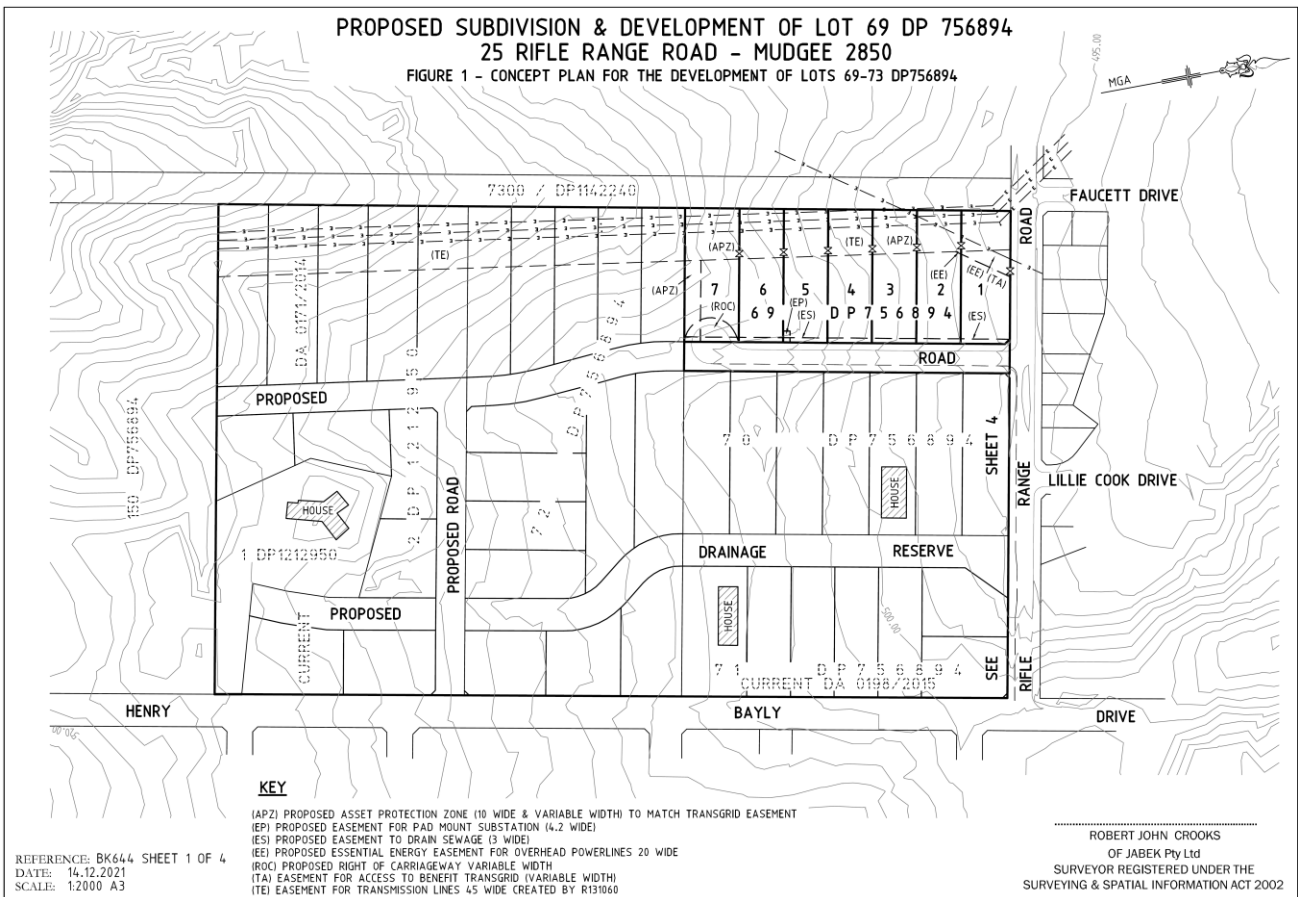


4 THE PROPOSAL

4.1 DESCRIPTION OF THE DEVELOPMENT

The proposed development is a Torrens title subdivision. The subdivision can proceed with development consent in accordance with the provisions of the Mid-Western Regional Local Environmental Plan 2012 (MWR LEP 2012) (see clause 4.1(3A(a)) and with the issue of a Bush Fire Safety Authority.

The proposed subdivision of existing Lot 69 DP7569894 will yield a total of 7 lots in this proposal. The ability to service the land, and electricity transmission lines have played a key determining factor in the development potential. The subdivision layout and proposed new road are consistent with the previous concept plan for that has been prepared for the future subdivision of land bound by Henry Bayly Drive and Rifle Range Road. This concept has previously been utilised by MWRC for estimating lot yield for the wider setting and drainage design in downstream developments. (Refer to Figure 1 of the plans of the proposal prepared by Jabek Pty Ltd).





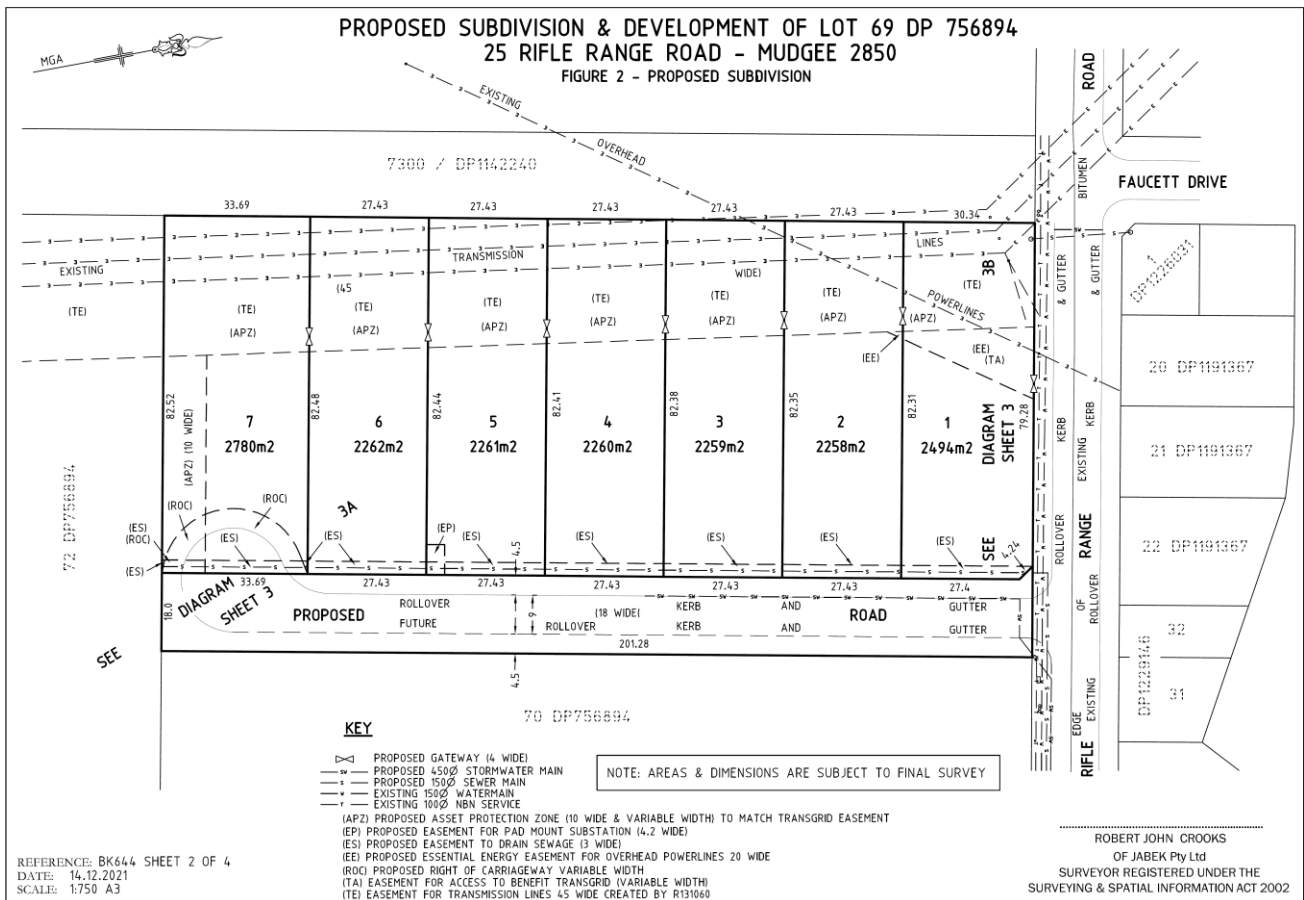
4.1.1 Subdivision Features

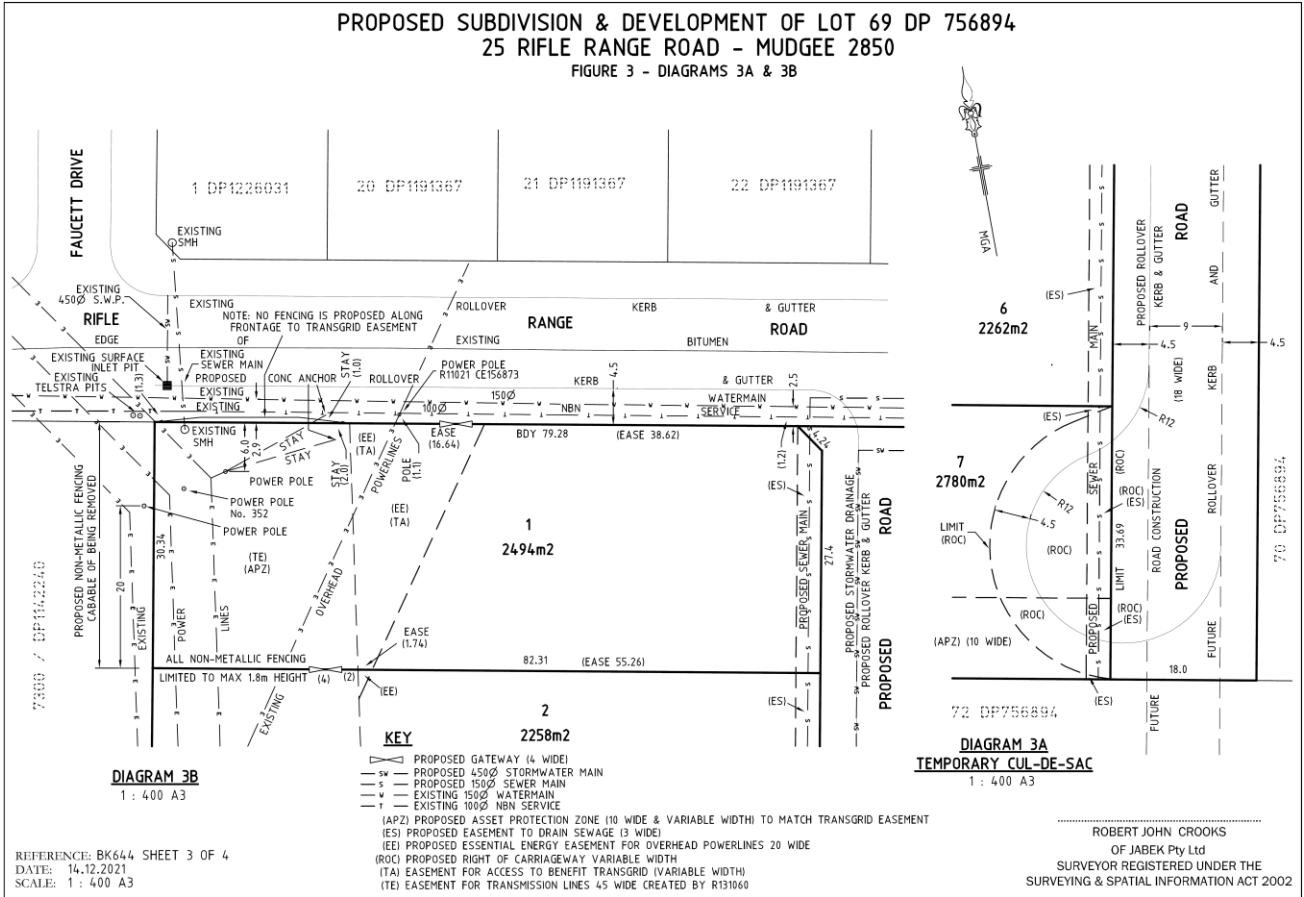
The proposed subdivision creates lots of similar regular shapes and boundary configurations, with a min. frontage of 27.4m achieved for all lots. The development proposes the extension of existing roll kerb in Rifle Range Road. (Refer to Figure 2 of the plans of the proposal prepared by Jabek Pty Ltd).

New road -The design includes new road terminating with a temporary cul-de-sac head for turning. The proposed land to be dedicated as road, aligns with the concept for further development of the surrounding land. A right of carriageway is proposed to maintain legal access for the temporary turning area, burdening proposed lot 7 (refer to Diagram 3A on Figure 3 of the plans of the proposal prepared by Jabek Pty Ltd).

Easements - The development requires the creation of new lot boundaries through existing high voltage transmission line easement. Pre-lodgement advice and review of proposed plans was sought from TransGrid prior to finalisation of the DA proposal. Gateways are proposed as shown in this easement to allow TransGrid access, and a separate additional easement for access from Rifle Range Road. Essential Energy easement and line also transects the land and the TransGrid easement. (Refer to Diagram 3B on Figure 3 of the plans of the proposal prepared by Jabek Pty Ltd).

Asset Protection Zone – APZ – The proposed APZ is included as recommended in the Bushfire Hazard Assessment and consistent with NSW RFS pre-lodgement advice. The APZ is of variable width for the section utilising the width of the TransGrid easement, and min 10m wide for APZ in the direction of the hazard (affecting proposed lot 7 only).



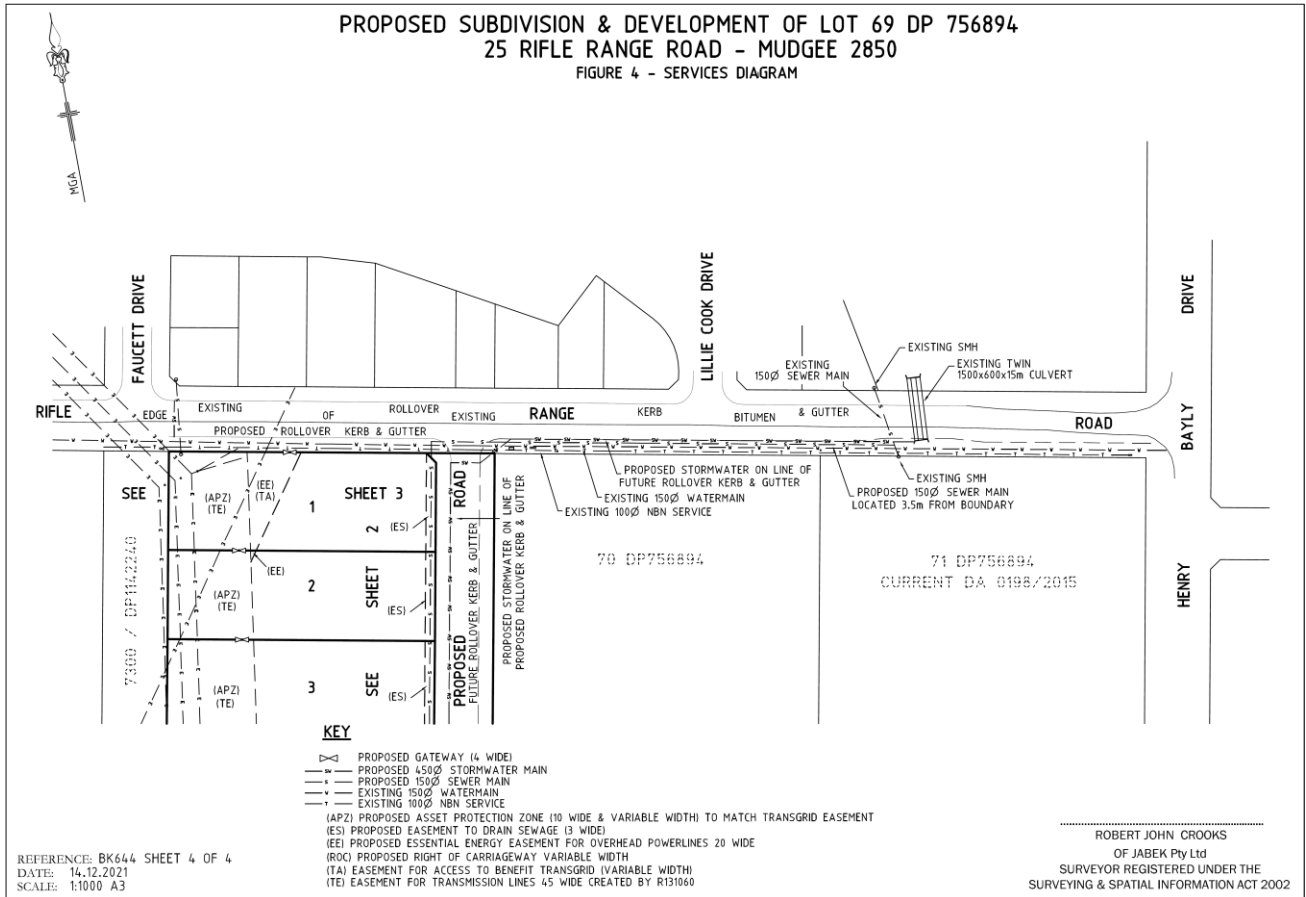


4.2 SUMMARY OF EASEMENTS/RESTRICTIONS/COVENANTS

Code	Item Description	Existing/Proposed
TE (Easement for Transmission lines)	To benefit TransGrid, 45m wide created by R131060	Existing
EE (Easement for Transmission lines)	To benefit Essential Energy, for overhead powerlines 20m wide.	Proposed
APZ (Asset Protection Zone)	To benefit MWRC, 10m and variable width to match TransGrid Easement. Terms of APZ to refer to NSW Planning for Bushfire Protection Guidelines.	Proposed
EP	Proposed easement to benefit relevant authority for pad mount substation (4.2m wide) (Proposed Lot 5 burdened).	Proposed
TA	Easement for Access to benefit TransGrid (proposed Lot 1 burdened).	Proposed
ROC (Right of Carriageway)	Right of Carriageway of variable width to benefit MWRC burdening proposed Lot 7.	Proposed
ES	Easement to drain sewage 3m wide to benefit MWRC burdening all proposed lots.	Proposed



The land can be serviced to Council standards. In this regard, proposed servicing detail has been depicted on the plans. The land will be able to connect to reticulated town water and sewer services. Further extension of sewer main to provide connection to new lots created is proposed. Pre-lodgement advice was received from Council engineering staff in this regard.





5 LEGISLATIVE CONTEXT

5.1 BIODIVERSITY CONSERVATION ACT 2016

The *Biodiversity Conservation Act 2016*, together with the *Biodiversity Conservation Regulation 2017*, outlines the framework for addressing impacts on biodiversity from development and clearing. The Biodiversity Offsets Scheme applies to local development (assessed under Part 4 of the Environmental Planning and Assessment Act 1979) that triggers the Biodiversity Offsets Scheme threshold or is likely to significantly affect threatened species based on the test of significance in section 7.3 of the *Biodiversity Conservation Act 2016*.

The Biodiversity Assessment Method (BAM) is the assessment manual that outlines how an accredited person assesses impacts on biodiversity at development sites. The assessor documents the results of the biodiversity assessment in a Biodiversity Development Assessment Report (BDAR). A proponent must provide the BDAR to the approval authority as part of their development, major project proposal, or clearing application.

The Biodiversity Offsets Scheme Threshold is a test used to determine when is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal.

The threshold has two elements:

1. Whether the amount of native vegetation being cleared exceeds a threshold area set out below.
2. Whether the impacts occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing and other impacts exceeds either trigger, the Biodiversity Offset Scheme applies to the proposed development.

The threshold for clearing is 0.5ha (based on the minimum lot size method); the subdivision works and APZ outside the already clear TransGrid easement will not exceed this trigger. Further, no land is mapped on the Biodiversity Values map. The site has been cleared for previous farming practices. Hence, the biodiversity offset scheme is not triggered.

5.2 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 development pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1976.

This Statement of Environmental Effects aims to assist in this consideration. Further assessment of relevant LEP and SEPPs are addressed below.



5.2.1 *Integrated Development*

Part 4 Division 4.8 Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) outlines what is 'Integrated Development'. This development is 'integrated' as referred in the Act - The land partially falls within mapped bush fire prone land hence this proposal has been assessed as requiring the following:

- *Rural Fires Act 1997 - authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.*

5.2.2 *Evaluation- Part 4 Division 4.3 Section 4.15*

The following sections refer to relevant matters:

Section 6 refers to Part 4 Division 4.3 Section 4.15:

Part 4 Division 4.3 Section 4.15 (1) (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*
- (iii) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) 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,*

Section 7 refers to Section 4.15 (1)(b) to (e)

- (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.*



6 EVALUATION - LEGISLATION

6.1 STATE ENVIRONMENTAL PLANNING POLICIES

6.1.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Provisions of the SEPP (Exempt and Complying Development Codes) have been considered. In relevance to the proposal and in respect of subdivision, certain subdivisions are exempt development (Subdivision 38 Subdivision 2.75 Specified development).

The proposed subdivision does not meet development specified for this code.

6.1.2 State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy 55 (SEPP 55) requires planning authorities to consider potential for contamination at a site prior to planning decisions being made. Clause 7 requires Council to consider prior to determination of a development application whether the site is contaminated and suitable for the proposal. No detail of history has been indicated on maps that would suggest previous incompatible land use. The land has been approved for a dwelling-related development on surrounding parcels that would have been at one time part of the same holding and is zoned for the purpose of residential use. No recent cropping has occurred. No previous rural structures are known to have been located on the land. Based on this, the subdivision should not be hindered for reasons of potential for site contamination.

6.2 MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN

The Mid-Western Regional LEP 2012 applies to the subject site. The subject land is zoned R1 General Residential.

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

COMMENT – Torrens title subdivision will facilitate development for residential purposes of existing zoned land. The servicing and use of vacant land zoned for residential occupation is consistent with the R2 zone objectives. Future approvals for dwellings will ensure consistency with the LEP and environmental conditions; the lots proposed are of dimensions and size to promote good solar design in future residences, allow for direct driveway access onto the proposed new road.



The relevant provisions of the MWRLEP 2012 are discussed below:

Clause 2.6 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with development consent.
- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

COMMENT – This SEE supports a development application for subdivision with all lots exceeding the minimum lot size.

Clause 4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
 - (a) to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,
 - (b) to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,
 - (c) to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,
 - (d) to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,
 - (e) to ensure that subdivision does not have an inappropriate impact on the natural environment,
 - (f) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (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.
- (3A) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system—
 - (a) land identified as “Area A” on the Lot Size Map may be subdivided to create lots of at least 2,000 square metres, or
 - (b) land identified as “Area B” on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres.
- (3B) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system, land identified as “Area D” on the Lot Size Map may be subdivided to create lots of at least 2 hectares.
- (4) This clause does not apply in relation to the subdivision of any land—
 - (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or
 - (b) by any kind of subdivision under the Community Land Development Act 1989.



COMMENT – The subject land falls with the Area labelled 'AB1- (Area A)' of the Lot Size Map Sheet LSZ_006C. All lots meet the minimum lot size of 2000m². Each lot will be serviced to Council standards and is expected to be subject to relevant conditions of approval. Refer to the servicing details on the plans.



Part 6 Additional local provisions within the Mid-Western Regional LEP are considered.

Clause 6.1 Salinity – The Mid-Western Regional LGA is noted has having inherent salinity issues. The Torrens title subdivision will have negligible impact on the risk of salinity with implementation of adequate drainage provisions and reticulated services available. It is considered appropriate that the provisions of 'Building in Saline Environments' as outlined in section 2.5 of the *MWRC Development Control Plan Residential Development (2009)* be adopted, without need for additional site-specific measures.

Clause 6.3 Earthworks – Separate earthworks are not proposed as part of this proposed subdivision. No fill is proposed to be placed on the land.

Clause 6.4 Groundwater vulnerability - This clause applies to land identified as "Groundwater vulnerable" on the Groundwater Vulnerability Map (Sheet GRV_006). The mapping applies to the north-eastern corner of this development site. However, with no additional onsite effluent disposal in the setting, this subdivision will have negligible impact to groundwater. Future dwellings that may be developed due to the subdivision will be able to be connected to the town sewer service. Chemical use and effluent disposal are not a likely concern for future residential development connected to town services. It is unlikely that groundwater dependent ecosystems occur in the vicinity to the site or will be affected as no interference to groundwater is proposed through any new bores for water supply.

Clause 6.5 Terrestrial biodiversity - This clause applies to land identified as "Moderate Biodiversity Sensitivity" or "High Biodiversity Sensitivity" on the Sensitivity Biodiversity Map. This clause does not apply to the development site.

The proposed subdivision of the land is not likely to cause any to fragmentation of habitat. The site has already been cleared in past years with no new clearing of timbered areas proposed for this subdivision. The TransGrid easement is an existing buffer to the timbered slops to the west. The proposed subdivision layout will not cause any adverse impact on the importance of the vegetation on the land or adjoining land associated with the habitat and survival of native fauna on the rifle range land. No stands of trees will be affected by new boundaries. The Bushfire Hazard Assessment also addresses need for future vegetation management.

Clause 6.9 Essential services – Pursuant to this clause the consent authority is required to be satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

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

The land can be serviced to Council standards (subject to conditions of approval). Post consent stages will trigger the design for detailed electricity and telecommunication design processes; however, pre-



lodgement consultation has been carried out due to the complexity of the easements required for this project.

6.2.1 COMPLIANCE WITH MWRC DEVELOPMENT CONTROL PLAN

Compliance with Part 7.1 Urban Subdivision of the Mid-Western Regional Development Control Plan (2013) is discussed in this section. This section of the DCP refers to the subdivision of land zoned residential (R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential). The subject land is zoned R2 Low Density Residential, and is referred to in the DCP section 7.1, as such the compliance with provisions of this section are considered. No departure from the DCP is identified.

**Table 1: Compliance with the DCP Part 7.1 Urban Subdivision**

DCP Provisions	Comments
<p>Lot Size (Complies)</p>	<p>The minimum lot size determined by the LEP mapping, with connection to services is 2000m².</p> <p>a) All lots have street frontage to proposed New Road. b) Complies – contours shown on the plan of subdivision. c) No slope in excess 20°</p> <p>No battle-axes arrangements are proposed.</p>
<p>Lot Design (Complies)</p>	<p>a) The lots layout has taken into consideration the surrounding land parcels, natural watercourses and servicing pattern. In particular the new road will facilitate future development in line with the concept (refer to Figure 1 – Sheet 1 of 4 of propose plans). b) The east west orientation of the lots with the min width of 27.4m on a parcel of greater than 2000m² will achieve required access to sunlight. c) The original parcel is rectangular, and the creation of a rectangular lots is able to be achieved, which is also the best layout for the topography in this instance. The vacant lots are provided with a useable lot area which is regular in shape and clear of restrictive covenants/easements. The width of lots at the building line can support good residential development opportunities. d) No dual occupancies are nominated in this development.</p>
<p>Street Design and Layout (Complies)</p>	<p>a) A Traffic Impact Statement is required in this instance. Triaxial Consulting Engineers have provided advice (refer to Appendix C). b) The new road is proposed in the subdivision. A temporary turning head is provided to the cul-de-sac new road, with vision to utilise as a ‘through road’ in the future when adjoining land is developed. c) The proposed new road will facilitate the development of adjoining land to the east, with this development proposing only 7 lots on the western side of the road. d) The subdivision does not exceed the number of lots serviced off a cul-de-sac. In this case the cul-de-sac arrangement will be temporary and a through road proposed in the overall concept. e) N/A.</p>
<p>Road Standards for New Development (Complies)</p>	<p>N/A – no new road is proposed. The 7 additional lots will not increase usage of the road network such that would trigger upgrades to any intersections. It was concluded that <i>“the expected increase in traffic generation rates due to this development will be negligible and not trigger any upgrades to the surrounding road network” (Triaxial Consulting)</i>. It is assumed the road standard would be consistent with the DCP and conditioned by MRWC. Subdivision Works Certificate plans will show greater detail of road standards.</p>
<p>Cycleways and Footpaths (Complies)</p>	<p>a) The site is not identified as part of a cycleway route. b) N/A – no specific pedestrian pathways are proposed at this subdivision site. c) Noted.</p>



DCP Provisions	Comments
Open Space (Complies)	a) N/A. (However the concept will include a drainage reserve to the east that has opportunity for recreation area and walking path) b) N/A - Onsite detention is not proposed for open space.
Landscaping (Complies)	No specific landscaping or additional street trees are proposed at this location. 2 street trees per lot is to be provided and assumed would be a condition of approval for payment of applicable levy.
Utility Services (Complies)	Servicing details are show on the proposed plans. Consultation was carried out with TransGrid, Essential Energy and MWRC as relevant authorities.
Drainage (Complies)	Section 5.3 of the DCP have been referenced with preparation of the subdivision plans.



7 EVALUATION - ENVIRONMENTAL IMPACTS

7.1 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

This section considers the likely impacts of the proposed development, including environmental impacts on both the natural and built environments.

7.2 SOIL AND SURFACE WATER

7.2.1 Potential Impacts – Soil and Surface Water

Under the Water Management Act 2000 (WM Act) an approval is required to undertake controlled activities on waterfront land. The proposed subdivision development does not trigger integrated development provisions due to works within 40m of a waterway.

Potential soil impacts due to the development of the additional lots may include: exposure of soils to increased erosion and offsite sediment transport through vegetation stripping and general site disturbance for future service installation. This limited disturbance is not expected to have any long-term impact.

7.2.2 Mitigation Measures – Soil and Surface Water

Overall, review of the proposed subdivision site and the location of new boundaries in relation to existing infrastructure, indicates that the site should not be hindered for subdivision based on soil and water management issues.

Mitigation measures should be adopted to minimise potential for impacts to soil and water.

- Erosion and sediment controls are to be established prior to any site disturbance.
- Road construction plans to address erosion and sediment control measures.
- Methods within the '*Managing Urban Stormwater: Soils and Construction Volume 1*' (Landcom 2004) are to be employed where relevant.
- Removal of groundcover must be minimised where possible to provide natural soil protection. In most instances this practice is to be the appropriate level of mitigation to be employed for this development.
- The provisions of the DCP 5.4 Environmental Controls – Building in a saline environment can be implemented for any building proposals. No further investigation or action are considered necessary for this subdivision.

7.3 HERITAGE

7.3.1 Potential Impacts – Heritage

The proposed subdivision will not have any detrimental impact on heritage items or the setting of listed items – i.e. no listed items are within close vicinity to the development site.

Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales published by Department of Environment, Climate Change and Water has been referred to for the preparation



of this report. The site is within a developing urban/rural environment that has been disturbed for past grazing. The likely hood of indigenous heritage to occur is minimal.

In accordance with Section 1 *Do you need to use this Due Diligence Code*, the development is required to follow the Generic Due Diligence Code of Practice outlined in Section 8. This has been provided:

- **Step 1**, *Will the activity disturb the ground surface,*

Yes. The development has potential to require land disturbance.

- **Step 2a**, *Search the AHIMS database and use any other sources of information of which you are already aware,*

An AHIMS search was conducted on 30 January 2022 with a buffer of 200m and returned no recorded aboriginal sites and no declaration of aboriginal place within the site or buffer area. (Refer to **Appendix B**).

- **Step 2b**. *Activities in areas where landscape features indicate the presence of Aboriginal objects*

Aboriginal objects are often associated with particular landscape features as a result of Aboriginal people's use of those features in their everyday lives and for traditional cultural activities. Examples of such landscape features are rock shelters, sand dunes, waterways, waterholes and wetlands. Therefore it is essential to determine whether the site contains landscape features that indicate the likely existence of Aboriginal objects. It has been considered whether the land and proposed activity is:

- within 200m of waters, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or
- located within 200m below or above a cliff face, or
- within 20m of or in a cave, rock shelter, or a cave mouth
- and is on land that is not disturbed land (defined in guidelines, see below) then you must go to step 3.

If after completing steps 2a and 2b it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity, you can proceed with caution without applying for an AHIP.

- **Step 3**. *Can you avoid harm to the object or disturbance of the landscape feature?*

All features are either not occurring or avoided in this development site.

- **Step 4**: *Desktop assessment and visual inspection*

This step only applies if your activity is on land that is not disturbed land or contains known Aboriginal objects.



7.3.2 Mitigation Measures – Heritage

No known items of Aboriginal heritage are identified within the site. Direct impacts are considered to be nil in the absence of heritage items. No further Aboriginal heritage site survey is warranted at this site. No further mitigation measures are proposed for DA.

7.4 VISUAL AMENITY

The proposed subdivision will lead to significant changes to the visual amenity of the area with the land currently vacant and the future residential housing to increase the built aspects of the area to increase due to the proposed subdivision. However, the change in setting is expected with the general take up of residential land in the wider south-west Mudgee area. The development lots will provide good views and opportunity for unique housing opportunities in the future. The amenity of the future lots is affected by the overhead transmission line and no buildings are planned to occur in this easement.

Some works are required to accommodate the proposed new lots and new service connections. The boundaries of proposed lots do not indicate that private open spaces will be overlooked or affected negatively by adjoining development. The number of neighbouring backyards adjoining are minimised in the layout and well separated with larger lot sizes.

7.5 CUMULATIVE ISSUES

No significant potential cumulative issues have been identified because of the proposed subdivision.

7.6 SOCIAL AND ECONOMIC IMPACTS

This section considers the likely social and economic impacts of the development in the locality. Socially the proposal will have minimal impact with established residential surrounds. The development facilitates residential development within Mid-Western Regional LGA that may have positive economic flow on effects.

7.7 SITE SUITABILITY

REVIEW OF SITE ISSUES - An overview of site issues is provided:

The proposed subdivision will not cause conflict with the land use of adjoining properties. The land is not directly adjacent the Mudgee rifle range and noise from any activity is short lived and periodic event based. Surrounding land is either developed for residential use or zoned for similar residential development.

The subject land is partially mapped and identified as 'Groundwater Vulnerable' in the Mid-Western Regional Local Environmental Plan 2012. This will not hinder the development of the land with all reticulated services available to be extended to the land.

ZONING AND PERMISSIBILITY OF THE PROPOSED DEVELOPMENT - Subdivision for the purpose of residential land use is consistent with the zone objectives and is permissible with consent. Overall, the proposed subdivision will support the expected land use, being consistent with the zone objectives, and having minimal environmental impacts.



SIZE AND SHAPE OF THE LAND - The shape of the land and topography presents a opportunity for regular shaped rectangular lots with adequate dwelling sites free from restrictions, and is suitable for subdivision. The proposed lots can comply with DCP requirements and incorporate adequate areas for a future dwelling. The lot sizes proposed do not vary greatly within the development and provide future connection to adjoining land.

COMPATIBILITY WITH ADJOINING DEVELOPMENT - The proposed subdivision is in line with the surrounding land uses and a development concept is provided (Figure 1) to demonstrate the development site as it can be configured with multiple landowners and land between Henry Bayly Dr and the Mudgee rifle range land.

Overall, no issue has been identified that would indicate that the land is not suitable for subdivision.

7.8 PUBLIC SUBMISSIONS

Any submissions made in accordance with this Act or the regulations received during the notification period for the development application would be required to be considered by Council in the assessment of the application.

7.9 PUBLIC INTEREST

Section 4.15(1)(e) requires consideration of the public interest in assessing the proposed development. The proposal is not likely to have wider public implications. Council has previously supported similar plans for existing residential developments in Mudgee.



8 CONCLUSION

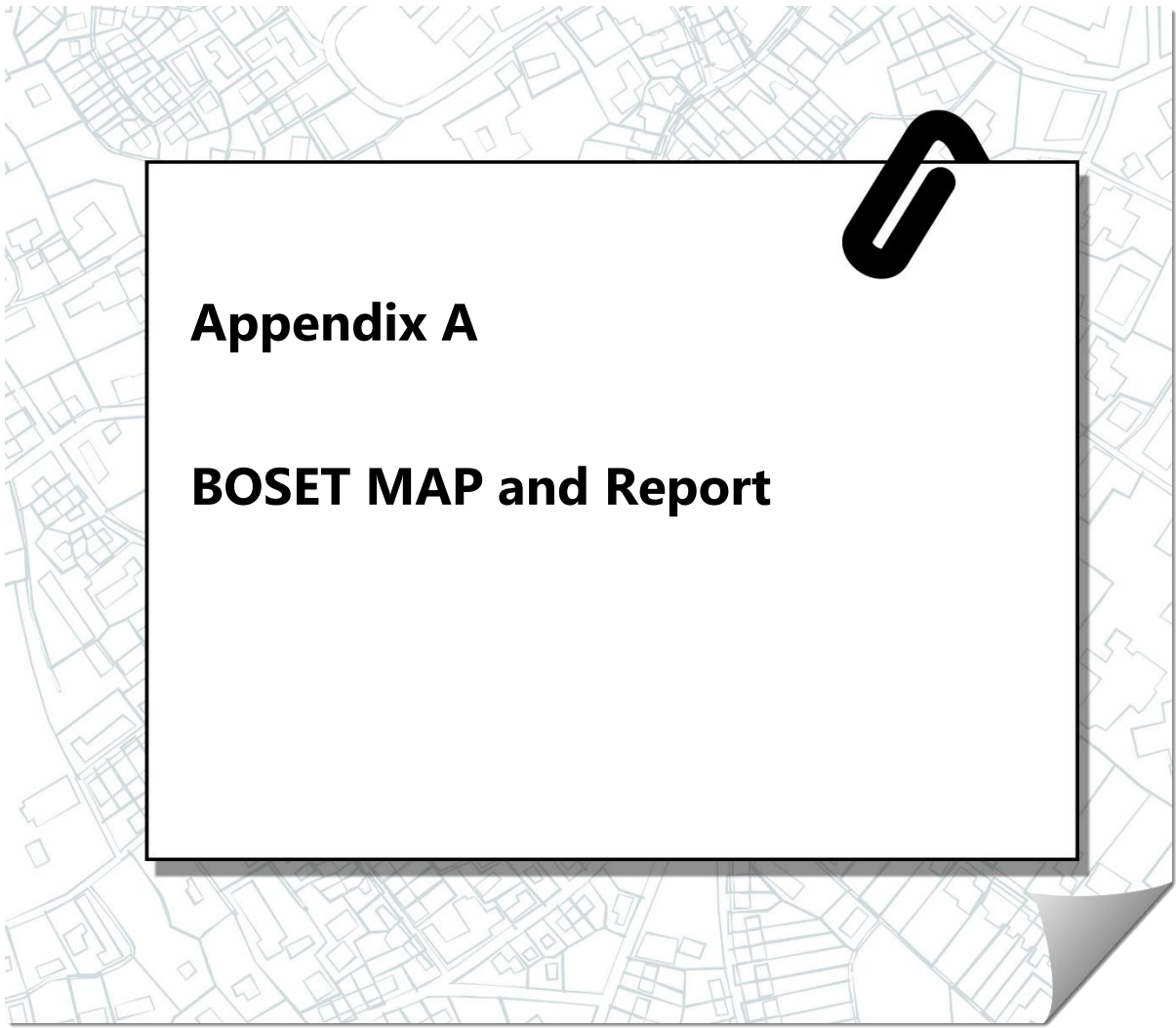
This Statement of Environmental Effects assessed the impact of the proposed development and where relevant provides the supporting information and outlines proposed actions that demonstrate measures to be undertaken to ensure consistency with the objectives of the zone, and outline what plans are in place to ensure mitigation of any potential environmental impacts.

Interactions with neighbouring residential development has been considered. Key issues relate to the potential risk for bushfire, overhead transmission lines and reticulated services design. All potential impacts likely to result from the project can be mitigated by the implementation of the measures proposed in the Bushfire Hazard Assessment and appropriate subdivision design and compliance with the DCP. Overall, the development will meet the development standards expected for the location. Integrated development approvals are required pursuant to s100b Rural Fires Act. Measures to be adopted primary relate to the protection of occupants of the existing dwelling; servicing and maintaining vegetation.

In accordance with the *Environmental Planning & Assessment Act 1979* an Environmental Impact Statement is not required and Mid-Western Regional Council is able to undertake assessment and subsequent determination of a development application for subdivision based on this SEE, the Bushfire Hazard Assessment and the plans prepared by Jabek Pty Ltd and with issue of GTA's for the s100B application by the NSW RFS.



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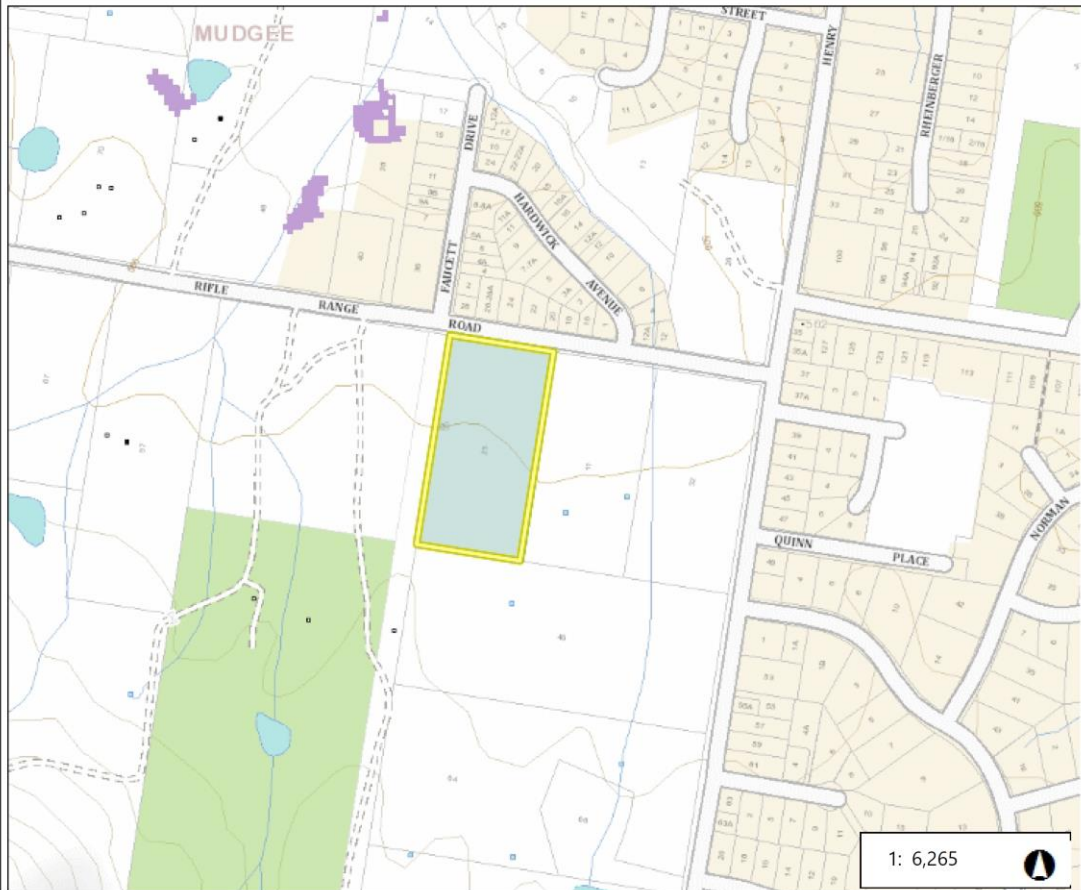


Appendix A

BOSET MAP and Report

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Biodiversity Offset Scheme (BOS) Entry Threshold Map



318.3 0 159.14 318.3 Metres
WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

Notes

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NSW Environment & Heritage



Biodiversity Values Map and Threshold Report

Results Summary

Date of Calculation	20/06/2021 6:51 PM	BDAR Required*
Total Digitised Area	2.03 ha	
Minimum Lot Size Method	LEP	
Minimum Lot Size	10 ha	
Area Clearing Threshold	0.5 ha	
Area clearing trigger Area of native vegetation cleared	Unknown #	Unknown #
Biodiversity values map trigger Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
Date of the 90 day Expiry	N/A	

*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BOSET user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Office of Environment and Heritage and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies with all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature _____ Date: 20/06/2021 06:51 PM



Appendix B

AHIMS Search Results

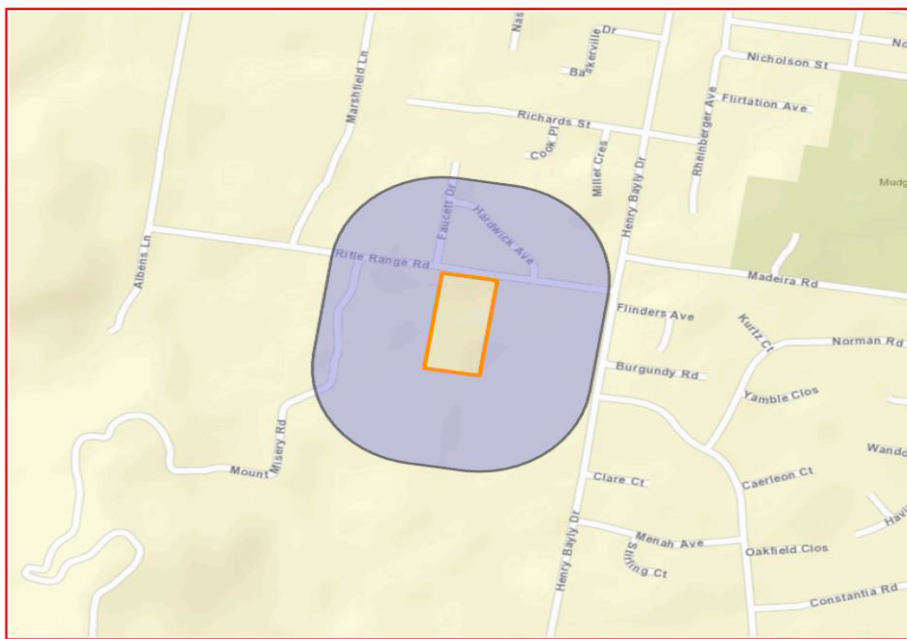
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Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 69, DP:DP756894, Section :- with a Buffer of 200 meters, conducted by Emma Yule on 30 January 2022.

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.*

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.





Appendix C

TRAFFIC IMPACT STATEMENT
prepared by Triaxial Consulting

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15 December 2021



COMPLEX PROBLEMS
RESOLVED SIMPLY

MID WESTERN REGIONAL COUNCIL
86 MARKET STREET
MUDGEE NSW 2850



Dear Sir/Madam,

**Re: Proposed Subdivision of Lot 69 DP756894 – 25 Rifle Range Road
Traffic Impact Statement**

Reference: TX15951.00-03.ltr.JD

Triaxial have been engaged to undertake the traffic impact statement for the proposed subdivision of Lot 69 DP756894 at 25 Rifle Range Road, Mudgee.

The subdivision includes the creation of a 7-lot estate as documented on Jabek Pty Ltd plans BK644.

The subdivision will include the creation of a new road that intersects with Rifle Range Road. The new road is offset from Faucett Drive by approximately 80m and from Lillie Cook Drive by approximately 60m.

In accordance with Austroads Guide to Road Design – Part 3 Traffic Studies and Analysis the anticipated increase in traffic due to the proposed subdivision is as per the table below:

	Peak Hour Increase	Total Daily Increase
Vehicle Trips	6	54

It is anticipated that the majority of the traffic generated by this development will be directed Eastwards toward Henry Bayly Drive. From there it is anticipated that the majority of traffic will be directed further East via Madeira Road or Bellevue Road.

The Mudgee Traffic Study 2014 prepared by Gennaoui Consulting Pty Ltd mapped the current and future impacts of developments throughout the Mudgee township up to the year 2032. The traffic along Henry Bayly Drive in the year 2032 was predicted to have an increase of 138% over 2014 levels. The modelling undertaken in the study considered potential development land along Rifle Range Road and Henry Bayly Drive (South West precinct) of up to 495 new residential lots from 2014 to 2032.

With all of these future potential developments taken into account, modelling on the carriageway and intersection performance of the Bellevue Road and Henry Bayly Drive intersection showed that the intersection would still operate at a level of service "A", which is the highest available and would not trigger any upgrades to the intersection.

We confirm that the expected increase in traffic generation rates due to this development will be negligible and not trigger any upgrades to the surrounding road network.

SYDNEY | ADELAIDE | BAROSSA | DARWIN | MUDGEE

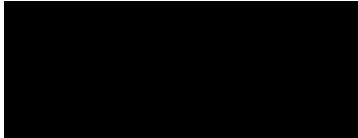
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1 of 2



Should you have any queries regarding the information presented in this report please do not hesitate to contact us.

Yours faithfully
TRIAXIAL CONSULTING



SYDNEY | ADELAIDE | BAROSSA | DARWIN | MUDGEE

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TX15951.00-03.ltr.JD.docx 2 of 2



Appendix D

**Pre-lodgement Advice
TransGrid**

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From: Easements&Development [REDACTED] >
Sent: Tuesday, 30 November 2021 3:40 PM
To: [REDACTED]
Subject: FW: 2021-538 PROPOSED SUBDIVISION OF LOT 69 DP 756894 - 25 RIFLE RANGE ROAD RFI

Hi Bob,

Transgrid Reference Number: 2021-538

Proposal: SUBDIVISION OF LOT 69 DP 756894 - 25 RIFLE RANGE ROAD

Address: 25 Rifle Range Road Mudgee 2850 -Subdivision

Transgrid asset: Transmission Line 94M Crudin Ridge-Neryl132kV Structure 352

Please find below further information from Transgrid related to: 2021-538 SUBDIVISION OF LOT 69 DP 756894 - 25 RIFLE RANGE ROAD following a more detailed review.

Still ok

Regards

Michael

Michael Platt

Development Assessment & Control Officer | Network Planning and Operations

[REDACTED]

[REDACTED]

[REDACTED]





Supporting Documents Provided by Customer:

- Figure-1 Concept Plan for the development of lots 69-73 DP756894-BK644 sheet 1/4
- Figure-2 Proposed subdivision--BK644 sheet 2/4
- Figure-3 Diagrams 3A and 3B--BK644 sheet 3/4
- Figure-4 Services Diagram--BK644 sheet 4/4
- Plan- Civil works for Nurrowin Estate- H876EG E1-2
- Rifle Range Road Long. Section- Civil works for Nurrowin Estate- H876EG E1-3
- Proposed sub division Aerial View TX15951.00-C3.02A
- Some photos of the existing land

Summary of Findings:

1.Pole structure is inside the plot no.1. Proposed fence passes through the three pole structure encroaching the exclusion zone. No gates have been proposed for the fence which passes through the three pole structure. If it is acceptable for operation and maintenance a removable fence may be used. Height of the fence shall be not more than 2.5 m

2.Finished ground surface elevations of the plots are not available nor the 3D dxf files. Min. Vertical clearance at centre line at max. operating temperature is about 7.9 m. Hence, any filling less than 1.2 m, within Transgrid easement, on the subdivided plots is acceptable. This is based on 6.7 min. clearance according to AS 7000. However, no structures are assumed to be built inside the easement.

Works Acceptable:

1. Yes, if it is acceptable for operation and maintenance to use a removable fence at the pole structure.
2. To be reviewed at DA Stage

Notes

1. Since the Easement and exclusion line pass through all the subdivision (Plots) it will affect the extended construction of the properties in the sub divided plots on the rear side of the plot.
2. Even though the access track is from Rifle Range Road the continuous and unobstructed access to the transmission line and its structures is not fully available due to the fence of subdivided property boundaries. The registered surveyor mentioned about proposal of 4 m wide gates in the boundary fence. However, a drawing showing them is required. The boundary fences shall not be more than 2.5 m in height
3. Usable outdoor space in a proposed lot is located within a transmission line easement. About 30-40% of usable outdoor space is located within the TL easement. Congregation of people inside the easement line is discouraged
4. Excavation for the future Rollover Kerb/gutter, removal of existing culvert/ pipes and future construction of the Head wall may have adverse effects on the pole structure and on the guy anchor. Proponent shall provide details of excavation plan for these activities prior to commence these excavations.
5. Even though it's not shown on the map, the plot 7300- DP1142240 shall not be converted to a road. A necessary checks shall be required for that.
6. Future installation of street light is not shown. A necessary checks shall be carried out for installation of the street lights. A detailed plan of street light shall be provided before they are installed
7. A "Restriction-as-User" (88B Instrument) is required to be placed on the titles of all the sub divided plots
8. Detail of the Structures associated with Asset Protection Zone shall be provided for review prior to construction

Please let me know if you have any queries.

With best regards,

Sunil Palikhe

From: [REDACTED]

Subject: 2021-538 PROPOSED SUBDIVISION OF LOT 69 DP 756894 - 25 RIFLE RANGE ROAD
RFI

[Redacted]

Subject: FW: PROPOSED SUBDIVISION OF LOT 69 DP 756894 - 25 RIFLE RANGE ROAD

Hi Brendan,

TransGrid Reference Number: 2021-538

Location: 25 Rifle Range Road Mudgee

Proposal: Subdivision

Transgrid: Transmission Line 94M Crudin Ridge-Neryl132kV Structure 352

This is the Bob Crooks one I mention for review please

Thanks

MP

Michael Platt

Development Assessment & Control Officer | Network Planning and Operations

[Redacted]



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: PROPOSED SUBDIVISION OF LOT 69 DP 756894 - 25 RIFLE RANGE ROAD

Hi Michael

Nice to talk to you again, I appreciate your advice, and look forward to hearing from you on this project.

As per our phone call, please find attached :-

A copy of the DA Plans for the subdivision of the above land showing :-

- Sheet 1 "Concept Plan" produced from Rezoning Plans compiled in 2013
- Sheet 2 "Proposed Plan of Subdivision"
- Sheet 3 Diagrams 3A and 3B, Particularly Diagram 3B showing existing Servicing and Transgrid Infrastructure, in its proximity to the proposed construction of rollover kerb & gutter and the sealing of the area between that kerb and gutter and the edge of the existing bitumen in Rifle Range Road.
- Sheet 4 Showing the proposed servicing of the subdivision from all new mains connecting to the existing mains located to the east of the subdivision.

An extract from the Engineering Plans prepared by Insites in 2012 for the subdivision of the land located on the northern side of Rifle Range Road opposite the subdivision, indicating the extent of

additional construction proposed when development is to occur on the southern side of the road, ie. the new rollover kerb and gutter, and the new bitumen seal.

A report from the Engineering Consultants, Triaxial Consulting, indicating the proposed construction works associated with the new kerb and gutter and bitumen seal should not adversely impact on Transgrid's Infrastructure.

A set of photos showing the various Transgrid Infrastructure, ie poles and guys and Essential Energy's pole.

An aerial photo with an image of the subdivision overlaid.

When considering this proposal would you also note the following :-

Services :- All proposed lots will be serviced from new mains, sewer water and drainage, running within or adjacent to the New Road and, in the case of the water will connect into the existing main at the intersection of the New Road and Rifle Range Road, whilst the new mains for sewer and drainage will connect to existing mains at the eastern end of Rifle Range Road. No other connections are proposed to either new or existing services.

Boundary Fencing :- It is proposed that the easement frontage to Rifle Range Road is not to be fenced,

and the current wire fencing is to be removed to ensure current road access is not further restricted.

The existing wire fencing along the full western boundary, which is also the boundary of the adjoining Mudgee Rifle Range land, is also proposed to be removed and replaced with non-metallic post and rail fencing similar to a previous development in Broadhead Road. It is further proposed that this fencing within lot 1 be capable of being removed to enable easier access to Transgrid's pole located within lot 7300 DP1142240. I have been told by the Rifle Club they would not have any objection to this proposal for fencing the boundary, if it was at no cost to them.

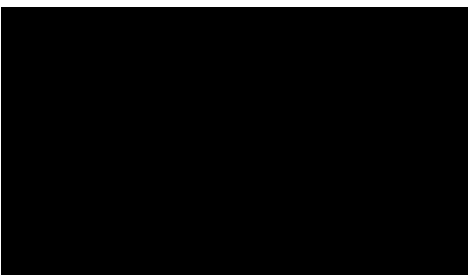
All other fencing of the boundaries within the easement are to be constructed of non-metallic material, and as the terrain is evenly sloped (5 % approx.) falling towards Rifle Range Road, have a 4 metre non-metallic gateway erected with the centre of the gateway located 6 metres, west, from the south east corner of each lot.

It is proposed to create an appropriately worded Positive Covenant on all lots to achieve the suggested fencing controls.

Asset Protection Zones (APZ) :- Under Rural Fire Service's Planning for Bush Fire Protection Legislation, an APZ Is required along the southern and western boundaries of the property. Adopting the advice of our RFS consultant, we are proposing to have the APZ for each lot located along the western boundary of the property extending to the east over the full area covered by Transgrid's Easement.

Thanking you for any advice

Kind Regards



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