

STATEMENT OF ENVIRONMENTAL EFFECTS

1 INTO 5 LOT TORRENS TITLE SUBDIVISION

6 FLIRTATION HILL LANE, GULGONG NSW 2852
(LOT 158 DP755433)



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DATE: 19 AUGUST 2022

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1. INTRODUCTION

1.1 PURPOSE

This Statement of Environmental Effects (SEE) has been prepared on behalf of Lee and Jan Cunningham (the applicant) to accompany a development application (DA) for a 1 into 5 lot Torrens title subdivision on land known as 6 Flirtation Hill Lane, Gulgong (Lot 158 DP755433) (the site).

The SEE summarises findings of specialist reports and demonstrates that the proposed development has been formulated having full and proper regard to existing development controls and environmental qualities of the site and its surroundings.

1.2 CONSENT AUTHORITY

The proposed development requires consent under part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Mid-Western Regional Council (Council) is the consent authority for the proposed development.

1.3 INTEGRATED DEVELOPMENT PROVISIONS

The proposed development is not Integrated Development pursuant to the provisions of Section 4.46 of the EP&A Act.

1.4 SCOPE OF STATEMENT OF ENVIRONMENTAL EFFECTS

This SEE accompanies a DA for the proposed development. It has been prepared on behalf of the applicant and includes the matters referred to in Section 4.15 of the EP&A Act and the matters required to be considered by Council.

The purpose of this SEE is to:

- Describe the land to which the DA relates and the character of the surrounding area.
- Describe the proposed development.
- Define the statutory planning framework within which the DA is to be assessed and determined.
- Assess the proposed development in the light of all relevant heads of consideration.

1.5 PERMISSIBILITY

The proposed development is on land zoned *R1 General Residential* pursuant to the Mid-Western Regional Local Environmental Plan 2012. The proposed development is permissible with consent pursuant to the provisions of the Mid-Western Regional Local Environmental Plan (LEP) 2012 and will be facilitated through Clause 4.1 of LEP 2012. The proposal has been formulated having regard to the provisions of Mid-Western Regional Development Control Plan (DCP) 2013.

2. SITE AND SURROUNDING AREA

2.1. SITE SUMMARY

Address	6 Flirtation Hill Lane, Gulgong, NSW 2852
Lot and DP	Lot 158 DP755433
Zone	R1 General Residential
Existing Structures	A dwelling house, two sheds and a swimming pool

2.2. SITE AND SURROUNDING AREA

The site is a rectangular shaped lot and displays a frontage of 126 metres (m) to Flirtation Hill Lane (north) and Zimmer Lane (south) and a frontage of 325m to Grimshaw Lane (west). The site has an area of 4.05 hectares (ha).

The site currently accommodates a dwelling house, two sheds and a swimming pool towards the northern side of the property. There are well maintained lawns and several mature trees located along the road frontages. A Site Plan has been prepared can be found at **Appendix 1**.

An aerial appreciation of the site is shown in *Figure 1* below.



Figure 1: Aerial view. Subject site outlined in red (Source: Metromaps, 2022)

The site is located on the residential fringes of Gulgong. The immediate nature of surrounding development consists of large undeveloped lots to the north, west and south of the site, with some residential dwellings to the east of the site. The site is well situated to residential development with close proximity to schools and recreational areas. Gulgong Public School is 1.4 kilometres (km) from the site, All Hallows Primary School is 1.7km, Gulgong pre-school is 1.5km and Gulgong High School is 1.5km from the site. Henry Lawson Memorial Park is located 1.7km from the site and ANZAC park is located 1.5km from the site. Gulgong showground is located 2.1km from the site and the Gulgong Pioneers Museum is located 1.5km from the site.

A location plan is provided at *Figure 2* below, which shows the site within its context.



Figure 2: Location Plan. Subject site outlined in red. (Source: SIX Maps LPI Viewer)

2.3. PHYSICAL FEATURES

2.3.1. Vegetation

The site contains minimal vegetation, limited to managed lawn and scattered trees along all road frontages.

2.3.2. Aboriginal and non-Aboriginal Heritage

The site does not contain any items of Local, State or Aboriginal heritage significance listed pursuant to LEP 2012. The site is located outside the Gulgong Heritage Conversation Area (HCA), which is of local significance.

The site is located in the Mudgee Local Aboriginal Land Council area. A search of the Aboriginal Heritage Information Management System (AHIMS) database concluded that there are no Aboriginal sites or places within 200 metres of the site (**Appendix 3**). The area is also not mapped as sensitive Aboriginal Landscape.

2.3.3. Soils and Topography

The site is not mapped as containing any potential acid sulfate soils.

The site displays a continuous slope from northwest to southeast, with a cross-fall of 7m.

2.3.4. Mine Subsidence

The site is not located within in a Mine Subsidence District.

2.3.5. Bushfire

The site is not mapped as Bushfire Prone Land.

2.3.6. Flooding

The site is not mapped as being within Flood Prone Land.

2.3.7. Traffic and Access

The site has legal access from Flirtation Hill Lane with formalised driveway crossovers, leading to the dwelling and sheds. The site also has frontages to Grimshaw Lane (west) and Zimmer Lane (south)

2.3.8. Site Photos



Photo 1: Front view of site from Flirtation Hill Lane looking south



Photo 2: Grimshaw Lane looking north



Photo 3: Zimmer Lane looking East



Photo 4: View of site from Grimshaw Lane looking southeast



Photo 5: Grimshaw Lane looking south



Photo 6: Flirtation Hill Lane looking east



Photo 7: View of site from Grimshaw Lane looking northeast

3. THE PROPOSAL

3.1 SUMMARY OF PROPOSED DEVELOPMENT

The DA seeks consent for 1 into 5 lot Torrens title subdivision. The intent of this subdivision is to create one lot sized 1.647 ha which will retain the existing dwelling and ancillary structures and four lots sized 6,000m² each. All lots will be a standard rectangular shape with primary frontage and access from the existing public road network. A Plan of Proposed Subdivision has been prepared by de Witt Consulting and is provided at **Appendix 9**, and also reproduced at *Figure 3* below.

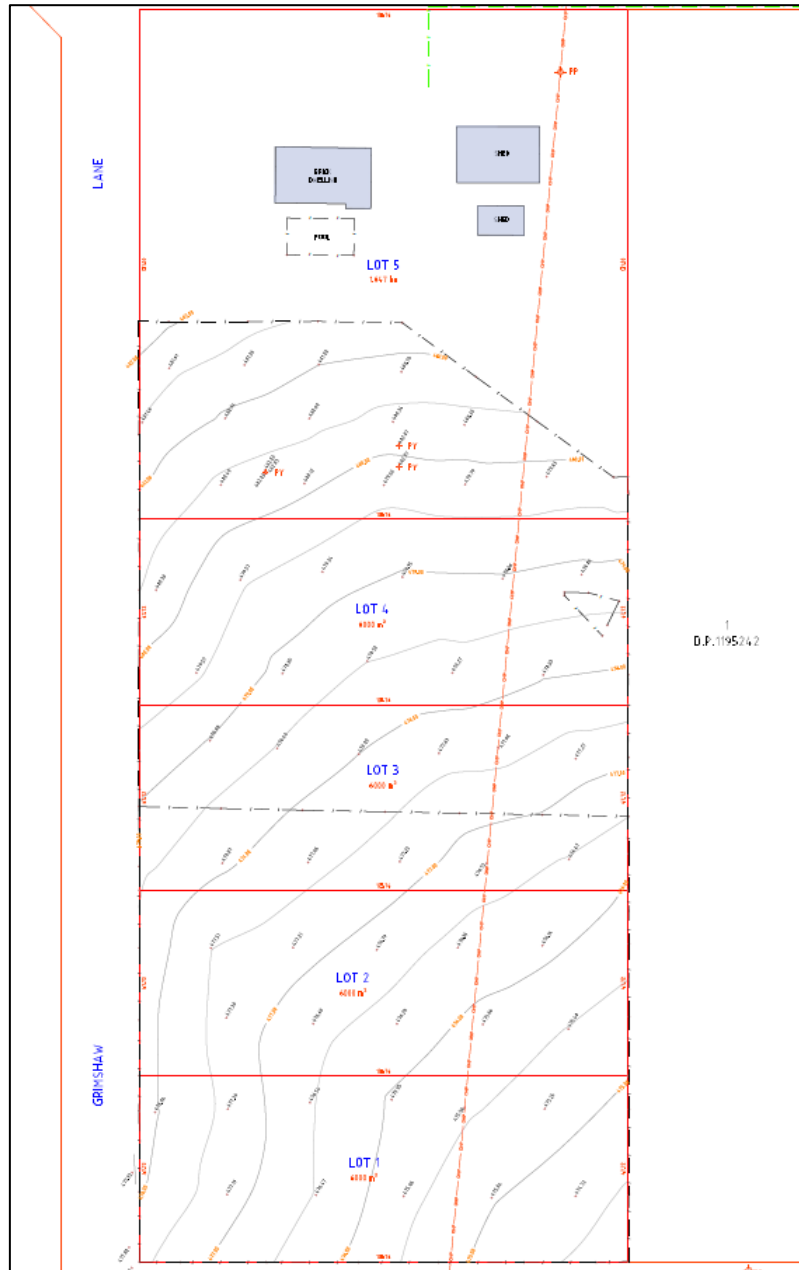


Figure 3: Plan of Proposed Subdivision (de Witt Consulting, 2022)

Table 3.1.1 shows the proposed lot sizes and future uses.



Table 3.1.1: Proposed Lot Sizes

Proposed Lot	Size	Future use
Lot 5	1.647 ha	Retain residential dwelling and ancillary structures.
Lot 4	6,000m ²	Future residential use
Lot 3	6,000m ²	Future residential use
Lot 2	6,000m ²	Future residential use
Lot 1	6,000m ²	Future residential use

3.1.1. Access, Parking and Traffic

A Traffic Impact Statement has been prepared and can be found at **Appendix 2**. It indicates that future access to the new lots can be provided through Grimshaw Lane. It also states that adequate onsite parking can be achieved due to the large lot sizes for any future residential development.

It is noted that the owners of the site entered into an agreement with Council in May 2022 to seal 370m of Grimshaw Lane (agreement at **Appendix 4**). The works are now complete.

3.1.2. Essential Services

A Concept Servicing Plan has been prepared at **Appendix 10** which shows the proposed services.

All existing telecommunication and electricity services on site can be augmented to accommodate for future dwellings. The site is connected to the NBN network through a fixed wireless connection.

On Site Sewer Management (OSSM) Reports for proposed lots can be found at **Appendix 5, 6, 7 and 8**. Please note that **Appendix 5** makes reference to Lot 6 but this should be read as Lot 1. This minor error does not affect the findings within the report. A site and soil assessment was undertaken for each proposed lot. The result of which was that each proposed lot has sufficient room to accommodate for future dwellings and OSSM systems. The recommended systems are for surface or subsurface irrigation with an irrigation area of 444m² and a secondary waste water treatment system for Lots 1, 2, 3, and 4. Lot 1 has an alternative option to have an absorption/evapotranspiration absorption trench with a septic treatment tank.

4. STATUTORY PLANNING CONTROLS

4.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS 2021

The proposed development will require consent under the provisions of Part 4 of the EP&A Act. A development application would need to address Section 4.15 of the EP&A Act, which has been undertaken as part of this SEE, referring to Section 5 specifically.

The development discussed is **not** considered to be:

- Integrated development pursuant to Section 4.46 of the EP&A Act.
- Designated development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulations 2021 (the Regulations).
- State significant development (SSD) or State significant infrastructure (SSI) pursuant to Section 4.36 of the EP&A Act.
- Regionally significant development pursuant to the State Environmental Planning Policy (SEPP) (Planning Systems) 2021. The development will have a CIV of less than \$30 million and therefore will not trigger regionally significant development.

Therefore, the proposed development is considered to be 'local development' and Council is the relevant consent authority.

4.2. RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

Table 4.2.1 address the relevant SEPPs, in accordance with Section 4.15 (1) of the EP&A Act.

Table 4.2.1: Relevant SEPPs

SEPP	Compliance
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4.6 of this SEPP sets out that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.
Chapter 4 Remediation of Land	
	The site and its surrounds are not listed on the NSW Environment Protection Authority (EPA) contaminated site register. The future proposed use of the lots will be for residential purposes which are consistent with the site history. No historic site contamination has been noted at this stage. No further consideration is required.

4.3. MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

The Mid-Western Regional Council Local Environmental Plan 2012 provides a planning framework to facilitate development in an appropriate manner with due consideration to ecologically sustainable development. Relevant Clauses of LEP 2012 are discussed in Table 4.3.1.

Table 4.3.1: Consistency with LEP 2012

Clause	Consistency
2.1 Land use zones	The site is zoned <i>R1 General Residential</i> pursuant to the provisions of LEP. Residential subdivision is permitted with consent within this zone.
2.3 Zone objectives	Objectives of the R1 zone are as follows: <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community.</i> • <i>To provide for a variety of housing types and densities.</i>

Clause	Consistency
	<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of residents. <p>The proposed subdivision will facilitate the future use of the site for residential purposes. Future residential development will provide for diversity in housing in the area, whilst maintaining the strategic intentions of the zone as a general residential locality. In doing so, the development will provide additional residential options close to existing services and facilities. The proposal is therefore consistent with the objectives of the R1 zone.</p>
4.1 Minimum subdivision lot size	<p>The minimum lot size for the site is 600m².</p> <p>The proposed lot sizes are one lot sized 1.647 ha and four lots sized 6,000m². All of the proposed lots exceed the minimum lot size requirements.</p>
4.3 Height of buildings	<p>A maximum 8.5m height limit is prescribed for the site.</p> <p>No buildings are proposed as a part of this development.</p>
5.10 Heritage conservation	<p>The subject property:</p> <ol style="list-style-type: none"> Is not listed as a heritage item under LEP 2012. Is not located within a heritage conservation area. Is not located within vicinity to any heritage items. <p>It is noted that the Gulgong Heritage Conservation area is located approximately 20 metres west of the site (separated by a road). It is considered that the proposed development is reasonably removed from the item and associated fabric, through physical distance. As such, no further consideration is required.</p>
6.9 Essential Services	<p>Adequate measures have been taken to supply essential services to the proposed lots. Details of which has been provided in the Concept Servicing Plan at Appendix 10 in section 3.1.2 of this SEE.</p>

4.4. MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013

Mid-Western Regional Development Control Plan 2013 provides guidance to development of land under LEP 2012 and is intended to act as an integrated planning document. The purpose of the Mid-Western Regional DCP is to supplement the LEP and provide additional information to take into account when preparing a DA. An assessment of the proposed development against DCP requirements is provided in Table 4.4.1 below.



Table 4.4.1: Mid-Western Regional Development Control Plan 2012

Section and Controls	Compliance
Part 5 Development Standards	
5.1 Carparking	No carparks are proposed for this development. This part of the DCP is therefore not applicable.
5.2 Flooding	The site is not mapped as being within Flood Prone Land. This part of the DCP is therefore not applicable.
5.3 Stormwater Management	Due to the resulting larger lots sizes from this subdivision and the general slope of the land, it is expected that stormwater can be well managed onsite without affecting neighbouring properties.
5.4 Environmental Controls	
Protection of Aboriginal Archaeological Items	The application is not considered to be integrated development under Section 4.46 of the EP&A Act, an Aboriginal Heritage Impact Permit is not required. No Aboriginal sites or places of significance are located within 200m of the site, refer to AHIMS Search (at Appendix 3). No further consideration is required.
Bushfire Management	The site is not mapped as Bushfire Prone Land. This part of the DCP is therefore not applicable.
Riparian and drainage line Environments	The site is not located near any drainage lines, streams, creeks or rivers. No further consideration is required.
Pollution and Waste Management	There are no waste streams associated with this development, there are therefore no environmental impacts to be considered for adjoining properties, stormwater, sewerage or water ways. The application is not considered to be integrated development under Section 4.46 of the EP&A Act.
Threatened Species and Vegetation Management	The proposed development will not involve the removal of vegetation. As no existing vegetation will be affected a flora and fauna assessment is not required.
Building in Saline Environments	No new buildings are associated with this development.
Part 7 Subdivision	
7.1 Urban Subdivision	
Lot Size	Each proposed lot exceeds the minimum lot size of 600m ² pursuant to the LEP 2012. The proposed lot sizes are one lot sized 1.647 ha and four lots sized 6,000m ² . Lots 1, 2, 3 and 4 will have a street frontage to Grimshaw Lane whilst Lot 5 will have frontage to Flirtation Hill Lane which will all meet the minimum road frontage width.
Lot Design	The proposed lots are all rectangular in shape. Proposed Lot 5 facilitates retention of the existing dwelling and associated outbuildings, whilst also maintaining generous setbacks, open space, solar access, privacy and amenity. Proposed Lots 1, 2, 3 and 4 each contain a substantial area of unconstrained land suitable to support future dwellings and associated structures, including OSSM.
Street Design and Layout	The proposed development involves 5 lots which triggers the need for a Traffic Impact Statement, this has been provided at Appendix 2 . The subdivision can be supported from a traffic impact perspective as the local road network has the capacity to cater for any additional traffic demand generated by the development. As a result, the subdivision and future residential purposes on site will not adversely impact on the local road network.
Road Standards for New Development	No new roads are proposed as a part of this development.



Section and Controls	Compliance
Urban Road Standards	No new access roads or internal roads are proposed as a part of this development. This part of the DCP is therefore not applicable.
Open Space	This part of the DCP does not apply as the proposed subdivision does not involve the 20 or more lots of a greenfield site.
Landscaping	This part of the DCP is not applicable for this development.
Utility Services	Services to be provided has been discussed within this SEE in section 3.1.2 and at Appendix 10 . This includes details of the provision of electricity, sewer and water services and telecommunication.



5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1 SECTION 4.15(1) (A) – STATUTORY PLANNING CONSIDERATIONS

In determining the subject DA, Council is required to consider those relevant matters listed in Section 4.15 (1) of the EP&A Act. Each of the relevant matters is addressed below.

Section 4.15 (1) (a) requires the consent authority to take into consideration the provisions of any environmental planning instrument (EPI), draft EPI, DCP, planning agreement that has been entered into under Section 7.4 or the Regulations.

These matters (and others) are addressed in Section 4 of this report, and below.

The proposal is permissible with consent of Council, and is generally consistent with the provisions and objectives of LEP 2012 and DCP 2012.

5.2 SECTION 4.15(1) (B) – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The relevant matters are addressed below:

5.2.1 Impacts on the Natural Environment

Impacts on the natural environment are minimal as there are minimal physical works associated with this development. Furthermore, the site is unconstrained by native vegetation or environmental hazards that would otherwise result in impacts to the natural environment in response to the proposed subdivision.

5.2.2 Impacts on the Built Environment

The proposal involves the residential subdivision of an area which is zoned for such purposes. The subdivision will complement development in the locality and provide opportunities for future additional housing stock in Gulgong. The impacts to the built environment for future residential development will therefore be a positive contribution to the built environment.

5.2.3 Social and Economic Impacts

The development comprises the orderly economic development of the site for purposes for which it is zoned. The development will have positive social and economic impacts for the local area. The development will promote long term investment for the area and allow population growth to occur in a positive way, on land that is eminently suitable for residential development. It is considered that there will be positive benefits for the broader and local community in terms of meeting the ever-increasing need for suitable land for quality housing. In this way, the project will provide suitable land for more housing choice. This in turn will ensure the social diversity of the locality is enhanced.

5.3 SECTION 4.15(1) (C) – THE SUITABILITY OF THE SITE

Suitability of the site for the proposed development is dealt with in Section 2. It is therefore considered that the site is eminently suitable for the development proposed.

5.4 SECTION 4.15(1) (D) – SUBMISSIONS

Any relevant representations will need to be considered by the Council in the determination of the development application.

5.5 SECTION 4.15(1) (E) – PUBLIC INTEREST

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The development is ancillary to a permissible form of development and is therefore considered to be in the public interest.

6. CONCLUSION

The proposed development seeks consent for a 1 into 5 lot Torrens title subdivision on land known as 6 Flirtation Hill Lane, Gulgong (Lot 158 DP755433). The development will have positive benefits for the broader and local community in terms of meeting the ever-increasing need for suitable residential land for quality housing in Gulgong. All relevant services and utilities are available to the site.

The proposal has been formulated having full and proper regard to existing development controls and to the environmental qualities of the site and its surroundings. The proposal comprises a permissible form of development that complies with the provisions of the relevant environmental planning instruments, as well as the provisions of Council's DCP.

The proposal is reasonable and appropriate when considered under the relevant heads of consideration in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, and is worthy of favourable consideration by Council.

APPENDICES

APPENDIX 1

Site Plan prepared by de Witt Consulting

APPENDIX 2

Traffic Impact Statement prepared by Intersect Traffic

APPENDIX 3

AHIMS Search Result

APPENDIX 4

Road Sealing Agreement

APPENDIX 5

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