

Statement of Environmental Effects

for the Proposed Subdivision, 68 Short Street MUDGEE, being Lot 1 DP996763

prepared for

Triaxial Consulting P/L

June 2023



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VERSION AND AMENDMENT CONTROL HISTORY

VERSION	DATE	DESCRIPTION	QA/QC
001	JUNE 2023	DRAFT FOR CLIENT REVIEW	CLIENT
002	JUNE 2023	FINAL	EY



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1 INTRODUCTION

1.1 OVERVIEW

Atlas Environment and Planning has been engaged by Triaxial Consulting to prepare a Statement of Environmental Effects to describe the proposed Torrens title subdivision and assess the potential impacts of the proposal. The proposed development involves a subdivision of one existing lot with the purpose to create 9 x vacant residential lots. Lots are to be created with no variation to the min. lot size 600m² pursuant to clause 4.1 of the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) and with proposed Lot 4 in accordance with clause 4.1D Minimum lot sizes for certain split zones.

This subdivision creating 8 additional residential lots, 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 lot boundaries, existing built infrastructure, and interaction with the neighbouring residential development and environmentally sensitive areas. The land has frontage to Short Street, which is proposed to be extended to a new cul-de-sac end. The existing Lot 1 DP996763 has recently been subject to DA0210/2022 for demolition of existing dwelling and associated infrastructure. The R1 General Residential zoned land is proposed to be developed with access proposed directly from new road frontage.

Supporting Documents:

- Appendix A AHIMS Search Results
- Appendix B Biodiversity Values Map and Threshold Report
- Plans of the Proposal separate files.



2 BACKGROUND

2.1 SITE IDENTIFICATION

The site is located approximately 950m from the Mudgee Post Office (10 min walk) and is well accessed via Short Street. The location of the subject land is shown below in **Figure 1**.

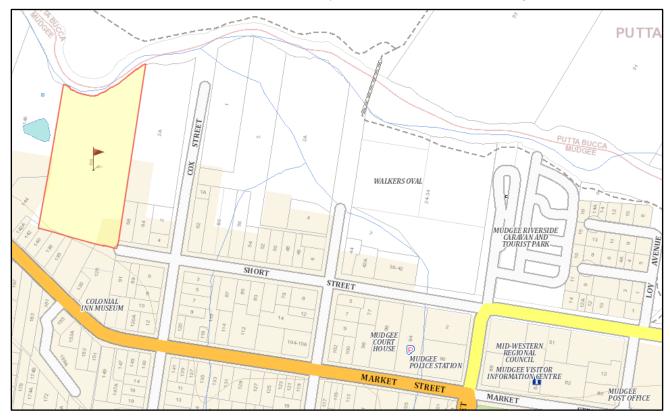


Figure 1: Site Location – 68 Short Street, MUDGEE

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

Owners: Mr N Lynch.

Property Description: The subject land includes approximately 2.4578ha. The lot is irregular in shape with frontage to Short Street – approx. 13.18m.

Site address: 68 Short Street, MUDGEE.

Land description: Lot 1 in DP996763.



3 EXISTING SITE CONDITIONS

The area is characterised by the Cudgegong River forming the northern boundary and typical general residential lots to the south fronting Market Street. The land is limited by the potential for flooding and split zoning reflects the objectives for protection of the riparian corridor. The site represents a significant proportion of the vacant residential land in the central Mudgee locale. The land previously supported a single dwelling, which has since been demolished (DA0210/2022).



Figure 2: Aerial – 68 Short St, MUDGEE

Source: (Google Earth Dec 2021 imagery).

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 split zoned R1 General Residential (min lot size 600m2) and C3 Environmental Management (min lot size 400ha) pursuant to the Mid-Western Regional Local Environmental Plan 2012.
- The land has frontage to the Cudgegong River and is considered flood prone land.
- The development land is not subject to any known restrictive easements or covenants.
- The development site does not have any excessive slopes. The land does not have any rocky outcrops.
- The site is not mapped Bushfire Prone Land.
- The site is partly mapped as Terrestrial Biodiversity sensitive land (riparian corridor). The site is not in vicinity to any other known environmentally sensitive areas.



Potential for land use conflict is minimal with other similar residential development surrounding
the site. The Museum land (rear boundary) adjoins the subject site, with no conflict noted that
would hinder the proposal, and will provide the Museum with additional road frontage (to the
extension of Short Street).

Photos of current site conditions are provided below.



Plate 1: View to east from end of Short St at frontage to subject land



Plate 2: Electricity support pole (noted on plan of subdivision) at front boundary of Lot 3 DP529342 adjoining subject land.



Plate 3: Previous dwelling and shed subject to DA 0210/2022 Demolition (photo 10 Sept 2022)



4 THE PROPOSAL

4.1 DESCRIPTION OF THE DEVELOPMENT

The proposed development is a Torrens title subdivision. The subdivision can occur with development consent in accordance with the provisions of the Mid-Western Regional Local Environmental Plan 2012 (MWR LEP 2012).

The proposed subdivision includes the creation of eight (8) new lots with road frontage to a proposed extension of Short Street. All lots have suitable dimensions to accommodate a new residence. A new regular/rectangular shaped lot is proposed where possible. One proposed lot has been nominated as potential for dual occupancy and servicing reflects this opportunity.

4.1.1 Services

The new lots are able to be serviced to Council standards. In this regard proposed servicing plans have been prepared by Triaxial Consulting Pty Ltd and included with the development application. The new lots will be able to connect to reticulated town water and sewer services. Details of proposed servicing are provided on the civil plans prepared by Triaxial Consulting. Extension of existing sewer and water mains are proposed as shown in the civil plans.

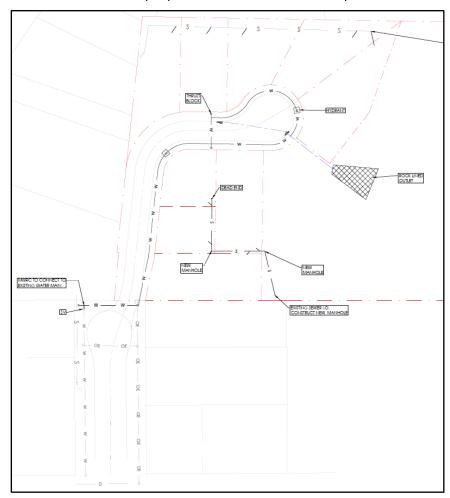


Figure 3: Excerpt Servicing Plan prepared by Triaxial Consulting Pty Ltd (refer to complete plan set for notes and legend)



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 biodiversity offset scheme is not triggered. (Refer to **Appendix B – BOSET Report**, which formed part of site analysis).

Proposed Lot 4 (1.736ha) includes northern boundary formed by the Cudgegong River representing no change to the existing lot boundary or clearing to result from the proposed subdivision new boundaries or servicing to support the development. The riparian vegetation is identified as below:



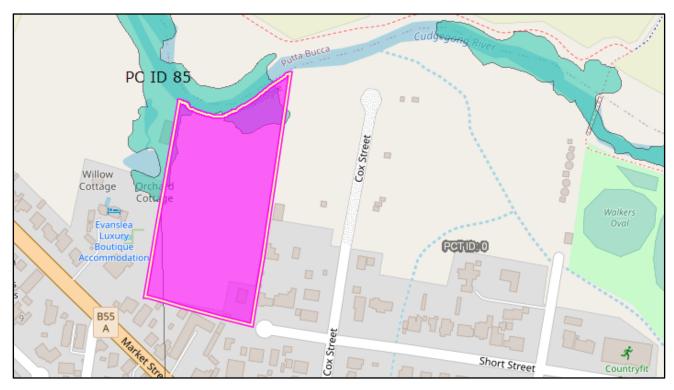


Figure 4: Plant Community Type mapped in vicinity of 68 Short Street Mudgee

River Oak forest and woodland wetland of the NSW South Western Slopes and South Eastern Highlands Bioregion

Vegetation Formation: Forested Wetlands Vegetation Class: Eastern Riverine Forests

PCT Name: River Oak forest and woodland wetland of the NSW South Western Slopes and South Eastern

Highlands Bioregion

PCTID: 85

(Source: SEED resource NSW Government)

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 not 'integrated' as referred in the Act.

It is noted that the land falls outside of mapped bush fire prone land, and no works are proposed within 40m of the River's top bank.



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 and hence a development application is required.

6.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) requires planning authorities to consider potential for contamination at a site prior to planning decisions being made. Clause 4.6 requires Council as the consent authority to consider prior to determination of a development application, whether the site is contaminated and suitable for the proposal (see excerpt of clause below). No detail of history has been indicated on maps that would suggest previous incompatible land use. The land has been approved for a dwelling (occupied) and is zoned for the purpose of residential use. Based on this, the subdivision should not be hindered for reasons of potential for site contamination.

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—
- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, 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, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.......

6.1.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

As the subject land is considered applicable to provisions of this SEPP, being R1 General Residential zoned land (non-rural land).

Clause 2.6 Clearing that requires permit or approval

- (1) A person must not clear vegetation in a non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.
- (2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.
- (3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.
- (4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.



- (5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.
- (6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.

No native vegetation is proposed to be cleared to facilitate the subdivision. There is no 'biodiversity certified land associated with the site. No vegetation is noted within the Mid-Western Regional DCP as requiring a permit to clear.

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 R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

<u>COMMENT</u> – Torrens title subdivision will facilitate servicing and use of vacant land zoned for residential occupation. Future approvals will ensure consistency with the zone objectives and dwelling design.

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.

<u>COMMENT</u> – This SEE supports a development application for subdivision. The proposed new lots are vacant land suitable for future housing.

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.

<u>COMMENT</u> – The subject land falls with the Area labelled 'M' of the Lot Size Map Sheet LSZ_006C. Lots meet the minimum lot size of 600m² and AF -400ha in the mapped land corresponding with E3 zoning. Refer to the servicing plans prepared by Triaxial Consulting Pty Ltd.

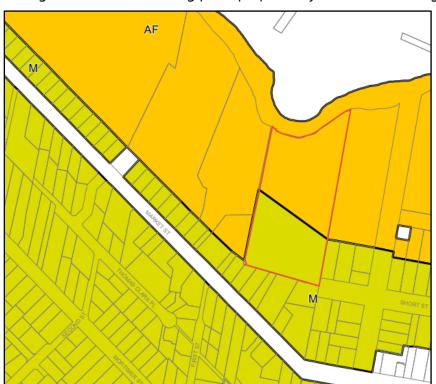


Figure 5 – Excerpt Lot Size Map – Sheet LSZ_006C



4.1D Minimum lot sizes for certain split zones

- (1) The objectives of this clause are as follows—
 - (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,
 - (b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.
- (2) This clause applies to each lot (an original lot) that contains—
 - (a) land in Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential, and
 - (b) land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone C3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if—
 - (a) one of the resulting lots will contain—
 - (i) land in Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (ii) all of the land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone C3 Environmental Management that was in the original lot, and
 - (b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) A dwelling cannot be located on the part of a resulting lot referred to in subclause (3) (a) (ii).

<u>COMMENT</u> – The proposed subdivision relies on this clause due to the split minimum lot size. The original lot contains land in the R1 General Residential zone and land in the C3 Environmental Management zone.

One proposed resulting lot (proposed lot 4) will contain all of the land zoned C3. All resulting lots will contain R1 zoned that is above the minimum applicable (600m2). No future dwellings would be constructed in the part of the Lot 4 zoned C3. Council can require a covenant to ensure this restriction is identified on future title.

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 to address flooding risk.

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 this development site. However, it is expected this subdivision will have negligible change to potential impact to groundwater. Future dwellings that may be developed due to the subdivision will be



connected to the town sewer service. Chemical use and effluent disposal is 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.

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 is applicable to the development with riparian zone mapped in the C3 zoned part of the lot.

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). Refer to proposed servicing plans prepared by Triaxial Consulting Pty Ltd. Post consent stages will trigger the design for electricity and telecommunication design processes, however available in Short Street.

Clause 6.10 Visually sensitive land near Mudgee – N/A - This clause applies to land shown as "Visually Sensitive Land" on the Visually Sensitive Land Map.



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 R1 General 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		
Lot Size	The minimum lot size determined by the LEP mapping is 600m ² (and 400ha).		
(Complies)	a) All lots have street frontage.		
	b) Slope 0-10°		
	c) No slope in excess 20°		
	All lots have widths of min 16m at the building line (with lots 6 and 4		
	provided least road frontage due to frontage to the cul-de-sac head).		
	No battle-axe lots proposed.		
Lot Design	a) With the site of the existing Short Street frontage available, the size		
(Complies)	and dimension of the lots has achieved a layout that will maximise		
	the development potential whilst minimising impact on the existing		
	neighbouring development, also optimising solar access for future		
	lots, as well as achieve a good lot yield with variety of lot features.		
	b) The proposed lots are orientated to the new road frontage and is of		
	a size and width to allow good design for solar access.		
	c) The resulting lots are irregular due to site constraints but have		
	generally been proposed in a rectangular configuration.		
	d) N/A. (One new lot has been identified as having potential for dual		
Ctroot Dosign and	occupancy, proposed Lot 2).		
Street Design and Layout	a) A Traffic Impact Statement is provided as prepared by Triaxial Consulting Pty Ltd.		
(Complies)	b) No new road is proposed in the subdivision – road extension is		
(complics)	proposed.		
	c) N/A –one extension to existing cul-de-sac proposed.		
	d) 9 new lots are proposed on the cul-de-sac extension.		
	e) N/A.		
Road Standards for	Road type – Minor Road cul-de-sac serves less than or equal to 10 dwellings has		
New Development	bene applied. The road reserve is designed to meet the development standard of		
(Variation sought	a 16m wide road reserve for the most part. At the extension of existing Short Street		
for road reserve	road reserve the available land is restricted and a with of 13.18m is achieved. There		
width)	is no reduction to the width of road carriageway.		
	Triaxial Consulting have carried out pre-lodgement discussion with Council's		
	engineers in regard to this matter.		
Cycleways and	a) The site is not identified as part of a cycleway route or able to		
Footpaths (Complies)	directly access parks outside the development land.		
(Complies)	b) N/A – no specific pedestrian pathways are proposed at this		
	subdivision site. Connectivity to land to the west is not proposed		
	to minimize the impact in the C3 zone. c) Noted.		
	c) Noted.		



DCP Provisions	Comments	
Open Space (Complies)	 a) 8 additional lots are proposed. The provision of a new park is not warranted within the proposed subdivision. b) No new basin is proposed in this development. Refer to civil plans for stormwater management measures. 	
Landscaping (Complies)	No specific landscaping or additional street trees are proposed at this location outside that required under the DCP. Any works in the road reserve to addressed in the Subdivision Works Certificate and s138 processes.	
Utility Services (Complies)	Servicing details are show on the proposed plans prepared by Triaxial Consulting Pty Ltd. Existing electricity infrastructure is noted on the plan. Referral to Essential Energy pursuant to SEPP (Transport and Infrastructure) is envisaged.	
Drainage (Complies)	Section 5.3 of the DCP have been referenced. No specific onsite detention is proposed for this minor subdivision.	



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

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

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; however protection of important riparian environments and vegetation is an important consideration at this site.

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.
- 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.
- 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 locally 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 environment that has been disturbed for residential curtilage. The likely hood of undisturbed indigenous heritage to occur is higher near the River.

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 03 June 2023 with a buffer of 1000m and returned 5 Aboriginal sites within or near the location and no declaration of aboriginal place within the site or buffer area. The search was refined to a buffer of 200m – this returned 0 Aboriginal site within or near the location. In accordance with the Due Diligence guidelines, you must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.

(Refer to Appendix A - AHIMS search results).

• **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?

The riparian environment and vicinity to the Cudgegong River may increase the likelihood of unknown artefacts. Caution during clearing works should be undertaken.

• **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. Standard mitigation measures are proposed for controlling DA impacts, such as stop work and investigate if any suspected material is uncovered.

7.4 VISUAL AMENITY

The proposed subdivision will lead to insignificant changes to the visual amenity of the area with the built aspects of the subdivision will be to the rear of existing development lots along main entry route to Mudgee CBD (Market St). The change in setting is expected with the general take up of residential land in the available infill areas as pressure for Mudgee residential land is experienced.

Future works in the road reserve are required to accommodate the kerb and proposed new lots and new service connections. Minor visual impacts to Short Street is expected.

7.5 CUMULATIVE ISSUES

No significant potential cumulative issues have been identified because of the proposed subdivision. Traffic assessment and related servicing considerations have not raised any hindering issues.

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 providing only eight (8) new vacant residential lots. 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. Surrounding land is either developed for residential use or zoned for similar residential development.



The subject land is mapped and identified as 'Groundwater Vulnerable' in the Mid-Western Regional Local Environmental Plan 2012.

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 no particular hindrance for subdivision. The proposed lots can comply with requirements and incorporate adequate area for a future dwelling and ancillary structures such as shedding and rainwater tanks. The lot sizes proposed vary within the development, with the largest proposed lot containing the existing dwelling.

COMPATIBILITY WITH ADJOINING DEVELOPMENT - The proposed subdivision is in line with the surrounding land uses which are primarily residential in nature. The C3 land (flood prone mapped area) is avoided and contained in one proposed lot.

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 the EP&A 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 subdivisions in Mudgee.

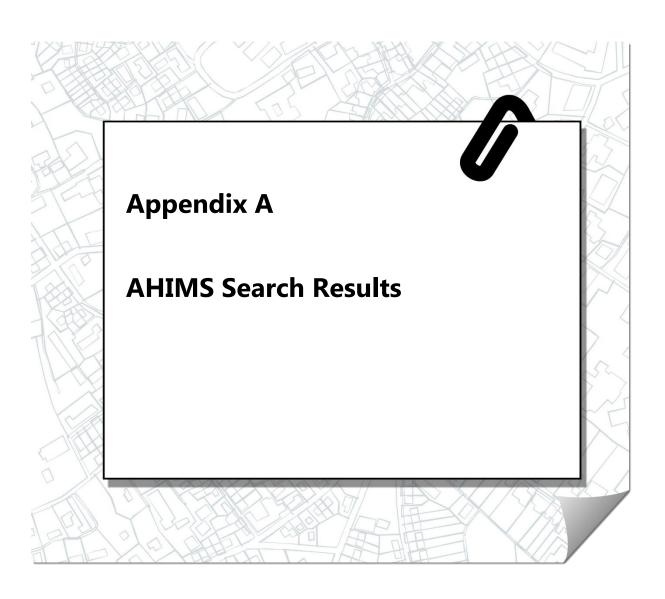


8 CONCLUSION

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 as traffic (extension of Short Street, new driveway locations), drainage (vicinity to major watercourse), and reticulated services design. All the potential impacts identified likely to result from the project can be mitigated by the implementation of appropriate subdivision design and compliance with the DCP. One variation to the development control standards has been identified. The reduction in road reserve width is unavoidable in this instance, with no reduction in the carriageway. Overall, the development will meet the development standards expected for the location.

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 civil subdivision plans and servicing details prepared by Triaxial Consulting Pty Ltd.



Your Ref/PO Number : A189 Short St 1km

Client Service ID : 788086

Date: 03 June 2023

Atlas Environment & Planning

46 Market Street

Mudgee New South Wales 2850

Attention: Emma Yule

Email: yule.atlas@gmail.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 1, DP:DP996763, Section: - with a Buffer of 1000 meters, conducted by Emma Yule on 03 June 2023.

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:

- 5 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) 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 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.

3 Marist Place, Parramatta NSW 2150 Locked Bag 5020 Parramatta NSW 2220 Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271 Email: ahims@environment.nsw.gov.au Web: www.environment.nsw.gov.au

Your Ref/PO Number : A189 Short St (100m)

Client Service ID : 788087

Date: 03 June 2023

Atlas Environment & Planning

46 Market Street

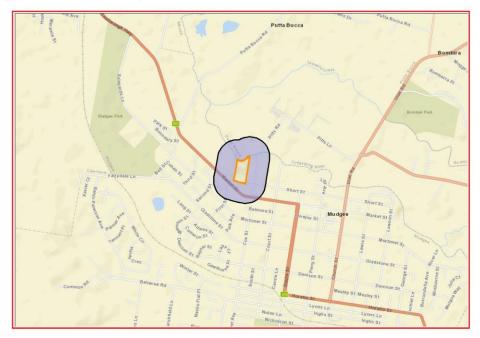
Mudgee New South Wales 2850

Attention: Emma Yule Email: yule.atlas@gmail.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 1, DP:DP996763, Section: - with a Buffer of 200 meters, conducted by Emma Yule on 03 June 2023.

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:

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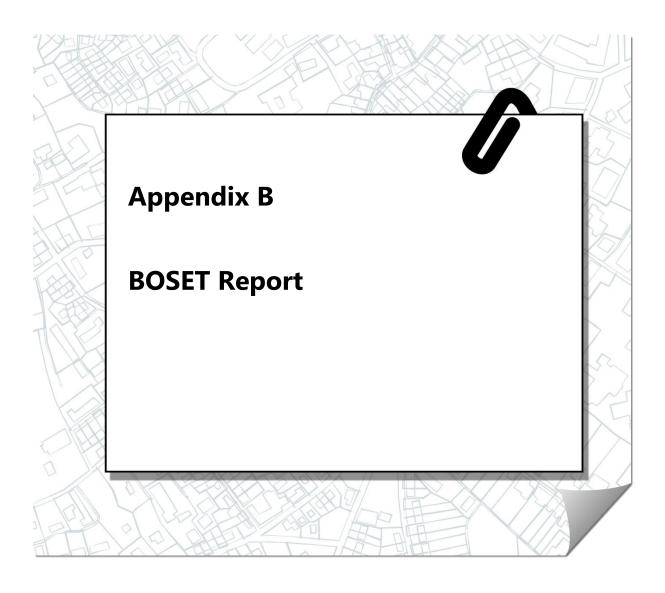
Level 6, 10 Valentine Ave, Parramatta 2150 Locked Bag 5020 Parramatta NSW 2124 Tel: (02) 9585 6345

Email: ahims@environment.nsw.gov.au

Web: www.heritage.nsw.gov.au

ABN 34 945 244 274

A189 Lynch Proposed Subdivision Appendix A





Department of Planning and Environment

Biodiversity Values Map and Threshold Report

This report is generated using the Biodiversity Values Map and Threshold (BMAT) tool. The BMAT tool is used by proponents to supply evidence to a consent authority to determine whether or not a Biodiversity Development Assessment Report (BDAR) is required under <a href="https://doi.org/10.1007/jhap-10.1

The report provides results for the proposed development footprint area identified by the user and displayed within the blue boundary on the map.

There are two pathways for determining whether or not a BDAR is required for the proposed development:

- 1. Is there Biodiversity Values Mapping?
- 2. Is the 'clearing of native vegetation area threshold' exceeded?

Biodiversity Values Map and Threshold Report

Date	of Report Generation	21/05/2023 3:59 PM	
Biodi	versity Values (BV) Map Threshold - Results Summary		
1	Does the development Footprint intersect with BV mapping?	no	
2	Was ALL of the BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no	
3	Date of expiry of dark purple 90 day mapping*	N/A	
4	Is the Biodiversity Values Map threshold exceeded?	no	
Area Clearing Threshold - Results Summary			
5	Size of the development or clearing footprint	12,427.1 sqm	
6	Native Vegetation Area Clearing Estimate (NVACE)	1,063.4 sqm	
7	Method for determining Minimum Lot Size	LEP	
8	Minimum Lot Size (10,000sqm = 1ha)	600 sqm	
9	Area Clearing Threshold (10,000sqm = 1ha)	2,500 sqm	
10	Is the Area Clearing Threshold exceeded?	no	
thresi Excee	Is the proposed development assessed above the Biodiversity Offsets Schema (BOS) threshold? Exceeding the BOS threshold will require completion of a Biodiversity Development Assessment Report (BDAR). More details provided on page 2.		

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Department of Planning and Environment

What do I do with this report?

- If the result above indicates a BDAR is required, a Biodiversity Development Assessment Report may be required with your development application. Go to https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor to access a list of accredited assessors. An accredited assessor can apply the Biodiversity Assessment Method and prepare a BDAR.
- If the result above indicates a BDAR is not required, you have not exceeded the BOS threshold. This report can be provided to Council to support your development application. You may still require a permit from your 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 Section 7.3 of the Biodiversity Conservation Act 2016. You may also be required to review the area where no vegetation mapping is available.
- If all Biodiversity Values mapping within your development footprint are less than 90 days old, i.e. mapping
 is displayed as dark purple on the map, a BDAR may not be required if your Development Application is
 submitted within that 90 day period. *Any BV mapping less than 90 days old on this report will expire on the
 date provided in Line item 3 above.

For more detailed advice about actions required, refer to the Interpreting the evaluation report section of the Biodiversity Values Map Threshold Tool User Guide.

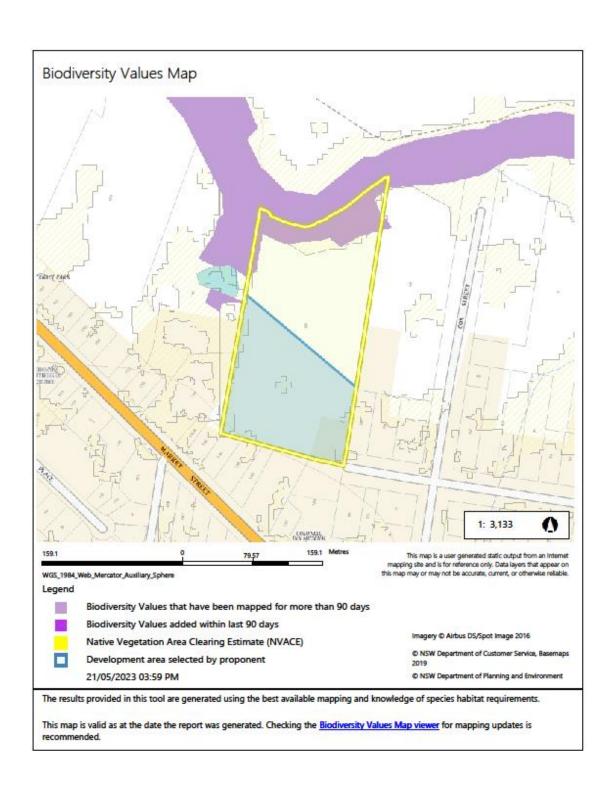
Review Options:

- If you believe the Biodiversity Values mapping is incorrect please refer to our <u>BV Map Review webpage</u> for further information.
- If you disagree with the NVACE result for Line Item 6 above (i.e. area of Native Vegetation within the Development footprint proposed to be cleared) you can undertake a self-assessment. For more information about this refer to the Guide for reviewing BMAT Tool area clearing threshold results.

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:
(Typing your name in the signature field will be considered as your signature for the purposes of this form)	21/05/2023 03:59 PM
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