

STATEMENT OF ENVIRONMENTAL EFFECTS

1 INTO 6 LOT SUBDIVISION

24 FLIRTATION HILL LANE, GULGONG NSW 2852 (LOT 2 DP1195242)



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DATE: 19 MARCH 2024

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1. INTRODUCTION

1.1. PURPOSE

This Statement of Environmental Effects (SEE) has been prepared on behalf of Victoria Tapp (the applicant) to accompany a development application (DA) for a 1 into 6 lot Torrens Title subdivision on land known as 24 Flirtation Hill Lane, Gulgong NSW 2852 (Lot 2 DP1195242) (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 the *Environmental Planning and Assessment Act 1979* (EP&A Act). Mid-Western Regional 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 proposed development;
- Describe the land to which the DA relates and the character of the surrounding area;
- Assess any environmental impacts and provide mitigation measures where relevant; and
- Define the statutory planning framework within which the DA is to be assessed and determined.

1.5. PERMISSIBILITY

Pursuant to the Mid-Western Regional Local Environmental Plan 2012 (LEP 2012), subdivision is permitted with consent within the R1 General Residential zone. The proposal has been formulated having regard to the provisions of LEP 2012 and the Mid-Western Regional Development Control Plan 2013 (DCP 2013).

1.6. PRE-LODGEMENT ADVICE

It should be noted that de Witt Consulting and the Mid-Western Regional Council Duty Planner Ilija Susnja held an informal meeting on 10 October 2023, which noted Council's general support for the proposed subdivision of the land, subject to submission of necessary information. Further, de Witt Consulting consulted with Council engineer Ray Kearns to discuss potential engineering issues relating to the proposed subdivision, which are outlined below.

Matter	Comment	Addressed by DA
Road upgrades	Council has suggested that Zimmer Street will need to be upgraded in a similar way to Grimshaw Lane between Zimmer and Flirtation Hill Lane. For	Subject to separate agreement between landowners and Council.

Matter	Comment	Addressed by DA
	rural residential lots and no need for kerb and gutter	
Drainage	It was suggested that a similar approach be used to DA0075/2023, Council agrees.	Referring to the Notice of Determination for DA0075/2023, Council provided under Conditions 5-8 a requirement for the design and construction of a stormwater management system prior to the issue of a Subdivision Works Certificate. On this basis, we suggest that stormwater drainage management be addressed as a condition of consent.
Water servicing	Extension of the water main from the west (works under DA0075/2023) across the full frontage of the lot. Council agrees in principle, but Council's sewer and water team may require the main to be looped.	Extension of watermain from the west is shown on Concept Services Plan at Appendix 4 .
On-site sewer	We have proposed on-site sewer, Council agrees with this approach, suggesting that it is ensured that double the transpiration areas is allowed for. Council engineer suggests this could be dealt with as a condition of consent.	On-site sewage management is shown as a note on the Concept Services Plan at Appendix 4 . Additionally, the On-Site Effluent Management Studies are provided at Appendix 6-11 .

2. SITE AND SURROUNDING AREA

2.1. SITE SUMMARY

Address	24 Flirtation Hill Lane, Gulgong NSW 2852
Lot and DP	Lot 2 DP1195242
Zone	R1 General Residential
Land Area	1.838ha
Existing Structures	Shed and 2 'tiny homes'

2.2. SITE AND SURROUNDING AREA

The site is an irregular shaped lot and displays a frontage of 34.5m to Flirtation Hill Lane on the north, and 62.82m to Zimmer Lane to the south, per a Detail Survey undertaken at **Appendix 3**. The site has a total area of 1.838ha.

The site currently accommodates a shed in the northern half of the lot, close to the property boundary with 14 Flirtation Hill Lane, and two 'tiny homes' closer to the centre of the lot. *Figure 1* shows that the subject site does not contain significant levels of vegetation, with most of the site being cleared, and remaining vegetation being sited on the northern third of the lot.

The site is located on the residential fringes of Gulgong. The immediate nature of surrounding development consists of large undeveloped lots to the north and south of the site, with residential dwellings to the east and west of the site. The site is well situated to residential development with proximity to schools and recreational areas. Gulgong Public School is 1.4km to 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.



Figure 1: Aerial view of site (source: Aerometrex MetroMaps)

More generally, the subject site is zoned R1 General Residential, as is land to the west, north and south, shown by *Figure 2*. Land to the east is zoned R5 Large Lot Residential, and to the north-east is land zoned RE1 Public Recreation. As shown by *Figure 3*, the subject site has a minimum lot size of 600m², as does land to the west, north and south. Land to the east has

minimum lot sizes of 12ha. *Figure 4* shows that the site has a maximum building height of 8.5m, as does land to the west, north and south.

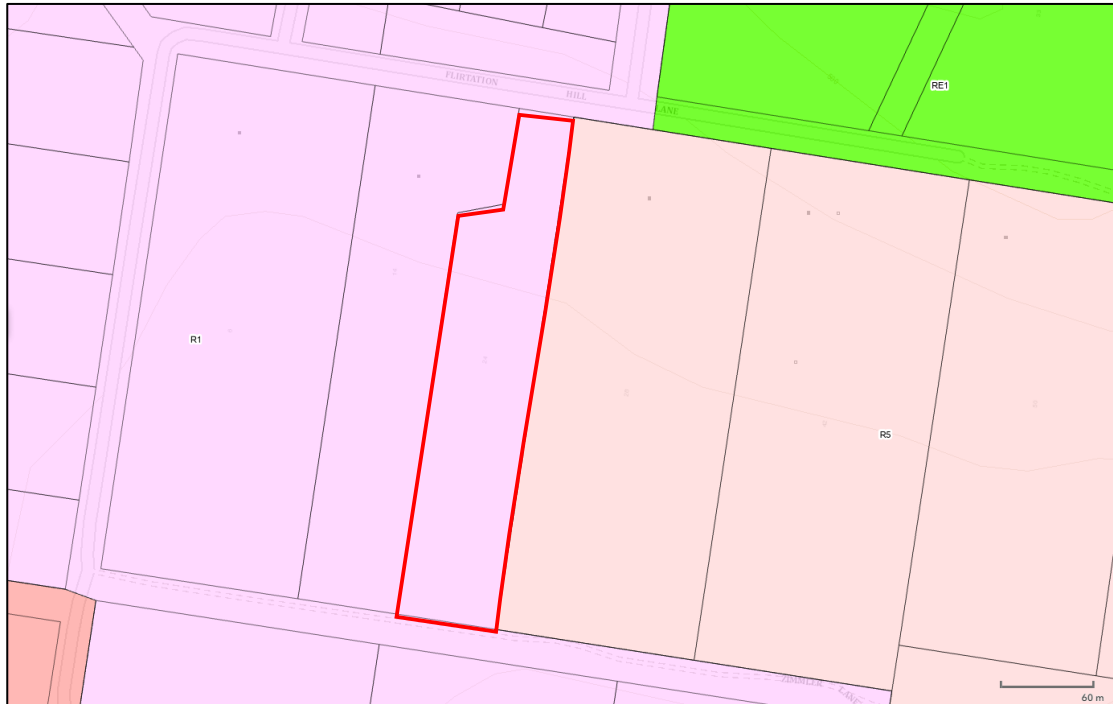


Figure 2: Land use zone map (source: NSW Planning Portal Spatial Viewer)

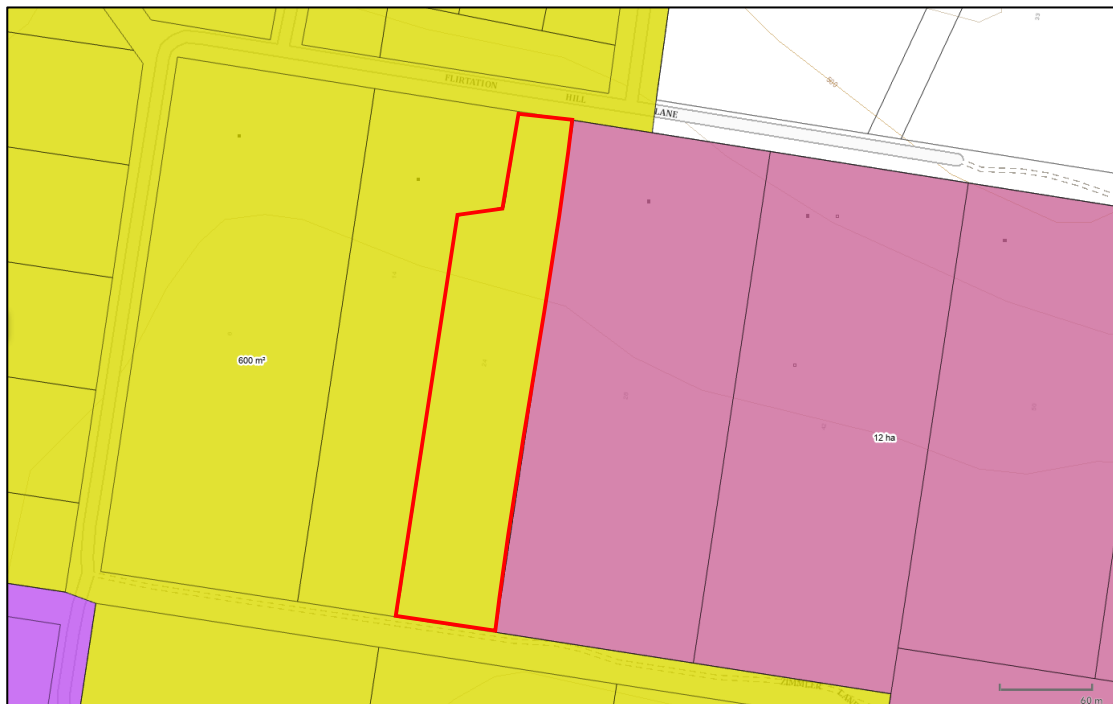


Figure 3: Lot size map (source: NSW Planning Portal Spatial Viewer)

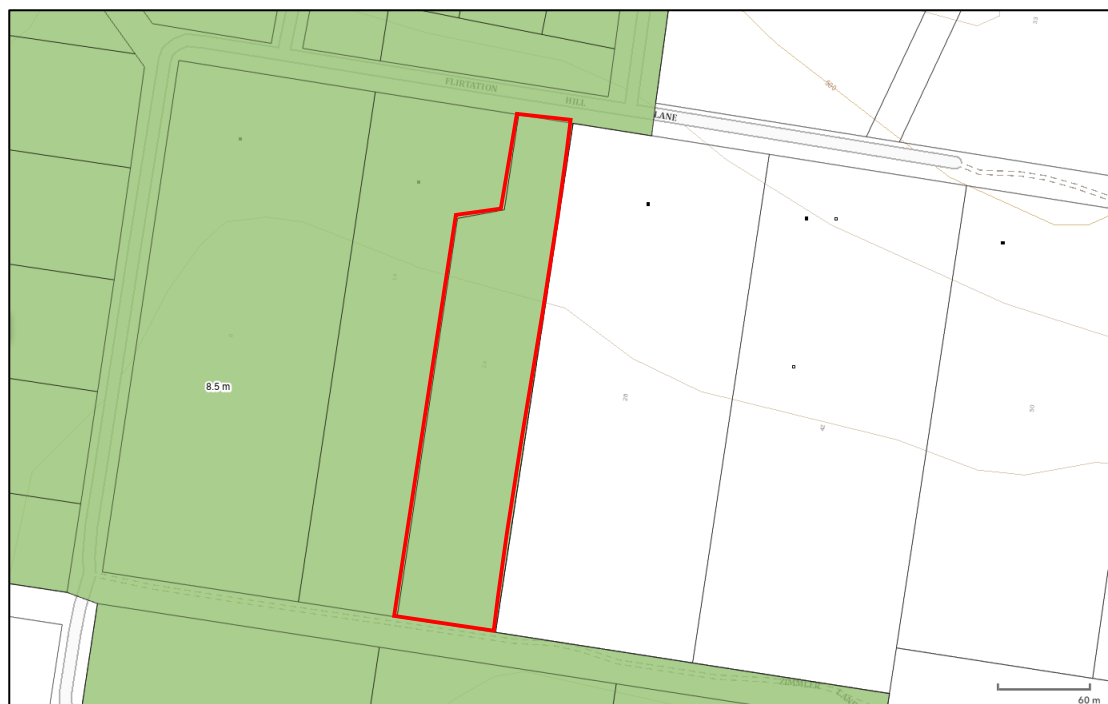


Figure 4: Height of buildings map (source: NSW Planning Portal Spatial Viewer)

2.3. KEY FEATURES

2.3.1. Vegetation

As shown by the aerial imagery at *Figure 1*, the site is largely cleared of vegetation, owing to the rural residential use of the land, in a similar vein to surrounding lots. The aerial image shows minor amounts of tree coverage on the northern half of the lot, with the densest coverage on the north-eastern side of the lot. The subject site is not mapped on the Biodiversity Values (BV) map, nor is it mapped on the Terrestrial Biodiversity map, pursuant to LEP 2012.

2.3.2. Heritage

The site does not contain any items, nor is it adjacent to any items, of local, State or Aboriginal heritage significance pursuant to LEP 2012. The subject site is located outside of the Gulgong Heritage Conservation Area (HCA).

An Aboriginal Heritage Information Management System (AHIMS) search was conducted on 12/09/2023 and found no Aboriginal sites or places within 200m of the site (**Appendix 1**). The site is not mapped as sensitive Aboriginal landscape. The site is in the Mudgee Local Aboriginal Land Council (LALC) area.

2.3.3. Bushfire

The site is not mapped as bushfire prone, per NSW Rural Fire Service mapping.

2.3.4. Soils and Geotechnical

The subject site is not identified as any class of land for acid sulfate soils, or groundwater vulnerability pursuant to LEP 2012. Additionally, the subject site is not located in a proclaimed mine subsidence district, per Subsidence Advisory NSW mapping.

A review of the eSPADE database shows that the site is in the Gulgong soil landscape. The topography of this landscape is identified as “*Undulating low hills with elevations between 460 - 560 m above sea level. Slopes are gently inclined (5 - 15%) with slopes 600 - 1 200 m long.*”

Local relief varies between 40 - 60 m. Drainage lines are 400 - 800 m apart.” The soil in this landscape is identified as having low salinity, improving its urban and rural capabilities.

2.3.5. Flooding

The site is not located within the Flood Planning Area, pursuant to LEP 2012. Additionally, the site was not featured in the *Mudgee Flood Study* of 2021.

2.3.6. Traffic and Access

As shown on the aerial image at *Figure 1*, the site has a dual frontage, with the primary frontage being off Flirtation Hill Lane and the secondary frontage being off Zimmer Lane. On this basis, primary vehicular and pedestrian access onto the site is currently via Flirtation Hill Lane. As shown on the aerial image, Flirtation Hill Lane is a sealed road with bitumen, whilst Zimmer Lane is currently a dirt road, owing to the minimal amounts of traffic that it currently carries.

2.3.7. Existing Services

The existing servicing situation is outlined below.

- Electricity – services are located within Flirtation Hill Lane and Zimmer Lane frontages.
- Communications – services are located within Flirtation Hill Lane. NBN is fixed wireless.
- Water – services are located within Flirtation Hill Lane and soon to be constructed as part of works for approved subdivision at No.6 Flirtation Hill Lane (ME0026/2023).
- Sewer – existing on-site sewer. No reticulated sewer within proximity.
- Stormwater – no known infrastructure on site.
- Access – main off Flirtation Hill Lane with secondary off Zimmer Lane. Flirtation Hill Lane is paved, while Zimmer Lane is a gravel road.

2.3.8. Site Photos

The following site photos were obtained by de Witt Consulting during a site visit on 06/02/2024.



Image 1: View of Zimmer Lane to the west



Image 2: View of site from the south



Image 3: View of Flirtation Hill Lane to the east



Image 4: View of Zimmer Lane to the west

3. THE PROPOSAL

3.1. SUMMARY OF PROPOSED DEVELOPMENT

The development application (DA) seeks consent for a 1 into 6 lot Torrens title subdivision. *Figure 5* overleaf and the Plan of Proposed Subdivision at **Appendix 2** shows the proposed lot sizes and what the proposed lot layout is intended to be.

The proposed subdivision design ensures the most efficient use of the subject lot, whilst retaining highly developable lots with good access. A mixture of three battle-axe and three standard lots have been chosen, each with substantial sizes and frontages. The battle-axe frontages are as large or larger than the minimum requirements set out in DCP 2013, enabling the safe movement of people and vehicles down each accessway.

It should be noted that proposed Lot 1 has an existing dwelling house, with an ancillary shed structure adjacent to the border of the site. These structures were subject to DA0168/2019. These structures are not proposed to change in this DA, and their uses continue to be permissible despite the proposed subdivision.

Table 1: Proposed lots

Proposed Lot	Area	Frontage	Lot Type
Lot 1	5,369m ²	22.5m	Standard
Lot 2	4,427m ²	12m	Battle-axe
Lot 3	2,292m ²	4m	Battle-axe
Lot 4	2,000m ²	27.41m	Standard
Lot 5	2,000m ²	27.41m	Standard
Lot 6	2,292m ²	4m	Battle-axe

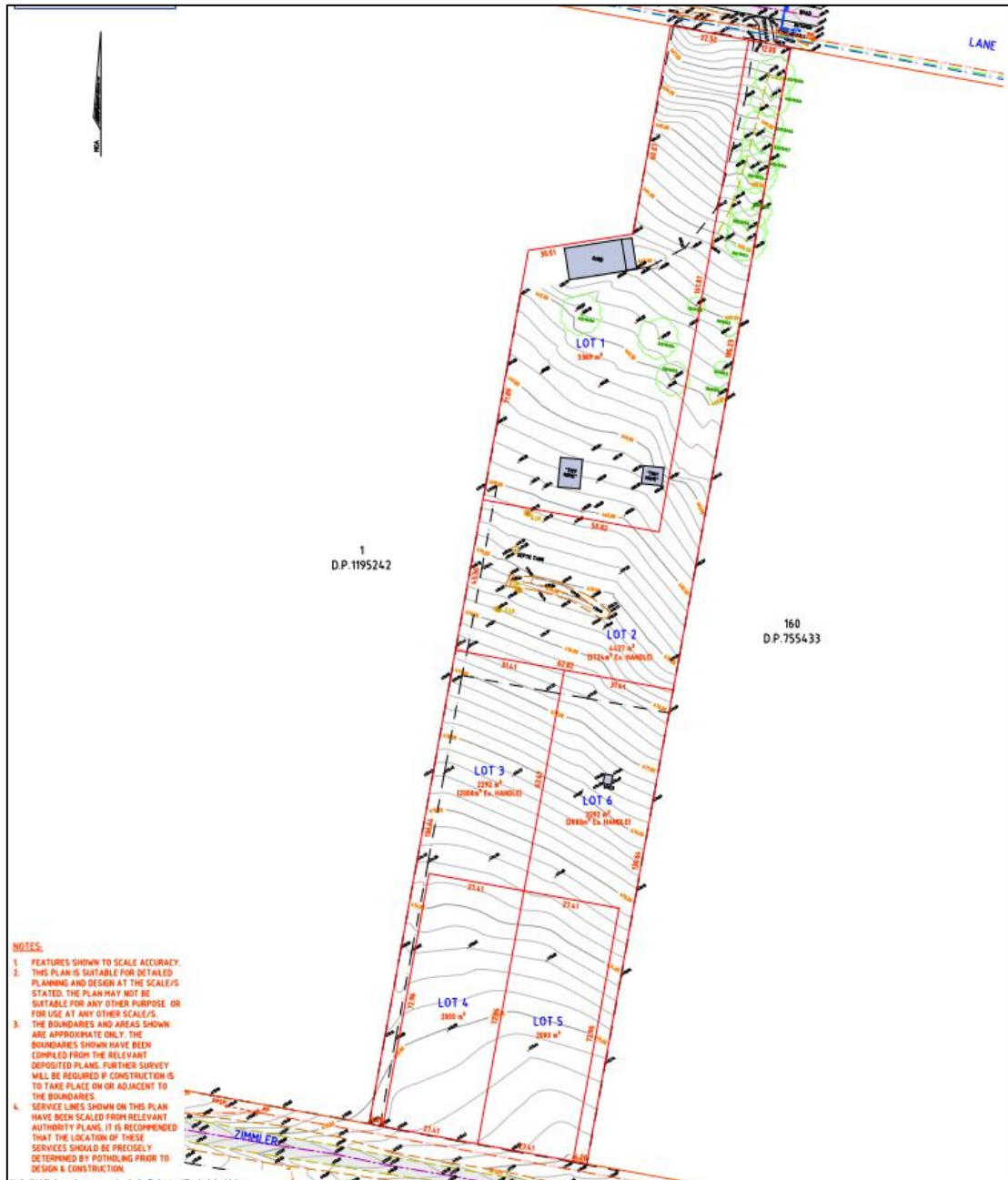


Figure 5: Proposed subdivision plan (source: de Witt Consulting)

3.1.1. Traffic, Parking and Access

Since the proposed subdivision proposes more than 5 lots, a Traffic Impact Assessment was prepared for the proposed development. This is provided at **Appendix 5**. It found that 4 additional vehicles per hour would be generated by the proposed subdivision, and most traffic would use Anderson Street to access areas to the north, such as the main township of Gulgong. The report gave recommendations on the improvement of traffic management in the area, including sweeping the loose gravel away from the sealed Anderson Street / Flirtation Hill Lane junction, and provide a 'give way' control at the Grimshaw Lane / Welcome Reef Lane junction.

Proposed Lots 1 and 2 will derive pedestrian and vehicular access off Flirtation Hill Lane, while proposed Lots 3-6 will have pedestrian and vehicular access off Zimmer lane.

Part of Zimmer Lane is proposed to be constructed to a similar standard as Grimshaw Lane, subject to a separate agreement between Council and the land owner.

3.1.2. Services

A Concept Servicing Plan has been provided at **Appendix 4** to ensure each proposed lot is serviced appropriately. An outline of how each lot is to be serviced is provided below.

3.1.2.1. Lot 1

- Electricity – Available from Flirtation Hill Lane, may need augmentation to ensure no encroachments on proposed Lot 2. Requirements subject to application to Essential Energy.
- Communications – Available from Flirtation Hill Lane and NBN fixed wireless area.
- Water – Available from Flirtation Hill Lane, may need augmentation to ensure no encroachments on proposed Lot 2.
- Sewer – Removed from current location and relocated within the current boundaries.
- Stormwater Drainage – Proposed easement for drainage, as shown on the Concept Services Plan at **Appendix 4**.
- Access – Current access to be used for proposed Lot 2. New rural type driveway crossover proposed within frontage.

3.1.2.2. Lot 2

- Electricity – Available from Flirtation Hill Lane. OHP available with requirements subject to application to Essential Energy.
- Communications – NBN fixed wireless area.
- Water – Available from Flirtation Hill Lane.
- Sewer – OSSM is proposed. Minimum application and reserve area required is 900m².
- Stormwater Drainage – Proposed easement for drainage, as shown on the Concept Services Plan at **Appendix 4**.
- Access – Current access to be used for proposed Lot 2.

3.1.2.3. Lot 3

- Electricity – Available from Zimmer Lane. OHP available with requirements subject to application to Essential Energy.
- Communications – NBN fixed wireless area.
- Water – Water main extension will be required from Grimshaw Lane along Zimmer lane for the full frontage of the proposed subdivision. Note a water main is proposed to be constructed (currently part of an application for a subdivision works certificate) as per development consent ME0026/2023 at no.6 Flirtation Hill Lane. Acknowledging the extension of the water main results in extended dead end with no means of return or loop watermain without extensive works and would not be feasible for this subdivision to carry as a cost of development. Given the nature of this proposed development and what has been approved at no.6 Flirtation Hill Lane, Council has been accepting that the area around Flirtation Hill Lane, Zimmer Lane and surrounds is unlikely to be developed to the full potential and objectives that the zoning permits. Council has demonstrated this by accepting OSSM and reduced road construction requirements that would normally be required by the zoning. It could be considered that further future subdivisions may proceed which would see the water main extended and a loop completed. To provide for water in the event of a system failure coinciding with an emergency (i.e., fire), a suitably sized water tank can be enforced by Council at the time of the construction/occupation of a dwelling by way of a positive covenant on the Title of the lot at the time of registration of the Plan of Subdivision.
- Sewer – OSSM is proposed. Minimum application and reserve area required is 900m².
- Stormwater Drainage – Proposed positive covenant relating to stormwater retention onsite, given slope down to the road.

- Access – New rural type driveway crossover proposed within frontage.

3.1.2.4. Lot 4

- Electricity – Available from Zimmer Lane. OHP available with requirements subject to application to Essential Energy.
- Communications – NBN fixed wireless area.
- Water – See discussion for Lot 3.
- Sewer – OSSM is proposed. Minimum application and reserve area required is 900m².
- Stormwater Drainage – Proposed positive covenant relating to stormwater retention onsite, given slope down to the road.
- Access – New rural type driveway crossover proposed within frontage.

3.1.2.5. Lot 5

- Electricity – Available from Zimmer Lane. OHP available with requirements subject to application to Essential Energy.
- Communications – NBN fixed wireless area.
- Water – See discussion for Lot 3.
- Sewer – OSSM is proposed. Minimum application and reserve area required is 900m².
- Stormwater Drainage – Proposed positive covenant relating to stormwater retention onsite, given slope down to the road.
- Access – New rural type driveway crossover proposed within frontage.

3.1.2.6. Lot 6

- Electricity – Available from Zimmer Lane. OHP available with requirements subject to application to Essential Energy.
- Communications – NBN fixed wireless area.
- Water – See discussion for Lot 3.
- Sewer – OSSM is proposed. Minimum application and reserve area required is 900m².
- Stormwater Drainage – Proposed positive covenant relating to stormwater retention onsite, given slope down to the road.
- Access – New rural type driveway crossover proposed within frontage.

Additionally, Onsite Effluent Management Studies have been prepared for each proposed lot, at **Appendix 6-11**. The subject sites do not have access to reticulated sewer, which means an on-site system is required. The studies showed that each lot is of an appropriate size for an on-site effluent management system capable of dwellings with 4 bedrooms and 5 occupants.

4. ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1. STATUTORY PLANNING CONTROLS

4.1.1. Environmental Planning and Assessment Act 1979 and Regulation 2021

The proposed development will require consent under the provisions of Part 4 of the EP&A Act. The proposal is not integrated development pursuant to section 4.46 of the EP&A Act. Additionally, the proposed development is **not** considered to be:

- Designated development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulations 2021 (the Regulations) or any other environmental planning instrument;
- State significant development (SSD) or State significant infrastructure (SSI) pursuant to Section 4.36 of the EP&A Act; and
- 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 ‘local development’, and Council is the relevant consent authority.

4.2. ENVIRONMENTAL PLANNING INSTRUMENTS

4.2.1. Relevant State Environmental Planning Policies

Table 2 address the relevant SEPPs in accordance with Section 4.15(1) of the EP&A Act.

Table 2: Relevant SEPPs

SEPP	COMPLIANCE
State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 Remediation of Land	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 purposes for which the development is proposed to be carried out. The site and its surrounds are not listed on the EPA Contaminated Sites 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.

4.2.2. Mid-Western Regional Local Environmental Plan 2012

The Mid-Western Regional Local Environmental Plan 2012 (LEP 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 3.

Table 3: Consistency with relevant clauses of LEP 2012

CLAUSE	CONSISTENCY
2.1 Land use zones	The subject site is zoned R1 General Residential. The land uses permitted with consent are outlined below. <i>Attached dwellings; Boarding houses; Caravan parks; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Funeral homes; Group homes; Health services facilities; Home industries; Hostels; Information and education facilities; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture;</i>

CLAUSE	CONSISTENCY
	<p><i>Places of public worship; Pond-based aquaculture; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Signage; Tank-based aquaculture; Tourist and visitor accommodation; Water recycling facilities; Water storage facilities</i></p> <p>The proposed subdivision can be considered consistent with this clause as it does not preclude development for the above purposes.</p>
<p>2.3 Zone objectives and land use table</p>	<p>The objectives of the R1 General Residential zone are outlined below.</p> <ul style="list-style-type: none"> • 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. <p>The proposed subdivision considered to be generally consistent with the objectives of this land use zone. The proposed subdivision does not prevent future development from achieving the objectives of the zone.</p>
<p>2.6 Subdivision – consent requirements</p>	<p>Subdivision of land requires development consent, as per this clause. The proposed subdivision seeks development consent for this action.</p>
<p>4.1 Minimum subdivision lot size</p>	<p>The minimum subdivision lot size of the subject site is 600m². The proposed lots resulting from the subdivision have the following lot sizes:</p> <ul style="list-style-type: none"> • Lot 1: 5,369m² • Lot 2: 4,427m² • Lot 3: 2,292m² • Lot 4: 2,000m² • Lot 5: 2,292m² • Lot 6: 2,000m² <p>Based on the above numbers, the proposed subdivision is consistent with this clause. Importantly, discounting the battle-axe handles on the relevant lots, still results in lots larger than the minimum lot size.</p>
<p>5.10 Heritage conservation</p>	<p>The subject property:</p> <ol style="list-style-type: none"> a) Is not listed as a heritage item under LEP 2012. b) Is not located within a heritage conservation area (HCA). c) Is not located within proximity to any heritage items. <p>It is noted that the Gulgong Heritage Conservation Area (HCA) is located approximately 200 metres west of the site (separated by other lots and a road). It is considered that the proposed subdivision is reasonable removed from the item and associated fabric, through physical distance. As such, no further consideration is required.</p>
<p>6.9 Essential services</p>	<p>Adequate measures have been taken to supply essential services to the proposed lots. Details of which have been provided in the Concept Servicing Plan at Appendix 4 and in Section 3.1.2 of this report.</p>



4.3. REGIONAL AND LOCAL PLANS AND POLICIES

4.3.1. Mid-Western Regional Development Control Plan 2013

The Mid-Western Regional Development Control Plan 2013 (DCP 2013) provides guidance to development of land under LEP 2012 and is intended to act as an integrated planning document. The purpose of the DCP 2013 is to supplement LEP 2012 and provide additional information to consider when preparing a development application. An assessment of the proposed development against applicable DCP requirements is provided in Table 4 below.

Table 4: Consistency with Mid-Western Regional DCP 2013

CLAUSE / CONTROL	CONSISTENCY
Part 5 – Development Standards	
5.3 Stormwater Management	
Stormwater Management	The proposed lots will be large, and given the existing slope of the land, it is expected that stormwater can be managed on-site without adversely impacting neighbouring properties. Additionally, as noted earlier in this report, it is proposed that stormwater management be included as a condition of consent, per a similar DA nearby being DA0075/2023.
5.4 Environmental Controls	
Protection of Aboriginal archaeological items	As shown in Section 2.3.2 of this report, there are not Aboriginal sites or places within a 200m radius of the subject site.
Bushfire management	N/A – the site is not bushfire prone
Threatened species and vegetation management	As previously discussed, the site is not mapped on the Biodiversity Values Map, nor is the site identified as having sensitive biodiversity on the Terrestrial Biodiversity Map, per LEP 2012. No clearing of vegetation is proposed as part of this application. There are no expected adverse environmental impacts associated with the proposed development. The proposed driveways will be rural type, thus not requiring any construction.
Part 7 – Subdivision	
7.1 Urban Subdivision	
Lot size	As noted by Table 3, each lot is larger than the minimum 600m ² lot size prescribed by LEP 2012. The proposed Lots and their sizes are outlined below. <ul style="list-style-type: none"> • Lot 1: 5,369m² • Lot 2: 4,427m² • Lot 3: 2,292m² • Lot 4: 2,000m²



	<ul style="list-style-type: none">• Lot 5: 2,292m²• Lot 6: 2,000m² <p>Additionally, each lot will have a larger frontage than what is required in the DCP. Each battle-axe handle will have handles wider than 4m, thus the proposed subdivision is compliant with this control.</p>
Lot design	<p>The proposed lots take advantage of the existing subdivision pattern, by creating lots that generally follow a north-south orientation. Lots 3-6 will be able to have private open spaces and internal living areas with a northerly aspect, maximising the solar access of those areas. It should be noted that the proposed subdivision ensures that existing buildings on the site are appropriately sited, and do not contravene any setback regulation under this DCP.</p> <p>In addition to this, each lot will have substantial space for on-site sewage management systems, as found in the respective On-Site Effluent Management Study prepared to support this application at Appendix 6. The proposed lots are regularly shaped, with the buildable areas of each lot being generally rectangular. Proposed Lots 1 and 2 have larger frontages to Flirtation Hill Lane, which enables improved solar orientation and solar access potential.</p>
Street design and layout	<p>A Traffic Impact Assessment was prepared for the proposed subdivision, provided at Appendix 5. It found that an additional 4 vehicles per hour will be generated based on the proposed subdivision. It added the qualifier of 'only', signifying that the proposed subdivision will have a relatively minor traffic impact on the local road network. It suggested some minor improvements to the existing road network, including more 'give way' signage and better maintenance of existing junctions.</p> <p>No new roads are proposed as part of the proposed subdivision.</p>
Utility Services	<p>As previously discussed, a Concept Servicing Plan has been prepared for the proposed development, at Appendix 4. Section 3.1.2 provides an outline of how service provision has been appropriately addressed in this application. Additionally, Onsite Effluent Management Studies have been prepared for the proposed lots, at Appendix 6-11. The studies found that each proposed lot will be large enough to have dispersal areas that can cater for dwellings with 4 bedrooms and 5 occupants.</p>

5. SUMMARY 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 of the EP&A Act or under the EP&A Regulations 2021.

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

The proposal is permissible with the consent of Council and is generally consistent with the provisions and objectives of the Mid-Western Regional Local Environmental Plan 2012 and Mid-Western Regional Development Control Plan 2013.

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

The following table provides an overview of the potential impacts of the development on the natural and built environments.

Table 5: Assessment of Environmental Effects

IMPACT	COMMENT
Biodiversity	As previously discussed, there are no significant biodiversity impacts relating to the proposed development. The proposed subdivision is not located on land that has high or sensitive biodiversity values.
Bushfire	The subject site is not bushfire prone. The proposed subdivision is not anticipated to increase the bushfire risk on the site.
Economic	There are no negative economic impacts expected for the proposed subdivision.
Effluent Disposal	The On-Site Effluent Management Studies at Appendix 6-11 found that each proposed lot will be capable of appropriately managing the effluent of a 4 bedroom dwelling with 5 occupants in a manner that is ecologically sustainable and healthy.
Flood	N/A – the site is not flood prone, and the proposed subdivision is unlikely to increase flood risks.
Geotechnical	The On-Site Effluent Management Studies at Appendix 6-11 found that the subject sites were appropriate for on-site sewage management systems, and that there were no major geotechnical constraints on the site relating to safe and efficient operation of on-site sewage management systems.
Heritage	N/A – No heritage items on the subject site.
Social	The public interest is best served by the orderly and economic use of land for purposes permissible under relevant planning regimes. In this case, orderly and economic use of the land is being undertaken by the proposed subdivision. Therefore, there are positive social impacts relating to the proposed subdivision.
Stormwater	As previously discussed, stormwater on the site would be appropriately managed within each lot. It is noted that the proposed subdivision would not adversely impact neighbouring properties in the context of stormwater.
Traffic	A Traffic Impact Assessment prepared for the proposal (Appendix 5) which found that the traffic impacts relating to the proposed subdivision amount to 4 additional vehicles per hour on the local road network. This is an acceptable impact.

IMPACT	COMMENT
	Additionally, per the informal Council consultation regarding this site, it has been proposed that Zimmer Lane be partially upgraded, subject to an agreement separate to this DA.
Visual	The proposed subdivision is unlikely to create adverse visual impacts for the locality. The surrounding area is transitioning from rural residential to low density residential in accordance with the zoning, and the proposed subdivision is consistent with the future character of the area.
Water	The proposed subdivision is not located near any waterbody. Additionally, no building works are proposed as part of this DA, meaning there are no water impacts associated with the proposed development.

Overall, the proposal is substantially consistent with the objectives and development controls contained within the various environmental planning instruments and development controls that apply to the site (see Section 4). The proposed development will not result in an adverse impact to the environment and is compatible with existing built form onsite and in the surrounding area. The proposed development comprises orderly economic development of the site for purposes for which it is zoned and currently used. The proposal will not pose any negative social or economic impacts.

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. The subject site is eminently suitable for the proposed development. It produces lots of a larger size, which will enable appropriate residential development whilst also having room for on-site sewage management. Importantly, the site benefits from existing utility services, which can be augmented to suit the proposed subdivision. Any services that need to be extended can be done easily, particularly in the case of water along Zimmer Lane. This also provides opportunities for future residential development along Zimmer Lane.

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 substantially in accordance with the prevailing planning controls. The development is a permissible form of development and is therefore considered to be in the public interest.

6. CONCLUSION

This SEE has been prepared on behalf of Victoria Tapp (the applicant) to accompany a DA for a 1 into 6 lot Torrens title subdivision at 24 Flirtation Hill Lane, Gulgong NSW 2852.

The proposed subdivision responds to existing development on the site and in the surrounding area. Each lot has been configured such that reasonable access is provided, and that there is substantial developable area on each lot, including space for on-site sewage management.

As previously discussed in this report, the proposed subdivision complies with key LEP and DCP controls and does not have any significant natural or built environmental impacts. Traffic impacts are acceptable for the type of development proposed and surrounding context. The proposed subdivision is a permissible form of development, ensuring positive social impacts by providing increased development potential in the area, aiding housing supply growth. This additional development potential extends beyond the existing site, and onto other sites, particularly with the proposed expansion of water servicing along Zimmer Lane.

The proposal is reasonable and appropriate when considered under the relevant heads of consideration in Section 4.15(1) of the EP&A Act and is worthy of favourable determination by Council.



APPENDICES



APPENDIX 1

AHIMS Search Result



APPENDIX 2

Plan of Proposed Subdivision prepared by de Witt Consulting



APPENDIX 3

Detail Survey prepared by de Witt Consulting



APPENDIX 4

Concept Services Plan prepared by de Witt Consulting



APPENDIX 5

Traffic Impact Assessment prepared by Road Culture



APPENDIX 6

On-Site Effluent Management Study for Lot 1 prepared by
Envirowest



APPENDIX 7

On-Site Effluent Management Study for Lot 2 prepared by
Envirowest



APPENDIX 8

On-Site Effluent Management Study for Lot 3 prepared by
Envirowest



APPENDIX 9

On-Site Effluent Management Study for Lot 4 prepared by
Envirowest



APPENDIX 10

On-Site Effluent Management Study for Lot 5 prepared by
Envirowest



APPENDIX 11

On-Site Effluent Management Study for Lot 6 prepared by
Envirowest