

Statement of Environmental Effects

Subdivision of Land into 8 lots
533 Killens Road Barigan 2850
Lots 19, 33, 65, 66, 83, 84, 109, 117 & 118 in DP755413 and
Lot 1 in DP1223646

Prepared for: ZCS

Project No: 1012

Date: 17 April 2025

Prepared by
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1.0 Introduction

The Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) for subdivision of land at 533 Killens Road Barigan 2850 ('the site') located within Mid-Western Regional Council. The site includes Lots 19, 33, 65, 66, 83, 84, 109, 117 & 118 in DP755413 and Lot 1 in DP1223646.

This SEE, describes the site, its environs, and the proposed development, and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (the Act).

The proposal has been assessed against the relevant planning controls, including those contained within the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012), and within Mid-Western Regional Development Control Plan (MWRDCP). The proposal is compliant with the control. It is recommended that Council grant consent to the DA.

1.1 Supporting Documents

The following supporting documents have been provided for the DA:

Document	Consultant/Document Issued
Statement of Environmental Impacts	Sarah Smith
Plan of Subdivision	Tablelands & Buttsworth Surveyors
Site Plan (indicating location of gates)	ZCS
Track in use easement Plan	LRS Registered Plan
Owners Consent	Charles Stanley C/-Kangavale Pty Ltd

1.2 Pre-DA Meeting

A Pre-DA meeting was conducted with Council on 26 September 2024 for the subdivision of closed road. The key matters indicates by Council have been noted in the table below:

Item No.	Pre-DA Comment	Response
1.	You may write separately to council@midwestern.nsw.gov.au requesting that an individual street address be provided to each lot. Please specify the lots to obtain individual addresses and a plan showing where each lot gains access (the diagram showing the track in use easement should be fine provided the gate locations for Lots 83, 66 and 84 are clearly shown). Please also provide your contact details in case staff have any further questions about addressing	Noted. Register plan indicating the track in use easement is provided with the DA. A site plan is provided indicating the gate locations for Lots 83, 66 and 84.
2.	The closed road Lot 1 is proposed to be subdivided so that each portion of Lot 1 within the adjoining lot matches the boundaries of the	The closed road Lot 1 is proposed to be subdivided so that each portion of

Item No.	Pre-DA Comment	Response
	adjoining lot. One way to do this is to have a solicitor write up an agreement that the adjoining lot has access to that portion of Lot 1 within its boundaries. This option does not involve subdivision and no approval from Council is required.	Lot 1 within the adjoining lot matches the boundaries of the adjoining lot.
3.	The second option is to subdivide Lot 1 into various portions as per the diagram submitted with the request for a pre-lodgement meeting. This subdivision will need an application to Council and may be facilitated by clause 4.2 of Council's LEP which allows subdivision of lots less than the minimum lot size provided the lots are used for primary production purposes only.	This DA includes subdivision of Lot 1 into 8 lots so that each portion of Lot 1 within the adjoining lot matches the boundaries of the adjoining lot. The subdivision is permitted under clause 4.2 of Council's LEP which allows subdivision of lots less than the minimum lot size as the lots are to be used for primary production purposes only.
4.	A track in use easement may be created to provide access to each of the lots. If an application is required, a written justification will need to accompany the application for the variation from the DCP requirement that Rights of Carriageway are generally not to be used.	A track in use easement is created to provide access to each of the lots. See registered plan provided with the DA.
5.	The LEP requires the property to have a minimum area of 100 ha to have a dwelling entitlement. This will require consolidation of all the lots and re-subdivision into 2 lots. A DA will be required to facilitate this option.	The proposal is only for subdivision. No dwellings are proposed.
6.	If no tree or vegetation clearing is proposed, there is no need to address the impacts on biodiversity in your application.	No tree or vegetation clearing is proposed.
7.	The site is bush fire prone. Subdivision of Lot 1 only will not trigger the need for a bushfire report as no dwellings will be possible in the resultant lots.	Noted- The proposal is only for subdivision. No dwellings are proposed.

2.0 Context Analysis

2.1 Subject site

The site is located at 533 Killens Road Barigan 2850 and includes Lots 19, 33, 65, 66, 83, 84, 109, 117 & 118 in DP755413 and Lot 1 in DP1223646 (total 10 lots) as indicated in figure 1 below. Lot 1 DP1223646 was old closed road between the rear lots that was made into another Lot. The site is located on within a rural area of Mid-Western Regional Council and has access via Killens Road and further connected with Bylong Valley Road. Three lots including 83, 84 & 66 have current street access, however other lots are not accessible via current street. Please note that a track in use easement is registered to access the each lot (Figure 3 and refer to the attached plan). The site irregular in shape with undulating topography, having a total area of approximately 201.28ha.

The site is vacant and covered with vegetation. It comprises a water course within the land running from east to west and branching to the south.

The land is identified within bushfire prone and Natural Resource - Groundwater Vulnerability Maps as per Mid-Western Regional Local Environmental Plan 2012, however it is not identified within Biodiversity Values Map and flooding map. The site is not located within a heritage conservation area.



Figure 1: Subject site (Six Maps)

2.2 Surrounding Area

The site is located within Barigan Village and mainly identified for primary production. Barigan Creek runs to the west, Porcupine Mountains to the north, David Mountains to the south and Porcupine range, Mount stormy & Bylong Valley Way to the east of the site as indicated in Figure 2 below.

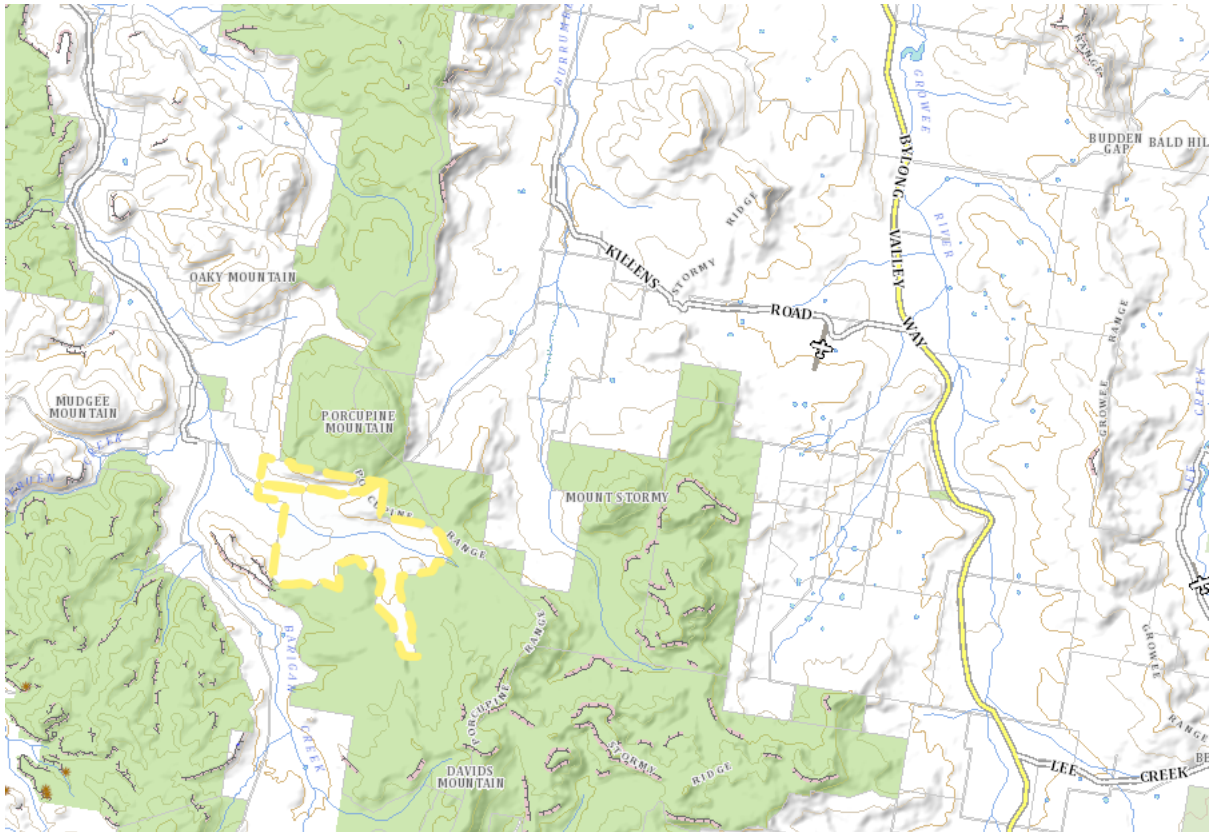


Figure 2; Site & surrounding area (NSW Planning Portals Special Viewer)

3.0 Proposed Development

3.1 Summary of Proposed Development

The site includes 10 lots, Lots 19, 33, 65, 66, 83, 84, 109, 117 & 118 in DP755413 and Lot 1 in DP1223646. Lot 1 DP1223646 was an old closed road between the rear lots that was made into another Lot. Please note that the three lots including Lot 83, 84 & 66 have current street access, however other lots are not accessible via street. Further a track in use easement (TIU) is provided to access each of the lots. Please see figure below indicating LRS resisted plan indicating TIU (notated as 'Q') in this matter. The proposal seeks consent for the subdivision of the closed road Lot 1 into 8 lots as indicated in the plan below. Please note that each portion of Lot 1 within the adjoining lot matches the boundaries of the adjoining lot as advised by Council (refer Pre DA minutes) as indicated in the plan of subdivision below.

Further please see the table below indicating the details of the proposed lots:

Lot No	Area	Comments
Lot 1	6,612m ²	Aligned with Lot 83
Lot 2	2,690m ²	Aligned with Lot 83
Lot 3	4,097m ²	Aligned with Lot 84
Lot 4	6,082m ²	Aligned with Lot 84
Lot 5	8,182m ²	Aligned with Lot 33
Lot 6	6,558m ²	Aligned with Lot 84
Lot 7	8,083m ²	Aligned with Lot 109
Lot 8	24,900m ²	Aligned with Lot 117

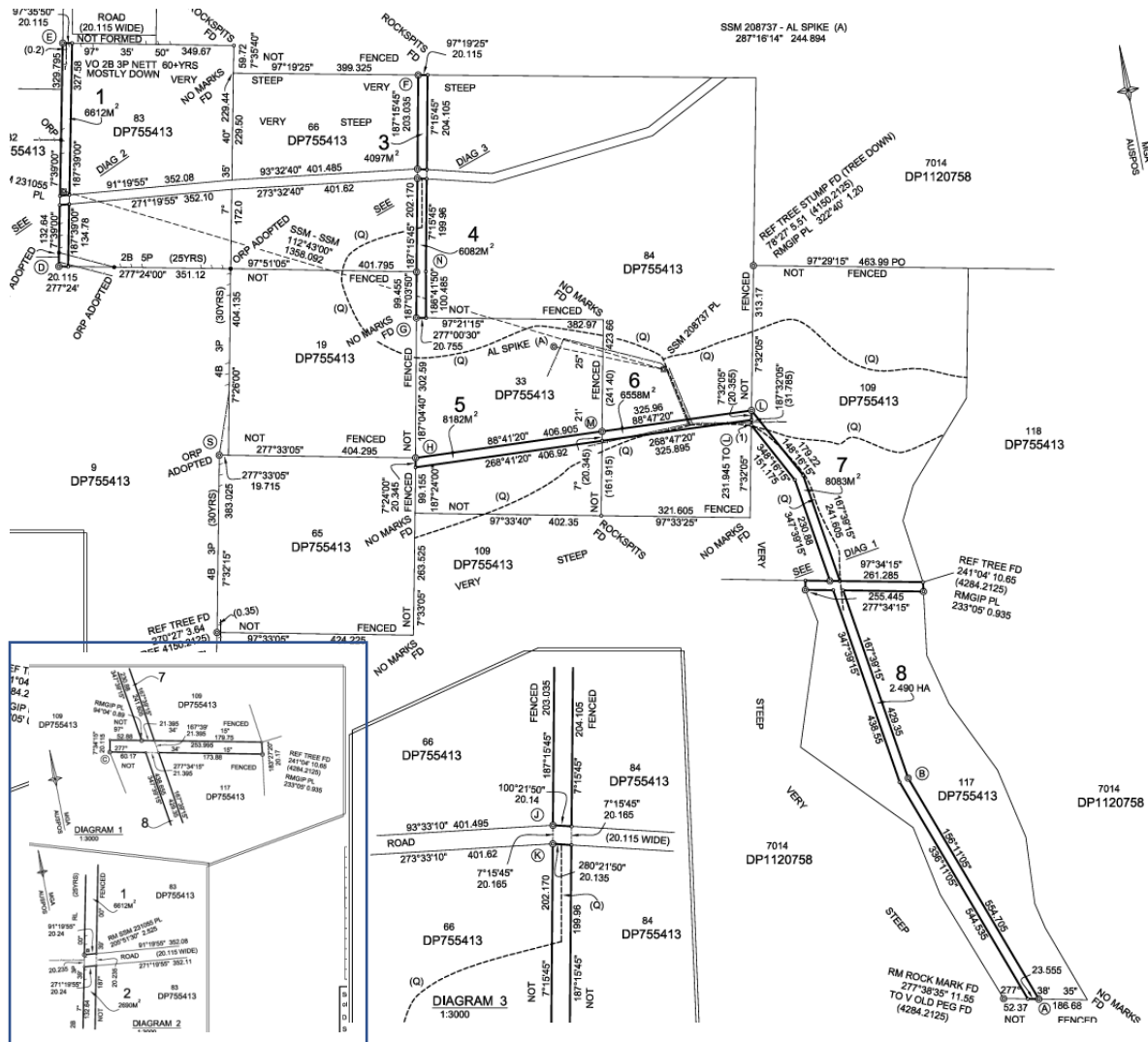


Figure 4: Proposed Plan of Subdivision

4.0 Planning Assessment

This part provides an assessment of the environmental impacts of the proposed development including explanations of how the proposal seeks to minimise any impacts. The assessment is based on the matters for consideration under Section 4.15(1) of the Act.

4.1 Compliance with Planning Instruments and Development Control Plans - Section 4.15(1)(a)

4.1.3 State Environmental Planning Policy Resilience and Hazards 2021

State Environmental Planning Policy Resilience and Hazards 2021 applies to the site. The proposal is for paper subdivision of land and not inconsistent with the SEPP.

4.1.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal is for subdivision of land only and no dwellings are proposed. The SEPP is not applicable.

4.1.3 State Environmental Planning Policy Biodiversity and Conservation 2021

The objective of the SEPP is to protect the biodiversity values and amenity of the area through the preservation of trees and other vegetation. Pursuant to Chapter 2, the proposal does not include removal of vegetation.

4.1.4 Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

Permissibility and zone objectives

The subject site located within an RU1 Primary Production zone under MWRLEP 2012 as indicated in Figure 7 below.

The objectives of the RU1 zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.*

- *To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.*

The proposal is for subdivision of a closed road and is not inconsistent with the objective of the zone.

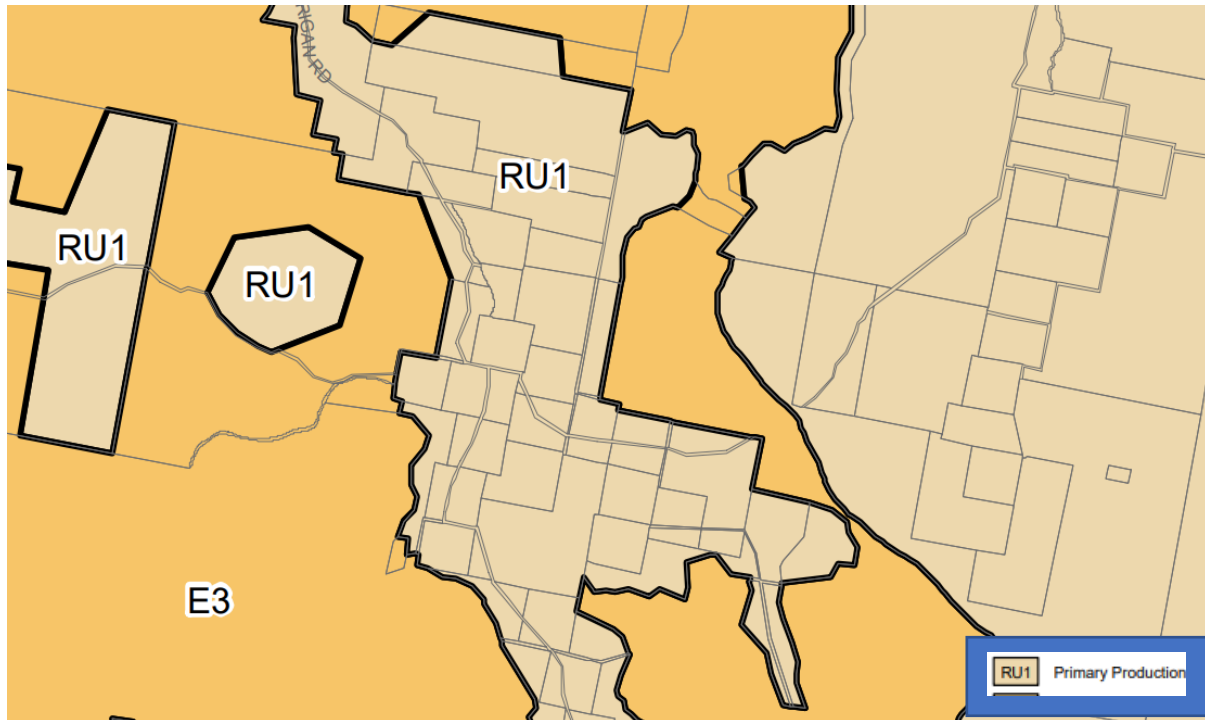


Figure 5: Zoning Map (MWRLEP 2012)

Clause 2.6 - Subdivision - consent requirements

This clause indicates that land to which this Plan applies may be subdivided, but only with development consent. The proposal is to seek development consent for the subdivision of Lot 1 within the site into eight (8) lots.

Clause 4.1 Minimum subdivision lot size

The MWRLEP 2012 prescribes Minimum subdivision lot size of 100ha as indicated on Figure 8 below. The objectives of this clause are as follows;

- to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*
- to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*
- to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*
- 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.

Sub Clause (2) of 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. Sub clause (3) of this Clause indicates that 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. The proposal is for rural subdivision (primary production) and minimum lot size of 100ha is not applicable. Further Clause 4.2 rural subdivision is applicable to the proposal which is discussed further in the SEE.

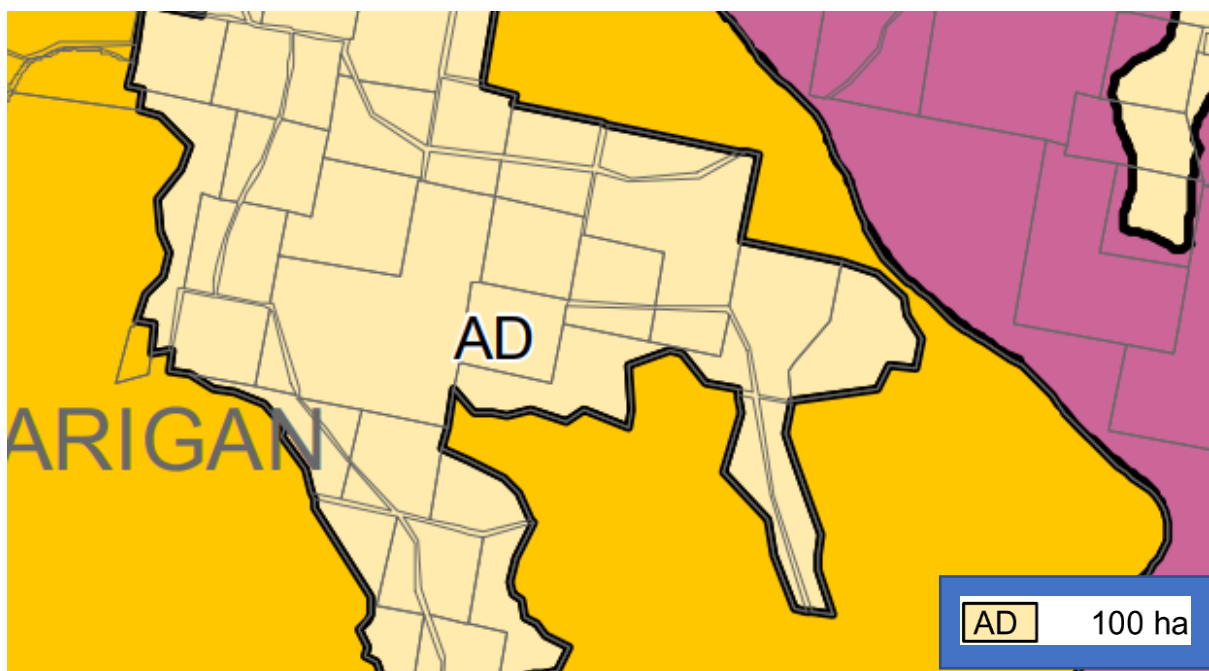


Figure 6: Minimum lot size Map (MWRLEP 2012)

Clause 4.2 Minimum subdivision lot size

The site is within RU1 Primary Production Zone and Cause 4.2 applies to this zone. The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

The clause states that the Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.

The proposal includes subdivision of Lot 1 (which was an old closed road) in to 8 lots with lot size less than the LEP minimum lot size control of 100ha. There is no existing dwelling on the proposed lot and no dwelling is to be erected on the proposed lots.

Overall the proposal is consistent with the LEP Clause.

Clause 6.4 Groundwater vulnerability

The site is mapped as being subject to Groundwater vulnerability as indicated on figure below.

The objectives of this clause are as follows—

- (a) to maintain the hydrological functions of key groundwater systems,*
- (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.*

Sub Clause (3) of this Clause indicates that before determining a development application for development on land to which this clause applies, the consent authority must consider the following—

- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- (b) any adverse impacts the development may have on groundwater dependent ecosystems,*
- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*
- (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Sub Clause (4) of this Clause indicates that development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

There is not building construction is proposed. The proposal is for a paper subdivision of an old closed road will not have any negative impact to the groundwater.

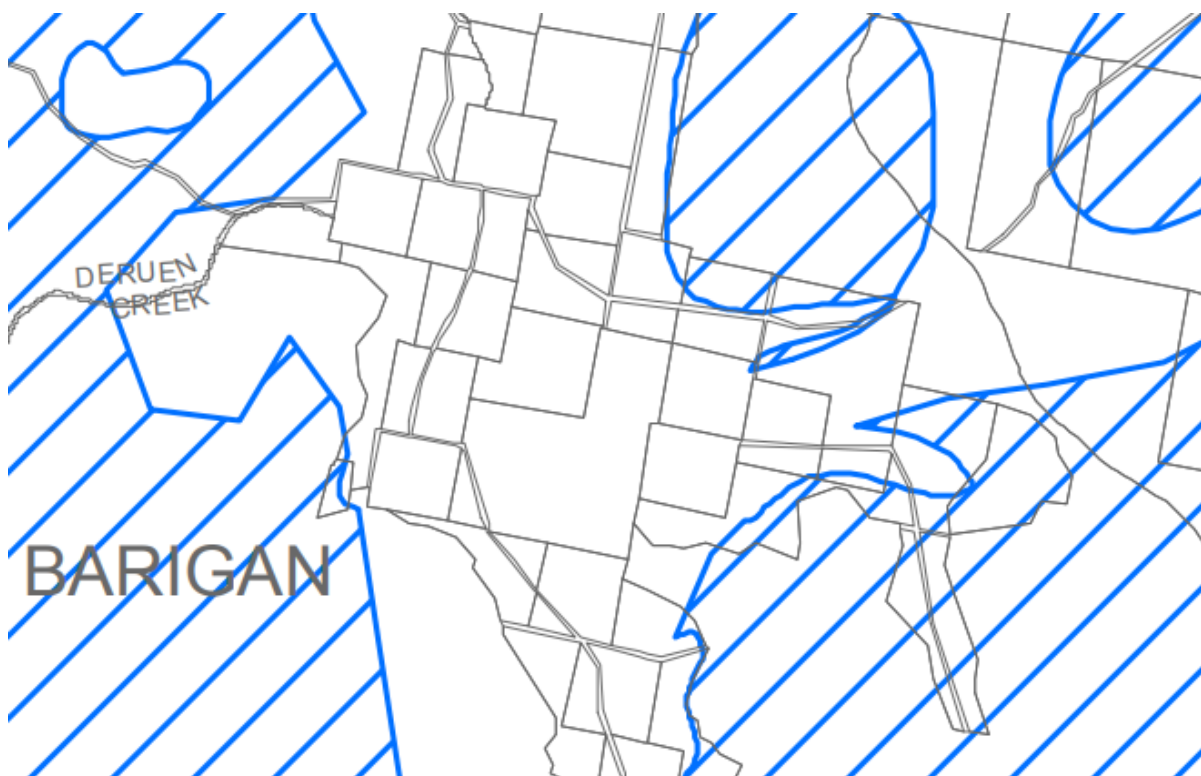


Figure 7: Groundwater Vulnerability Map (MWRLEP 2012)

4.1.6 The Mid-Western Regional Development Control Plan 2013 (MWRDCP 2013)

The development is subject to the provisions of Part 7 – Subdivision of the MWRDCP. A full assessment of the proposal under CBDP is illustrated in the compliance table below:

DCP Control	Proposed	Complies
7.2 RURAL SUBDIVISION		
Site Plan		
<p>Applicants are required to submit a site plan which identifies existing vegetation, farm improvements including dwellings, sheds, dams, fences and access roads.</p> <p>The application should:</p> <ul style="list-style-type: none"> • Detail the existing use of the land. • Address access points and location of proposed lot configuration to public roads. • Identify unformed roads and other crown land within and adjoining the subject site. • Show any easements for electricity or other services. • Clearly mark designated streams or watercourses within the site. 	A site plan is provided in compliance with this Clause.	Yes
Lot Size		
(a) Lots must be of sufficient area to enable the construction of a dwelling house,	No dwelling is to be erected on the proposed 8 lots.	N/A

<p>associated outbuildings, services, vehicle parking and access, private open space without excessive terracing and allow for maximum retention of existing vegetation.</p> <p>(b)The minimum area for subdivision will apply to that area that is considered productive for the agricultural pursuit for which the lot is being created.</p>	<p>The minimum area for subdivision is not applicable to the proposed lots (refer to the LEP Clause 4.2).</p>	<p>N/A</p>
Primary Production Small Lots		
<p>Subdivision applications on land in the RU4 zone for the purpose of intensive agriculture and a dwelling will need to include:</p> <ul style="list-style-type: none"> • Details of the proposed/existing intensive agricultural activity. • Business plan prepared by a suitably qualified professional detailing production costs, harvesting potential and conservative market prices. • Evidence of water licenses satisfactory for the use. • Evidence of commencement or intention to commence the activity. <p>Land adjacent to the Mudgee Airport – Subdivision of land zoned RU4 Primary Production Small Lots and having a minimum lots size of 2ha on the Lot Size Map shall only be considered where the subdivision will facilitate the development of hangers in conjunction with a dwelling. Such an application will need to address:</p> <ul style="list-style-type: none"> • The relationship between the airport and the development site in • respect to the interface with the airport; and • Access to the airport for private aircraft. • Any dwelling component will be ancillary to the use of the lot for a hanger. 	<p>N/A – The DA is not for intensive agriculture use and a dwelling.</p>	<p>N/A</p>
Services		
<p>Where the proposed lot(s) is within 500m of an R1 General Residential or R2 Low Density Residential zone, the new lots must:</p> <ul style="list-style-type: none"> • have sealed road frontage and be connected by sealed road to the sealed road network; • connect to the reticulated water and sewer infrastructure. 	<p>N/A – The site is not within 500m of R1 or R2 Zone</p>	<p>N/A</p>
Roads		
<p>Traffic volumes (vehicles per day) post development determine the standard of road required. Therefore the existing traffic volume plus the forecast traffic from the development will determine the required standard.</p>	<p>N/A – The proposal is to subdivide an closed road that will align with the existing lots.</p>	<p>N/A</p>

<p>All roads with traffic volumes greater than 150 vehicles/day will be required to be brought up to a sealed road standard.</p> <p>New rural subdivisions be appropriately connected to the existing road network;</p> <p>i. All roads within a rural subdivision are to be sealed or connected to the sealed road network if the proposed lots are less than 500 metres from the sealed road network.</p> <p>ii. Road upgrades should extend from the new subdivision to a point where the existing road network is satisfactory</p> <p>iii Alternative to i. and ii. above a Traffic Report is required to be submitted and must be prepared by a suitably qualified person, detailing, but not necessarily limited to:</p> <ul style="list-style-type: none"> the types and numbers of traffic to be generated by the proposal; details of the existing condition, widths, depths of pavement and its suitability or otherwise for the carriage of transport to be associated with the land use; proposed upgrading to be undertaken by the applicant Council will then assess the suitability of the proposed upgrade work for approval. 		
Lot design		
<p>New lots to be created to minimise environmental impacts including:</p> <ul style="list-style-type: none"> soil disturbance/erosion, creek/waterway crossings, tree removal, and adequate separation distances for new and existing development and environmental features 	The proposal is for paper subdivision only and no works are proposed. The proposal will not result in any environmental impacts.	Yes
Bushfire prone areas		
<p>Safe siting of lots within Bushfire Prone Areas is essential. Such sites should avoid the need for extensive clearing of native vegetation and must provide for safe access for Bushfire and Emergency Service vehicles where the land is Bush Fire Prone Land. A bushfire risk assessment must be submitted in accordance with Planning for Bushfire Protection 2019, a NSW Rural Fire Service Publication.</p> <p>Please note a referral fee (payable to the NSW Rural Fire Service) is required with all mandatory referrals to the NSW Rural Fire Service</p>	N/A – The proposal is for paper subdivision of a closed road Lot 1 and does not include clearing of any vegetation.	N/A
Heritage		
<p>A cultural heritage assessment will be required to be submitted along with an application for subdivision where the subdivision will result the creation of a dwelling entitlement and there are overland drainage lines and/or elevated parts of the property (ridgelines and plateaus).</p>	N/A –The proposal will not result in the creation of a dwelling entitlement.	N/A
Vegetation/flora		

<p>The Biodiversity Conservation Act prohibits the removal of native vegetation without prior approval, unless the clearing is found to be below the requirements of the Biodiversity Offsets Scheme Threshold and is not found to be mapped to hold outstanding biodiversity value or identified to affect threatened species, ecological communities or their habitats.</p> <p>Council is required to take into consideration the likely impact of the proposed development on biodiversity values as assessed in a biodiversity development assessment report that relates to the application. The consent authority may (but is not required to) further consider the likely impact of the proposed development on biodiversity values.</p> <p>As a result, a biodiversity assessment report is required to be submitted with the application.</p>	<p>N/A- The proposal is for paper subdivision of a closed road Lot 1 and does not include clearing of any vegetation.</p>	<p>N/A</p>
Fauna		
<p>The OEH should also be consulted to identify any threatened fauna that might be on the development site. If there is a possibility of any threatened fauna species or their habitat on your land, this shall be detailed in the biodiversity assessment report submitted with the application.</p>	<p>N/A- The proposal is for paper subdivision of a closed road Lot 1 and will not have any impact to the existing fauna within the site.</p>	<p>N/A</p>
Crown Roads		
<p>If the development is proposed to open or use a Crown Road, the written consent of the NSW Land and Property Management Authority to the making of the application is required prior to the submission of the development application to Council.</p> <p>Any crown road relied upon for the subdivision will be required by Council to be acquired from the Crown and upgraded by the applicant to Councils required standards. Thereafter the road will be designated to Council.</p> <p>Council will only be responsible for the maintenance of roads in accordance with Council's Unmaintained and Unformed Roads Policy.</p>	<p>N/A- The proposal does not propose to use a Crown Road.</p>	<p>N/A</p>
Watercourses		
<p>Works on or near waterways under the Water Management Act and any crossing of protected waters will require an activity approval from the Natural Resources Regulator and / or NSW Water prior to the construction of the crossing.</p>	<p>N/A- No works are proposed.</p>	<p>N/A</p>
Rights of Carriageway		
<p>Subdivision of land for the purpose of a dwelling house where access is proposed by way of a right of carriageway which serves or is capable of serving any other portion or allotment of land other than that on which the dwelling house is to be erected, is generally not supported by Council.</p>	<p>N/A- The proposal is for paper subdivision of a closed road Lot 1 and does not include a dwelling house.</p>	<p>N/A</p>

A detailed submission supporting this type of access must be submitted with the development application along with the written approval of all of the owners of the land over which a right of carriage way is proposed or currently exists to be submitted with the development application.		
Battle axe handle access		
Subdivision of land where access is proposed by a battleaxe handle is generally not supported by Council. A detailed submission supporting this type of access must be submitted with the development application. No more than two battle axe handles will be permitted. Where more than one battle axe handle is required the access will be redesigned, upgraded and designated as a public road such that all lots created have direct frontage to a road.	N/A - No battle-axe handle proposed.	Yes
Water cycle management report		
(a) An assessment of any potential impact on Council will require a Water Cycle Management Report for each lot in the subdivision which identifies that there is a suitable area capable of the disposal of on-site wastewater. The report must include a plan showing a nominal effluent management area for each proposed lot, in relation to slope, aspect and other site constraints. The plan must indicate all nearby waterways with a buffer of a least 100 metres between effluent management areas and perennial or intermittent creeks or watercourses and 40 metres to drainage depressions.	N/A- The proposal is for paper subdivision of a closed road Lot 1 and no dwelling is proposed.	N/A
Telecommunications Infrastructure advice		
Telstra Corporation is the Primary Universal Service Provider for telecommunications infrastructure in Australia. Extensions to the Telstra network are planned in light of the size and pace of each stage of proposed development and the proximity of existing Telstra network. Early notification of any proposed development will enable Telstra to deliver services with minimal disruption and enable coordination of trenching with other infrastructure. To provide early notification, planned property developments can be registered on the Telstra website. Council requires the extension of the Telstra cable network to all new allotments within any subdivision for residential purposes. Additionally, NBN is also required to be provided to the lots unless the development is able to achieve the requirements of the "Exemption from the pit and pipe requirements" – Part 20A of the Telecommunications Act 1997. Registration and notification with the Secretary of the Department of	N/A - The proposal is for paper subdivision of a closed road Lot 1.	N/A

Communications will be required to receive the exemption.		
Electricity		
Council requires that electricity services be provided to each allotment created with a dwelling entitlement. Proposed alternative methods of power supply will be considered by Council for subdivision in RU1 Primary Production Zone, RU4 Primary Production Small Lots Zone and R5 Large Lot Residential Zone where the development is more than 1km from the grid system or the cost to provide electricity exceeds \$30,000 per lot subject to a covenant being imposed on the land title stating that the provision of electricity to the allotment is to be provided by the landowner. The approval of alternative methods of power supply is at the discretion of Council.	N/A - The proposal is for paper subdivision of a closed road Lot 1 and no dwelling is proposed.	N/A
Land Use History		
Any application on rural land would need to demonstrate the previous use of the land and potential for contaminating land uses.	N/A - The proposal is for paper subdivision of a closed road Lot 1	N/A
Community title Subdivision		
(C) The following measures must be used for Any application on Large Lot Residential (R5) zoned land cannot create an overall lot density greater than the Minimum lot size prescribed by the LEP.	N/A – The site is within RU1 Primary Production.	N/A

4.2 Planning agreements - Section 4.15(1)(a)(iii)

No planning agreement applies to the subject site.

4.3 The Regulations - Section 4.15(1)(a)(iv)

The pertinent considerations identified within the *Environmental Planning and Assessment Regulation 2021* relate to conformity with the Building Code of Australia (BCA), and compliance is required to be demonstrated as part of the construction certificate application. This does not apply to the proposed development.

4.4 Likely impacts of the development – Section 4.15(1)(b)

The likely environmental impacts of the proposed development have been assessed comprehensively throughout this report and described below:

Context & setting

The context and setting of the development site is described in Section 2 of this Report.

The site is located in Barigan village. The subject site is irregular undulating land with 10 lots which includes natural vegetation. The proposal is to subdivide closed road Lot 1 in a way that

each portion of Lot 1 within the adjoining lot matches the boundaries of the adjoining lot and results in subdivision of 8 lots with no additional environmental impacts. The proposal consistent with LEP Clause 4.2 allows subdivision of lot less than the minimum lot size (100ha). In addition, the proposal complies with the relevant DCP controls. The proposal will not have any negative impact.

Overall, the proposal is consistent with the existing subdivision pattern and will contribute positively to the existing character of the area.

Access, Transport & Traffic

Access to each lot is provided via the track in use easement as indicated in the proposed Plan of Subdivision. The proposal will generate minimal traffic and have negligible impact to the road and transport. The subdivision is overall consistent with the existing subdivision pattern which will contribute positively to the surrounding area.

Utilities

The proposed lots does not include dwelling entitlement and not required to be connected with water, sewer and electricity. The future lots with dwelling entitlement will be provided with all the required services.

Flora & Fauna

The proposal is for subdivision of land only and does not include any building works and removal of vegetation. Overall the proposal will not have any negative impact to the existing flora & fauna.

Bushfire

The proposal is for subdivision of a closed road only and does not include any dwelling entitlement within the proposed lots. A bushfire assessment is not required given the nature of the proposal.

Flooding

The site is not identified as flood prone land under the MWRLEP 2012 as indicated in the Figure below.

Water Quality Impacts

The site is identified within Groundwater vulnerability land under the MWRLEP. However the proposal is for subdivision of the land only and does not include construction works.

Air Quality

The proposal is for subdivision and does not include any development works. Thus the proposal will not have impact to the local air quality.

Social & economic impact

The proposed subdivision will have positive socio-economic impact, given the fact that the proposal is supporting provision of clear and adequate access for all the existing lots and allows alignment of the proposed lots with the boundaries of existing lots within the site. The proposal will not change the existing village character of the area.

As discussed above the impacts are generally minor in nature and have been determined to be consistent with the relevant planning controls which apply to the development. Overall, the proposal is considered acceptable with regards to social & economic impacts.

4.5 Suitability of the site– Section 4.15(1)(c)

The closed road Lot 1 is proposed to be subdivided so that each portion of Lot 1 within the adjoining lot matches the boundaries of the adjoining lot. This will in support of approved TIU easement (that is created to provide access to each lot). The proposal is for subdivision of the land will not change the use of the site. Therefore, the contamination assessment is not required.

Overall the site is considered suitable for the proposed development in the following respects:

- It retains existing village character of the area.
- The lots within the site will have suitable access.
- It does not include removal of vegetation.
- It does not include any dwelling entitlement.
- By reason of the proposed mitigation measures it will not result in any unacceptable environmental impacts that could preclude the proposal.

4.6 Public submissions – Section 4.15(1)(d)

Any public submissions received in response to the development proposal are required to be considered in light of Section 4.15 of the Act, having regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the future development; and,
- The acceptable nature of the proposal when considering the wider public interest.

4.7 Public Interest – Section 4.15(1)(e)

Having regard to the assessment of the proposal against the relevant heads of consideration it is considered that the proposal is clearly in the public interest of facilitating the access and clear cut boundary to all existing lots.

5.0 Conclusion

This SEE has been prepared for the purposes of considering the environmental effects of the DA for an 8 lot subdivision over the subject site. The proposal has been considered against the relevant planning provisions. It is concluded that the proposal satisfies those provisions and warrants development consent, having regard to the following matters:

- The development is permissible with developmental consent under the MWRLEP 2012. The proposed development is consistent with the underlying objectives and performance criteria within the relevant planning provisions relating to the site;
- The proposal is in support of facilitating the access to all existing lots.
- There is no variation to the local planning controls and no unreasonable impacts arise from the proposal;
- The proposal is consistent with the existing subdivision pattern and will contribute positively to the character of the area;
- The site is of a suitable size and configuration to accommodate the proposed subdivision; and
- The proposal is in public interest and will result in overall public benefit.

The proposal succeeds when assessed against the relevant heads of consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979. Having considered the environmental, social and economic matters of relevance to this application it is recommended that the proposal is appropriate for consent to be granted.