

August 2023



Statement of Environmental Effects

82 Henry Bayly Drive, Mudgee:

Torrens Title Subdivision

1 into 3 Lots

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Land	82 Henry Bayly Drive, Mudgee –Torrens Title Subdivision: 1 into 3 Lots
Proponent	Brian Jones
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TABLE OF CONTENTS

Part A – Proposal Overview	6
1 Introduction	6
2 Site Overview	7
3 Proposed Development.....	15
Part B - Statutory Considerations	18
4 Part 1.7 – Biodiversity Conservation Act 2016 & Fisheries Management Act 1994	18
5 EP&A Act Part 4.15 (1)(A).....	20
5.1 State Environmental Planning Policies.....	20
5.2 Local Environmental Plan	22
5.2.1 Zoning and Permissibility	22
5.2.2 Mid-Western Regional Local Environmental Plan 2012: Clause 4.1	23
5.2.3 Zone Objectives.....	24
5.2.4 Aboriginal Archaeology and European Heritage Conservation.....	24
5.2.5 Flood Planning.....	25
5.2.6 Salinity	25
5.2.7 Earthworks.....	25
5.2.8 Groundwater Vulnerability.....	25
5.2.9 Terrestrial Biodiversity	25
5.2.10 Essential Services	26
5.2.11 Visually Sensitive Land Near Mudgee.....	26
5.3 Proposed Instruments.....	27
5.4 Development Control Plan	27
6 EP&A Act 1979 Section 4.15 (1)(B) – Impacts	29
6.1 Environmental Impacts	29
6.1.1 Ecological Considerations.....	29
6.1.2 Soil and Water	29
6.1.3 Air Quality and Noise	29
6.1.4 Access, Transport and Traffic	29
6.2 Social and Economic Impacts	30

6.2.1	Context and Setting	30
6.2.2	Privacy, Views and Solar Access	30
6.2.3	European Heritage.....	30
6.2.4	Aboriginal Cultural Heritage	30
6.3	Bushfire Considerations	30
6.4	Cumulative Impacts	31
7	EP&A Act Section 4.15(1)(C) & (E) - Site Suitability and Public Interest.....	32
7.1	Is the proposal suitable for the locality?	32
7.2	Is the site appropriate for the proposed development?	32
7.3	Is the proposal in the public interest?	32
8	Conclusion	32

FIGURES

Figure 1: Site Location (Google Maps 2022)

Figure 2: Aerial Photography of the Site (NSW Spatial Services, 2023)

Figure 3: NSW State Biodiversity Values Map (NSW Spatial Services, 2023)

Figure 4: Land Zoning (Mid-Western Regional Local Environmental Plan 2012)

Figure 5: Minimum Lot Size (Mid-Western Regional Local Environmental Plan 2012)

Figure 6: Site Terrestrial Biodiversity (NSW Spatial Services, 2023)

Figure 7: Visually Sensitive Land (NSW Spatial Services, 2023)

Figure 8: Bushfire Prone Land (NSW Spatial Services, 2023)

TABLES

Table 1: Servicing Arrangements

Table 2: Evaluation Against State Environmental Planning Policies

Table 3: DCP Evaluation

PLATES

Plate 1: Driveway to Existing Dwelling on Proposed Lot 1 and Northern Boundary Fence

Plate 2: View into Location of Proposed Lots 2 and 3 with Existing Power Pole in the Foreground

Plate 3: Existing Site Vegetation Proposed Lots 2 and 3

Plate 4: Existing Residence Proposed Lot 1

Plate 5: Existing Residence Proposed Lot 1

Plate 6: Neighbouring Residential Development: Eastern Side Henry Bayly Drive:
Proposed Lot 1 Existing Driveway in Foreground

Plate 7: Neighbouring Residential Development Eastern Side Henry Bayly Drive:
Locational Proximity to Proposed Lot 1

APPENDICES

Appendix 1: Proposed Plan of Subdivision

Appendix 2: Utility Services and Communications Details

Appendix 3: Biodiversity Development Assessment Report (AEP, 2023)

Appendix 4: AHIMS Report

Appendix 5: Bushfire Hazard Assessment (Bushfire Planning & Design, March 2023)

PART A – PROPOSAL OVERVIEW

1 INTRODUCTION

O'Ryan Geospatial Pty Ltd (O'Ryan) has been engaged by the landowner to prepare a Statement of Environmental Effects (SEE) to describe and assess the permissibility of a proposed Torrens title subdivision against relevant legislative, environmental, and planning requirements. The SEE accompanies the development application (DA) seeking consent for the proposed development of the land.

The subject land is legally described as Lot 216 DP 756894; 82 Henry Bayly Drive, Mudgee.

The DA seeks the consent of Mid-Western Regional Council (Council) for the subdivision of the land into three (3) lots pursuant to clause 2.6 of *Mid-Western Regional Local Environmental Plan 2012* (LEP). The primary purpose of the subdivision is to facilitate the subsequent development of each of proposed lots 2 and 3 for the purposes of residential development. Proposed lots 2 and 3 are each 4000m² in size. Proposed lot 1 would retain the existing dwelling on 4.15 hectares.

The site is classified as Bushfire Prone land (Vegetation Buffer). The proposed development is integrated development (section 4.46 of the *Environmental Planning & Assessment Act 1979* (the EP&A Act)) requiring approval under section 100B of the *Rural Fires Act 1997*.

Given the need for removal of native vegetation (for fencing and clearing within bushfire Asset Protection Zones (APZs)) and associated locational proximity to the watercourse (Strahler Stream Order 2) to the west of the intended lots (within 40 metres), the proposed development is also nominated integrated development requiring a Controlled Activity Approval pursuant to the requirements of the *Water Management Act 2000*.

The proposed development will access and augment utility services (to proposed lots 2 and 3) currently available in Henry Bayly Drive.

Other works associated with the proposed subdivision include fencing and the removal of vegetation consistent with the detail contained in the Biodiversity Development Assessment Report (BDAR). See note below.

Note:

A small area of the property is identified as having high biodiversity value and is included on the NSW State Biodiversity Values Map (BVM), so the Biodiversity Offset Scheme (BOS) was triggered and a BDAR deemed necessary. The BOS scheme allows compensatory measures to be assessed and calculated in an effort to mitigate the loss of ecological value caused by development.

The BOS was established under the *Biodiversity Conservation Act 2016*.

Under the BOS, applications for development or clearing approvals must set out how impacts on biodiversity will be avoided and minimised. The remaining residual impacts can be offset by the purchase and/or retirement of biodiversity credits or payment to the Biodiversity Conservation Fund.

The SEE is structured into two parts:

- Part A – provides an overview of the subject site and proposed development.
- Part B – evaluates the proposed development against the environmental planning framework.

2 SITE OVERVIEW

The subject land is legally described as Lot 216 DP 756894; 82 Henry Bayly Drive, Mudgee.

The location of the subject site is shown below in Figure 2.

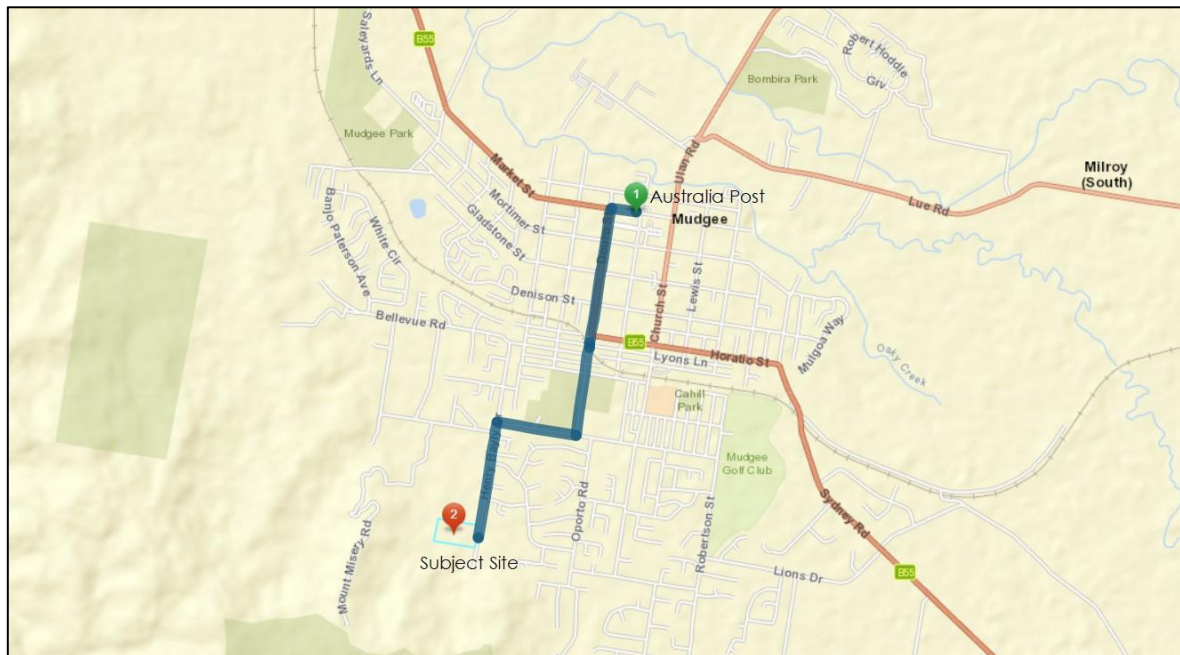


Figure 2: Site Location (Google Maps 2023)

An overview of site characteristics is provided below:

Size	4.95 hectares
Shape	Lot Shape: Rectangular
Frontage	164.6 metre frontage to Henry Bayly Drive
Depth	302.39 metres (northern boundary) 300.375 metres (southern boundary)
Terrain Features	The subject site broadly slopes from south-west to north-east from 547 to 523 metres.
Environmental Hazards	Lot 216 is bushfire prone. The land is not flood prone nor has its history been associated with land uses which would cause potential contamination concerns.
Surrounding Development	The site is located adjacent to both existing residential development and vacant residential land.
Built Environment	<p>Description: Lot 216 is occupied by an existing dwelling and outbuildings generally located towards the middle of the site.</p> <p>Access: The site has legal access to Henry Bayly Drive.</p> <p>Servicing: Reticulated water, sewerage, electricity and fixed line NBN are available from Henry Bayly Drive.</p>

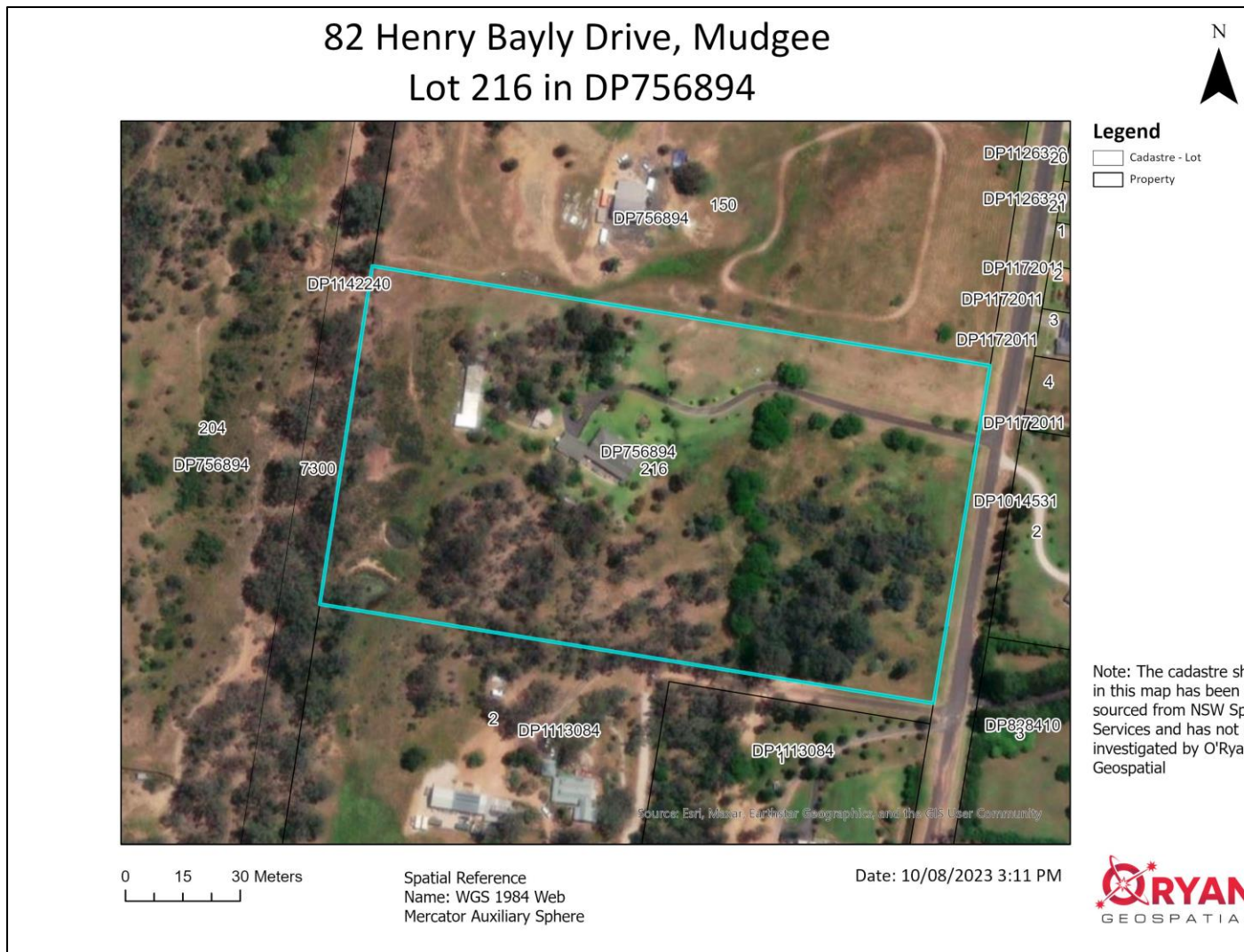


Figure 3 comprises an aerial photograph of the property. Site photography and adjacent residential development are illustrated at Plates 1-7.

Statement of Environmental Effects

82 Henry Bayly Drive, Mudgee – Torrens Title Subdivision: 1 into 3 Lots

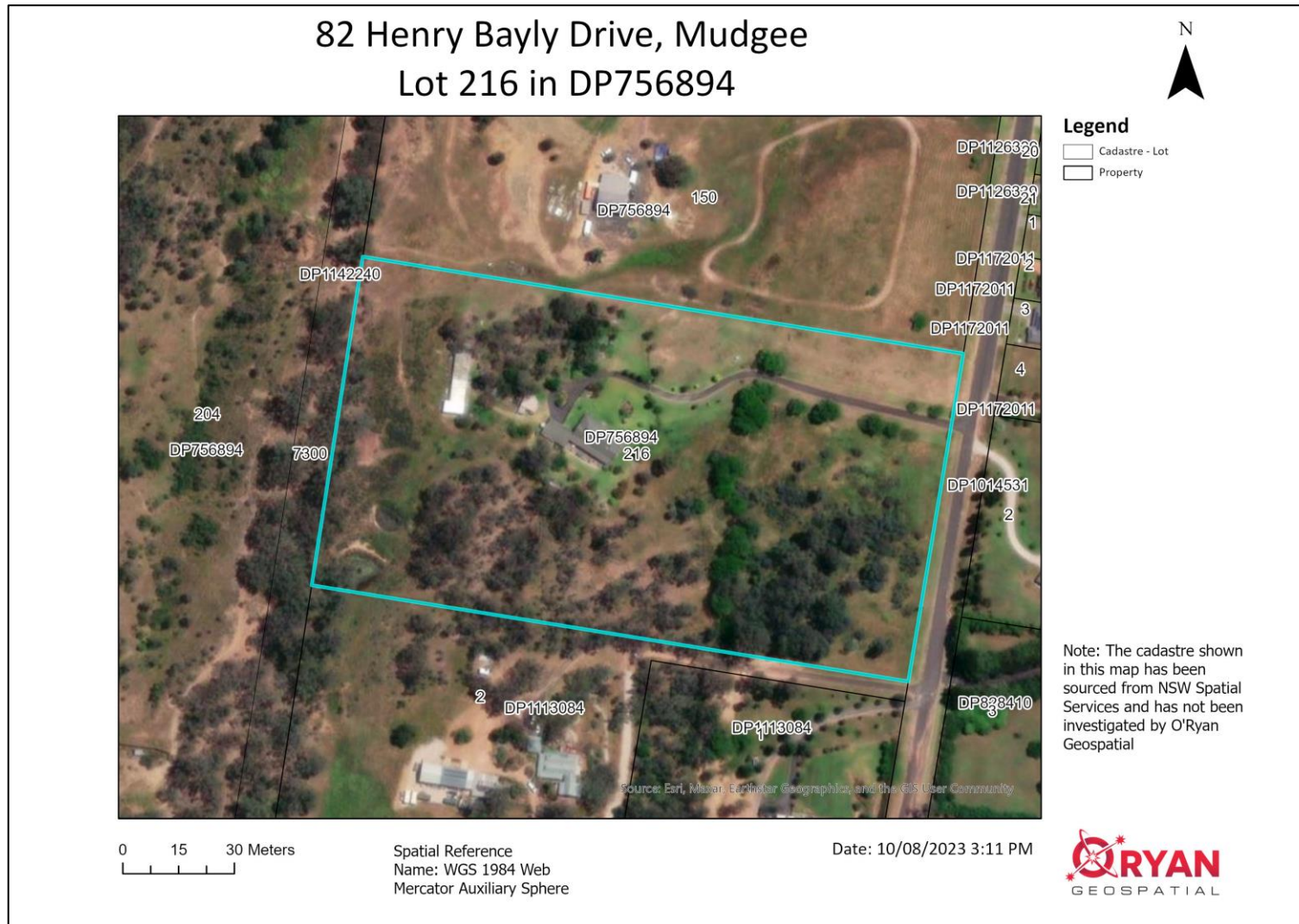


Figure 3: Aerial Photography of the Site



Plate 1: Driveway to Existing Dwelling on Proposed Lot 1 and Northern Boundary Fence



Plate 2: View into Location of Proposed Lots 2 and 3 with Existing Power Pole in the Foreground



Plate 3: Existing Site Vegetation Proposed Lots 2 and 3



Plate 4: Existing Residence Proposed Lot 1



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Plate 6: Neighbouring Residential Development: Eastern Side Henry Bayly Drive:
Proposed Lot 1 Existing Driveway in Foreground



Plate 7: Neighbouring Residential Development Eastern Side Henry Bayly Drive: Locational Proximity to Proposed Lot 1

3 PROPOSED DEVELOPMENT

The proposed development consists of the Torrens title subdivision of the land, creating three (3) lots. It is intended that proposed lot 1 will be occupied by the existing dwelling, ancillary buildings, the existing driveway and landscaping.

Subsequent development of each of proposed lots 2 and 3 is intended for the purposes of residential development.

Subdivision details are illustrated on the plans prepared by O'Ryan Geospatial, located at Appendix 1.

The proposed allotments are described below:

- Proposed Lot 1 – 4.15 hectares - with direct frontage to Henry Bayly Drive.
- Proposed Lot 2 – 4000m² - with direct frontage to Henry Bayly Drive.
- Proposed Lot 3 – 4000m² - with direct frontage to Henry Bayly Drive.

The proposed development will access and augment services (to proposed lots 2 and 3) currently available in Henry Bayly Drive. Details of the proposed servicing arrangements are outlined in Table 1.

Other works associated with the proposed subdivision include fencing and the removal of vegetation consistent with the detail contained in the Biodiversity Development Assessment Report (BDAR).

Table 1: Servicing Arrangements

Service	Proposed Arrangements
Access and Traffic	<p>No alterations are proposed to the access associated with proposed lot 1.</p> <p>Proposed lots 2 and 3 intend a sealed driveway access to Henry Bayly Drive.</p> <p>Driveway accesses to proposed lots 2 and 3 will be located greater than 6m from any intersection and have sufficient line of sight, appropriate for the 50km/hr speed zone.</p> <p>The traffic generated by proposed subsequent development will be minimal. Henry Bayly Drive is a sealed, two-lane collector road which will readily service the proposed development. The existing level of service of Henry Bayly Drive is not expected to alter as a result of the additional traffic generated by the subsequent residential development of the land.</p>
Water supply	Reticulated water can be augmented to both proposed lots. Refer to details in Appendix 2.
Effluent disposal	Reticulated sewer can be augmented to both proposed lots. Refer to details in Appendix 2.
Waste disposal	Council provides solid waste collection and management services for domestic waste. The proposed allotments are within the Mudgee kerbside collection for general waste, recycling, and food organics/garden organics.
Drainage and stormwater	The proposed subdivision of the land will have an immaterial impact on drainage and stormwater at the site. Future development applications for residential development within proposed lots 2 and 3 will provide specific details relating to drainage and stormwater considerations.
Electricity	The site has access to grid electricity infrastructure located within Henry Bayly Drive. Refer to details in Appendix 2.
Telecommunications	The proposed lots are intended to be connected to the NBN fixed-line broadband access network. Refer to details in Appendix 2.

PART B - STATUTORY CONSIDERATIONS

The NSW Planning system operates under the statutory requirements outlined by the EP&A Act. This section of the SEE evaluates the proposed development against relevant statutory obligations.

4 PART 1.7 – BIODIVERSITY CONSERVATION ACT 2016 & FISHERIES MANAGEMENT ACT 1994

Part 1.7 of the EP&A Act requires the application of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* (FM Act). Part 7, Division 1, Section 7.2 of the BC Act requires consideration of whether the development or activity is “likely to significantly affect threatened species”, viz:

*“(1) For the purposes of this Part, development or an activity is **likely to significantly affect threatened species** if—*

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) it is carried out in a declared area of outstanding biodiversity value”.*

The BOS has an area threshold trigger providing an allowance for clearing native vegetation based on the minimum lot size of the property or its associated land zoning. It has an additional trigger which is based on whether the property for the proposed development is identified on the BVM. If the proposed development requires more native vegetation clearance than the area threshold or the proposed development area is associated with the BVM then the development requires a BDAR. A BDAR will determine the Biodiversity Offset Credit (BOC) obligation.

A small area of the property is identified as having high biodiversity value and is included within BVM such that the BOS is triggered and a BDAR has been deemed necessary. The BOS scheme allows compensatory measures to be assessed and calculated in an effort to mitigate the loss of ecological value caused by development. Refer to Figure 3.

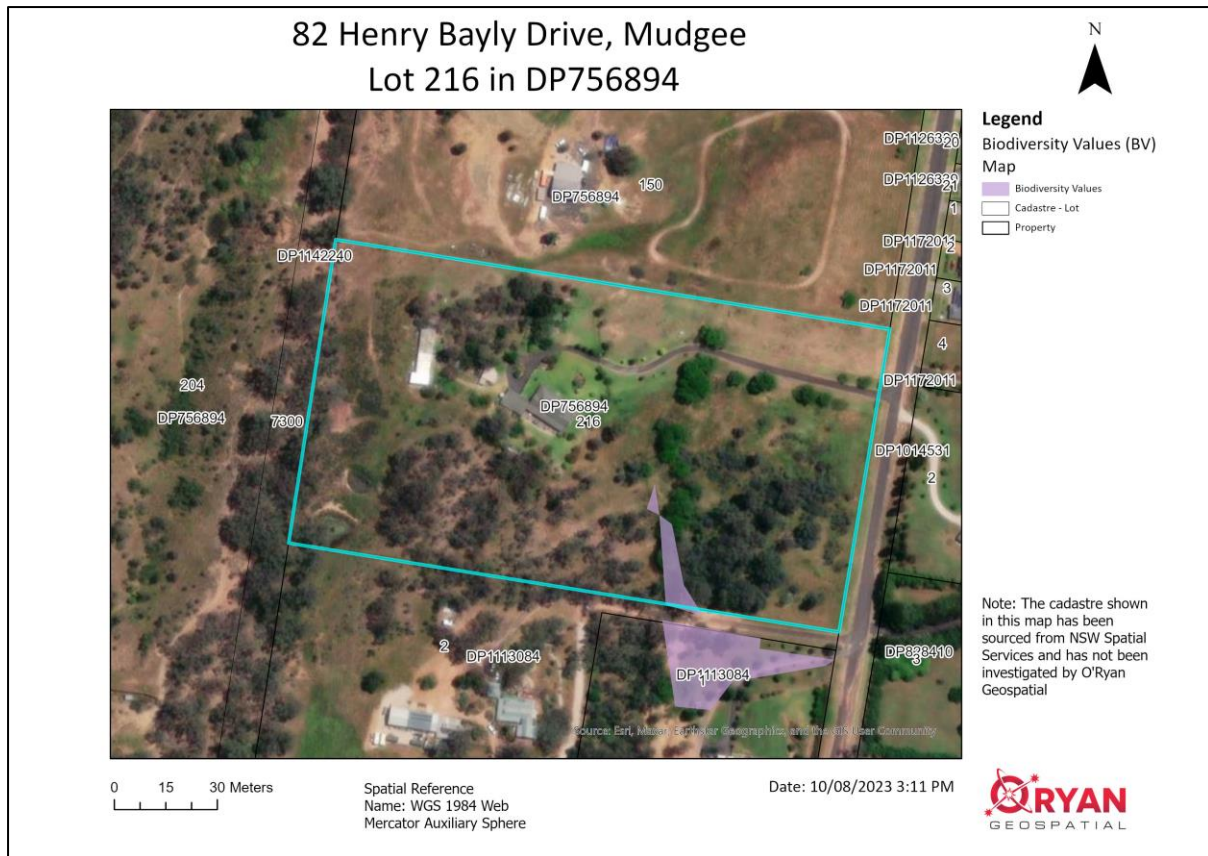


Figure 3: NSW State Biodiversity Values Map (NSW Spatial Services, 2023)

A BDAR has been prepared by Access Environmental Planning (April, 2023), located at Appendix 3.

The BDAR specifies that:

“Vegetation at the site is predominantly dry sclerophyll forest with modified woody areas and sections of grassland that have a high proportion of exotic grasses and weeds. The development site has undergone past management activities that have altered the structure of the existing native vegetation community and groundcover diversity in some places. The Plant Community Type (PCT) found at the proposed development site is PCT 273, White box shrubby open forest on fine grained sediments on steep slopes in the Mudgee region of the central western slopes of NSW. There are no threatened ecological communities (TEC) associated with this plant community or found at the site.

Site status, habitat suitability factors and efforts to minimise impacts from the development activities, mean threatened species are unlikely to be significantly impacted by site changes.

The assessed condition means 15 ecosystem credits are required to offset the biodiversity impacts of the proposal. Effects of indirect and prescribed impacts will be limited by the implementation of recommended safeguards. While the regent honeyeater is identified with potential serious and irreversible impacts (SAIL), the composition and integrity of the existing vegetation, the location of the development – avoiding the zone identified on the Important Areas map and scale

of the proposal means that proposed development will not exacerbate factors that contribute to these effects".

(AEP 2023 Executive Summary, p.iii).

5 EP&A ACT PART 4.15 (1)(A)

In determining a DA, the consent authority considers relevant legislative matters under section 4.15(1)(a) of the Act, viz:

"(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 Planning 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*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (v) (Repealed)".*

Those matters are considered as follows:

5.1 STATE ENVIRONMENTAL PLANNING POLICIES

A discussion of the applicability of State Environmental Planning Policies (SEPPs) to the proposed development is outlined below in Table 2.

Table 2: Evaluation Against State Environmental Planning Policies

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) EVALUATION	
SEPP	Evaluation and Comment
<u>SEPP (Biodiversity and Conservation) 2021</u>	<ul style="list-style-type: none"> - The provisions of the BOS are relevant to the proposed development of the land. A BDAR has been prepared. See details at Section 4 and Appendix 3. - The proposed development does not contain trees listed under Council's Development Control Plan (DCP) Section 4.7 – Tree Preservation Order. - Koalas are not listed as candidate species in the online BAM case and no records of them exist on the subject land. On that basis, a site survey and associated assessment for the presence of koalas has not been required (Koala BAM Survey Guide, DPE 2022).
<u>SEPP (Building Sustainability Index: BASIX) 2004</u>	<ul style="list-style-type: none"> - Not applicable
<u>SEPP (Exempt and Complying Development Codes) 2008</u>	<ul style="list-style-type: none"> - Not applicable
<u>SEPP (Housing) 2021</u>	<ul style="list-style-type: none"> - Not applicable.
<u>SEPP (Industry and Employment) 2021</u>	<ul style="list-style-type: none"> - Not applicable.
<u>SEPP No 65 Design Quality of Residential Apartment</u>	<ul style="list-style-type: none"> - Not applicable.
<u>SEPP (Planning Systems) 2021</u>	<ul style="list-style-type: none"> - Not applicable.
<u>SEPP (Precincts—Regional) 2021</u>	<ul style="list-style-type: none"> - Not applicable.
<u>SEPP (Primary Production) 2021</u>	<ul style="list-style-type: none"> - Not applicable.

SEPP (Resilience and Hazards) 2021	<ul style="list-style-type: none"> - The SEPP requires the planning authority to consider the potential of land contamination at the site under assessment. - The site is not listed on the NSW EPA public register of known contaminated sites. Current and historical land uses of the property are considered unlikely to have resulted in land contamination.
SEPP (Resources and Energy) 2021	<ul style="list-style-type: none"> - Not applicable.
SEPP (Transport and Infrastructure) 2021	<ul style="list-style-type: none"> - Not listed under Schedule 3 – Traffic Generating developments - No access is proposed via a classified road.

5.2 LOCAL ENVIRONMENTAL PLAN

The proposed development has been assessed against the LEP.

5.2.1 Zoning and Permissibility

The subject site is zoned R2 Low Density Residential pursuant to the LEP. Refer to Figure 4.

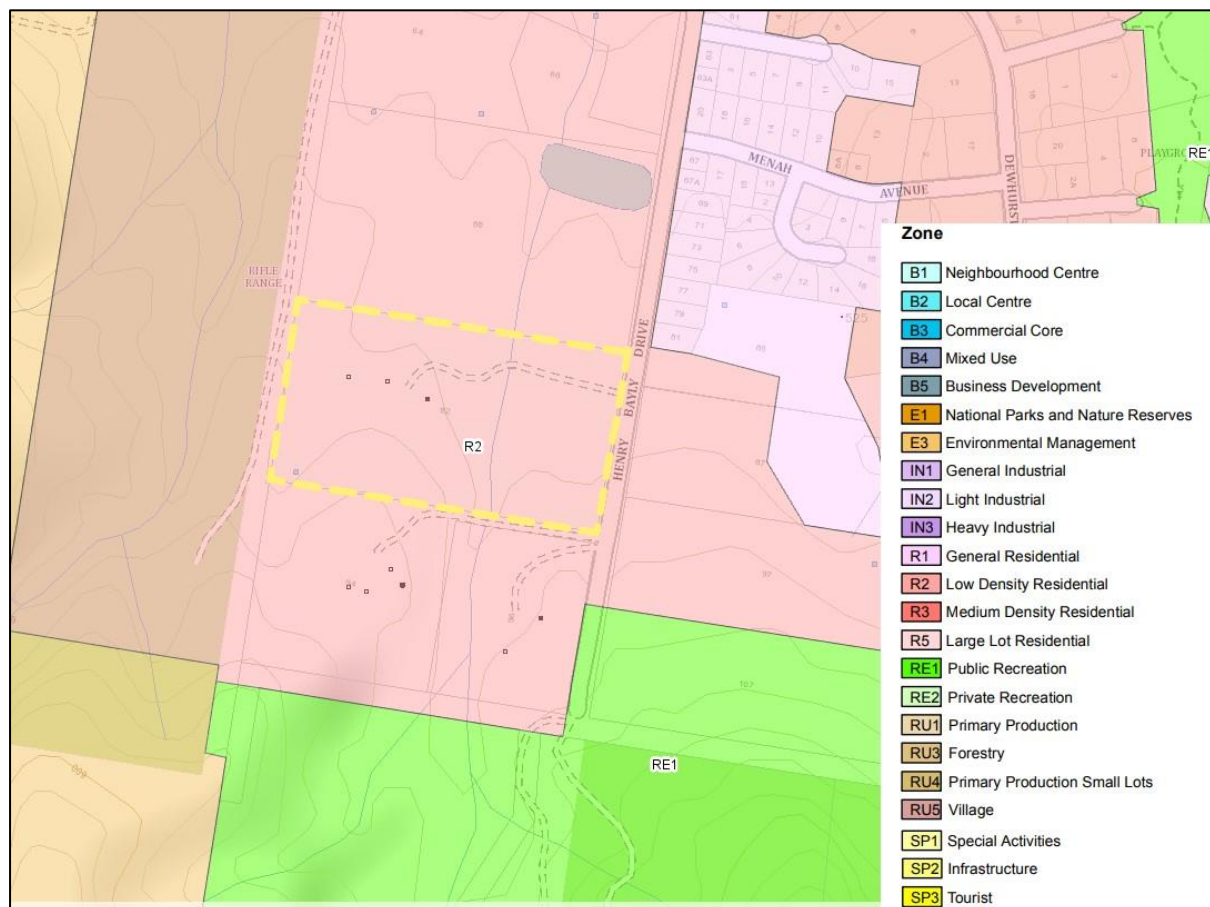


Figure 4: Land Zoning (Mid-Western Regional Local Environmental Plan 2012)

Clause 2.6 (1) of the LEP prescribes that the land may be subdivided, but only with development consent.

5.2.2 Mid-Western Regional Local Environmental Plan 2012: Clause 4.1

Clause 4.1 states as follows:

"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 2021".

Comment:

The land is situated within 'Area B' on the LEP lot size map. Refer to Figure 5.

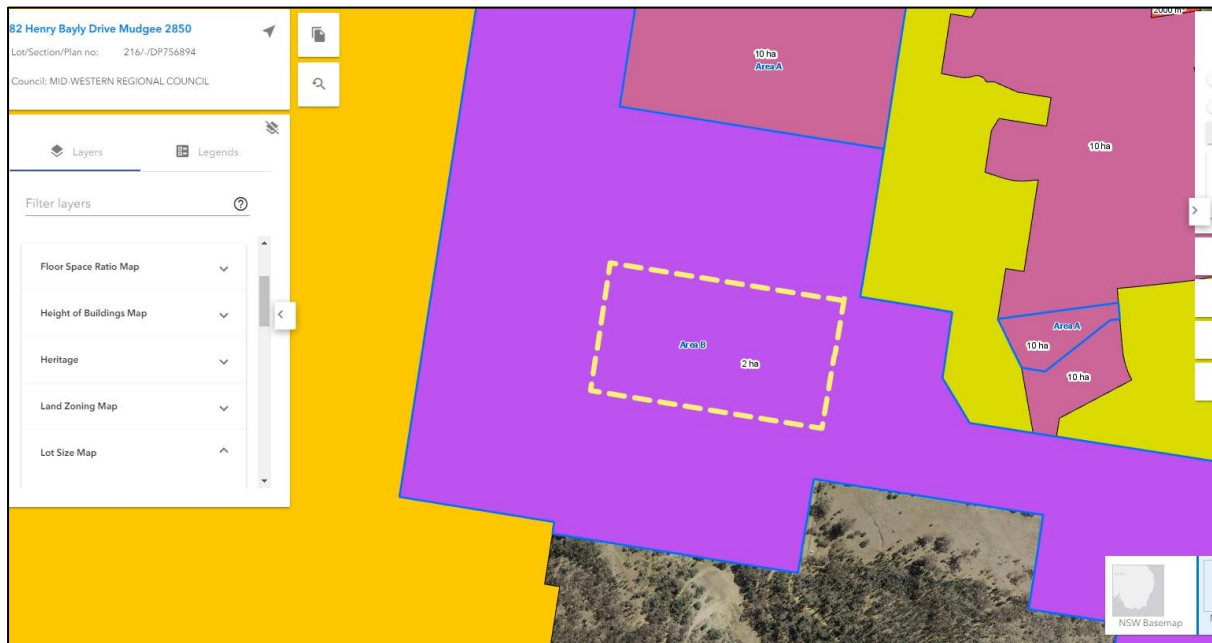


Figure 5: Minimum Lot Size (Mid-Western Regional Local Environmental Plan 2012)

Clause 4.1 (3A)(b) of the LEP permits Council to grant consent to the subdivision of the land creating 4000m² lots. All three (3) proposed lots are greater than or equal to 4000m².

5.2.3 Zone Objectives

The objectives of the R2 Low Density Residential zone are:

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

Comment:

The proposed subdivision of the land will subsequently contribute to the housing needs of the Mudgee community in the form of low-density residential development. The proposed development satisfies the relevant objectives of the R2 Low Density Residential zone.

5.2.4 Aboriginal Archaeology and European Heritage Conservation

The subject site is located outside the Mudgee Heritage Conservation Area and does not contain an item of local or State heritage significance listed under Schedule 5 of the LEP. An AHIMS report (see Appendix 4) establishes that there are no known

Aboriginal sites or places of heritage significance located within the subject site or a 200m radius of the site boundaries.

5.2.5 Flood Planning

The subject site is not located within the Flood Planning Area identified in the LEP.

5.2.6 Salinity

The subject site is not identified as being affected by high salinity and the proposed development is otherwise unlikely to influence salinity processes.

5.2.7 Earthworks

Minor earthworks are associated with the proposed subdivision of the site. Soil erosion and sedimentation procedures will be employed as necessary and relevant.

5.2.8 Groundwater Vulnerability

The LEP identifies the site as being 'groundwater vulnerable'. The proposed subdivision of the land will not significantly impact groundwater.

5.2.9 Terrestrial Biodiversity

The subject site contains a minute component of vegetation identified as “high” terrestrial biodiversity on the LEP sensitivity biodiversity map. See Figure 6.

The proposed development has no impact on the illustrated area of 'terrestrial biodiversity'.

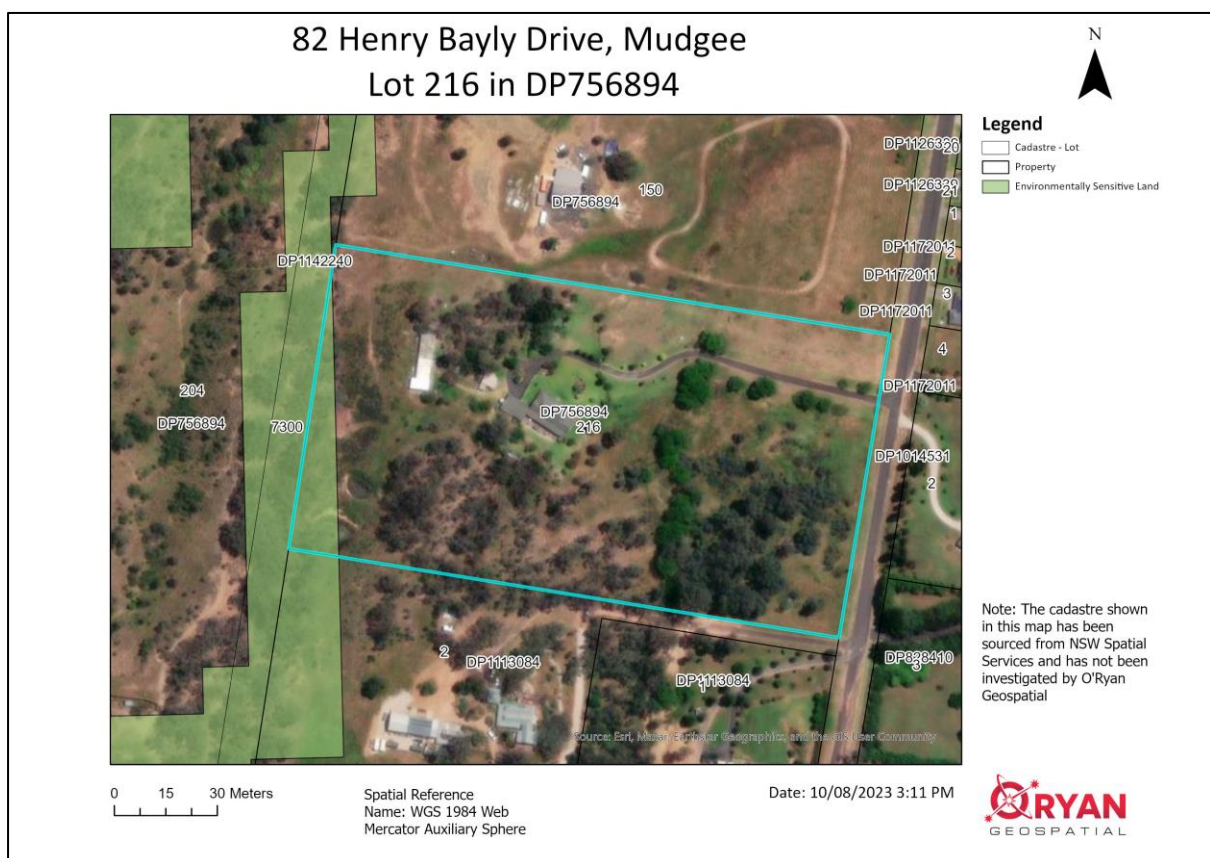


Figure 6: Site Terrestrial Biodiversity (NSW Spatial Services, 2023)

5.2.10 Essential Services

LEP clause 6.9 requires that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available. Essential services include:

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

Section 3 of this report describes the proposed arrangements for the provision of services to the development. All essential services are available to the site.

5.2.11 Visually Sensitive Land Near Mudgee

The subject site is identified as “visually sensitive land” under clause 6.10 of the LEP. See Figure 7.

The proposed subdivision of the land will have no material visual impact in the locality.

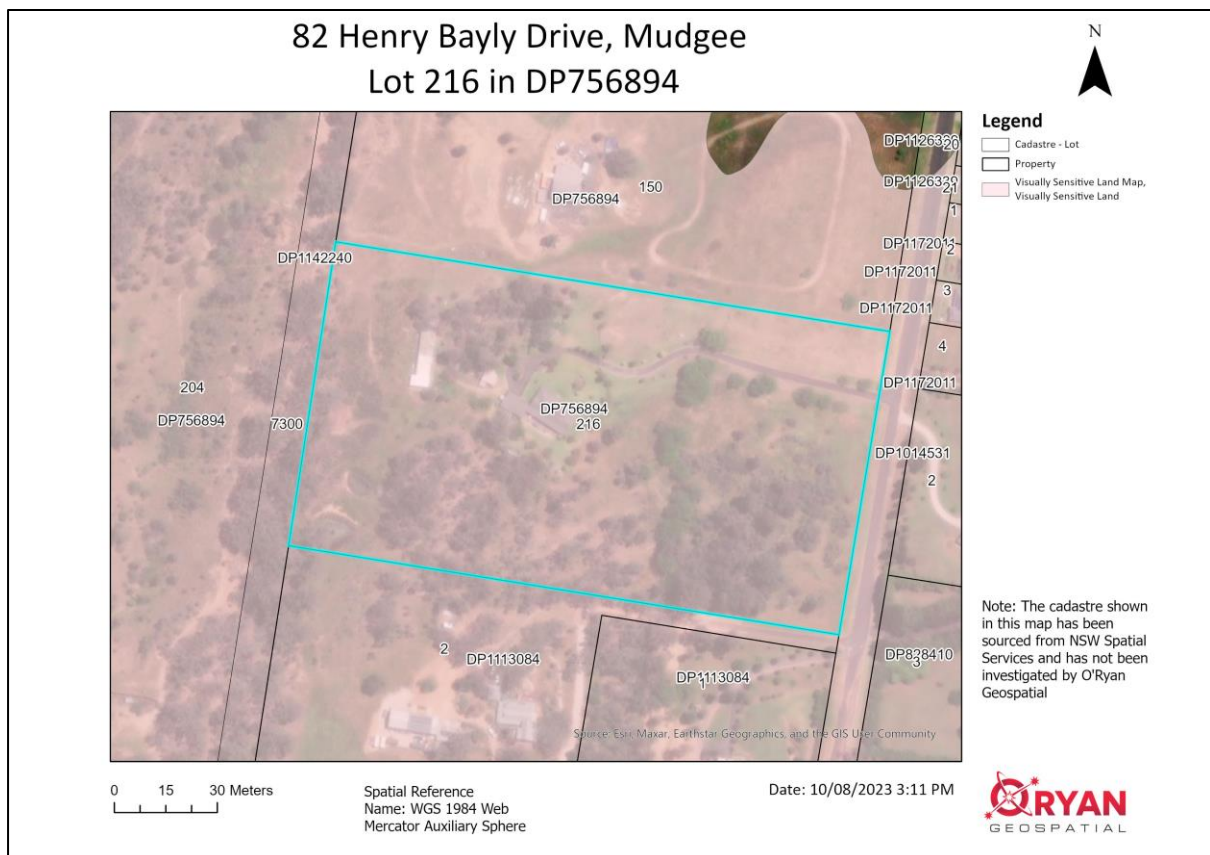


Figure 7: Visually Sensitive Land (NSW Spatial Services, 2023)

5.3 PROPOSED INSTRUMENTS

There are no draft environmental planning instruments directly relevant to the proposed development of the land.

5.4 DEVELOPMENT CONTROL PLAN

Compliance with the Mid-Western Regional DCP 2013 requirements is discussed below.

Table 3: DCP Evaluation

Provision	Compliance? (Y/N)	Evaluation and Comment
Urban Subdivision		
Lot Size	Yes	<p>The plan of proposed subdivision is provided at Appendix 1.</p> <p>Proposed Lot 1 is 4.15 hectares with direct frontage to Henry Bayly Drive.</p> <p>Proposed Lot 2 is 4000m² with direct frontage to Henry Bayly Drive.</p> <p>Proposed Lot 3 is 4000m² with direct frontage to Henry Bayly Drive.</p> <p>All proposed lots have slopes of less than 20 degrees.</p> <p>All proposed lots have a minimum frontage in excess of 16 metres.</p>
Lot Design	Yes	<p>The orientation of the proposed lots is consistent with that within the immediate locality, providing capacity for future residential development to achieve good solar access.</p> <p>Proposed lots are generally rectangular in nature.</p>

Street Layout & Design	Yes	<p>Two (2) additional lots are proposed. A traffic impact statement is not required as part of this application.</p> <p>The existing level of service of Henry Bayly Drive will be retained as a result of the proposed development of the land.</p> <p>No new roads are proposed as part of this development application and each proposed lot has suitable access to the existing road network.</p>
Cycleways and footpaths	N/A	<p>The development is not located within the pedestrian footpath or cycleway network.</p> <p>No new footpaths or cycleways are proposed as part of the development.</p>
Open Space	N/A	<p>Not applicable. The proposal is not a greenfield development with more than 20 lots.</p> <p>No onsite detention basins are proposed as part of this application.</p>
Landscaping	Yes	<p>The provision of street trees can be provided consistent with Council's requirements as necessary.</p>
Utility Services	Yes	<p>All necessary utility and telecommunications services are available to the site. Refer to section 3.</p>

Drainage	Yes	The proposed subdivision of the land will have an immaterial impact on drainage and stormwater at the site. Future development applications for residential development at the site will provide specific details related to drainage and stormwater considerations.
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6 EP&A ACT 1979 SECTION 4.15 (1)(B) – IMPACTS

Section 4.15(1)(b) of the EP&A Act requires consideration of the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

6.1 ENVIRONMENTAL IMPACTS

6.1.1 Ecological Considerations

Ecological considerations are discussed at both Part 4 and Part 5.2.9 of this report.

6.1.2 Soil and Water

Minor earthworks associated with the proposed subdivision of the site are limited to the installation of services, driveway constructions and the additional removal of vegetation associated with building envelopes and APZs.

Soil erosion and sedimentation procedures will be employed as necessary and relevant.

The proposed development will have minimal impact on soil and water.

6.1.3 Air Quality and Noise

Works associated with the proposed development comprise minor earthworks limited to the installation of services, driveways and the additional removal of vegetation associated with building envelopes and APZs.

No significant air quality or noise impacts will occur as a result of the proposed subdivision of the land.

6.1.4 Access, Transport and Traffic

The subject site is located within an established residential area, serviced by a Council maintained collector road.

The line-of-sight of the proposed additional driveway crossovers is adequate.

The development of the property is not anticipated to give rise to any adverse impacts associated with traffic movement, safety, or off-street parking. Henry Bayly Drive is a sealed collector road with sufficient capacity to accommodate the increase in traffic generation associated with the development of the site.

6.2 SOCIAL AND ECONOMIC IMPACTS

6.2.1 Context and Setting

The subject site is located within an established and developing residential area, utilised primarily for housing purposes.

The proposed development of the site for future residential purposes is considered unlikely to result in land use conflict with surrounding properties.

6.2.2 Privacy, Views and Solar Access

The proposed subdivision of the land will have no impact on neighbouring residents' privacy or views. These are matters to be considered in any subsequent development applications for the future development of the land.

6.2.3 European Heritage

The subject site is not located within the Mudgee Heritage Conservation Area and does not contain an item of State or local heritage significance identified by Schedule 5 of the LEP.

The proposed development will have no impact on European Heritage.

6.2.4 Aboriginal Cultural Heritage

Minor earthworks are associated with the proposed development of the land.

An assessment of the potential impact on items of Aboriginal heritage significance has been undertaken in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

An AHIMS report (see Appendix 4) establishes that there are no known Aboriginal sites or places of heritage significance located within the subject site or a 200m radius of the site boundaries.

6.3 BUSHFIRE CONSIDERATIONS

The site is classified as Bushfire Prone land (Vegetation Buffer). The proposed development is integrated development (section 4.46 of the EP&A Act) requiring approval under section 100B of the *Rural Fires Act 1997*. See Figure 8.

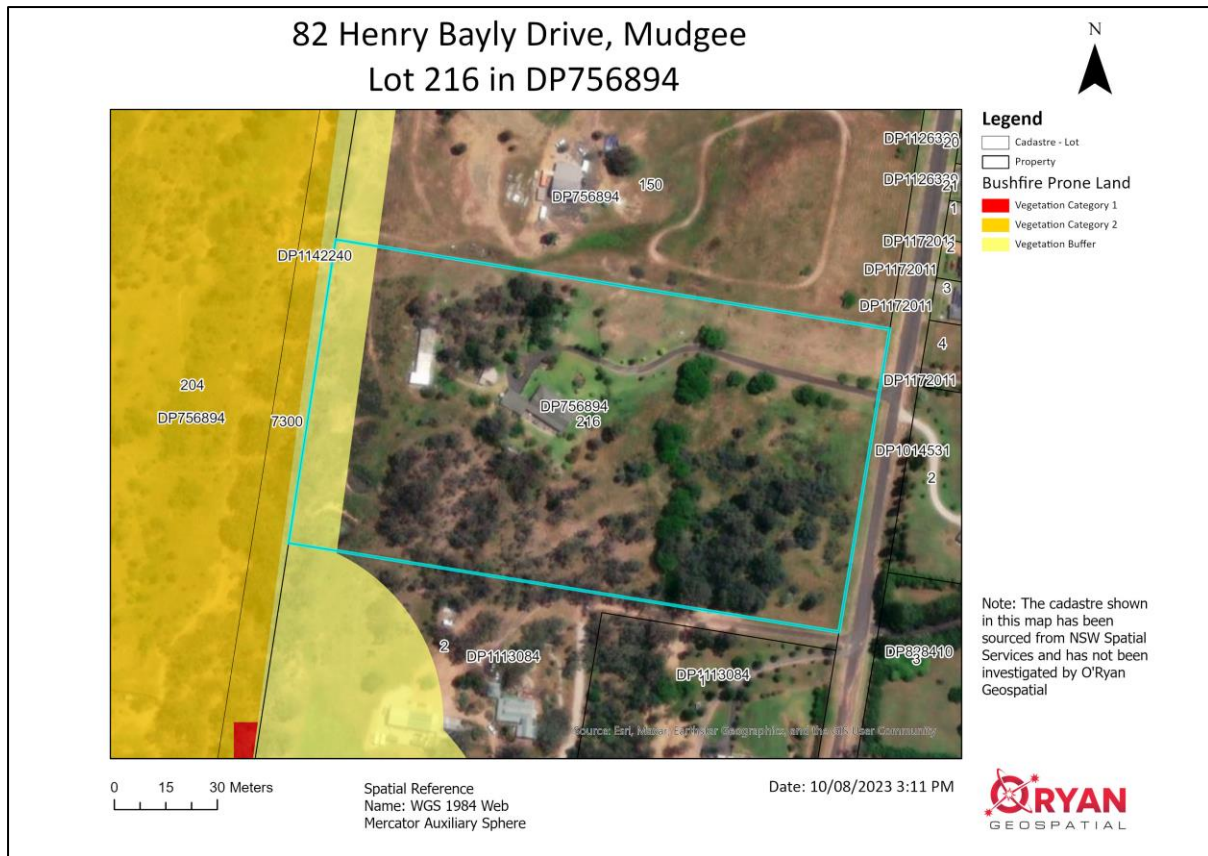


Figure 8: Bushfire Prone Land (NSW Spatial Services, 2023)

The proposed subdivision relates to the development of bushfire prone land and must address the legislative requirements of Section 4.14 of the EP& A Act. The proposed development is also required to comply with the New South Wales Rural Fire Service document, Planning for Bushfire Protection (2019).

A Bushfire Hazard Assessment (Bushfire Planning & Design, March 2023) has been prepared for the proposed development. Refer to Appendix 5.

In summary:

- The existing dwelling on proposed lot 1 is to be upgraded with further ember protection;
- Proposed lots 2 and 3 are to be maintained as APZ Inner Protection Areas;
- A further APZ, also to be maintained as an Inner Protection Area, is located around the periphery of proposed lots 2 and 3; and
- No APZ encroaches into any BVM land.

6.4 CUMULATIVE IMPACTS

Cumulative impacts result when individual impacts of a development interact or accumulate to result in environmental degradation. The following typical scenarios have been considered:

- Temporal crowding involves a series of impacts occurring closely together in time such that the initial impact has not yet dispersed before the next impact occurs;
- Spatial crowding occurs when impacts occur closely together in space such that the impacts overlap; and
- Compounding effects occur when a range of impacts interact and result in a combined impact greater than the sum of the separate effects.

The proposed development will have an insignificant cumulative impact.

7 EP&A ACT SECTION 4.15(1)(C) & (E) - SITE SUITABILITY AND PUBLIC INTEREST

7.1 IS THE PROPOSAL SUITABLE FOR THE LOCALITY?

The proposed development of the land will enable subsequent residential development consistent with the objectives of the R2 Low Density Residential zone.

Housing at the site will be a cohesive addition to the existing residential neighbourhood.

7.2 IS THE SITE APPROPRIATE FOR THE PROPOSED DEVELOPMENT?

The proposed development will enable residential development consistent with the objectives of the R2 Low Density Residential zone.

Given the minor nature of works associated with the proposed development of the land, no significant environmental impact is anticipated.

7.3 IS THE PROPOSAL IN THE PUBLIC INTEREST?

The proposal is in the public interest providing an ability to create additional housing opportunities in Mudgee.

There are no significant adverse environmental or likely future social impacts associated with the proposed development of the land.

8 CONCLUSION

The proposed development has been assessed against the requirements of Section 4.15 of the EP&A Act. This report has established that:

- The proposed development of the land is permissible with Council consent pursuant to clause 2.6 of the LEP;
- The proposed development is consistent with Council's strategic land use direction for the site;
- The proposed development is consistent with the relevant objectives of the R2 Low Density Residential zone;
- The proposed development is consistent with the relevant requirements of Council's DCP;

Statement of Environmental Effects

82 Henry Bayly Drive, Mudgee – Torrens Title Subdivision: 1 into 3 Lots



- The proposed subdivision of the land will add to the opportunity to provide additional housing in the Mudgee locality;
- The proposed development has no significant adverse environmental or social impacts;
- Ecological offsets associated with the proposed subdivision of the land will be offset in accordance with the detail contained in the BDAR; and
- The proposed development is in the public interest.

The development application has merit and is considered worthy of Council's approval.

APPENDIX 1

APPENDIX 2

APPENDIX 3

APPENDIX 4

APPENDIX 5