

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

## DA 196/18

**PROPOSAL:** Subdivision (34 lots)

**ADDRESS:** 111 Ian Holt Drive, Lidsdale

November 2020

**DESCRIPTION:** Subdivision

**CLIENT:** Charles and Joan Applin

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This document has been prepared, checked and released in accordance with the Quality Control Standards established by Anthony Daintith Town Planning.

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This document has been authorised by

Anthony Daintith (Principal)  
Date: 25/11/2020



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# PART

# A

## **BACKGROUND**

This Part provides a detailed description of the site, the background and various components to the proposed development

# BACKGROUND

## INTRODUCTION

Charles and Joan Applin have engaged Anthony Daintith Town Planning (ADTP) to prepare a Statement of Environmental Effects (SOEE) for a proposed subdivision of 111 Ian Holt Drive, Lidsdale into 34 lots.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of the following components:

- Completed DA form.
- Statement of Environmental Effects.
- Development Plans.

## APPLICANT AND OWNER

The applicant is Charles and Joan Applin C/- Anthony Daintith Town Planning.

The registered owners of the subject land are Charles and Joan Applin. It is noted that all the owners have provided their written consent to the lodgement of the application.

# SITE ANALYSIS

## LOCATION AND TITLE

The subject land is known as 111 Ian Holt Drive, Lidsdale.

The land title description is as follows:

**Table 1: Land Title**

Lot	Deposited Plan
2	574754

The area of the land is 11.31 hectares.

## GENERAL SITE DESCRIPTION

### Buildings and Infrastructure

There is an existing dwelling and outbuildings on the western side of the property with access off Ian Holt Drive.

### Topography

The topography is best described as gently undulating with the highest point towards the south eastern boundary.

### Waterways

There are a couple of farm dams on the property. Coxs River is located at the NW corner of the subject land.

### Vegetation

The property is relatively cleared with stands of pine trees to the south western portion of the property (to be removed when developed).

**Photos 1-4** provide a visual representation of the property.

Figure 1: Locality Map

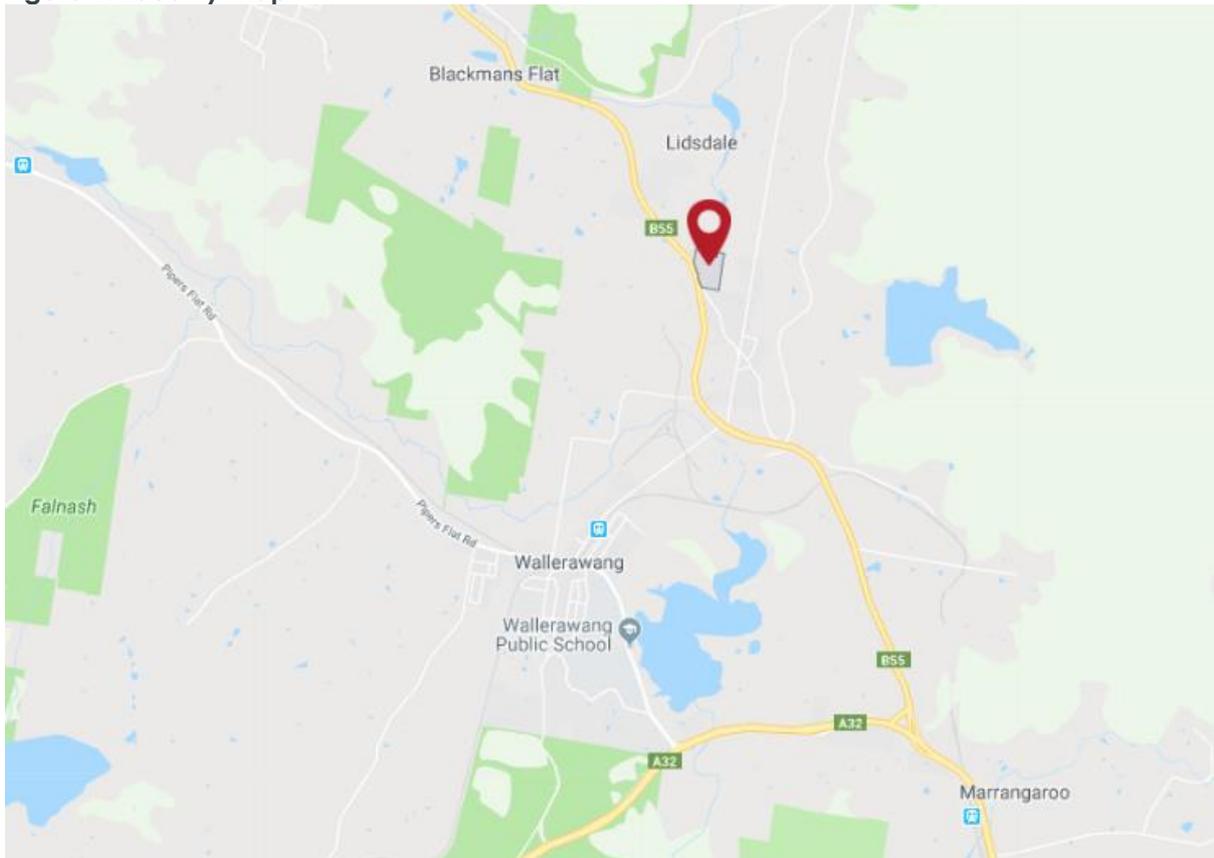


Figure 2: Aerial View of the Site

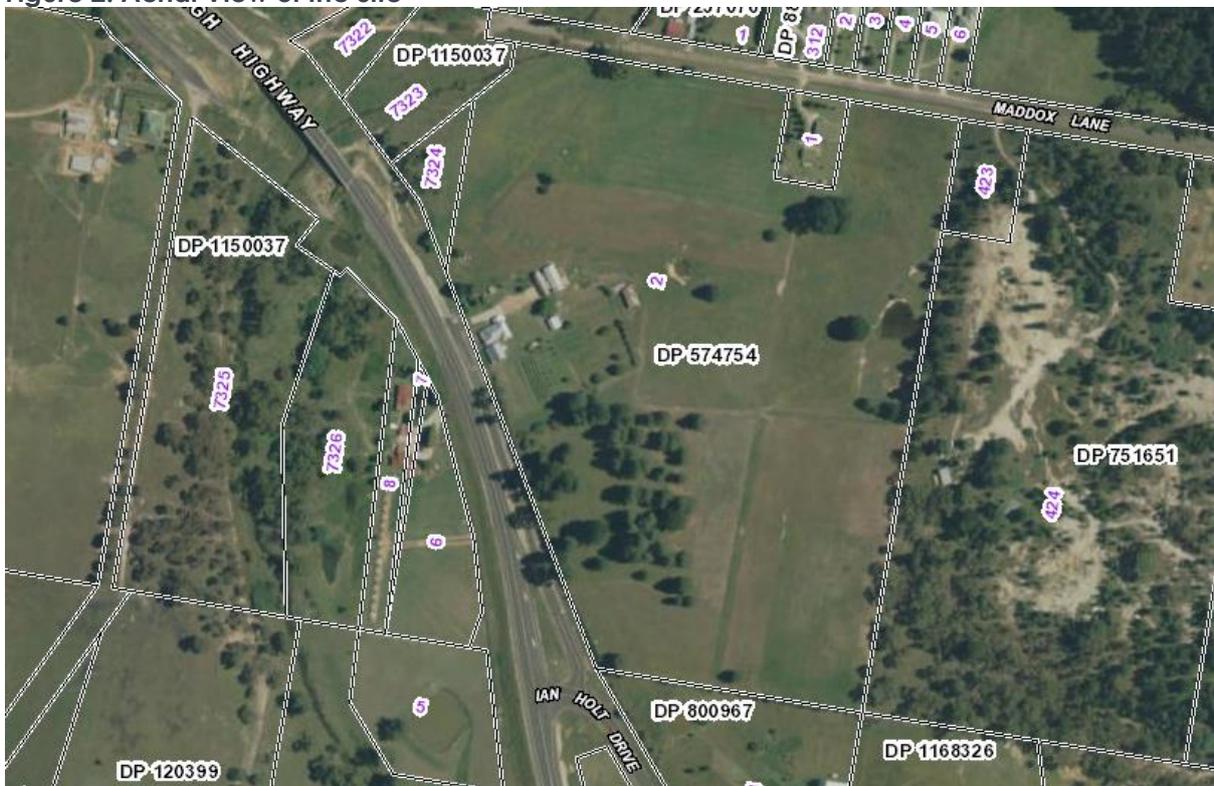


Photo 1: Existing buildings viewed from Ian Holt Drive



Photo 2: Rear of existing buildings



Photo 3: Subject land looking south



Photo 4: Subject land looking north



# PROPOSED DEVELOPMENT

The proposal seeks development consent for the subdivision of the subject land to create thirty four (34) allotments. Refer to the submitted subdivision plans for greater detail.

All of the proposed lots are equal to or greater than 2000m<sup>2</sup> in area and will be connected to reticulated water & sewer services.

Two new roads will be constructed off Ian Holt Drive to service Lots 7 to 34. Access to Lots 2 to 6 will be off Maddox Lane.

Proposed Lots 2 to 34 are currently vacant, and a future dwelling would be permissible subject to a separate development application.

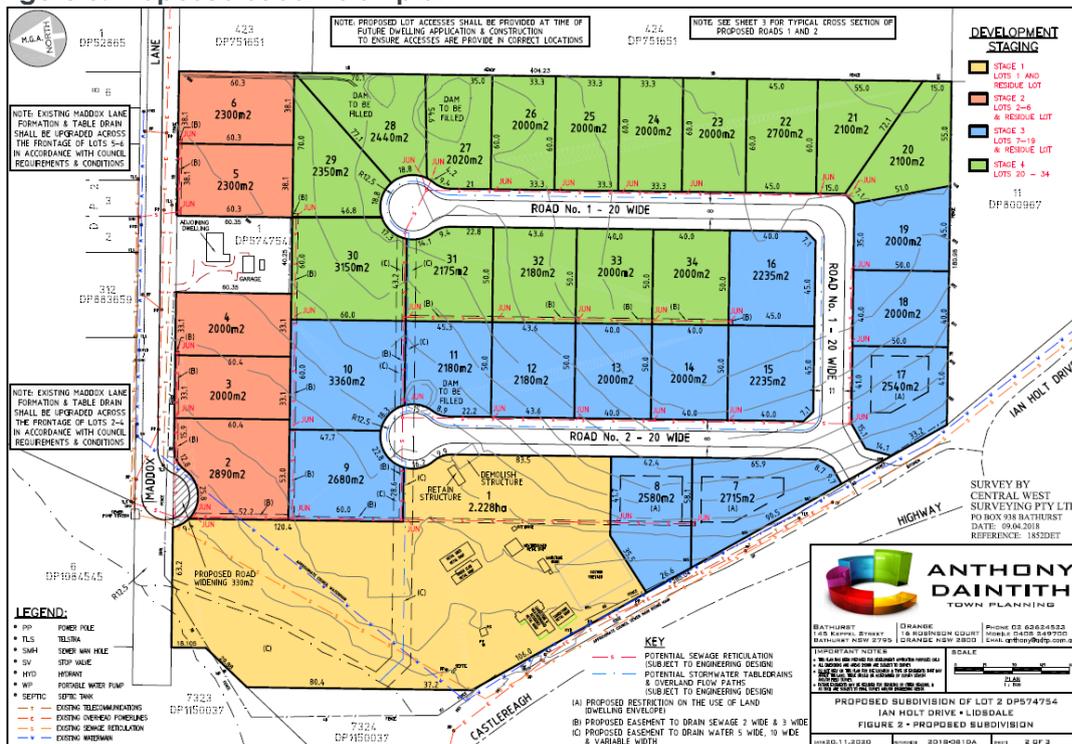
Lot 1 contains the existing dwelling and associated outbuildings.

It is proposed that the subdivision will be conducted in stages as per Table 2.

**Table 2: Staging**

Stage	Lot Numbers	Number of Lots
1	1	1
2	2-6	5
3	7-19	13
4	20-34	15

**Figure 3: Proposed subdivision plan**



# PART

# B

## **TOWN PLANNING CONSIDERATIONS**

This section provides an evaluation of the relevant matters for consideration under Section 4.15 of the EP&A Act 1979

## TOWN PLANNING CONSIDERATIONS

Pursuant to Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979*, the following matters must be taken into consideration when assessing a development application:

### **4.15 Evaluation**

*(cf previous s 79C)*

#### **Matters for consideration—general**

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

- (a) the provisions of:*
  - (i) any environmental planning instrument, and*
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) any development control plan, and*
  - (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), and*
  - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

*that apply to the land to which the development application relates,*

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

## (a)(i) The provisions of any environmental planning instrument

### LOCAL ENVIRONMENTAL PLANS

#### **Lithgow Local Environmental Plan 2014**

The subject land is zoned R5 Large Lot Residential.

#### **Zone R5 Large Lot Residential**

##### 1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To limit development to areas in reasonable proximity to the settled town centres of Lithgow, Wallerawang and Portland to strengthen settlement hierarchy.
- To maintain or improve the water quality of receiving water catchments.

##### 2 Permitted without consent

Home occupations; Roads

##### 3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Kiosks; Markets; Places of public worship; Recreation areas; Respite day care centres; Sewage treatment plants; Water recycling facilities; Water supply systems

##### 4 Prohibited

Any development not specified in item 2 or 3

### Comments

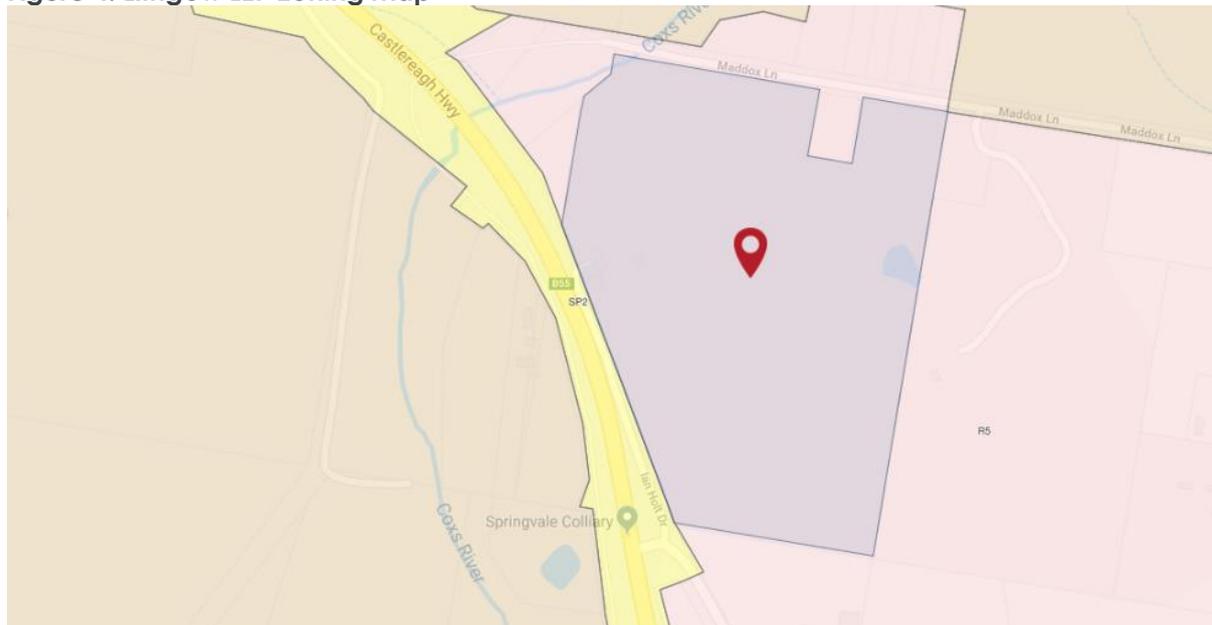
The following comments are made in relation to the zone objectives:

- The land will be used for residential purposes as per the zoning of the land;
- A reticulated water supply to be provided to each lot in consultation with Council;

- A reticulated sewer to be provided to each lot in consultation with Council (it is proposed that Lot 1 remain on septic tank due to the larger lot area and lower elevation);
- The subdivision will not create any pollution of water supply catchments;
- There is a demand for large lot residential lots in Lidsdale;
- The surrounding lands are smaller lots used for residential uses – there is no impact identified in nearby agricultural land uses;
- The density of the development is compatible with the capability of the site, site constraints and potential hazards;
- No detrimental impacts have been identified as a result of the subdivision of the land into 2000m<sup>2</sup> lots;
- There are no environmental characteristics of the land that would render the proposal inappropriate;
- The development will not have a negative impact on reticulated water and sewer.

As detailed throughout this report, the proposed subdivision can generally be shown to be consistent with the relevant objectives of the zone.

**Figure 4: Lithgow LEP Zoning Map**



#### **4.1 Minimum subdivision lot size**

(1) *The objectives of this clause are as follows:*

(a) *to minimise the cost to the community of:*

- (i) *fragmented and isolated development of rural land, and*
- (ii) *providing, extending and maintaining public amenities and services,*

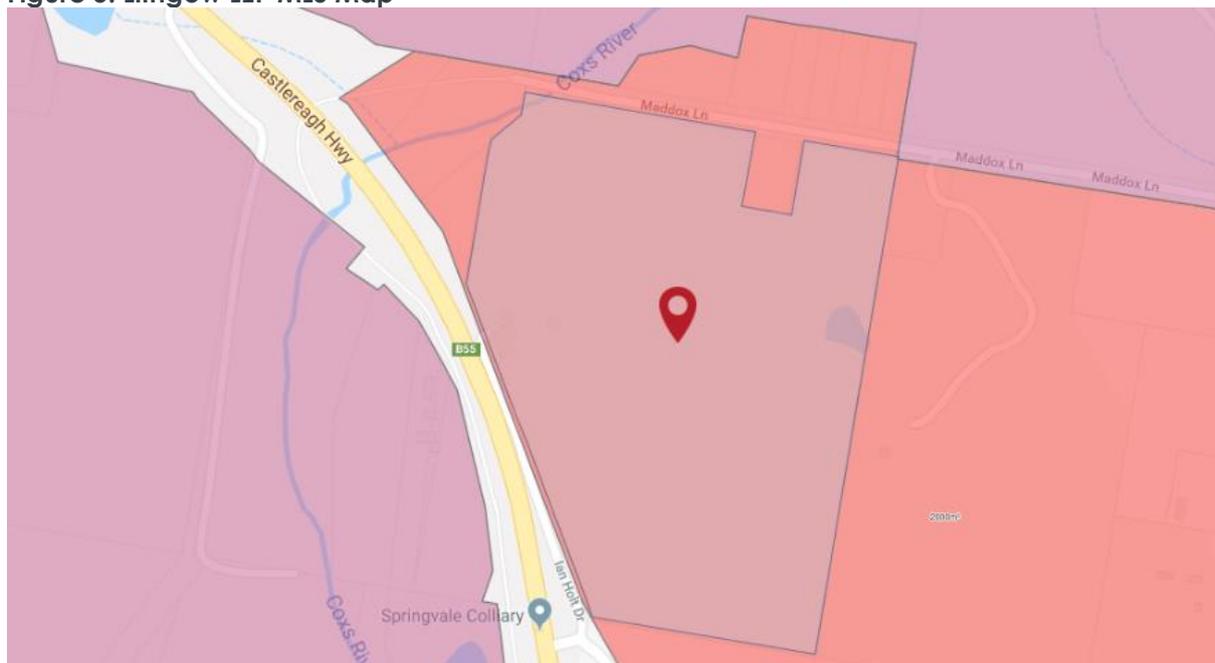
(b) *to ensure that the character and landscape setting of an area is protected and enhanced by any development,*

- (c) to promote development on appropriately sized lots and to ensure access to available essential services.
- (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.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (4A) Despite any other provision of this clause, land identified as “Area 1” or “Area 2” on the Lot Size Map may not be further subdivided.

### Comment

The MLS is 2000m<sup>2</sup> as per the Lot Size Map – all lots are permissible under Clause 4.1.

**Figure 5: Lithgow LEP MLS Map**



### **5.10 Heritage conservation**

Note.

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

- (1) Objectives The objectives of this clause are as follows:
- (a) to conserve the environmental heritage of Lithgow,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

(i) a heritage item,

(ii) an Aboriginal object,

(iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed

to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) *Archaeological sites* The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) *Aboriginal places of heritage significance* The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) *Demolition of nominated State heritage items* The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) *Conservation incentives* The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

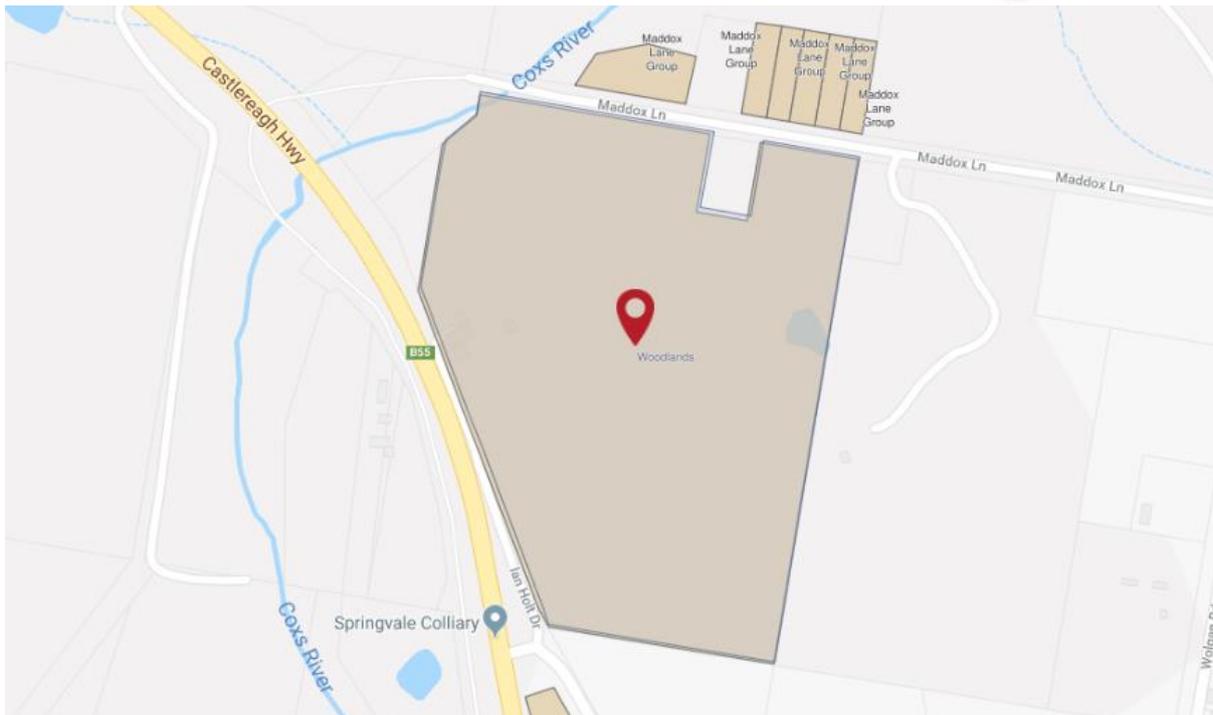
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

## Comments

There is a LEP listed heritage item on the subject land (I199 "Woodlands"). It is proposed that all existing buildings associated with the Woodlands heritage item be retained within proposed Lot 1 with suitable buffer setbacks to neighbouring lots. No additional conservation measures are proposed or considered necessary as a result of the proposed subdivision.

Following consultation with Council staff, it is proposed to demolish the barn structure (which straddle proposed Road 2) and retain the dairy building with the partial sandstone wall.

## **Figure 6: Lithgow LEP – Heritage Map**



#### **7.4 Terrestrial biodiversity**

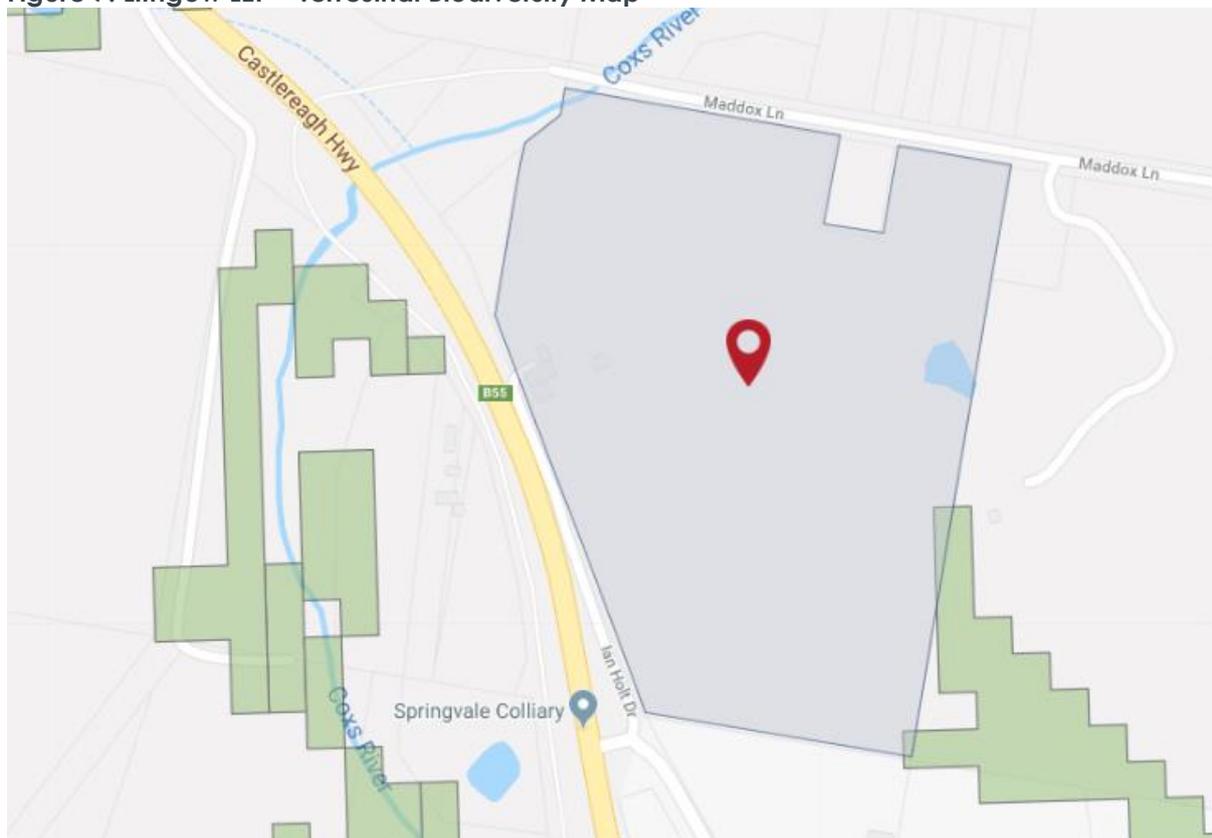
- (1) *The objective of this clause is to maintain terrestrial biodiversity by:*
  - (a) *protecting native fauna and flora, and*
  - (b) *protecting the ecological processes necessary for their continued existence, and*
  - (c) *encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as “Biodiversity” on the Environmentally Sensitive Areas—Biodiversity Overlay Map.*
- (3) *In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:*
  - (a) *whether the development is likely to have:*
    - (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
    - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
    - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
    - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
  - (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

- (4) *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 by adopting feasible alternatives—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.*

### Comments

As shown in Figure 7 below, there is a small portion of terrestrial biodiversity mapped on the site. This actually picks up vegetation on the neighbouring property and is therefore considered as a mapping anomaly.

**Figure 7: Lithgow LEP – Terrestrial Biodiversity Map**



### **7.6 Riparian land and watercourses**

- (1) *The objective of this clause is to protect and maintain the following:*
- (a) *water quality within watercourses,*
  - (b) *the stability of the bed and banks of watercourses,*

- (c) aquatic and riparian habitats,
- (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to all of the following:
- (a) land identified as “Sensitive Waterway” on the Environmentally Sensitive Areas—Water Overlay Map,
- (b) all land that is within 40 metres of the top of the bank (measured horizontally) of land identified as “Watercourse” on that map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:
- (a) whether or not the development is likely to have any adverse impact on the following:
- (i) the water quality and flows within the watercourse,
- (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
- (iii) the stability of the bed and banks of the watercourse,
- (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
- (v) any future rehabilitation of the watercourse and riparian areas, and
- (b) whether or not the development is likely to increase water extraction from the watercourse, and
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) 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.

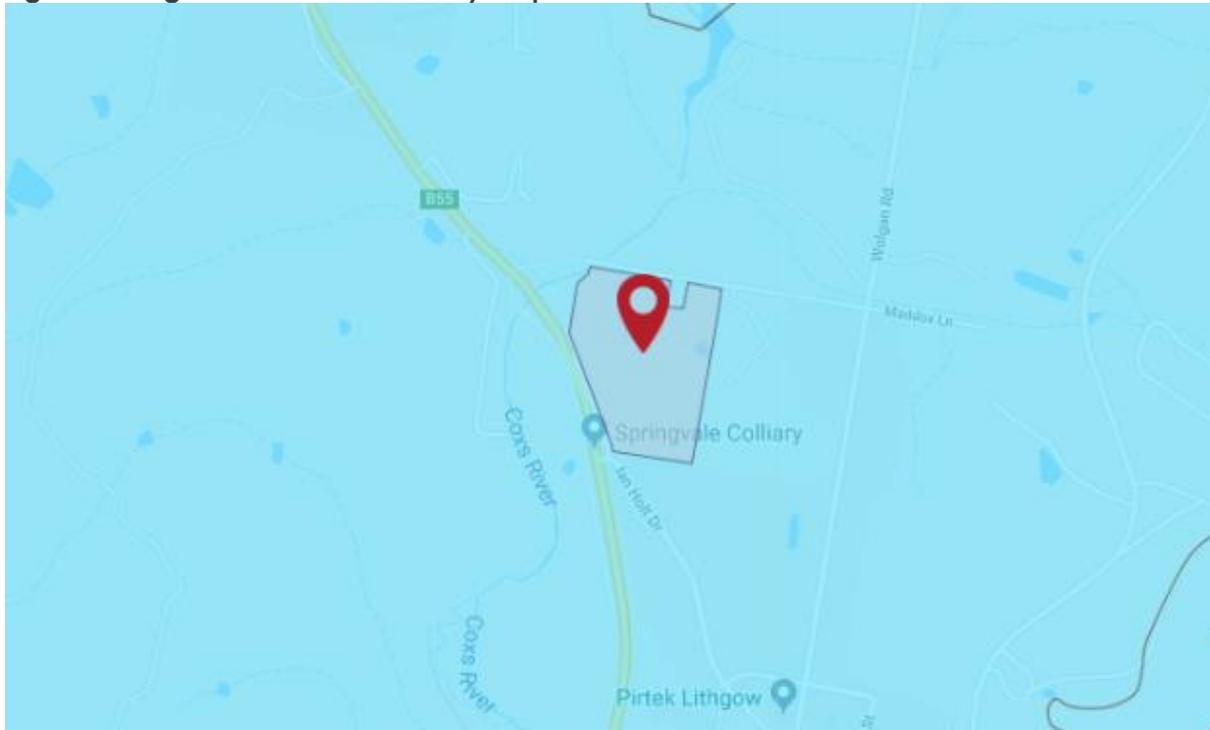
## Comments

The subject land and surrounding district are mapped as shown in Figure 8 below.

- There are no identified negative impacts on water quality and flows on Coxs River (including aquatic and riparian species, habitats and ecosystems).
- There is no proposal to extract additional water from the watercourse (it is noted that there is an existing water licence for Lot 1).

- Following consultation with Council there is now no proposal for piping of stormwater for each lot – Council are happy to accept open table drains which is more in keeping with the surrounding locality.
- No adverse environmental impacts have been identified.

**Figure 8: Lithgow LEP – Water Overlay Map**



## **STATE ENVIRONMENTAL PLANNING POLICIES**

### **STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

#### **7 Contamination and remediation to be considered in determining development application**

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- it has considered whether the land is contaminated, and
  - if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
- (a) land that is within an investigation area,
  - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
  - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
    - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
    - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

### Comment

A Validation Report has been prepared by Envirowest Consulting in relation to the subject land. The following extracts are taken from the report:

#### **Introduction**

*A residential development is proposed for 111 Ian Holt Drive, Lidsdale NSW. The neighbouring historical land-use, up-slope to the east was a limber treatment plant. A preliminary contamination assessment identified elevated levels of arsenic, chromium and copper associated with an interception trench, dams and adjacent land. Remediation of the contaminated area is required to make the site suitable for proposed residential land-use.*

#### **Objectives of investigation**

*The objective of the investigation was to determine suitability of the site for the proposed land-use.*

#### **Scope of work**

*Remediation and validation assessment of arsenic, copper and chromium impacted soil located at 111 Ian Holt Road, Lidsdale NSW to make the site suitable for residential land-use.*

#### **Summary**

*The selected remediation method was excavation and transport to landfill. The excavation areas were based on information obtained the detailed contamination report and included a drainage line, overflow areas and low area in the central section. Initial excavations were*

undertaken on 17 May 2020 when 120m<sup>3</sup> of soil was excavated and disposed off-site. Sampling of the walls and base identified several samples (L107, 108, L116 and 120) with elevated levels of arsenic. Subsequent excavations undertaken on 19 June 2020 were extended to 250-500mm below the surface. Elevated levels remained in the validation samples at locations (301, 305, 307, 312 and 314). Subsequent excavations on 22 July 2020 to 800mm were undertaken and validation samples collected.

Natural soil was yellow sandy clay and silty clay to the depth of the excavations. Groundwater seepage was observed in the excavation trench.

No soil staining or odour was observed in or around the excavation area at the time of the final inspection. Statistical analysis of samples collected from the final validation excavation indicated the upper confidence levels and averages of arsenic, copper and chromium were below the adopted thresholds.

The excavated soil was transported to the Lithgow Landfill as general solid waste (182.5 tonnes).

The dams and excavation at the centre of the investigation area were backfilled with compacted virgin excavated natural material from on-site.

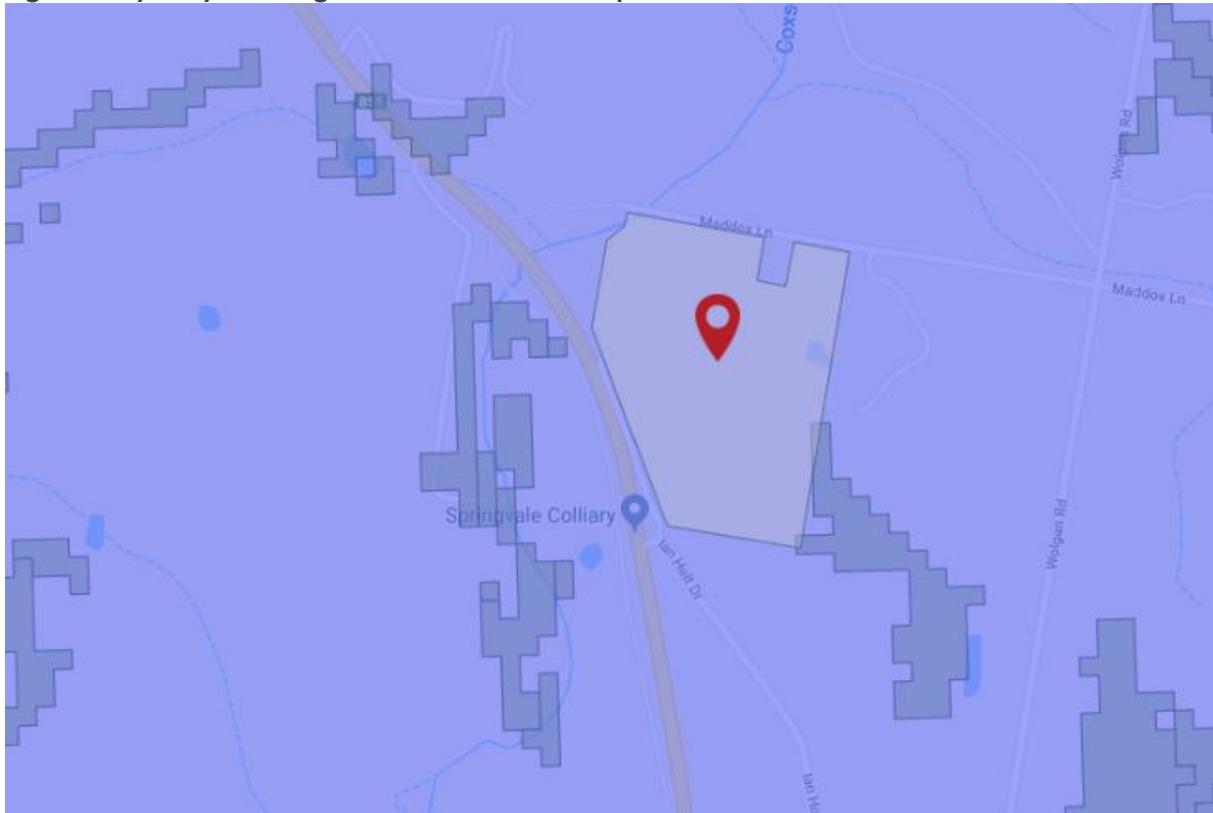
### **Recommendations**

*The site is suitable for residential land-use.*

*An unexpected finds protocol should be adopted and implemented for future development works on the site*

**STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY DRINKING WATER CATCHMENT) 2011**

Figure 9: Sydney Drinking Water Catchment Map



The impacts relating to the catchment area will be addressed via the connection of the subdivision lots to reticulated water and sewer. Accordingly, there should be a neutral or beneficial impact.

Refer to the Stormwater Management Plan prepared by Calare Civil.

**(a)(ii) Any draft environmental planning instrument**

There are no known draft environmental planning instruments relevant to this proposed development.

**(a)(iii) Any development control plan**

There are no DCP's relevant to this proposal.

**(a)(iiia) Any Planning Agreements**

There are no known planning agreements affecting the property.

## (a)(iv) Any matters prescribed by the regulations:

### Government Coastal Policy

Not applicable to Lithgow LGA.

### Demolition

Not applicable.

### Fire Safety

Not applicable.

### Consent authority may require buildings to be upgraded

Not applicable.

### Deferred commencement consent

Not applicable.

### Imposition of conditions ancillary aspects of development

Not applicable.

### Modification or surrender of development consent or existing use right

Not applicable.

### Fulfilment of BASIX commitments

Not applicable.

## (b) The likely impacts of the development:

### CONTEXT AND SETTING

The surrounding area is generally characterised by residential development along Maddox Lane and large lot residential development in other directions.

The proposal is considered compatible with the surrounding area and will have minimal impact in regard to:

- Impacts on adjacent properties and land uses; and

- Interruptions of important views and vistas

The proposal is within the context of the locality and Council's current planning provisions

## **ACCESS AND TRANSPORT**

It is proposed that Lots 2-6 will be accessed directly off Maddox Lane.

Lot 1 will continue to access off Ian Holt Drive at the existing access point (access will also be available at the rear of proposed Road 2).

The remainder of the lots will access off Ian Holt Drive via the construction of a new road network (to be constructed in accordance with Councils Engineering Guidelines).

The subdivision when fully constructed will result in approximately 198 vehicle movements per day (6 vehicle movements per day per lot). 30 of these movements will be via Maddox Lane.

Following extensive consultation with Council, the applicant will upgrade Maddox Lane in front of Lots 2 to 6 only (2 coat bitumen seal to a width of 8 metres). This will also require the construction of the Maddox Lane cul-de-sac head as shown on the subdivision plans. It is proposed to maintain the grassed table drain and not install any kerb and gutter along Maddox Lane (this will also be the same for proposed Roads 1 and 2).

## **PUBLIC DOMAIN**

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

## **UTILITIES & SERVICES**

### Electricity

Electricity supply to be provided to each lot in the subdivision to the requirements of the relevant electricity authority.

### Telephone

The further extension of these services would be to the requirements of Telstra. Services are provided within the locality.

### Water

It is proposed to extend the reticulated town water supply to service all lots to the requirements of Council. Conceptual engineering plans have been provided with the application. Councils Engineering Department has been consulted with respect to this service.

### Sewerage

It is proposed to extend the reticulated sewer to service all proposed lots to the requirements of Council. Conceptual engineering plans have been provided with the application. Councils Engineering Department has been consulted with respect to this service.

### Stormwater

Refer to the Stormwater Management Plan prepared by Calare Civil. As discussed with Council, it is proposed to retain the grassed table drain in Maddox Lane and install grassed table drains along proposed roads 1 and 2.

## **HERITAGE**

There are no listed heritage items on the subject land.

## **FLORA AND FAUNA**

No native vegetation removal is considered necessary as a result of the proposed subdivision. Existing pine trees on the site will be required to be removed to facilitate the construction of the subdivision.

A detailed Flora and Fauna study has not been conducted and is not considered necessary in this instance.

There are no known threatened species or critical habitat on the property that would have an impact on the location of the proposed building envelopes.

## Biodiversity Offsets Scheme

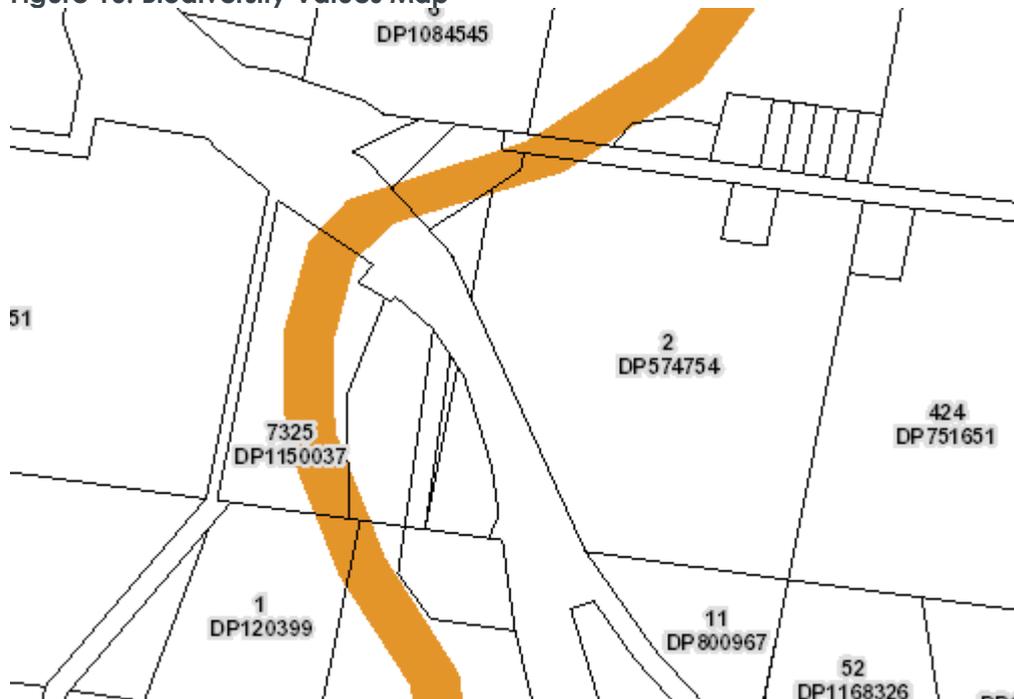
Following is an assessment of the risk-based test to determine when the Offsets Scheme will apply to local developments under the *Biodiversity Conservation Act 2016*.

### **Area Criteria:**

The area of the subject land is 11.13ha. The threshold for clearing is, above which the BAM and offsets scheme applies is 0.5 ha or more. As there is no native vegetation removal required, the area criteria will not apply.

### **Biodiversity Values Map:**

**Figure 10: Biodiversity Values Map**



Coxs River (traverses the most north western tip of the subject land) is identified under the Biodiversity Values Map. There are no subdivision works proposed within this area - accordingly, this does not trigger the offsets scheme.

### **Test of Significance:**

The subject land has been utilised for grazing operations for a considerable period of time and is highly disturbed. Accordingly, no detailed investigation is considered warranted. No native vegetation removal is required to facilitate the proposed subdivision (only removal of pine trees).

## ENERGY

A BASIX Certificate is not required as part of the subdivision proposal.

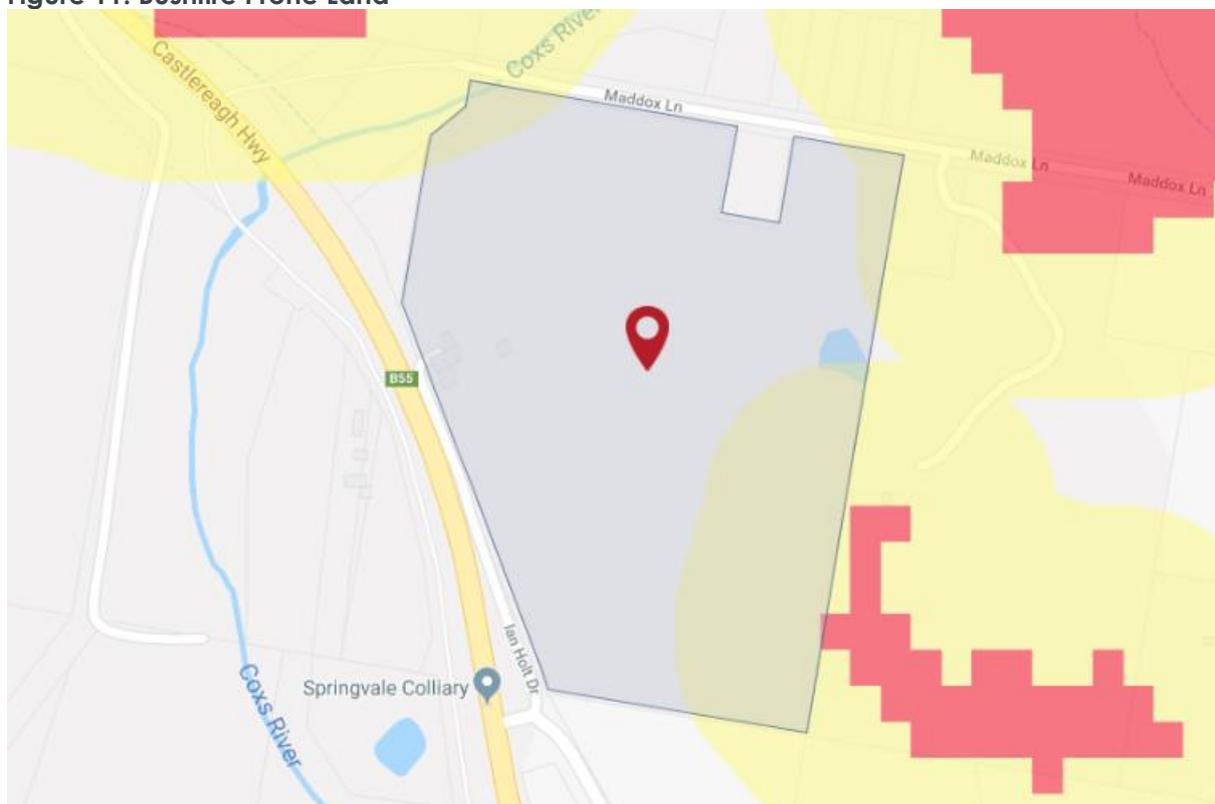
## NOISE AND VIBRATION

Not applicable.

## NATURAL HAZARDS

The subject land is mapped as bushfire prone land (buffer area for the vegetation on neighbouring properties).

Figure 11: Bushfire Prone Land



The proposal is for a relatively straight forward subdivision and the impact of the identified area will be negligible (there is no native vegetation on the site and once developed, the site will include 34 dwellings in an urban style setting). Detailed assessment should be undertaken at the dwelling stage once these locations are known. Regardless the following information is provided in accordance with Clause 44 of the *Rural Fires Regulation 2013*.

#### 44 Application for bush fire safety authority

- (1) For the purposes of section 100B (4) of the Act, an application for a bush fire safety authority must be made in writing and must include the following:
- (a) a description (including the address) of the property on which the development the subject of the application is proposed to be carried out,
  - (b) a classification of the vegetation on and surrounding the property (out to a distance of 140 metres from the boundaries of the property) in accordance with the system for classification of vegetation contained in Planning for Bush Fire Protection,
  - (c) an assessment of the slope of the land on and surrounding the property (out to a distance of 100 metres from the boundaries of the property),
  - (d) identification of any significant environmental features on the property,
  - (e) the details of any threatened species, population or ecological community identified under the [Threatened Species Conservation Act 1995](#) that is known to the applicant to exist on the property,
  - (f) the details and location of any Aboriginal object (within the meaning of the [National Parks and Wildlife Act 1974](#)) or Aboriginal place (within the meaning of that Act) that is known to the applicant to be situated on the property,
  - (g) a bush fire assessment for the proposed development (including the methodology used in the assessment) that addresses the following matters:
    - (i) the extent to which the development is to provide for setbacks, including asset protection zones,
    - (ii) the siting and adequacy of water supplies for fire fighting,
    - (iii) the capacity of public roads in the vicinity to handle increased volumes of traffic in the event of a bush fire emergency,
    - (iv) whether or not public roads in the vicinity that link with the fire trail network have two-way access,
    - (v) the adequacy of arrangements for access to and egress from the development site for the purposes of an emergency response,
    - (vi) the adequacy of bush fire maintenance plans and fire emergency procedures for the development site,
    - (vii) the construction standards to be used for building elements in the development,
    - (viii) the adequacy of sprinkler systems and other fire protection measures to be incorporated into the development,
  - (h) an assessment of the extent to which the proposed development conforms with or deviates from the standards, specific objectives and performance criteria set out in Chapter 4 (Performance Based Controls) of Planning for Bush Fire Protection.
- (2) An application for a bush fire safety authority must also be accompanied by the prescribed information if:

- (a) the proposed development is subdivision for the purposes of dwelling houses, dual occupancies or secondary dwellings on property that is in an urban release area, and
  - (b) the application specifies that the applicant wishes the Commissioner, when determining the application, to consider whether it would be appropriate for the future erection of the dwelling houses, dual occupancies or secondary dwellings concerned to be excluded from the application of section 79BA of the [Environmental Planning and Assessment Act 1979](#).
- (3) The prescribed information is:
- (a) a plan of subdivision that shows:
    - (i) the bush fire attack levels that will apply to the property on completion of any clearing of vegetation proposed to be carried out as part of any subdivision work (within the meaning of the [Environmental Planning and Assessment Act 1979](#)), and
    - (ii) proposed setbacks of any buildings that are, or may in future, be erected on the property, including asset protection zones, and
  - (b) any further information concerning the proposed development that the Commissioner may require.

Note.

More information about bush fire attack levels, including the flame zone, can be found in Table A3.4.2 of Addendum: Appendix 3 (published by the NSW Rural Fire Service in 2010) to the publication titled *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in 2006.

(4) Terms and expressions used in this clause have the same meanings as they have in clause 273 of the [Environmental Planning and Assessment Regulation 2000](#).

## Comments

### **Description of the subject land:**

111 Ian Holt Drive, Lidsdale.

Lot	Deposited Plan
2	574754

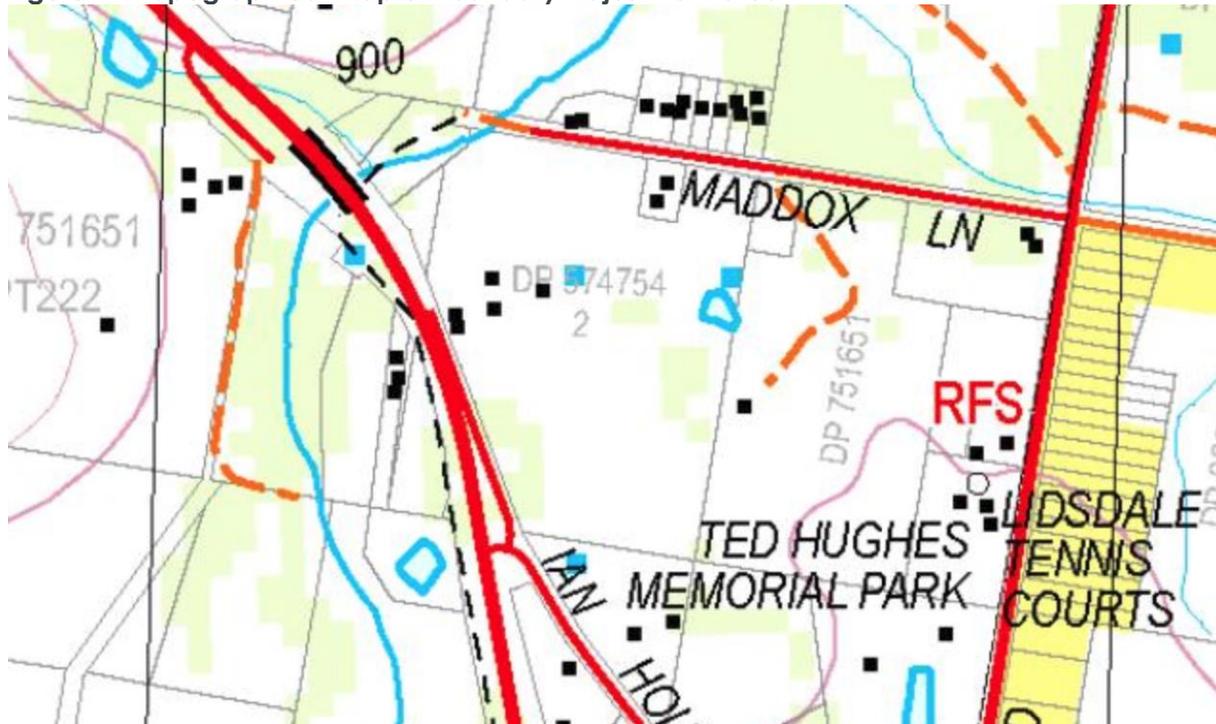
### **Vegetation classification:**

There are a number of pine trees located towards the south western portion of the site that are proposed to be removed. Otherwise the site is generally cleared of vegetation (refer to the aerial photo).

### **Slope:**

The site of the boundary adjustment is considered to be gently undulating – generally falling to the north and north west.

Figure 12: Topographical Map of Boundary Adjustment area



**Environmental Features:**

There are no identified significant environmental features on the subject land.

**Threatened species, population or ecological community:**

None known. The area of the property to be subdivision is generally cleared grazing land.

**Aboriginal Object or Place:**

None known.

**Bushfire Assessment of the Proposed Development:**

It is noted that the proposal seeks consent for a 34 lot large lot residential subdivision (minimum lot size of 2,000m<sup>2</sup>).

Appropriate APZ zones exist for those lots along the eastern boundary of the site.

Water supplies for firefighting will be via reticulated town water.

Access to the site will be via constructed bitumen sealed roads.

It is considered that bush fire maintenance plans and fire emergency procedures for the development site is not warranted for this minor boundary adjustment.

No building works are proposed as part of this development application for the subdivision.

Sprinkler systems and other fire protection measures are not considered necessary in this instance.

#### **Chapter 4 (Performance Based Controls) of Planning for Bush Fire Protection:**

The proposed subdivision is considered to be consistent with these provisions. Appropriate access, APZ's can be provided future dwellings where affected. The land following completed of the subdivision will be now used for urban purposes (significantly reducing any bushfire risk). There will be bitumen road frontage to each proposed lot. Fire appliances can easily access the site.

#### **Other information**

The subject land is not within an urban release area nor is it a special purpose development.

A future dwelling on the lots affected need to be designed to meet the Planning for Bushfire Protection Guidelines.

#### **POTENTIAL CONTAMINATION**

See comments under SEPP 55 – Remediation of Land.

#### **SAFETY, SECURITY & CRIME PREVENTION**

No specific safety or security measures are proposed to be implemented as part of the proposed subdivision.

#### **SOCIAL & ECONOMIC IMPACTS IN THE LOCALITY**

The likely social and economic impacts of the subdivision are negligible. There will be positive benefits by:

- The continuance of existing community facilities by the possible provision of more users and volunteers for such activities as the school bus service and local bushfire brigades;
- Economic and employment flow-ons to the real estate, surveying and construction industry with the commencement of development and the ongoing support of service businesses such as shops will be required by the occupiers of the future dwellings; and

- An increased need for community services, such as schools, bus services, bushfire services and road maintenance.

## **CONSTRUCTION**

The proposed subdivision will be subject to a Construction Certificate prior to any civil construction works commencing.

However, construction works are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site would have temporary containment fencing erected and signage to warn and exclude the public from entering the site during the construction phase.

Erosion and sedimentation control measures would be implemented during construction to minimise any erosion risk at the site. All measures will be established prior to the commencement of staged engineering works and maintained for an agreed period after completion of all subsequent stages.

Construction activities would be tailored to minimise the impact on site, with all disturbed areas rehabilitated as soon as practical. All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

All construction work will be undertaken in accordance with conditions of consent and stamped plans.

## **CUMULATIVE IMPACTS**

The development is proposed next to an established residential area, within a residential zone. The land has been zoned for residential uses for a considerable period, with the expectation that the land would be developed similarly to what has been proposed.

It is considered there will be no negative cumulative impacts because of the proposed subdivision.

## (c) Suitability of the site for the development

### Does the proposal fit in the locality?

- There are no constraints posed by surrounding development to render the proposal prohibitive;
- The proposal is complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- Reticulated water, sewer and stormwater services are available for connection to the requirements of Council;
- There are no issues in relation to air quality and microclimate; and
- There are no identified surrounding hazardous land uses or activities.

### Are the site attributes conducive to development?

It is considered that the site is conducive to the subdivision based on the following:

- The site is not affected by any natural hazards (other than bushfire which has been addressed);
- Heritage considerations have been incorporated into the design of the proposed subdivision;
- There is no known soil characteristics that would render the proposal prohibitive; and
- There are no flora and fauna considerations that will have an impact on the proposal.

## (d) Any submissions

The application may be referred to adjoining neighbours for comment.

## (e) The public interest

The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that by the imposition of appropriate conditions of consent and the safeguards discussed in this report, potential impacts would be modest.

# PART

# C

## **CONCLUSION**

This Part provides a conclusion and recommendations for Councils consideration

## CONCLUSION

This report includes an analysis of the existing environment, details of the proposed subdivision and consideration of applicable statutory requirements.

Based upon the investigations of the proposal it can be concluded that:

- The impacts upon or by surrounding development will not be altered significantly as a result of the subdivision proceeding;
- The topography of the site can accommodate the proposal;
- The additional traffic generation that can be accommodated on the existing road network without significant upgrading;
- Utilities and services are readily available for connection to each proposed lot; and
- The proposal is generally consistent with the objectives and provisions of Councils relevant planning documents.

The proposal is considered to be acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and potential impacts are expected to be minor.

**Accordingly, it is recommended that the Development Application be approved subject to appropriate standard conditions.**