



Attachment 10 to Item 2.1.1.

Statement of Environmental Effects

Date of meeting: 21 November 2024
Location: Audio-visual link
Time: 10am



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STATEMENT OF ENVIRONMENTAL EFFECTS

Subdivision including
construction of accessway, removal of
old weatherboard cottage & septic
tank

457 Bells Line of Road Kurmond

Reference: 94752 - Dated 31 August 2022

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Introduction

This Statement of Environmental Effects (SEE) is to accompany an ***integrated development application*** on behalf of our clients Attard Family who seeks approval from Council for 4 lot Torrens Title Subdivision including construction of accessway, removal of old weatherboard cottage & septic tank, in accordance with our attached plan. The SEE concludes an opinion that the site is suitable for the development and that approval is appropriate in the circumstances.

History

On 26 October 2021 Council adopted the finalisation of the Planning Proposal to amend the Lot Size Map under Hawkesbury Local Environmental Plan 2012 to allow the property to be subdivided into 4 lots.

Site description & surrounding lands

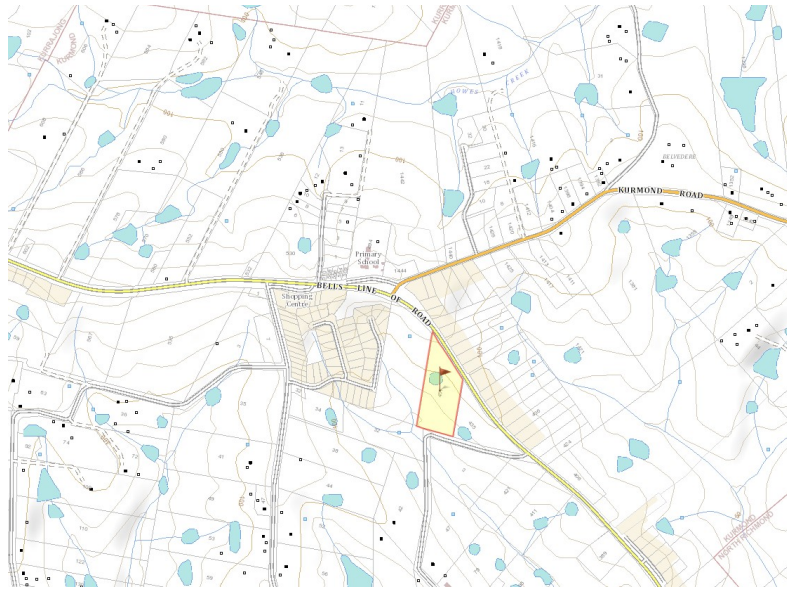
The subject site is described as Lot 31 DP 7565 and known as 457 Bells Line of Road Kurmond. The site total area is 2.378ha (by DP 7565)

The subject site contains existing old dilapidated weatherboard cottage and septic tank. Scattered native trees exist across the lot. The land has been grazed for the past 200 years

Access to the subject site is from both Bells Line of Road & Bells Lane Kurmond.

The subject site slopes to the south west corner.

Surrounding properties in the locality range in size from small residential lots to the east (Kurmond village) through to rural residential lots.



Location of site



Aerial map of property (six maps)



Existing weatherboard cottage to be removed



Existing septic tank/path to be removed



View of property looking towards Bells Line of Road

The proposal

The subject land is mapped as RU1 Rural Landscape & SP2 infrastructure with a minimum subdivision lot size of 4000m² and a yield of 4 lots. This integrated development proposed is to subdivide the subject property so as to create four new allotments in accordance with our attached plan.

Proposed Lot 21 vacant = approximate size of 5497m²

Proposed Lot 22 vacant = approximate size of 5454m²

Proposed Lot 23 vacant = approximate size of 5670m²

Proposed Lot 24 vacant = approximate size of 7118m²

It is proposed to create all access from Bells Lane (as per the requirements of the RMS in the planning proposal) to avoid traffic stopping & turning from Bells Line of Road – despite an existing access currently being in use. Proposed Lot 21 would have direct access to Bells Lane at a location to be finalised with a dwelling application after subdivision. Proposed Lots 22-24 inclusive will have access handles to Bells Lane with reciprocal rights of way over the other handles and one central driveway constructed. The driveway is less than 200 metres long and doesn't require passing bays – adequate are being available at suitable grade within each lot for turning.

Its is proposed to remove the of old dilapidated weatherboard cottage & underground septic tank & please refer to waste management plan.

Electricity would be upgraded in accordance with Endeavour Energy guidelines both from Bells Line of Road for Lot 24 & from Bells Lane to Lots 21-23 – subject to approval and design by Endeavour Energy. Telecommunication would be upgraded in accordance with NBN guidelines from Bells Line of Road & Bells Lane. Reticulated water would be upgraded in accordance with Sydney Water guidelines from Bells Line of Road with suitable easements along the western boundaries of Lots 22-24 – subject to approval and design by Sydney Water. Council's garbage/recycle/green waste collections would be collected from Bells Line of Road & Bells Lane.

Proposed onsite wastewater disposal areas have been shown on subdivision layout plan in accordance with the waste water report accompanying this application.

Concurrence to NSW Rural Fire Service is required for this integrated development proposal. A bushfire threat assessment accompanies this application.

List of documents accompanying this application: -

Owners consent

Concept subdivision layout plan

Concept engineering design plans

Statement of environmental effects

Flora & fauna report

Arborist report

Phase 1 report

Bushfire threat report

Aboriginal Heritage Information Management (AHIMS data search)

Waste management plan

Application requirements

Information requirements for development applications

- a. the name and address of the applicant - Provided*
- b. a description of the development to be carried out - Provided*
- c. the address, and formal particulars of title, of the land on which the development is to be carried out - Provided*
- d. an indication as to whether the land is, or is part of, critical habitat – Please refer to attached biodiversity assessment*
- e. an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity compliant development - Please refer to attached biodiversity assessment*
- f. the estimated cost of the development - Provided*
- g. evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by the Regulation h. a list of the documents accompanying the application - Provided*
- i. a Statement of Environmental Effects². See section 1.2 below for detailed requirements - Provided*
- j. a site plan of the land. See section 1.3 below for detailed site plan requirements - Provided*
- k. drawings of the development. See section 1.4 below for drawing requirements - Provided*

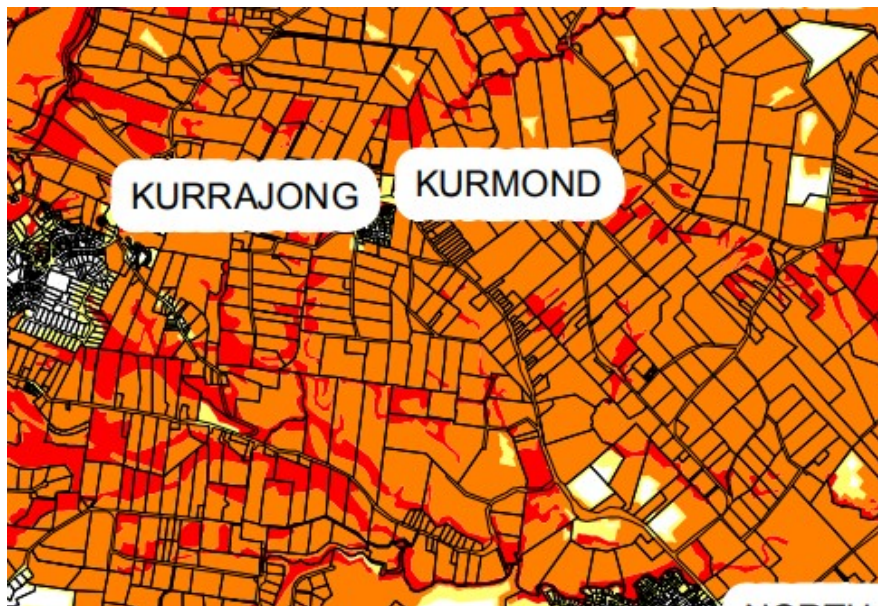
Concurrence

Concurrence or referral is required from the **highlighted** regulator: -

- Development impacting electricity infrastructure
- Bushfire protection**
- Heritage conservation
- Aboriginal cultural heritage
- Environment protection
- Aquatic and marine matters
- Water management (part 1) – controlled activities
- Water management (part 2) – water licences and approvals
- Water quality
- Development impacting water infrastructure
- Flood prevention
- Coal mine subsidence

- Mining leases
- Development impacting pipeline infrastructure
- Development impacting railway infrastructure
- Development impacting roads
- Development impacting air infrastructure
- Development impacting defence infrastructure
- Proposed education infrastructure
- Development impacting observatory infrastructure
- Urban design
- Land-use planning
- Development at ports
- Hazardous and offensive development

Bushfire



Councils Bushfire mapping shows that subject land is mapped as vegetation category 3. Please refer to accompany bushfire threat assessment by Control Line Consulting.

Statutory Planning & Matters for Consideration

In accordance with Section 4.15 of the Environmental Planning & Assessment Act, in determining the application, Council is required to take into consideration the following matters as are relevant to the development:

Environmental Planning Instruments – Hawkesbury City Council Local Environmental Plan 2012

Part 2 Land use Table

This clause requires development to be consistent with the zone objectives from the RU1 Primary Production & SP2 Infrastructure zones as follows:

RU1: Primary Production objectives of zone: -

1 Objectives of zone

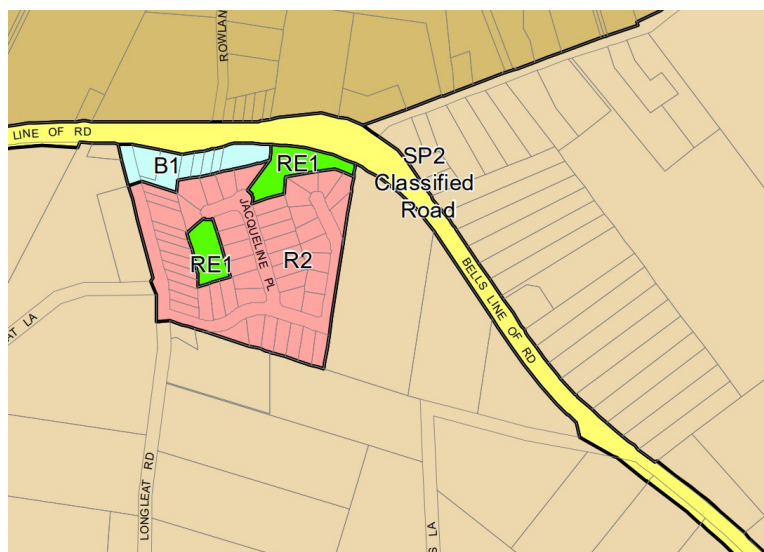
- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage agricultural activities that do not rely on highly fertile land.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

The site was approved under a planning proposal for subdivision into 4 lots – the planning proposal considered the subdivision against the objectives of the zone and reduced the original proposal of many more lots down to just 4 lots – since the proposal is consistent with the planning proposal no further assessment against the zone objectives is required.

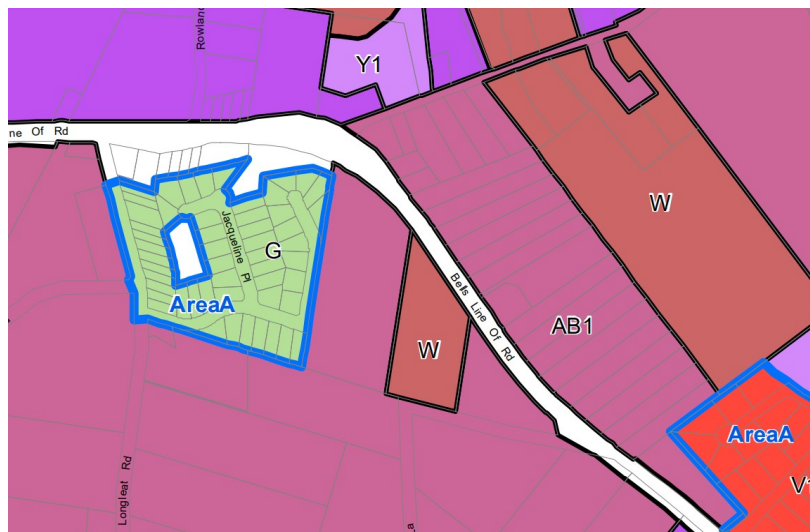
SP2: Infrastructure objectives of zone: -

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The SP1 land is the land the subject of a Restriction on User under the Main Roads Act as shown on the subdivision layout – The minimum lot size is met exclusive of the area zoned SP1.



Land Zoning Map RU1 & SP2



Lot Size Map W= 4000m²

Part 4 Principal development standards

4.1 Minimum lot sizes

4.1 Minimum subdivision lot size

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

(a) *to ensure that the pattern of lots created by subdivision and the location of any buildings on those lots will minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, waterways and groundwater as well as any agricultural activity in the vicinity,*

(b) *to ensure that each lot created in a subdivision contains a suitable area for the erection of a dwelling house, an appropriate asset protection zone relating to bush fire hazard and a location for on-site effluent disposal if sewerage is not available,*

(c) *to ensure a ratio between the depth of the lot and the frontage of the lot that is satisfactory having regard to the purpose for which the lot is to be used.*

(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.*

The minimum lot size 4000m². All proposed lots are in excess of the minimum lot size by 35-75%.

4.1B Additional requirements for subdivision in certain rural, residential and environmental protection zones

(1) *This clause applies to land in the following zones—*

(a) *Zone RU1 Primary Production,*

(b) *Zone RU2 Rural Landscape,*

(c) *Zone RU4 Primary Production Small Lots,*

(d) *Zone RU5 Village,*

(e) *Zone R5 Large Lot Residential,*

(f) *Zone E3 Environmental Management,*

(g) *Zone E4 Environmental Living.*

(2) *Development consent must not be granted to a subdivision of land to which this clause applies unless—*

(a) *the pattern of lots created by the subdivision and the location of any buildings on those lots is not likely to have a significant impact on any threatened species, populations or endangered ecological community or regionally significant wetland, waterways, groundwater or agricultural activities in the locality, and*

(b) *the consent authority is satisfied that each lot to be created contains a suitable area for a dwelling house, an appropriate asset protection zone relating to bush fire hazard and an adequate sewage management system if sewerage is not available, and*

(c) *if sewerage is not available—the consent authority has considered a geotechnical assessment that demonstrates the land is adequate for the on-site disposal of effluent, and*

(d) *the consent authority is satisfied that there is a satisfactory ratio between the depth of each lot and the frontage of each lot, having regard to the purpose for which the lot is to be used.*

The proposed lots are regular rectangular in shape (as are adjoining properties, excepting proposed Lot 24 which is constrained by Bells Line of road however this lot is 75 % larger than the zone minimum and all comply with the width to depth ratio.

Sewerage is not available and the application includes an effluent disposal assessment and report.

4.2 Rural subdivision

(1) 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.

(2) This clause applies to the following rural zones—

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(baa) Zone RU3 Forestry,

(c) Zone RU4 Primary Production Small Lots,

(d) Zone RU6 Transition.

Note—

When this Plan was made it did not include Zone RU6 Transition.

(3) 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.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

Not applicable.

4.2A Residential development and subdivision prohibited on certain land

(1) The objectives of this clause are as follows—

(a) to prohibit residential development on a lot resulting from the closure of a road,

(b) to prohibit the erection of dwelling houses on certain land that is flood planning land or was subdivided for agricultural purposes.

(2) This clause applies to land in the following zones—

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(c) Zone RU4 Primary Production Small Lots,

(d) Zone RU5 Village,

(e) Zone R5 Large Lot Residential,

(f) Zone E3 Environmental Management,

(g) Zone E4 Environmental Living.

(3) Development consent must not be granted for the erection of a dwelling house on a lot resulting from the closure of part or all of a road, irrespective of when that closure occurred.

(4) Subclause (3) does not apply to a lot created by the consolidation of a lot resulting from a road closure with an adjoining lot that did not result from a road closure.

(5) Development consent must not be granted for the erection of a dwelling house on a lot—

(a) below the level of a 1:100 ARI (average recurrent interval) flood event, and

(b) resulting from a subdivision for the purpose of agriculture for which development consent was granted before 27 June 2003.

Not applicable.

4.2B Additional requirements for subdivisions in certain flood planning areas

(1) This clause applies to the subdivision of land—

- (a) under clause 4.1, 4.1AA, 4.1A, 4.1C, 4.1E, 4.1G or 4.2, and
- (b) that creates a lot other than for use for a public purpose, and
- (c) in the following zones—
 - (i) Zone RU1 Primary Production,
 - (ii) Zone RU2 Rural Landscape,
 - (iii) Zone RU4 Primary Production Small Lots,
 - (iv) Zone R5 Large Lot Residential,
 - (v) Zone E4 Environmental Living.

(2) Development consent must not be granted for a subdivision to which this clause applies unless the consent authority is satisfied that there is an area of land on the lot that is above flood planning level and is sufficient for the erection of a dwelling house.

(3) For the purposes of subclause (2), an area of land is above flood planning level if the land is above the level of a 1:100 ARI (average recurrent interval) flood event (whether the level is a natural surface level or a level achieved by filling carried out with a previous development consent).

Not applicable.

Part 5 Miscellaneous provisions

5.1A Development on land intended to be acquired for public purposes

(1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.

(2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1.

(3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.

Column 1	Column 2
Land	Development
Zone SP2 Infrastructure and marked "Classified road"	Roads
Zone SP2 Infrastructure and marked "Local road"	Roads
Zone RE1 Public Recreation and marked "Local open space"	Recreation areas

The zone objectives and minimum lot size are still met if the SP1 land is excluded.

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 Hawkesbury,
- (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.

Not applicable.

Part 5A Urban release areas

5.13A Arrangements for certain designated State public infrastructure

(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of relevant designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of relevant designated State public infrastructure in relation to that lot.

(3) Subclause (2) does not apply to—

(a) any lot identified in the certificate as a residue lot, or

(b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or

(c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or

(d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(4) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 7.1 of the Act).

(5) In this clause—

relevant designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds—

(a) State and regional roads,

(b) bus interchanges and bus lanes,

(c) land required for regional open space,

(d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

5.13B Public utility infrastructure

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

5.13C Relationship between Part and remainder of Plan

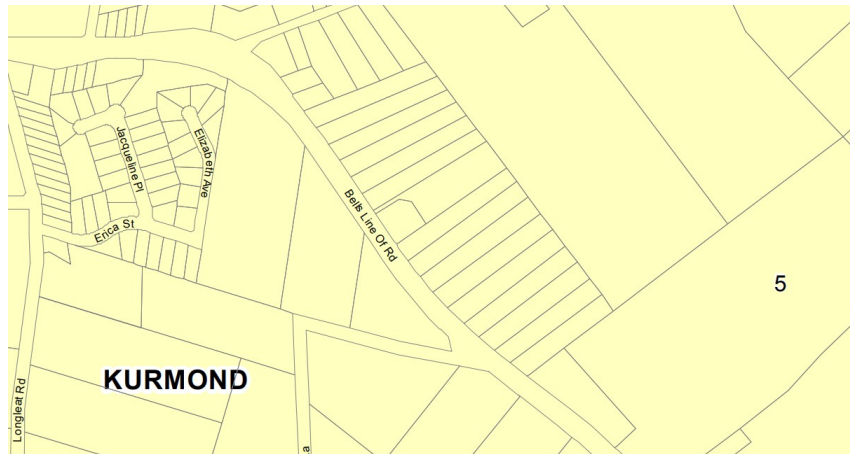
A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

Not applicable.

Part 6 Additional local provisions

6.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage



Acid sulfate mapping class 5

Not applicable.

6.2 Earthworks

(1) The objectives of this clause are as follows—

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring separate development consent.

The proposed access requires minor earthworks and a concept engineering design accompanies this application showing the proposed works.

6.4 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.*



Terrestrial Biodiversity Map HLEP2012

Minor areas of biodiversity are mapped on the lot – they are predominantly over street trees, the trees on the site and proposed to be removed are not in the biodiversity mapped area. The accompanying flora and fauna report and an arborist report accompanies the application identifying tree removal. The dwelling areas, effluent disposal areas and primary asset protection zones are not within the biodiversity areas.

6.7 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required—

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

Electricity would be upgraded in accordance with Endeavour Energy guidelines both from Bells Line of Road & Bells Lane.

Telecommunication would be upgraded in accordance with NBN guidelines from Bells Line of Road & Bells Lane.

Reticulated water would be upgraded in accordance with Sydney Water guidelines from Bells Line of Road. Council's garbage/recycle/green waste collections would be collected from Bells Line of Road & Bells Lane.

Proposed onsite wastewater disposal areas have been shown on subdivision layout plan.

Hawkesbury Development Control Plan 2002

PART C General Guidelines

Chapter 4 Soil erosion & sediment control

4.2 Objectives

Principles of erosion and sediment control are to:

- *investigate site features;*
- *prepare a SESCO;*
- *save topsoil for reuse;*
- *control run-off onto, through and from the site;*
- *use erosion control measures to prevent on-site damage;*
- *use sediment control measures to prevent off-site damage;*
- *rehabilitate disturbed areas quickly; and*
- *maintain erosion and sediment control measures.*

Concept sediment and erosion control measures are shown on the concept engineering plans.

Chapter 9 Presentation of trees & vegetation

9.1 aims & objectives

The aim of this chapter is to preserve the amenity, biodiversity, ecology and heritage of the area through the preservation of trees and vegetation.

The objectives of this chapter are to:

- *prescribe the trees and vegetation to which this chapter applies*
- *clarify the assessment criteria under which applications to ringbark, cut down, top, lop, remove, injure, or wilfully destroy trees or vegetation will be determined*
- *define the meaning of terms used within this chapter*

Tree removal is documented in the flora and fauna report and in the arborists report.

Chapter 10 Heritage conservation

10.2 Objectives

The primary objectives of this Chapter are:

- *To promote and protect the Hawkesbury area's natural and cultural heritage as a valuable resource that must be conserved for future generations.*
- *To consider the potential heritage significance of all properties identified in the LEP Heritage Map and other applications as a matter to be taken into account in the assessment of DAs affecting those properties.*
- *To integrate conservation and management issues into the planning and development control process.*
- *To ensure that any development with respect to a heritage site is undertaken in a manner that is sympathetic to, and does not detract from the identified significance of the site.*
- *To encourage innovative approaches to the conservation of Hawkesbury area's and heritage sites and to provide incentives for good management practice;*

No heritage item identified within HLEP2012 is located on or immediately adjacent to the subject property. The attached Office of Environment & Heritage computer search of Aboriginal Heritage Information Management (AHIMS), dated 30 March 2022, confirms that NO aboriginal sites or places are located on or 50 meters around the subject property.

Part D Specific development

Part 3 Subdivisions Chapter 3 General principals

3.1 The general principles for applying to subdivision in Hawkesbury are to:

- *establish a consistent and coordinated approach to the creation of residential, rural residential and rural lots throughout Hawkesbury;*
- *ensure that subdivision is undertaken in an environmentally sustainable manner;*
- *facilitate different subdivision forms which have the effect of minimising environmental degradation;*
- *address long term planning objectives as contained in Hawkesbury LEP by the creation of lots in locations and of sizes consistent with those objectives;*
- *ensure constructed vehicular access from gazetted public road system to each new lot;*

ensure all lots created are physically capable of development;

- *adopt criteria for rural, rural-residential and residential lots which will ensure each lot is provided with an appropriate level of amenity, services and access;*
- *facilitate the supply of residential lots of a wide range of sizes and shapes which reflect the statutory visions of Hawkesbury LEP, the availability of reticulated sewage and the need for frontage to public roads; and*
- *protect key cultural resources (places of environmental heritage value) from land use or management practices which will lead to their degradation or destruction.*

The general principles have been considered in the subdivision layout and addressed earlier in the SEE. The lot shape and size is consistent with other lots in the vicinity.

3.2 Flora & Fauna Protection

(i) To protect bushland, significant flora and fauna habitats and wildlife corridors from the impacts of subdivision and subsequent development.

Objectives

- *The movement of fauna species on sites should be maximised so as to maintain biological diversity within the subdivision and road network.*
- *Opportunities for revegetation should be pursued as part of the subdivision process as a trade off for site development and as a means of value adding to the environment*
- *through the development process.*

Tree removal is documented in the flora and fauna report and in the arborists report.

Please refer to attached flora & fauna report by Fraser Ecological, which concludes the development area are within existing cleared grazing lands and will not result in the loss of biodiversity at a local, regional state or national level nor the status of threatened or regionally significant flora and fauna species being significantly placed at risk.

No threatened flora and fauna species nor migratory species listed in TSC Act (1995) or the EPBC Act (1999) were observed. A species Impact Statement is not required.

3.3 Visual amenity

Objectives

A subdivision proposal should be:

- *designed to have minimal impact on significant views and vistas; and*
- *compatible with the cultural and landscape characteristics of the locality or region*

No views are impacted & no building works required for this proposal. The dwelling envelopes have been sited to protect the amenity and views/vista from those adjoining dwellings and from bells Line of Road. The envelopes are on a slope of up to 13% requiring minimal earthworks at dwelling construction stage.

3.4 Heritage

Objectives

- *Subdivision should be sympathetically designed to minimise the impact on heritage items of the subject land or adjoining lands.*
- *The subdivision should maintain a reasonable curtilage around heritage items on the subject land or surrounding lands.*
- *Subdivisions should be sympathetically designed to ensure that the existing heritage value of the streetscape and character of the area is maintained.*

No heritage item identified within HLEP2012 is located on or immediately adjacent to the subject property. The attached Office of Environment & Heritage computer search of Aboriginal Heritage Information Management (AHIMS), dated 30 March 2022, confirms that NO aboriginal sites or places are located on or 50 meters around the subject property.

3.5 Utility Services

Objectives

- *All lots created for residential purposes should have an adequate provision of utility services and not result in a detrimental impact on the environment.*
- *The design and provision of public utilities should conform to the cost effective criteria of the relevant servicing authority.*
- *Compatible public utility services should be located in common trenches so as to minimise the land required, soil erosion and the cost of providing the services.*

The existing services to existing dwelling will be adjusted – house service lines only. Council's garbage/recycle/green waste collections & postal service will be available from Bells Lane and Bells Line of Road.

3.6 Flooding landslip & contaminated land

Objectives

- *Subdivision of flood prone land should not result in increased risk to life or property both on the subject land and adjoining lands.*
- *Subdivision of land that has been identified as being prone to landslip should not increase the risk to life or property on the subject land or adjoining lands.*

Not applicable - not flood liable land.

3.8 Rural & rural residential subdivision

3.8.1 Rural lot size & shape

Objectives

- *Lot layouts should take account of the environmental constraints of the area.*
- *Lot layout should be designed to conserve agriculturally productive land.*
- *The areas of lots and lot layout should be in accordance with the servicing capacity of the area (water, effluent disposal, traffic).*
- *The design of the subdivision should take into account any significant natural features on the site and these should be retained, including vegetation along watercourses.*
- *Vegetation which adds to the visual amenity of the locality and/or which is*
- *environmentally significant should be preserved in the design of the subdivision proposal. This includes the retention of vegetation for wildlife corridors and wildlife habitat.*

The layout and envelope have been designed around existing constraints and without using access from Bells Line of Road.

3.8.2 Rural Road & access design

Objectives

- *Existing roads should be upgraded where necessary to accommodate increased traffic arising from new subdivisions.*
- *The impact of new road or accessway works on adjoining residents should be minimised.*
- *Road and accessway construction should take account of existing topography and vegetation. Cut and fill should be minimised and vegetation retained where ever practicable. The provision of under road fauna crossings may be required.*

Bells Line of Road is a sealed main road maintained by Traffic NSW, since no vehicular (only) access is permitted to or from Bells Line of Road no works are required. Bells Lane is a sealed rural public road maintained by Council. It is proposed to build a shared access to service proposed Lots 22, 23 & 24 with reciprocal rights of way and suitable terms to share management and upkeep by the owners for that part they use. Concept engineering plans accompany this application. The entrance on to Bells Lane provides ample sight distance in both directions. The design complies with Councils DCP and RFS requirements. Earthworks are minimal, and the length of the access does not require a passing bay (being less than 200m for RFS). No turning area within the access is provided since there is ample area within each lot at flat grades for a vehicle including RFS vehicles to turn without a reversing movement. The plans would be refined subject to conditions of consent for a subdivision works certificate to issue before construction.



View of subject site from Bells Lane looking north



Subject site from Bells Lane looking east



Subject site from Bells Lane looking east



Subject site from Bells Lane looking east

3.8.4 Effluent disposal

Objectives

- To ensure that the lot is adequate for the disposal of effluent on the site without significantly impacting on surrounding properties or downstream water courses and vegetation.

See attached waste water report.

Planning Policy's

SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Concurrences and Consents) 2018
SEPP (Educational Establishments and Child Care Facilities) 2017
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing) 2021
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Primary Production and Rural Development) 2019
SEPP (Vegetation in Non-Rural Areas) 2017
SEPP No 19—Bushland in Urban Areas
SEPP No 33—Hazardous and Offensive Development

SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Apartment Development
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) _

SEPP (Primary Production and Rural Development) 2019

Part 1 Preliminary

3 Aims of Policy The aims of this Policy are as follows:

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

State Environmental Planning Policy (Biodiversity and Conservation) 2021

2.1 Aims of Chapter

The aims of this Chapter are—

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

2.3 Land to which Chapter applies

(1) This Chapter applies to the following areas of the State (the non-rural areas of the State)—

(a) land in the following local government areas—

City of Hawkesbury

(b) land within the following zones under an environmental planning instrument—

Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone B8 Metropolitan Centre, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone IN3 Heavy Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone SP3 Tourist, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living or Zone W3 Working Waterways.

The areas of dwelling envelopes, waste water disposal and APZ are not within the biodiversity areas.

Threatened Species Conservation Act 1995 No 101

3 Objects of Act

The objects of this Act are as follows:

- (a) to conserve biological diversity and promote ecologically sustainable development, and*
- (b) to prevent the extinction and promote the recovery of threatened species, populations and ecological communities, and*
- (c) to protect the critical habitat of those threatened species, populations and ecological communities that are endangered, and*
- (d) to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities, and*
- (e) to ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed, and*
- (f) to encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.*

Section 5A of the Environmental Planning Act 1979 sets out seven factors that require consideration in terms of the likely significance of the impact of an action.

For the purposes of this Act in particular in the administration of sections 78A, 79(1) and 112, these seven factors must be taken into account in deciding whether there is likely to be a significant effect on the threatened species, populations or ecological communities, or their habitats listed under the Threatened Species Conservation Act 1995.

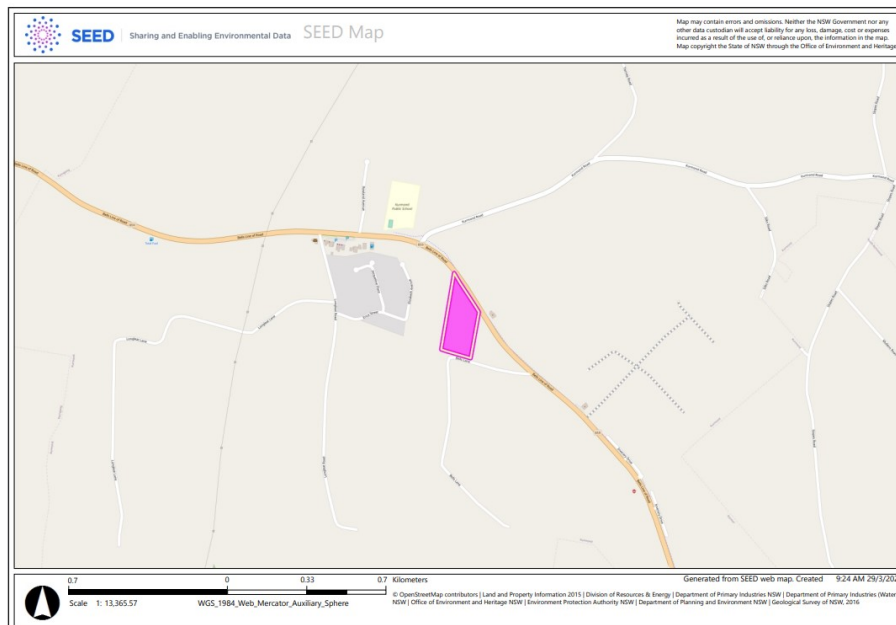
Impact on the flora & fauna species are considered NIL given no removal or disturbance of threatened species, populations or ecological communities, or their habitats occurred from the development, on this basis no species impact statement is required.

Wilderness Act 1987 No 196

3 Objects of Act

The objects of this Act are:

- (a) to provide for the permanent protection of wilderness areas,*
- (b) to provide for the proper management of wilderness areas, and*
- (c) to promote the education of the public in the appreciation, protection and management of wilderness.*



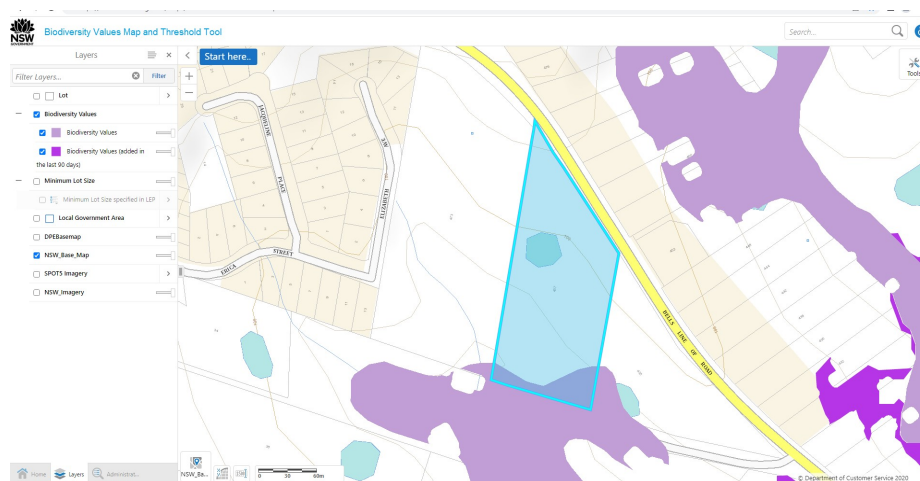
Not mapped.

Biodiversity Conservation Act 2016 No 63

1.3 Purpose of Act

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development (described in section 6(2) of the Protection of the Environment Administration Act 1991), and in particular—

- (a) to conserve biodiversity at bioregional and State scales, and*
- (b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and*
- (c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge, about biodiversity conservation, and*
- (d) to support biodiversity conservation in the context of a changing climate, and*
- (e) to support collating and sharing data, and monitoring and reporting on the status of biodiversity and the effectiveness of conservation actions, and*
- (f) to assess the extinction risk of species and ecological communities, and identify key threatening processes, through an independent and rigorous scientific process, and*
- (g) to regulate human interactions with wildlife by applying a risk-based approach, and*
- (h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature, and*
- (i) to support and guide prioritised and strategic investment in biodiversity conservation, and*
- (j) to encourage and enable landholders to enter into voluntary agreements over land for the conservation of biodiversity, and*
- (k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity, and*
- (l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values, and*
- (m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales, and*
- (n) to support public consultation and participation in biodiversity conservation and decision-making about biodiversity conservation, and*
- (o) to make expert advice and knowledge available to assist the Minister in the administration of this Act.*



Mapped & please refer to attached flora & fauna report.

Sydney Regional Environmental Plan (Coastal Management) 2018

Division 1 Coastal wetlands and littoral rainforests area

Part 2 Development controls for coastal management areas

10 Development on certain land within coastal wetlands and littoral rainforests area

(1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent—

- (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
- (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
- (c) the carrying out of any of the following—*
 - (i) earthworks (including the depositing of material on land),*
 - (ii) constructing a levee,*
 - (iii) draining the land,*
 - (iv) environmental protection works,*
 - (d) any other development.*

Note—

Clause 17 provides that, for the avoidance of doubt, nothing in this Part—

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*
- (2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.*
- (3) Despite subclause (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map may be carried out by or on behalf of a public authority without development consent if the development is identified in—*
 - (a) the relevant certified coastal management program, or*
 - (b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, or*
 - (c) a plan of management under Division 3.6 of the Crown Land Management Act 2016.*
- (4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.*
- (5) Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the Biosecurity Act 2015.*
- (6) This clause does not apply to the carrying out of development on land reserved under the National Parks and Wildlife Act 1974 if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.*

11 Development on land in proximity to coastal wetlands or littoral rainforest

Note—

The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.

- (1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—*
 - (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*
- (2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.*

The subject site is not mapped within Coastal Management area.

State Environmental Planning Policy No 19—Bushland in Urban Areas

2 Aims, objectives etc

(1) The general aim of this Policy is to protect and preserve bushland within the urban areas referred to in Schedule 1 because of:

- (a) its value to the community as part of the natural heritage,*
- (b) its aesthetic value, and*
- (c) its value as a recreational, educational and scientific resource.*

Not applicable.

State Environmental Planning Policy No 44 Koala Habitat Protection 2021

Part 1 Preliminary

3 Aim of Policy

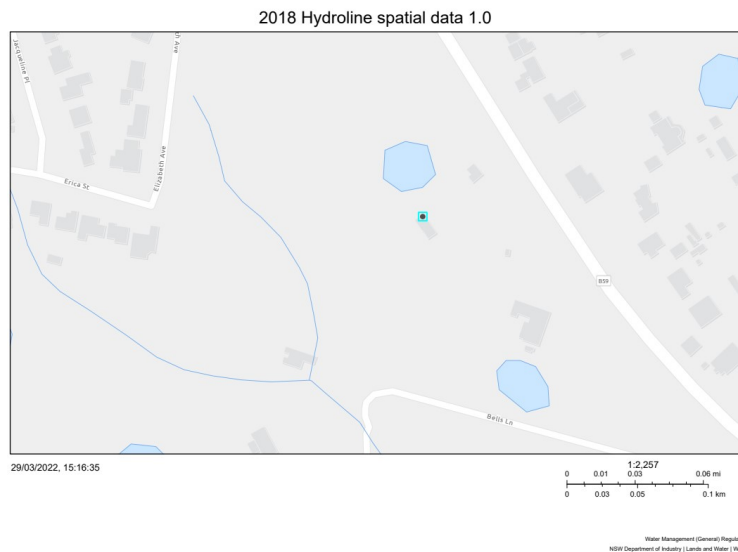
This Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline

Please refer to attached flora & fauna report.

Water Management (General) Regulation 2018 Hydro Line spatial data

The Water Management (General) Regulation 2018 hydro line spatial data is a dataset of mapped watercourses and waterbodies in NSW. It is based on the Spatial Services (Department of Finance, Services & Innovation) NSW Hydro Line dataset.

The Hydro Line spatial data is used to determine the Strahler stream order of a stream to identify whether an exemption from the requirement for a water licence or approval under the Water Management (General) Regulation 2018 applies.



Hydroline spatial map

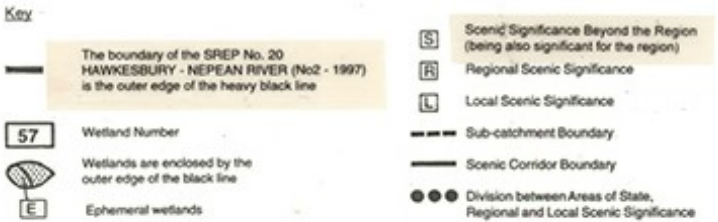
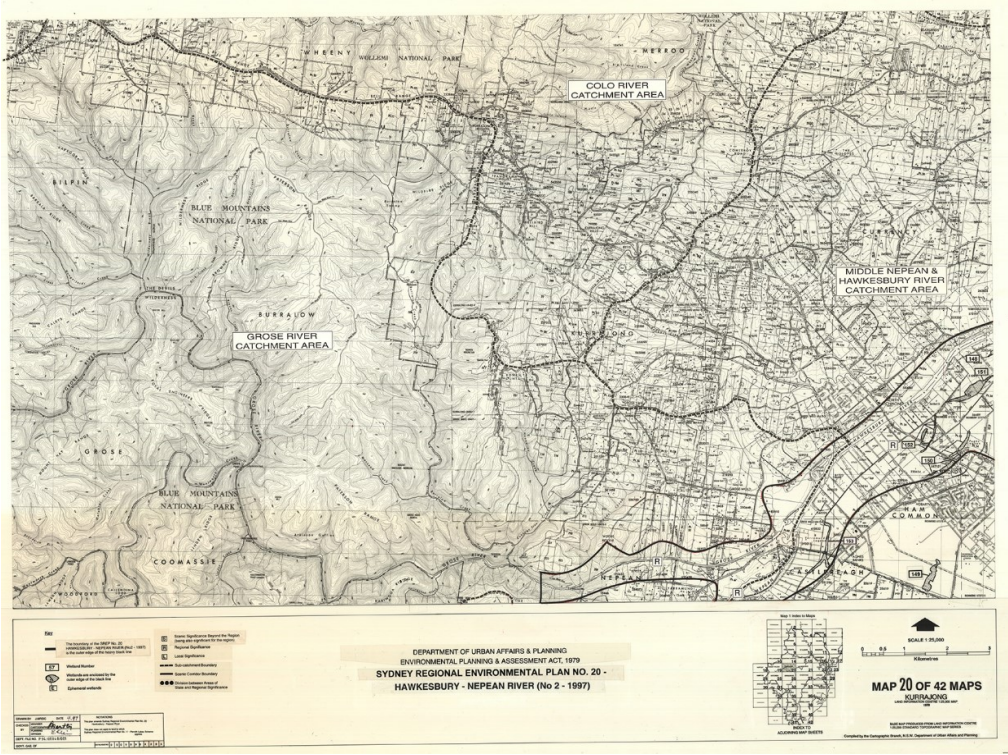
No blue line within the subject property.

NSW Department of Industry – Natural Resources Access Regulator

Riparian Corridors

Referral to Natural Resources Access Regulator (NRAR) is not required.

Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River (No2- 1997)



SREP 20 Mapped wetlands

No mapped wetlands are located on or adjacent to the lots.

Sydney Regional Environmental Plan NO. 20 Hawkesbury-Nepean River (No 2—1997)

Consideration to SREPP 20 provisions have been made in the following table:-

Clause	Comment
<p>3. Aim of this plan</p> <p><i>The aim of SREP No. 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.</i></p>	<p>The proposal has been considered in respect to the aims of the SREP 20 & is consistent with the aims of the plan to consider the proposal in a regional context.</p>
<p>4. Application of general planning considerations, specific planning policies & recommended strategies</p> <p>(1) <i>The general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 which are applicable to the proposed development, must be taken into consideration:</i></p> <p><i>(a) by a consent authority determining an application for consent to the carrying out of development on land to which this plan applies, and</i></p> <p><i>(b) by a person, company, public authority or a company State owned corporation proposing to carry out development which does not require development consent.</i></p> <p>(2) <i>Those considerations, policies and strategies should be taken into consideration in the preparation of each environmental planning instrument and development control plan that applies to land to which this plan applies.</i></p>	<p>Consideration of clause 5 and the specific planning policies set out in clause 5 have been considered.</p>

Clause	Comment
<p>5. General planning considerations</p> <p><i>The general planning considerations relevant for this Part are:-</i></p> <p><i>The general planning considerations relevant for this Part are:</i></p> <p><i>(a) the aim of this plan, and</i></p> <p><i>(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, and</i></p> <p><i>(c) whether there are any feasible alternatives to the development or other proposal concerned, and</i></p> <p><i>(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored.</i></p>	<p>This proposal does not affect strategies listed in Action Plan of Hawkesbury-Nepean EPS.</p> <p>No impact will occur.</p>
<p>6 Specific planning policies and recommended strategies</p> <p><i>The specific planning policies and recommended strategies for this plan are as follows:</i></p>	
<p>1) Total catchment management</p> <p><i>Policy: Total catchment management is to be integrated with environmental planning for the catchment.</i></p> <p><i>Strategies:</i></p> <p><i>(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.</i></p> <p><i>(b) Consider the impact of the development concerned on the catchment.</i></p> <p><i>(c) Consider the cumulative environmental impact of development proposals on the catchment.</i></p>	<p>N/A</p>

(2) Environmentally sensitive areas

Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.

Note.

Environmentally sensitive areas in the Hawkesbury-Nepean catchment are: the river, riparian land, escarpments and other scenic areas, conservation area subcatchments, national parks and nature reserves, wetlands, other significant floral and faunal habitats and corridors, and known and potential acid sulphate soils.

Strategies:

(a) Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted so that attached aquatic plant beds are replaced and water quality and faunal habitats improved.

(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.

(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916 and conservation area sub-catchments in order to protect water quality and biodiversity.

(d) Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.

(e) Consider the need to include buffer zones (such as adequate fire radiation zones) for proposals on land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974 or the Forestry Act 1916.

(f) Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the National Parks and Wildlife Act 1974.

(g) Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils.

(h) New development in conservation area sub-catchments should be located in areas that are already cleared.

n/a

3. Water quality

Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.

Note -Aquatic ecosystems and primary contact recreation have the same meanings as in the document entitled Australian Water Quality Guidelines for Fresh and Marine Waters, published in 1992 by the Australian and New Zealand Environment and Conservation Council.

Strategies:

(a) Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.

(b) Consider the need to ensure that water quality goals for primary contact recreation and aquatic ecosystem protection are achieved and monitored.

(c) Approve development involving primary contact recreation or the withdrawal of water from the river for human contact (not involving water treatment), such as showers, only in locations where water quality is suitable (regardless of water temperature).

(d) Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site.

(e) Develop in accordance with the land capability of the site and do not cause land degradation.

(f) Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.

(g) Minimise or eliminate point source and diffuse source pollution by the use of best management practices.

(h) Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.

(i) Consider the impact of the removal of water from the river or from groundwater sources associated with the development concerned.

(j) Protect the habitat of native aquatic plants.

4. Water quantity

Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment. Strategies:

(a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.

(b) Ensure the amount of stormwater run-off from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage on-site stormwater retention, infiltration and (if appropriate) reuse.

(c) Consider the need for restricting or controlling development requiring the withdrawal or impoundment of water because of the effect on the total water budget of the river.

(d) Consider the impact of development on the level and quality of the water table

(5) 5. Cultural heritage

Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.

Strategies:

(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.

(b) Protect Aboriginal sites and places of significance.

(c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.

(d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river

No impact by subdivision – no works required.

6. Flora and fauna

Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

Strategies, generally:

(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.

(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.

(c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.

(d) Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.

(e) Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.

(f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.

(g) Consider the need to control access to flora and fauna habitat areas.

(h) Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.

Strategies for wetlands:

(i) Maintain the ability of wetlands to improve the quality of water entering the river through the filtering of sediments and the absorption of nutrients.

(j) Maintain the ability of wetlands to stabilise soils and reduce bank erosion.

(k) Maintain the ability of wetlands to reduce the impact of flooding downstream through the retention of floodwaters.

(l) Maintain a variety of wetland flora and fauna species in the region and consider the scarcity of particular species on a

No impact by subdivision – no works required.

national basis.

(m) Encourage the appropriate management of wetlands, including monitoring and weed control.

(n) Provide opportunities for recreation, scientific research and education where they are compatible with the conservation of wetlands.

(o) Consider the need to protect and improve the quality and quantity of surface water and groundwater entering wetlands by controlling development in the catchment of wetlands.

(p) Consider the desirability of protecting any wetlands of local significance which are not included on the map.

(q) Consider the desirability of protecting or, if necessary, actively managing, constructed wetlands if they have significant conservation values or make a significant contribution to improvements in water quality.

7. Riverine scenic quality

Policy: The scenic quality of the riverine corridor must be protected.

Strategies:

(a) Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.

(b) Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.

(c) Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.

(d) Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.

(e) Consider the need for controls or conditions to protect those scenic areas.

(f) Consider opportunities to improve riverine scenic quality.

8. Agriculture/aquaculture and fishing

No impact by subdivision – no works required.

Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.

Note—

Refer also to items (1)–(7) and (12) for relevant strategies.

Strategies:

- (a) Give priority to agricultural production in rural zones.*
- (b) Ensure zone objectives and minimum lot sizes support the continued agricultural use of Class 1, 2 and 3 Agricultural Land (as defined in the Department of Agriculture’s Agricultural Land Classification Atlas) and of any other rural land that is currently sustaining agricultural production.*
- (c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts.*
- (d) Protect agricultural sustainability from the adverse impacts of other forms of proposed development.*
- (e) Consider the ability of the site to sustain over the long term the development concerned.*
- (f) Consider the likely effect of the development concerned on fish breeding grounds, nursery areas, commercial and recreational fishing areas and oyster farming.*

9. Rural residential development

Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).

Note—Refer also to items (1)–(7) and (12) for relevant strategies.

Strategies:

- (a) Give priority to agricultural production in rural zones.*
- (b) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of rural land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 20 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.*
- (c) Maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development.*

No impact by subdivision – no works required.

No impact by subdivision – no works required.

(d) Do not locate development in areas identified for future urban purposes in the Metropolitan Strategy.

(e) Consider the suitability of the land for keeping livestock, whether or not for commercial purposes, and appropriate mitigating measures to prevent land degradation.

(f) Consider the ability of the land to accommodate on-site effluent disposal in the long term.

(g) Consider any adverse environmental impacts of infrastructure associated with the development concerned.

11. Recreation and tourism

Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected.

Note—Refer also to items (1)–(7) and (12) for relevant strategies.

(a) Provide a wide range of recreational opportunities along the river which are consistent with conserving the river's natural values and character.

(b) Plan and manage recreational and tourist developments, and associated access points, cycleways and footpaths, so as to minimise any adverse environmental impacts on the river. Locate them where river banks are stable, away from river shallows, major beds of attached aquatic plants or fish breeding areas, where the proposed activities do not conflict with surrounding recreational activities and where significant flora and fauna habitats will not be adversely affected. The upgrading of existing public access to the river is to be preferred over the creation of new access points.

(c) Minimise conflicts between recreational uses.

(d) Consider the availability of, or need to provide, land for vehicle parking and for suitable access (including access for cars and buses), for boat service areas and for water, electricity and sewage disposal.

(e) Consider the environmental impact of ancillary services for recreation and tourist developments, such as amenities blocks and vehicle parking.

(f) Consider the visual impact of development on the surrounding area.

No impact by subdivision – no works required.

State Environmental Planning Policy 55 Remediation of Land

When an authority carries out a planning function, the history of land use needs to be considered as an indicator of potential contamination. **Where there is no reason to suspect contamination, the proposal may be processed in the usual way.** The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes.

The following is a brief checklist for doing an initial evaluation.

- *Is the planning authority aware of any previous investigations about contamination on the land? What were the results, including any previous initial evaluations?*
- *Do existing records held by the planning authority show that an activity listed in the Table below has ever been approved on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)*

No

- *Was the subject land at any time zoned for industrial, agricultural or defence purposes?*

The site has historically been used for stock grazing – see detailed history in the Phase I contamination report.

Is the subject land currently used for an activity listed in the following Table?

- *acid/alkali plant and formulation*
- *agricultural/horticultural activities*
- *asbestos production and disposal*
- *chemicals manufacture and formulation*
- *defence works*
- *drum re-conditioning works*
- *dry cleaning establishments*
- *electrical manufacturing (transformers)*
- *electroplating and heat treatment premises*
- *engine works*
- *explosives industry*
- *gas works*
- *iron and steel works*
- *landfill sites*
- *metal treatment*
- *mining and extractive industries*
- *oil production and storage*
- *paint formulation and manufacture*
- *pesticide manufacture and formulation*
- *power stations*
- *railway yards*
- *scrap yards*
- *service stations*
- *sheep and cattle dips*
- *smelting and refining*
- *tanning and associated trades*
- *waste storage and treatment*
- *wood preservation*

See Phase I contamination report.

• To the applicants knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation to any activity listed in the above Table?

No

• Are there any land use restrictions on the subject land relating to possible contamination, such as notices issued by the EPA or other regulatory authority?

No

• Does a site inspection suggest that the site may have been associated with any activities listed in the above.

No

• Is the applicant aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land?

No

Note the recommendations in the Phase 1 contamination report.

The dam was filled quite a few years ago by the present owner, fill was not imported and the dam wall was pushed back into the dam hole and it is expected a condition would be imposed in the consent requiring density and compaction testing over the dam site – this would be undertaken in conjunction with the density and compaction testing of the proposed access.

The old dwelling and septic tank will be demolished and removed. It is noted one piece of fibrous cement was located in the driveway, it was not tested for asbestos and was likely from some damage to the lining in the cottage, noting it has not been lived in for many years – a final contamination clearance following demolition and completion of the subdivision is expected to be conditioned in an approval.

The likely impacts of that development including environmental impacts on both the natural and built environments and the social and economic impacts in the locality

Context & Setting

The subdivision is consistent with its setting and in the context of the locality, which is characterised by a residential land use.

Access

Access will be constructed from Bells Lane...

Public Domain

There are no identified public domain issues relative to this application.

Heritage

No heritage item identified within HLEP2012 is located on or immediately adjacent to the subject property. The attached Office of Environment & Heritage computer search of Aboriginal Heritage Information Management (AHIMS), dated 30 March 2022, confirms that NO aboriginal sites or places are located on or 50 meters around the subject property.

Other Land Resources

There are no land resources that would be affected as a result of this development noting that the development will not adversely impact on its surroundings.

Soils

No disturbance to the soil will be required for this proposal.

Flora & Fauna

Some tree removal is required – noting the removal is does not form contiguous canopy or warrant retention.

Social Impact in the Locality

The development will have a positive social impact on the locality providing for an additional family units.

Economic Impact in the Locality

This proposal will have a positive economic effect on the locality by providing economic funds for Hawkesbury region.

Cumulative Impacts

None identified.

The suitability of the site for the development

The site is suitable for development as proposed which is consistent with the zone objectives and other provisions as identified in this report.

Submissions made in accordance with the Environmental Planning & Assessment Act or Regulations

No referral is required to other governing bodies.

The public interest

There is no identified public interest relating to this application.

Conclusion

Consideration regarding relevant legislation including state, regional, HLEP2012 & DCP has been addressed within this statement. The subject site is capable of subdivision in the manner proposed which is a logical subdivision of the site, which will provide additional ownership in Kurmond area.

List of documents accompanying this application

- ✓ Owners consent
- ✓ Concept subdivision layout plan
- ✓ Concept engineering design plans
- ✓ Statement of environmental effects
- ✓ Flora & fauna report
- ✓ Arborist report
- ✓ A Phase 1 report
- ✓ Bushfire threat report
- ✓ Aboriginal Heritage Information Management (AHIMS data search)
- ✓ Waste management plan