

July 2024



## Statement of Environmental Effects

11 Quinn Place and 40 Norman Road, Mudgee

Torrens Title Subdivision: 2 into 5 Lots

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<b>Document Title</b>	Statement of Environmental Effects
<b>Land and Proposal</b>	11 Quinn Place and 40 Norman Road, Mudgee Torrens Title Subdivision: Two (2) into Five (5) Lots
<b>Proponent</b>	
<b>Prepared by</b>	O'Ryan Geospatial Pty Ltd
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A: Existing Servicing

B: Proposed Plan of Subdivision

C: Servicing Plan

D: Aboriginal Heritage Information Management System (AHIMS) Report

## **PART A – PROPOSAL OVERVIEW**

### **1 INTRODUCTION**

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O'Ryan Geospatial Pty Ltd (O'Ryan) has been engaged to prepare a Statement of Environmental Effects (SEE) to describe and assess the permissibility of a proposed Torrens title subdivision (two (2) into five (5) lots) against relevant legislative, environmental, and planning requirements. The SEE accompanies the development application (DA), seeking consent for the proposed development of the land.

The subject land is legally described as:

Lot 13 DP 1297326; 11 Quinn Place, Mudgee; and

Lot 14 DP 1273586; 40 Norman Road, Mudgee.

The SEE is structured into two parts:

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



An overview of site characteristics is provided below:

<b>Size</b>	Lot 13 DP 1297326: 11 Quinn Place: 2930m <sup>2</sup> Lot 14 DP 1273586: 40 Norman Road: 2319m <sup>2</sup>
<b>Shape</b>	Both lots are irregular in shape.
<b>Terrain Features</b>	Both lots have a uniform gentle slope and are occupied by exotic grasses.
<b>Environmental Hazards</b>	Neither lot is flood prone nor has their history been associated with land uses which would cause potential contamination concerns.
<b>Surrounding Development</b>	Both lots are located adjoining/adjacent to other residential properties.
<b>Built Environment</b>	<p><b>Existing Development:</b></p> <p>11 Quinn Place: The site is currently vacant.</p> <p>40 Norman Road: The site is occupied by an existing dwelling, ancillary buildings and structures.</p> <hr/> <p><b>Access:</b></p> <p>11 Quinn Place: Direct access is available via Quinn Place</p> <p>40 Norman Road: Direct access is available via Norman Road</p> <hr/> <p><b>Servicing:</b></p> <p>Electricity, reticulated water and sewer and Fibre-to-the Node NBN are available to each lot.</p> <p>Drainage infrastructure is located within easements currently located on both properties.</p> <p>Refer to Appendix A for details.</p>

Figure 2 comprises an aerial photograph of the two (2) properties. Site photography is located at Plates 1 to 4.



### 11 QUINN PLACE & 40 NORMAN ROAD, MUDGEEE

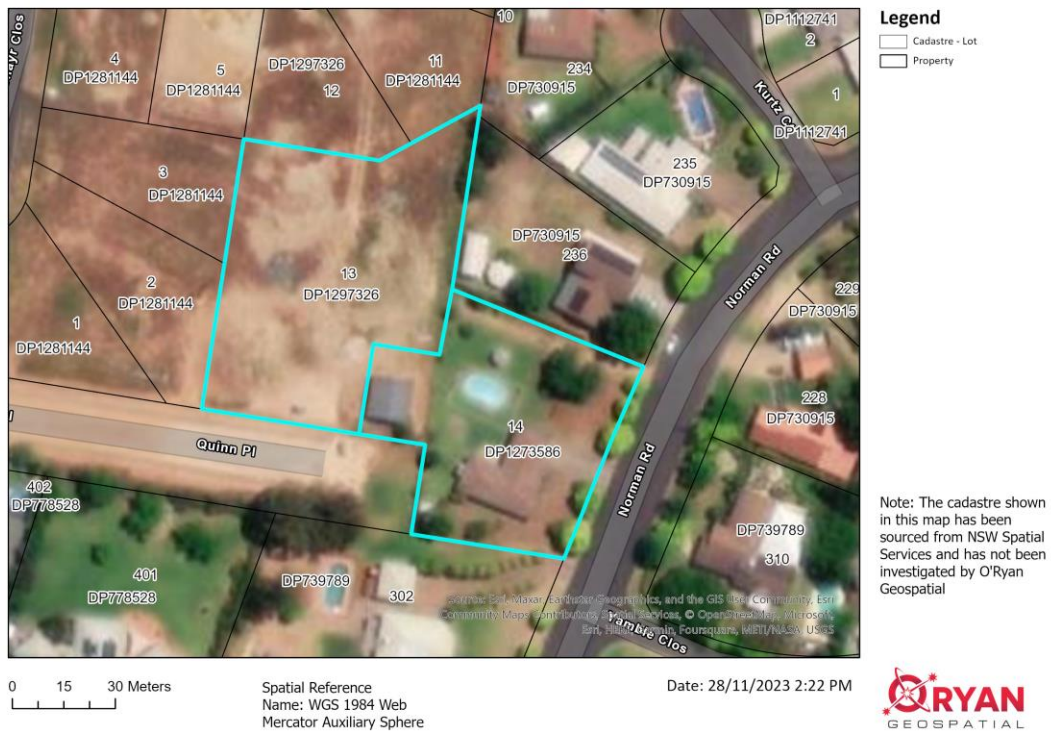


Figure 2: Site Aerial Photography



Plate 1: View from Quinn Place Looking Towards Norman Road and into the Proposed Development Site



Plate 2: View From 11 Quinn Place Looking Towards 40 Norman Road



Plate 3: Illustrating Land the Subject of Proposed Access from Norman Road (North-east of Gazebo to Colourbond Fence)



Plate 4: Within 11 Quinn Place Looking South

### 3 PROPOSED DEVELOPMENT

#### 3.1 OVERVIEW

The proposed development seeks a Torrens title subdivision of two (2) into five (5) lots. Details follow in Table 1.

Proposed Lot	Commentary
101	Lot size 602.4 m <sup>2</sup> Access from Quinn Place Currently vacant
102	Lot size 1000 m <sup>2</sup> Access from Quinn Place Currently vacant
103	Lot size 610.7 m <sup>2</sup> Access from Quinn Place Currently vacant
104	Lot size 989.5 m <sup>2</sup> Access from Norman Road via battle-axe handle

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	Currently vacant
105	Lot size 2046 m <sup>2</sup> Access from Norman Road Occupied by an existing dwelling, ancillary buildings and structures.

Table 1: Proposed Subdivision Details

The proposed plan of subdivision is illustrated below as Figure 3 and provided separately at Appendix B.

**Statement of Environmental Effects**

11 Quinn Place and 40 Norman Road, Mudgee: Boundary Adjustment

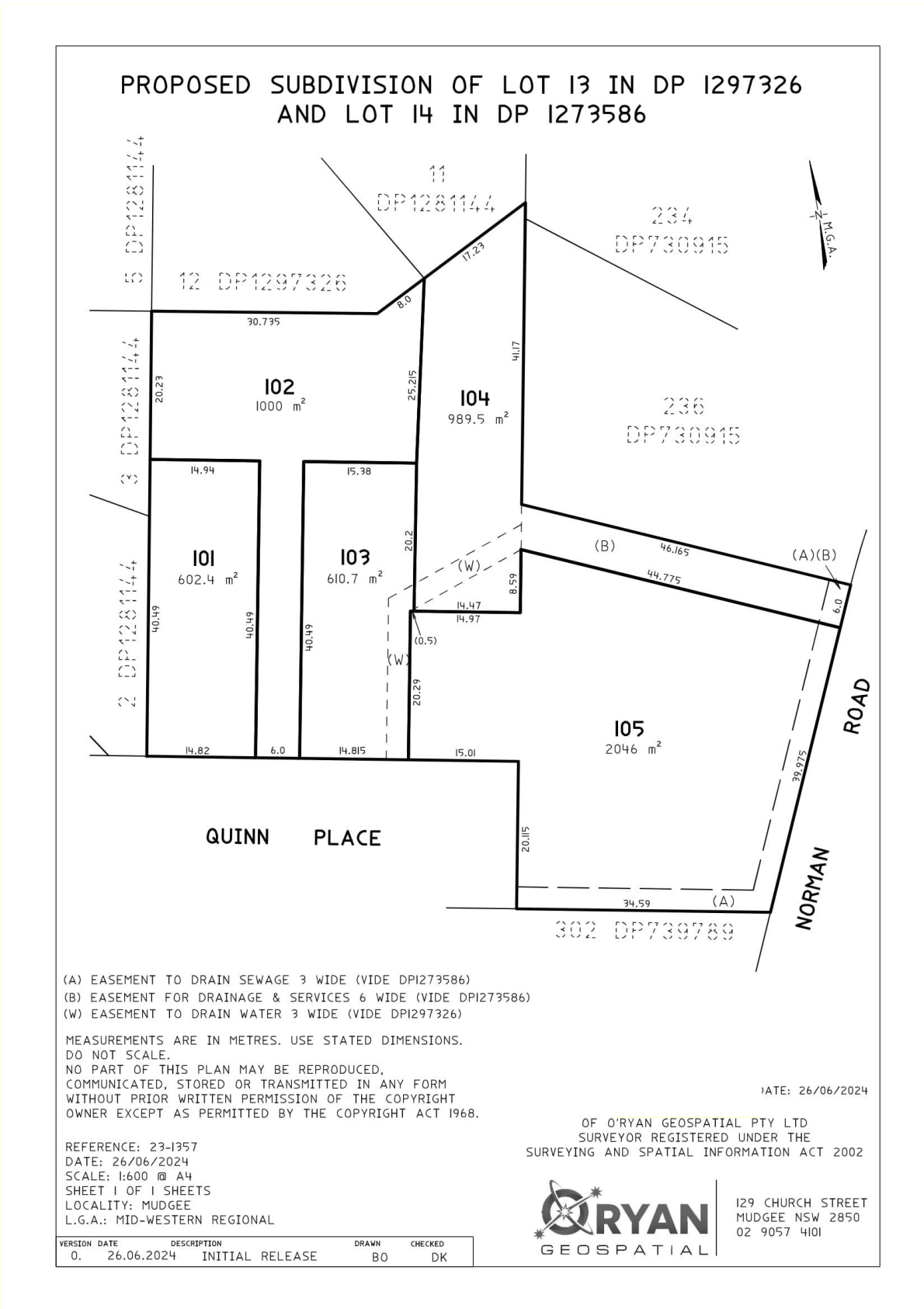


Figure 3: Proposed Plan of Subdivision (Source: O'Ryan Geospatial)

## 3.2 SERVICING

Section 2 of this report describes the existing provision of services to the development. Physical works associated with the proposed development include the provision of access and utility services.

A servicing plan (Triaxial, 2024) required by section 7.1 of Mid-Western Development Control Plan 2013 (DCP) is located at Appendix C.

## PART B - STATUTORY CONSIDERATIONS

The NSW Planning system operates under the statutory requirements outlined by the Environmental Planning & Assessment Act, 1979 (EP&A Act). This section of the SEE evaluates the proposed development against relevant statutory obligations.

### 4 BIODIVERSITY CONSERVATION ACT 2016 & FISHERIES MANAGEMENT ACT 1994

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

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

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

The proposed development does not involve the clearing of any vegetation and will not impact threatened species.

### 5 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: SECTION 4.15 (1)(A) – STATUTORY PROVISIONS

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

“(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the

*proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*(v) (Repealed)".*

Those matters are considered as follows:

### 5.1 STATE ENVIRONMENTAL PLANNING POLICIES

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

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) EVALUATION	
SEPP	Evaluation and Comment
<a href="#">SEPP (Biodiversity and Conservation) 2021</a>	<ul style="list-style-type: none"> <li>- Refer to Section 4 of this report.</li> <li>- Chapter 4 Koala Habitat 2021 applies to the site. The proposed development will not result in clearing of vegetation. The proposed development will therefore have no impact on Koalas or their habitat.</li> </ul>
<a href="#">SEPP (Building Sustainability Index: BASIX) 2004</a>	<ul style="list-style-type: none"> <li>- Not applicable</li> </ul>
<a href="#">SEPP (Exempt and Complying Development Codes) 2008</a>	<ul style="list-style-type: none"> <li>- Not applicable</li> </ul>
<a href="#">SEPP (Housing) 2021</a>	<ul style="list-style-type: none"> <li>- Not applicable</li> </ul>
<a href="#">SEPP (Industry and Employment) 2021</a>	<ul style="list-style-type: none"> <li>- Not applicable</li> </ul>
<a href="#">SEPP No 65 Design Quality of Residential Apartment</a>	<ul style="list-style-type: none"> <li>- Not applicable</li> </ul>

<a href="#">SEPP (Planning Systems) 2021</a>	- Not applicable.
<a href="#">SEPP (Precincts—Regional) 2021</a>	- Not applicable
<a href="#">SEPP (Primary Production) 2021</a>	- Not applicable
<a href="#">SEPP (Resilience and Hazards) 2021</a>	- Not applicable.
<a href="#">SEPP (Resources and Energy) 2021</a>	- Not applicable.
<a href="#">SEPP (Transport and Infrastructure) 2021</a>	- Not applicable.

**Table 2: Evaluation Against State Environmental Planning Policies**

## 5.2 LOCAL ENVIRONMENTAL PLAN

The proposed development has been assessed against the relevant requirements of *Mid-Western Local Environmental Plan 2012 (LEP)*. See discussion below.

### 5.2.1 Zoning and Permissibility

The subject site is zoned R1 General Residential pursuant to the LEP. Refer to Figure 4.



## 11 QUINN PLACE & 40 NORMAN ROAD, MUDGEE

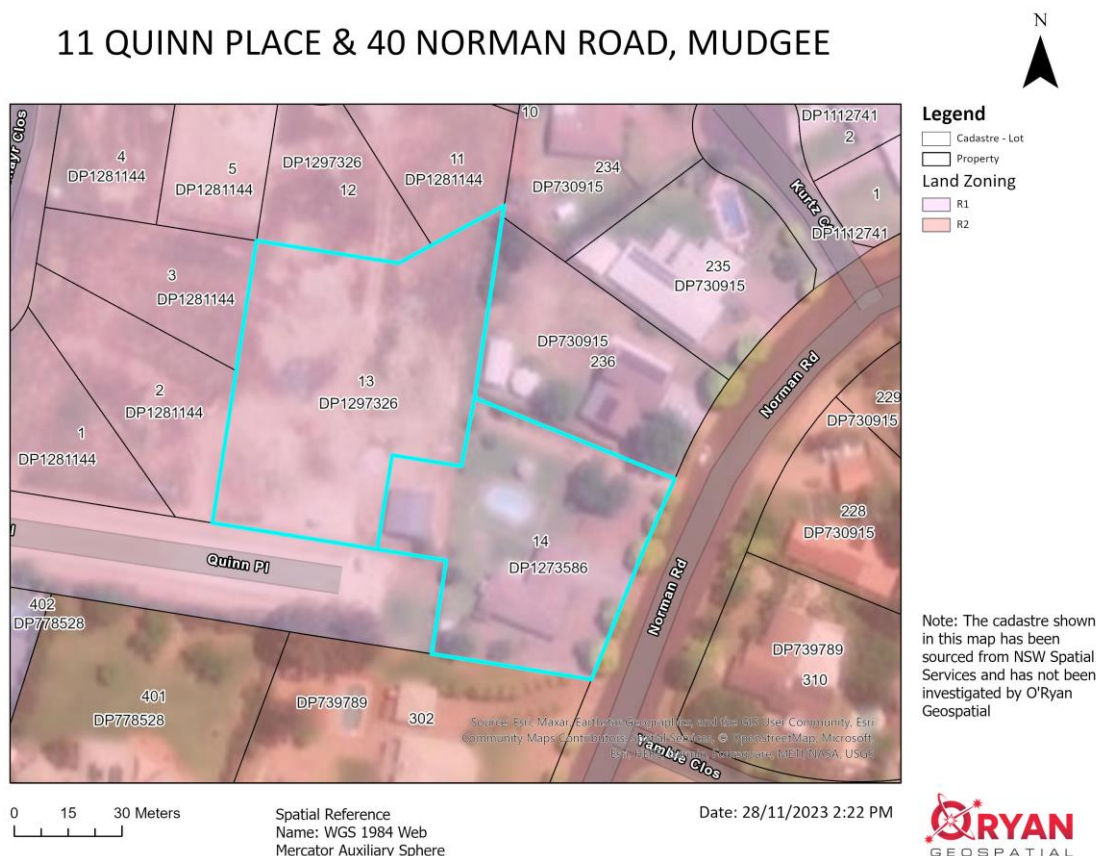


Figure 4: Land Zoning (Source: Mid-Western Regional LEP 2012)

The Torrens title subdivision of the land is permissible with Council consent pursuant to clause 2.6 of the LEP.

### "2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent".

## 5.2.2 Mid-Western Regional Local Environmental Plan 2012:

### Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 (1-3) of the LEP relevantly states:

#### "4.1 Minimum subdivision lot size

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

(a) to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,

(b) to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,

*(c) to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*

*(d) to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*

*(e) to ensure that subdivision does not have an inappropriate impact on the natural environment,*

*(f) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*

*(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

*(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land".*

**Comment:**

The proposed subdivision of the land satisfies relevant LEP clause 4.1(1) objectives.

The minimum lot size (MLS) associated with the land is 600m<sup>2</sup>.

All lots are greater than the MLS of 600m<sup>2</sup>, satisfying the requirements of LEP.

**5.2.3 Aboriginal Archaeology and European Heritage Conservation**

The land, the subject of the development application, is located outside the Mudgee Heritage Conservation Area and does not contain an item of local or State heritage significance listed under Schedule 5 of the LEP. An Aboriginal Heritage Information Management System (AHIMS) report (see Appendix D) establishes that there are no known Aboriginal sites or places of heritage significance located within the subject site or a 200m radius of the site boundaries.

The proposed development will have no impact on European heritage values or Aboriginal cultural heritage.

**5.2.4 Flood Planning**

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

**5.2.5 Salinity**

The proposed development will not influence salinity processes.

**5.2.6 Earthworks**

Minor earthworks associated with access and servicing will cause an insignificant impact at the site. Sediment and erosion control measures will be implemented as required.

### **5.2.7 Groundwater Vulnerability**

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

### **5.2.8 Terrestrial Biodiversity**

The proposed development does not involve clearing and, therefore, will not impact biodiversity conservation or threatened species.

### **5.2.9 Essential Services**

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

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

Section 2 of this report describes the existing provision of services to the development.

Physical works associated with the proposed development include the provision of access and utility services.

A servicing plan (Triaxial, 2024) required by section 7.1 of Mid-Western Development Control Plan 2013 is located at Appendix C.

## **5.3 PROPOSED INSTRUMENTS**

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

## **5.4 MATTERS PRESCRIBED UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2021**

Clause 61 outlines additional matters that the consent authority must consider. No relevant matters have been identified.

## **5.5 DEVELOPMENT CONTROL PLAN**

Compliance with relevant provisions of the Mid-Western Regional Development Control Plan 2013 (Urban Subdivision) requirements is discussed below.

<b>DCP Evaluation</b>		
<b>Provision</b>	<b>Compliance?</b>	<b>Comment</b>
Urban Subdivision		
Lot Size	In part	<p>The proposed plan of subdivision is provided at Figure 3 and in Appendix B.</p> <p>The MLS associated with the land is 600m<sup>2</sup>.</p> <p>All lots are greater than the MLS of 600m<sup>2</sup>, satisfying the requirements of the LEP.</p> <p>Battle-axe handles (proposed lots 102 and 104) are 6.0 metres in width satisfying the requirements of the DCP.</p> <p>The DCP requires that all lots must have a minimum width of 16m at the building line (4.5 metres from the front property boundary). Both proposed lots 101 and 103 fall short of the 16 metre requirement by approximately 1.2 metres. The shortfall has been caused by the need to provide a 6.0 metre wide access handle to proposed lot 102. Council is asked to consider varying this DCP requirement in the circumstances. The variation is considered minor in nature.</p>
Lot Design	Yes	Proposed lots are broadly rectangular in shape and are oriented north-south to enable sufficient solar access to be achieved by future residential development.
Street Layout & Design	N/A	Proposed lot 105 is occupied by an existing dwelling and ancillary structures. Proposed lots 101 to 104 are intended to house future residential

		<p>development. A traffic impact statement is not required in the circumstances.</p> <p>The proposed development will have no impact on existing street layout and design.</p>
Cycleways and footpaths	N/A	<p>The proposed development site is not located within the pedestrian footpath or cycleway network.</p> <p>No new footpaths or cycleways are proposed as part of the development.</p>
Open Space	N/A	<p>Not applicable. The proposal is not a greenfield development with more than 20 lots.</p> <p>No onsite detention basins are proposed as part of the application.</p>
Landscaping	N/A	<p>Not relevant to the proposed development.</p>
Utility Services	Yes	<p>All necessary utility and telecommunications services are available to the site. Refer to section 2.</p> <p>A servicing plan is located at Appendix C.</p>
Drainage	Yes	<p>Drainage provisions will be supplied per Council's requirements.</p>

Table 3: DCP Evaluation

## 6 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: SECTION 4.15 (1)(B) – IMPACTS

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

## **6.1 ENVIRONMENTAL IMPACTS**

### **6.1.1 Ecological Considerations**

There is no clearing associated with the proposed development.

The proposed development will not impact biodiversity conservation or threatened species.

### **6.1.2 Soil and Water**

Minor earthworks associated with access and servicing will cause an insignificant environmental impact at the site. Sediment and erosion control measures will be implemented as required.

The proposed development will have minimal impact on soil and water characteristics at the site.

### **6.1.3 Air Quality and Noise**

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

### **6.1.4 Access, Transport and Traffic**

The site is located within an established residential area, serviced by Council maintained local roads. No alterations to the local network are intended as a result of the proposed development.

## **6.2 SOCIAL AND ECONOMIC IMPACTS**

### **6.2.1 Context and Setting**

The subject site is located within an established residential area. Minor alterations to the residential context and setting will occur as a result of the proposed development.

The proposed development of the site will not result in land use conflict with surrounding properties.

### **6.2.2 Privacy, Views, and Solar Access**

The proposed subdivision of the land will have no impact on neighbouring residents' privacy or views. Matters concerned with privacy, views and solar access will be the subject of future development applications for the subsequent residential development of the land.

### **6.2.3 European Heritage**

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

The proposed development will have no impact on European heritage.

#### **6.2.4 Aboriginal Cultural Heritage**

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

The proposed development will have no impact on Aboriginal cultural heritage.

#### **6.3 CUMULATIVE IMPACTS**

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

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

The proposed development will have minimal cumulative impact.

### **7 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979: SECTION 4.15 (1)(C) - (E) - SITE SUITABILITY AND PUBLIC INTEREST**

#### **7.1 IS THE PROPOSAL SUITABLE FOR THE LOCALITY?**

The proposed development of the land will enable residential subdivision consistent with relevant objectives of the R1 General Residential zone.

#### **7.2 IS THE SITE APPROPRIATE FOR THE PROPOSED DEVELOPMENT?**

The proposed development of the land is consistent with relevant objectives of the R1 General Residential zone.

Minor earthworks associated with access and servicing will cause an insignificant environmental impact at the site. Sediment and erosion control measures will be implemented as required.

No significant environmental, social or economic impacts are anticipated as a result of the proposed development.

#### **7.3 IS THE PROPOSAL IN THE PUBLIC INTEREST?**

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

The proposal is in the public interest.

## 8 CONCLUSION

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

- The proposed development of the land is permissible with Council consent;
- The proposed development is consistent with Council's strategic land use direction for the site;
- The proposal development is consistent with the relevant objectives of the R1 General Residential zone;
- Other than a minor inconsistency with minimum lot width requirements (two proposed lots) and for which a DCP variation has been requested, the proposed development is consistent with the relevant provisions of Mid-Western Regional Development Control 2013;
- The proposed development has no adverse environmental, social, or economic impacts; and
- The proposed development is in the public interest.

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