

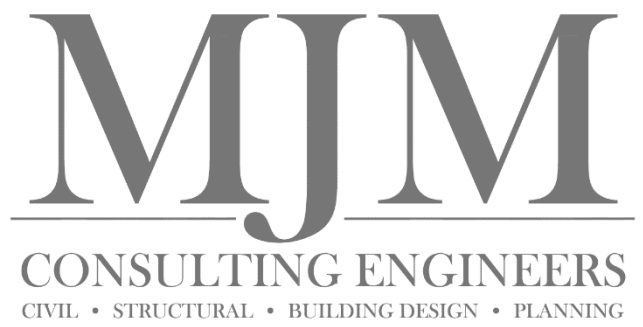
## Proposed subdivision

Mallinson Road, Lake Wyangan NSW 2680


Lot 115 DP751743

# Statement of Environmental Effects

Prepared for G. Tragenza



## Document Verification Schedule

|  |   | <b>Project</b><br>Proposed subdivision<br>Lot 115 DP751743 Mallinson Road, Lake Wyangan |            |            |                   |             |            |
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## 1 INTRODUCTION

### 1.1 OVERVIEW

This Statement of Environmental Effects (SEE) has been prepared on behalf of G. Tragenza to form part of a Development Application (DA) seeking Council's consent for subdivision of Lot 115 DP751743 Mallinson Road, Lake Wyangan (the site), into 19 lots capable of supporting residential accommodation development in future. The subject site is currently vacant and has historically been utilised for horticultural activities, being operated as an orchard until approximately 2010. The site is located within the southern extent of the Lake Wyangan village, north west of the regional city of Griffith – refer **Figure 1** and **Figure 2**.



Figure 1 Aerial Image of the development locality (Source: NSW Planning Portal Spatial Viewer)

### 1.2 SCOPE OF STATEMENT OF ENVIRONMENTAL EFFECTS

This Statement of Environmental Effects includes the matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) and the matters required to be considered by Council.

The purpose of this SEE is to:

- Describe the land to which the DA relates and the character of the surrounding area;
- Describe the proposed development;
- Define the statutory planning framework within which the DA is to be assessed and determined; and
- Assess the proposal against the relevant heads of consideration as defined by Section 4.15 of the *Environmental Planning & Assessment Act 1979*.



Figure 2 Aerial image of the development site (Source: NSW Planning Portal Spatial Viewer)

## 2 SITE DESCRIPTION

### 2.1 DEVELOPMENT SITE

The development site is legally described as Lot 115 DP751743. It is located on the northern side of Mallinson Road and is currently vacant, containing only groundcover regrowth vegetation due to disuse. The site has been laser levelled as part of the past horticultural use and has an area of approximately 8.5 Ha with a frontage of approximately 245 metres to Mallinson road to the south. Horticultural properties of similar size are located to the east and west, and further north on the opposite side of the Murrumbidgee Irrigation channel which adjoins the northern property boundary. A horticultural property of similar size is located on the opposite side of Mallinson Road, along with a number of developed residential properties of similar size to those proposed by this subdivision.

The site is located approximately 330m north west of the Mallinson Road intersection with Abattoir Road and is not burdened by any easements according to the Certificate of Title. It is not subject to flooding, nor is it identified as bushfire prone land according to available public records.

The site and those adjoining are located within the Lake Wyangan Growth Area and are appropriately zoned for further subdivision of lots similar to that proposed and smaller in size. The property to the east, addressed as 38 Mallinson Road, received Development Consent in June this year for subdivision of the property similar to that proposed by this application.

### 2.2 PRESENT AND PREVIOUS USES OF THE SITE

The site has historically been utilised for horticultural activities in the form of a citrus orchard. The horticultural undertaking ceased in approximately 2010 and the site has remained vacant and unutilised since that time.



### 3 PROPOSED DEVELOPMENT

The development proposes subdivision of the site into 19 allotments ranging in size from 4,000m<sup>2</sup> to 5,462m<sup>2</sup> as shown in the accompanying plans. A new road with a road reserve width of 19m will service the majority of allotments and provide connectivity to the future subdivision of the neighbouring land to the east which received consent under DA10.2024.73.1 in June 2024. The new road will include kerb and gutter to match the approved subdivision to the east. Lots 18 and 19 will have frontage to, and be exclusively accessed from, Mallinson Road to the south. Lots 1 and 17 will be located on the corner of the new road and the intersection with Mallinson Road.

The road reserve will include street trees and a footpath will be located on the western side of the new road which will be constructed as part of the subdivision.

Building envelopes are proposed on all lots which will be consistent with boundary setbacks specified in Council planning documents. Additional setbacks from the operating horticultural undertaking to the west are not proposed as the neighbouring property is included in the Lake Wyangan Growth Area and therefore is likely to be subdivided for similar residential development purposes in future.

Due to the size of the proposed lots each is capable of on-site sewer disposal as evidenced by the accompanying *Site Assessment for Effluent Disposal System Report* prepared by Aitken Rowe Testing Laboratories (ARTL). Detention basins are proposed one each lot to ensure post-development flows are equal to or less than pre development flows. The basins will connect to a piped drainage system which will direct the stormwater to the Murrumbidgee Irrigation channel which adjoins the northern property boundary.

The property contains regrowth groundcover vegetation due to over a decade of disuse. All vegetation will be removed to facilitate the subdivision works.

Earthworks will be undertaken as part of the subdivision for utility and infrastructure provision.

### 4 STATUTORY PLANNING FRAMEWORK

#### 4.1 PERMISSIBILITY

The Griffith Local Environmental Plan 2014 (LEP) applies in the Griffith City Council Local Government Area. Clause 2.6 of the LEP states that land to which the LEP applies may be subdivided with development consent. The accompanying DA seeks consent for the subdivision.

#### 4.2 SECTION 1.7 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 1.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states that the EP&A Act has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC Act relates to biodiversity assessment and approvals under the EP&A Act. Section 7.2(1) of the BC Act notes three triggers for development or activities to be considered as “likely to significantly affect threatened species”. Section 7.7(2) of the BC Act states that if a development is likely to significantly affect threatened species, the application for development consent is required to be accompanied by a biodiversity development assessment report (BDAR).

The proposed development is considered against the three triggers of Section 7.2(1) of the BC Act in **Table 1**.

Table 1 Section 7.2 (1) of the BC Act

| DEVELOPMENT THAT IS LIKELY TO SIGNIFICANTLY AFFECT THREATENED SPECIES:   | COMMENTS  |
|--|---|
| <i>(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or</i>                            | The property is not identified as having any biodiversity sensitivities and does not contain native vegetation, ecological communities or threatened species habitats. The development is therefore unlikely to significantly affect these. |
| <i>(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</i> | The property does not contain native vegetation or biodiversity sensitivities and therefore the development will not result in clearing of native vegetation which will exceed the biodiversity offsets scheme threshold.                   |
| <i>(c) it is carried out in a declared area of outstanding biodiversity value.</i>   | The site is not mapped as containing high biodiversity value.   |

Given the considerations in **Table 1**, a BDAR is not required to accompany the proposal.

#### 4.3 OTHER LEGISLATION AND POLICY

The EP&A Act facilitates the application of subordinate legislation and policy including Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP)), Local Environmental Plans (LEP), and Development Control Plans (DCP).

In relation to the proposed development, the relevant legislation and policy includes:

- Griffith Local Environmental Plan 2014 (LEP);
- State Environmental Planning Policy (Resilience and Hazards) 2021 (the Hazards SEPP);
- Griffith Residential Development Control Plan 2020 (DCP);
- Lake Wyangan (Village) Masterplan; and
- Griffith City Council Frost Control Fan Policy

The requirements of these are discussed in the following sections of this report.

##### 4.3.1 LOCAL ENVIRONMENTAL PLAN

The Griffith Local Environmental Plan 2014 (LEP) is the applicable local environmental plan applying to the land. The relevant LEP clauses applicable to the development are considered in **Table 2**.

Table 2 LEP clauses relevant to the development

| PART 2: PERMITTED OR PROHIBITED DEVELOPMENT |   |  |
|---|---|--|
|   | CLAUSE                                    | COMMENTS   |
| 2.3   | <i>Zone objectives and Land Use Table</i> | <p>The site is zoned R5 Large Lot Residential under the provisions of the LEP. Subdivision is permitted, with consent, of any land to which this LEP applies - refer clause 2.6 of the LEP.</p> <p>The development is consistent with the objectives of the R5 zone as identified in <b>Table 3</b>.</p> |



Table 3 Consistency of the development with R5 zone objectives

| ZONE OBJECTIVES   | COMMENTS   |
|---|--|
| <i>To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</i> | The development is consistent with this objective as it will provide allotments for residential housing development in the existing setting without impacting on environmentally sensitive locations and scenic quality.   |
| <i>To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</i>                                   | The development is consistent with this objective as it will not hinder the proper and orderly development of the area in future as the road layout is consistent with the Lake Wyangan Masterplan which applies to the property.  |
| <i>To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</i>                             | The development is consistent with this objective as it will not unreasonably increase the demand for public services or public facilities.  |
| <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>  | The development is consistent with this objective as all adjoining lots are included in the Lake Wyangan Growth Area and for those which are currently still operating for horticultural purposes are likely to be further developed for similar residential subdivision purposes in future. |
| <i>To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.</i>   | The development is consistent with this objective as the site does not contain native vegetation.  |

|     |   |  |
|-----|---|--|
| 2.6 | <i>Subdivision – consent requirements</i> | Land to which this plan applies may be subdivided with development consent. This application seeks consent for the proposed subdivision. |
|-----|---|--|

**PART 4: PRINCIPAL DEVELOPMENT STANDARDS**

| CLAUSE                                  | COMMENTS   |
|---|--|
| 4.1 <i>Minimum subdivision lot size</i> | The site is zoned R5 Large Lot Residential and has a minimum lot size (MLS) of 4,000m <sup>2</sup> with on-site sewer disposal. It is also identified as 'Area D' and therefore as specified in subclause 3A can be subdivided down to a size of 2,000m <sup>2</sup> if the lots are connected to reticulated sewer or the consent authority is satisfied that it will be connected to reticulated sewer. As shown in the accompanying plans the lots will have a MLS of 4,000m <sup>2</sup> and will be serviced by on-site sewer management systems. |

**PART 5: MISCELLANEOUS PROVISIONS**

| CLAUSE  | COMMENTS  |
|---|---|
| 5.16 <i>Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</i> | <p>This clause applies to the development as the site is zoned R5 Large Lot Residential. Council must consider the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for subdivision of land proposed to be used for the purposes of a dwelling.</p> <p>The existing and approved uses of land within the vicinity of the development are a combination of horticultural and residential in nature. Surrounding land is sufficiently zoned and a masterplan exists for further subdivision to lots both similar in size and smaller than those proposed by this application. It is therefore</p> |

|                                     |                           | considered that existing and approved uses are entirely compatible with proposed subdivision of the site for the purposes of dwelling development in future.   |
|-------------------------------------|---------------------------|--|
| PART 7: ADDITIONAL LOCAL PROVISIONS |                           |  |
|                                     | CLAUSE                    | COMMENTS   |
| 7.1                                 | <i>Earthworks</i>         | <p>Earthworks will be undertaken as part of the proposal, including for infrastructure and utility construction, and as such consent is sought via this application.</p> <p>The earthworks are unlikely to disrupt or have any detrimental effect on existing drainage patterns and soil stability in the locality, nor will they detrimentally affect the likely future use or redevelopment of the land. Construction of additional drainage infrastructure to service the proposed new lots will assist in managing drainage impacts within the location.</p> <p>Should fill be required it will be utilised from excavation areas on the site, or procured from an appropriate source to ensure it is free from contamination or waste material. Material excavated on the site is not anticipated to be of poor quality however if poor quality material is encountered during works, this will be contained and removed from the site to an appropriately licensed waste facility as required by applicable legislation, standards and policies.</p> <p>The earthworks will not affect existing and likely amenity of adjoining properties as works will only be carried out during approved construction hours.</p> <p>Relics are unlikely to be disturbed by the works however should items be encountered, works will cease and the appropriate notification and reporting will be undertaken.</p> <p>Earthworks will be undertaken within proximity to a waterway, being the existing Murrumbidgee Irrigation drainage channel which adjoins the sites northern boundary. A Controlled Activity Approval will be obtained as required for all works within 40m of the channel and appropriate approval from Murrumbidgee Irrigation will also be obtained for connection of drainage infrastructure to the channel to service the proposed lots. Adverse impacts from these works are unlikely as all applicable sediment and erosion control measures will be in place prior to construction and maintained until completion of the works.</p> <p>Earthworks will not be undertaken within proximity to any drinking water catchment or environmentally sensitive area and as such adverse impacts are unlikely.</p> <p>Appropriate soil and erosion control measures will be put in place prior to works being undertaken on the site and will be inspected and maintained during works to ensure potential impacts of the development are minimised. All appropriate measures will be taken to avoid and minimise any potential adverse impacts of the development.</p> |
| 7.10                                | <i>Essential services</i> | <p>Essential services, including supply of water, electricity, and suitable vehicle access are available to service the proposed lots.</p> <p>Sewer will be disposed of on each new lot as described throughout this report.</p> <p>Piped drainage will constructed as part of the subdivision to provide connection to each lot with this being directed to the Murrumbidgee irrigation channel adjoining the sites northern property boundary.</p>   |

### 4.3.2 STATE ENVIRONMENTAL PLANNING POLICIES

The State Environmental Planning Policies relevant to the proposal are considered in **Table 4**.

Table 4 Relevant State Environmental Planning Policy Requirements

| SEPP   | COMMENTS  |
|--|---|
| <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> | <p><b>Chapter 4 Remediation of land</b></p> <p>Clause 4.6(4) provides that the clause relates to land that is:</p> <ul style="list-style-type: none"> <li>• Within an investigation area;</li> <li>• On which development for a purpose referred to in Table 1 to the Contaminated Land Planning Guidelines is being or is known to have been carried out; or</li> <li>• Being used for specified sensitive use and: <ul style="list-style-type: none"> <li>○ There is none or incomplete knowledge about development for a purpose referred to in Table 1 of the <i>Contaminated Land Planning Guidelines</i>; or</li> <li>○ It was lawful to carry out any uses referred in Table 1 of the <i>Contaminated Land Planning Guidelines</i> during any period in which there is no or incomplete knowledge of the use of the land.</li> </ul> </li> </ul> <p>Where the clause applies, clause 4.6(1) prevents the consent authority from granting development consent to the carrying out of development unless it has considered, among other things, whether the land is contaminated. If the land is contaminated, it must be satisfied that the land is suitable in its contaminated state or will be made suitable after remediation.</p> <p>The site is not within an investigation area however it has been utilised for activities identified in Table 1 of the <i>Contaminated Land Planning Guidelines</i> being agricultural/horticultural activities in the form of a citrus orchard. As such a Limited Phase 2 Investigation for contamination was undertaken by ARTL and accompanies this report as a separate cover attachment. The investigation concludes that the potential for contamination is low and the site is considered suitable for residential development.</p> |

### 4.3.3 DEVELOPMENT CONTROL PLANS

#### 4.3.3.1 GRIFFITH RESIDENTIAL DEVELOPMENT CONTROL PLAN 2020

The provisions of the Griffith Residential Development Control Plan 2020 (DCP) relevant to the proposed development are considered in **Table 5**.

Table 5 DCP clauses and controls relevant to the proposed development

| SECTION 10. SUBDIVISION                          |                                 |  |
|--|---------------------------------|--|
| 10.1 GENERAL PROVISIONS AND DEVELOPMENT CONTROLS |                                 |  |
| APPENDIX 2 – GRIFFITH SUBDIVISION CODE           |                                 |  |
| 4.0 LARGE LOT RESIDENTIAL DEVELOPMENT            |                                 |  |
| CLAUSE/CONTROLS                                  |                                 | COMMENTS   |
| 4.1  | <i>Lot size and layout</i>      | <p>The proposed lot sizes are in accordance with clause 4.1 of the LEP.</p> <p>The lots are of a size and shape and have dimensions to enable siting of a dwelling and ancillary structures in accordance with (b) of this section as applicable.</p> <p>Lots are of sufficient size given the proximity to adjoining active horticultural undertakings and to ensure sufficient area for on site sewer disposal is available.</p> <p>The design includes the provision of one battle-axe allotment. The access handle to this lot is 10m wide which is in accordance with (d) of this section.</p> <p>Building envelopes are included on the lots which comply with (e) of this section.</p> <p>Future residential development in accordance with Section 7 of the DCP is able to be catered for on each proposed lot.</p>  |
| 4.2  | <i>Roads</i>                    | <p>The subdivision will be serviced by one new road as shown in the accompanying plans. This road is generally consistent with that shown in the Lake Wyangan Masterplan however has been slightly realigned to result in a more efficient lot layout. It still however maintains its connection to Mallinson Road and to the new road within the future subdivision of the adjoining property to the east, consistent with the Masterplan.</p> <p>The road has been designed in accordance with (b) of this section as applicable. The <i>Griffith Pedestrian and Bicycle Strategy 2018</i> identifies that Council will construct a 2.5m shared path along the northern side of Mallinson Road at the property frontage. It is noted that the DA consent for subdivision of the adjoining property to the east includes a condition requiring construction of a 1.5m wide footpath within the subdivision. The accompanying plans have included a footpath to match that to be constructed within the neighbouring subdivision on the western side of the proposed new road.</p> <p>The accompanying plans include a cross section of the proposed new road including the 1.5m footpath.</p> |
| 4.3  | <i>Utilities and stormwater</i> | <p>The subdivision meets the requirements of Section 3.4 for essential services in terms of:</p> <ul style="list-style-type: none"> <li>• Being designed in accordance with Council's Engineering Standards</li> <li>• Provision of effluent disposal report to demonstrate all lots are capable of supporting on-site sewer disposal and confirmation that compliance with Council's On-site Sewage Management Plan is possible</li> </ul>  |

|     |  |  |
|-----|--|--|
|     |  | <ul style="list-style-type: none"> <li>The lots are of sufficient size to ensure compliance with (b)(iii) of this section as applicable</li> <li>All lots will be connected to Council's reticulated water supply system</li> <li>Compliance with (d) to (f) as applicable</li> <li>Common trenching is not proposed due to service authority requirements.</li> <li>Water mains will need to be extended to reach the development site as identified in the accompanying development plans.</li> </ul> <p>The subdivision meets the requirements for Section 3.5 for stormwater in terms of:</p> <ul style="list-style-type: none"> <li>Post-development runoff rates being equal to or less than pre-development rates.</li> <li>The accompanying plans demonstrate compliance with (b) – (d) of this section.</li> <li>Stormwater upgrades are not considered to be required.</li> <li>The accompanying plans demonstrate compliance with (f) of this section.</li> </ul> <p>Detention basins are proposed on each lot to avoid the need to provide a public basin which would require ongoing Council maintenance and reduce the efficiency of the subdivision layout.</p> |
| 4.4 | <i>Management of communal facilities</i> | Community facilities do not form part of the development.  |
| 4.5 | <i>Battle-axe lots</i>                   | The Lake Wyangan Masterplan layout shows creation of three battle axe lots on the site. The design process has resulted in what is considered to be a more efficient layout which results in creation of only a single battle-axe lot. This lot will be serviced by its own exclusive access handle measuring 10m wide. The handle will have a length of approximately 100m due to site constraints which prevent shortening of the access handle. The battle-axe lot is able to meet all other DCP requirements of this section including having a buildable area which meets the minimum lot size requirements as shown in the accompanying plans. The lot is also able to meet all DCP requirements of future dwelling development.   |
| 4.6 | <i>Bushfire prone land</i>               | The site is not identified as bushfire prone land.   |
| 4.7 | <i>Contamination</i>                     | The site has historically been utilised for horticultural activities which ceased in 2010. Agricultural and horticultural activities are identified in Appendix 2 of Council's Contaminated Land Management Policy as a potentially contaminating land use. A Limited Phase 2 Site Investigation was undertaken on the site by ARTL to assess the potential for contamination to be present on the site and accompanies this application as a separate cover attachment. The site investigation report concludes that the site is suitable for the proposed development.   |
| 4.8 | <i>Salinity</i>                          | Salinity is not present on the site nor is it mapped in the LEP as prone to salinity.  |

| SECTION 11. SITE SPECIFIC CONTROLS |   |   |
|------------------------------------|---|---|
| 11.2                               | LAKE WYANGAN GROWTH AREA SUBDIVISION CONTROLS |   |
| CLAUSE/CONTROLS                    |   | COMMENTS  |
| 11.2.1                             | <i>Staging</i>                                | <p>The development site is located in Stage 1 of the Lake Wyangan Growth Area Staging Plan and therefore will not be out of sequence.</p> <p>Required infrastructure is available within the vicinity of the site to facilitate the subdivision. It is noted that the water main located within Mallinson Road to the east of the site will need to be extended to service the development.</p> <p>Sewer will be disposed of onsite as described throughout this report.</p>  |
| 11.2.2                             | <i>Transport movement hierarchy</i>           | <p>One new road will be constructed as part of the subdivision which will provide local access to the proposed lots only. The development satisfies the relevant controls of this section.</p>  |
| 11.2.3                             | <i>Lot size and layout</i>                    | <p>Lot sizes are in accordance with the Lake Wyangan Masterplan although the layout has altered slightly to provide standard shaped lots and to reduce the number of battle axe lots from three to one. The proposed road design remains generally in accordance with the masterplan.</p> <p>Lot sizes are in accordance with the LEP and the proposed lots are of a size and have a shape and dimensions to enable the siting of a dwelling and ancillary structures that comply with (b) of this section.</p> <p>The lot sizes are sufficient to ensure appropriate separation from the neighbouring horticultural operations as applicable.</p> <p>Lot layout enables dwelling fronts to face other dwelling fronts across a public street and backyards to face backyards.</p> <p>Lots have been oriented and configured to maximise opportunities for solar access.</p> <p>Adjacent active agricultural operations are included in the Lake Wyangan Growth Area and therefore a separation of 30m and buffer plantings are not considered to be required.</p> <p>The subdivision has been designed to ensure that all the requirements in Section 7 of the DCP can be catered for on each lot.</p> |
| 11.2.4                             | <i>Street trees and vegetation</i>            | <p>Street trees are proposed in accordance with this section as relevant. Please refer to the accompanying development plan set.</p>  |
| 11.2.5                             | <i>Open space</i>                             | <p>Not applicable to the proposal.</p>  |
| 11.2.6                             | <i>Stormwater drainage</i> /                  | <p>Stormwater management as proposed is in accordance with relevant Council documents.</p> <p>The subdivision has been designed in accordance with (b) of this section as relevant.</p> <p>Additional onsite detention is proposed on each lot as shown in the accompanying plans to manage post-development flow rates.</p> <p>The adjoining MI channel is accessed from the north and therefore an access track or similar is not required to be provided within the subdivision.</p>   |



|         |   |   |
|---------|---|---|
| 11.2.7  | <i>Water quality</i>                            | A preliminary stormwater management plan addressing the applicable aspects of this section can be provided to Council if determined to be required. |
| 11.2.8  | <i>Infrastructure</i>                           | The subdivision meets the applicable requirements of this section.  |
| 11.2.9  | <i>Contamination</i>                            | Contamination has been considered previously in Section 4.7 of this table.  |
| 11.2.10 | <i>Safety</i>                                   | The subdivision does not reduce safety within the locality. Adequate street lighting will be provided as conditioned by Council.                    |
| 11.2.11 | <i>Medium density lots</i>                      | Not applicable.   |
| 11.2.12 | <i>Neighbourhood commercial and retail uses</i> | Not applicable.   |
| 11.2.13 | <i>Flooding</i>                                 | The site is not subject to flooding.  |
| 11.2.14 | <i>Bushfire prone land</i>                      | The site is not identified as bushfire prone land.  |
| 11.2.15 | <i>Frost control fans</i>                       | Noted.  |

#### 4.3.4 LAKE WYANGAN MASTERPLAN

The subdivision is consistent with the Lake Wyangan Masterplan as applicable. The relevant aspects have been considered against the Lake Wyangan Growth Area Subdivision Controls in **Table 5**.

#### 4.3.5 GRIFFITH CITY COUNCIL FROST CONTROL FAN POLICY

The entirety of the property is located within 1,000m of existing and/or approved frost control fans. As per Council's policy, future dwellings to be constructed on the proposed lots will require certain noise attenuation measures to be incorporated into the design and construction to enable indoor noise criteria to be achieved.

It is noted that Council may impose a condition of consent requiring the 88B Instrument for the subdivision to include a restriction on the lots requiring future dwellings to comply with noise attenuation requirements of Council's policy.

## 5 IMPACT ASSESSMENT

### 5.1 CONTEXT AND SETTING

The site is located within the southern extent of the village of Lake Wyangan and is identified in the Lake Wyangan Masterplan for further subdivision to facilitate residential accommodation development. Properties located to the north, east and west are also identified in the masterplan for further subdivision development. It is noted that the property to the west is currently occupied by an active horticultural undertaking however this property is located within the Lake Wyangan Growth Area and as such is likely to be developed into similar sized lots as those proposed in future. The proposal is therefore considered to be consistent with the context and setting.

### 5.2 HERITAGE

The site is not mapped as containing or adjoining a heritage item under the LEP nor is it located within a heritage conservation area.

A Due Diligence assessment was undertaken in accordance with the Due Diligence Code of Practice for the

Protection of Aboriginal Objects in NSW. Step 1 of the Due Diligence process relates to whether the activity will disturb the ground surface. Due to the nature of the proposal the site will be disturbed during subdivision construction works. Step 2a requires for a search of the AHIMS database to be undertaken and for any other sources of information of which we are aware to be considered. An AHIMS search was undertaken on 20 August 2024 which concluded that there are no known Aboriginal places or sites recorded within the property boundary or within a 1km radius of the site.

Step 2B advises that regardless of the outcome of an AHIMS search, it still needs to be considered whether aboriginal objects are likely to be in the area of the proposed activity when considering specified landscape features. There are no landscape features which would suggest aboriginal objects are likely to be located within the site, and further to this the site would be defined as 'disturbed land'. The Code of Practice defines disturbed land as "*having been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable*". Due to the historical use of the site for agricultural purposes it is considered that it is clearly observable that the land would be defined as disturbed land. As such, the Code advises it is reasonable to conclude that there are no known Aboriginal objects or low probability of objects occurring in the area of the proposed development and as such the development can proceed with caution.

### **5.3 WATER**

All lots will be provided with suitable connections to stormwater infrastructure to ensure detrimental impacts on water resources by the development or by future residential development of the lots is avoided.

Sewage will be managed onsite via appropriate on-site sewer management systems installed as part of development of each individual lot in future. The accompanying site investigation report prepared by ARTL confirms the site is suitable for onsite sewer disposal without impacts on water resources.

### **5.4 FLORA AND FAUNA**

The site contains remnant vegetation from the past horticultural use. It does not contain any trees, native vegetation or habitat for fauna and as such the development will not result in detrimental impacts on the habitat of any threatened species, population or ecological community, or any regionally significant species of plant, animal or habitat.

### **5.5 UTILITIES**

As described previously in this report, all necessary utilities and infrastructure are located within the vicinity of the site and each proposed new lot is able to be serviced as required.

### **5.6 AIR QUALITY**

Air quality and odour impacts will not be generated by the proposal. Further to this, there are no known odour or air quality impacts within the area which will impact on the proposed development.

There is the potential for dust generation during construction due to earthworks for utility and infrastructure provision however this will be managed by responsible dust suppression measures as necessary.

### **5.7 NOISE & VIBRATION**

Existing noise levels within the site and surrounds are consistent with the village location. Noise and vibration impacts will be limited to construction activities and will be mitigated through implementation of appropriate measures including restricting works to be undertaken during approved construction hours only; ensuring plant and equipment are well maintained to avoid excessive noise; minimising reversing of vehicles that are fitted with reversing beepers; and ensuring machinery is switched off when not in use.

Noise and vibration impacts will be limited to the construction phase of the development only. Once the lots are created there will be no additional noise or vibration impacts above what would be expected within the surrounding village location.

## **5.8 ACCESS, TRAFFIC AND TRANSPORT**

Access to the majority of the new lots will be provided by the proposed new road. Two lots are proposed to be accessed from the Mallinson Road frontage. Short term traffic impacts are anticipated during construction of the subdivision however these will be managed over the course of the construction period to limit impacts as much as possible during peak periods.

Transport for NSW (TfNSW) Guide to Traffic Generating Developments Updated Traffic Surveys published August 2013 estimates that low density residential developments in regional locations generate 0.71 and 0.78 weekday average morning and evening peak hour vehicle movements, respectively. Based on these rates the subdivision would create approximately an additional 14 vehicle movements in the morning peak hour period and 15 additional movements in the evening peak hour period. Such an increase is not anticipated to result in detrimental impacts on traffic within the locality and the existing road network is considered appropriate to cater for such an increase.

## **5.9 WASTE**

Works will be required in relation to the provision of utility and infrastructure servicing for the proposed lots. Any waste generated by these works will be managed and disposed of in accordance with Council requirements, as well as with any other applicable policies, standards and legislation.

All lots are able to be provided with Council kerbside domestic waste collection services in future upon dwelling development on each.

## **5.10 HAZARDS**

The site is not identified as bushfire prone land or flood prone land according to available public records.

The site, nor any sites within the vicinity, are identified as being contaminated or potentially contaminated land as identified in previous sections of this report. The accompanying Limited Phase 2 Site Investigation confirms the site is suitable for residential development.

## **5.11 SOCIAL AND ECONOMIC IMPACTS**

Social impacts are defined by the NSW Government Social Impact Assessment Guideline as consequences that people experience when a new project brings change. The proposed development will have positive social impacts in that it will result in the creation of large residential allotments which will provide future housing development opportunities to existing and future residents of the Local Government Area (LGA).

Positive short term economic impacts are anticipated due to expenditure and employment of local contractors for construction and servicing activities. Positive long term economic impacts are anticipated due to creation of large residential lots which will facilitate housing development within the LGA and therefore an increase in expenditure within the local area by people living and working within the locality.

## **6 SITE SUITABILITY**

The site is considered to be suitable for the proposed development as it is appropriately zoned and is located within a suitable village location. It also has access to all necessary utilities and infrastructure to support lot creation and future dwelling development.

## **7 THE PUBLIC INTEREST**

The proposed development is considered to be in the public interest as it will result in the creation of additional lots within the locality capable of supporting large lot residential accommodation development in future at a time of limited residential availability locally, regionally and nationally.

## **8 CONCLUSION**

This SEE report has been prepared to support a development application for a 19 lot subdivision at Lot 115 DP751743 Mallinson Road, Lake Wyangan. The site is considered to be suitable for the proposed development and the development is considered to be in the public interest. Further to this, the proposal is considered to be permissible as:

- It is consistent with the relevant clauses of the LEP;
- It is consistent with the relevant controls of the DCP and Lake Wyangan Masterplan;
- The proposal will result in the creation of additional large residential allotments within the locality capable of supporting residential accommodation development in future at a time of limited housing availability locally, regionally and nationally; and
- The proposal is not anticipated to result in any significant adverse environmental impacts on the site or surrounds.

As demonstrated throughout this report, the development is permissible with consent, subject to a merits assessment.