



66 Lot Staged Residential Subdivision
146 South Lake Drive, Lake Wyangan

AUGUST 2022

Submitted to Griffith City Council
On behalf of LWLE Pty Ltd atf The Lake Wyangan Land Estate Trust

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1. Introduction

1.1. Overview

This Statement of Environmental Effects (SEE) has been prepared by Habitat Planning on behalf of LWLE Pty Ltd atf The Lake Wyangan Land Estate Trust and is submitted to Griffith City Council in support of a Development Application (DA) for 66 lot residential subdivision at Lot 146 in DP1214737 and 146 South Lake Drive, Lake Wyangan.

The DA and this report have been prepared in accordance with the Environmental Planning and Assessment Act 1979 (“EP&A Act”) and the Environmental Planning and Assessment Regulation 2021 (“EP&A Regs”).

This report addresses the relevant heads of consideration listed under Section 4.15(1) of the EP&A Act and provides an assessment of the proposed development against the relevant Environmental Planning Instruments (EPIs) and other planning controls applicable to the site and to the proposal. It also describes the site, its environs, the proposed development, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

1.2. Background

The subject land was originally established for large lot residential purposes as part of the original Pelican Shores development in the late 1990’s. The initial development of the lands took place in the early 2000’s at which time around 20 lots were subdivided. The further subdivision of the balance of this land stalled, however a new developer took over the site in 2016 who obtained approval to develop the southern portion of the site for 42 residential lots in accordance with Development Consent No. 286/2016, which was endorsed in 2017 (**Figure 1**).

At this time, the site was connected to Council’s reticulated sewerage services in 2016 after a pumping station was constructed within the subdivision and the subdivision became known as “Lakeside Estate”.



Figure 1 – Endorsed Plan 286/2016

Although these approved residential lots have not formally been registered, the relevant subdivision works certificates have been issued and the land is currently subject to the subsequent civil construction works. The works to which this application relates, applies to the northern half of this land, which is currently vacant.

Prior to this approval, the subject site was subject to a proposed 106 lot staged residential subdivision. Whilst this application was subsequently withdrawn, the overall lot yield for the estate is similar to that proposed (including the proposed works and the approved subdivision of 286/2016). Additionally, this previous proposal had a similar reserve areas, and had identical road connections to the surrounds. As such a number of specialist assessment reports that were previously prepared for the site remain valid for the subject application.

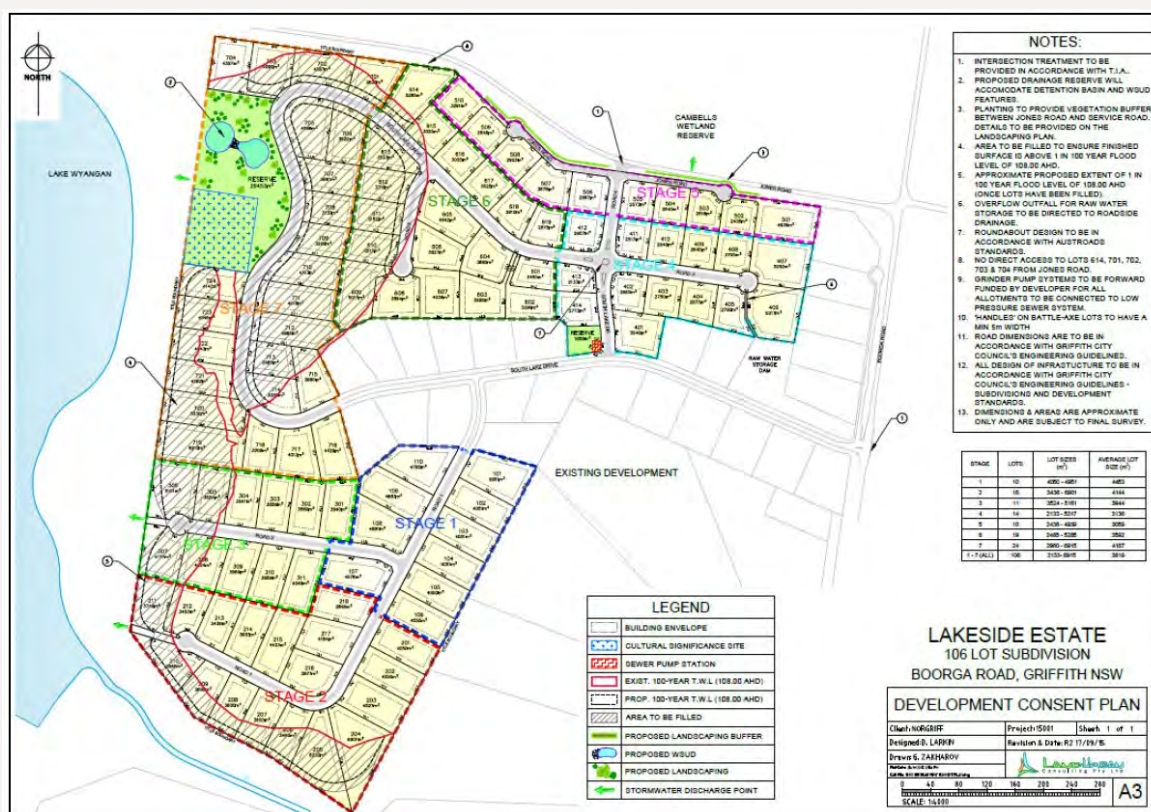


Figure 2 - Development Consent Plan from a withdrawn 106 Lot subdivision

Having regard to the above, the following assessment documents are available to the site, including the extent to which the proposal to which this application relates:

1.3. Supporting Plans and Documentation

This application is accompanied by:

- Subdivision Plan, prepared by Development Outcomes
- Aboriginal Cultural Heritage Assessment, prepared by Ozark
- Traffic Impact Assessment Report, prepared by Peter Meredith Consulting
- Review of Land Capability & Salinity Studies prepared by Aitken Rowe Laboratories
- Review and update of Flora & Fauna Assessment, prepared by NGH Environmental.

2. Site Analysis

2.1. Site Location and Context

The site to which this application relates is described as Lot 146 in DP1214737 and is addressed as 146 South Lake Drive, Lake Wyangan. The subject land is addressed as South Lake Drive, Lake Wyangan and located on the northern fringe of the city of Griffith between Boorga Road and the southern part of Lake Wyangan

The site in the context of Griffith is indicated below in **Figure 3**.

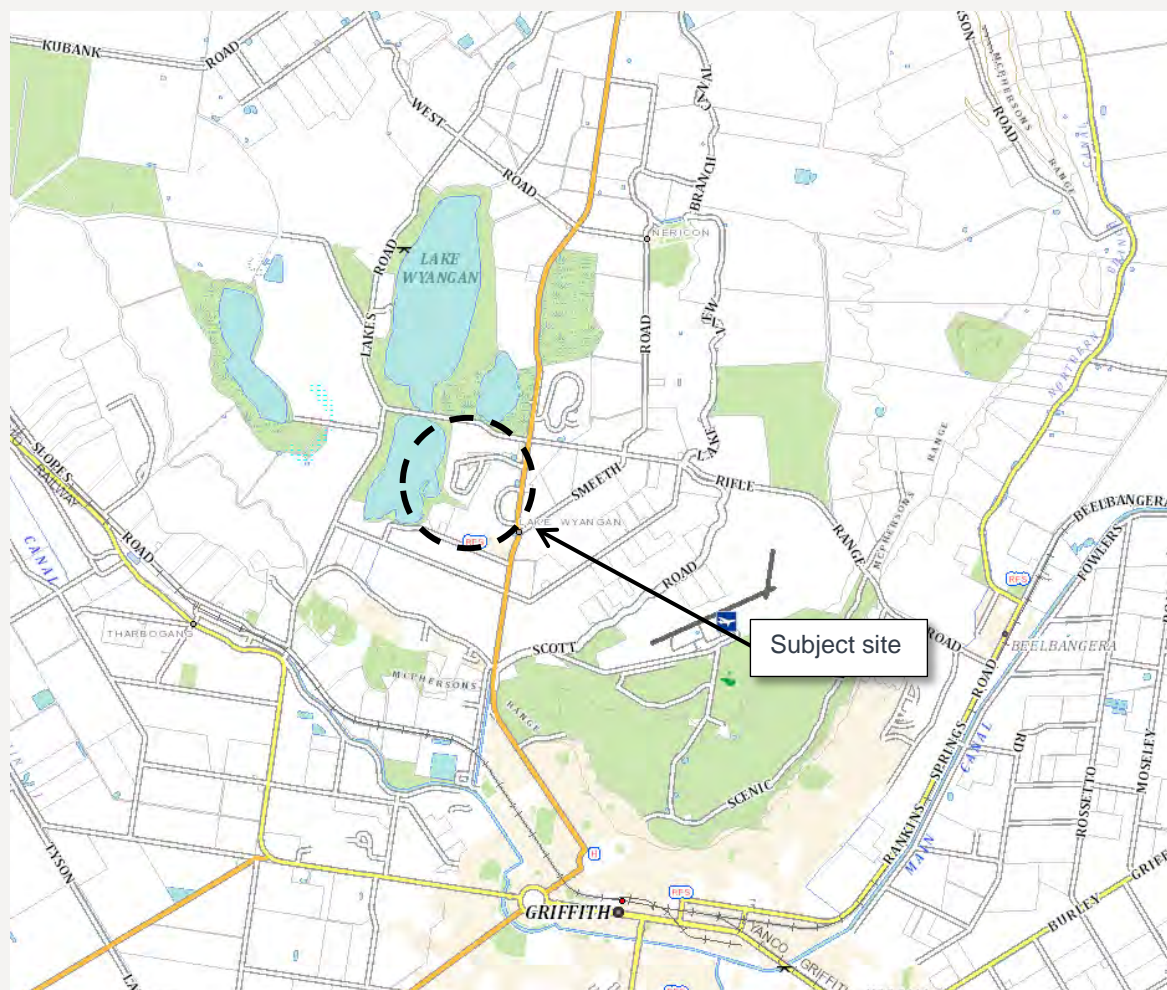


Figure 3 – Context or Site Map

2.2. Site Description

The land forms an irregularly shaped parcel approximately 50 hectares in area. It has a gently undulating topography that slopes downwards to the west and south. The land is currently vacant, however is currently subject to civil works in the southern portion approved under Development Consent No. 286/2016, as described in Section 1.2 of this report.

A drainage line discharging to the lake extends along the southern boundary and primary road access to the land is from South Lake Drive, which intersects with Boorga Road to the east. Boorga Road provides direct access back to Griffith. Access is also provided to the north of the site from Jones Road via unsealed tracks.



Figure 4 – Subject Site indicating the land subject to the application (red dotted outline)

2.3. Surrounding Development

The subject land is located on the northern outskirts of Griffith within the suburb of Lake Wyangan and surrounding development primarily consists of large-lot residential development and rural parcels. The land is also located within proximity to Lake Wyangan itself and other waterbodies.

Land to the north includes a smaller lake/wetland located opposite Jones Road, as well as Lake Wyangan and associated recreational land to the northwest. Another large-lot residential estate is located to the northeast opposite the corner of Jones Road and Boorga Road. Land otherwise contains rural cropland and pastures.

Land to the east includes an area of large lifestyle lots addressing Fawcett Drive and Boorga Road as well as smaller lots addressing South Lake Drive. Beyond this, land is limited to rural parcels, with the Griffith Airport located approximately 3 kilometres away.

Land to the south includes a number of rural parcels mainly containing orchids. There are also denser areas of residential land extending from the nearby Mallinson Road. An area of woodland buffers the urban area of Griffith, which is located approximately 3.5 kilometres from the site.

Land to the west includes a lake that is separated from the main Lake Wyangan by Jones Road. Land beyond this lake includes rural land used for a variety of agricultural purposes.

3. Description of Proposal

3.1. Overview

The proposal seeks approval to subdivide the northern portion of the subject site into sixty-six (66) residential lots and carry out associated civil construction works including the creation of internal roads and infrastructure. The development will also include a drainage reserve located towards the north western boundary of the site and a reserve around the existing sewerage treatment plant.

The remaining southern half of the site is currently undergoing civil works associated with the previously approved subdivision, and this part of the site is consequently not subject to this application.

The works will be constructed in three (3) stages, representing Stages 4, 5 and 6 of the overall 'Lakeside Estate' development. The development will integrate with South Lake Road and the approved internal road layout associated with former stages.

A detailed description of the proposal is provided in the following sections and the proposed plan is provided in **Appendix A** and reproduced below.



Figure 5 – Proposed plan of subdivision

3.2. Proposed Residential Lots

The proposed subdivision comprises sixty-six (66) residential lots and two (2) reserves. The proposal is to be undertaken in three stages.

The new residential lots are to be established within a new circulating internal road network to be integrated within South Lake Road, and the approved layout for the previous approved stages associated with the southern portion of the property. This network will also be provided with a link road between South Lake Road and Jones Road, to facilitate access from each of these roadways.

The proposed lots will range from 3,001m² to 4,458m² with an average size of 3,215m². The arrangement of lots seek to provide a broad range of lot sizes suitable to the character of the area. The intention of the proposed development is to offer variation to the residential market and capitalise on a unique residential setting surrounded by rural land.

Staging

The proposed subdivision will be constructed in three stages, representing Stages 4, 5 and 6 of the overall Lakeside Estate residential estate. The staging will comprise the following release of lots and works:

Stage 4:

- 23 x residential lots
- Construction of new drainage reserve and associated earthworks
- Construction of a new reserve adjoining the existing sewage pump station

Stage 5:

- 22 x residential lots

Stage 6:

- 21 x residential lots

New internal roads and civil infrastructure will be constructed and extended as required within the boundaries of each stage.

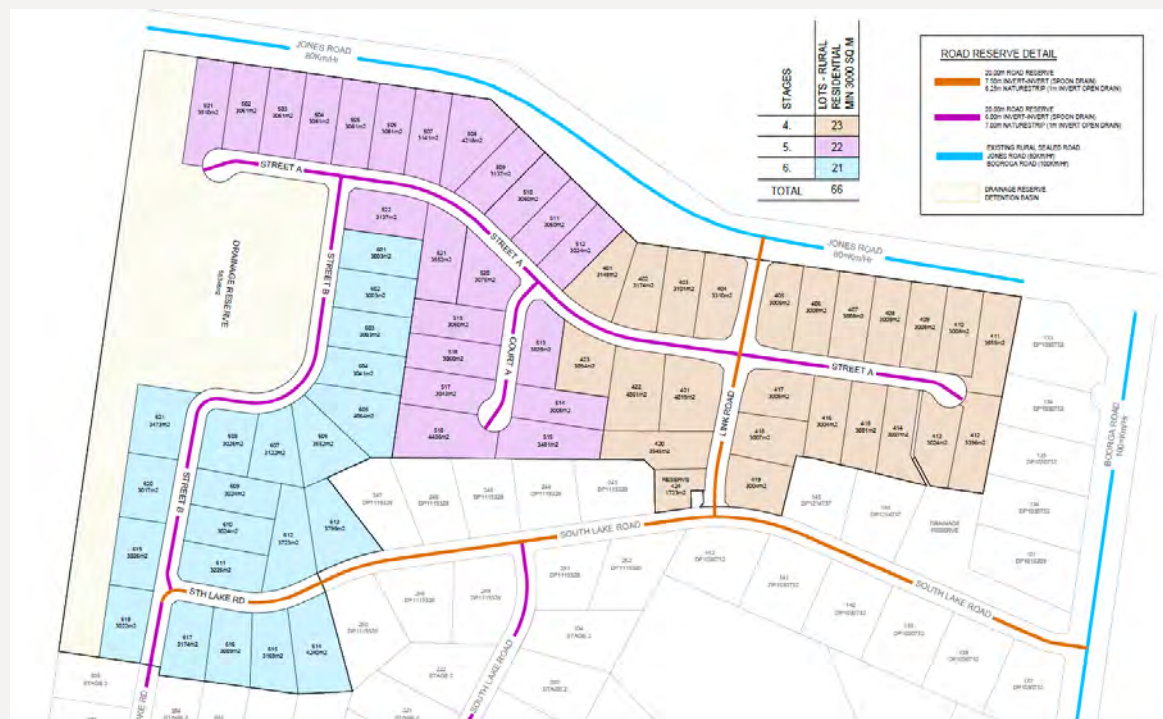


Figure 6 – Proposed Staging Plan



Figure 7 – Stage 4 plan

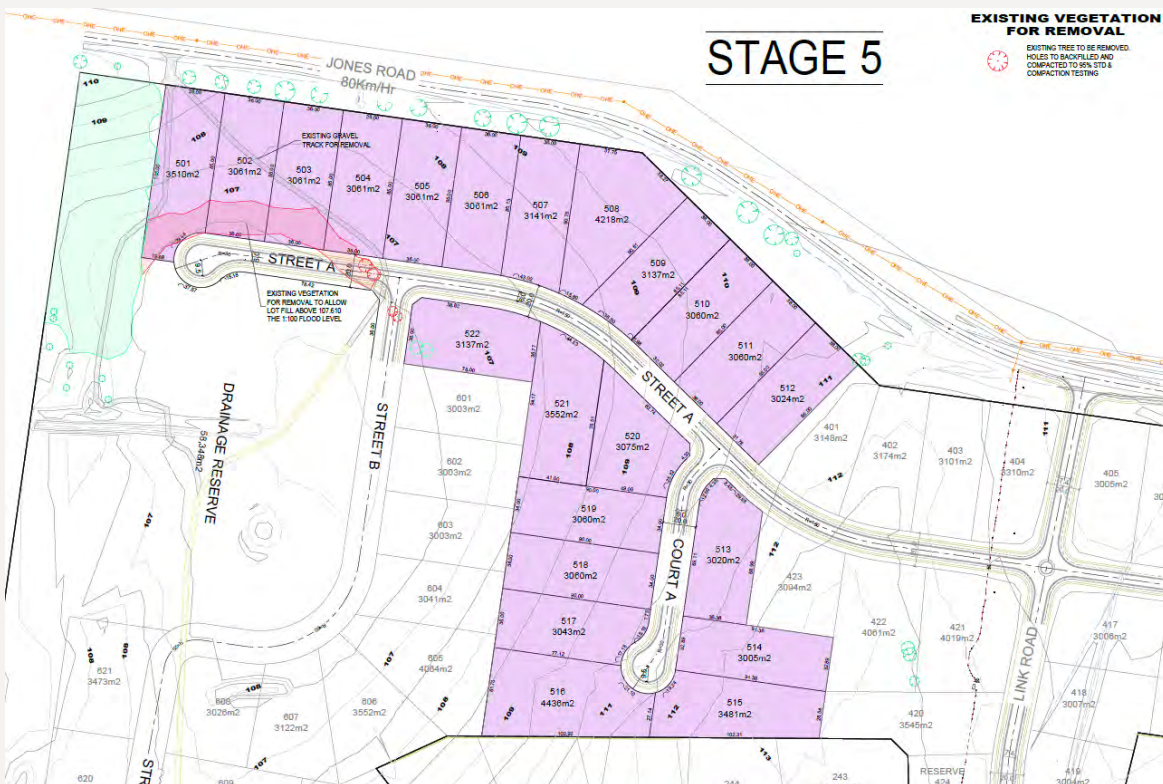


Figure 8 – Stage 5 plan

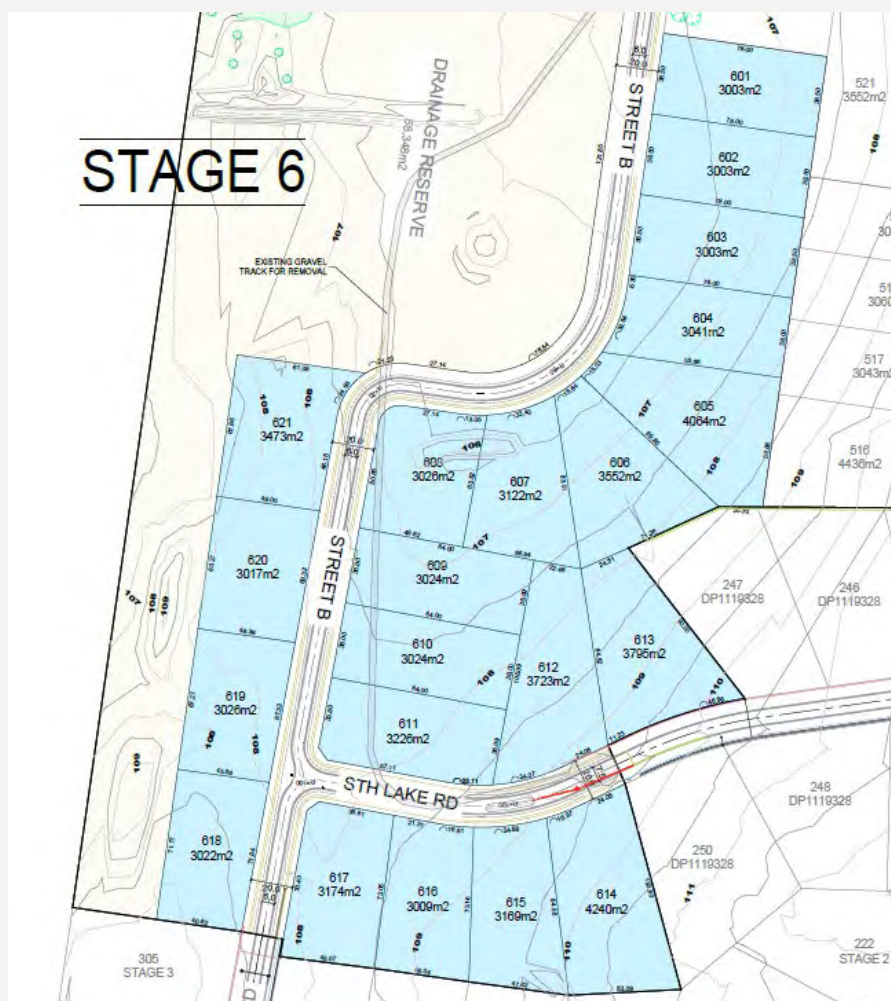


Figure 9 – Stage 6 plan

3.3. Drainage Reserve and Open Space

The development includes the provision of a drainage reserve with an area of 58,348m² (5.83ha). This area will capture stormwater drainage from throughout the new residential parcels and street network and also contribute to the open space network. In addition, a 14,219m² (1.42ha) area is to be reserved along the western boundary for the purpose of preserving an area of Aboriginal significance.

Furthermore, the development includes the creation of a 1,723m² public reserve (Lot 424) around the existing sewerage treatment plant as required as part of the previous approval for Stages 2 & 3.

3.4. Earthworks

Earthworks will be required to ensure that all lots are above the 1:100 high water level. These earthworks comprise clean fill only and will extend from around the proposed drainage reserve and will extend from along the southern boundary associated with previous stages of Lakeside Estate. The area associated with Stages 4-6 will comprise a total area of 38,400m³ and the previous stage earthworks will extend across an area of 16,200m³. The works will result in an increase in the height of the water line of Lake Wyangan by 14mm.

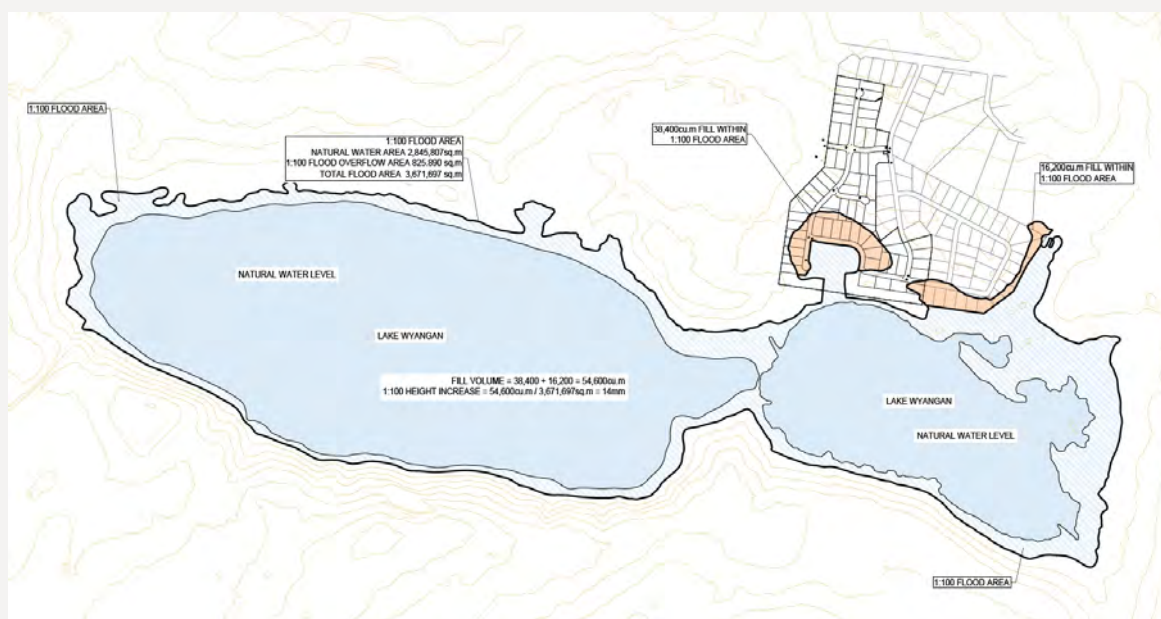


Figure 10 – Flood earthworks overall plan

3.5. Traffic and Access and Services

Access to the site is to be provided via a new circulating internal road network that links with South Lake Road, as well as Jones Road. These new roads will form a north-south link road between Jones Road and South Lake Road. New internal local streets that connect with the existing termination of South Lake Road, and the approved circulating network in the southern half of the site associated with the approved subdivision are also proposed. Three cul-de-sacs will provide further access to all other remaining lots.

Specifically, the minor roads will have a 20m wide road reserve width and a 6m road pavement. Similarly, the major roads will also have a 20m wide road reserve, but will have a 7.5m road pavement width. Cross sections of the proposed road are included in Appendix A and are reproduced below.

It is noted that direct road access from individual allotments onto Jones Road is not proposed.

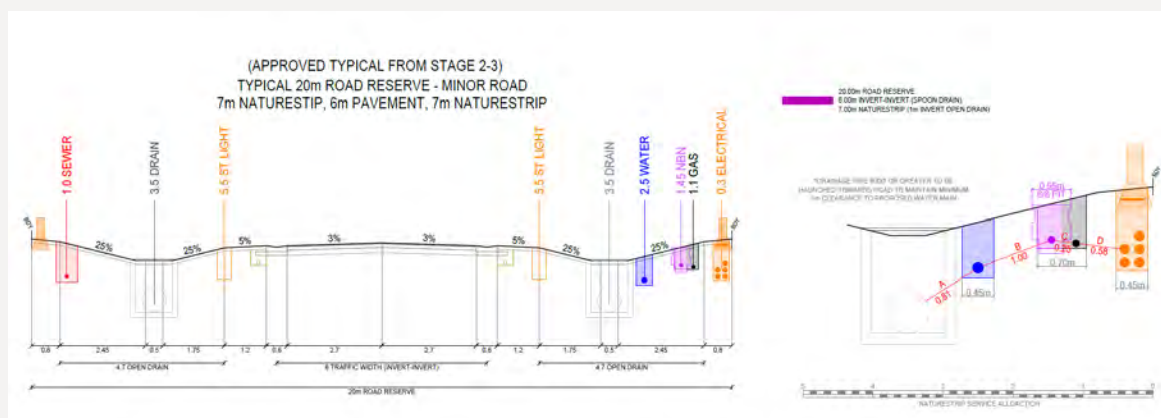


Figure 11 – Cross Section – Minor Road



Figure 12 – Cross Section – Major Road

3.6. Infrastructure and Services

The site is adjoins established residential development and all essential infrastructure and services are available to the proposed subdivision. An electrical connection is available from an overhead line that traverses Jones Road and an associated underground line that extends through the site from this line to South Lake Road. Reticulated sewer, water and drainage is available from South Lake Road, and can be extended to the proposed lots as required.

4. Planning Assessment

Under Section 4.15(1) of the EP&A Act when considering an application for development, the consent authority must take into consideration the relevant environmental planning instruments. This section details and responds to the relevant planning framework applicable to the proposal.

4.1. Applicable Environmental Planning Policies, Instruments and Controls

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Griffith Local Environmental Plan 2014
- Griffith Residential Development Control Plan 2020
- Strategic Plans and Policies

Compliance with the applicable legislation and policies is discussed below.

4.2. Environmental Planning and Assessment Act 1979

Section 4.15 of the EP&A Act 1979 sets out the statutory matters for consideration against which the proposed development is to be evaluated. The matters for consideration under Section 4.15 are as follows:

(1) *Matters for consideration—general*

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

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.”*

The matters for consideration identified in Section 4.15(1) of the EP&A Act 1979 are addressed in the following section. Subsections (b) to (e) of Section 4.15(1) of the EP&A Act 1979 are addressed in Section 5 of this Statement of Environmental Effects.

The proposal is not identified as “designated development”, pursuant to section 4.10 of the EP&A Act. The works are however classified as “integrated development”, pursuant to section 4.46 of the EP&A Act as they require the granting of an Aboriginal Heritage Impact Permit (AHIP) pursuant to Section 90 of the National Parks and Wildlife Act 1974. See enclosed ACHAR for further details.

4.1. State Environmental Planning Policy (Resilience & Hazards) 2021

4.1.1. Chapter 4 – Remediation of Land

Chapter 4 of *State Environmental Planning Policy (Resilience & Hazards) 2021* sets out considerations relating to land contamination across the state. The intention of the SEPP is to establish ‘best practice’ guidelines for managing land contamination through the planning and development control process.

In the context of this application, clause 4.6 of Chapter 4 generally requires that consideration be given to whether or not land proposed for development is contaminated and fit for use for its intended purpose. The SEPP requires the consent authority to consider whether the subject land is contaminated when determining a development application. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Up until the more recent development associated with the development of the southern half of the land (Development Consent No. 286/2016), the subject site has been used for agricultural purposes. There are no known specific locations within the subject land that may have been utilised for activities ancillary to agriculture such as sheep dips or fuel storage that may lead to potential contamination.

The applicant of the previous subdivision associated with application 286/2016 commissioned the authors of the Land Capability Study for the subject land in 1999 to undertake a review of that report as part of this development application. This review concluded:

The contamination assessment completed targeted pesticides which given the previous land-use as agriculture is acceptable. The number of sampling points does not meet the minimum required for the area of land being investigated (per AS 4428.1). However given that all samples analysed did not register above the laboratory limits the risk associated with widespread significant pesticide contamination is considered extremely low to non-existent.

Consequently, the site is not known to be contaminated, nor is it expected to be at risk of contamination given its historical use and surrounding context.

4.2. State Environmental Planning Policy (Transport & Infrastructure) 2021

4.2.1. Chapter 2 – Infrastructure

Chapter 2 of *State Environmental Planning Policy (Transport & Infrastructure) 2021* provides a consistent and flexible planning system to facilitate the delivery of infrastructure and services. The policy identifies environmental assessment categories for types of infrastructure, matters to consider when assessing development adjacent to infrastructure and provides for consultation with relevant public authorities.

The Chapter 2 contains provisions relating to approval processes and assessment requirements for infrastructure proposals according to the type or sector of infrastructure. It outlines land-use zones where types of infrastructure are permissible with or without consent and identifies certain works as exempt and complying development.

There are several Clauses under the SEPP that trigger referral and concurrence matters. These are addressed in the table below for consideration.

Table 1 – Matters for consideration

Matter for consideration	Response
Clause 2.48 – Determination of development applications – other development	<p>This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <ul style="list-style-type: none"> (a) <i>the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</i> (b) <i>development carried out—</i> <ul style="list-style-type: none"> (i) <i>within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</i> (ii) <i>immediately adjacent to an electricity substation, or</i> (iii) <i>within 5m of an exposed overhead electricity power line,</i> (c) <i>installation of a swimming pool any part of which is—</i> <ul style="list-style-type: none"> (i) <i>within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</i> (ii) <i>within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</i> (d) <i>development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</i> <p>Comment:</p> <p>Referral under Clause 2.48 is not required to the relevant electricity supply authority due to the proximity of the exposed overhead powerline located on Jones Drive.</p>
Clause 2.118 – Development with frontage to a classified road	<p>The objectives of this clause are—</p> <ul style="list-style-type: none"> (a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i> (b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i> <p>Comment:</p> <p>The development does not front a classified road, as such referral to TfNSW is not required.</p>

4.3. Griffith Local Environmental Plan 2014

The *Griffith Local Environmental Plan 2014* (“the LEP”) is the principal planning instrument that guides development within the LGA. The below provides an overview of consistency and compliance of the proposal against the relevant provisions.

4.3.1. Clause 2.3 – Land Use and Permissibility

The subject land is located within the R5 Large Lot Residential Zone (“R5 zone”).

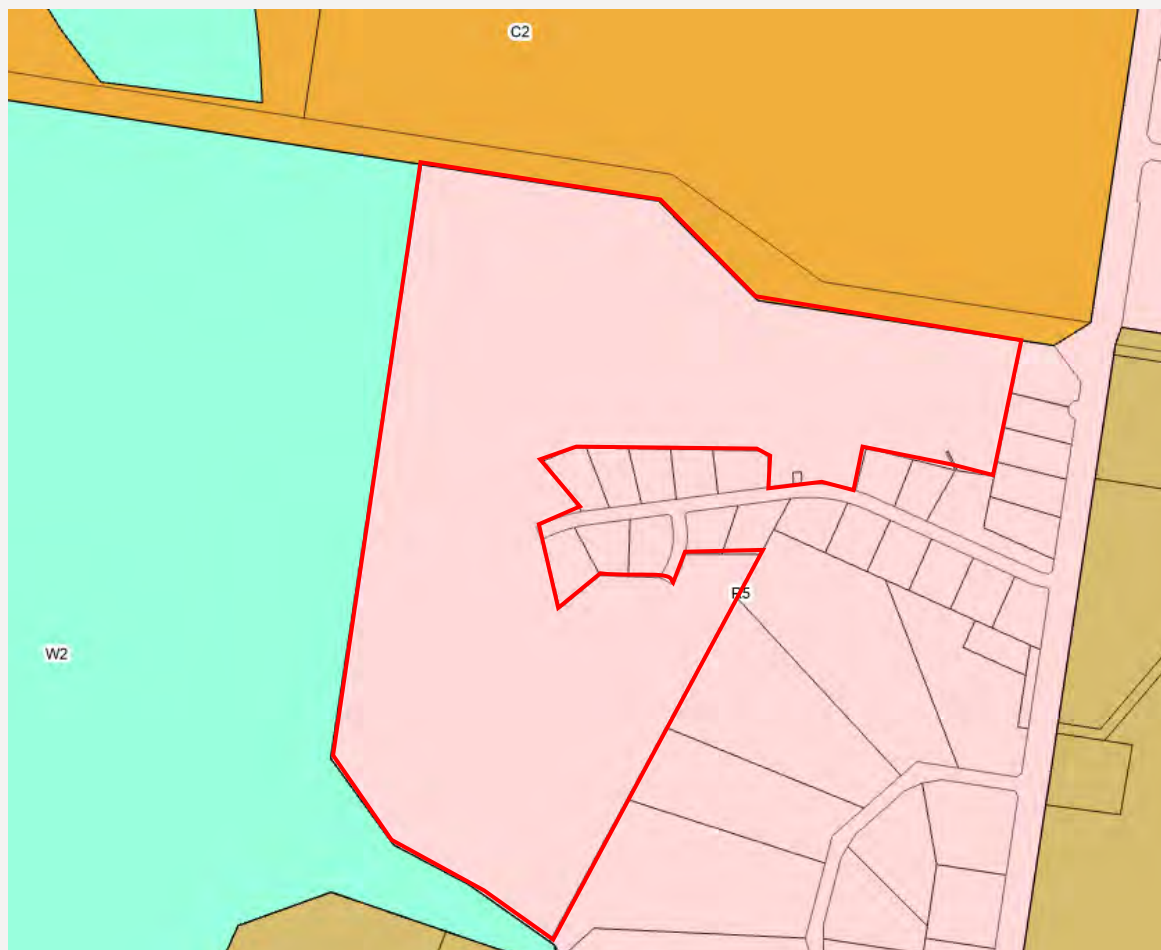


Figure 13 – Land Zoning Map

The objectives of the R5 zone are as follows:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposal is considered to be generally consistent with these objectives because:

- it intends to provide for housing in a low density environment;
- the impacts on the environment are considered to be limited as the subject land has no environmental features of significance;
- the subject land is not in the path of, or in an area identified for future urban development;
- the subject land is approximately 7 kilometres from the Griffith CBD and thus accessible to all public services and facilities; and
- at its closest point, the nearest agricultural use is 35 metres from the southern boundary of the subject land and all other adjoining land uses are compatible. It is also noted that this southern half is already approved for development.

4.3.2. Clause 4.1 – Minimum subdivision lot size

The subject land is shown on the LEP Lot Size Map as 'AA - Area C' with a minimum lot size for subdivision of 5ha. However, Clause 4.1(3A) overrides this provision and specifies a minimum lot size of 3,000m² applies within 'Area C' of the Lot Size Map if the lots are to be connected to a reticulated sewer. Furthermore, Clause 4.1B allows for lots in the R5 zone to be less than the minimum size so long as the average lot size in the subdivision is not less than the minimum of 3,000m².

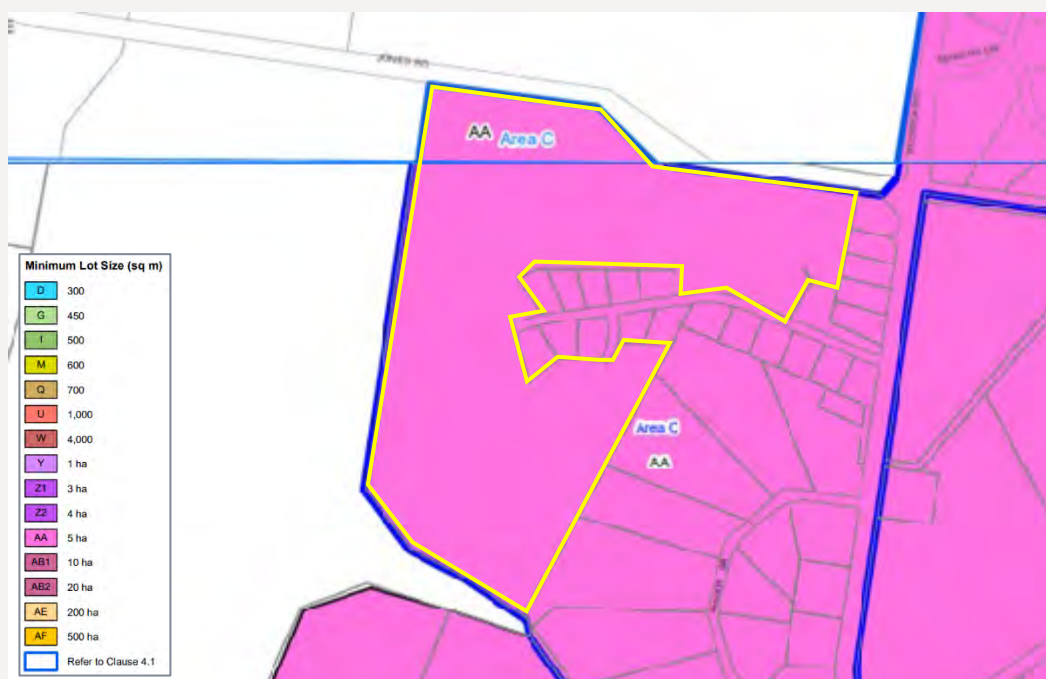


Figure 14 – Lot Size Map

The proposal is for 66 residential lots with sizes ranging from 3,001m² to 4,458m² and an average size of 3,215m² and therefore complies with Clause 4.1B.

For Council to accept the use of the averaging provision and this layout, it needs to be satisfied that:

- *the development retains, and is complementary to, the environmental and agricultural attributes of the land and its surrounds, and*
- *the intended use of each lot to be created by the subdivision has been demonstrated as being sustainable in regard to water supply, effluent disposal, solid waste disposal and soil type.*

The proposed subdivision is in effect the completion of an approved but unfinished subdivision for large lot residential development on the subject land. The development is compatible with the surrounding area that features a similar type of development. The subject land has been used for agriculture in the past and consequently as a result of this repetitive ground disturbance, has low environmental values. The proposed lots will be provided with all urban services, including reticulated sewerage. The subject land has already been deemed suitable for the type of development proposed through the previous consent for the land.

4.3.3. Clause 5.10 – Heritage Conservation

The Heritage Map within the GLEP does not show any heritage items or conservation areas, or any Aboriginal place of heritage significance on or near the subject land. Consequently Clause 5.10 of the LEP has no effect in regards to the application.

Notwithstanding, as part of the original development application to subdivide the subject land in 1998 and 2000, a report titled an *Archaeological Subsurface Investigation at Lake Wyangan* was prepared. The study area for this assessment contained a lunette on the eastern side of Lake Wyangan and there was a ridge running north-south through the property, indicating a high likelihood of items of Aboriginal heritage being present.

The investigation “*revealed the presence of subsurface archaeological deposits*” in one of the two locations explored on the land (Sites A and B) and concluded that “*cultural deposits are likely to extend across the whole lunette*” being along the western boundary with the lake. The site however has been extensively disturbed through European agricultural practices.

The other site at the southern end of the subject land is at the end of the main ridge that traverses the property. At this site “*artefacts were found but in very low numbers*” leading to a conclusion that “this area was not a preferred area for Aboriginal camping”. The report acknowledges that “*the proposed subdivision development has the potential to substantially affect the archaeological sites within the study area*” through construction of the lots followed by dwellings.

More recently, an *Aboriginal Cultural Heritage Assessment Report* was prepared by NGH Environmental, which was released in August 2018. This report compiled a number of items recorded in the previous assessment from 2000 described above, records on the AHIMS database, and records from new surveys which were undertaken as part of the preparation of this 2018 assessment (10). An AHIP was subsequently granted for the southern half of the site as part of the previously approved subdivision.

A further heritage report has been prepared by Ozark dated August 2022 and is included in **Appendix B**. This assessment discovered a further artifact scatter site in the northwest corner of the site described as ‘Lake Wyangan OS-1’ (**Figure 16**).

The proposed subdivision layout associated with this proposal has been designed to avoid impacts on the identified items of cultural heritage. Specifically, the drainage reserve, as well as the defined ‘land swap’ land has been designated along the lunette with no development proposed to avoid impacting the primary concentration of items.

Similar to previous approval for the subdivision of the southern half of the land, an AHIP will be sought prior to the commencement of works under the recommendations of the Ozark heritage report. Furthermore, contractors will be advised of the high potential for items of archaeological items to be present within the works area. If any items are identified during these works, works will cease and the appropriate protocols for such instances observed.

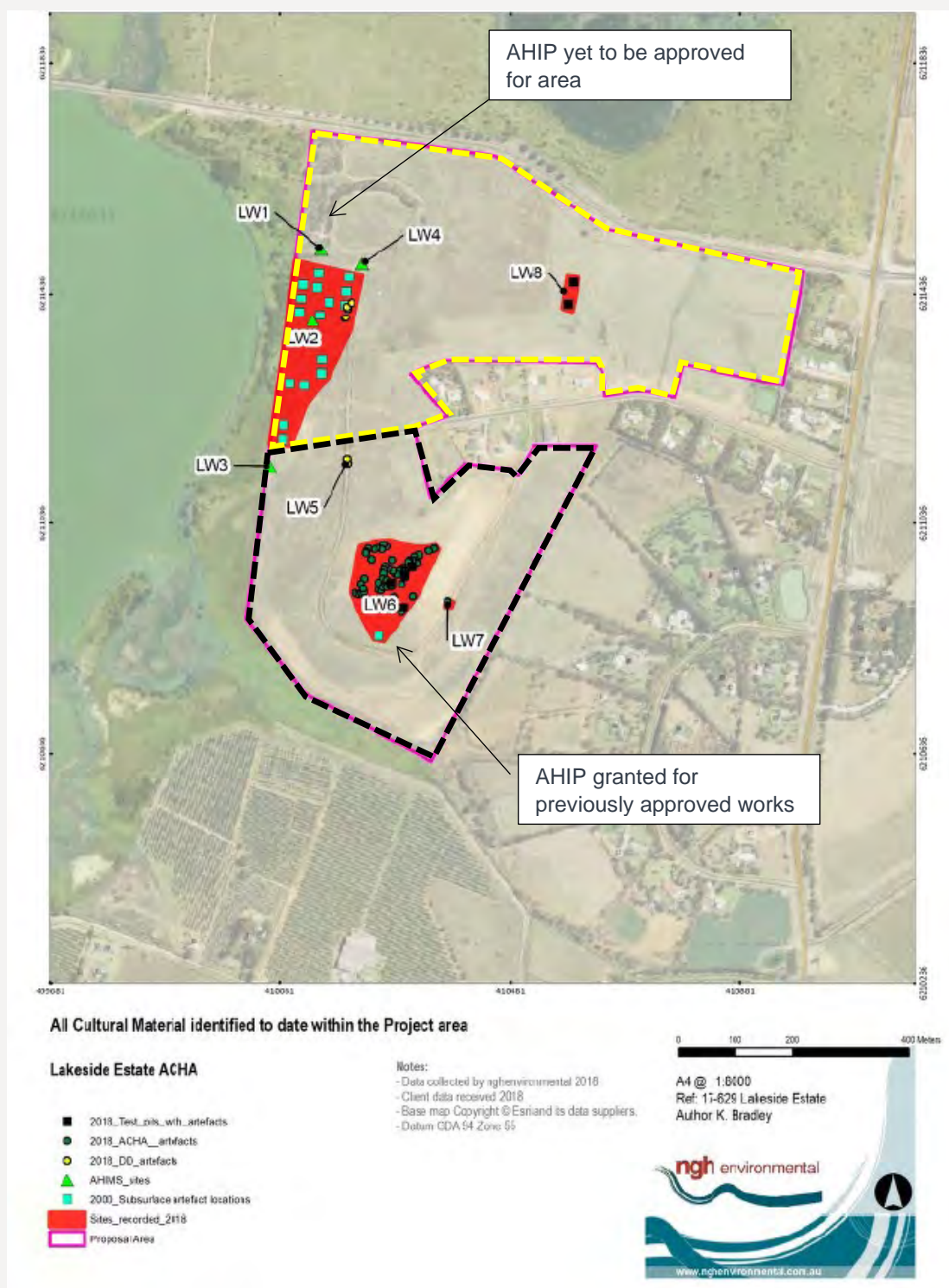


Figure 15 – Identified items of cultural heritage significance which have been recorded to date



Figure 16 – Further discovery of artifacts within the works area

4.3.4. Clause 5.21 – Flood planning

Clause 5.21 of the LEP refers to flood planning considerations and applies to land shown on the flood planning area.

It is acknowledged that the subject site is identified as being ‘flood prone’ and is subject to certain considerations outlined in this clause.

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

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) *to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

It is considered that the proposed development meets the objectives of the clause as outlined below.

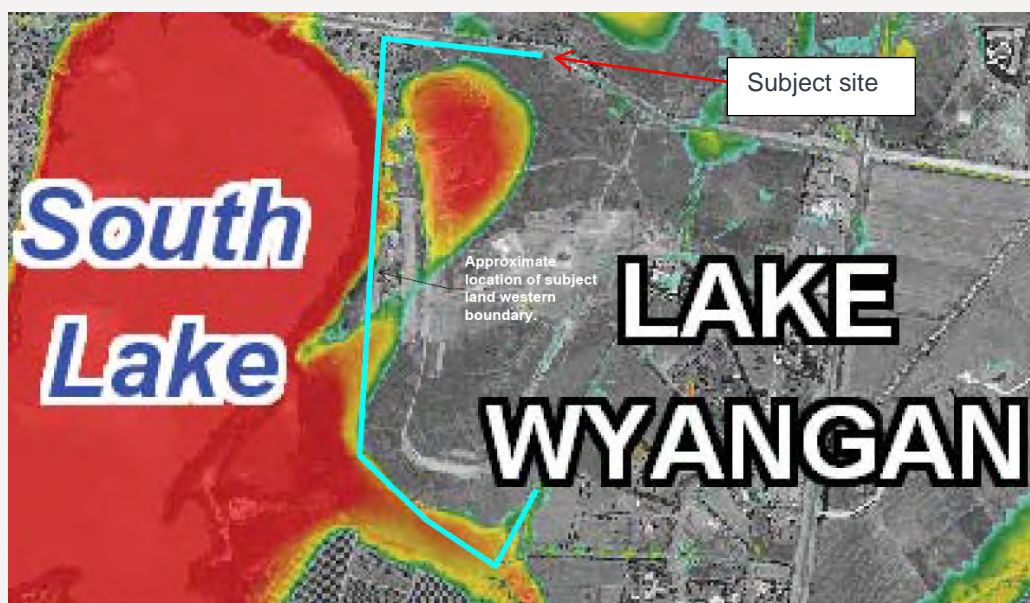


Figure 17 - Extent of inundation in 1 in 100 year flood event (Source: Lake Wyangan Floodplain Risk Management Study 2013)

Under Clause 5.21 development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

The proposed development is considered to be compatible with the flood function and behaviour of the land through previous civil construction and filling works that will ensure that dwellings will be constructed above the relevant flood height.

Specifically, the relevant 1:100 year ARI flood event is 107.61m AHD and previous civil works have been undertaken to ensure that the future development on these lots will be above the flood height. Consequently, any future dwellings constructed on the subject lots will need to be constructed 500mm above the 1 in 100 year flood event (108.11m AHD).

Furthermore, the subdivision will not impact flood behaviour, increase risk to other buildings or adversely affect the safe occupation and efficient evacuation of people in the event of a flood.

Additionally, in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*

- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

The location of the subject development is not considered to have potentially adverse impacts on the flood behaviour, nor is the development considered to have additional cumulative impacts on the surrounding environs.

The development will have minimal additional cumulative impact on the surrounding environs following the completion of earthworks. It has been estimated that the filling of the lots will impact the volume of Lake Wyangan by a 14mm height increase, which is considered acceptable in this instance.

Further reasons in support include the following:

- all lots are capable of accommodating a dwelling above the FPL (the majority without the need for a raised floor level) and hence flooding does not represent a hazard;
- as no dwelling will be placed at risk by flooding, no risk management measures are necessary;
- the function of the watercourse across the southern boundary of the site in a major flood event is not compromised by the proposal;
- the subdivision will have no impact on the existing environment within the floodplain; and
- for the reasons above, there will be no cost to the community through flooding of a small portion of the subject land.

4.3.5. Clause 7.1 – Earthworks

Clause 7.1 of the LEP addresses development involving earthworks requiring Development Consent, and consideration is relevant in this instance as the flood earthworks will alter the ground level by more than 600mm.

The objectives under this clause are:

(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 separate development consent

In this instance, the development is seeking to undertake the earthworks to enable the protection of residential lots from flooding. The proposed earthworks will involve filling the area around the proposed drainage reserve and the southern boundary, and therefore consent is sought pursuant to this clause.

The particular matters listed under Clause 7.1 of the LEP that are to be taken into consideration with regard to the proposed development are addressed in the table below.

Considerations	Response
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,	The proposed earthworks are designed to integrate with existing drainage patterns and the drainage reserve. It will not disrupt or have detrimental effects on the drainage patterns.

Considerations	Response
(b) the effect of the development on the likely future use or redevelopment of the land,	The proposed earthworks are sought to increase the viability of residential lots, supporting safer development opportunities.
(c) the quality of the fill or the soil to be excavated, or both,	It is understood that the soil will only contain virgin excavated material as defined in Part 3 of Schedule 1 to the <i>Protection of the Environment Operations Act 1997</i> .
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	The proposed earthworks are not expected to cause any additional impact over and above what was considered as part of the application for the residential development of the land.
(e) the source of any fill material and the destination of any excavated material,	As above, the soil will only contain virgin excavated material as defined in Part 3 of Schedule 1 to the <i>Protection of the Environment Operations Act 1997</i> .
(f) the likelihood of disturbing relics,	Prior investigation of the site has identified items of Aboriginal significance and the appropriate protocols are being observed. Refer to Section 4.3.3 of this report for further details.
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area;	The subject land adjoins the Lake Wyangan waterbody. However, the proposal is for residential development only and integrates a drainage reserve to treat stormwater. It is not considered likely to inadvertently contaminate this waterbody.
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	To mitigate against potential erosion and/or sediment transfer during works, appropriate Soil and Water Management practices in accordance with Council's guidelines will be observed.

4.3.6. Clause 7.3 – Terrestrial Biodiversity

This clause applies to land identified as “biodiversity” on the Terrestrial Biodiversity Map in the GLEP. A small portion of the subject land in the north west corner is included in this map (see Figure 20) and reflects an area that is understood to have been rehabilitated by the local Landcare group.

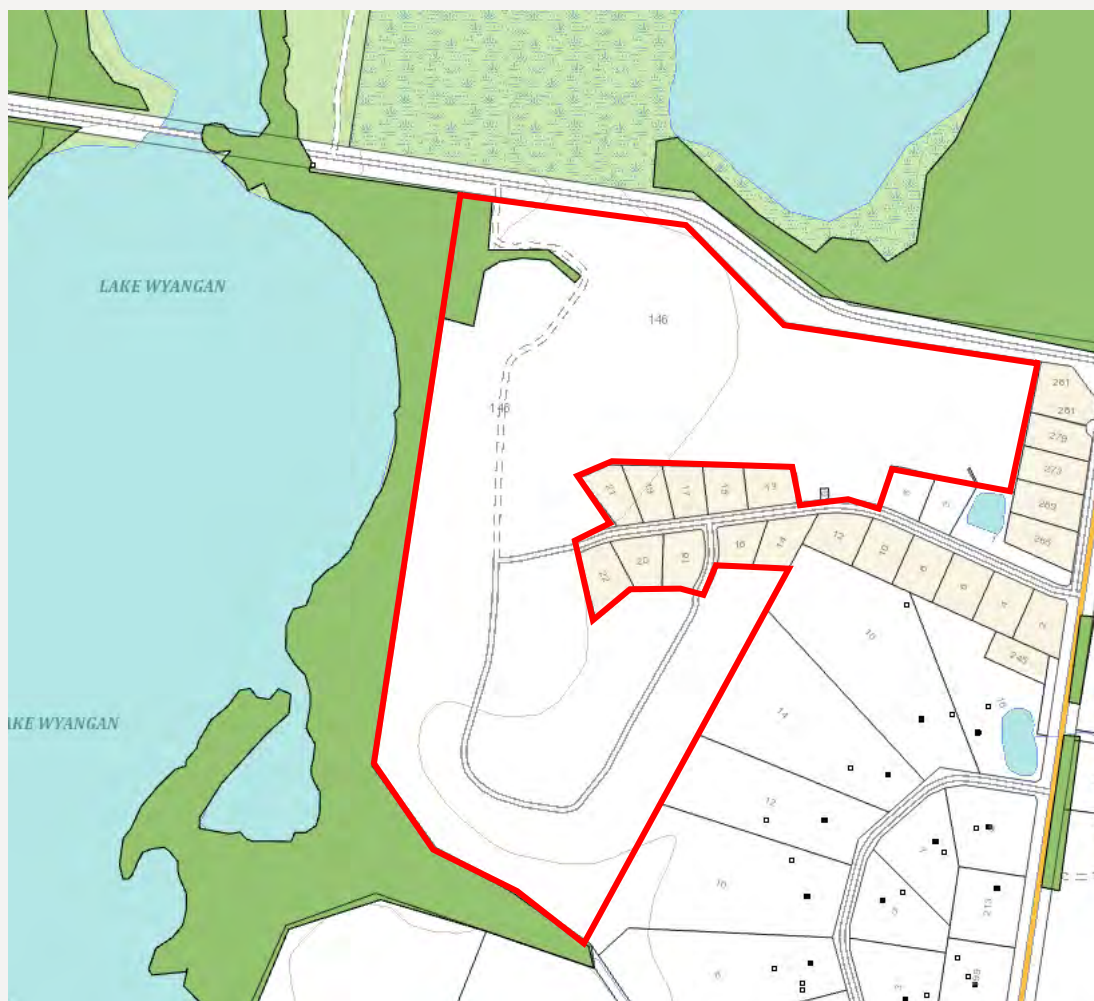


Figure 18 - Extract of Terrestrial Biodiversity Map

In deciding whether to grant consent to an application to which this clause applies, Council must consider:

- (a) *whether the development is likely to have:*
 - i. *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - ii. *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - iii. *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - iv. *any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

As part of the original development application for the subdivision of the subject land in 1999, a flora and fauna study was undertaken by Enviromend Pty Ltd. This study found that habitat for native flora and fauna has been reduced by a long history of agricultural land use on the subject land and that no flora species listed under the former *Threatened Species Conservation Act 1995* were found during site surveys. Since then the land has continued to be used for agriculture and has been partly subdivided for residential purposes, thereby further reducing the biodiversity values of the site.

Due to the date of this study and in recognition of changes to legislation and threatened species listings a review was conducted by NGH Environmental in 2016 (see Appendix E). This review report concluded that:

“the information contained within the initial December 1999 Flora and Fauna Assessment Report and Biodiversity section of the initial EIA and found that conclusions reached within the document’s (sic) were consistent with what was found with this investigation... The proposed development is unlikely to have a significant effect on any TSC Act listed threatened species, communities, populations and their habitats. Therefore, a Species Impact Statement is not required. Mitigation measures proposed should ameliorate potential impacts at the site. The proposed development is unlikely to have a significant effect on any EPBC Act listed biota and their habitats or other matters of National Environmental Significance. Therefore, a referral to the Commonwealth Environment Minister is not warranted.”

In addition, the Griffith Land Use Strategy – Beyond 2030 does not identify any vegetation of significance within the subject land (see Figure 19) and the land adjoining land along the shore of Lake Wyangan is in a ‘low risk’ category.



Figure 19 - Extract from Remnant Vegetation Areas Map (Source: 2030 Land Use Strategy)

Moreover, Council must not grant development consent unless it is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Council can be satisfied there will be no “significant adverse environmental impact” because:

- the subdivision of the land for residential purposes has previously been approved when it was subjected to a detailed environmental study;
- areas of environmental significance such as the wetland in the north west corner will be set aside for the drainage reserve and undeveloped ‘land swap’ land;
- the natural environment of the area proposed for development has been substantially compromised for a significant period of time;
- the environmental value of the subject land is very low and therefore the development of this land will not adversely affect any biodiversity species; and
- there is potential for a positive environmental impact resulting from the development because of a higher level of land management and requirement for revegetation within the ‘land swap’ buffers provided to allotments.

4.3.7. Clause 7.5 – Riparian land and watercourses

This clause applies to land identified as “watercourse” on the Riparian Land and Watercourses Map in the LEP. A very small sliver of the subject land along the western boundary is included in this map (see Figure 20). It is noted that this layer marginally intersects with the southern half of the site, of which is not being impacted by the proposal, which only applies to the northern portion. As such, this clause is not considered relevant to the proposal.

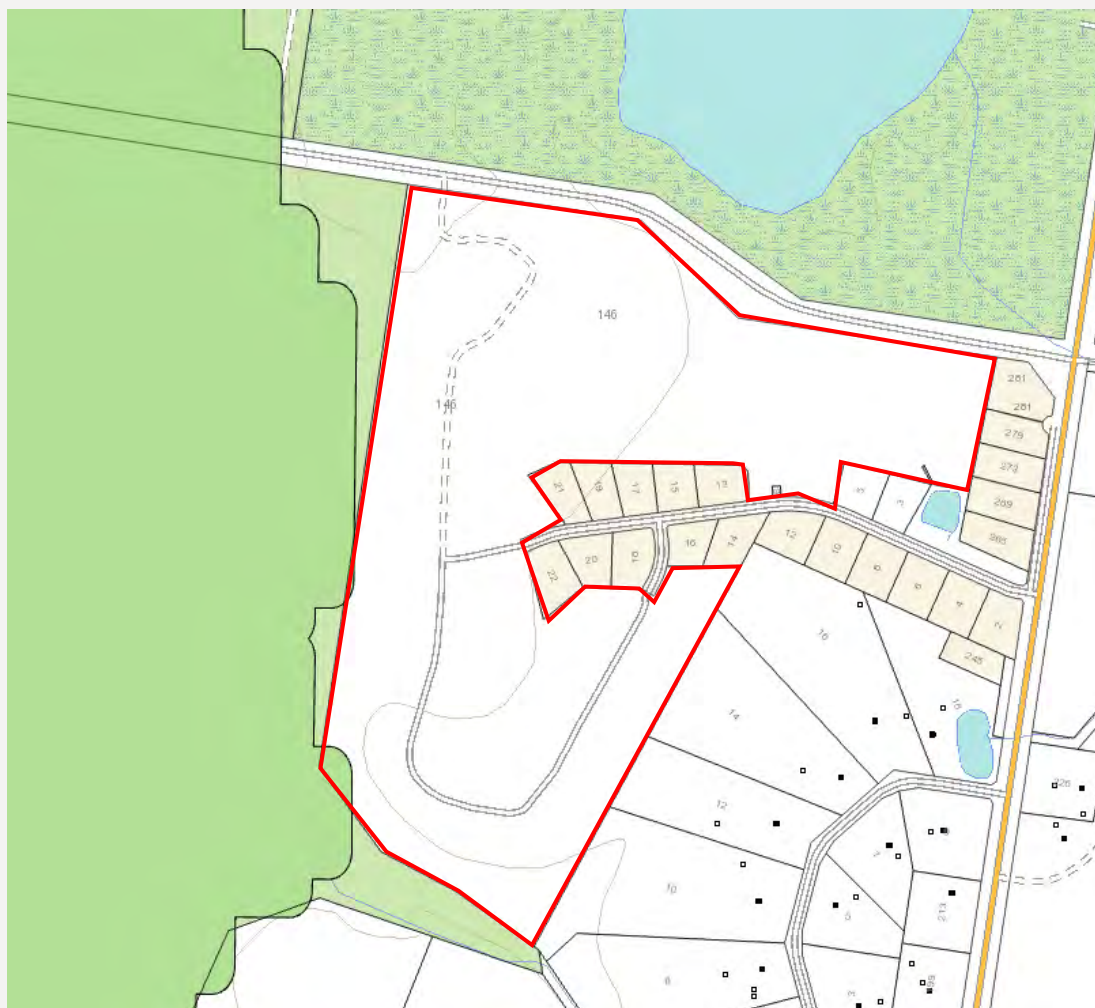


Figure 20 - Extract of Riparian Lands and Watercourses Map

4.3.8. Clause 7.10 – Essential Services

Clause 7.10 of the LEP refers to essential services and aims to ensure that all development will be provided with all relevant services. The proposal satisfies the requirements of this clause as follows:

- all lots be supplied with a reticulated supply of potable water;
- all lots will be supplied with a supply of reticulated electricity;
- all lots will be connected to a reticulated wastewater (sewer) system;
- all stormwater drainage will be managed and treated prior to discharge to the lake within the proposed drainage reserve; and
- all lots will be provided with public road access constructed to Council's engineering standards.

4.4. Griffith Residential Development Control Plan 2020

The *Griffith Residential Development Control Plan 2020* ("the DCP") is the relevant DCP which applies to all lands zoned R1 – General Residential, R5 – Large Lot Residential and RU5 – Village. Part 10.0 of the DCP applies to subdivision, with the Subdivision Code provided in Appendix 2.

The objectives of the Subdivision Code are as follows:

- a) *To ensure the subdivision of land and associated development is consistent with the Precinct Statement of the area through consistent lot size, shape, orientation and housing density.*
- b) *To improve the design and quality of the urban environment.*
- c) *To promote the energy efficient usage of land.*
- d) *To prevent the fragmentation of land.*
- e) *To ensure new lots sizes comply with the Griffith Local Environmental Plan 2014 (GLEP) and any development can meet the development controls of the DCP.*

The proposal is generally in accordance with the relevant objectives as it provides a well-designed layout with appropriately orientated lots to improve solar access and energy efficiency. It also proposes new lots that align with the relevant lot sizes of the GLEP.

Part 4.0 of the Subdivision Code refers to for 'Large Lot Residential Subdivision' and provides the subdivision development controls for all land zoned R5 or development in the R1 and RU5 zones for lots larger than 3,000m². An assessment of these controls is provided at the compliance table provided with this report at **Appendix B**.

In summary, the proposed large lot residential subdivision is consistent with the requirements of this chapter of the DCP.

4.5. Strategic Planning Policies

4.5.1. Griffith Land Use Strategy – Beyond 2030

In the *Griffith Land Use Strategy – Beyond 2030* the locality is described as:

Lake Wyangan is situated north of Griffith with the village approximately six kilometres from the central business district of Griffith. The area consists of the village of Lake Wyangan, numerous upmarket Rural Residential Developments, irrigation farms, grazing land and recreational areas along the lake fill in the rest.

The strategy identifies the following opportunities for Lake Wyangan:

- Sewer and water mains have already been upgraded to enable further residential development.
- Major residential subdivisions have already been approved by council to facilitate development in the area.
- Further residential development within a rural setting contributes to various lifestyle choices Griffith has to offer.
- The area is close to Griffith, enabling residents to commute to and from places of employment within a short period
- The lake and cycling route offers recreational opportunities.

Council's preferred future use of the subject land is expressed in this strategy and reproduced in Figure 23 and clearly demonstrates the consistency of the proposal with Council's strategic planning.

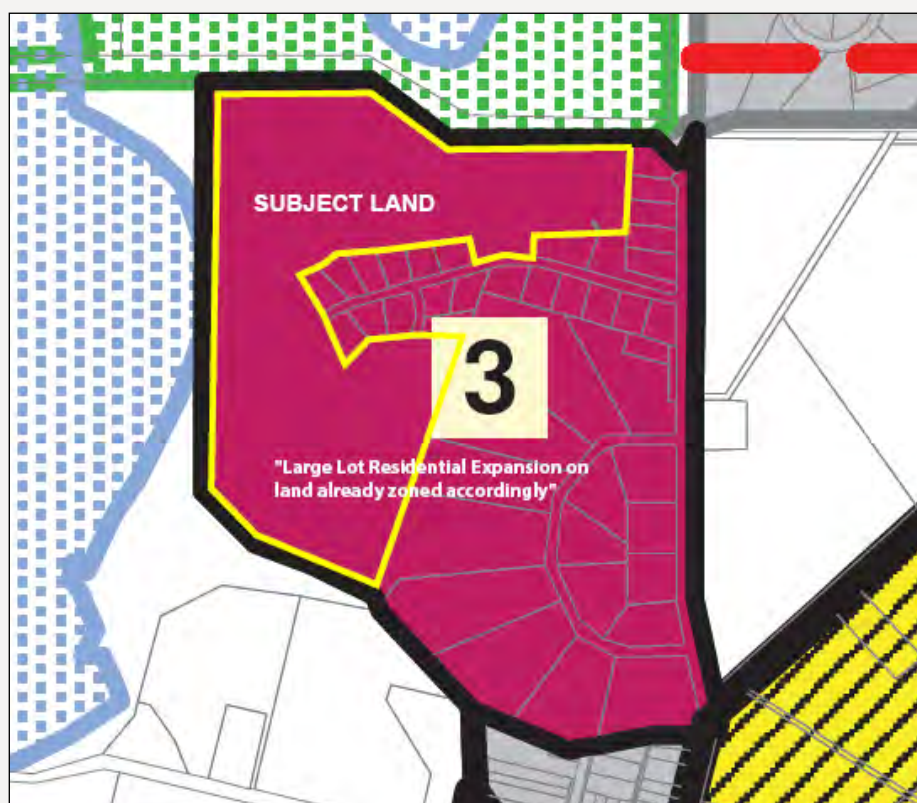


Figure 21 – Strategic planning for the subject land (Source: Griffith Land Use Strategy – Beyond 2030)

4.5.2. Griffith Housing Strategy 2019

The *Griffith Housing Strategy 2019* was developed following an investigation on housing demand, supply, need and affordability. This report was developed with particular emphasis on affordable housing. The proposed subdivision aligns with the intention of this strategy through increasing the diversity and availability of residential sites for future development to meet the needs of the growing population of Griffith.

4.5.3. Large Lot Residential – Supply and Demand Analysis and Strategy

The Large Lot Residential – Supply and Demand Analysis and Strategy was released for the Griffith Local Government in February 2022. The purpose of this strategy is to examine the supply and demand of R5 – Large Lot Residential zoned land and lifestyle lots. This strategy is relevant to the proposal as it relates to the subdivision of this R5 land.

The specific objectives of this strategy are provided as follows:

- carry out a comprehensive review of the supply of R5 zoned land in Griffith including a locational analysis.
- understand the demand for R5 zoned lands, locational preferences and any new trends.
- pursue reduced minimum lot sizes in transition areas to support rural lifestyle lots, hobby farms and reduce land use conflict at zone interfaces.
- consider candidate sites identified during the drafting of the Griffith LSPS.
- review the zoning of urban – rural fringe areas at the western extent of the Griffith urban area.
- provide the basis for Council to zone additional lands for the purpose of R5 – Large Lot Residential and to rezone existing R5 zoned lands for other purposes as identified in the Griffith LSPS.

Of particular relevance, the site is known as the “Lake Wyangan – South Lake Drive R5 Precinct” (Figure 16). This precinct is described as follows:

“The site was connected to Council’s reticulated sewer service in 2016 after a pumping station was constructed within the subdivision. There are some site constraints that must be considered in the further development or subdivision of the site including an identified Aboriginal Cultural Heritage site, flooding and salinity.”

Based on the previously approved subdivision plans under S38/1999, the site could facilitate the development of approximately 88 additional lots.”

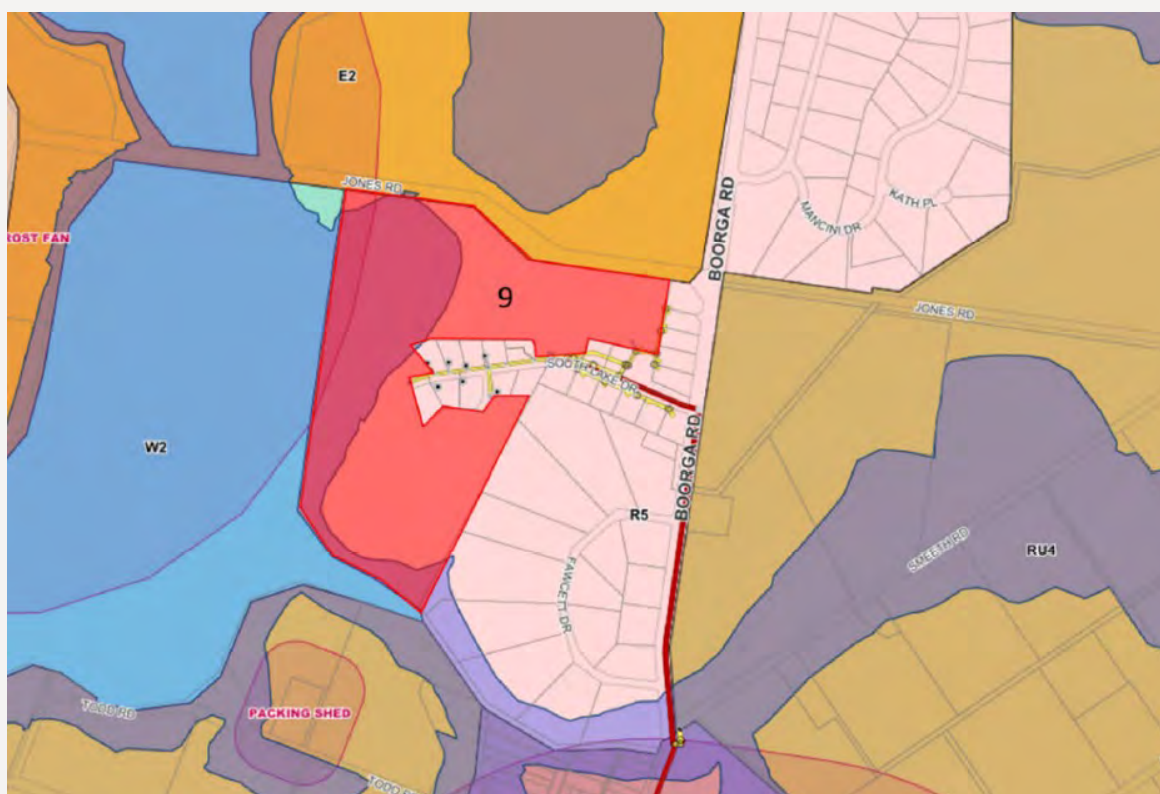


Figure 22 - Lake Wyangan - South Lake Drive R5 Precinct

As anticipated by the R5 strategy, the proposed subdivision will facilitate the further development of this site. It is noted that the site will be connected to the sewer pump station described in this section. In addition, the design has considered the recommendations of the Aboriginal Cultural Heritage Assessment Report to avoid impacts on identified items of archaeological significance, and has been appropriately engineered to accommodate any potential flooding impacts.

4.5.4. Griffith Local Strategic Planning Statement

The Griffith Local Strategic Planning Statement (“the LSPS”) is the relevant strategic document that was prepared for the Griffith Local Government Area. The purpose of the LSPS is as follows:

- Provide a 25 year land use vision for Griffith
- Direct how future growth will occur
- Implement Council’s Community Strategic Plan (CSP) – Guiding Griffith 2040 and the Riverina Murray Regional Plan
- Identify future strategic planning exercises that are required and the urgency to complete them
- Prioritise changes to planning controls and policies in the
- Griffith Local Environmental Plan 2014, Development Control Plan(s) and Council Policies
- Provide an easy to understand overview of the vision for Griffith’s growth

The site is identified within the “Lake Wyangan Catchment” in the Land Use Structure Plan (Figure 25). The proposal seeks to develop land at a scale and density that is consistent with the character and intentions of this area.

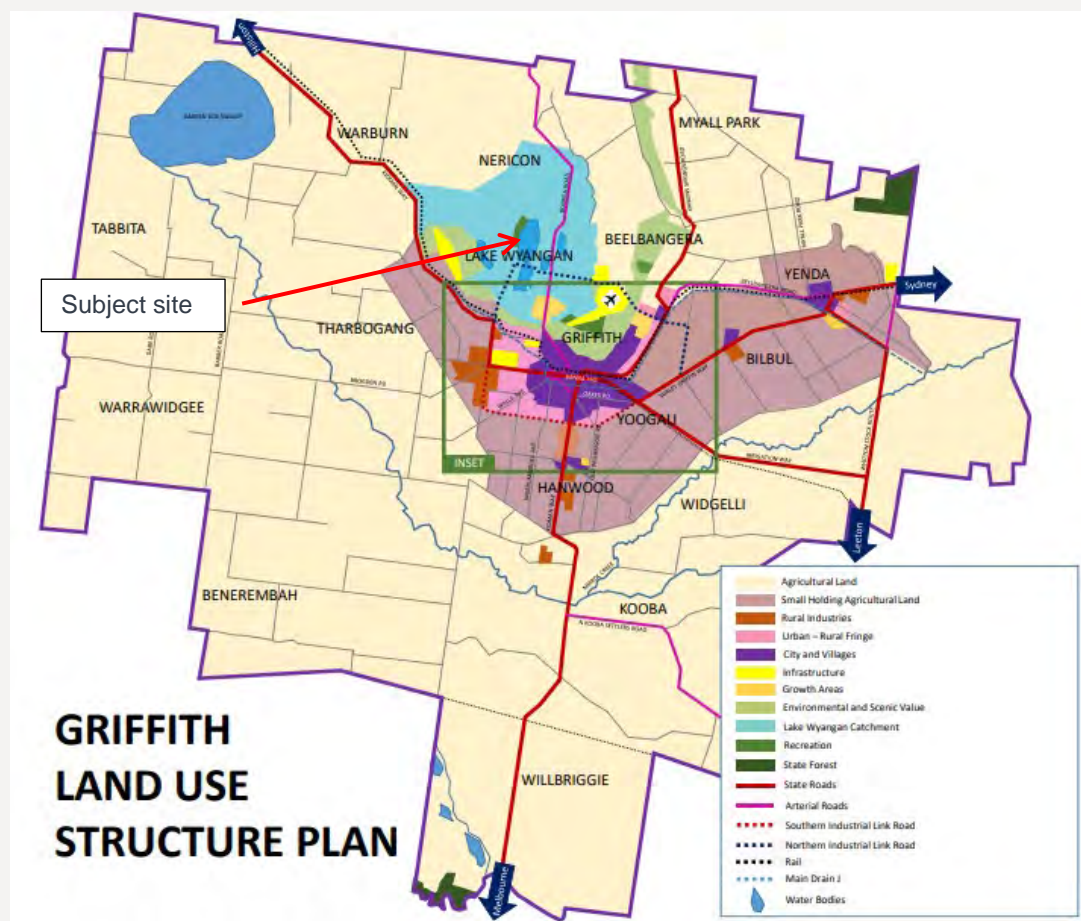


Figure 23 - Griffith Land Use Structure Plan

Furthermore, Planning Priority 11 of the LSPS is to “Enable Access to Diverse Housing Options” More specifically, Action 11.3 aims to ensure land is available for a range of residential development on varied lot sizes. This aligns with the proposal as it seeks to contribute to the availability and diversity of lot sizes.

4.5.5. Griffith Community Participation Plan

The Griffith Community Participation Plan (CPP) sets out when and how the community will be engaged regarding Council’s planning related functions. The CPP was designed to make public participation in planning clearer for the community, by identifying, how and when the community can participate in the planning system.

In accordance with the CPP, the proposed development will be placed on public exhibition under the requirements for subdivision of land for more than five (5) lots. As such, written notification will be provided and a notification period of 14 will be used.

4.5.6. Urban Design for Regional NSW

Urban Design for Regional NSW – A guide for creating healthy built environments in regional NSW has been prepared specifically for regional NSW. The guide recognises and celebrates the diversity of urban environments, natural landscapes, climates and communities that exist across this vast area. The guide also supports the object of the Environmental Planning and Assessment Act 1979 to ‘promote good design and amenity of the built environment’.

The guide also plays an important role in implementing the nine Regional Plans for NSW by responding to actions to prepare regional urban design guidelines for planning, designing and developing healthy built environments.

4.5.7. Riverina Murray Regional Plan 2036

The Riverina Murray Regional Plan 2036 provides a strategic to the Riverina Murray Region. This document describes the region as follows:

“The Riverina Murray is one of the most significant locations for freight and logistics in Australia, with major intermodals and corridors servicing the eastern seaboard of Australia. With access to the Port of Melbourne, the region’s producers have strong connections to export markets and will continue expand as the nation’s food bowl. More housing and a greater choice in housing throughout the Riverina Murray will give communities greater flexibility to accommodate an ageing population and seasonal workers.”

Griffith is identified as a ‘regional centre’. Regional centres aim to accommodate growth over the next 20 years and that “investment in major services, facilities and industrial activity will distribute the benefits of growth across all centres in the region.” The proposed subdivision supports this growth through increasing the supply of residential land and investment in the region.

5. Assessment of Environmental Impacts

This section of the SEE identifies potential impacts which may occur as a result of the proposed development and are relevant matters for the consideration of the DA under Section 4.15(1)(b) to (e) of the EP&A Act 1979.

These impacts and mitigating measures have been identified following comprehensive analysis of the site and the proposed plans.

The analysis and impact identification under this section is informed by:

- Site analysis and visual inspection of the subject land and surrounding properties.
- Analysis of the proposed plans for development (provided attached for reference)
- Desktop review of applicable Environmental Planning Instruments
- Consideration of the Councils Development Plans and Policies including the DCP
- Assessment of relevant strategic planning documents.
- Consultation with Council and other authorities

Table 2 – Assessment of impacts Summary

Impact	Impact Identification	Response
Context & setting	<p>Anticipated</p> <p>Inspection of aerial imagery</p>	<p>The proposal is to be established on a vacant parcel of land located within a distinctive R5-zoned large lot area. The proposed subdivision will simply release more residential land of a scale and density that is typical of the area. It is considered a positive impact on Griffith through low density residential development on land preferred for this type of use and zoned accordingly (R5). Its development will have a positive effect of accommodating population growth for Griffith. The development is also considered a positive outcome as it seeks to recommence a previously stalled development.</p> <p>In addition, the development seeks to provide a logical extension of Lakeside Estate through providing a new stage, with an integrated circulating internal road network. The site is presently undergoing civil construction works that will release lots within the southern portion of the site, and approval is now sought to develop the remaining undeveloped northern portion of the site. Specifically, the proposal is located on land identified in Griffith Land Use Strategy – Beyond 2030 as preferred for low density residential development and the development achieves the 3,000m² minimum lot size of the GLEP.</p> <p>The loss of 'rural character' is a perceived issue in greenfield growth areas; however, as surrounding parcels are mostly used for residential parcels in an area where reticulated sewer and water is available, it is considered to be within an emerging low density residential area rather than a place of rural character. An assessment of the suitability of the subject land for low density residential development has previously been undertaken when it was rezoned from rural to rural residential in 2000 and has continued in the R5 zone in the 2014 GLEP.</p> <p>In summary, the latest stage of the subdivision proposed by this application will have similar lot sizes and road layouts as the balance of the site and is therefore consistent with the context and setting of the area.</p>

Impact	Impact Identification	Response
Access, Traffic & Parking	<p>Analysis of plans and supporting details.</p> <p>Review and consultation with Council and relevant service authorities</p>	<p>The proposed development seeks an expansion of the previously approved residential subdivision, known as Lakeside Estate.</p> <p>Whilst it is acknowledged that the proposed subdivision does have the potential to increase traffic volumes on Jones Road to the north and South Lake Drive, there is considered to be ample capacity within the existing road network. This has been confirmed by a previous Traffic Impact Assessment (TIA) prepared for the site in support of a very similar subdivision layout.</p> <p>All new lots have been designed to connect with the internal road network associated with the estate including South Lake Drive and the proposed internal road networks rather than directly accessing onto the adjoining Jones Road to the north. It is noted however that a new intersection with Jones Road is proposed as part of the subject application.</p> <p>The TIA report prepared for the site notes that sight distances are adequate for the Jones Road and that the proposed T-junction will provide adequate facilities for the low volumes of turning traffic and will have minimal impact on the operations of Jones Road. Specifically, the TIA determined that 'BAR and BAL treatments at the intersection are not required because of the low traffic volumes and the traffic peaks occurring outside of normal residential AM and PM...'</p> <p>Having regard to the recommendations of the previously prepared TIA, the proposed subdivision is considered appropriate in that traffic loads are not deemed significant and the intersection treatments are appropriate. Furthermore, in recognition of the fact that proposed Lots 101-123 have dual frontage to the internal road network ('Street A') and adjoining higher order Jones Road and to avoid potential traffic conflicts, a restriction will be placed on these lots preventing direct access onto this higher order roadway.</p> <p>Lastly, car parking can be easily accommodated on each proposed lot. They are low density sites expected to only be developed with single dwelling housing. As such, parking to meet the requirements of each dwelling can be easily accommodated in the future.</p>

Impact	Impact Identification	Response
Infrastructure	<p>Analysis of plans and supporting details.</p> <p>Review and consultation with Council and relevant service authorities.</p> <p>Review of report titled <i>Impact of Pelican Shores Development on Campbells Swamp</i></p>	<p>Potential detrimental impact on Campbell's Swamp through changes to inflows (particularly in summer) brought about by urbanisation of land in the catchment (including the subject land).</p> <p>The Campbells Swamp Report concludes that a 20ML environmental flow be dedicated for the swamp in summer on an 'as required' basis to replace/supplement the loss of irrigation water inputs previously associated with land use in the catchment. Following preparation of a Plan of Management for the swamp, occasional additional inflows may be desirable in the autumn and winter to sustain bird habitat. The report notes that the subject land represents just 8.6% of the swamp's catchment.</p> <p>The Preliminary Stormwater Management Plan addresses the collection, transfer, treatment and discharge of stormwater from the site. The stormwater system will be designed in accordance with Part 3 of Councils' Engineering Guidelines for Subdivision and to Council's satisfaction.</p>
Heritage	Review of Heritage Items & Conservation Areas in the LEP	There are no heritage items or heritage conservation areas in the immediate surrounds.
Cultural Heritage	<p>Search of NSW AHIMS database for registered cultural heritage items.</p> <p>Consideration of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, Department of Environment, Climate Change and Water NSW, 2010</p> <p>Review of <i>Aboriginal Cultural Heritage Assessment Report</i> prepared by NGH Environmental, 2018 and Ozark 2022.</p>	<p>The archaeological investigation undertaken as part of previous reporting and further investigation provided by the Aboriginal Cultural Heritage Assessment identifies the impacts as the possible disturbance of known archaeological items in the lunette along the western boundary of the site. The proposed subdivision layout has incorporated the drainage reserve and a 'land swap' buffer to protect the identified area of increased archaeological significance and the lunette along the western boundary of the site from development.</p> <p>A further new Aboriginal Cultural Heritage Assessment has been prepared by Ozark and is included with this application (see Appendix B). This report concludes that the proposed subdivision is appropriate from a cultural heritage perspective, subject to the adoption of a number of mitigation and management measures. These include education of contractors prior to works commencing of the possibility of disturbing remains and the actions they must take if this occurs.</p> <p>In accordance with the relevant requirements an AHIP will be sought for the impact on the items which cannot be protected. Works will not commence until an AHIP is received.</p>

Impact	Impact Identification	Response
Land Resources	Review of <i>Griffith Land Use Strategy – Beyond 2030</i> .	There is potential loss of a land resource through the development of land for urban purposes. The subject land is zoned and preferred for low density residential development. In doing so, the potential and opportunity to exploit land resources is conceded.
Soils	Review of report titled <i>Review of Land Capability & Salinity Studies</i> (2016)	<p>Matters regarding soil conditions and contamination have been considered via the preparation of a Review of Land Capability and Salinity Studies by Aitken Rowe Testing Laboratories.</p> <p>This report concludes that “assessment completed targeted pesticides which given the previous land-use as agriculture is acceptable. The number of sampling points does not meet the minimum required for the area of land being investigated (per AS 4428.1). However given that all samples analysed did not register above the laboratory limits the risk associated with widespread significant pesticide contamination is considered extremely low to non-existent.”</p> <p>In regard to salinity, the review report concludes “previous reports completed for the Pelican Shores Estate development are comprehensive in identifying issues relating to salinity. There are a number of planning strategies that when implemented will ensure mitigation of the identified issues. There are some changes to the various standards from 2000 to now. These can, however be easily addressed using the original data.”</p> <p>It was concluded that the site was not contaminated.</p> <p>The review report does however recommend a number of management strategies including:</p> <ul style="list-style-type: none"> • avoiding over-watering public parks, sports fields, home gardens and lawns; • planting large native trees and shrubs in open spaces; • investigating the extent of leaking channels and pipes and implementing a pipe replacement program using corrosion resistant materials; • assessing the likelihood that current and proposed water storages, artificial lakes and drainage basins contribute to groundwater recharge, with strategies to minimise where possible; • ensuring that water drains away from infrastructure developments to avoid ponding;

Impact	Impact Identification	Response
		<ul style="list-style-type: none"> • <i>monitoring changes to water table levels and groundwater quality by installing piezometer ('monitoring bore') networks; and</i> • <i>encouraging residents to establish gardens with low water requirements.</i>
Air & microclimate	Anticipated	<p>There is the potential for dust to be generated during construction works. However, this is expected be short term and limited to this construction period. Once the subject land is fully developed with dwellings as there is likely to be less dust than the current vacant land.</p> <p>Construction standards and procedures for the subdivision will be similar to other development undertaken in the area and will be managed to prevent and reduce impacts to adjoining properties.</p> <p>It is likely that dust will be minimal and will be controlled where possible to ensure the amount of dust does not unreasonably impact on surrounding land.</p>
Flora & Fauna	Review of report titled <i>Review & Update of Flora & Fauna Assessment, Lakeside Drive, Griffith</i> (2016)	<p>The Flora and Fauna Study undertaken in 1999 and reconfirmed in 2016 by NGH concluded that “<i>given the generally degraded status of indigenous flora and fauna in the study area and present use and considering the requirements for development changes to the area may well enhance the natural flora and fauna values</i>”.</p> <p>The review report concluded that “<i>the information contained within the initial December 1999 Flora and Fauna Assessment Report and Biodiversity section of the initial EIA and found that conclusions reached within the document’s (sic) were consistent with what was found with this investigation.</i>” In addition “<i>the proposed development is unlikely to have a significant effect on any TSC Act listed threatened species, communities, populations and their habitats. Therefore, a Species Impact Statement is not required. Mitigation measures proposed should ameliorate potential impacts at the site.</i></p> <p><i>The proposed development is unlikely to have a significant effect on any EPBC Act listed biota and their habitats or other matters of National Environmental Significance. Therefore, a referral to the Commonwealth Environment Minister is not warranted.”</i></p>

Impact	Impact Identification	Response
		<p>Adoption of the 'safeguards' recommended in the review report including:</p> <ul style="list-style-type: none"> • <i>Clearing of native vegetation outside of the proposal site would be strictly avoided. Where native vegetation adjoins these areas, a physical barrier would be established (such as fencing) to prevent clearing beyond this extent.</i> • <i>The noxious weeds African Box Thorn and Aleppo Pine (should be controlled prior to the commencement of works according to Noxious and Environmental Weed Control Handbook (DPI (2015)).</i> • <i>Top soil within the proposal site is likely to contain a high load of weed seed. A top soil management plan would be prepared to manage the disposal or re-use of top soil from the site. The top soil management plan should consider factors such as appropriate disposal measures or treatments if the soil is to be re-used on or off the site. The use of top soil with a high weed seed load is not recommended as there is a high potential to re-establish or spread noxious weed species. As there is no other top soil available the developer intends to re-use that generated by construction. The Management Plan will address the destruction and control of weeds.</i> • <i>Establish a machinery hygiene plan to ensure vehicle and machinery is free of organic matter pre and post-site access.</i> • <i>Any trees removed from the site would be mulched with the mulch used on rehabilitation areas once reclaimed to help suppress weeds and assist with soil stabilisation.</i> • <i>A spill control plan would be established prior to the commencement of works to prevent chemicals or pollutants from having an adverse effect on the environment in particular, drainage lines and depressions and Lake Wyangan South.</i> • <i>An erosion and sediment control plan would be established prior to commencement of works to prevent sediments from mobilising off site.</i> • <i>Erosion control structures including some native plantings will be required to manage any bed and bank instability within drainage lines during construction.</i> • <i>Re-establish and increase the number of trees and shrubs lost during the development. This could occur within the development once works are complete.</i>

Impact	Impact Identification	Response
Waste	Anticipated	<p>Construction works for subdivision generate little waste. Any waste generated by construction works will be collected and disposed off-site.</p> <p>The future development of the proposed allotments will generate waste which would be reasonably expected from residential allotments. The site is serviced by kerbside waste collection services with future lots to have these services provided.</p> <p>Existing waste collection services are considered more than adequate to cater for the likely level of waste to be generated. With constant introduction of waste reduction methods at the Griffith landfill, the additional inputs from the subdivision are likely to have no effect.</p>
Noise	Review of report titled <i>Acoustical Assessment</i>	Matters regarding noise have been assessed and are considered acceptable in this instance as construction activities will be undertaken in accordance with relevant conditions of development consent. Whilst it is acknowledged that there may be some short term noise generation, this will only be for a finite period of time during construction.
Natural Hazards	<p>Review of NSW Bushfire Prone Land Map</p> <p>Review of <i>Lake Wyangan Floodplain Risk Management Study and Plan</i> (2013)</p>	<p>The subject land is not mapped as bush fire prone.</p> <p>A 2013 report identifies land along the southern and western boundaries of the subject land as being flood prone in a major flood event. In response, Council has recently approved a Construction Certificate associated with the existing consent to undertake earthworks on the subject land. Part of this involves the placement of fill on the flood prone areas to raise the ground level to 400mm above the 1 in 100 year flood level. This level is proposed as the Flood Planning Level (FPL) for the site. Therefore, the proposed raised ground level will negate the risk of flooding to all lots and future dwellings.</p>

Impact	Impact Identification	Response
Social & Economic	Anticipated	<p>There is a potential positive impact through the provision of higher standard low density housing in a location close to Griffith and places of employment. Another impact is through the additional population in Griffith that will contribute to a greater demand and support for community and commercial services.</p> <p>The development itself represents a substantial investment by the applicant in the residential development of Griffith generally. This represents the recent and expected positive conditions of the housing market for Lake Wyangan. Flow on effects to a variety of local contractors, services, trades, and the like would be expected given the long term period for the release and development of the subject land.</p>
The Public Interest	Anticipated	<p>The public interest is a broad consideration relating to many issues and is not limited to any one particular issue. Taking into account the full range of matters for consideration under Section 4.15C of the Environmental Planning and Assessment 1979 (as discussed within this report), it is considered that approval of the application is consistent with the public interest.</p> <p>The proposed subdivision of land in an orderly and economic way is in the public interest.</p>

6. Conclusion

The Development Application seeks consent for a 66 lot residential subdivision at land described as Lot 146 in DP1214737 and addressed as 146 South Lake Drive, Lake Wyangan.

The application seeks development consent under Part 4 of the EP&A Act and has been assessed against the provisions of Section 4.15(1) of the EP&A Act.

As demonstrated by the detailed assessment above, the proposal satisfies the intent of the provisions of the applicable EPIs and will result in a positive development outcome in terms of social, environmental, and economic impacts.

Having regard for the content of this report, the proposal deserves the support of Council because:

- it is consistent with the relevant environmental planning instruments and development control plan;
- it provides a high-quality urban development outcome, which will offer greater variety in residential lots in the Griffith market;
- it is consistent with the recommendations of Council's adopted strategic planning strategies and policies;
- it responds appropriately to the context of the site and the natural and physical constraints of the site; and
- it represents the preferred growth and development of Lake Wyangan; and
- all existing necessary urban infrastructure is available and can be upgraded and/or extended to serve the new development.

In light of the above considerations, it is our opinion that the proposal is appropriate from a planning point of view and is in the public interest. The proposed development warrants support by Council.

Appendix A: Proposed Plan of Subdivision

Appendix B: Aboriginal Cultural Heritage Assessment Report

Appendix C: Traffic Impact Assessment Report

Appendix D: Review of Land Capability Assessment

Appendix E: Review and Update of Flora & Fauna Assessment

Appendix F: Planning Compliance Tables

Table 3 - Compliance table for Griffith Subdivision Code – 4.0 Large Lot Residential Subdivision (adapted from Appendix 2 of the Griffith Residential DCP)

Standard	Compliance	Comment
4.0 Large Lot Residential Subdivision		
4.1 Lot size and layout		
a) The size of any lot subdivided must be in accordance with the relevant clauses in the GLEP.	Complies	The minimum lot size for the site is 3,000m ² as it is located within 'Area C' of the Lot Size Map and the site is connected to reticulated sewer. The proposed subdivision complies with this control as all lots are greater than 3,000m ² in size.
b) Proposed lots must be of a size and have a shape and dimensions to enable the siting of a dwelling and ancillary structures that: i. minimise impacts on adjoining properties including access to sunlight, privacy and views; ii. provide usable principal private open space; iii. provide vehicle access; and iv. protect or replace significant trees.	Complies	The proposed residential allotments achieve the requirements of this clause as it each lot is generally rectangular in shape and has sizes and dimensions that are capable of accommodating a future dwelling without adversely impacting adjoining neighbours of the environment. Furthermore, the proposed lots achieve generally a high degree of northern orientation and the land is largely devoid of environmental features and remnant trees that require protection. The proposed sizes and pattern forms a continuation of previous stages of the Lakeside Estate.

Standard	Compliance	Comment
<p>c) Larger lots should be provided</p> <ul style="list-style-type: none"> i. In the vicinity of intensive agriculture; ii. Fronting arterial roads; iii. Fronting railway lines; and iv. Where site conditions require larger areas for onsite detention or on-site waste disposal. 	Complies	As outlined above, all the proposed lots achieve the minimum lot size of the LEP. Furthermore, the development proposes slightly larger lots that back onto Jones Road and the site does not adjoin intensive agriculture or railway lines. Similarly, the development does not require the disposal of effluent on-site.
<p>d) Subdivision design should avoid using access to a public road via a right of carriageway or battle-axe lot. However, should a right of carriageway or battle-axe lot be deemed acceptable, the minimum width of the carriageway or access handle should be 8 m with a constructed driveway not less than 5 m wide.</p>	Complies	The subdivision does not propose the use of right of ways or battle-axe handles.

Standard					Compliance	Comment
e) Building envelopes must be established on subdivision plans with the following requirements:					Complies	All lots are between 3,000m ² and 1ha. Although there are no building envelopes shown on the plans, there is ample space within the lots to accommodate these setbacks and it is deemed to comply.
Setback	3,000m ² -1ha	1ha – 2ha	2ha +			
Front	7.5m	10m	15m			
Side	5m	10m	20m			
Rear	5m	10m	20m			
Arterial Road	20m	20m	20m			
f) Subdivision design should ensure that all the requirements in Section 7.0 of the Residential DCP can be catered for on each lot.					Complies	The proposed subdivision proposes a number of rectangular parcels that can easily accommodate the appropriate setbacks, landscaping, siting of dwellings and outbuildings, servicing, access and fencing. Future development can comply with these standards subject to future applications.
4.2 Roads						
a) Road networks (street length, intersection type, stagger and spacing) should be designed to control traffic speeds to appropriate limits.					Complies	The proposed subdivision allows frontage to a number of local streets within the internal road network. These will be constructed accordingly to restrict speeds. More specifically, the subdivision design avoids long ‘gun barrel’ roads and includes traffic calming devices such as roundabouts.

Standard	Compliance	Comment
<p>b) Design of roads should provide appropriate carriageway widths, street trees, lighting and adequate footpaths and cycleways:</p> <p>i. Footpaths and cycleways must be provided in accordance with the Griffith Pedestrian and Bicycle Strategy – 2018; and</p> <p>ii. Roads must be designed in accordance with Council’s Engineering Standards: Subdivision and Development (as amended).</p>	Complies	The roads and path network will be constructed to Council’s standards.
<p>c) Development Applications for large lot residential subdivisions should:</p> <p>i. Include cross sections of each type of road proposed in the hierarchy including required footpaths and cycleways.</p>	Complies	Detail for the roads is provided on the attached cross section plans.
<p>4.3 Utilities and Stormwater</p>		
<p>a) Large lot residential subdivisions must meet the requirements of Section 3.4 for the provision of essential services and 3.5 for the control of stormwater.</p>	Complies	All lots will be connected to reticulated infrastructure, ensuring access to essential services. The subdivision design also incorporates new stormwater infrastructure to integrate with the existing network, and provides a new drainage reserve.

Standard	Compliance	Comment
b) Individual onsite detention basins for lots with areas of 3000 m2 to 5000 m2 should be avoided.	Complies	The proposed lots are within this size range and do not include or require onsite detention basins.
c) Any communal raw water systems are to be designed and constructed to meet any requirements of Murrumbidgee Irrigation.	Not applicable	There is no proposed communal raw water system.
4.4 Management of Communal Facilities		
a) The proposed management structure for communal facilities or infrastructure, such as raw water dams, sewerage treatment systems, roads and common land associated with the subdivision must be described as part of the development application which could include a Community Title Association or a Neighbourhood Association.	Not applicable	There are no community facilities proposed.
b) A Management Plan for the ongoing management of the communal lands to the satisfaction of Council must be provided prior to the issue of a Subdivision Certificate.	Not applicable	As above.
4.5 Battle-axe Lots		

Standard	Compliance	Comment
a) Battle-axe shaped lots may only be permitted where it can be demonstrated that full street frontage for all lots is not achievable due to site constraints.	Not applicable	There are no proposed battle axe lots.
b) Only two battle-axe lots can share the same access handle.	Not applicable	As above.
c) Battle-axe lots must meet the following requirements: i. Single access handles must have a minimum width of 8 m and a maximum length of 50 m; ii. In calculating the area of a battle-axe lot, the area of the access handle is to be excluded; iii. Dual access handles must have a combined width of 10 m and a maximum length of 60 m; and iv. The access handle must be of a size to accommodate the location of all services including a water meter located 1 m from any driveway and the placement of garbage and recycling bins.	Not applicable	As above.
d) Battle-axe lots to facilitate a handle for the location of a water meter only are prohibited.	Not applicable	As above.
4.6 Bushfire Prone Land		

Standard	Compliance	Comment
<i>This section contains development controls applying to Development Applications for subdivisions involving land that is classified as bushfire prone on the Bushfire Prone land Map.</i>	Not applicable	The subject site is not classified as Bushfire Prone Land and this section therefore does not comply.
<i>a) A Bushfire Risk Assessment Report must be lodged together with the Statement of Environmental Effects in support of the Development Application on bushfire prone lands. The Bushfire Risk Assessment Report must be prepared by a suitably qualified and experienced bushfire consultant and address the developments consistency with RFS's Planning for Bushfire Protection Guidelines</i>	Not applicable	See above for further details.
<i>b) Bushfire protection measures are to be placed wholly within the development site. All proposed Asset Protection Zones are to be within the property to be subdivided and incorporated into affected lots. Asset Protection Zones will not be accepted on existing Council reserves, other public lands or in reserves proposed to be dedicated through the subdivision.</i>	Not applicable	See above for further details.
<i>c) Fire trails, if required, are not accepted on existing Council reserves proposed to be dedicated through the subdivision</i>	Not applicable	See above for further details.

Standard	Compliance	Comment
4.7 Contamination		
a) The Statement of Environmental Effects for subdivision to which this section relates should provide a history of the use of the site indicating whether there may have been any previous or current land uses that could have resulted in contamination of the site in accordance with Council's <i>Contaminated Land Management Policy</i> (EH_CP_203).	Complies	<p>As described in Section 4.1.1 of this report:</p> <p>The applicant of the previous subdivision associated with application 286/2016 commissioned the authors of the Land Capability Study for the subject land in 1999 to undertake a review of that report as part of this development application. This review concluded:</p> <p><i>The contamination assessment completed targeted pesticides which given the previous land-use as agriculture is acceptable. The number of sampling points does not meet the minimum required for the area of land being investigated (per AS 4428.1). However given that all samples analysed did not register above the laboratory limits the risk associated with widespread significant pesticide contamination is considered extremely low to non-existent.</i></p> <p>Consequently, the site is not known to be contaminated, nor is it expected to be at risk of contamination given its historical use and surrounding context.</p>
b) If there is a possibility the site could be contaminated from past uses, the development application must address the requirements of State Environmental Planning Policy 55 - Remediation of Land, Managing Land Contamination Planning Guidelines – Department of Urban Planning / Environment Protection Authority (as amended or replaced) and Council's <i>Contaminated Land Management Policy</i> (EH_CP_203).	Not applicable	See above for further details.

Standard	Compliance	Comment
4.8 Salinity		
<i>'Where salinity is present on the site, is known to occur in the locality, or has been mapped in the GLEP as prone to salinity the following controls apply:...'</i>	Not applicable	The subject land is not identified as being prone to salinity nor is it identified as being mapped in the GLEP as prone to salinity.
<p>a) A Management Plan must be provided with the development application which:</p> <ul style="list-style-type: none"> i. Provides mechanisms to maintain groundwater levels that will not adversely influence future building structures and shall provide guidelines for future landowners for on-site water and vegetation management (reference should be made to Council's Waterwise Guidelines); ii. Identifies how Infrastructure materials and construction methods will suit the soils on the site; iii. Addresses issues consistent with the NSW Salinity Strategy; and iv. Provides a plan of areas of on the site known to have excessive salinity and ensures building envelopes are located outside these areas. 	Not applicable	See above for further details.