

# Statement of Environmental Effects

134 Hendy Road Buronga

April 2025

environmental, planning & development consultants

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## Introduction

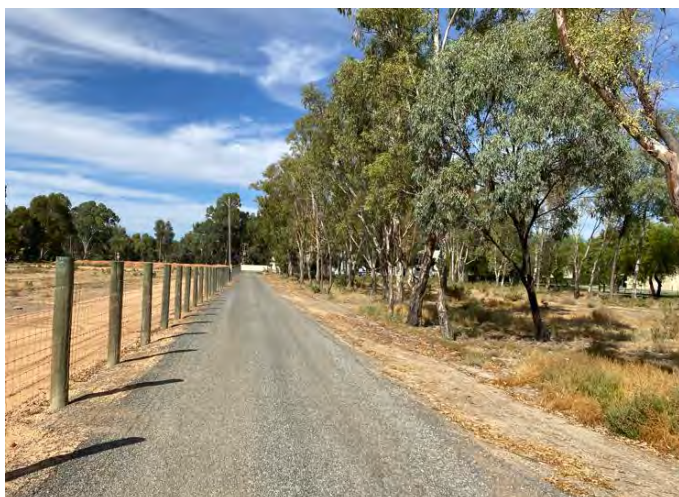
This Statement of Environmental Effects (SEE) has been prepared to seek consent for a two-lot subdivision of land at 134 Hendy Road, Buronga, legally described as Lot 54 DP 756946.

This SEE addresses all relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*. This application is prepared in accordance and consistent with the contents of:

- ♦ State Environmental Planning Policies (SEPPs)
- ♦ Wentworth Local Environmental Plan (WLEP)
- ♦ Wentworth Development Control Plan (WDCP) 2011

The supporting documentation accompanying this SEE includes:

- ♦ Plan of proposed subdivision prepared by Dolphie Building Design and Project Management
- ♦ AHIMS search
- ♦ Certificate of title and Deposited Plan of the land



**Figure 1** Subject land view south



## Proposal

Development approval is sought for the subdivision of land into two lots for residential use. The land is developed with an existing dwelling and an associated outbuilding and currently has an area of 9,945 square metres. The two-lot subdivision proposes the lot configuration outlined in table 1 and Figure 2 below.

**Table 1** Proposed lot configuration

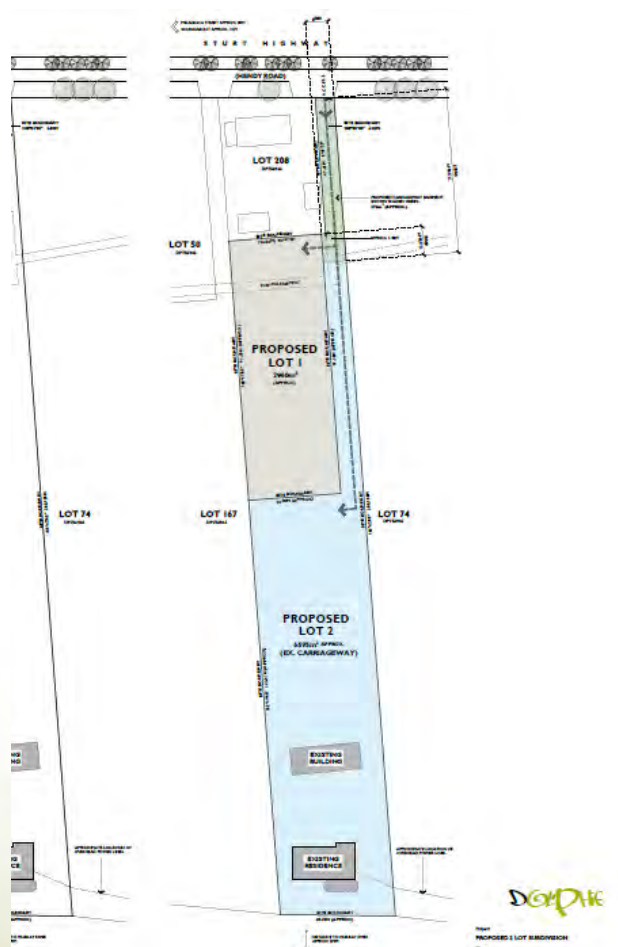
Lot	Area (m <sup>2</sup> )	Land use
Lot 1	2,960	Vacant land
Lot 2	6,595	Existing dwelling and outbuilding

The proposed lot configuration utilises the existing access from Hendy Road with a width of 6.02 metres. The access is to widen to 8.0 metres beyond the adjacent lot (208/DP756946). The access is to be retained on proposed Lot 2 with the creation of a carriageway easement to provide access to proposed Lot 1. The carriageway easement is to terminate approximately 57.5m from the existing front boundary.

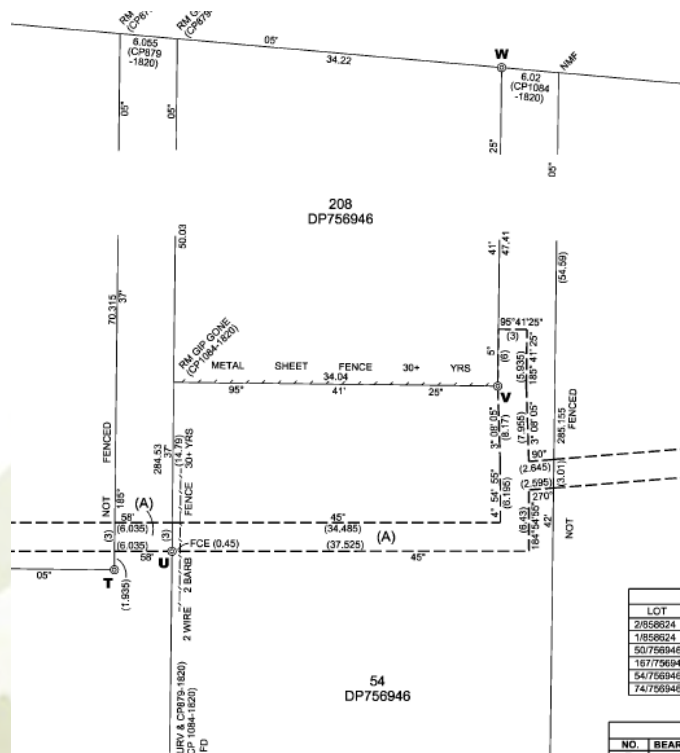
The proposed boundary is to be located 91m from the existing buildings toward the rear of the land.

## Easements

An easement with a width of 3 metres is located toward the north of the lot in both an east to west and a north to south direction. The easement provides for sewer pipeline. The easement will remain unaffected as a result of the proposed subdivision.



**Figure 2** Proposed lot configuration



**Figure 3** Existing easement to be unaffected

## Planning controls

### Environmental Planning and Assessment Act 1979

The statutory process under the Environmental Planning and Assessment Act, 1979 requires an evaluation in accordance with the provisions of Section 4.15. The matters for consideration include:

- a) *The provisions of:*
  - i. *any environmental planning instrument, and*
  - ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - iii. *any development control plan, and*
  - iv. *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*
  - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*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.*

Responses to the relevant matters are outlined in the planning assessment below.

### Relevant State Environmental Planning Policies (SEPPs)

#### SEPP (Biodiversity and Conservation) 2021

Chapter 5 - River Murray lands of the SEPP (Biodiversity and Conservation) 2021 aims to conserve and enhance the riverine environment of the River Murray for the benefit of all users.

The objectives of the Chapter are:

- (a) *to ensure that appropriate consideration is given to development with the potential to adversely affect the riverine environment of the River Murray, and*
- (b) *to establish a consistent and co-ordinated approach to environmental planning and assessment along the River Murray, and*
- (c) *to conserve and promote the better management of the natural and cultural heritage values of the riverine environment of the River Murray.*

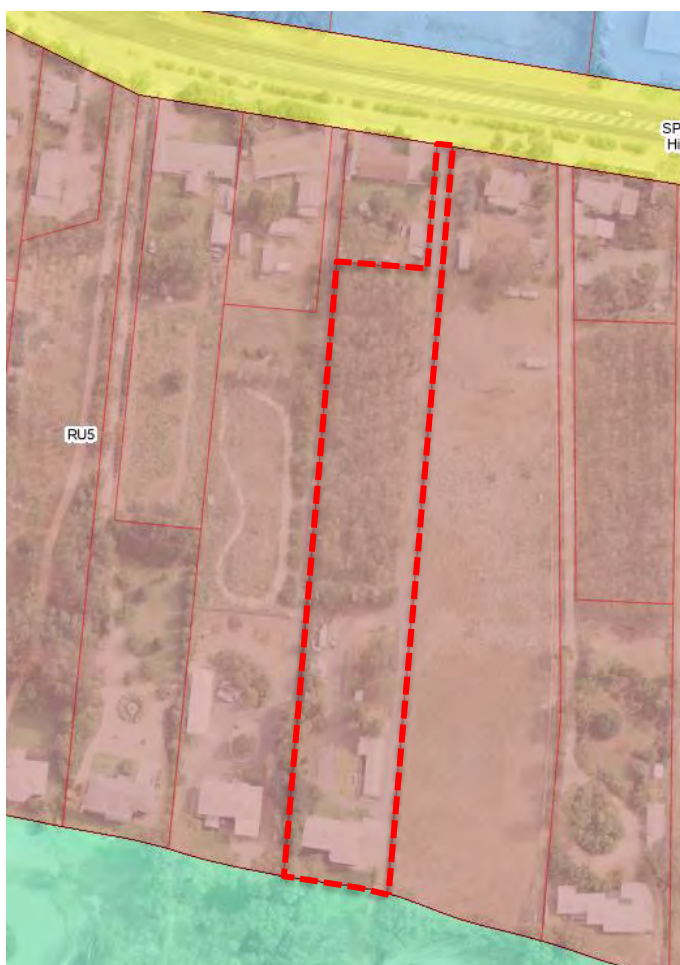
As per Clause 5.3 of Part 5.1, the Chapter applies to the riverine land of the River Murray within the areas of Wentworth.

Part 5.2 of the Chapter outlines general and specific principles that must be considered when a consent authority determines a development application. Responses to the relevant matters are outlined in the planning assessment below.

### Relevant provisions of LEP

#### Zone RU5 Village

In accordance with the WLEP zoning maps the land is contained within Zone RU5 – Village.



**Figure 4** Zone map

**Objectives:**

- ♦ To provide for a range of land uses, services and facilities that are associated with a rural village.
- ♦ To promote development in existing towns and villages in a manner that is compatible with their urban function.
- ♦ To encourage well-serviced sustainable development.
- ♦ To ensure there are opportunities for economic development.
- ♦ To deliver new residential and employment growth in Buronga and Gol Gol.
- ♦ To ensure business and retail land uses are grouped within and around existing activity centres.

**Clause 2.6 Subdivision – consent requirements**

The clause provides the following in relation to consent requirements:

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

The Plan applies to the subject land and therefore development consent is required to subdivide the land.

**Clause 4.1 Minimum subdivision lot size**

In accordance with the WLEP Lot Size Map, there is no minimum lot size for the subject land.



**Figure 5** Lot Size Map



### Clause 5.21 Flood planning

In accordance with the WLEP mapping the entirety of the land is affected by the flood planning map.



**Figure 6** Flood planning mapping

Objectives:

- ♦ *To minimise the flood risk to life and property associated with the use of land,*
- ♦ *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,*
- ♦ *To avoid adverse or cumulative impacts on flood behaviour and the environment,*
- ♦ *To enable the safe occupation and efficient evacuation of people in the event of a flood.*

An assessment of the relevant matters is outlined in the planning assessment below.

### Clause 7.1 Earthworks

The objective of the clause is:

- ♦ *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.*
- ♦ *To allow earthworks of a minor nature without requiring separate development consent.*

The clause allows for any minor earthworks that may be required during subdivision for the installation of infrastructure to be considered as part of a development application for subdivision.

### Clause 7.2 Essential services

The clause requires consideration of the following services and whether they are available or whether adequate arrangements have been made to make them available when required-

- ♦ *the supply of water,*
- ♦ *the supply of electricity,*
- ♦ *the disposal and management of sewage,*
- ♦ *stormwater drainage or on-site conservation,*
- ♦ *suitable road access.*

An assessment of the relevant matters is outlined in the planning assessment below.

### 7.4 Terrestrial biodiversity

A small area to the south of the subject land is affected by the terrestrial biodiversity mapping.





**Figure 7** Terrestrial biodiversity map

**Objectives:**

- ♦ *Protecting native fauna and flora, and*
- ♦ *Protecting the ecological processes necessary for their continued existence, and*
- ♦ *Encouraging the conservation and recovery of native fauna and flora and their habitats.*

An assessment of the relevant matters is outlined in the planning assessment below.

### 7.5 Wetlands

A small area to the south of the subject land is affected by the wetlands map.



**Figure 8** Wetlands map

**Objective:**

- ♦ *To ensure that natural wetlands are preserved and protected from the impacts of development.*

An assessment of the relevant matters is outlined in the planning assessment below.

### 7.6 Development on river front areas

**Objectives:**

- ♦ *To support natural riverine processes, including the migration of the Murray River's channels.*
- ♦ *To protect and improve the bed and bank stability of the Murray River.*

- ♦ *To maintain and improve the water quality of the Murray River.*
- ♦ *To protect the amenity, scenic landscape values and cultural heritage of the Murray River and to protect public access to its riverine corridors.*
- ♦ *To conserve and protect the riverine corridors of the Murray River, including wildlife habitat.*

An assessment of the relevant matters is outlined in the planning assessment below.

## Wentworth Development Control Plan 2011

The Wentworth Development Control Plan (WDCP) provides a number of development controls to encourage quality urban design, a high level of residential amenity and a sustainable approach to development. The WDCP supplements the WLEP by providing detailed reasoning, guidelines and controls relating to the decision-making process.

### Chapter 2

#### 2. Locality Objectives – Buronga and Gol Gol

Within subsection 2.1, the vision statement for Buronga and Gol Gol reads:

*“To encourage balanced development for the Buronga and Gol Gol area, ensuring appropriate infrastructure for a thriving and vibrant community with a rural and village lifestyle and conserving our environmental resources through:*

- *Building a better community for our people;*
- *Ensuring infrastructure is available for the future;*
- *Economic development; and*
- *Encouraging balanced development and conserve our natural resources.”*

### Chapter 3 – General Development Controls

#### 4. Flood Affected Land

The DCP aims to minimise the impacts of flooding on development within the flood planning area of Buronga and Gol Gol. The DCP requires consideration of the extent of cut and fill, earthworks mounds, and ground disposal of effluent and sillage where required.

#### 5. Vehicular access and parking

The DCP aims to ensure vehicular and pedestrian safety and to encourage access design to form part of the overall landscape design.

### Chapter 4 – Residential Development Controls

#### 4.1.15 Car parking and vehicle access

The DCP requires driveway access to be constructed in accordance with Wentworth Shire Council's minimum standard for driveway gradients. Maneuvering areas are to be constructed in accordance with the requirements of Australian Standard 2890.1. Driveways from the edge of the road to the front property boundary are to be constructed in plain concrete with no colour or stenciling to the full width of 3m maximum.

### Other Development Controls

#### 5.2 Subdivision

Among the controls related to subdivision and relevant to this application are the following:

- ♦ *Lots should be designed to maximise useable areas of the site and have regard for the topography.*
- ♦ *Subdivision design should provide opportunity for the retention of significant landscape features including remnant vegetation, rocky outcrops, water elements, appropriate location of boundary lines and building envelopes.*
- ♦ *Each lot shall contain a development site that can accommodate a dwelling house, private open space, and effluent disposal area and vehicle access in a way that is consistent with the constraints identified on site (e.g bushfire, flood hazard, steep slopes and significant vegetation).*

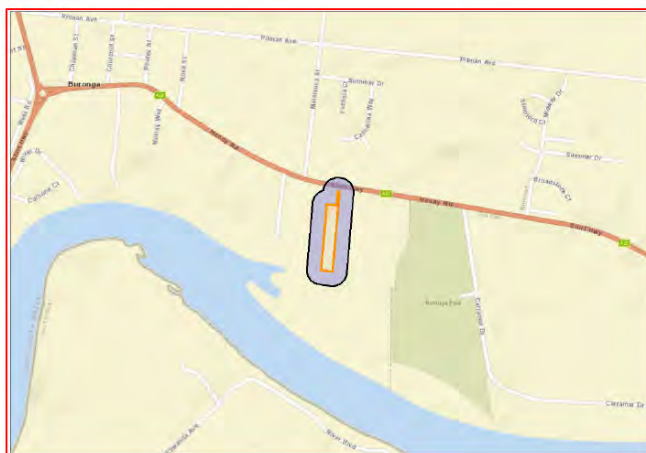


## Aboriginal cultural heritage

All Aboriginal cultural heritage is protected by the *NSW National Parks and Wildlife Act, 1974* (the Act). Responsibility rests with the proponent of development to demonstrate that due care and diligence have been taken to identify and avoid impacts on archaeological sites through construction works.

*Division 1 of Part 6 - Aboriginal Objects and Aboriginal Places*, of the Act provides defences to a prosecution for an offence. Item (2) of Section 87 includes whether the defendant has exercised due diligence to determine whether the act or omission constituting the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW), provides an outline of due diligence measures to determine whether an Aboriginal Heritage Impact Permit (AHIP) is required. A search of the *Aboriginal Heritage Information Management System* (AHIMS) has been undertaken which confirms that there are no Aboriginal sites or places within a 50m radius of the subject land (see Figure 9 and the attached AHIMS report). Additionally, the subject land is not identified within the Wentworth LEP heritage map.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

**Figure 9** AHIMS search





## Site and surrounding area

### Subject site

The subject land is located in a relatively developed residential area toward the eastern periphery of Buronga.

The irregular shaped lot has a total area of 9,945m<sup>2</sup> with a road frontage to a service lane of Hendy Road for a distance of 6.02m and a maximum depth of 285.155m. The rear of the lot is located approximately 260m to the north of the Murray River with public reserve between the subject land and the river.

The lot contains an existing dwelling and an outbuilding toward the rear of the lot. The primary access from Hendy Road runs along the eastern boundary to the dwelling at the rear. The existing domestic area is fenced with an informal domestic storage area to the direct north of the fenced area. Further north is undeveloped land with scattered canopy trees concentrated along the western boundary and the driveway.

The lot is currently accessed from an existing crossover at Hendy Road leading to a narrow driveway with a battle-axe configuration along the abutting lot to the west (208/DP756946). Electricity infrastructure including power poles and a powerline are located along the eastern boundary with additional infrastructure toward the rear of the lot directed to the east. The lot has a mild downslope from north to south.

### Easements

The title plan includes a 3m wide easement for sewer pipeline running in an east to west and a north to south direction toward the north of the lot.



**Figure 10** Aerial image of subject land



**Figure 11** Existing access and infrastructure view north





**Figure 12** Existing access view south



**Figure 15** Existing outbuilding and fencing toward south



**Figure 13** Existing access toward south



**Figure 16** Existing dwelling toward south



**Figure 14** Central undeveloped land



**Figure 17** Land beyond south boundary



## Locality

The land is located within an area of predominantly low-density residential development to the east and west with the Murray River to the south and Hendy Road/Sturt Highway to the north. The area to the west has been experiencing change with the emergence of a number of battle-axe lots allowing for infill development between the highway and the river. The emerging lots consist of areas ranging from approximately 330m<sup>2</sup> to approximately 7,700m<sup>2</sup>. While a number of additional lots have been created, the area remains typically developed at the highway frontage and the river frontage.

The northern most boundary fronts a service road to Hendy Road/Sturt Highway. North of the highway, land is zoned for commercial purposes with vacant land directly north and a service station and the midway centre to the east.

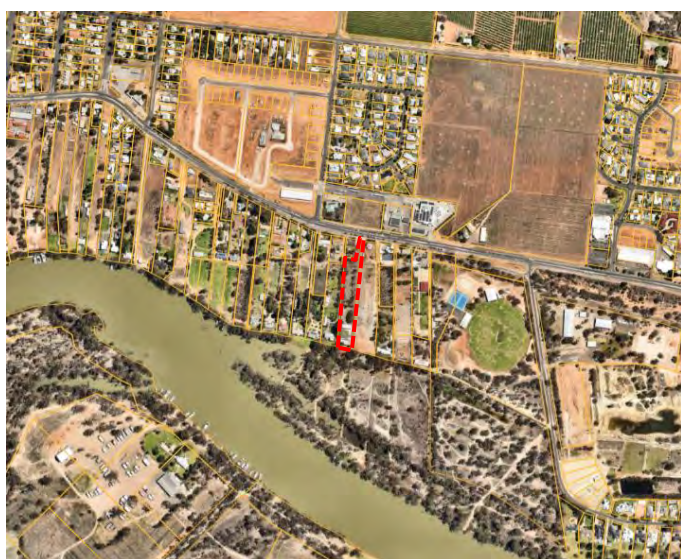
Further north, land is developed for residential purposes with land to the north-west undergoing transition from farmland to urban development. The area is expected to be further developed for residential purposes in the future.



**Figure 19** Hendy Road/Sturt Highway service road west



**Figure 20** Hendy Road/Sturt Highway service road east



**Figure 18** Aerial image of locality



**Figure 21** Dwelling on abutting lot to west



## Planning assessment

### Environmental Planning and Assessment Act 1979

In response to the provisions of Section 4.15, the following is provided:

- ♦ An assessment against the relevant environmental planning instruments has been provided below.
- ♦ At the time of this submission, no proposed instrument that is or has been the subject of public consultation under the Act or that has been notified to the consent authority has been identified.
- ♦ Responses to the relevant provisions of the Wentworth Development Control Plan are provided below.
- ♦ There has not been a planning agreement entered into or a draft agreement offered under section 7.4 of the Act.
- ♦ No regulations applying to the land to which the application relates have been identified.
- ♦ The proposed subdivision is unlikely to result in environmental impacts due to the existing development in the surrounding area. The proposed subdivision will result in the creation of one additional lot. While the additional lot will increase the availability of residential land contributing to a positive social and economic impact, it is unlikely to have a significant impact upon the surrounding built environment due to the generous lot sizes proposed.
- ♦ The site is considered suitable for the proposed subdivision as the large lot area allows for in-fill development in-line with the surrounding area.

### SEPP (Biodiversity and Conservation) 2021

Clause 5.9 of Part 5.2 of Chapter 5 of the SEPP (Biodiversity and Conservation) outlines specific principles that must be considered when determining a development application. The following includes responses to the principles considered relevant to this application.

#### Access

The subject land is setback from the foreshore of the River Murray. As there is currently no public access to the

Murray River from the subject land, the proposed subdivision will not cause additional obstruction or alienation of the Murray River.

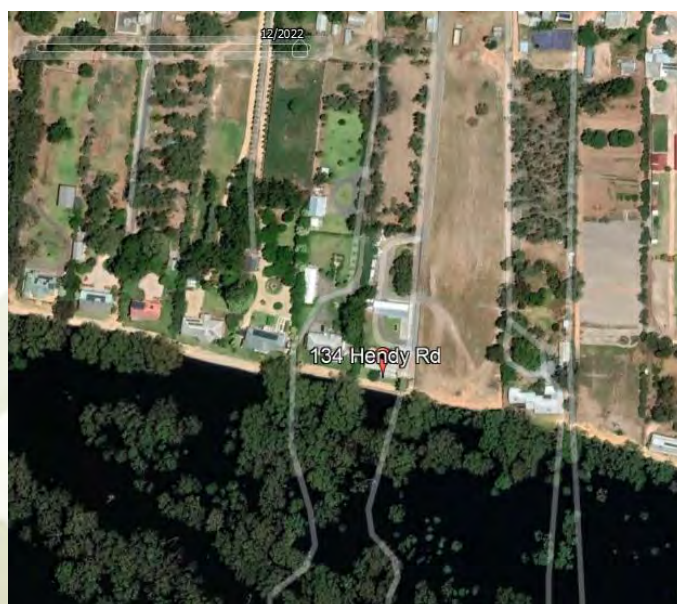
#### Bank disturbance

While in proximity, the subject land is not located on the River Murray with no disturbance to the bank or riparian vegetation expected as a result of the proposed subdivision.

#### Flooding

While the subject land is identified as being subject to inundation by floodwater, the proposed subdivision is within a developed area with numerous examples of similar in-fill development occurring in proximity of the subject land. Given the topography of the land and the nearby existing development, it is unlikely that the proposed subdivision will have a significant effect on the redistribution of floodwater or result in pollution to floodwater. The subject land provides a well-constructed and efficient internal access directly to the Sturt Highway allowing for essential facilities and services.

Aerial imagery below (refer figure 22), indicates that the subject land and the surrounding area was not significantly affected during the recent flood event of November-December 2022.



**Figure 22** Subject land during 2022 flood event

### Land degradation

While in proximity, the subject land is not located on the River Murray with no land degradation through erosion, native vegetation decline, pollution of ground or surface water, groundwater accession, salinity or soil acidity, or adverse effects on the quality of terrestrial and aquatic habitats due to the previous disturbance and the absence of bank and waterway disturbance.

### Landscape

As the location of the proposed subdivision is well setback from the riverbank and due to their being no buildings and/or works proposal, no riverbank vegetation will be impacted with no impact on the stability of the riverbank to occur.

### River related uses

The proposed subdivision is well set-back from the River Murray.

### Settlement

The proposed subdivision will cater for in-fill development in an existing developed area that is close to services and facilities.

### Water quality

The water quality of the River Murray is unlikely to be impacted by the proposed subdivision as no pollution caused by salts or nutrients are to occur as a result of the subdivision.

### Wetlands

A portion of the subject land to the south is affected by the wetlands map. This area is developed with no additional impacts to the mapped area to result from the proposed subdivision.

## Wentworth LEP

### Zone

The proposed subdivision aligns with the objective and character of the Zone RU5 – Village by contributing to the range of land uses associated with a rural village, promoting development that is reflective of the surrounding and nearby character in a well-served area, and contributing additional land to allow for new residential development in Buronga.

### Clause 4.1 Minimum subdivision size

The subject land is not prescribed a minimum lot size with significant variation in lot sizes in the surrounding area.

### 5.21 Flood planning

As outlined above, the subject land is within a developed area adjacent to the Sturt Highway and the flood risk to life and property is considered minimal. It is considered that the proposed subdivision will provide an allotment that is able to be developed in a manner that is compatible with historic flood function of the Murray River while ensuring the safe occupation and efficient evacuation of people should the need arise.

### 7.1 Earthworks

Given the existing infrastructure at the subject land, any required earthworks for additional infrastructure are expected to be minimal and are unlikely to impact upon existing drainage patterns or soil stability. No fill will be required to facilitate the proposed subdivision.

### 7.2 Essential services

As the land is within a developed area, all services are in proximity with connection available to the proposed lot. Access to proposed Lot 1 is to be provided via a carriageway easement over proposed Lot 2.

### 7.4 Terrestrial biodiversity

The area of the subject land affected by the terrestrial biodiversity map is limited to a small portion to the south. The affected area is developed with an existing dwelling. No additional development is proposed within the affected area and therefore no impacts to the vegetation, habitat, ecological value or biodiversity is expected as a result of the proposed subdivision.

### 7.5 Wetlands

The area of the subject land affected by the wetlands map is limited to a small portion to the south. The affected area is developed with an existing dwelling. No additional development is proposed within the affected area and therefore no impacts to native flora or fauna, habitats or surface or groundwater are expected.

### 7.6 Development on river front areas

No additional development is proposed in proximity to the Murray River. The proposed subdivision is to create an additional lot to the north of the existing development with any impacts on the Murray River unlikely due to generous setbacks, existing development and existing vegetation.

### **Wentworth Development Control Plan 2011**

The proposal aligns with the relevant provisions of the Wentworth Development Control Plan (WDCP) by contributing to the prosperity of Buronga while minimising environmental impacts and hazard risk.

Access to the proposed lots will continue to utilise the existing crossover with the proposed carriageway easement allowing for access to proposed Lot 1 and continued access to proposed Lot 2 with no alterations to the service road required. All vehicles will be able to enter and exit in a forward manner with only a marginal future increase in vehicle movements expected upon development of the additional lot.

Given the proximate availability of existing services, earthworks for new installations will be limited. The existing vegetation will be largely unaffected with large areas of cleared land available for future development.

The location of the proposed subdivision is moderately developed in the surrounding area and is unlikely to be significantly affected by flooding.





## Conclusion

It is considered that the proposed subdivision responds appropriately to the subject land and locality and is consistent with the relevant controls and provisions.

The proposal is considered appropriate for the site for the following reasons:

- ♦ The proposal is generally consistent with the Wentworth LEP and DCP.
- ♦ The proposal is consistent with State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- ♦ The proposal supports in-fill development within a moderately developed area close to services.
- ♦ The proposal will result in limited impact on existing built form, road network or natural features in the area.



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MELALEUCA STREET APPROX. 80M  
ROUNDBABOUT APPROX. 1KM

STURT HIGHWAY

(HENDY ROAD)

ACCESS

SITE BOUNDARY  
280°05'05" 6.02M

SITE BOUNDARY  
47.41M 5°41'25"

LOT 208  
DP756946

SITE BOUNDARY  
34.04M 95°41'25"

EXISTING EASEMENT

LOT 50  
DP756946

LOT 167  
DP756946

SITE BOUNDARY  
185°37'05" 284.53M

LOT 54  
9945m<sup>2</sup>  
(APPROX)  
DP756946

SITE BOUNDARY  
185°42'05" 285.153M

LOT 74  
DP756946

EXISTING BUILDING

EXISTING RESIDENCE

APPROXIMATE LOCATION OF  
OVERHEAD POWER LINES.

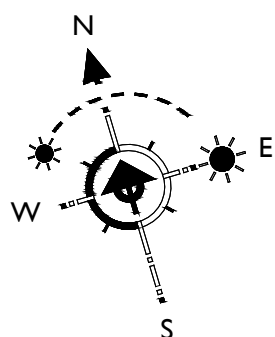
SITE BOUNDARY  
40.33M (APPROX)

DISTANCE TO MURRAY RIVER  
APPROX 270M

MURRAY RIVER

0 5 10 15 20 25M

(EXISTING)  
SITE PLAN  
SCALE 1:500



MELALEUCA STREET APPROX. 80M  
ROUNDBABOUT APPROX. 1KM

STURT HIGHWAY

(HENDY ROAD)

ACCESS

SITE BOUNDARY  
280°05'05" 6.02M

SITE BOUNDARY  
47.41M 5°41'25"

LOT 208  
DP756946

SITE BOUNDARY  
(34.04M) 95°41'25"

EXISTING EASEMENT

PROPOSED CARRIAGEWAY EASEMENT  
SHOWN SHADED GREEN.  
375m<sup>2</sup> (APPROX.)

APPROX. 1.98M

APPROX. 10000

LOT 50  
DP756946

LOT 167  
DP756946

SITE BOUNDARY  
185°37'05" 91.30M (APPROX)

PROPOSED LOT 1  
2960m<sup>2</sup>  
(APPROX)

SITE BOUNDARY  
91.30M (APPROX)

SITE BOUNDARY  
32.00M (APPROX)

SITE BOUNDARY  
185°42'05" 285.153M

LOT 74  
DP756946

EXISTING BUILDING

EXISTING RESIDENCE

APPROXIMATE LOCATION OF  
OVERHEAD POWER LINES.

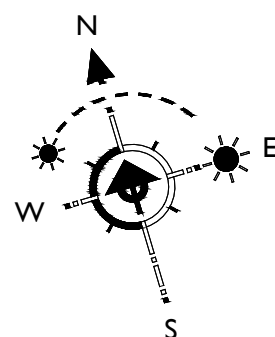
SITE BOUNDARY  
40.33M (APPROX)

DISTANCE TO MURRAY RIVER  
APPROX 270M

MURRAY RIVER

0 5 10 15 20 25M

(PROPOSED)  
SUBDIVISION PLAN  
SCALE 1:500



NOTE:  
DIMENSIONS AND AREAS SHOWN ON THIS PLAN ARE NOT THE RESULT OF SURVEY AND ARE APPROXIMATE ONLY.

ISSUED FOR  
CLIENT REVIEW

DOLPHIE

Project:  
**PROPOSED 2 LOT SUBDIVISION**  
Client:  
**A.JAMES**  
Location:  
**134 HENDY ROAD, BURONGA, NSW 2739**

Project No: 24/25-022  
Drawing No: SP-01  
Drawing: EXISTING & PROPOSED SUBDIVISION PLANS  
Date: 7 APRIL 2025  
Scale: AS SHOWN (at A1)  
Sheet Size: A1

BUILDING DESIGN AND PROJECT MANAGEMENT  
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Contractor shall verify all dimensions on site and report any discrepancies to the Building Designer.  
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