



Diverse Project Solutions
7 Adele Street
Yass NSW 2582
Postal PO Box 5 Yass NSW 2582


Telephone 02 6226 3322
Email info@dpsyass.com.au
www.dpsyass.com.au

STATEMENT OF ENVIRONMENTAL EFFECTS

PREPARED BY:

**DPS YASS PTY LTD
7 ADELE STREET
YASS NSW 2582**

**PO BOX 5
YASS NSW 2582**

PROJECT:	Development Application for the approval of a Two (2) Lot Torrens Title Subdivision at Lot 103 DP1298436 737 Berrebangelo Road, YASS RIVER pursuant to the provisions within the <i>Yass Valley Local Environmental Plan 2013 (YVLEP2013)</i> and the draft <i>Yass Valley Development Control Plan 2024 (YVDCP2024)</i> .
APPLICANT:	CAMILLE BATEMAN
OUR REFERENCE:	4936_SEE1
DATE:	MAY 2024
AUTHOR:	RACHEL DOBERER SENIOR TOWN PLANNER
SIGNATURE:	



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1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared for *Camille Bateman* (the **Applicant**) by DPS YASS Pty Ltd. This Statement is to accompany a development application to Yass Valley Council for the approval of a Two (2) Lot Torrens Title Residential Subdivision at Lot 103 DP1298436 737 Berrebangelo Road, YASS RIVER.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. This report aims to assess the potential impacts and environmental effects of the proposed development of the subject site under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

This SEE includes a comprehensive assessment of environmental impacts of the proposal. Where potential impacts and constraints are identified, measures are proposed to mitigate any harm to the natural environment as well as the amenity of existing and future development throughout the locality.

This site is zoned RU1 Primary Production pursuant to the *Yass Valley Local Environmental Plan 2013* (YVLEP2013). The proposed development is permissible with development consent within the RU1 Primary Production zone. The proposed development formulates contextual elements derived from the existing residential character with respect to the immediate vicinity and is consistent with the objectives and provisions within the YVLEP2013.

The proposal is classified as local development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and therefore will be determined by Council.

This assessment concludes that the proposal is of an appropriate scale and mass and is consistent with the character of the area. It will have no unacceptable amenity impacts upon surrounding properties nor any adverse impacts upon the natural environment. The proposal will have numerous positive social and economic impacts, and is considered in the public interest, accordingly DPS YASS Pty Ltd is supportive of the development proposal.



1.1 PURPOSE OF THIS REPORT

This SEE has been prepared in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)* for the purposes of demonstrating:

- The proposal is consistent with the controls in the YVLEP2013.
- The supporting technical studies which accompany the DA establish that the environmental impacts of the proposed concept are generally positive and where appropriate, make recommendations for the detailed design phase of the project which will provide certainty and clarity to guide the development.
- The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:
 - Facilitates ecologically sustainable development of residential land. This is explained in more detail later in this Statement.
 - The subject site is located within the RU1 Primary Production zone of Yass River. The vision for the expansion of Yass LGA is to create high quality and ecologically sustainable environment integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development which will support the other uses of the area.
 - Accommodates future rural residential living opportunities in the locality of Yass River, within close proximity to Murrumbateman and Canberra.
 - The site is zoned for development purposes, and the proposed development provides for a development (rural residential) including a Two (2) Lot Torrens Title Subdivision that is consistent with the objectives and controls contained in the YVLEP2013 and draft YVDCP2024.
- Demonstrating that the environmental impacts of the development have been considered; and
- Outlining the steps to be undertaken to protect the environment or to mitigate against any potential harm, if necessary

This SEE describes the proposal and its environment, including a detailed description of the site and its surrounds and an assessment of the proposal against the relevant planning controls.

The SEE demonstrates that the proposed development is acceptable under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and concludes that the proposed development should be granted approval subject to conditions.



1.2 TYPE OF DEVELOPMENT APPLICATION

Section 1.5 of the EP&A Act defines what constitutes 'development'.

Development is defined as the following:

- a) *The use of land*
- b) **The subdivision of land**
- c) *The erection of a building*
- d) *The carrying out of work*
- e) *The demolition of a building or work*
- f) *Any other act, matter or thing that may be controlled by an environmental planning instrument.*

The scope of the proposal is considered to be 'development' in accordance with Section 1.5 of the EP&A Act. Therefore, pursuant to Section 4.5 of the EP&A Act development consent is sought from Yass Valley Council.



1.3 OWNER AND APPLICANT DETAILS

The Applicant

Camille Bateman
%- DPS Pty Ltd
PO Box 5
YASS NSW 2582

Contact: Rachel Doberer
Phone: (02) 6226 3322
Mobile: 0409 880 034
Email: rachel@dpsyass.com.au

The Owner(s)

Margeurite Bateman
SOLE DIRECTOR
BATEMAN AND FAMILY INVESTMENTS PTY LTD
ACN 668 625 821

%- DPS Pty Ltd
PO Box 5
YASS NSW 2582

Contact: Rachel Doberer
Phone: (02) 6226 3322
Mobile: 0409 880 034
Email: rachel@dpsyass.com.au

Site Address

The subject site(s) for this application are legally identified as Lot 103 DP1298436 737 Berrebangelo Road, YASS RIVER and shown in Figure 1.1 (Location Map) of this Statement.



1.4 SITE AND LOCATION

Site Description

The subject site is located in Yass River, approximately 33km to Yass CBD, roughly 25km to Murrumbateman Village and approximately 60km to Canberra CBD. The subject site is located on Berrebangelo Road and connects to Yass, Murrumbateman, Canberra and Goulburn seamlessly via Yass Valley Road, Sutton Road, the Barton Highway, the Hume Highway and the Federal Highway, which are some of the main connecting road corridors in the area.

The subject site is made up of one lot and is zoned RU1 Primary Production in the Yass Valley LEP 2013 (YVLEP2013). It is bounded by other similar rural lots to the North, East, South and West.

The lot is accessible of Berrebangelo Road, with an existing access via a Right of Carriageway that meets Council requirements/ specifications. An upgraded creek crossing will be required to service the proposed new lots as per the Civil Engineering Design prepared by Genium Civil Engineering dated 02 April 2024 (refer **Appendix D**). It is noted this creek crossing will require a Controlled Activity Approval (**CAA**), this application will be lodged concurrently with this development application.

The site is a regular shaped parcel of land with an area of 80ha (refer **Figure 1.1**). Legal and physical access is gained off Berrebangelo Road via a registered Right of Carriageway created via DP1297876. The land is currently utilised for rural purposes, following this subdivision, the use is intended to remain the same.

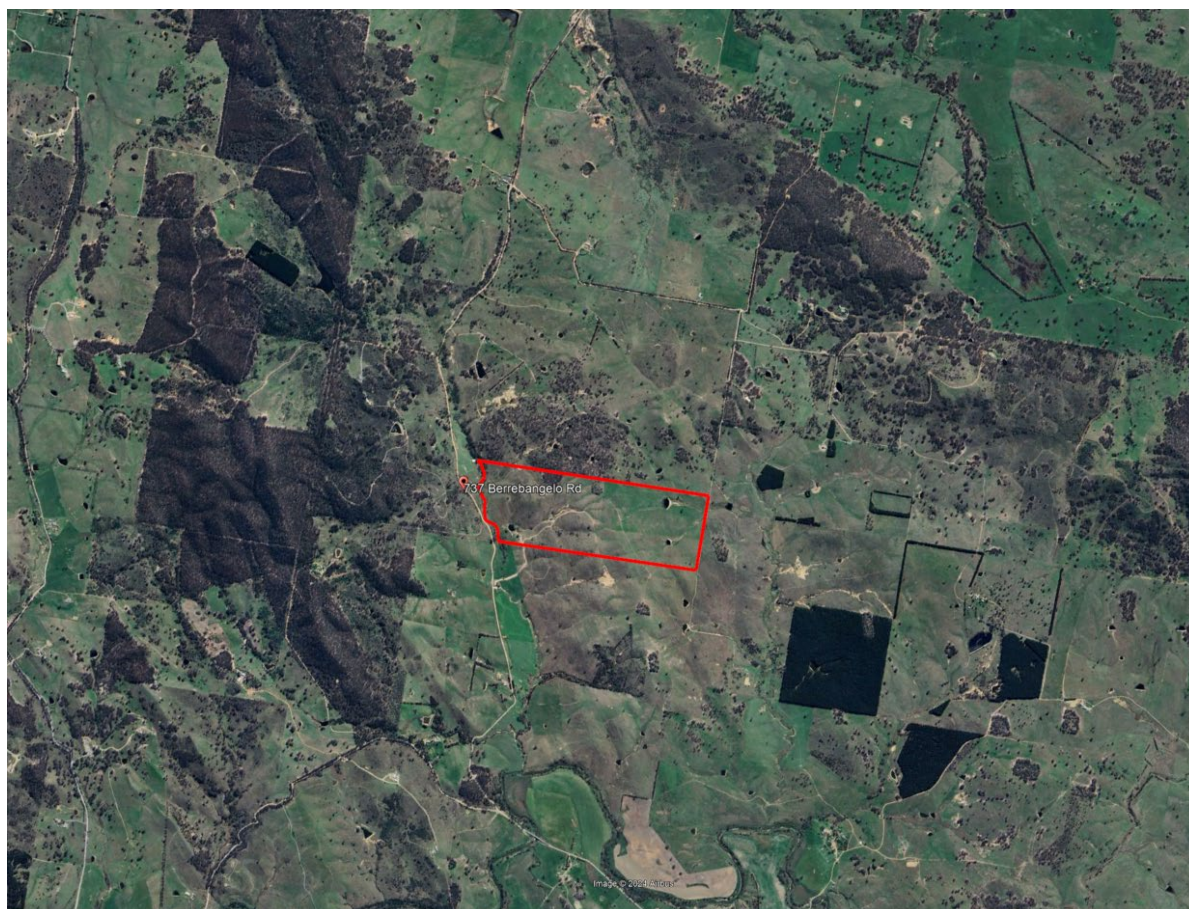


Figure 1.1: Location Map (Source: Google Earth, May 2024)



Existing Easements, Restrictions on the Use of Land and Positive Covenants

- Right of Carriageway Over Track in Use affecting the part(s) shown so burdened in the title diagram (DP1297876).
- Right of Carriageway over Track in Use appurtenant to the land above described (DP1297876).

Proposed Easements, Restrictions on the Use of Land and Positive Covenants

- It is proposed to create a Restriction on the Use of Land in relation to the proposed Building Envelopes located on proposed Lots 201 and 202 and referenced as BE1 and BE2 on the Proposed Plan of Subdivision (refer **Appendix A**).
- It is proposed to create a Restriction on the Use of Land on proposed Lots 201 and 202 stating they will not be connected to the electricity grid supply.
- It is proposed to create a Restriction on the Use of Land and Positive Covenant in relation to the implementation and maintenance of the Asset Protection Zone (APZ) as reflected in the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 08 April 2024 (refer **Appendix C**).



1.5 PROPOSED DEVELOPMENT

This report has been prepared by DPS to accompany the Development Application submission and is lodged under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* for a proposed Two (2) Lot Torrens Title Subdivision that is permissible with Council consent.

This SEE is to be read in conjunction with the following Plans and Specialist Reports included in the Appendix's.

- Proposed Plan of Subdivision Prepared by DPS YASS P/L dated June 2023 (refer **Figure 1.2 & Appendix A**).
- Land Capability Assessment prepared by Franklin Consulting Australia dated 03 April 2024 (refer **Appendix B**).
- Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 08 April 2024 (refer **Appendix C**).
- Engineering Design of Creek Crossing prepared by Genium Civil Engineering dated 02 April 2024 (refer **Appendix D**).
- AHIMS Basic Search Result and Due Diligence Procedure (refer **Appendix E**).
- Certificate of Title and Deposited Plan for Lot 103 DP1298436 (refer **Appendix F**).

The purpose of this report is to consider the site characteristics and the anticipated impacts of the proposed development providing an assessment in accordance with the matters for consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Specifically, the SEE includes the following information:

- Description of the site in its local context
- Identifies any proposed works
- Identifies and addresses relevant policies
- Assessment against relevant Council plans and policies
- Assess of potential environmental impacts and identification of mitigation measures

The subject site has a total area of 80ha of vacant land awaiting development. The proposed development application has been prepared to take into consideration the future use of the site and aims to improve the functionality of the site.

The proposed development consists of a subdivision creating two (2) Torrens Title lots. There will be minimal effect to the visual amenity of the surrounding properties as there is an existing access in place and the proposed lots are not directly facing Berrebangelo Road. It is expected that any associated subdivision works for the proposed development will have potentially a minor impact on the location whilst under construction.

However, it is understood as part of the development assessment process that correspondence with neighbours regarding the proposed development along with any potential impact on their visual amenity may be undertaken to Councils discretion.

This DA is considered 'Integrated Development' pursuant to Section 4.46 of the EP&A Act. It is noted the proposed development is situated on land mapped as bushfire prone land (**BFPL**). As such, the specific objectives required for the proposed development are detailed in Chapter 5 – Residential and Rural Residential Subdivision of Planning for Bushfire Protection 2019 (**PBP**) and include:



- Minimised perimeters of the subdivision exposed to the bushfire hazard;
- Minimise vegetated corridors that permit the passage of bushfire towards buildings;
- Provide for the siting of future dwellings away from ridge-tops and steep slopes, within saddles and narrow ridge crests;
- Ensure that APZs between a bushfire hazard and future dwellings are effectively designed to address the relevant bushfire attack mechanisms;
- Ensure the ongoing maintenance of APZs;
- Provide adequate access from all properties to the wider road network for residents and emergency services;
- Provide access to hazard vegetation to facilitate bushfire mitigation works and fire suppression; and
- Ensure the provision of an adequate supply of water and other services to facilitate effective firefighting.

To support the proposed subdivision, a Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 08 April 2024 (refer **Appendix C**) is included with this application and concludes the following recommendations demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP (2019):

- ❖ *This report documents the findings from a bush fire assessment conducted for a proposed two 92) lot rural residential subdivision at Lot 103 DP1298436, 737 Berrebangelo Road, Yass River.*
- ❖ *APZ setback dimensions with the proposed Lots 201 and 202 will ensure that future dwellings are not exposed to radiant heat levels exceeding 29 kW/m² and will comply with Table A1.12.2 of PBP 2019.*
- ❖ *Access to Lots 201 and 202 of the proposed subdivision is well provided for and will essentially comply with the acceptable solutions set out in PBP (2019). Where the acceptable solutions cannot be met, a performance-based assessment of the proposal is undertaken, which considers the compliant APZ dimensions, higher levels of construction and increased water supplies, all of which improve the level of safety, resilience and defendability of the future structures while placing less reliance on access as a safety measure.*
- ❖ *As part of the Performance-Based Design to address extended egress, however, any future dwelling on Lot 201 and 202 is required to be constructed to BAL-29 per the relevant sections of Australian Standard 3959-2018 Construction of buildings in bushfire-prone areas.*
- ❖ *Electricity, water and gas supplies will be provided during future development and must comply with the general specifications provided here.*
- ❖ *At the time of this report, the development is not known to have any significant environmental or cultural values within the subdivision areas requiring consideration as part of this assessment.*
- ❖ *Based on the bushfire assessment and the recommendations contained in this report, the proposed development is deemed to comply with the specific and broad objectives of PBP (2019), the requirements of the Rural Fire regulations (2013) and, therefore, suitable for submission to the NSW RFS for the issuing of a bush fire safety authority.*

Further discussion regarding Integrated Development matters is provided later in tis Statement.



This development application (DA) is not considered as 'Designated Development', 'Regionally Significant Development' or 'State Significant Development' pursuant to the EP&A Act or EP&A Regulation.

The subject site is mapped on the:

- Lot Size Map within the YVLEP2013
- Land Zoning Map within the YVLEP2013
- Biodiversity Values Map (Non-EPI) within the YVLEP2013
- Dryland Salinity Map within the YVLEP2013
- Bushfire Prone Land (Non-EPI) within the YVLEP2013
- Riparian Lands and Watercourses Map within the YVLEP2013

However, as a result of this investigation it has been determined that any minor environmental impacts associated with the future operation of the subject site can be mitigated. It is concluded that the proposed development of the site is appropriate and permissible with development consent. Further discussion regarding this mapping is provided later in this Statement.

The proposed subdivision has been designed to take into consideration the specific site characteristics, the existing access and fencing, The proposal retains the character of the existing and surrounding properties, in turn maximising the potential use of the site whilst also being mindful of any existing constraints.

This report concludes that the proposed development indicates a positive contribution to the Yass River locality, is consistent with the strategic planning for the area and the relevant planning legislation and policies. It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated. As a result of this investigation, it is concluded that the proposed development of the site is permissible with conditional consent.



1.6 PROPOSED WORKS

This DA seeks to facilitate the development of the subject site for the purpose of domestic residential use, specifically the application seeks development consent for a subdivision creating two (2) Torrens Title Rural Residential Lots as indicated on the Proposed Plan of Subdivision (refer **Figure 1.2 & Appendix A**).

During construction and on-going use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the applicant's contractors. The proposed works will generally consist of site re-grading to establish the desired levels for the proposed civil works.

In detail, this development application seeks approval for:

- The subdivision of the subject lot into two (2) Torrens Title Rural Residential Lots,
- Internal fencing,
- The upgrade of the existing Creek Crossing

on Lot 103 DP1298436 as per the Proposed Plan of Subdivision (refer **Appendix A**) and the Civil Engineering Design (refer **Appendix D**). Each of these components of the proposed development is described in more detail below.

The proposed development has been designed to tie in with adjoining existing and future land uses, existing lot boundary and visual amenity. It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have minimal adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.

Civil Works

During construction and ongoing use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the applicant's awarded contractors. These measures are intended to be a minimum treatment only as the contractor will be required to modify and stage the erosion and sediment control measures to suit the construction program, sequencing and techniques/ These measures are detailed further in this Statement.

The proposed works will generally consist of internal fencing and the proposed upgrade of the Creek Crossing. These levels have been designed in accordance with Fisheries requirements. The delivery of drainage infrastructure will be contained to the subject site.

All disturbed areas and roadside embankments are to be prepared with 100mm of topsoil and stabilised using Hydromulch in accordance with the NSW *RMS Guideline for Batter Surface Stabilisation using vegetation*.



Ecological Sustainable Development

The original concept of sustainable development articulated in *Our Common Future* is of ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’.

In Australia, the adjective ‘sustainable’ is qualified by the word ‘ecologically’ to emphasise the necessary integration of economy and environment.

Ecologically Sustainable Development (ESD) involves a cluster of elements or principles. The following six (6) are worth highlighting:

1. Principle of sustainable use
2. Principle of integration
3. Precautionary principle
4. Inter-generational and inter-generational equity
5. Conservation of biodiversity diversity and ecological integrity
6. Internalisation of external environmental costs.

The concept of sustainability applies not merely to development but to the environment.

The Australian National Strategy for Ecologically Sustainable Development defines ESD as ‘development that improves the total quality of life both now and in the future, in a way that maintains the ecological processes on which life depends’.

ESD requires the effective integration of economic and environmental considerations in the decision-making process.

The principle of integration ensures mutual respect and reciprocity between the economic and environmental considerations. Specifically, the following points need to be taken into consideration when assessing a development application:

- Environmental considerations are to be integrated into economic and other development plans, programs and projects, and
- Development needs are to be taken into account when applying environmental objectives.

ESD mandates that the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making including in the formulation, adoption and implementation of any economic and other development plan, program or project.

Although it could be argued ESD lacks a precise accepted definition, it is generally recognised as an important concept as it ensures environmental factors and future generations are considered in assessing current development applications.

The proposed development for a two (2) Lot Torrens Title Rural Residential Subdivision can be categorized as an ESD as depicted in this Statement as it a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.



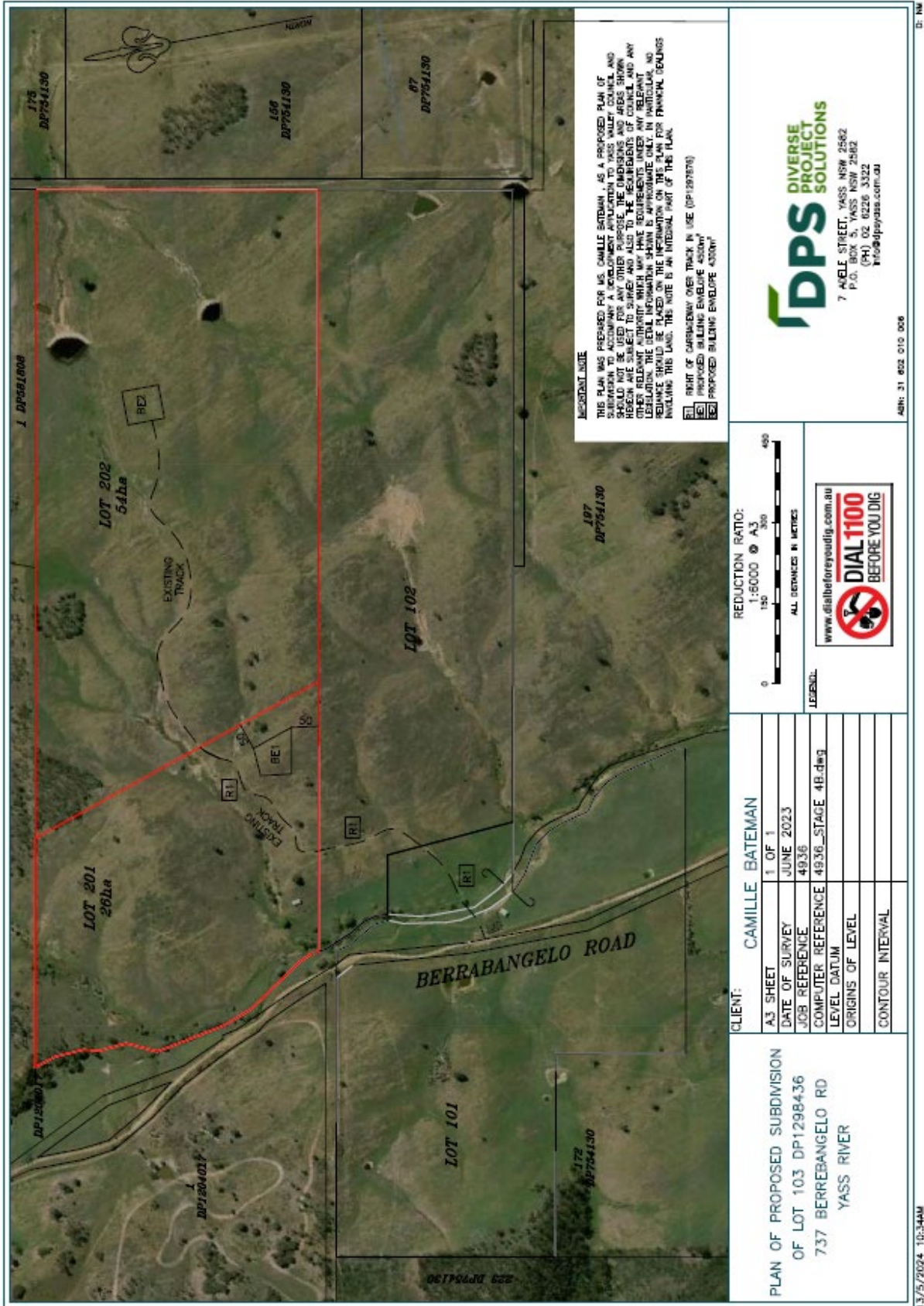


Figure 1.2: Proposed Plan of Subdivision (Source: DPS YASS P/L, May 2024)

2. ASSESSMENT

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

The provisions of:

- ❖ Any environmental planning instrument,
- ❖ 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),
- ❖ Any development control plan,
- ❖ 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,
- ❖ 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,
- ❖ The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality,
- ❖ The suitability of the site for the development,
- ❖ Any submission made in accordance with this Act or the regulations; and
- ❖ The public interest

This section of the SEE assesses the proposed development against the planning framework and planning controls applicable to the site and the development, including:

- Threatened Species and Biodiversity Impacts (Section 1.7 of the EP&A Act)
- Integrated Development Matters (Section 4.46 of the EP& A Act)
- Bushfire Prone Land (Section 4.14 of the EP&A Act), and
- Matters for consideration relating to Development Applications (Section 4.15 of the EP&A Act)



2.1 ENVIRONMENTAL PLANNING INSTRUMENTS

Yass Valley Local Environmental Plan 2013

The Yass Valley Local Environmental Plan 2013 (YVLEP2013) is the statutory framework regulating land uses within the Yass Valley LGA and the development of the site. The site is zoned RU1 Primary Production (refer **Figure 2.2**).

This development involves the subdivision of the subject lot into Two (2) Torrens Title Rural Residential Lots that is permissible with conditional consent pursuant to clause(s) 2.1 and 2.6 of the YVLEP2013 within the RU1 Primary Production zone. An assessment against the relevant Planning Legislation is tabulated below.

TABLE 1 - AIMS OF THE YVLEP 2013

AIMS OF THE YVLEP 2013	COMPLIANCE
<i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	Not applicable. The proposed development is for the subdivision of land only.
<i>(a) to establish planning controls that promote sustainable development,</i>	<p>Consistent. The proposed development has been prepared in accordance with the relevant legislation and has consciously been prepared to promote ecological sustainable development, as indicated earlier in this Statement.</p> <p>The proposed development is actively utilising the principles behind ESD as it is a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.</p>
<i>(b) to protect high quality agricultural land and encourage emerging agricultural industries,</i>	Not applicable. The subject site is not classified as high-quality agricultural land.
<i>(c) to encourage housing diversity,</i>	<p>Consistent. The proposed subdivision will provide for an appropriate variety of housing type(s) and densities.</p> <p>Housing diversity is defined as ‘a diversity of housing types to help cater to the housing needs of people at different stages of their lives’. By creating an additional rural lot, housing density will slightly increase without any adverse impacts on its context or overall desired outcome.</p>



<i>(d) to promote employment-generating tourism,</i>	Not applicable. The proposed development is for the subdivision of rural residential land only.
<i>(e) to provide for commercial and industrial development,</i>	Not applicable. The proposed development is for the subdivision of rural residential land only.
<i>(f) to encourage the establishment of retail and professional services in urban locations,</i>	Not applicable. The proposed development is for the subdivision of rural residential land only.
<i>(g) to protect and enhance the character of each of the villages in Yass Valley,</i>	Not applicable. The proposed development is not located within one of the villages within Yass Valley LGA.
<i>(h) to enhance service provision in each of the villages in Yass Valley,</i>	Not applicable. The proposed development is not located within one of the villages within Yass Valley LGA.
<i>(i) to protect and conserve the cultural heritage and history of Yass Valley,</i>	<p>Consistent. The land is not identified as a heritage item in the YVLEP2013 to which this land relates. Within the LEP, a review of the heritage items reveals that adjoining allotments are not classed as items of heritage value.</p> <p>Therefore, it is considered that the proposal will not impact on any adjoining heritage items.</p> <p>According to the Office of Environment and Heritage website, there is no identified aboriginal relics or aboriginal heritage items located on the property.</p> <p>If any items are found during construction, construction works shall cease, and the Department shall be notified.</p> <p>As the development is not listed as a heritage item, no specific heritage study is required to be submitted as part off this development application.</p>
<i>(j) to protect and enhance the environmental and biodiversity values of Yass Valley,</i>	<p>Consistent. As indicated on Council's LEP Terrestrial Biodiversity Map there are no areas within the subject site that have been identified/ mapped as having biodiversity concerns.</p> <p>The proposed building envelopes will occupy a cleared section of the subject site which is relatively void of significant vegetation (refer Figure 2.1). The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.</p>





Figure 2.1: Current Aerial Imagery (Source: Google Earth, May 2024)

The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land.

It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity.

Further to that and during the construction phase of the proposed development, to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.

It is noted there is no potential clearing of remnant trees within the areas listed above, therefore demonstrating the proposed development is actively protecting and enhancing the environmental and biodiversity values of Yass Valley.

This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.

(k) to minimise land use conflicts.

Consistent. The zoning of the proposed development is consistent with surrounding development, which in turn minimises the potential for land use conflicts.



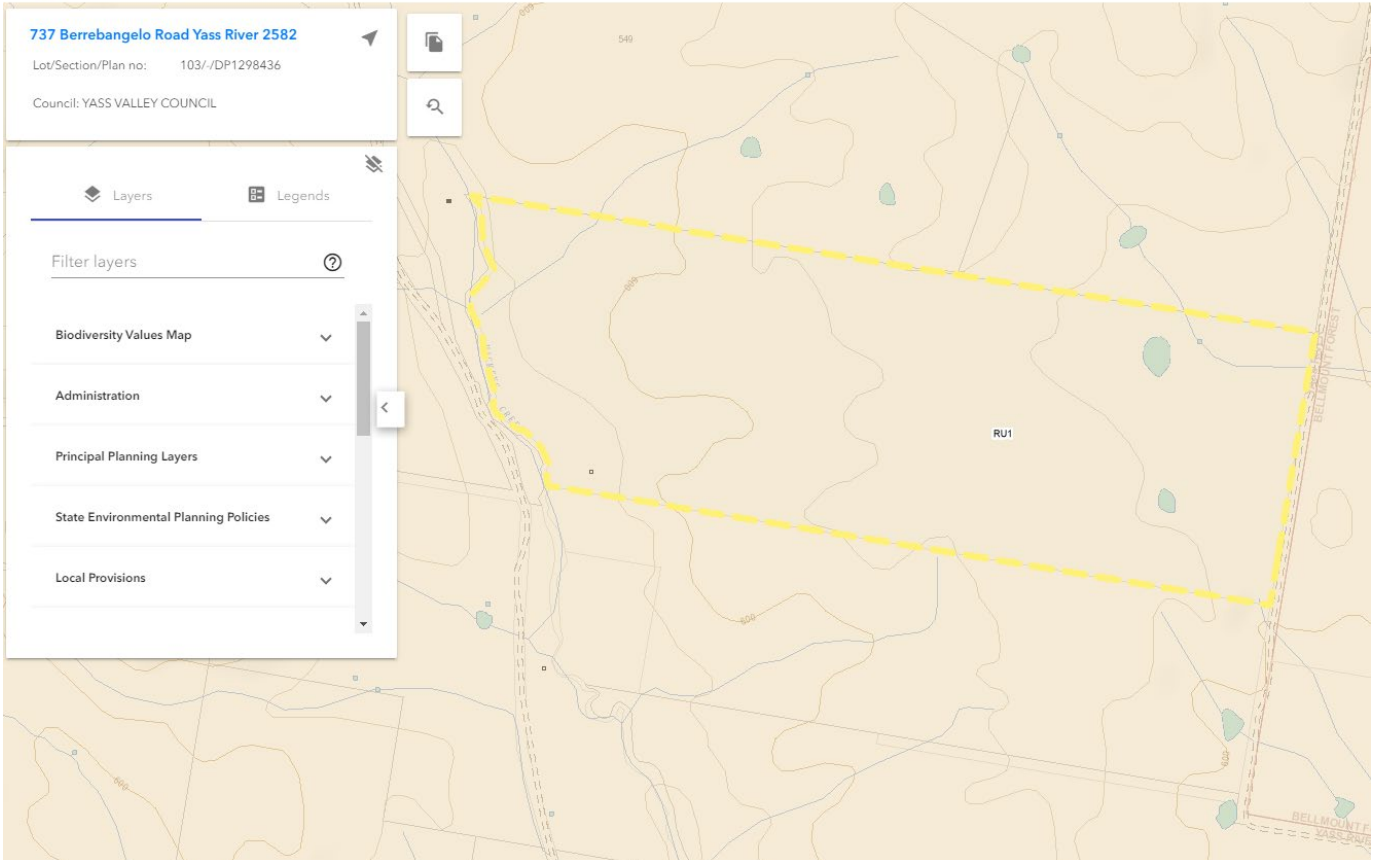


Figure 2.2: Land Zoning Map (Source: NSW Government Planning Portal Spatial Viewer, May 2024)



TABLE 2 - OBJECTIVES OF THE RU1 PRIMARY PRODUCTION ZONE

The subject site is zoned RU1 Primary Production (refer **Figure 2.2**). The following table demonstrates that the proposed two (2) Lot Torrens Title Subdivision is consistent with the objectives of the zone.

OBJECTIVES OF RU1 PRIMARY PRODUCTION ZONE – YVLEP2013	COMPLIANCE
<p><i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i></p>	<p>Consistent. The proposal is found to be consistent with the RU1 Primary Production land use objectives and is permitted within the zone with conditional consent. The proposed development is sympathetic with the surrounding amenity of the area, considers the opportunities and constraints of the site including all relevant legislation and is therefore considered worthy of Councils support.</p> <p>The proposed development provides an appropriate planning outcome for the subject land that takes into consideration the ecological impacts, aesthetic value of the land and the surrounding land uses. The proposed development is situated on land free of any major constraints, other than being mapped as Bushfire Prone Land (BFPL), this is discussed in more detail later in this statement.</p> <p>The proposed development is permissible within this zoning with Council’s consent. It is considered the proposed development is consistent with the aims and objectives of the relevant planning instruments, is compatible with and responds positively to the site-specific conditions.</p> <p>This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council’s LEP, has minor environmental impacts that are manageable and compatible with the existing and desired local area character.</p>
<p><i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i></p>	<p>Consistent. The proposed subdivision will create additional rural residential lots for new dwellings in the Yass River locality. It is intended that the proposed lots will encourage diversity in primary industry enterprises and systems appropriate for the area.</p>
<p><i>To minimise the fragmentation and alienation of resource lands.</i></p>	<p>Consistent. The zoning of the proposed development is consistent with surrounding development, which in turn minimises the fragmentation and alienation of resource lands.</p>



<p><i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></p>	<p>Consistent. The surrounding lots are also zoned RU1 Primary Production and are therefore surrounded by similar rural residential development which in turn minimises conflict between land uses within this zone and adjoining zones.</p>
<p><i>To protect and enhance the biodiversity of Yass Valley.</i></p>	<p>Consistent. The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function and composition of the land.</p> <p>Further to that and during the construction phase of the proposed development to ensure there are no adverse environmental impacts, including the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land</p> <p>This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.</p>
<p><i>To protect the geologically significant areas of Yass Valley.</i></p>	<p>Not applicable. The subject land is not listed as a geographically significant area of Yass Valley.</p>
<p><i>To maintain the rural character of Yass Valley.</i></p>	<p>Consistent. The proposed development has been prepared to ensure the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of Yass Valley.</p> <p>The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the surrounding environment, in turn maintaining the character of Yass Valley.</p>
<p><i>To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.</i></p>	<p>Consistent. The proposed subdivision is creating rural residential lots that will encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.</p>



<p><i>To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.</i></p>	<p>Consistent. The proposed development has taken into consideration the location, type and intensity of development, whilst also having regard to the characteristics of the land and the rural environment.</p> <p>The proposed outcome (subdivision) creates two (2) rural residential lots that are expected to lay the foundation for more efficient utilisation of the land and is expected to contribute in varying degrees to the local economy.</p>
<p><i>To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.</i></p>	<p>NO applicable. The proposed subdivision is not located on the fringe of an urban area.</p>



TABLE 3 - OBJECTIVES OF CLAUSE 4.1B – SUBDIVISION USING AVERAGE LOT SIZES

The subject site has a minimum lot size of 40ha (refer **Figure 2.3**). The following table demonstrates that the proposed two (2) Lot Torrens Title Subdivision is consistent with the objectives of Clause 4.1B.

OBJECTIVES OF CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE	COMPLIANCE
<p>(1) <i>The objectives of this clause are to facilitate alternative subdivision controls that—</i></p> <p>(a) <i>maintain the rural character of the Yass Valley, and</i></p>	<p>Complies. The proposed Two (2) Lot Torrens Title Subdivision has been prepared to ensure the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of Yass Valley.</p> <p>The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the surrounding environment, in turn maintaining the character of Yass Valley.</p> <p>The proposed two (2) lot subdivision has taken a holistic and sustainable approach to the development with the intention of creating a development that offers productive sized lots delivering a better environmental planning outcome for Yass River and the Yass Valley LGA as a whole.</p> <p>The proposed subdivision will not impact on either the built or natural environment in any substantial way. In this regard:</p> <ul style="list-style-type: none"> ❖ It will not result in any substantial changes to the established streetscape qualities of the area; ❖ The act of subdividing will not directly impact on neighbouring properties. It is determined a future dwelling house will have good separation distances to adjoining dwellings. ❖ The act of subdividing will not result in any substantial changes to traffic volumes in the locality. ❖ Subdividing the site will not necessitate the removal of any existing important vegetation. <p>By integrating the relevant economic, environmental, and social considerations the proposed subdivision is actively promoting ecological sustainable development as specified earlier in this Statement.</p>
<p>(b) <i>facilitate a subdivision design that takes into consideration the environmental and agricultural values of the land and best protects those values.</i></p>	<p>Complies. The proposed two (2) lot Torrens Title subdivision is seeking Council consent for the creation of two lots of 26ha and 54ha respectively.</p>



The proposed subdivision is consistent with the aims of the YVLEP2013. The proposal will facilitate development in accordance the plan and will deliver allotments that can facilitate a variety of housing products to provide variety in the market and attract buyers at different price points in the market.

It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have no adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.



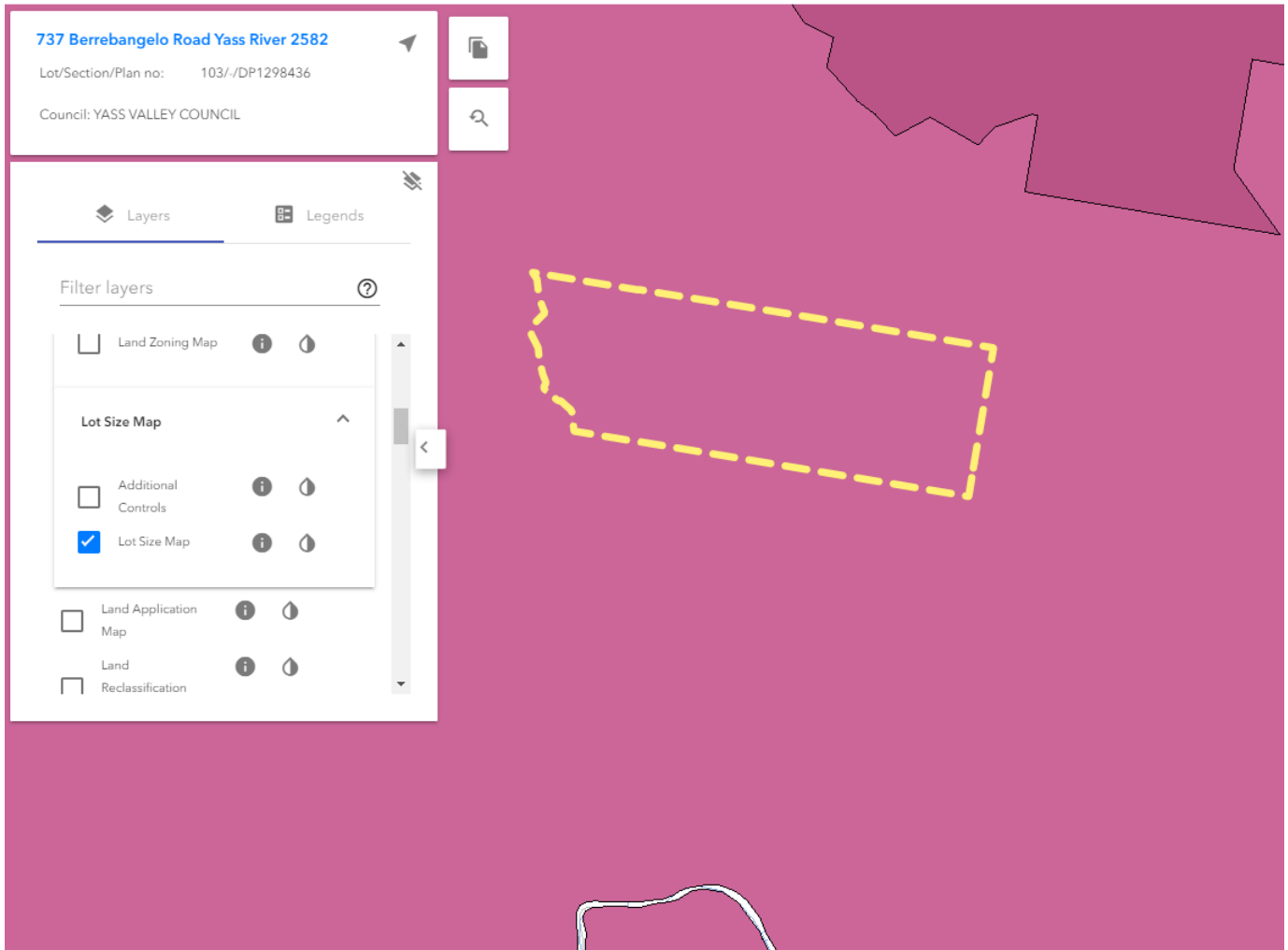


Figure 2.3: Lot Size Map (Source: NSW Government Planning Portal Spatial Viewer, May 2024)



TABLE 4 – RELEVANT PLANNING CONTROLS

The following table demonstrates the proposed subdivision is compliant with the relevant planning considerations within the YVLEP2013.

PLANNING CONTROLS	COMPLIANCE
<i>Clause 2.1 Land Use zones</i>	Complies. The subject site is zoned RU1 Primary Production. The subdivision of land within this zone is permissible with development consent.
<i>Clause 2.6 Subdivision – consent requirements</i>	Complies. The subdivision of land is permissible with development consent within the RU1 Primary Production zone to which the subject land relates.
<i>Clause 4.1B Subdivision Using Average Lot Sizes</i>	<p>Complies. The proposed two (2) lot Torrens Title subdivision is seeking Council consent for the creation of two lots of 26ha and 54ha respectively with an average area of 40ha, satisfying Clause 4.1B(3).</p> <p>The detail of which is illustrated on the Proposed Plan of Subdivision (refer Appendix A).</p> <p>The subdivision has been designed to take into account the existing land uses and has been able to retain efficient and productive sized allotments, maintaining the opportunity for sustainable rural residential development.</p> <p>The proposal has been prepared to ensure that the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of Yass Valley</p> <p>It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have no adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.</p>
<i>Clause 4.1C Additional requirements for subdivision in certain rural zones</i>	<p>Complies. The proposed development application has been prepared in respect to the biodiversity of the site, onsite wastewater reports, bushfire assessment, natural topography, vista’s amenities, buffer zones and accessibility.</p> <p>These factors have determined that there is sufficient land available for the construction of a future new dwelling and associated infrastructure on the proposed lots with no adverse</p>



effects to be felt on the biodiversity of the site. As a result, there will be minimal native vegetation removal required to achieve this subdivision.

There are no areas within the subject lot that have been highlighted as having biodiversity sensitivities as discussed further below, however with sufficient land free of constraints on proposed Lots 1 and 2, there will be minimal to no effect on the existing biodiversity.

As a result of this subdivision, it is to be noted the areas of potential impact being the proposed building envelopes, proposed creek crossing upgrade and internal fencing are free of large remnant vegetation.

If any of the future lot owners wish to utilise the dual occupancy entitlement, there is sufficient land on each lot within the proposed building envelope to accommodate an additional residence and associated infrastructure without affecting the biodiversity of the site, noting this would be subject to a future development application submission.

The subject land does not have an agricultural land classification of either Class 1 or 2 as identified on the mapping prepared by NSW Department of Primary Industries. The land is currently being farmed and it is intended that the land use will remain the same after the subdivision. Subdividing the land into two (2) separate holdings will not limit the land with respect to its current agricultural potential.

We have conducted a property search on NSW Office of Environment & Heritage website with regards to Aboriginal Heritage information as due diligence on the subdivision and any potential effect it might have on Aboriginal objects, places or items of heritage significance.

With regards to the proposed subdivision, no items were identified. As well as this, we have also conducted a due diligence procedure for the protection of Aboriginal Objects as specified in the *Due Diligence Code of Practice* as prepared by the NSW Office of Environment and Heritage. A copy of both documents is included in **Appendix E** of this Statement.

A site inspection confirmed that no significant landscape features were apparent. This included no high ridge lines, caves or rock features. The farming techniques carried out on this property for generations included grazing and cropping have altered the landscape, making it difficult to believe any objects of significance would exist in situ. However as identified in the Due Diligence Procedure for the Protection of Aboriginal Objects supplied in **Appendix E**, if any objects of significance or human remains are found during any access way/ internal fencing construction the relevant authorities will be notified and work will stop immediately.



	<p>The proposed subdivision will not have a detrimental impact on the existing watercourse known as Hickeys Creek that traverses the western boundary of the subject site. The proposed new internal boundaries are of a significant enough distance to not cause any form of detrimental impact.</p>
<i>Clause 4.3 Height of buildings</i>	<p>Not applicable. The subject site is not identified on the Height of Buildings Map within the YVLEP2013.</p>
<i>Clause 4.4 Floor space ratio</i>	<p>Not applicable. The subject site is not identified on the Floor Space Ratio Map within the YVLEP2013.</p>
<i>Clause 4.6 Exceptions to development standards</i>	<p>Not applicable. The proposed development is not proposing a variation to the YVLEP2013.</p>
<i>Clause 5.10 Heritage conservation</i>	<p>Not Applicable. The subject site is not identified as a heritage item in the YVLEP2013 to which this land relates. Within the LEP, a review of the heritage items reveals that adjoining allotments are not classed as items of heritage value.</p> <p>Therefore, it is considered that the proposal will not impact on any adjoining heritage items.</p> <p>According to the Office of Environment and Heritage website, there is no identified aboriginal relics or aboriginal heritage items located on the property.</p> <p>If any items are found during construction, construction works shall cease, and the Department shall be notified.</p> <p>As the development is not listed as a heritage item, no specific heritage study is required to be submitted as part of this development application.</p>
<i>Clause 5.21 Flood planning</i>	<p>Not applicable. The subject site is not identified on the Flood Planning Map within the YVLEP2013.</p>
<i>Clause 6.1 Earthworks</i>	<p>Complies. As part of the delivery of the proposed development, it is proposed to create a two (2) Lot Torrens Title Subdivision as indicated on the Proposed Plan of Subdivision (refer Appendix A).</p> <p>The extent of bulk earthworks on the subject site has been minimised as much as practicable through careful design of the vertical and horizontal geometry of the lot.</p>



	<p>It is anticipated that given the purpose, nature and extent of excavation, that conventional methods of ancillary earthworks are able to be employed and that subject to the design of the works there will be minimal adverse impacts to the drainage, flooding or to adjoining properties.</p> <p>The proposed works will involve the installation of a number of sediment and erosion control measures to address any potential impacts associated with the development. These measures will be in place for the duration of the construction phase to avoid, minimise and mitigate any impacts that could potentially occur.</p> <p>These measures may include:</p> <ul style="list-style-type: none"> • A temporary site security/ safety fence to be constructed around the site; • Sediment fencing provided downstream of disturbed areas, including any topsoil stockpiles; • Dust control measures including covering stockpiles, installing fence hessian and watering exposed areas; • Placement of hay bales or mesh and gravel inlet filters around and along proposed catch drains and around stormwater inlet pits.
<p><i>Clause 6.3 Terrestrial biodiversity</i></p>	<p>Complies. As indicated on Council’s LEP Terrestrial Biodiversity Map there are no areas within the subject site that have been identified/ mapped as having biodiversity concerns (refer Figure 2.4).</p> <p>The proposed development will occupy a cleared section of the subject site which is relatively void of significant vegetation (refer Figure 2.1).</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.</p> <p>The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land.</p> <p>Further to that and during the construction phase of the proposed development to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.</p>



This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.

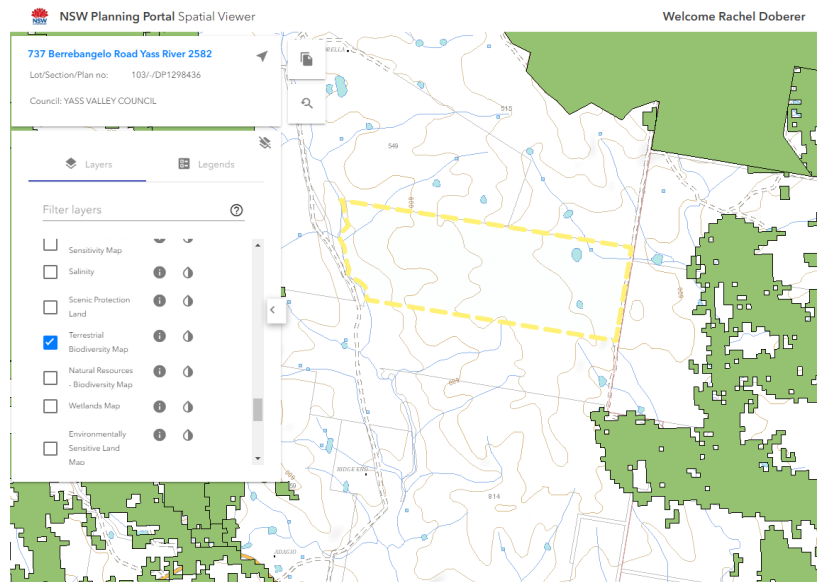


Figure 2.4: Terrestrial Biodiversity Map (Source: NSW Government Planning Portal Spatial Viewer, May 2024)

Clause 6.4 Groundwater vulnerability

Complies. As indicated on Council's LEP Groundwater Vulnerability Map (refer **Figure 2.5**), the subject land has not been highlighted as having groundwater vulnerability.

The proposed key management measures to minimise the potential for any adverse groundwater impacts include the implementation of erosion and sediment control measures and stabilization of all drainage lines.

However, as we are proposing to subdivide the subject lot, creating an additional dwelling entitlement, a Land Capability Assessment for Onsite Effluent Disposal has been prepared by Franklin Consulting Australia Pty Limited dated 03 April 2024 (refer **Appendix B**) confirming there is adequate available space for effluent disposal on proposed Lots 201 and 202.

The conclusion and following recommendation within the consultant report states:

- *A lot specific site and soil assessment for on-site effluent management will be required at the time of submitting building plans to Council for the new dwelling entitlements and the prescriptions of this report should be applied to the design process of the lot.*

- *Management prescriptions for on-site effluent management should be detailed in specific On-Site Sewage Management report(s) to be provided with Development Application(s) for the construction of the dwelling(s).*
- *Any effluent disposal practices should be confined to within building envelopes which are not mapped as constrained for this purpose on new dwelling lots.*
- *Buffers to be applied to effluent dispersal areas will include:*
 - ❖ *40m from all dams and drainage depressions.*
 - ❖ *100m from any existing or future upslope bores.*
 - ❖ *250m from bores.*
 - ❖ *15m from dwellings (for surface spray irrigation).*
 - ❖ *6m from property/ lot boundaries (3m if these are upslope).*
 - ❖ *6m from buildings and driveways (3m if these are upslope).*
- *The effluent management system suitable for the lot include an aerated wastewater treatment system (including disinfection) with NSW Health accreditation, dispersing effluent to a designated effluent surface irrigation area. The irrigation area size should be based on occupancy derived from bedroom number.*
- *As a guide, the following areas would be appropriate for the soil and site conditions of the site:*
 - ❖ *Three bedrooms.....300m²*
 - ❖ *Four bedrooms.....370m²*
 - ❖ *Five bedrooms.....450m²*
 - ❖ *Six bedrooms.....520m²*
- *To ensure effective distribution of treated effluent, and provide protection of irrigation lines, the minimum requirement for irrigation dispersal should be buried distribution lines attached to a moveable surface sprinkler line. Alternatively, a fully fixed system comprising decoupling sprinkler heads and a minimum of two runs of distribution lines connected by a manual valve to allow for alternating dispersal areas.*
- *More innovative systems such as a Wisconsin sand mound treating primary effluent from a septic tank, or a recirculating sand filter with a subsurface irrigation field, are also suitable.*
- *A subsoil absorption bed receiving primary treated effluent is generally not considered suitable for the site.*

The risk of contamination or any other adverse impacts to quantity and quality of groundwater available for other users resulting from the on-site effluent dispersal practices related to the development,



are considered minor due to:

- Horizontal separation of >1,000m between bore and effluent disposal areas on Lots 201 & 202,
- Vertical separation of greater than 27 metres to standing water level in the nearest bore,
- Relatively low application rate of secondary treated disinfected effluent,
- Application of high-quality secondary effluent to the surface through irrigation maximising evapotranspiration and minimising opportunity for deep drainage.
- Recommended measures available to mitigate impacts:
 - ❖ Maintain a minimum 250m buffer between existing and any future bores and effluent dispersal areas within Lots 201 & 202.
 - ❖ Require a water supply work approval to be sought prior to constructing a bore or well.

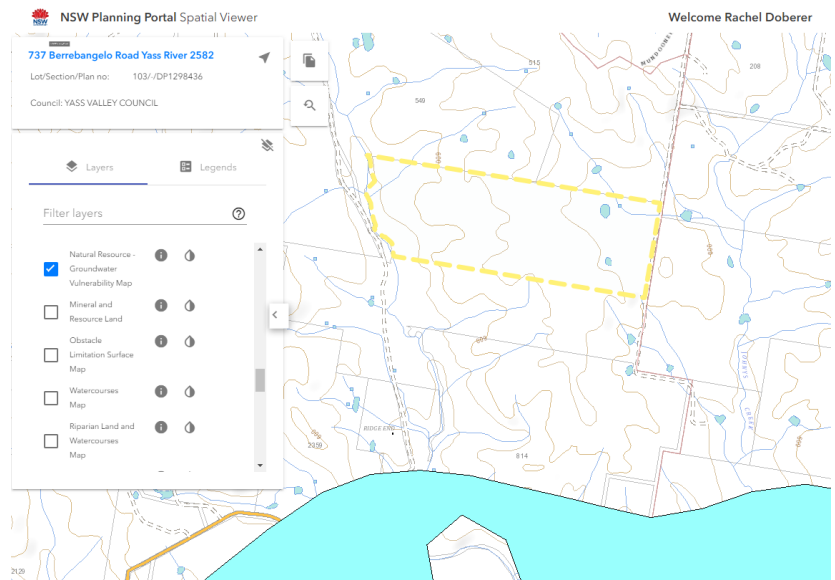


Figure 2.5: Groundwater Vulnerability Map (Source: NSW Government Planning Portal Spatial Viewer, May 2024)

Clause 6.5 Riparian land and watercourses

Complies. The subject land has been highlighted on the Riparian Land and Watercourses Map within the YVLEP2013 (refer **Figure 2.6**). The Land Capability Assessment prepared by Franklin Consulting Australia dated 03 April 2024 states:

*‘NSW DPI Office of Water (Guidelines for riparian corridors on waterfront land) defines the riparian corridors required for different stream orders, to maintain the integrity of these sensitive riparian areas refer **Figure 2.7**.*



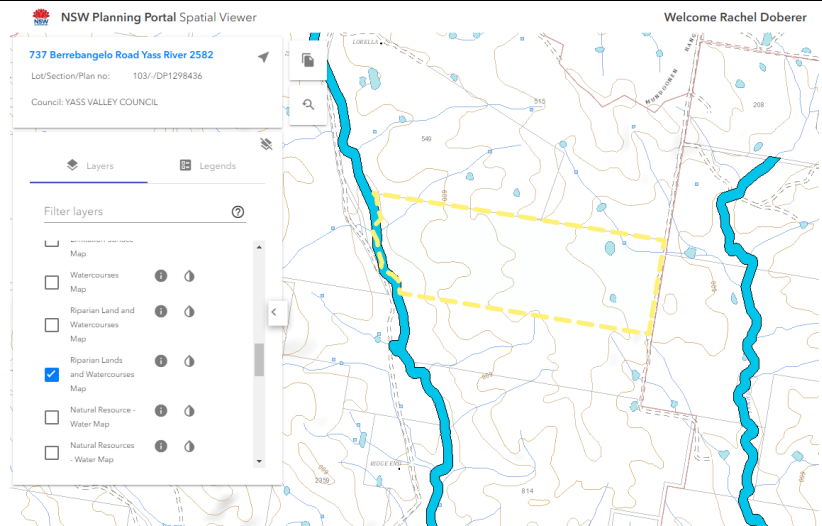


Figure 2.6: Riparian Land and Watercourses Map (Source: NSW Government Planning Portal Spatial Viewer, May 2024)

Figure 2. The Strahler System

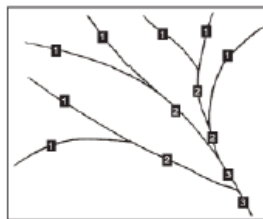


Table 1. Recommended riparian corridor (RC) widths

Watercourse type	VRZ width (each side of watercourse)	Total RC width
1 st order	10 metres	20 m + channel width
2 nd order	20 metres	40 m + channel width
3 rd order	30 metres	60 m + channel width
4 th order and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80 m + channel width

Figure 16: Stream ordering and riparian corridor widths (NSW DPI Water Guidelines)

Figure 2.7: Stream ordering and Riparian Corridor Widths (Source: Franklin Consulting Australia Pty Ltd, May 2024)

The property borders Hickeys Creek which is a 4th of Higher Order Stream and includes section of 1st Order Streams on both Lots 201 & 202. These drainage features will require a 40 metre and 10 metre buffer respectively, within which construction of buildings or associated infrastructure is inconsistent with Water NSW Guidelines for riparian management. These riparian areas are mapped as constrained for building construction.'

The recommendations for management of this area are:

- *No dwelling or related infrastructure construction is to occur within the 40m buffer from the 4th or Higher Order Hickeys Creek of the 10-metre buffer from the 1st Order Stream on Lot 201 (mapped as constrained in **Figure 2.8**).*
- *No dwelling or related infrastructure construction is to occur within the 10-metre buffer from the 1st Order Stream on Lot 202 (mapped as constrained in **Figure 2.8**).*

- Any watercourse crossings should be designed in accordance with NRAR guidelines and any necessary approvals.

It is noted the proposed crossing upgrade will require a **CAA**. The civil design prepared by Genium Civil Engineering (refer **Appendix D**) has been submitted to NRAR simultaneously with this development application.

It is anticipated, that this development with the correct controls in place, will not have any detrimental effects to the groundwater or riparian land.

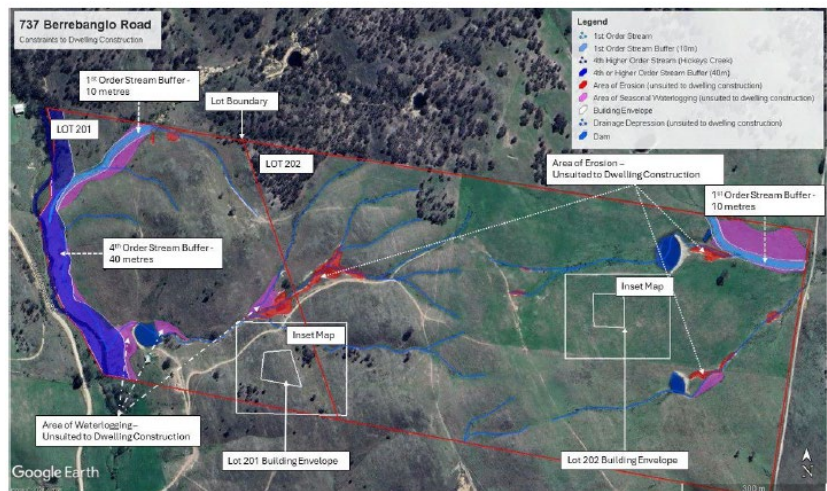


Figure 2.8: Constraints to Dwelling Construction (Source: Franklin Consulting Australia Pty Ltd, May 2024)

Clause 6.6 Salinity

Complies. The subject lot has been highlighted on the Dryland Salinity Map within the YVLEP2013 (refer **Figure 2.9**). It is noted there are no areas within the proposed building envelopes that are mapped as Dryland Salinity.

It is anticipated the proposed development will not have an adverse impact on the salinity processes on the land. All appropriate measures and mitigations will be in place for the duration of the proposed subdivision works, avoiding any environmental impacts.

The upgrade of the creek crossing will be constructed by a relevant and qualified contractor who are aware of the sensitivities of such works. All care will be taken to avoid any significant environmental impact.

Soil quality on the subject lot and surrounding land will not be affected by this development as the relevant and required controls will be in place prior to any works commencing.



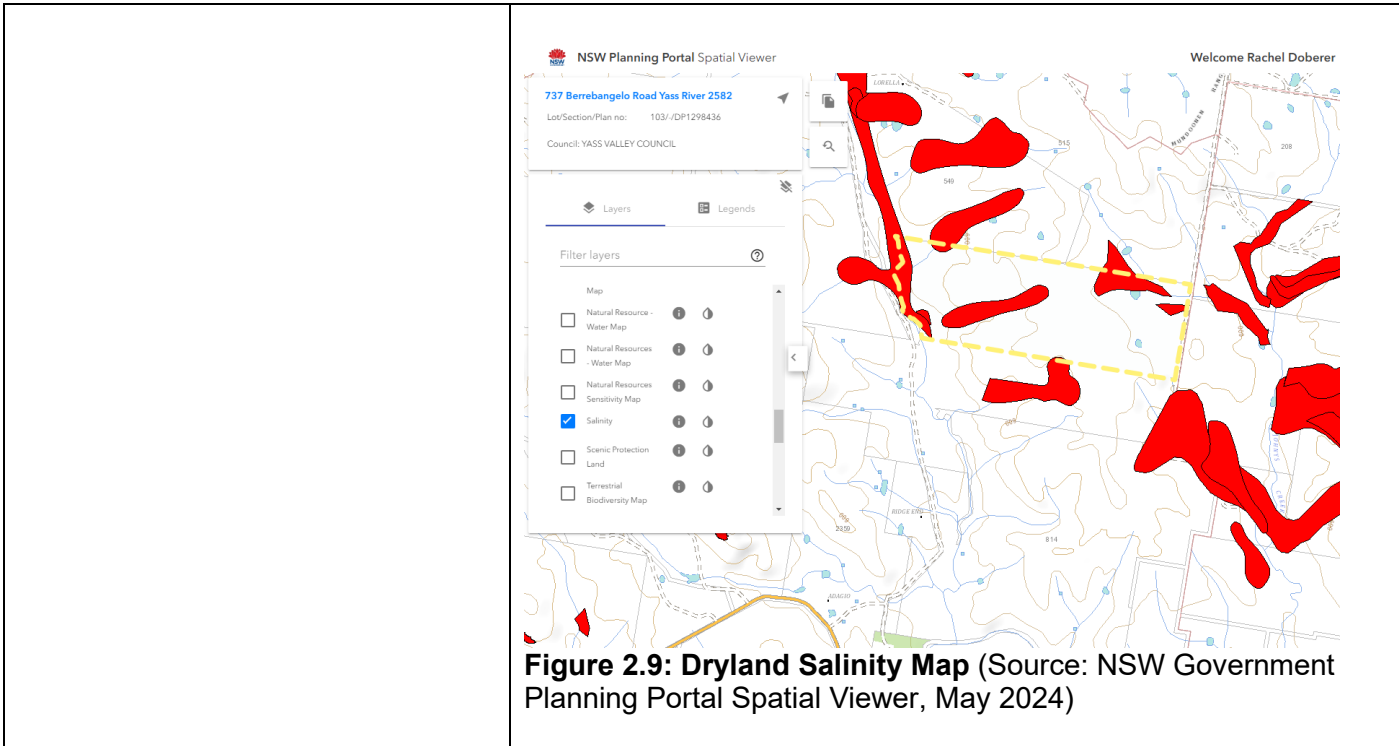


Figure 2.9: Dryland Salinity Map (Source: NSW Government Planning Portal Spatial Viewer, May 2024)

<p>Clause 6.7 Highly erodible soils</p>	<p>Complies. The subject lot has not been highlighted on the Highly Erodible Soils Map within the YVLEP2013. However, it was noted in the Land Capability Report (refer Appendix B) that there are:</p> <p><i>‘Numerous areas of both historical and active erosion were observed during the inspection which have been mapped as constrained for both effluent disposal and dwelling construction.</i></p> <p><i>Areas of erosion are constrained for the dispersal of effluent due to the potential of effluent irrigation practices to exacerbate erosion and the reduced capacity of eroded soil profiles to assimilate nutrients due to the loss of productive topsoil.</i></p> <p><i>Areas of erosion also pose some risk to dwelling construction due to potential instability and the undermining of dwelling foundations and associated infrastructure by erosion.</i></p> <p>The following measures are recommended to control erosion:</p> <ul style="list-style-type: none"> • <i>Effluent disposal should not be undertaken within areas of erosion.</i> • <i>Dwelling construction should avoid areas of erosion.</i> • <i>Greater than 70% groundcover be maintained far across the property.</i> • <i>Groundcover be maintained at 100% in areas nominated for effluent irrigation.</i> • <i>Erosion control measures should be implemented to address any areas of active erosion detected on the property.</i>
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	<ul style="list-style-type: none"> • <i>The construction of dwellings or other buildings or infrastructure should include appropriate soil and water management measures.</i>
<p><i>Clause 6.8 Essential services</i></p>	<p style="text-align: center;"><i>(a) the supply of water,</i></p> <p>It is expected proposed Lots 201 and 202 will install rainwater tanks at construction stage for a dwelling house. There are existing dams on each lot to supply water for farm use and irrigation.</p> <p style="text-align: center;"><i>(a) the supply of electricity,</i></p> <p>Proposed Lots 201 and 202 will have a Restriction on the Use of Land added to each respective title that states they are not connected to the power grid supply.</p> <p style="text-align: center;"><i>(b) the disposal and management of sewage,</i></p> <p>Proposed Lots 201 and 202 will require the installation of an on-site wastewater treatment system as recommended in the Land Capability Assessment prepared by Franklin Consulting Australia P/L (refer Appendix C), at construction stage for a dwelling house</p> <p style="text-align: center;"><i>(c) stormwater drainage or on-site conservation,</i></p> <p>The proposed subdivision development will have minimal effect on the existing natural overland flow path for stormwater runoff. All appropriate stormwater drainage techniques are existing and intend to remain in place.</p> <p style="text-align: center;"><i>(d) suitable vehicular access,</i></p> <p>Proposed Lots 201 and 202 have an existing access off Berrebangelo Road that meets Councils specifications/ requirements (refer Figure 2.10).</p> <p>This access connects to a registered Right of Carriageway over Track in Use that was formally and legally created via DP1297876.</p> <p>It is noted the existing creek crossing located within Lot 101 DP1298436 will require upgrading in order to provide sufficient access to proposed Lots 201 and 202. Civil Engineering Plans demonstrating the design upgrade pursuant to NRAR and Fisheries guidelines have been prepared by Genium Civil Engineering dated 02 April 2024 (refer Appendix D).</p> <p>It is noted, simultaneously with this application a Controlled Activity Approval has been lodged to NRAR via the NSW Planning Portal.</p>





Figure 2.10: Existing Access off Berrebangelo Road (Source: Google Earth Aerial View, May 2024)

(f) connection to a communications network with voice or data capability (or both).

Proposed Lots 201 and 202 will connect to the existing mobile telecommunications network (NBN) upon the construction of a dwelling house.

Clause 6.9 Development within a designated buffer area

Not applicable. The subject is not identified on the Water, Waste and Sewage Buffer Map within the YVLEP2013.

Clause 6.10 Development on land intended to be acquired for Barton Highway Duplication

Not applicable. The subject site is not identified on the Barton Highway Duplication Map within the YVLEP2013.



2.2 POTENTIAL NATIVE VEGETATION IMPACT PURSUANT TO THE BIODIVERSITY CONSERVATION ACT 2016 AND THE BIODIVERSITY CONSERVATION REGULATION 2017

Access Tracks

Access to both lots is available off Berrebangelo Road. The existing access track (refer **Figures 2.11 & 2.12**) for proposed Lots 201 & 202 extends from an existing Right of Carriageway over Track in Use that will have no potential impact to the existing vegetation.



Figure 2.11: Existing Access Track for Proposed Lot 201 (Source: Ember Bushfire Consulting, May 2024)



Figure 2.12: Existing Access Track for Proposed Lot 202 (Source: Ember Bushfire Consulting, May 2024)

The total potential native vegetation clearing for the access tracks to the building envelopes for proposed Lots 201 and 202 is **0m²**.



Fencing

The proposed new boundaries adopts some existing fencing that is an acceptable condition and considered stock proof. The new fencing to be constructed will be going over open grasslands, no trees will be required to be removed and only minor surface disturbance may occur. The length of new internal fencing has been calculated as 500m, the area of impact has been calculated to be 1000m² allowing for a two meter wide corridor of impact during the construction phase.

The total potential native vegetation clearing for the construction of the internal fencing is **1000m²**.

Access Entrances/ Right of Carriageway

Proposed Lots 201 and 202 have an existing entrance accessway/ right of carriageway in place over Lots 101 and 102 DP1298436 (refer **Figures 2.10 to 2.12**), that does not require any upgrade works/ meets Councils requirements/ specifications.

The total potential native vegetation clearing required for the existing access way and Right of Carriageway has been calculated as **0m²**.

Asset Protection Zones (APZ's)

The Asset Protection Zone (APZ) setbacks required for proposed Lots 201 and 202 (refer **Figures 2.13 & 2.14**) within the proposed subdivision have been calculated using the recommendations in the Bushfire Assessment Report prepared by Ember Bushfire Consulting (refer **Appendix C**) as indicated in the images below which confirms the following:

*Table 4 (refer **Figure 2.13**) below details the minimum APZ setback dimensions for any future dwelling on Lots 201 and 202 to ensure that these dwellings are not exposed to radiant heat levels exceeding 29kW/m².*

The APZ setback dimensions proposed for Lots 201 and 202 meet the minimum requirements specified by Table A1.12.2 PBP 2019 and, therefore, satisfies the acceptable solutions for APZs.

The APZ setback dimensions for proposed Lots 201 and 202 have been specified to ensure that future dwellings are not exposed to radiant heat levels exceeding 19kW/m² and, therefore surpass the minimum requirements.

The radiant heat level of 19kW/m² is less than the allowable 29kW/m². This intended design feature will provide a higher level of safety and resilience to the future dwellings of Lots 201 and 202. This design feature forms part of a performance-based design to address extended access/ egress discussed in Section 3.3.

Recommendations:

- *Lots 201 and 202 APZ setback dimensions are to comply with the minimum dimensions provided in Table 4 below.*
- *Lots 201 and 202 APZ setback dimensions shall not be decreased during future development.*
- *At the commencement of building works and in perpetuity, all land within the area identified as APZ is to be managed as APZ Inner Protection Area in accordance with the requirements of Asset Protection Area in accordance with the requirements of Asset Protection Zone Standards – Appendix 4 of PBP (2019).*



2.6 LOT 201 BUSHFIRE HAZARD ANALYSIS

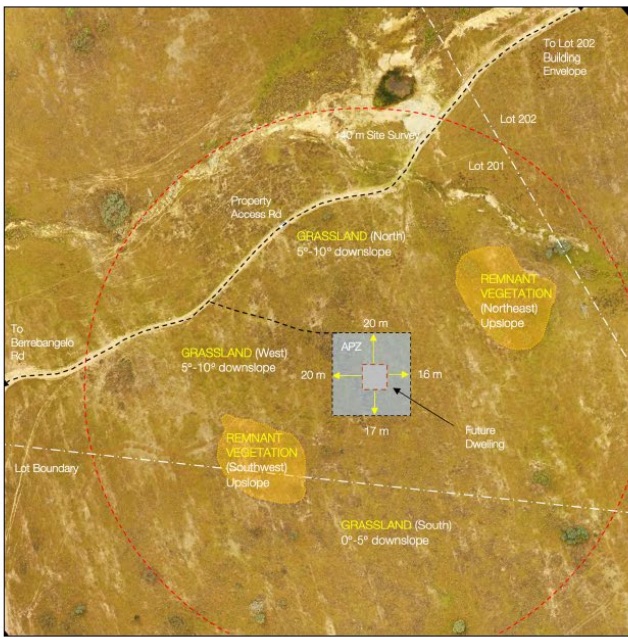


Figure 8 – Showing proposed 19 kW/m² APZ setback distances, vegetation classification, slope and property access for Lot 201. Indicative only. Not to scale. (Dau, 2024)

HAZARD and APZ ASSESSMENT:

Vegetation Classification

Grassland (North, East, South and West)

Distances required for the creation of APZ setbacks.

The distances below are the minimum setbacks required for a BAL-19 APZ, measured from the future dwelling (assumed 15m x 15m) to surrounding unmanaged vegetation to ensure a maximum radiant heat flux of no greater than 19 kW/m².

- North – 20 m
- East – 16 m
- South – 17 m
- West – 20 m

Figure 2.13: Proposed Lot 201 APZ Requirements (Source: Ember Bushfire Consulting, May 2024)

2.7 LOT 202 BUSHFIRE HAZARD ANALYSIS

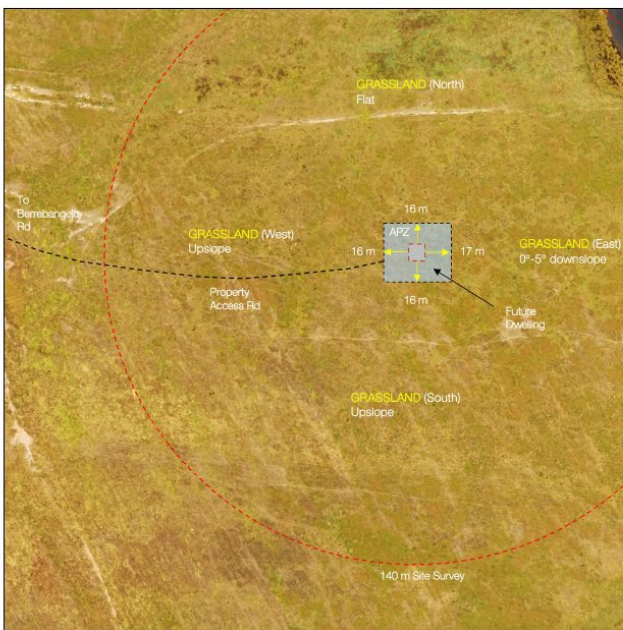


Figure 10 – Showing proposed 19 kW/m² APZ setback distances, vegetation classification, slope and property access for Lot 202. Indicative only. Not to scale. (Dau, 2024)

HAZARD and APZ ASSESSMENT:

Vegetation Classification

Grassland (North, East, South and West)

Distances required for the creation of APZ setbacks.

The distances below are the minimum setbacks required for a BAL-19 APZ, measured from the future dwelling (assumed 15m x 15m) to surrounding unmanaged vegetation to ensure a maximum radiant heat flux of no greater than 19 kW/m².

- North – 16 m
- East – 17 m
- South – 16 m
- West – 16 m

Figure 2.14: Proposed Lot 202 APZ Requirements (Source: Ember Bushfire Consulting, May 2024)

Table 4 – BAL Table

Lot	Aspect	Vegetation Formation	Slope	APZ Setback	Max Radiant Heat
201	N	Grassland	>5° - 10° Downslope	20 m	19 kW/m ²
201	E	Grassland	Flat / Upslope	16 m	19 kW/m ²
201	S	Grassland	>0° - 5° Downslope	17 m	19 kW/m ²
201	W	Grassland	>5° - 10° Downslope	20 m	19 kW/m ²
202	N	Grassland	Flat	16 m	19 kW/m ²
202	E	Grassland	>0° - 5° Downslope	17 m	19 kW/m ²
202	S	Grassland	Flat	16 m	19 kW/m ²
202	W	Grassland	Upslope	16 m	19 kW/m ²

Figure 2.15: Table 5 - Lots 201 & 202 APZ Requirements/ BAL Rating (Source: Ember Bushfire Consulting, May 2024)

Based on the comments within the Bushfire Assessment Report (refer **Appendix C**) it has been determined that the required APZs for proposed Lots 201 and 202 can be contained within the proposed building envelopes.

The total potential native vegetation clearing required for the APZs is 0m².

Building Envelopes

The proposed building envelopes on proposed Lots 201 and 202 have been placed in the most appropriate way to reduce the impact to large vegetation, the groundwater and surrounding watercourses. There is minimal established vegetation existing within this area and no large remnant vegetation.

It is anticipated that the proposed building envelope(s) will house an onsite wastewater facility and ancillary structures in addition to a dwelling/ house and the APZ. As a result, the entire area within the proposed building envelope has been considered within the calculation.

The total potential native vegetation clearing required to be implemented for the proposed building envelopes will be 8800m² (4500m² for Lot 201 and 4300m² for Lot 202).

Electricity/ Telecommunications

Proposed Lots 201 and 202 will utilise an alternate power supply. A restriction on the use of land will be created on each respective title to state they are not connected to the power grid supply.

There is an existing mobile network telecommunications coverage onsite, this will be utilised as part of the proposed subdivision, with no upgrade works required regarding telecommunications.



The total potential native vegetation clearing to implement the future electricity/ telecommunications infrastructure will be **0m²**.

Onsite Effluent Disposal

As per the Land Capability Assessment (refer **Appendix B**), the area specified for effluent treatment for proposed Lots 1 and 2 ranges from 300m² to 520m² depending on the size of the future dwelling house.

There are large areas within the proposed building envelopes to accommodate the future onsite wastewater system and effluent disposal area. Therefore, this area has been included within the building envelope calculation above.

The total potential native vegetation clearing required to implement the onsite effluent disposal for proposed Lots 201 and 202 will be **0m²**.

Total Vegetation Clearing of the Proposed Development:

Following the above findings, a total area of vegetation clearing for the proposed development has been calculated at **9800m²**.

The calculation has included potential clearing that has been deemed appropriate for the proposed development and the future use/ maintenance of the land. These findings and calculations are tabulated below in Table 5 for ease of reference.



TABLE 5 - POTENTIAL NATIVE VEGETATION CLEARING FOR THE PROPOSED DEVELOPMENT:

ITEM OF WORKS	LOT(S)	NOTES	AREA OF NATIVE VEGETATION REMOVAL
Access Track	1 2	Existing Existing	0m ² 0m ²
Fencing	1 2	Existing 500m x 2m	0m ² 1000m ²
Access Entrance	1 2	Existing Existing	0m ² 0m ²
Right of Carriageway	1 2	Existing Existing	0m ² 0m ²
Asset Protection Zones (APZ's)	1 2	(4500m ²) Contained within the BE (4300m ²) Contained within the BE	0m ² 0m ²
Building Envelope (BE)	1 2	4500m ² 4300m ²	4500m ² 4300m ²
Electricity/ Telecommunications	1 2	Alternative Source/ Existing Mobile NBN Coverage Alternative Source/ Existing Mobile NBN Coverage	0m ² 0m ²
Onsite Wastewater Disposal	1 2	(max 520m ²) Contained within the BE (max 520m ²) Contained within the BE	0m ² 0m ²
TOTAL AREA OF POTENTIAL CLEARING			9800m²



2.3 DEVELOPMENT CONTROL PLAN

The following section discusses the relevant planning control under the draft DCP.

Draft Yass Valley Development Control Plan 2024

The draft DCP provides the non-statutory planning, design and environmental objectives and controls to ensure orderly, efficient and sensitive development within the LGA is achieved. The relevant sections of the DCP considered to apply to the proposed development include:

- Part B - Principles for all Development
- Part C - Subdivision Controls
- Part E – Rural, Large Lot and Environmental Zone Development
- Part I – Carparking and Access
- Part K – Natural Resources

TABLE 6 – COMPLIANCE WITH THE DRAFT YVDCP2024

PART B – PRINCIPLES FOR ALL DEVELOPMENT	
CONTROLS	COMPLIANCE
<i>B1 Site Suitability</i>	<p>Complies. The proposed development represents a coordinated approach to rural infill development, through the efficient use of land and the enabling of housing choice which supports higher levels of amenity and accessibility.</p> <p>The site is considered to be well positioned to cater for a mixed demographic of groups likely to be attracted to regional rural living.</p> <p>The proposed building envelopes have been positioned to be clear of any constraints primarily bushfire, salinity, drainage, effluent disposal and large remnant vegetation/ trees.</p> <p>The suitability of the site for the proposed development is considered to be found consistent with Councils standards for infill development of rural residential land, specifically being respectful to the topography and neighbourhood to which the proposed development relates.</p>
<i>B2 Site Analysis Plan</i>	<p>Complies. The proposed Plan of Subdivision demonstrates the location of the proposed building envelopes noting these have taken into consideration any site constraints as mentioned in B1 above (refer Appendix A).</p>



	<p>The PPS also demonstrates the existing right of carriageway picked up by survey and created via DP1297876.</p> <p>The scale of the development has been derived from planning controls and desires a high degree of amenity for future residents.</p>
B3 Crime Prevention and Safety	Not applicable. The proposed development is for the subdivision of land only. This aspect will be considered upon the preparation of a DA for the future built form.
B4 Neighbourhood Character	Not applicable. The proposed development is for the subdivision of land only. This aspect will be considered upon the preparation of a DA for the future built form.

PART C – SUBDIVISION CONTROLS

CONTROLS	COMPLIANCE
C1 Layout	<p>The proposed subdivision has been designed to reflect the adjacent settlement patterns, land uses and character also taking into account the topography of the land to minimise the potential for extensive earthworks and vegetation removal upon the approval of a future built form (subject to a separate DA).</p> <p>The proposed subdivision proposes building envelopes that take into consideration all constraints and provide for a sufficient sized building envelope that will contain any future dwelling house, ancillary structures and the calculated Asset Protection Zones (APZs).</p>
C2 Staging	Not applicable. The proposed subdivision does not include staging of the development.

PART C2 – LARGE LOT RESIDENTIAL, RURAL AND ENVIRONMENTAL SUBDIVISION CONTROLS

CONTROLS	COMPLIANCE
C2.1 Buffers	<p>Complies. The proposed Lot Layout and Building Envelopes allow for the appropriate distance to minimise any potential land use conflicts.</p> <p>The proposed building envelopes enable the appropriate separation of more than 100m to another dwelling on an adjoining lot.</p>



C2.2 Fences	Complies. It is expected the Notice of Determination will include a condition that requires the fencing of both lots in accordance with Council requirements.
C2.3 Access	Complies. Both proposed lots are provided with a legal and physical point of access as per Councils requirements/ specifications from Berrebangelo Road via an established Right of Carriageway (DP1297876).
C2.4 Road design	Not applicable. The proposed subdivision is infill development that does not include the creation of new road.
C2.4.1 Construction – Right of Carriageway	Complies. The existing Right of Carriageway has a constructed pavement width of 4.5m. The legal terms listed on the registered Deposited Plan (DP1297876) are ' <i>Right of Carriageway over Track in Use</i> '.
C2.5 Stormwater	The proposed subdivision development will have minimal effect on the existing natural overland flow path for stormwater runoff. All appropriate stormwater drainage techniques are existing and intend to remain in place.
C2.6 Essential Services	Complies. Please see response to Clause 6.8 in Table 4 of this Statement.
C2.7 Bushfire prone land	Complies. The Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 08 April 2024 (refer Appendix C) confirms the proposed development meets the requirements of PBP 2019. This is detailed throughout this Statement and more specifically within Table 7 – Integrated Development.

PART E – RURAL, LARGE LOT AND ENVIRONMENTAL ZONE DEVELOPMENT

CONTROLS	COMPLIANCE
E1 Siting of Buildings	Complies. Whilst this DA is not for the construction of a dwelling house, the proposed building envelopes have been positioned accordingly to take into consideration all constraints. The specific position of a dwelling house will be determined upon the preparation of a DA for a dwelling house.



E2 Access	Complies. Both proposed lots are provided with a legal and physical point of access as per Councils requirements/ specifications from Berrebangelo Road via an established Right of Carriageway (DP1297876).
E1 Dwellings	Not applicable. This DA is for the subdivision of land only.
E2 Farm Buildings and Outbuildings	Not applicable. This DA is for the subdivision of land only.
E3 Rural Based Activities	Not applicable. This DA is for the subdivision of land only.
PART H – DEVELOPMENT IN HAZARD AFFECTED AREAS	
CONTROLS	COMPLIANCE
H1 Flooding	<p>Complies. The subject land is not mapped as flood prone land, it is noted Hickeys Creek runs along the western boundary.</p> <p>However, the proposed development will not increase the risk of flooding to the existing or surrounding properties. It is noted the proposal includes a proposed upgrade of the creek crossing which will further increase safety for the existing and future owners of the subject and surrounding sites..</p>
H2 Bushfire Prone	<p>Complies. The Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 08 April 2024 (refer Appendix C) confirms the proposed development meets the requirements of PBP 2019.</p> <p>This is detailed throughout this Statement and more specifically within Table 7 – Integrated Development.</p>
H3 Contaminated Land	<p>Complies. The subject land is not situated on land classified as ‘Contaminated Land’. Contaminated Land’ means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.</p> <p>Taking into consideration the historic use of the site Council can be satisfied that the land is not contaminated and is not land specified in subsection (4) of clause 4.6 of the SEPP (such that there is no requirement for a preliminary site investigation report).</p>



PART I – CARPARKING AND ACCESS

CONTROLS	COMPLIANCE
<i>11 Carpark Design</i>	Not applicable. This DA is for the subdivision of land only.
<i>12 Loading Docks</i>	Not applicable. This DA is for the subdivision of land only.
<i>13 Carpark Construction</i>	Not applicable. This DA is for the subdivision of land only.
<i>14 Carparking Credits and Contributions</i>	Not applicable. This DA is for the subdivision of land only.
<i>15 Carparking Ratios</i>	Not applicable. This DA is for the subdivision of land only.
<i>16 Residential Carparking</i>	Not applicable. This DA is for the subdivision of land only.
<i>17 Property Access Crossings</i>	Complies. Both proposed lots are provided with a legal and physical point of access as per Councils requirements/ specifications from Berrebangelo Road via an established Right of Carriageway (DP1297876).



2.4 INTEGRATED DEVELOPMENT

Sections 4.46 and 4.47 of the EP&A Act requires a review of whether the proposed development on the subject site would trigger an approval under other environmental or related legislation. Such development is categorised as 'Integrated Development'.

The following provides brief commentary on whether any aspect of the development triggers a need for the consent authority to obtain General Terms of Approval from the relevant approval bodies.

TABLE 7 – INTEGRATED DEVELOPMENT

ACT	COMMENT
<i>Coal Mine Subsidence Compensation Act 2017</i>	The site is not located within a mine subsidence district.
<i>Fisheries Management Act 1994</i>	The site does not contain any permanent water bodies, nor is it located within Key Fish Habitat. It is considered the proposed development will not harm marine vegetation, nor will it require dredging of the bed and land reclamation of a Key Fish Habitat Creek.
<i>Heritage Act 1977</i>	No works are proposed that are referred to pursuant to section 57 of <i>Heritage Act 1977</i> .
<i>Mining Act 1992</i>	No mining lease is being sought as part of this DA, noting this DA is for a proposed Two (2) Lot Torrens Title Subdivision.
<i>National Parks and Wildlife Act 1974</i>	The subject site has not been identified as containing any archaeological sites and is primarily of 'low' archaeological potential.
<i>Petroleum (Onshore Act) 1991</i>	No production lease is being sought as a part of this DA, noting this DA is for a proposed Two (2) Lot Torrens Title Subdivision.
<i>Protection of the Environment Operations Act 1997</i>	The implementation of appropriate environmental protection works will ensure that no licence will be required.
<i>Roads Act 1993</i>	No works are required on or to connect the Site to a classified road. Works are proposed within Berrebangelo Road and Council is the managing authority for this road.



	<p>Section 4.46(3) of the EP&A Act operates to the effect that proposed development seeks consent and subsequent approval to the <i>Roads Act 1993</i> from Council.</p> <p>Under this legislation, the proposed development, therefore does not trigger the application as requiring integrated approval.</p>
<p><i>Rural Fires Act 1997</i></p>	<p>The subject land is identified as being bushfire prone land (BFPL) pursuant to the mapping within the YVLEP2013.</p> <p>The proposed development includes the subdivision of the subject lot into two (2) Torrens Title Lots that has established the necessary bushfire protection measures including access to services and relevant access considerations.</p> <p>The proposed Torrens Title subdivision development is categorised as Integrated Development under Section 4.46 of the EP&A Act. Integrated development requires development from Council and General Terms of Approval from NSW Rural Fire Service (RFS). Any development applications for such a purpose must obtain a bush fire safety authority (BFSA) from the Commissioner of NSW RFS in accordance with Section 100B of the RF Act.</p> <p>A BRSA authorises development to the extent that it complies with PBP 2019 including standards regarding setbacks, provision of water supply and other measures in combination considered by the Commissioner necessary to protect persons, property or the environment from danger that may arise from a bushfire.</p> <p>As a proposed residential development, the application needs to be able to justify that the proposal can achieve radiant heat levels of not greater than 29kW/m² (or Bushfire Attack Level 29) to all proposed dwellings and have adequate access and water supply provisions.</p> <p>To support the proposed subdivision a Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 08 April 2024 (refer Appendix C) is included with this application and concludes the following recommendations demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP (2019).</p> <ul style="list-style-type: none"> ❖ <i>This report documents the findings from a bush fire assessment conducted for a proposed two 92) lot rural residential subdivision at Lot 103 DP1298436, 737 Berrebangelo Road, Yass River.</i> ❖ <i>APZ setback dimensions with the proposed Lots 201 and 202 will ensure that future dwellings are not</i>



	<p><i>exposed to radiant heat levels exceeding <u>29 kW/m²</u> and will comply with Table A1.12.2 of PBP 2019.</i></p> <ul style="list-style-type: none"> <i>❖ Access to Lots 201 and 202 of the proposed subdivision is well provided for and will essentially comply with the acceptable solutions set out in PBP (2019). Where the acceptable solutions cannot be met, a performance-based assessment of the proposal is undertaken, which considers the compliant APZ dimensions, higher levels of construction and increased water supplies, all of which improve the level of safety, resilience and defendability of the future structures while placing less reliance on access as a safety measure.</i> <i>❖ As part of the Performance-Based Design to address extended egress, however, any future dwelling on Lot 201 and 202 is required to be constructed to BAL-29 per the relevant sections of Australian Standard 3959-2018 Construction of buildings in bushfire-prone areas.</i> <i>❖ Electricity, water and gas supplies will be provided during future development and must comply with the general specifications provided here.</i> <i>❖ At the time of this report, the development is not known to have any significant environmental or cultural values within the subdivision areas requiring consideration as part of this assessment.</i> <i>❖ Based on the bushfire assessment and the recommendations contained in this report, the proposed development is deemed to comply with the specific and broad objectives of PBP (2019), the requirements of the Rural Fire regulations (2013) and, therefore, suitable for submission to the NSW RFS for the issuing of a bush fire safety authority.</i> <p>Based on the bushfire assessment and the recommendations contained in this report, the proposed development is deemed to comply with the specific and broad objectives of PBP (2019), the requirements of the Rural Fire regulations (2013) and, therefore, suitable for submission to the NSW RFS for the issuing of a bush fire safety authority.</p>
<p><i>Water Management Act 2000</i></p>	<p>Hickeys Creek is not located on the subject land however the existing creek crossing that provides access to the proposed Lots will require upgrading as per the design prepared by Genium Civil Engineering (refer Appendix D).</p> <p>As such the development warrants approval pursuant to section 91(2) of the <i>Water Management Act 2000</i> for a controlled activity. A CAA application has been lodged concurrently with this application.</p>



Bushfire Prone Land

Section 4.14 of the EP&A Act provides for the general consideration of bushfire hazard on land mapped as bushfire prone as shown in **Figure 2.11**. Section 4.47 of the EP&A Act provides for the consent authority to obtain from each relevant approval body the *General Terms of Approval* to be granted by the approval body in accordance with the regulations.

The proposed development is categorised by the RFS as being a residential development and this requires a qualified bushfire consultant to issue a Bushfire Assessment Report in accordance with *Planning for Bushfire Protection 2019 (PBP 2019)* and the *Rural Fires Regulation 2022*.

To support the proposed subdivision a Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 08 April 2024 (refer **Appendix C**) is included with this application and concludes the following recommendations demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP (2019).

- ❖ *This report documents the findings from a bush fire assessment conducted for a proposed two 92) lot rural residential subdivision at Lot 103 DP1298436, 737 Berrebangelo Road, Yass River.*
- ❖ *APZ setback dimensions with the proposed Lots 201 and 202 will ensure that future dwellings are not exposed to radiant heat levels exceeding 29 kW/m² and will comply with Table A1.12.2 of PBP 2019.*
- ❖ *Access to Lots 201 and 202 of the proposed subdivision is well provided for and will essentially comply with the acceptable solutions set out in PBP (2019). Where the acceptable solutions cannot be met, a performance-based assessment of the proposal is undertaken, which considers the compliant APZ dimensions, higher levels of construction and increased water supplies, all of which improve the level of safety, resilience and defendability of the future structures while placing less reliance on access as a safety measure.*
- ❖ *As part of the Performance-Based Design to address extended egress, however, any future dwelling on Lot 201 and 202 is required to be constructed to BAL-29 per the relevant sections of Australian Standard 3959-2018 Construction of buildings in bushfire-prone areas.*
- ❖ *Electricity, water and gas supplies will be provided during future development and must comply with the general specifications provided here.*
- ❖ *At the time of this report, the development is not known to have any significant environmental or cultural values within the subdivision areas requiring consideration as part of this assessment.*
- ❖ *Based on the bushfire assessment and the recommendations contained in this report, the proposed development is deemed to comply with the specific and broad objectives of PBP (2019), the requirements of the Rural Fire regulations (2013) and, therefore, suitable for submission to the NSW RFS for the issuing of a bush fire safety authority.*

Based on the bushfire assessment and the recommendations contained in this report, the proposed development is deemed to comply with the specific and broad objectives of PBP (2019), the requirements of the Rural Fire regulations (2013) and, therefore, suitable for submission to the NSW RFS for the issuing of a bush fire safety authority.



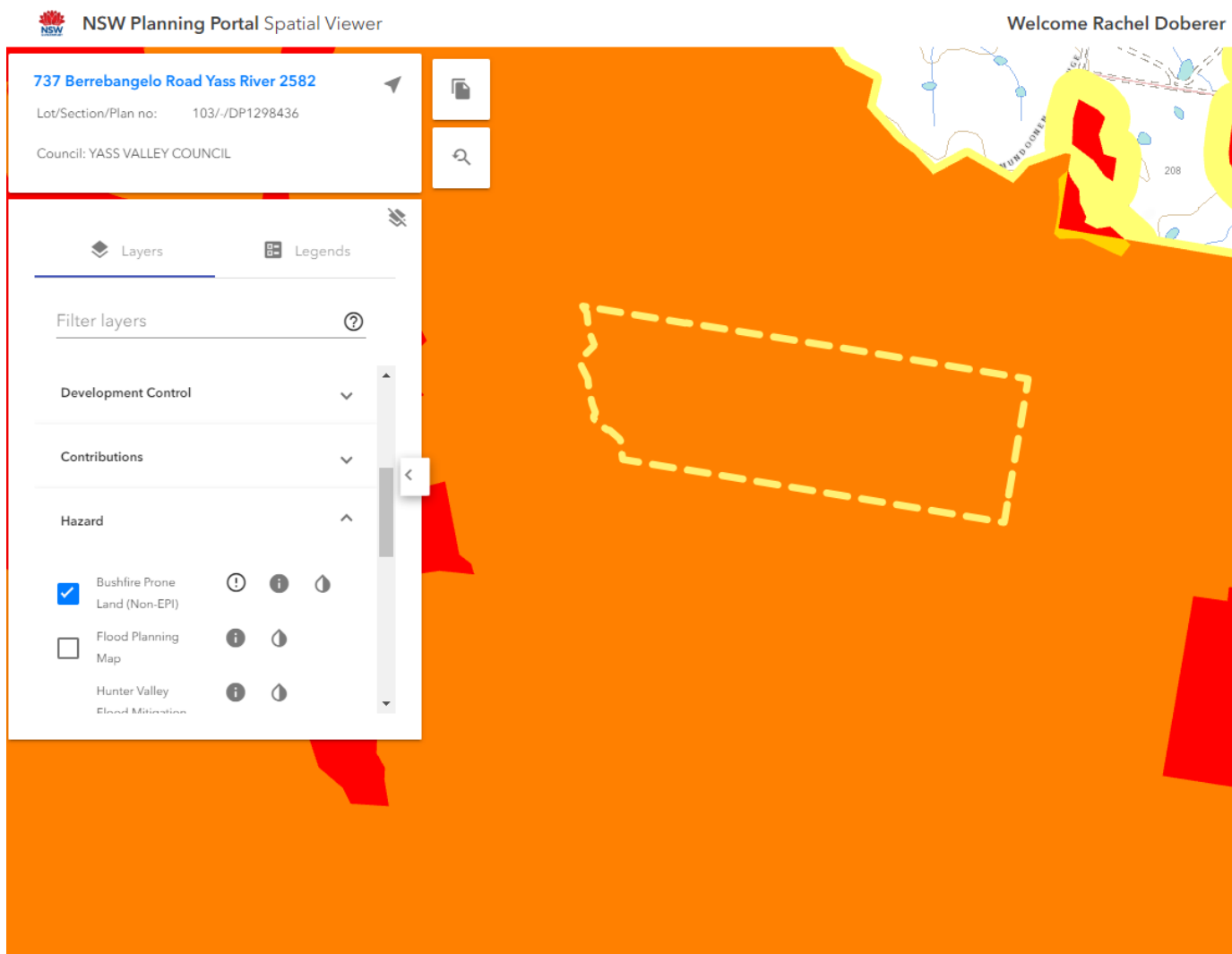


Figure 2.16: Bushfire Prone Land Mapping (Source: NSW Government Planning Portal Spatial Viewer, May 2024)

The APZ setback recommendations prescribed for proposed Lot 200 have been calculated by a qualified bushfire consultant and have been specified to ensure that future dwellings are not exposed to radiant heat levels exceeding 29kW/m^2 and, therefore, surpass the minimum requirements.

This intended design feature will provide a higher level of safety and resilience to the future dwelling on Lot 200. This design feature forms part of a performance-based design to address extended access/ egress. The recommendations in the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 08 April 2024 (refer **Appendix C**) confirms the following:

*Table 4 (refer **Figure 2.13**) below details the minimum APZ setback dimensions for any future dwelling on Lots 201 and 202 to ensure that these dwellings are not exposed to radiant heat levels exceeding 29kW/m^2 .*

The APZ setback dimensions proposed for Lots 201 and 202 meet the minimum requirements specified by Table A1.12.2 PBP 2019 and, therefore, satisfies the acceptable solutions for APZs.

The APZ setback dimensions for proposed Lots 201 and 202 have been specified to ensure that future dwellings are not exposed to radiant heat levels exceeding 19kW/m^2 and, therefore surpass the minimum requirements.



The radiant heat level of 19kW/m^2 is less than the allowable 29kW/m^2 . This intended design feature will provide a higher level of safety and resilience to the future dwellings of Lots 201 and 202. This design feature forms part of a performance-based design to address extended access/egress discussed in Section 3.3.

Recommendations:

- Lots 201 and 202 APZ setback dimensions are to comply with the minimum dimensions provided in Table 4 below.
- Lots 201 and 202 APZ setback dimensions shall not be decreased during future development.
- At the commencement of building works and in perpetuity, all land within the area identified as APZ is to be managed as APZ Inner Protection Area in accordance with the requirements of Asset Protection Area in accordance with the requirements of Asset Protection Zone Standards – Appendix 4 of PBP (2019).

Following the recommendations within the Bushfire Assessment Report, it is proposed to implement the following Positive Covenant over proposed Lots 201 and 202 via an 88B Instrument that will accompany the Final Plan of Subdivision (Deposited Plan) upon registration at Land Registry Services (**LRS**). The following proposed wording is recommended:

Proposed Positive Covenant for Lot 201

The registered proprietor of the lot(s) hereby burdened will maintain at the sole expense of the registered proprietor the whole of the asset protection zone measured from the outside walls of a future dwelling, for the distances defined in the following table, including, but not limited to, the removal of vegetation in accordance with fuel load requirements and restricting the placement of combustible materials, buildings or improvements, complying with the requirements of the NSW Rural Fire Service relevant and applicable at the time.

Orientation	APZ Distance/ Depth
North	20m
East	16m
South	17m
West	20m

The asset protection zone referred to has been determined at the subdivision stage based on a deemed-to-satisfy, or performance based, solution and relates to a setback measured from the bush fire threat where the radiant heat flux is 29 kilowatts per square metre, or less and there is no flame contact (setback greater than flame length in radiant heat modelling) as required by the Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas and Planning for Bushfire Protection 2019 (or equivalent where these documents are superseded). The Bushfire Attack Level (BAL) needs to be determined at the building stage and may range from BAL Low through to BAL Flame Zone based on the setback to the bush fire threat. If the proposed dwelling is located closer to the bush fire hazard than proposed at the subdivision stage, or if the nature of the bush fire hazard has changed, the required BAL may be higher than BAL 29 which may impact building construction costs.



Proposed Positive Covenant for Lot 202

The registered proprietor of the lot(s) hereby burdened will maintain at the sole expense of the registered proprietor the whole of the asset protection zone measured from the outside walls of a future dwelling, for the distances defined in the following table, including, but not limited to, the removal of vegetation in accordance with fuel load requirements and restricting the placement of combustible materials, buildings or improvements, complying with the requirements of the NSW Rural Fire Service relevant and applicable at the time.

Orientation	APZ Distance/ Depth
North	16m
East	17m
South	16m
West	16m

The asset protection zone referred to has been determined at the subdivision stage based on a deemed-to-satisfy, or performance based, solution and relates to a setback measured from the bush fire threat where the radiant heat flux is 29 kilowatts per square metre, or less and there is no flame contact (setback greater than flame length in radiant heat modelling) as required by the Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas and Planning for Bushfire Protection 2019 (or equivalent where these documents are superseded). The Bushfire Attack Level (BAL) needs to be determined at the building stage and may range from BAL Low through to BAL Flame Zone based on the setback to the bush fire threat. If the proposed dwelling is located closer to the bush fire hazard than proposed at the subdivision stage, or if the nature of the bush fire hazard has changed, the required BAL may be higher than BAL 29 which may impact building construction costs.



2.5 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policies (SEPPs) are environmental planning instruments that deal with matters of State or Regional environmental planning significance.

The following provides a brief commentary on whether the key SEPPs are relevant to this proposal.

TABLE 8 – SEPPS

SEPP	COMMENT
<i>SEPP (Biodiversity and Conservation) 2021</i>	<p>This SEPP contains planning rules and controls for preserving, conserving, and managing NSW’s natural environment and heritage.</p> <p>The provisions within this SEPP do not apply to the subject land. It is noted there will be no effect on the existing biodiversity of the site to complete the proposed development.</p>
<i>SEPP (Transport and Infrastructure) 2021</i>	<p>This SEPP contains planning provisions to provide well-designed and located transport and infrastructure integrated with land use/</p> <p>The proposed development for a two (2) lot Torrens Title subdivision, does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.</p>
<i>SEPP (Primary Production)2021</i>	<p>This SEPP contains planning provisions to protect and support agricultural lands and opportunities for Primary Production.</p> <p>The proposed development for a two (2) lot Torrens Title subdivision, does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.</p>
<i>SEPP (Resilience and Hazards) 2021</i>	<p>This SEPP contains provisions to manage risks and build resilience in the face of hazards.</p> <p>It is noted the proposed development is not located on ‘Contaminated Land’.</p> <p>‘Contaminated Land’ means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a</p>



	<p>presence that presents a risk of harm to human health or any other aspect of the environment.</p> <p>Taking into consideration the historic use of the site Council can be satisfied that the land is not contaminated and is not land specified in subsection (4) of clause 4.6 of the SEPP (such that there is no requirement for a preliminary site investigation report).</p>
<p><i>SEPP (Building Sustainability Index: BASIX) 2004</i></p>	<p>The proposed development is for a two (2) lot Torrens Title subdivision. As such the requirements to satisfy the objectives and specifications within this SEPP must be adhered to.</p> <p>A BASIX Certificate prepared by Energy Advance dated 22 February 2024 is included with this application (refer Appendix E).</p>
<p><i>SEPP (Exempt and Complying Codes) 2008</i></p>	<p>The proposed two (2) lot Torrens Title subdivision does not qualify to be assessed against this code.</p> <p>As such this SEPP is not applicable to the assessment of this application.</p>
<p><i>SEPP (Planning Systems) 2021</i></p>	<p>This SEPP contains planning rules that allow for a strategic and inclusive planning system for the community and the environment for State Significant Development.</p> <p>The proposed development is not classified as State Significant Development and therefore this SEPP is not applicable to this development application.</p>
<p><i>SEPP (Resources and Energy) 2021</i></p>	<p>This SEPP contains planning rules that promote the sustainable use of NSW's resources and transitioning to renewable energy. Specifically for the assessment and development of mining, petroleum production and extractive material resource proposals.</p> <p>The proposed development does not relate to the developments listed above and as such this SEPP is not applicable to this development application.</p>
<p><i>SEPP (Housing) 2021</i></p>	<p>This SEPP contains planning rules that allow for the delivery and sufficient supply of safe, diverse and affordable housing.</p> <p>The proposed development does not relate to the delivery of boarding houses or affordable housing. As such this SEPP is not applicable to this development application.</p>



<p><i>SEPP (Industry and Employment) 2021</i></p>	<p>This SEPP contains planning rules that applies to employment land in western Sydney and for advertising and signage in NSW.</p> <p>The proposed development does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.</p>
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2.6 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the subject application as per Clause 4.15 of the EP&A Act

The following table summarises the key findings in the context of Section 4.15 of the Act under which the application must be assessed.

TABLE 9 – SECTION 4.15 OF THE EP&A ACT

OBJECT	COMMENT
<p>(a) <i>the provisions of—</i></p> <ul style="list-style-type: none"> (i) <i>any environmental planning instrument, and</i> (ii) <i>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</i> (iii) <i>any development control plan, and</i> (iiia) <i>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</i> (iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> (v) <i>(Repealed)</i> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The proposed development has been prepared taking into consideration any potential socioeconomic and environmental concerns.</p> <p>It has been determined the proposed development will not raise any matters of significance to inhibit the approval of the development application.</p> <p>The proposal has been assessed against the relevant provision of the Environmental Planning and Assessment Act 1979, the relevant Local Environmental Plan specifically the YVLEP2013 and the Draft Yass Valley Development Control Plan 2024 (YVDCP2024).</p> <p>The proposal is permissible with Councils consent within the zone and meets the relevant objectives of the RU1 Primary Production zone confirming the proposed development meets the relevant objectives.</p> <p>Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also attaining an environmentally sustainable development that is compatible with and sympathetic to surrounding and neighbouring properties.</p>
<p>(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>	<p>The proposed development has been prepared to facilitate an ecologically sustainable development that represents rational, orderly, economic and sustainable use of the land.</p> <p>The Two (2) Lot Torrens Title Subdivision , has been designed to take into consideration the subject site and surrounds. The proposed development has been prepared by integrating the</p>



	<p>relevant economic, environmental and social considerations to result in an achievable planning outcome.</p> <p>It has been determined that any minor impacts of the development will have little to no effect on the surrounding environment. The proposed development of the subject lot is expected to lay the foundation for more efficient utilization of the land, and it is expected to contribute in varying degrees to the local economy.</p>
<p>(c) <i>the suitability of the site for the development,</i></p>	<p>The proposed (2) Lot Torrens Title Subdivision is consistent with and compatible with the surrounding land uses of Yass River. The proposal fits in with the existing and new land uses and will be maintained with this development.</p> <p>The proposed development has been designed to have regard for the existing land uses and will not adversely affect the amenity of the surrounding area, environment, or adjoining neighbours, maintaining the opportunity for sustainable residential development. Therefore, the site is considered suitable for the proposed development.</p>
<p>(d) <i>any submissions made in accordance with this Act or the regulations,</i></p>	<p>Council is required to take into consideration any submission made in accordance with Council's notification policy and the notification provisions of the EP&A Act.</p>
<p>(e) <i>the public interest.</i></p>	<p>This development application seeks approval for a proposed Two (2) lot Torrens Title Subdivision. The proposal is considered in the public interest for the following reasons:</p> <ul style="list-style-type: none"> • The site is located within the RU1 Primary Production zone of Yass River. The vision for the expansion of Yass LGA is to create a high quality and ecologically sustainable environment integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development which will support the other uses of the area. • The site is zoned for development purposes, and the proposed development provides for a subdivision that is consistent with the objectives and controls contained in the YVLEP2013. • The proposal accommodates rural residential living opportunities, within close proximity to Murrumbateman and Canberra. • It is expected the construction works associated with the proposed development will contribute in varying degrees to the local economy and Yass Valley more generally.



3. CONCLUSION

This application seeks approval for a Two (2) Lot Torrens Title Subdivision. It is concluded, the approval of the Development Application on Lot 103 DP1298436 is an appropriate, orderly and compatible form of development when assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The environmental assessment of the proposed development has demonstrated that it will have minimal adverse environmental impacts. The proposal is permissible with Council's consent within the zone and meets the relevant objectives of the RU1 Primary Production zone.

Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also achieving an environmentally sustainable development that is compatible with and sympathetic to surrounding properties.

The proposal has been prepared with respect to create an appealing residential subdivision development within the locality of Yass River. The application is supported by the appropriate documents that satisfy Council's requirements and demonstrate that the site is suitable for the proposed development.

It has been considered that the proposal will not have a detrimental effect to the environment, and the proposal represents rational, orderly, economic and sustainable use of the land. It complies with all relevant legislation, will result in a good planning outcome, and it is recommended that conditional development consent for the proposed development on Lot 103 DP1298436 737 Berrebangelo Road, YASS RIVER be granted by Council.

