


# STATEMENT OF ENVIRONMENTAL EFFECTS

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<b>PROJECT:</b>	Development Application for the approval of a Two (2) Lot Torrens Title Rural Residential Subdivision at Lot 1 DP1114409 & Lot 12 DP1043697 424 Beralston Road, GUNDAROO.  pursuant to the provisions within the <i>Yass Valley Local Environmental Plan 2013 (YVLEP2013)</i> and the <i>Yass Valley Development Control Plan 2024 (YVDCP2024)</i> .
<b>APPLICANT:</b>	JAMES TITTERTON
<b>OUR REFERENCE:</b>	5395_SEE1
<b>DATE:</b>	OCTOBER 2024
<b>AUTHOR:</b>	RACHEL DOBERER SENIOR TOWN PLANNER
<b>SIGNATURE:</b>	



## Revision Status

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# 1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared for *James Titterton* (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 Rural Residential Subdivision at Lot 1 DP1114409 & Lot 12 DP1043697 424 Beralston Road, GUNDAROO.

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 rural 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 and the YVDCP2024.
- 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 rural residential land. This is explained in more detail later in this Statement.
  - The subject site is located within the RU1 Primary Production zone of Gundaroo. 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 Gundaroo, within close proximity to Canberra, Murrumbateman, Yass and Goulburn.
  - 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 the 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

### 1.3.1 The Applicant

*James Titterton*

C/- DPS Pty Ltd  
PO Box 5  
YASS NSW 2582

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### 1.3.2 The Owner(s)

*James Richard Herwald Titterton*  
*Mangalika Titterton*

C/- 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](mailto:rachel@dpsyass.com.au)

### 1.3.3 Site Address

The subject site for this application is legally identified as Lot 1 DP1114409 & Lot 12 DP1043697 424 Beralston Road, GUNDAROO and shown in **Figures 1.1 and 1.2** (Location Maps) of this Statement.





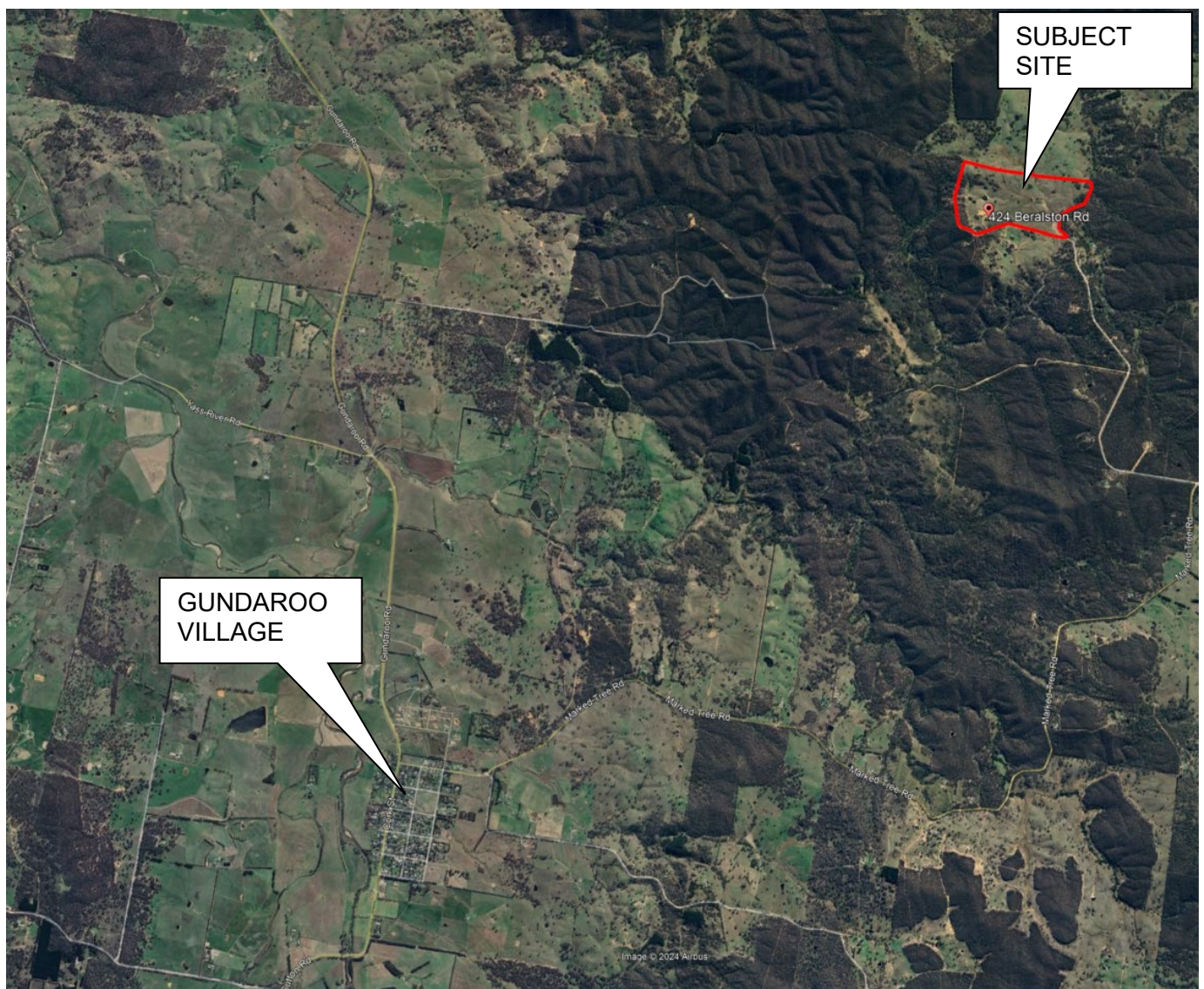
## 1.4 SITE AND LOCATION

### 1.4.1 Site Description

The subject site is located within the Gundaroo locality (refer **Figure 1.1**), approximately 66km to Yass CBD, roughly 50km to Murrumbateman Village, 55km to Canberra CBD and approximately 55km to Goulburn CBD. The site is located on Beralston Road and connects to Yass, Murrumbateman, Canberra and Goulburn seamlessly via Marked Tree Road, Sutton Road, the Barton Highway and the Hime 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 residential lots to the North, South, East and West (refer **Figure 1.2**).

Legal and physical access to the subject site is gained off Beralston Road. The site is an irregular shaped parcel of land with a total area of land of 81.24ha. The land is currently utilised for rural residential purposes, following this subdivision, the use is intended to remain the same.



**Figure 1.1: Subject Site in relation to Gundaroo Village** (Source: Google Earth Aerial Imagery, October 2024)







**Figure 1.2: Location Map** (Source: Google Earth Aerial Imagery, October 2024)



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

- Easement for Transmission Line Variable Width affecting the part(s) shown so burdened in the Title Diagram (DP1043697).

## **1.4.3 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 Envelope located on proposed Lot 02 referenced as 'BE' on the Proposed Plan of Subdivision (refer **Appendix A**).
- It is proposed to create a Restriction on the Use of Land in relation to the BAL rating and the Construction Standards and Property Access Roads in relation to Bushfire Areas, this will be subject to the NSW Rural Fire Service (**RFS**) General Terms of Approval (**GTAs**).
- It is proposed to create a Positive Covenant over proposed Lot 1 in relation to the maintenance in perpetuity for the existing/ established APZ as reflected in the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 02 October 2024 (refer **Appendix C**) and the NSW RFS GTAs.
- It is proposed to create a Positive Covenant over proposed Lot 1 in relation to the implementation and maintenance of the Asset Protection Zone (APZs) as reflected in the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 25 August 2024 (refer **Appendix C**) and the NSW RFS GTAs.



## 1.5 PROPOSED DEVELOPMENT

This report has been prepared by DPS to accompany the Development Application (**DA**) 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 Rural Residential 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 reference 5395\_PPS1 dated August 2024 (refer **Figure 1.3 and Appendix A**).
- ❖ Site & Soil Assessment for On-site Effluent Disposal for proposed Lot 2 prepared by Land Capability Services dated October 2024 (refer **Appendix B**).
- ❖ Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 02 October 2024 (refer **Appendix C**).
- ❖ AHIMS Basic Search Result and Site-Specific Due Diligence Procedure (refer **Appendix D**).
- ❖ Certificate of Title and Deposited Plan for Lot 1 DP1114409 & Lot 12 DP1043697 (refer **Appendix E**).

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 81.24ha of land with an existing dwelling house and ancillary structures on proposed Lot 1. The proposed DA has been prepared to take into consideration the future use of the site and aims to improve the overall functionality of the site.

The proposed subdivision and associated works are not anticipated to have any adverse impacts on the surrounding amenity of adjoining lots or the nearby waterways. It is expected that any associated subdivision works for the proposed development may 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**). All development on BFPL must satisfy the aim and objectives of PBP 2019.





The aim of PBP 2019 is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

The objectives are to:

- *Afford buildings and their occupants protection from exposure to a bush fire.*
- *Provide for a defensible space to be located around buildings.*
- *Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings.*
- *Ensure that appropriate operational access and egress for emergency service personnel and occupants is available.*
- *Provide for ongoing management and maintenance of BPMs; and*
- *Ensure that utility services are adequate to meet the needs of firefighters.*

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 02 October 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 establishes the level of bushfire threat to the proposed development and examines the PBP (2019) six bushfire protection measures for the future dwelling on Lot 2.*
- ❖ *Access to the new building envelope off Beralston Road and its isolation will require a performance-based design to satisfy the performance criteria and intent for access arrangements set out in PBP (2019) and clause 5.1.1 Isolated Subdivisions PBP (2019).*



- ❖ *The existing dwelling has access to two static water supplies, providing sufficient supplies for firefighting. The new lot will require its own firefighting water supply to serve the future dwelling at the development time.*
- ❖ *To improve the level of ember protection for the existing dwellings, construction enhancements where required are recommended to increase ember protection.*
- ❖ *In this report, the development is not known to have any significant environmental or cultural values 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) and the requirements of the Rural Fire Regulations (2022) 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 this 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
- Terrestrial Biodiversity Map within the YVLEP2013
- Bushfire Prone Land (Non-EPI) within the YVLEP2013
- Riparian Lands and Watercourses Map within the YVLEP2013
- Salinity Map within the YVLEP2013
- Biodiversity Values Map (Non- EPI) 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 accesses, access ways 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 Gundaroo 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 rural 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 1.3** and **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 fencing works.

In detail, this development application seeks approval for:

- The subdivision of the subject site into two (2) Torrens Title Rural Residential Lots (refer **Appendix A**).
- New internal fencing between proposed Lots 1 & 2.
- Upgrade of the existing access servicing proposed Lot 2

on Lot 1 DP1114409 & Lot 12 DP1043697 as per the Proposed Plan of Subdivision. 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 boundaries 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.

### **1.6.1 Fencing**

As part of the delivery of the proposed development, internal non-rural fencing in accordance with the controls elaborated in the YVDCP2024 will be installed as the new internal boundary between proposed Lots 1 & 2.

It is anticipated that given the relatively unvegetated strip of land the proposed fencing will traverse, there will be minimal effect felt on the biodiversity off the land. Having said that and during the construction of the fencing and the 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 subdivision development has been prepared to meet the specific criteria that allows it to be classified as Ecologically Sustainability Development, this is explained in more detail below.



## **1.6.2 Civil Works**

Earthworks on the site can be designed to achieve no export and no importation of material that exceeds the permissible 100m<sup>3</sup>. This strategy has been proposed to minimise the impact on surrounding neighbours and the public road network.

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 minor grading to establish the desired levels for the upgrade of the existing access/ entrance way to proposed Lot 2. These levels have been designed to optimise the utilisation of cut and fill across the site, where possible maintaining the fall to the road and to maintain surrounding boundary levels.

## **1.6.3 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 is a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.



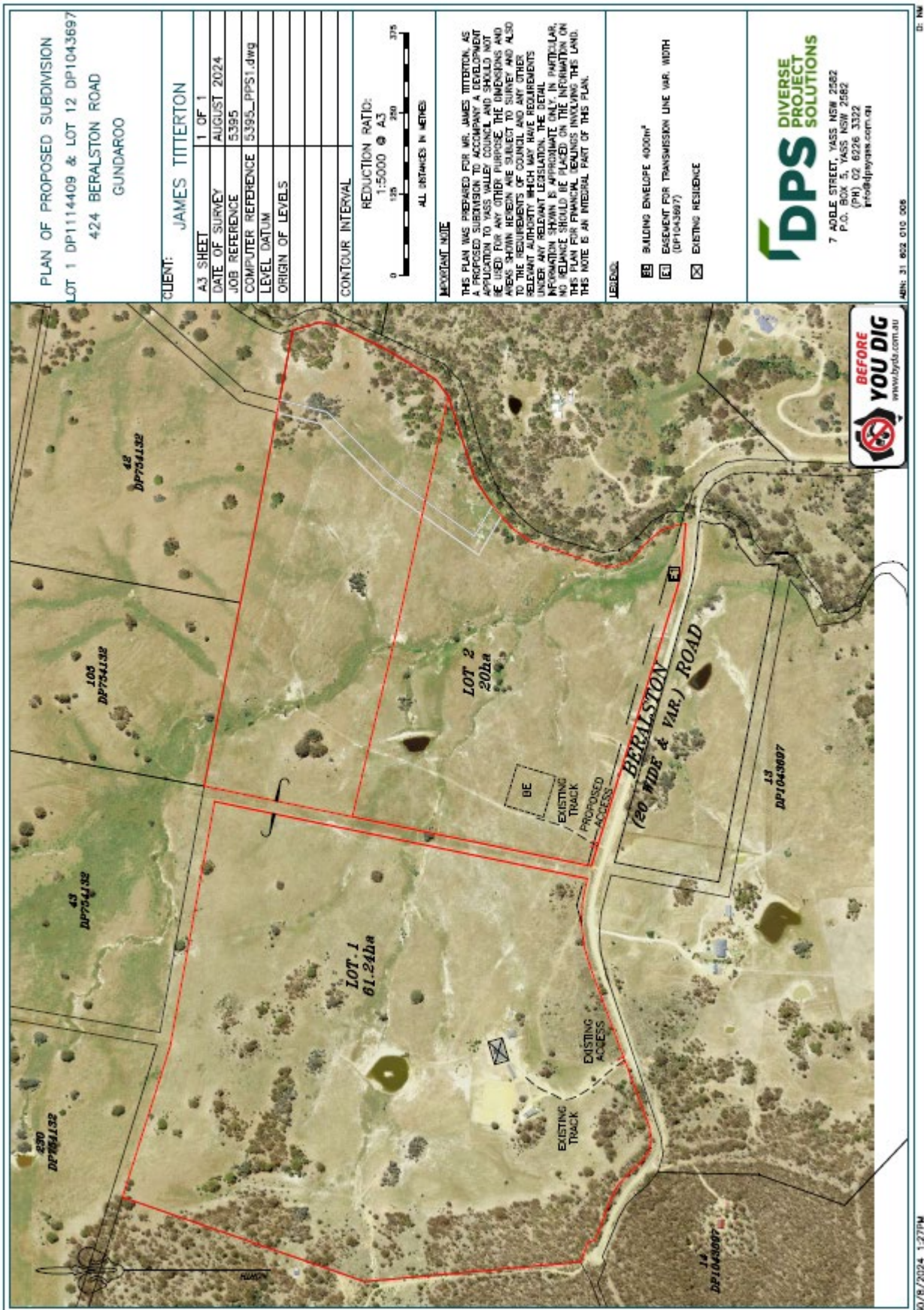


Figure 1.3: Proposed Plan of Subdivision (Source: DPS YASS P/L, October 2024)

## 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 the opportunity 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 two (2) manageable rural lots, 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>	<p>Complies. Whilst the subject site is not within a village in Yass Valley, it is located in an area where local character is embraced.</p> <p>Local character is what makes a place or area distinctive or unique. Local character is the combination of multiple factors, which relate to the area's history, built form, public and private spaces, community values and how they connect to a place.</p> <p>The proposed subdivision responds to the character of the Gundaroo locality and is consistent with the relevant planning controls that are identified later in this Statement.</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 actively maintaining the character of Yass Valley.</p>
<i>(h) to enhance service provision in each of the villages in Yass Valley,</i>	<p>Complies. Service provision is regarded as essential for the mere functionality of a modern family life.</p> <p>Elementary commercial and public support for categories of small and medium sized business typically located in rural areas is also considered self-evident and essential for the economic viability outside bigger towns.</p> <p>A certain level of public service provision is crucial in order to reduce social deprivation and in order to increase social inclusion, and this objective is of chief importance for maintaining a strong public sector representation in rural areas.</p> <p>The level of services available in each village/ town is directly related to the size of the local population. Hence, the proposed subdivision development will enhance the service provision within Gundaroo by increasing the population and in turn coordinating the need for increased service provisions.</p>



<p><i>(i) to protect and conserve the cultural heritage and history of Yass Valley,</i></p>	<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 are 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>
<p><i>(j) to protect and enhance the environmental and biodiversity values of Yass Valley,</i></p>	<p>Consistent. As indicated on Council's LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns.</p> <p>The proposed building envelope and access way occupy cleared sections of the subject site which is void of significant vegetation (refer <b>Figure 2.1</b>).</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>Specifically, any potential biodiversity removal is limited to:</p> <ul style="list-style-type: none"> <li>• The future building envelope on proposed Lot 2, this includes the implementation and maintenance of the Asset Protection Zones (APZs) as per the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 02 October 2024 (refer <b>Appendix C</b>), and</li> <li>• New internal fencing as per the proposed new allotment layout and demonstrated on the Proposed Plan of Subdivision (refer <b>Appendix A</b>)</li> </ul> <p>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.</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.



**Figure 2.1: Current Aerial Imagery of Proposed Building Envelope Area, Existing Access Way and Access Track**  
(Source: Google Earth Aerial Imagery, October 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.

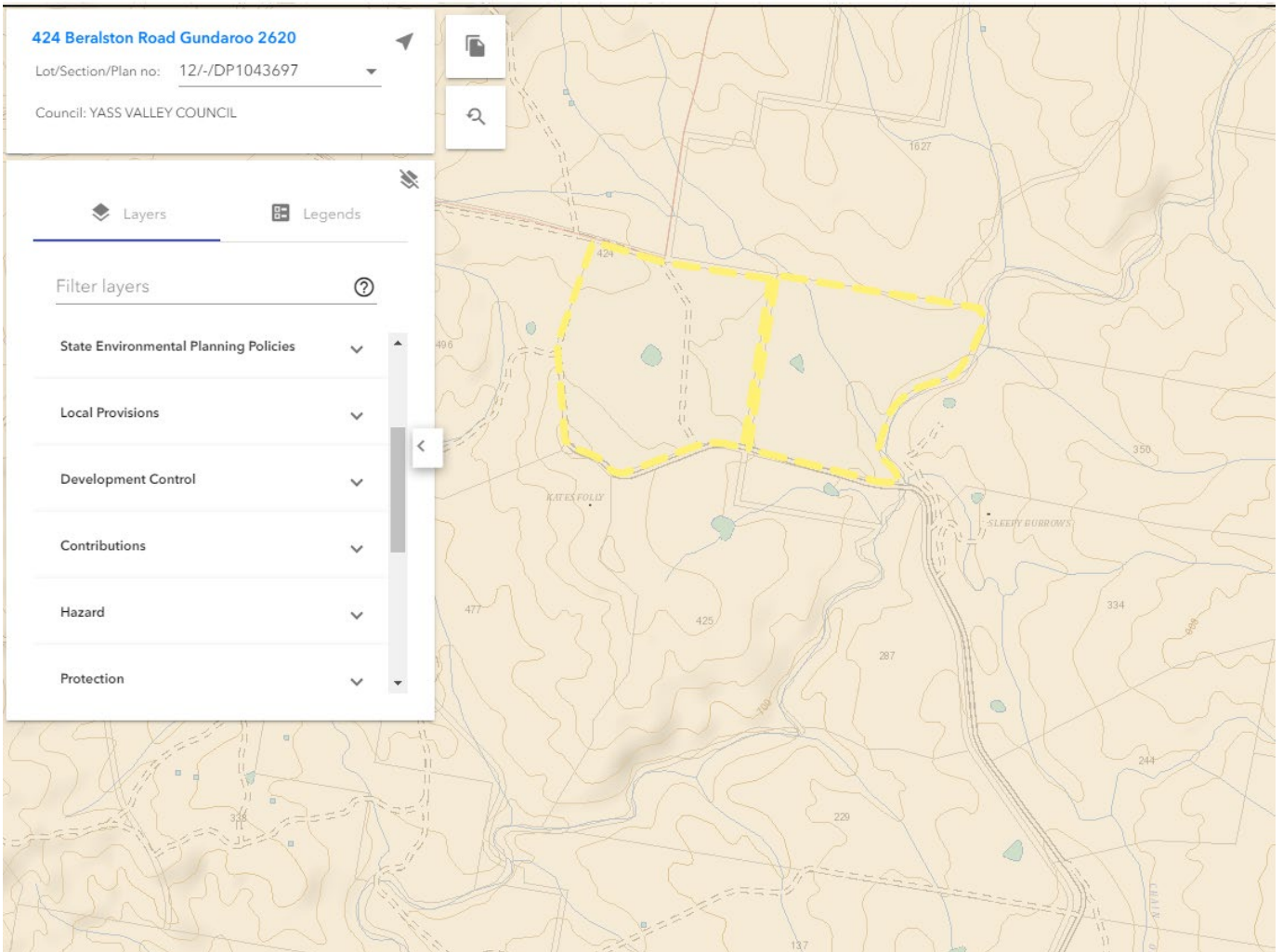
It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity.

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, October 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 Rural Residential 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 providing for a low-impact rural residential development that 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 (<b>BFPL</b>), this is discussed in more detail later in this statement.</p> <p>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>No significant or threatened ecological species or vegetation exists on the subject site. The proposed DA 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 on each proposed lot for the construction of a future dwelling house/ dual occupancy and associated infrastructure with no adverse effects to be felt on the biodiversity of the site</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 an additional rural residential lot for a new dwelling(s) in the Gundaroo locality.</p> <p>It is intended that the proposed lots will encourage diversity in primary industry enterprises and systems appropriate for the area and the size of the lots.</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. As indicated on Council's LEP Terrestrial Biodiversity Map there are large areas within the subject site that have been identified/ mapped as having biodiversity concerns.</p> <p>The proposed building envelope and access way occupy cleared sections of the subject site which is void of significant vegetation (refer <b>Figure 2.1</b>).</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>Specifically, any potential biodiversity removal is limited to:</p> <ul style="list-style-type: none"> <li>• The future building envelope on proposed Lot 2, this includes the implementation and maintenance of the Asset Protection Zones (APZs) as per the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 02 October 2024 (refer <b>Appendix C</b>), and</li> <li>• New internal fencing as per the proposed new allotment layout and demonstrated on the Proposed Plan of Subdivision (refer <b>Appendix A</b>)</li> </ul> <p>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.</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> <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>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.</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>Complies. Whilst the subject site is not within a village in Yass Valley, it is located in an area where local character is embraced.</p> <p>Local character is what makes a place or area distinctive or unique. Local character is the combination of multiple factors, which relate to the area's history, built form, public and private spaces, community values and how they connect to a place.</p> <p>The proposed subdivision responds to the character of the Gundaroo locality and is consistent with the relevant planning controls that are identified later in this Statement.</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 actively 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 are already and 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 proposal 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) lots that is are 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><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>Not 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 Rural Residential Subdivision is consistent with the objectives and controls of Clause 4.1B – Subdivision using average Lot Sizes.

OBJECTIVES OF CLAUSE 4.1B – SUBDIVISION USING AVERAGE LOT SIZES	COMPLIANCE
<p>(1) <i>The objectives of this clause are to facilitate alternative subdivision controls that—</i></p> <p><i>(a) maintain the rural character of the Yass Valley, and</i></p>	<p>Complies. The proposed two (2) Lot Torrens Title Rural Residential Subdivision minimises any likely impact on the amenity of neighbouring properties, it will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts.</p> <p>It is noted the proposed development is situated in the locality of Gundaroo. The proposed subdivision layout responds to the characteristics of the site and the surrounding environment as illustrated on the Proposed Plan of Subdivision (refer <b>Appendix A</b>).</p> <p>It is demonstrated the proposal will not result in any adverse environmental impacts notwithstanding being located on BFPL. The proposed development 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 proposed 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 Gundaroo and 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"> <li>❖ It will not result in any substantial changes to the established streetscape qualities of the area;</li> <li>❖ 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.</li> <li>❖ The act of subdividing will not result in any substantial changes to traffic volumes in the locality.</li> </ul>



- ❖ Subdividing the site will not necessitate the removal of any existing important vegetation.

Whilst the subject site is not within a village in Yass Valley, it is located in an area where local character is embraced.

Local character is what makes a place or area distinctive or unique. Local character is the combination of multiple factors, which relate to the area's history, built form, public and private spaces, community values and how they connect to a place.

The proposed subdivision responds to the character of the Gundaroo locality and is consistent with the relevant planning controls that are identified later in this Statement.

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 actively maintaining the character of Yass Valley.

Complies. The proposed subdivision development is seeking Council consent for the creation of two lots with an average minimum lot size of 40.62, the detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision (refer **Appendix A**).

LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH AVERAGE MLS CONTROLS
Proposed Lot 1	61.24	Yes
Proposed Lot 2	20	Yes

*(b) facilitate a subdivision design that takes into consideration the environmental and agricultural values of the land and best protects those values*

The proposed subdivision is consistent with the aims and objectives of the YVLEP2013. The proposal will facilitate development in accordance with the YVLEP2013 and will deliver allotments that can facilitate a variety of housing products to provide variety 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.



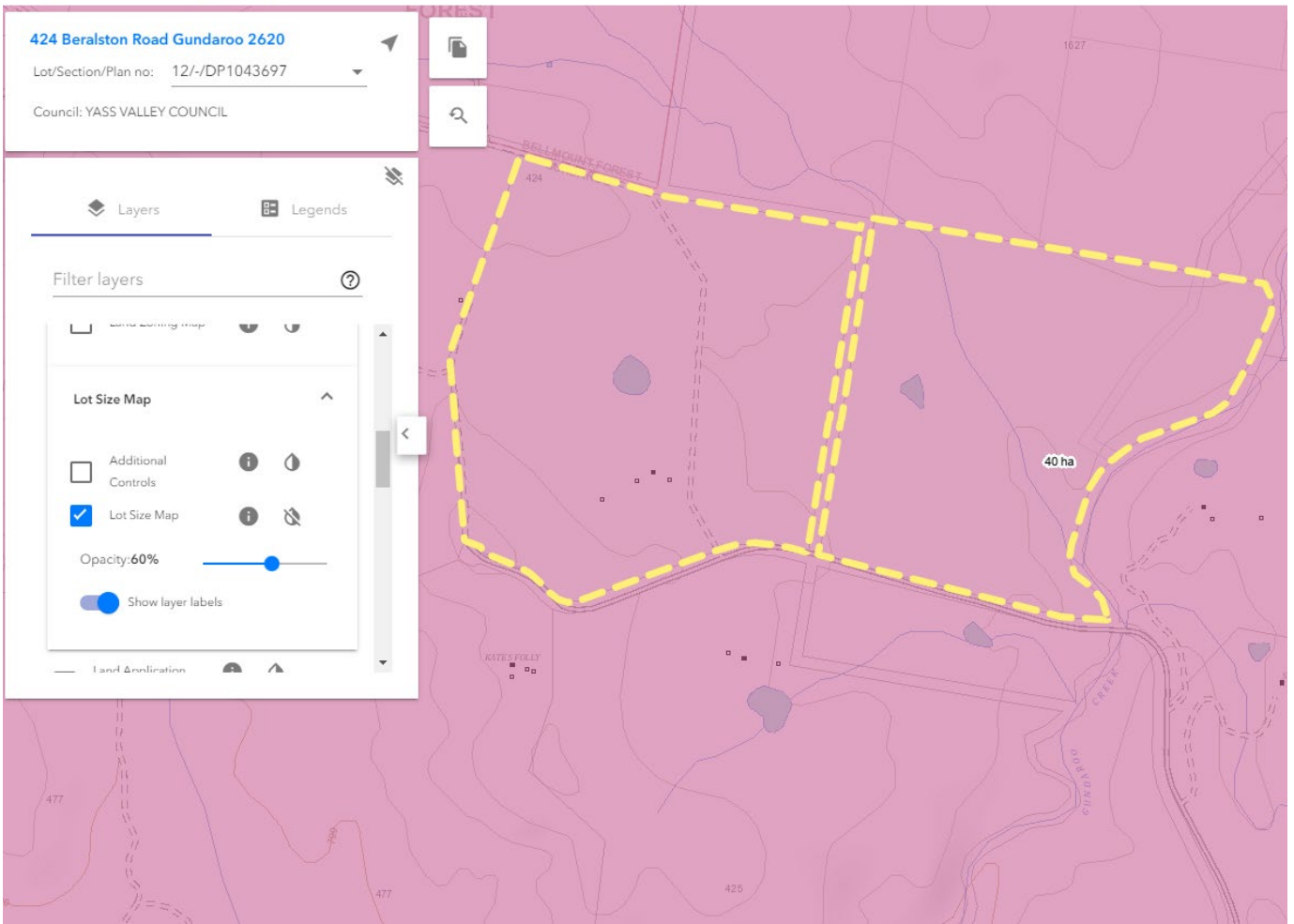


Figure 2.3: Lot Size Map (Source: NSW Government Planning Portal Spatial Viewer, October 2024)





## 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 subject site is zoned RU1 Primary Production. The subdivision of land within this zone is permissible with development consent.															
<i>Clause 4.1 Minimum Subdivision Lot Sizes</i>	<p>Complies. The proposed subdivision development is seeking Council consent for the creation of two lots, a summary of the characteristics and the detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision (refer <b>Appendix A</b>).</p> <p>Each of the proposed lots are compliant with the lot size controls as prescribed by the YVLEP2013. Proposed Lot 2 will be adequate to support the on-site management of potable water and the treatment and disposal of effluent. Proposed Lot 2 comprises a suitably dimensioned building zone within which a dwelling, APZs and all ancillary infrastructure can be contained.</p> <table border="1" data-bbox="646 1303 1471 1590"> <thead> <tr> <th data-bbox="646 1303 786 1429">LOT</th> <th data-bbox="786 1303 940 1429">LOT SIZE</th> <th data-bbox="940 1303 1147 1429">PRIMARY ROAD FRONTAGE</th> <th data-bbox="1147 1303 1281 1429">BE SIZE</th> <th data-bbox="1281 1303 1471 1429">EFFLUENT MNGMNT AREA</th> </tr> </thead> <tbody> <tr> <td data-bbox="646 1429 786 1512">Lot 1</td> <td data-bbox="786 1429 940 1512">61.24ha</td> <td data-bbox="940 1429 1147 1512">Beralston Road</td> <td data-bbox="1147 1429 1281 1512">Existing</td> <td data-bbox="1281 1429 1471 1512">Existing</td> </tr> <tr> <td data-bbox="646 1512 786 1590">Lot 2</td> <td data-bbox="786 1512 940 1590">20ha</td> <td data-bbox="940 1512 1147 1590">Beralston Road</td> <td data-bbox="1147 1512 1281 1590">4000m<sup>2</sup></td> <td data-bbox="1281 1512 1471 1590">400m<sup>2</sup></td> </tr> </tbody> </table> <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>	LOT	LOT SIZE	PRIMARY ROAD FRONTAGE	BE SIZE	EFFLUENT MNGMNT AREA	Lot 1	61.24ha	Beralston Road	Existing	Existing	Lot 2	20ha	Beralston Road	4000m <sup>2</sup>	400m <sup>2</sup>
LOT	LOT SIZE	PRIMARY ROAD FRONTAGE	BE SIZE	EFFLUENT MNGMNT AREA												
Lot 1	61.24ha	Beralston Road	Existing	Existing												
Lot 2	20ha	Beralston Road	4000m <sup>2</sup>	400m <sup>2</sup>												





	<p>The proposed subdivision is consistent with the aims and objectives of the YVLEP2013. The proposal will facilitate development in accordance the YVLEP2013 and will deliver allotments that can facilitate a variety of housing products to provide variety and attract buyers at different price points in the market.</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>
<p><i>Clause 4.1C Additional requirements for subdivision in certain rural zones</i></p>	<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. 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 effects to be felt on the biodiversity of the site. As a result, there will be no native vegetation removal required to achieve this subdivision.</p> <p>There are 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 the proposed Lots, there will be minimal to no effect on the existing biodiversity as a result of this subdivision.</p> <p>If any of the future lot owners wish to utilise the dual occupancy entitlement, there is sufficient land on each lot 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.</p> <p>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 utilised as a rural lot and it is intended that the land use will remain the same after the subdivision. Subdividing the land into two separate holdings will not limit the land with respect to its current agricultural potential.</p>
<p><i>Clause 4.3 Height of buildings</i></p>	<p>Not applicable. The subject site is not identified on the Height of Buildings Map within the YVLEP2013.</p>
<p><i>Clause 4.4 Floor space ratio</i></p>	<p>Not applicable. The subject site is not identified on the Floor Space Ratio Map within the YVLEP2013.</p>



<p><i>Clause 4.6 Exceptions to development standards</i></p>	<p>Not applicable. The proposed development is not proposing a variation to the YVLEP2013.</p>
<p><i>Clause 5.10 Heritage conservation</i></p>	<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 are no identified aboriginal relics or aboriginal heritage items located on the property.</p> <p>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.</p> <p>However as identified in the Due Diligence Procedure for the Protection of Aboriginal Objects supplied in <b>Appendix D</b>, 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>
<p><i>Clause 5.21 Flood planning</i></p>	<p>Not applicable. The subject site is not identified as Flood Prone Land (<b>FPL</b>).</p>
<p><i>Clause 6.1 Earthworks</i></p>	<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 <b>Appendix A</b>).</p> <p>The objective of Clause 6.1 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>Before granting development consent for earthworks, the following issues must be considered:</p> <ul style="list-style-type: none"> <li>• The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the</li> </ul>



development.

- The effect of the development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.
- The effect of the development on any existing and likely amenity of adjoining properties.
- The source of any fill material and the destination of any excavated material.
- The likelihood of disturbing relics.
- The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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.

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.

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.

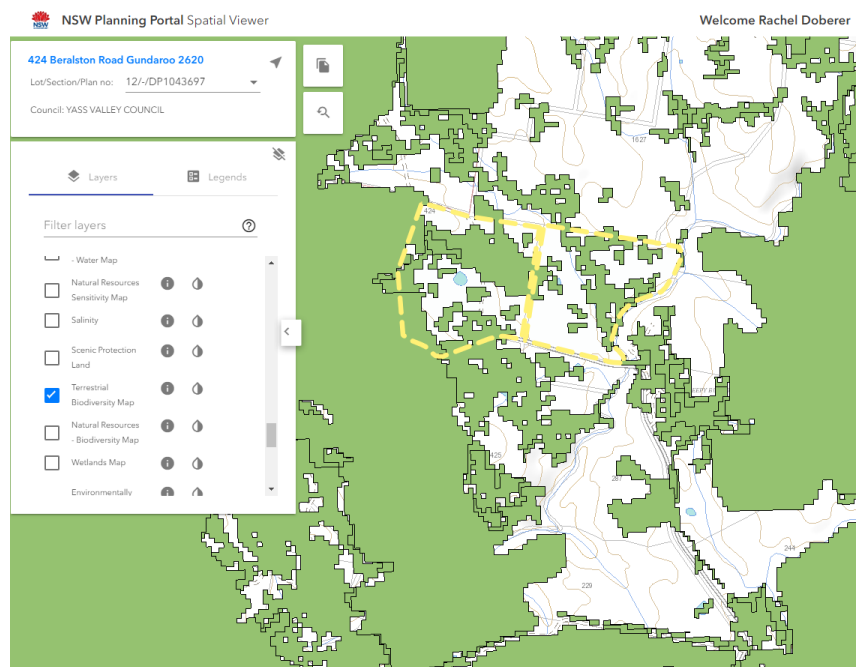
These measures may include:

- 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>Due to the existing condition of the land and the overall outcome of the proposal, it is expected that the proposed development will not cause any disruption or have any detrimental effect on the drainage patterns or the soil stability of the site. On this basis, the objectives of Clause 6.1 would not be compromised.</p>
<p><i>Clause 6.3 Terrestrial biodiversity</i></p>	<p>Complies. As indicated on Council's LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns (refer <b>Figure 2.4</b>).</p> <p>The proposed building envelope will occupy cleared sections of the subject site which is void of significant vegetation (refer <b>Figure 2.1</b>).</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>Specifically, any potential biodiversity removal is limited to:</p> <ul style="list-style-type: none"> <li>• The future building envelope on proposed Lot 2, this includes the implementation and maintenance of the Asset Protection Zones (APZs) as per the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 02 October 2024 (refer <b>Appendix C</b>), and</li> <li>• New internal fencing as per the proposed new allotment layout and demonstrated on the Proposed Plan of Subdivision (refer <b>Appendix A</b>)</li> </ul> <p>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.</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> <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>





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

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.

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.

*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.

However, as we are proposing to subdivide the subject lot, creating two individual Lots, A Site & Soil Assessments for On-site Effluent Disposal have been prepared by Land Capability Services dated August 2024 (refer **Appendix's B & C**) confirming there is adequate available space for effluent disposal within the proposed building envelopes for proposed Lots 1 & 2.

The conclusion and following recommendation within the consultant reports states:

*'This report provides site and soil assessment for on-site effluent disposal at the applicant's proposed new subdivision. The report focuses on the land in proximity to the proposed building envelope.'*



*Other areas within the proposed subdivision may also be suitable for on-site effluent disposal pending further investigation at building DA stage. A five-bedroom dwelling is assumed. An Aerated Wastewater Treatment System (AWTS) is proposed.*

*An AWTS coupled with surface or subsurface irrigation provides a suitable form of effluent treatment for the site and soil characteristics of the land in question. The management recommendations include the size and location of the proposed irrigation area.*

*The following prescriptions are site specific and must be strictly adhered to, in order to maximise water and nutrient uptake, and thus minimise runoff and seepage:*

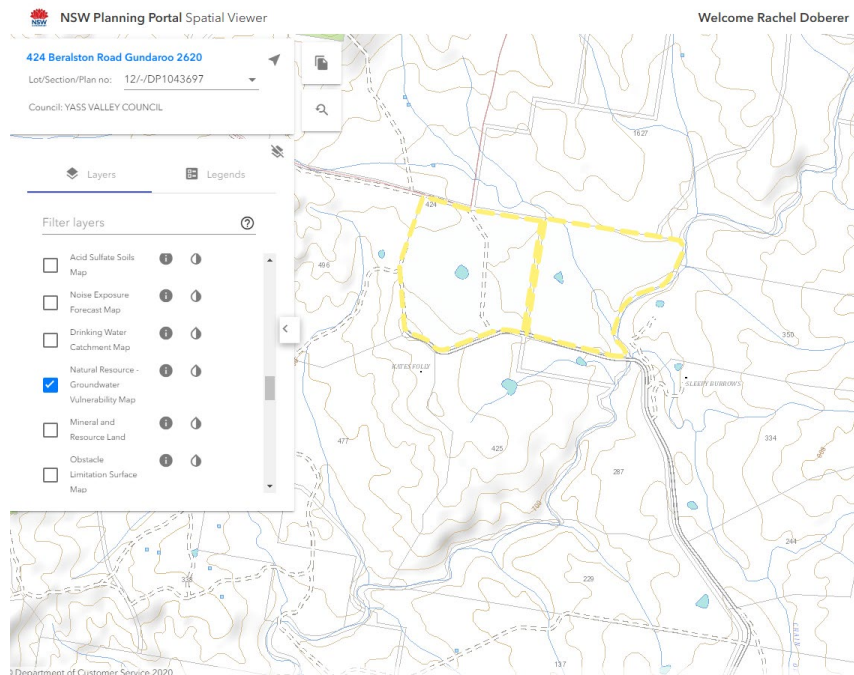
- *The AWTS must be accredited by NSW Health.*
- *An irrigation area of 400m<sup>2</sup> should be determined within the area shown as suitable in Figure 1. Livestock to be excluded from the site.*
- *The irrigation area is to be sown to improved perennial pastures, which once established, should be regularly mown to improve rates of nitrogen uptake.*
- *Lime to be spread over the effluent application area at the rate of 1500kg/ha or approximately 60kg over the 400m<sup>2</sup> area, and thereafter every 3 years.*
- *The treated effluent may be applied by surface irrigation. Surface sprays must be of the large droplet type that do not produce aerosols, and are to be regularly rotated through-out the area to evenly spread hydraulic and nutrient loads.*
- *The treated effluent may also be applied by sub-surface irrigation.*
- *Return lines to the tank should be installed to ensure flocculants in the lines can be flushed back to the tank. Pressure compensating dripper heads to be used. Vacuum breakers or air release valves to be installed at highest point in irrigation field, to prevent migration of soil into irrigation lines. Irrigation laterals to be installed on the contour at 100mm depth and at nominal 1000mm spacing. A single disc filter of nominal 100mm diameter (85mm interval) to be installed upstream of irrigation system. Filter to be cleaned at quarterly service intervals.*
- *The distribution line from the AWTS to the effluent irrigation area must be buried at least 300mm underground or 450mm where vehicles pass over.*
- *The irrigation area must not be disturbed by any building activity such as stockpiles of excavated material or vehicle traffic.*
- *Detergents should be selected for low levels of phosphorus and sodium.*





It is to be noted, the recommended irrigation area for proposed Lot 2 is 400m<sup>2</sup>. This area can be contained to the proposed building envelope.

Further, 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.



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

*Clause 6.5 Riparian land and watercourses*

Not applicable. The subject site is not identified on the Riparian Complies. The subject land has been highlighted on the Riparian Land and Watercourses Map within the YVLEP2013 (refer **Figure 2.6**).

The proposed subdivision does not involve any proposed subdivision construction works within the vicinity of the Riparian Zone/ Gundaroo Creek on the eastern side of the subject site.

The proposed development has been designed, sited and will be managed to avoid any potential significant adverse environmental impact.

It is noted the development will not have any adverse impact on the following:

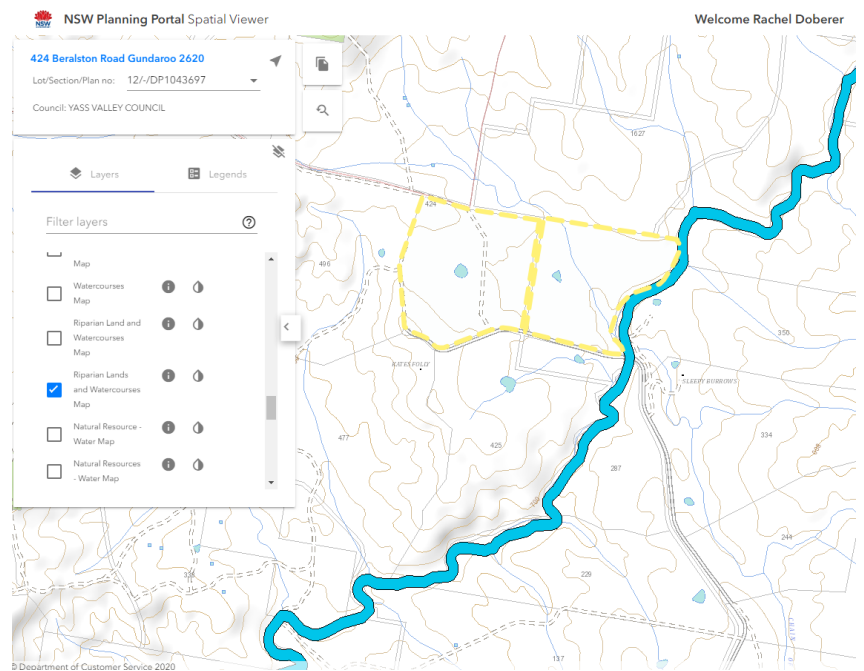
- Water quality and flows within the watercourse;
- Aquatic and riparian species, habitats and ecosystems of the watercourse;



- The stability of the bed and banks of the watercourse;
- The free passage of fish and other aquatic organisms within or along the watercourse;
- Any future rehabilitation of the watercourse and riparian areas.

We have also taken into consideration the existing drainage channels seen throughout the site condition. As a result, there will be no adverse effects felt upon the groundwater vulnerability potential of the subject lot.

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

*Clause 6.6 Salinity*

Complies. As indicated on Council’s LEP Natural Resources Land Map (refer **Figure 2.7**) the subject land has been mapped with ‘Dryland Salinity’.

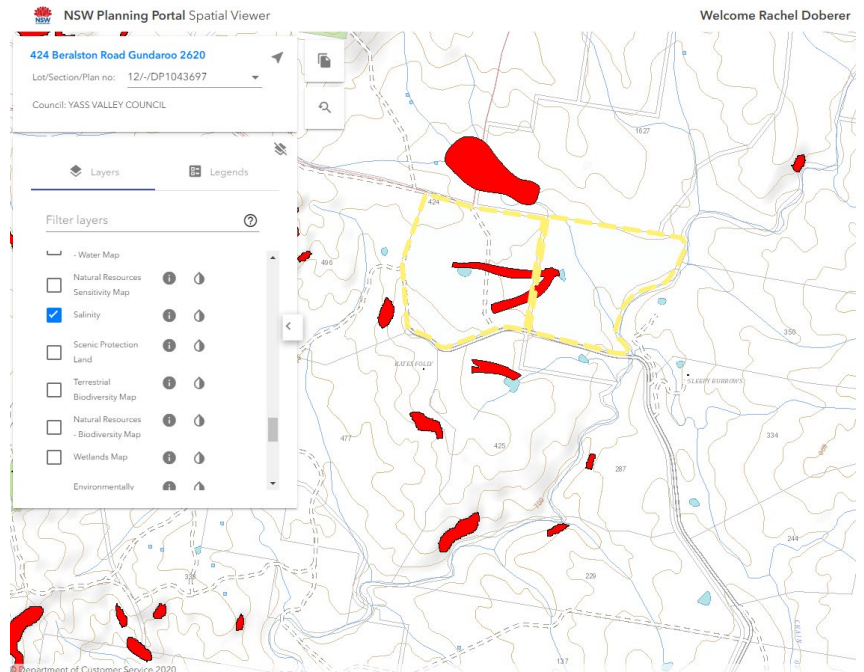
It is anticipated the proposed development will not have an adverse impact on the salinity processes on the land, all appropriate measures and mitigations will be in place for the duration of the proposed subdivision works avoiding any environmental impacts.

The upgrade of the existing access way to proposed Lot 2 is considered minor work and 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 works required to complete this proposal will have minimal impact.



**Figure 2.7: Dryland Salinity Map** (Source: NSW Government Planning Portal Spatial Viewer, October 2024)

*Clause 6.7 Highly erodible soils*

Not applicable. The subject site is not identified on the Highly Erodible Soils Map within the YVLEP2013.

*Clause 6.8 Essential services*

*the supply of water,*

Proposed Lot 1 has existing rainwater tanks plumbed to the existing dwelling house. Lot 1 also has existing dam to supply water for farm use, bushfire protection and irrigation.

It is expected proposed Lot 2 will install rainwater tank(s) at construction stage for a dwelling house. Lot 2 also has an existing dam to supply water for farm use, bushfire protection and irrigation.

*the supply of electricity,*

Proposed Lot 1 has an existing power supply servicing the existing dwelling house coming of EE Power Pole CE146358 (refer **Figure 2.8**).

Proposed Lot 2 has access to EE Power Poles CE146357 and CE146356 (refer **Figure 2.9**). It is noted this supply is high voltage and additional works will be required to supply low voltage at the construction stage for a dwelling house.





**Figure 2.8: Existing Essential Energy Infrastructure** (Source: Essential Energy Network Information Portal, October 2024).



**Figure 2.9: Existing Essential Energy Infrastructure** (Source: Essential Energy Network Information Portal, October 2024).

*the disposal and management of sewage,*

Proposed Lot 1 has an existing on-site wastewater treatment system servicing the existing dwelling house that is working efficiently.

Proposed Lot 2 will require the installation of an on-site wastewater treatment system as recommended in the Site & Soil Assessment for On-site Effluent Disposal prepared by Land Capability Services (refer **Appendix B**), at construction stage for dwelling house.



*stormwater drainage or on-site conservation,*

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 are intended to remain in place.

*suitable vehicular access,*

Proposed Lot 1 has an existing legal and physical access of Beralston Road that is in good condition/ meets Councils controls/ specifications (refer **Figure 2.10**).

Proposed Lot 2 has an existing legal and physical access off Beralston Road that will require upgrade works in order to meet Councils controls/ specifications (refer **Figure 2.11**).

It is noted Beralston Road is a well-formed Council maintained gravel no through road (refer **Figure 2.12**).



**Figure 2.10: Existing Access to Proposed Lot 1** (Source Ember Bushfire Consulting, October 2024)







**Figure 2.11: Existing Access to Proposed Lot 2** (Source Ember Bushfire Consulting, October 2024)



**Figure 2.12: Well-formed public no through Beralston Road** (Source: Ember Bushfire Consulting, October 2024)

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

Proposed Lot 1 has an existing connection to the NBN Satellite mobile telecommunications network servicing the existing welling house.

Proposed Lot 2 will connect to the existing available infrastructure being, NBN Satellite mobile telecommunications network 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

The NSW *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017, the purpose of which is *'to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development'*.

The BC Act outlines the NSW framework for addressing impacts on biodiversity from development and clearing. Supported by the NSW *Biodiversity Conservation Regulation 2017* (BC Regulation), the BC Act establishes a framework to avoid, minimize and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS).

Under the BC Act, the BOS is triggered, and a Biodiversity Development Assessment Report (BDAR) required if a proposed development:

1. Will involve clearance of native vegetation (including trees, understory plants, groundcover plants, and wetland plants) or a prescribed impact (as set out in Clause 6.1 of the BC Regulation on land identified on the Biodiversity Values Map; and'/ or
2. Will exceed the native vegetation clearance threshold for the smallest minimum lot size associated with the development area; and/or
3. May significantly impact one or more BC Act listed entities (i.e threatened species or ecological communities)

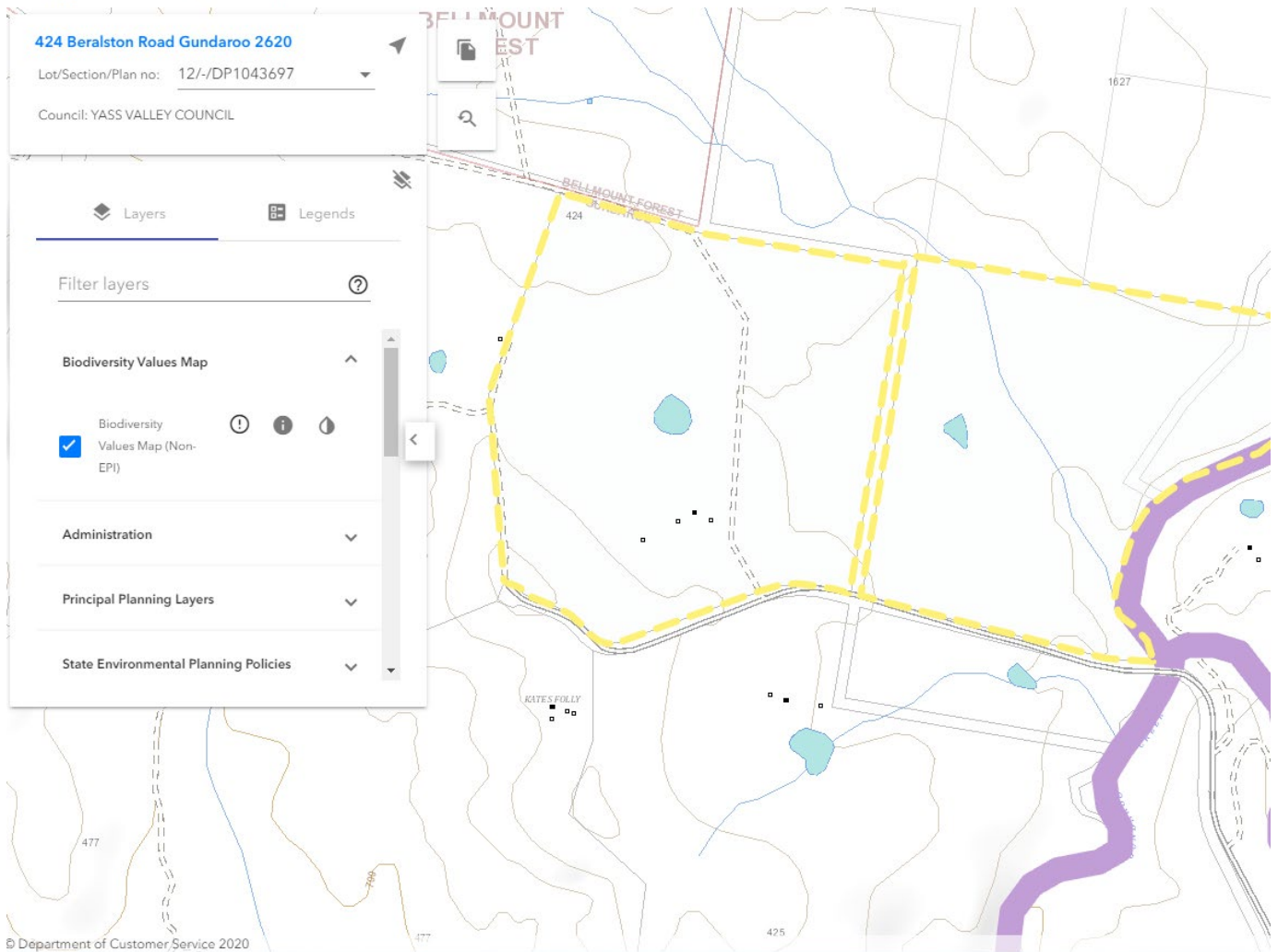
The subject lot is mapped on the Biodiversity Values Map (refer **Figure 2.13**), however it is important to note, any potential areas of native vegetation disturbance are not located in this area. This area is contained to Gundaroo Creek which runs along the eastern boundary of the subject lot.

As demonstrated below, the proposed development of the subject land will not clear greater than the threshold level of native vegetation, being 1ha (10000m<sup>2</sup>), and as such does not trigger the requirement for a BDAR.

A detailed assessment of the potential native vegetation clearing is listed/ demonstrated and tabulated below.







**Figure 2.13: Biodiversity Values Map** (Source: NSW Government Planning Portal Spatial Viewer, October 2024)



## 2.2.1 Access Tracks

Proposed Lot 1 has an existing access track in place traversing open grasslands servicing the existing dwelling house that requires no further works/ upgrading to remain trafficable (refer **Figure 2.14**).



**Figure 2.14: Existing Access Track on Proposed Lot 1** (Source: Google Earth Aerial Imagery, October 2024)

The future access track to proposed Lot 2 covers primarily open grasslands which involves no clearing of large remnant vegetation. The length of the new internal track is 147m with an expected pavement width of 4m, the total area of impact has been calculated to be 588m<sup>2</sup>.

The total potential native vegetation clearing for the access track to the future building envelope for proposed Lot is **588m<sup>2</sup>**.



## **2.2.2 Fencing**

The existing boundary fencing is in an acceptable; condition and considered stock proof/ meets Councils standards. The new internal boundary fencing 665-metres in length that will be required to be constructed to complete this subdivision. Allowing for a 2-metre-corridor of potential impact, the area of potential native vegetation removal has been calculated as 1330m<sup>2</sup>.

The total potential native vegetation clearing for the construction of the internal fencing is **1330m<sup>2</sup>**.

## **2.2.3 Access Entrances/ New Road**

Proposed Lot 1 has an existing access off Beralston Road that meets Councils requirements/ specifications and requires no further upgrade works (refer **Figure 2.10**).

Proposed Lot 2 has an existing access off Beralston Road that will require upgrade works to meet Councils requirements/ specifications (refer **Figure 2.11**). It is noted that whilst upgrade works may be required, the extent of formation of the access is in place and there will be no impact to any existing vegetation.

The total potential native vegetation clearing required for the existing access entrances is **0m<sup>2</sup>**.

## **2.2.4 Asset Protection Zones (APZ's)**

The Asset Protection Zone (APZ) setbacks required for proposed Lot 2 (refer **Figures 2.14 & 2.15**) within the proposed subdivision have been calculated using the recommendations in the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 02 October 2024 (refer **Appendix C**). This report concludes the following:

*Table 5 details the BAL-12.5 APZ dimensions required as a component of the performance-based design for access and isolated subdivision, as per Table A1.12.2 PBP (2019)*

Table 5 - Required BAL-12.5 APZ dimensions for a future dwelling on Lot 2.

Aspect	Predominate Vegetation Formation	Effective Slope	Required APZ	OPA Available
North	Grasslands	0° - 5° downslope	25m	N/A
Northeast	Grasslands	0° - 5° downslope	25m	N/A
East	Grasslands	0° - 5° downslope	25m	N/A
Southeast	Grasslands	Upslope	23m	N/A
South	Grasslands	Upslope	23m	N/A
Southwest	Grasslands	Upslope	23m	N/A
West	Grasslands	Upslope	23m	N/A
Northwest	Grasslands	0° - 5° downslope	25m	N/A

**Figure 2.14: Required BAL-12.5 APZ Dimensions for a future dwelling on Lot 2** (Source: Ember Bushfire Consulting, October 2024)





5.4 LOT 2-APZ DETAILS

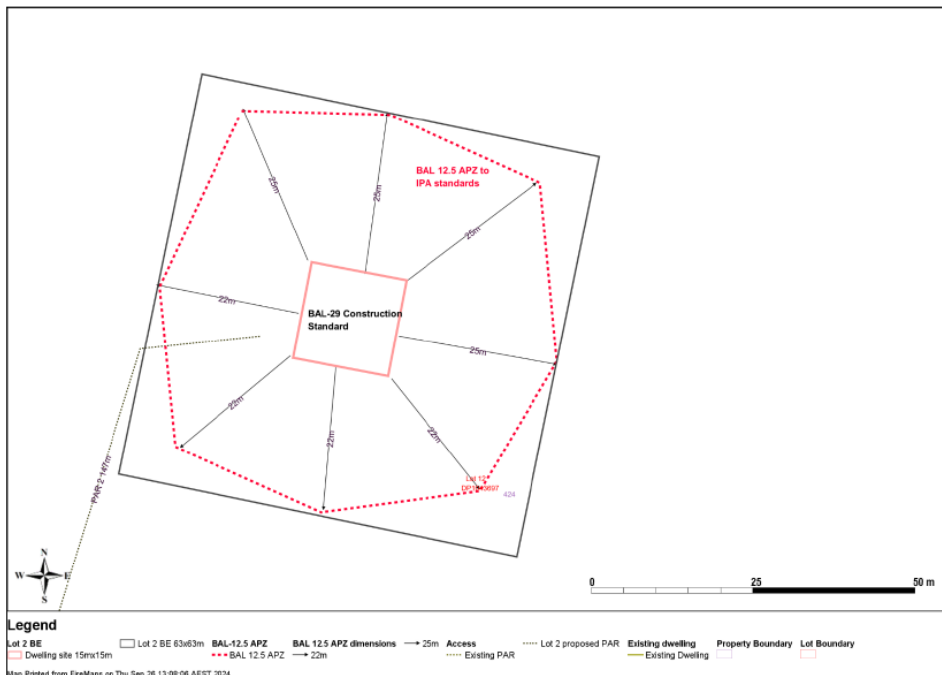


Figure 18– BAL-19 sized APZ details. FireMaps FPAA (2024). (McGregor, 2024)

**Figure 2.15: Proposed Lot 2 APZ Setbacks** (Source: Ember Bushfire Assessment Report, October 2024)

The APZ for Lot 2 meets the acceptable solutions and, therefore, the performance criteria provided by PBP (2019).

The suggested APZ requirements for proposed Lot 1 (Existing Dwelling) are:

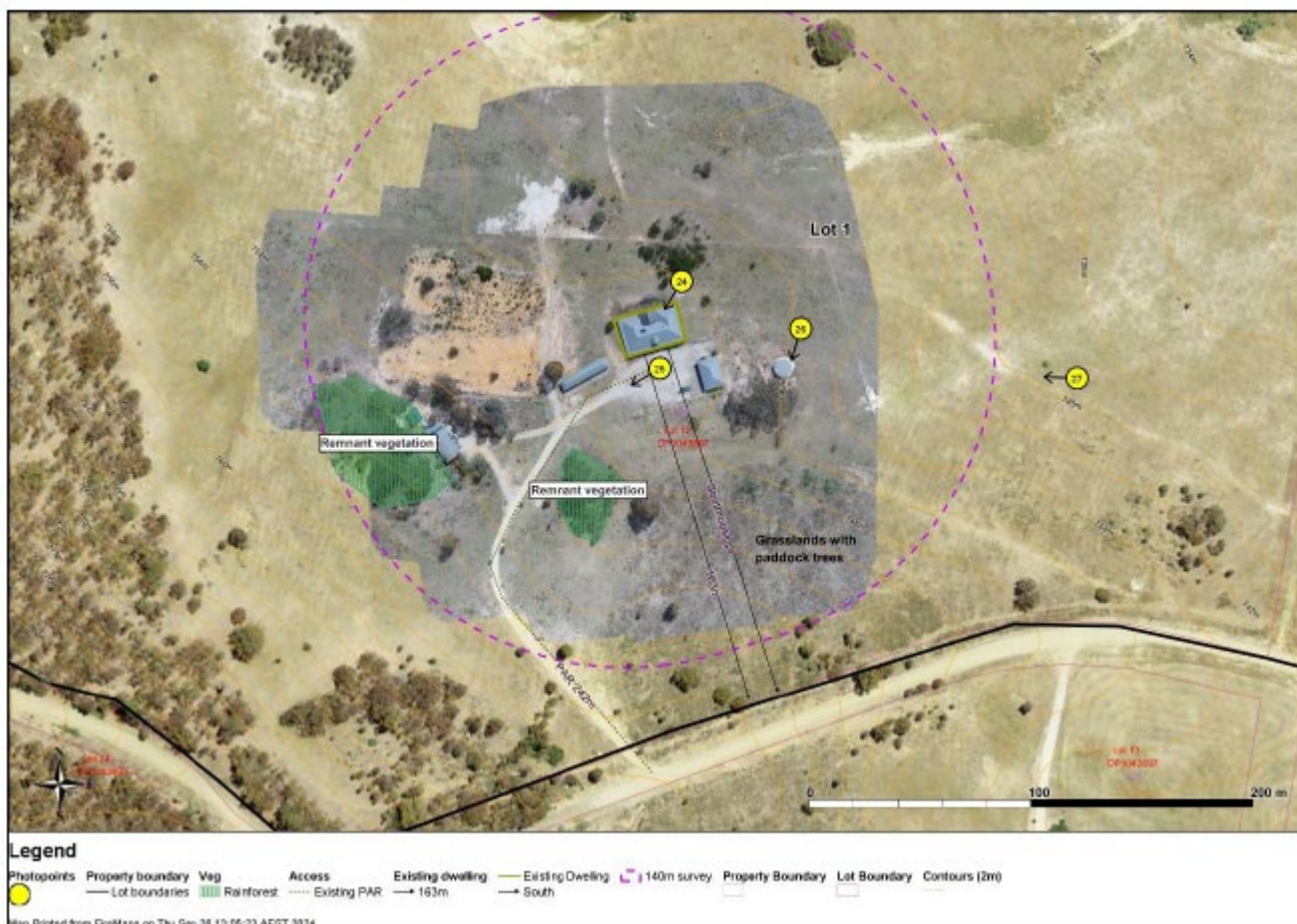
- A BAL-29 sized APZ around the existing dwelling would fit within the property boundary.
- The closest boundary is 163m to the south of the existing dwelling (refer **Figure 2.16**)
- Table 10 -Distance to the closest boundary from the existing dwelling.

**Table 10 – Distance to the closest boundary from the existing dwelling.**

Aspect	Predominate Vegetation Formation	Effective Slope	Distance to the property boundary	BAL-29 APZ requirement
South	Grasslands	Upslope	163m	10m

Note: All other aspects are within the interior of the property.





**Figure 2.16: Distance to closest boundary from existing dwelling, slope and vegetation** (Source: Ember Bushfire Consulting, October 2024)

Based on the comments within the Bushfire Assessment Report (refer **Appendix C**) it has been determined that the required APZs for proposed Lots 1 and 2 are existing/ can be contained within the proposed building envelope.

The total potential native vegetation clearing required for the APZs is **0m<sup>2</sup>**.

### **2.2.5 Building Envelopes**

The proposed building envelope on Lot 2 has 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 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 envelope is **4000m<sup>2</sup>**.





## **2.2.6 Electricity/ Telecommunications**

Proposed Lot 1 has an existing power supply servicing the existing dwelling house coming of EE Power Pole CE146358 (refer **Figure 2.8**).

Proposed Lot 2 has access to EE Power Poles CE146357 and CE146356 (refer **Figure 2.9**). It is noted this supply is high voltage and additional works will be required to supply low voltage at the construction stage for a dwelling house.

The planned technology for the subject site by the Statutory Infrastructure Provider (SIP) is via NBN Satellite. Proposed Lot 1 is currently connected to this infrastructure. It is expected this technology will be installed for proposed 2 at the stage of the construction of a dwelling house.

The total potential native vegetation clearing to implement the future electricity/ telecommunications infrastructure will be **0m<sup>2</sup>**.

## **2.2.7 Onsite Effluent Disposal**

As per the Site & Soil Assessment for On-site Effluent Disposal (refer **Appendix B**), the area specified for effluent treatment for proposed Lot 2 is 400m<sup>2</sup> each. 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 1 and 2 will be **0m<sup>2</sup>**.

## **2.2.8 Total Vegetation Clearing of the Proposed Development:**

Taking the above into consideration, a total area of native vegetation clearing for the proposed development has been calculated at **5918m<sup>2</sup>**.

This calculation has included potential native vegetation 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 POTENTIAL NATIVE VEGETATION REMOVAL
Access Track	1 2	Existing 147m x 4m	0m <sup>2</sup> 588m <sup>2</sup>
Fencing	1 2	Existing 665m x 2m	0m <sup>2</sup> 1330m <sup>2</sup>
Access Entrance	1 2	Existing Existing	0m <sup>2</sup> 0m <sup>2</sup>
Asset Protection Zones (APZ's)	1 2	Contained within the BE Contained within the BE	0m <sup>2</sup> 0m <sup>2</sup>
Building Envelope (BE)	1 2	0m <sup>2</sup> 4000m <sup>2</sup>	0m <sup>2</sup> 4000m <sup>2</sup>
Electricity/ Telecommunications	1 2	Existing/ Existing Mobile NBN Satellite Coverage Existing/ Mobile NBN Satellite Coverage	0m <sup>2</sup> 0m <sup>2</sup>
Onsite Wastewater Disposal	1 2	Existing (400m <sup>2</sup> ) Contained within the BE	0m <sup>2</sup> 0m <sup>2</sup>
<b>TOTAL AREA OF POTENTIAL CLEARING</b>			<b>5918m<sup>2</sup></b>



## 2.3 DEVELOPMENT CONTROL PLAN

The following section discusses the relevant planning controls under the DCP.

### Yass Valley Development Control Plan 2024 (YVDCP2024)

The YVDCP 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 C2 – Large Lot Residential, Rural and Environmental Subdivision Controls
- Part E – Rural, Large Lot and Environmental Zone Development
- Part H – Development in Hazard Affected Areas
- Part I – Carparking and Access
- Part K – Natural Resources

**TABLE 6 – COMPLIANCE WITH THE YVDCP2024**

PART B – PRINCIPLES FOR ALL DEVELOPMENT	
CONTROLS	COMPLIANCE
<p><b><i>B1 Sustainability</i></b></p> <p><i>a. Increase tree retention and provision at development stage to increase and enhance tree cover, for visual, social, environmental, economic and ecological values.</i></p> <p><i>b. Discourage the use of heat producing surfaces in preference of natural materials, surfaces and finishes.</i></p> <p><i>c. Encourage the use of sustainable building materials.</i></p> <p><i>d. Avoid excessive resource consumption and minimise waste.</i></p>	<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>



<p><b>B2 Site Suitability</b></p> <p><i>All development applications are assessed on their individual merits and take account of, amongst other things, the suitability of the site for the proposed development.</i></p>	<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 envelope has 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>
<p><b>B3 Site Analysis Plan</b></p> <p><i>All applications must be accompanied by a site analysis plan.</i></p>	<p>Complies. The proposed Plan of Subdivision demonstrates the location of the proposed building envelopes noting it has taken into consideration any site constraints as mentioned in B1 above (refer <b>Appendix A</b>).</p> <p>The scale of the development has been derived from planning controls and desires a high degree of amenity for future residents.</p>
<p><b>B4 Crime Prevention and Safety</b></p> <p><i>Good design optimises safety in development which can lead to a reduction in crime and improve overall safety and liveability. The principles of crime prevention through design seek to minimise preventable crime by considering crime opportunities in the development design phase. Design that encourages effective surveillance, controls access and maintains a high standard in the public realm has positive cumulative effect in crime prevention and reduction.</i></p>	<p>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.</p>
<p><b>B4 Neighbourhood Character</b></p> <p><i>Each neighbourhood is unique and its characteristics assist people in</i></p>	<p>Complies. The proposed development has been designed to take into consideration the specific site characteristics, and the specific design controls within the YVDCP2024.</p>



<p><i>finding their way and contributes to a sense of community and belonging. It is important that development is respectful of, and responsive to, the individual character of each neighbourhood.</i></p>	<p>The proposed subdivision responds to the surrounding character of the Gundaroo locality and is consistent with the relevant planning controls that are identified in this Statement.</p> <p>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 surrounding environment, in turn actively maintaining the existing neighbourhood character.</p>
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## PART C – SUBDIVISION CONTROLS

CONTROLS	COMPLIANCE
<p><b>C1 Layout</b></p> <p><i>To ensure that the layout of subdivisions considers landform, topography with all necessary services considered at design stage.</i></p>	<p>Complies. 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.</p> <p>The proposed subdivision recommends a building envelope that takes into consideration all constraints and provides for a sufficient sized area (4000m<sup>2</sup>) that will contain any future dwelling house, ancillary structures and the calculated Asset Protection Zones (<b>APZs</b>).</p>
<p><b>C2 Staging</b></p> <p><i>To ensure that each stage in a progressive subdivision takes account of subsequent stages and development potential of adjoining land.</i></p>	<p>Not applicable. The proposed subdivision does not include staging of the development.</p>

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

CONTROLS	COMPLIANCE
<p><b>C2.1 Buffers</b></p> <p><i>To minimise potential land use conflict and protect the right to farm and enjoyment of individual properties.</i></p>	<p>Complies. The proposed Lot Layout and proposed 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 existing/ future dwelling house on an adjoining lot.</p>
<p><b>C2.2 Fences</b></p> <p><i>To ensure that fences are provided</i></p>	<p>Complies. The proposed subdivision development adopts existing fencing that fits with the existing landscape and is suitable for the location in which it is located.</p>





<p><i>in accordance with the existing landscape and suitable for the location in which they are located.</i></p>	<p>It is expected the conditional consent will include a Condition that requires the construction of non-urban fencing for the new internal fencing. This fencing will be constructed taking into consideration the existing landscape, specifically to avoid the removal of any large trees, if necessary the fencing will go around this vegetation to avoid their removal.</p>
<p><b>C2.3 Access</b></p> <p><i>To ensure that each allotment is provided with a legal, adequately designed and located access.</i></p>	<p>Complies. Proposed Lot 1 has an existing legal and physical access of Beralston Road that is in good condition/ meets Councils controls/ specifications (refer <b>Figure 2.10</b>).</p> <p>Proposed Lot 2 has an existing legal and physical access off Beralston Road that will require upgrade works in order to meet Councils controls/ specifications (refer <b>Figure 2.11</b>).</p> <p>It is noted Beralston Road is a well-formed Council maintained gravel no through road (refer <b>Figure 2.12</b>).</p>
<p><b>C2.4 Road Design</b></p> <p><i>To ensure that the design and placement of roads minimises environmental impact and is suitable for the landscape and topography.</i></p>	<p>Not applicable. The proposed subdivision does not include the construction/ dedication of new road.</p>
<p><b>C2.5 Stormwater</b></p> <p><i>To ensure that subdivisions in non-urban areas are provided with adequate drainage in an appropriate manner.</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 are intended to remain in place.</p>
<p><b>C2.6 Essential Services</b></p> <p><i>To ensure that non-urban subdivisions are provided with adequate essential services having regard to their location and intended use.</i></p>	<p>Complies. Please see response to Clause 6.8 in Table 4 of this Statement.</p>
<p><b>C2.7 Bushfire prone land</b></p> <p><i>To protect life and property in the event of a bushfire by appropriate design of non-urban subdivisions.</i></p>	<p>Complies. The Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 02 October 2024 (refer <b>Appendix C</b>) 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>



**PART E – RURAL, LARGE LOT AND ENVIRONMENTAL ZONE DEVELOPMENT**

<b>CONTROLS</b>	<b>COMPLIANCE</b>
<p><b>E1 Siting of Buildings</b></p> <p><i>To ensure that developments are sited in a manner to not dominate the rural landscape and minimise landuse conflict potential.</i></p>	<p>Complies. Whilst this DA is not for the construction of a dwelling house, the proposed building envelope has been positioned accordingly to take into consideration all constraints.</p> <p>The specific position of a dwelling house will be determined upon the preparation of a future DA for a dwelling house.</p>
<p><b>E2 Access</b></p> <p><i>To ensure that all developments are provided with safe and legal access that does not impede traffic movement.</i></p>	<p>Complies. Proposed Lot 1 has an existing legal and physical access of Beralston Road that is in good condition/ meets Councils controls/ specifications (refer <b>Figure 2.10</b>).</p> <p>Proposed Lot 2 has an existing legal and physical access off Beralston Road that will require upgrade works in order to meet Councils controls/ specifications (refer <b>Figure 2.11</b>).</p> <p>It is noted Beralston Road is a well-formed Council maintained gravel no through road (refer <b>Figure 2.12</b>).</p>
<p><b>E1 Dwellings</b></p> <p><i>This section applies to new dwellings, ancillary development, as well as alterations and additions to existing dwellings.</i></p>	<p>Not applicable. This DA is for the subdivision of land only.</p>
<p><b>E2 Farm Buildings and Outbuildings</b></p> <p><i>To provide guidance on the placement of rural buildings.</i></p>	<p>Not applicable. This DA is for the subdivision of land only.</p>
<p><b>E3 Rural Based Activities</b></p> <p><i>This section applies to common rural based activities likely to occur in the applicable zones and provides guidelines on acceptable development design, siting and operation.</i></p>	<p>Not applicable. This DA is for the subdivision of land only.</p>



## PART H – DEVELOPMENT IN HAZARD AFFECTED AREAS

CONTROLS	COMPLIANCE
<p><b>H1 Flooding</b></p> <p><i>To ensure that development is appropriately located and constructed having account of the risk of flood impact.</i></p>	<p>Not applicable. The subject site is not identified as Flood Prone Land (FPL).</p>
<p><b>H2 Bushfire Prone</b></p> <p><i>The objectives are:</i></p> <ul style="list-style-type: none"> <li>a) <i>Prevent the loss of life and property by providing development that is compatible with the identified bushfire hazard.</i></li> <li>b) <i>Ensure that the risks associated with bushfire are appropriately and effectively managed.</i></li> <li>c) <i>Ensure that bushfire risk is managed in conjunction with the ecological values of the site and neighbouring lands.</i></li> </ul>	<p>Complies. The Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 02 October 2024 (refer <b>Appendix C</b>) 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>
<p><b>H3 Contaminated Land</b></p> <p><i>To ensure that potentially contaminated land is suitable for the proposed development.</i></p>	<p>Complies. The consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.</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 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
<p><b><i>11 Carpark Design</i></b></p> <p><i>To ensure that carpark design facilitates the safe and efficient movement of pedestrian and vehicles.</i></p>	Not applicable. This DA is for the subdivision of land only.
<p><b><i>12 Loading Docks</i></b></p> <p><i>To ensure that loading docks are located and designed in a manner that facilitates ease of truck usage and does not increase crime opportunities.</i></p>	Not applicable. This DA is for the subdivision of land only.
<p><b><i>13 Carpark Construction</i></b></p> <p><i>To ensure that carpark construction is suitable for the type and number of vehicles likely to visit the site.</i></p>	Not applicable. This DA is for the subdivision of land only.
<p><b><i>14 Carparking Credits and Contributions</i></b></p> <p><i>Developments involving a change of use or additions/ alterations may attract parking credits. Parking credits will be determined by length of street frontage, type of existing parking (parallel or angled), the existing use and the number of existing carparking spaces on site and the demand for on site parking from the proposed development</i></p>	Not applicable. This DA is for the subdivision of land only.
<p><b><i>15 Carparking Ratios</i></b></p> <p><i>Carparking ratios by Development Type.</i></p> <p><i>Car Parking requirements should be rounded up to the nearest number where necessary.</i></p> <p><i>Where a development contains more</i></p>	Not applicable. This DA is for the subdivision of land only.



<p><i>than one land use the total parking requirement will be calculated by adding together the number of spaces required for each separate use.</i></p>	
<p><b>16 Residential Carparking</b></p> <p><i>To ensure that adequate carparking facilities are provided for residential development.</i></p>	<p>Not applicable. This DA is for the subdivision of land only.</p>
<p><b>17 Property Access Crossings</b></p> <p><i>To ensure that access to site is provided in a location and manner that facilitates safety, efficient traffic movement and minimise negative environmental impact.</i></p>	<p>Complies. Proposed Lot 1 has an existing legal and physical access of Beralston Road that is in good condition/ meets Councils controls/ specifications (refer <b>Figure 2.10</b>).</p> <p>Proposed Lot 2 has an existing legal and physical access off Beralston Road that will require upgrade works in order to meet Councils controls/ specifications (refer <b>Figure 2.11</b>).</p> <p>It is noted Beralston Road is a well-formed Council maintained gravel no through road (refer <b>Figure 2.12</b>).</p>

## PART K – NATURAL RESOURCES

CONTROLS	COMPLIANCE
<p><b>K1 Vulnerable Land</b></p> <p><b>K1.1 Salinity</b></p> <p><i>To ensure that any development does not exacerbate salinity on site or offsite or negatively impact upon buildings.</i></p>	<p>Complies. As indicated on Council’s LEP Natural Resources Land Map (refer <b>Figure 2.7</b>) the subject land has been mapped with ‘Dryland Salinity’.</p> <p>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.</p> <p>The upgrade of the existing access way to proposed Lot 2 is considered minor work and all care will be taken to avoid any significant environmental impact.</p> <p>Soil quality on the subject lot and surrounding land will not be affected by this development as the works required to complete this proposal will have minimal impact.</p>





<p><b>K1.2 Erodible Soils</b></p> <p><i>To ensure that any development does not exacerbate erosion on site or sedimentation offsite.</i></p>	<p>Not applicable. The subject site is not identified on the Highly Erodible Soils Map within the YVLEP2013.</p>
<p><b>K2 Terrestrial Biodiversity</b></p> <p><i>To ensure that any development does not negatively impact upon the biodiversity of the site or the region overall.</i></p>	<p>Complies. As indicated on Council’s LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns (refer <b>Figure 2.4</b>).</p> <p>The proposed building envelope will occupy cleared sections of the subject site which is void of significant vegetation (refer <b>Figure 2.1</b>).</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>Specifically, any potential biodiversity removal is limited to:</p> <ul style="list-style-type: none"> <li>• The future building envelope on proposed Lot 2, this includes the implementation and maintenance of the Asset Protection Zones (APZs) as per the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 02 October 2024 (refer <b>Appendix C</b>), and</li> <li>• New internal fencing as per the proposed new allotment layout and demonstrated on the Proposed Plan of Subdivision (refer <b>Appendix A</b>)</li> </ul> <p>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.</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> <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>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.</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><b>K3 Groundwater Vulnerability, Riparian Lands and Watercourses</b></p> <p><b>K3.1 Groundwater</b></p> <p><i>To ensure that any development does not negatively impact upon groundwater quality, quantity, or ecosystem dependent species.</i></p>	<p>Complies. As indicated on Council's LEP Groundwater Vulnerability Map (refer <b>Figure 2.5</b>), the subject land has not been highlighted as having groundwater vulnerability.</p> <p>However, as we are proposing to subdivide the subject lot, creating two individual Lots, A Site &amp; Soil Assessments for On-site Effluent Disposal have been prepared by Land Capability Services dated August 2024 (refer <b>Appendix's B &amp; C</b>) confirming there is adequate available space for effluent disposal within the proposed building envelopes for proposed Lots 1 &amp; 2.</p> <p>The conclusion and following recommendation within the consultant reports states:</p> <p><i>'This report provides site and soil assessment for on-site effluent disposal at the applicant's proposed new subdivision. The report focuses on the land in proximity to the proposed building envelope.</i></p> <p><i>Other areas within the proposed subdivision may also be suitable for on-site effluent disposal pending further investigation at building DA stage. A five-bedroom dwelling is assumed. An Aerated Wastewater Treatment System (AWTS) is proposed.</i></p> <p><i>An AWTS coupled with surface or subsurface irrigation provides a suitable form of effluent treatment for the site and soil characteristics of the land in question. The management recommendations include the size and location of the proposed irrigation area.</i></p> <p><i>The following prescriptions are site specific and must be strictly adhered to, in order to maximise water and nutrient uptake, and thus minimise runoff and seepage:</i></p> <ul style="list-style-type: none"> <li>• <i>The AWTS must be accredited by NSW Health.</i></li> <li>• <i>An irrigation area of 400m<sup>2</sup> should be determined within the area shown as suitable in Figure 1. Livestock to be excluded from the site.</i></li> <li>• <i>The irrigation area is to be sown to improved perennial pastures, which once established, should be regularly mown to improve rates of nitrogen uptake.</i></li> <li>• <i>Lime to be spread over the effluent application area at the rate of 1500kg/ha or approximately 60kg over the 400m<sup>2</sup> area, and thereafter every 3 years.</i></li> </ul>



	<ul style="list-style-type: none"> <li>• <i>The treated effluent may be applied by surface irrigation. Surface sprays must be of the large droplet type that do not produce aerosols, and are to be regularly rotated through-out the area to evenly spread hydraulic and nutrient loads.</i></li> <li>• <i>The treated effluent may also be applied by sub-surface irrigation.</i></li> <li>• <i>Return lines to the tank should be installed to ensure flocculants in the lines can be flushed back to the tank. Pressure compensating dripper heads to be used. Vacuum breakers or air release valves to be installed at highest point in irrigation field, to prevent migration of soil into irrigation lines. Irrigation laterals to be installed on the contour at 100mm depth and at nominal 1000mm spacing. A single disc filter of nominal 100mm diameter (85mm interval) to be installed upstream of irrigation system. Filter to be cleaned at quarterly service intervals.</i></li> <li>• <i>The distribution line from the AWTS to the effluent irrigation area must be buried at least 300mm underground or 450mm where vehicles pass over.</i></li> <li>• <i>The irrigation area must not be disturbed by any building activity such as stockpiles of excavated material or vehicle traffic.</i></li> <li>• <i>Detergents should be selected for low levels of phosphorus and sodium.</i></li> </ul> <p>It is to be noted, the recommended irrigation area for proposed Lot 2 is 400m<sup>2</sup>. This area can be contained to the proposed building envelope.</p> <p>Further, 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.</p>
<p><b>K3.2 Riparian Land and Waterways</b></p> <p><i>To ensure that any development does not exacerbate streambank erosion, water pollution or ecosystem function.</i></p>	<p>Not applicable. The subject site is not identified on the Riparian Complies. The subject land has been highlighted on the Riparian Land and Watercourses Map within the YVLEP2013 (refer <b>Figure 2.6</b>).</p> <p>The proposed subdivision does not involve any proposed subdivision construction works within the vicinity of the Riparian Zone/ Gundaroo Creek on the eastern side of the subject site.</p> <p>The proposed development has been designed, sited and will be managed to avoid any potential significant adverse environmental impact.</p> <p>It is noted the development will not have any adverse impact on the following:</p>



- Water quality and flows within the watercourse;
- Aquatic and riparian species, habitats and ecosystems of the watercourse;
- The stability of the bed and banks of the watercourse;
- The free passage of fish and other aquatic organisms within or along the watercourse;
- Any future rehabilitation of the watercourse and riparian areas.

We have also taken into consideration the existing drainage channels seen throughout the site condition. As a result, there will be no adverse effects felt upon the groundwater vulnerability potential of the subject lot.

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



## 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 subject 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>	Section 138 of the Roads Act 1993 requires an approval from the Roads Authority (either Council or TfNSW) for certain works in, on or over a public road, or to connect to a classified road.





	<p>Minor works may be required to connect the Site to a Council road (Beralston Road). TfNSW is not likely to be the referral agency for the subject application pursuant to Section 4.46 of the EP&amp;A Act. The basis for this is any potential road works adjacent to and within Beralston Road.</p> <p>Under this legislation, the proposed development, therefore, does not trigger the application as requiring integrated approval from TfNSW.</p>
<p><i>Rural Fires Act 1997</i></p>	<p>The subject land is identified as being bushfire prone land (<b>BFPL</b>) pursuant to the mapping within the YVLEP2013 (refer <b>Figure 2.17</b>).</p> <p>The proposed development includes the subdivision of the subject lot into Two (2) Torrens Title Rural Residential 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&amp;A Act. Integrated development requires development consent from Council and General Terms of Approval from NSW Rural Fire Service (<b>RFS</b>). Any development applications for such a purpose must obtain a bush fire safety authority (<b>BFSA</b>) from the Commissioner of NSW RFS in accordance with Section 100B of the RF Act.</p> <p>A BFSA 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/m<sup>2</sup> (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 02 October 2024 (refer <b>Appendix C</b>) 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"> <li>❖ <i>This report establishes the level of bushfire threat to the proposed development and examines the PBP (2019) six bushfire protection measures for the future dwelling on Lot 2.</i></li> </ul>



	<ul style="list-style-type: none"> <li>❖ <i>Access to the new building envelope off Beralston Road and its isolation will require a performance-based design to satisfy the performance criteria and intent for access arrangements set out in PBP (2019) and clause 5.1.1 Isolated Subdivisions PBP (2019).</i></li> <li>❖ <i>The existing dwelling has access to two static water supplies, providing sufficient supplies for firefighting. The new lot will require its own firefighting water supply to serve the future dwelling at the development time.</i></li> <li>❖ <i>To improve the level of ember protection for the existing dwellings, construction enhancements where required are recommended to increase ember protection.</i></li> <li>❖ <i>In this report, the development is not known to have any significant environmental or cultural values requiring consideration as part of this assessment.</i></li> </ul> <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 NSWRFSA for the issuing of a bush fire safety authority.</p>
<p><i>Water Management Act 2000</i></p>	<p>Gundaroo Creek traverses the eastern boundary of the subject site. It is noted however, there are no proposed works within the listed watercourses.</p> <p>As such the development does not warrant approval pursuant to section 91(2) of the <i>Water Management Act 2000</i> for a Controlled Activity Approval.</p>



## 2.4.1 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 2.17**. 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 02 October 2024 (refer **Appendix C**) is included with this application and concludes the following summary of recommendations demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP (2019):

Based on the bushfire assessment and the following 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.

### Asset Protection Zones

- Table 5 details the BAL-12.5 APZ dimensions required as a component of the performance-based design for access and isolated subdivision, as per Table A1.12.2 PBP (2019).

Table 5 - Required BAL-12.5 APZ dimensions for a future dwelling on Lot 2.

Aspect	Predominate Vegetation Formation	Effective Slope	Required APZ	OPA Available
North	Grasslands	0° - 5° downslope	25m	N/A
Northeast	Grasslands	0° - 5° downslope	25m	N/A
East	Grasslands	0° - 5° downslope	25m	N/A
Southeast	Grasslands	Upslope	23m	N/A
South	Grasslands	Upslope	23m	N/A
Southwest	Grasslands	Upslope	23m	N/A
West	Grasslands	Upslope	23m	N/A
Northwest	Grasslands	0° - 5° downslope	25m	N/A

Note: Outer Protection Areas, as a component of the APZ, are available in forest vegetation as per Table

A1.12.4 PBP (2019)

The APZ for Lot 2 meets the acceptable solutions and, therefore, the performance criteria provided by PBP (2019).



Table 6 - APZ compliance report from Table 5.3a PBP (2019)

Acceptable solutions	Compliance
APZs are provided in accordance with Tables A1.12.2 and A1.12.3 based on the FFDI	Yes
APZs are managed in accordance with the requirements of Appendix 4	Yes
APZs are wholly within the boundaries of the development site	Yes
APZs are located on lands with a slope less than 18 degrees.	Yes

### Construction Standards

- The construction standard is set at BAL-29 as per AS3959-2018 Amd 2:20020, or
- NASH Standard (2014) Steel Framed Construction in Bushfire Areas, and
- The Additional Construction Requirements found in Clause 7.5, PBP (2019),
- Any Class 10a buildings are to be constructed under Clause 8.3.2 PBP (2019).

The construction standards for Lot 2 are capable of meeting the acceptable solutions and, therefore, the performance criteria provided by PBP (2019).

### Landscaping and Fencing

Landscaping within the APZ must comply with Appendix 4 – Asset Protection Zone Standards, PBP (2019), provided in Attachment A of this report. Fencing is compliant with section 7.6 PBP (2019)

Table 7 - Landscaping compliance report from Table 5.3a PBP (2019)

Acceptable solutions	Compliance
Landscaping is in accordance with Appendix 4	Yes
Fencing is constructed in accordance with Section 7.6	Yes

Landscaping and fencing for Lot 2 are capable of meeting the acceptable solutions and, therefore, the performance criteria provided by PBP (2019).

### Access

The proposed property access road (PAR) from the centre of the building envelope of Lot 2 is ~ 147m in length to Beralston Road (a 6m wide unsealed public no-through road), then a further ~4.26km to Marked Tree Road (a 6m wide unsealed public through road).

Marked Tree Road offers travel in two directions. The total travel distance from the centre of the proposed building envelope is ~4.407km to Marked Tree Road. With an estimated drive time at a conservative 40kph ~7 minutes.

Table 8 is a compliance report for Access to Lot 2.



Table 8 - Access provisions compliance report from Table 5.3b PBP (2019)

Acceptable solution	Compliance
<b>General Access Requirements</b>	
Property access roads are two-wheel drive, all-weather roads.	Yes
Perimeter roads provided for residential subdivisions of three or more allotments.	N/A to rural residential subdivisions
Subdivisions of three or more allotments have more than one access point.	N/A
Traffic management devices do not prohibit Access by emergency services.	N/A
Max. grades for sealed roads do not exceed 15 degrees.	Yes
Max. average grade does not exceed 10 degrees.	Yes
All roads are through roads	See next acceptable solution
Dead end roads are not more than 200 m in length Include a 12m turning circle	Performance based design
Kerb and guttering provided on perimeter roads with roll top on hazard side.	N/A
In forest, woodland and heath situations, secondary Access is provided.	N/A
One-way public roads are no more than 3.5m wide	N/A
Perimeter and non-perimeter road surfaces and bridges rated to 23 tonnes. Bridges indicate load rating.	Yes, bridges, if applicable
Hydrants located outside of parking reserves and road carriageways. Hydrants in accordance with AS 2419.1:2005.	N/A
Access for Cat. 1 fire appliance within 4 m of static water supplies.	Yes
<b>Property Access Requirements Lot 2</b>	
Min. carriageway width of 4 m.	Yes
In forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide.	Yes
A minimum vertical clearance of 4m to any overhanging obstruction.	Yes
Provide a suitable turning head. Appendix 3 PBP (2019).	Yes
Minimal number of curves. Curves to have min. inner radius of 6m.	Yes
Min. distance between inner and outer curves is 6m	Yes
Cross fall no greater than 10 deg.	Yes
Max. grades for sealed roads do not exceed 10 degrees.	Yes
Max. grades for unsealed roads do not exceed 10 degrees.	Yes
Development of more than 3 dwellings has formalised Access and not by right of way.	N/A
Some short constrictions may apply	N/A





*Proposed access arrangements for the subdivision will meet most of the acceptable solutions provided in PBP (2019) except for the following elements:*

- 1. All roads are through roads.*
- 2. Dead-end roads are not more than 200m long and include a 12m turning circle.*

*The performance criteria to be addressed (General Access) –*

- 'Fire fighting vehicles are provided with safe, all-weather access to structures'.*

*Firstly, it should be noted that the proposed PAR will be constructed to comply with all acceptable solutions for access.*

*Secondly, the intent of the 200m limitation on access should be understood when assessing the performance of the development proposal. In the context of a bushfire event, 200m is deemed the maximum allowable distance to the relative safety of a public road when through-road access cannot be provided, i.e, a dead-end road.*

*While traversing the 200m distance in a typical bushfire-prone environment, there is the potential risk to evacuating residents or responding fire crews from radiant heat exposure, flame contact, reduced visibility and the prospect of a blocked road from falling trees or oncoming traffic, all of which could lead to entrapment. Simply put, the longer that one-way access is, the higher the risk and the less safe egress/ access becomes.*

*Suppose radiant heat levels are reduced to the proposed dwelling, and the proposed dwelling is made more bushfire resilient through a fixed BAL-29 construction standard. In that case, the subject site becomes a safer environment for attending fire crews and residents, placing less reliance on evacuation as a safety measure.*

*To further improve the bushfire resilience of the proposed dwelling, the following enhancements are recommended:*

- Enlarged APZ, reducing potential radiant heat levels from 29kW/m<sup>2</sup> to 12.5kW/m<sup>2</sup>, making the future dwelling more defensible.*
- A fixed Bal-29 construction standard within a BAL-12.5 sized APZ will make the future dwelling more bushfire resilient.*
- A 40,000L static water supply (concrete or metal or underground tank) and access to a dam as an existing static water supply will enable fire crews and occupants to undertake active fire fighting for extended periods.*
- Fit a 5hp or 3kW diesel or petrol pump at the water tank, shielded from bushfire attack, for residents and firefighters utilising a minimum of 19mm internal diameter hose.*

*This performance-based design will allow future residents and attending fire crews (if they choose) to adopt a shelter/ protect-in-place firefighting strategy during a bushfire. The need for evacuation is reduced.*

*With due consideration given to the proposed performance-based design for access and with good visibility over these roads, the internal access arrangements are viewed as providing:*

- Firefighter access to structures and water supplies,*
- Evacuation routes for both residents and firefighters,*
- Access to APZ for ongoing maintenance, and*



- Access to areas of bushfire hazard for firefighting and hazard mitigation purposes.

Instead of adopting the acceptable solutions offered in PBP (2019), an evaluation of the performance of the subdivision design is made to demonstrate compliance with PBP (2019).

Therefore, the proposed performance-based design and the compliance acceptable solutions are offered to satisfy the performance criteria of Access 5.3.2 and the intent of 3.4 Access arrangements PBP (2019)

### Water Supplies, Electricity and Gas

- Future dwelling: Install a 40,000L (metal or concrete or underground) firefighting water tank with a 70mm Storz coupling near the residence. (As a component of the performance-based design for access and isolated subdivision).
- Fit a 5hp or 3kW diesel or petrol pump at the water tank, shielded from bushfire attack. For use of both residents and firefighters utilising a minimum of 19mm internal diameter hose. (As a component of the performance-based design for access and isolated subdivision)
- Install a static water supply sign at the entry to the property (See local RFS Captain)

Table 9 – Services- Water Electricity & Gas compliance report Table 5.3c PBP (2019)

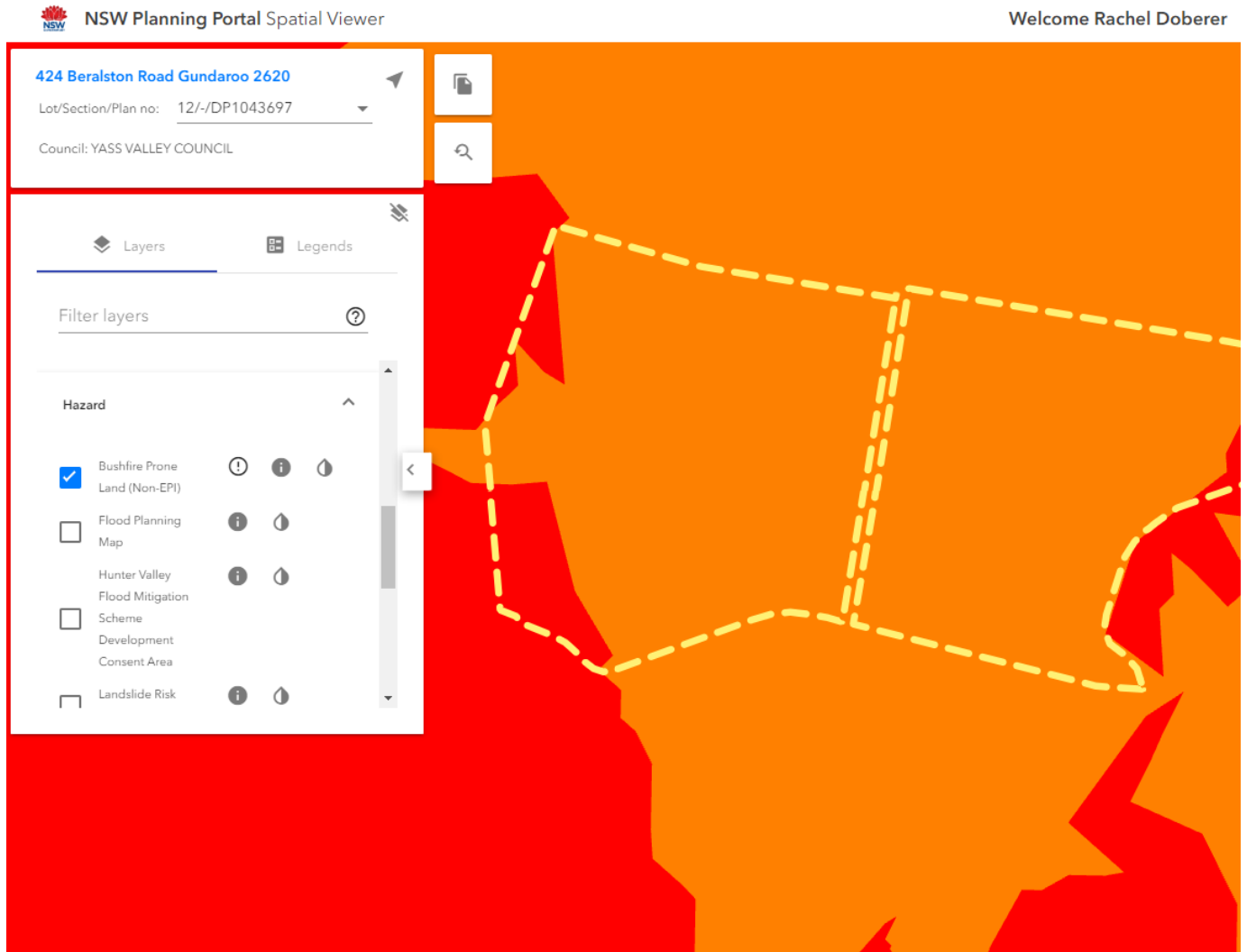
Acceptable solution	Compliance
<b>Water supplies</b>	
Reticulated water is to be provided to the development where available	N/A
A static water and hydrant supply is provided for non-reticulated development or where reticulated water supply cannot be guaranteed	Yes Static
Static water supplies shall comply with Table 5.3d.	Yes
Fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1.2005	N/A
Hydrants are not located within any road carriageway	N/A
Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads	N/A
Fire hydrant flows and pressures comply with the relevant clauses of Australian Standard AS 2419.1.2005	N/A
All above-ground water service pipes are metal, including and up to any taps	Yes
Above ground water storage tanks shall be of concrete or metal	Yes
<b>Electricity Services</b>	
Where practicable, electrical transmission lines are underground	Yes
<b>Where overhead electrical transmission lines are proposed:</b>	
Lines are installed with short pole spacing of 30m, unless crossing gullies, gorges or riparian areas	Yes
No part of a tree is closer to a power line than the distance set out in ISSC3 <i>Guideline for Managing Vegetation Near Power Lines</i>	Yes
<b>Gas Services</b>	
Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 – <i>The storage and handling of LP Gas</i> , the requirements of relevant authorities, and metal piping is used.	Bottled gas (if used)
All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazards side.	Yes
Connections to and from gas cylinders are metal.	Yes
Polymer-sheathed flexible gas supply lines are not used	Yes
Above-ground gas service pipes are metal, including and up to any outlets.	Yes



The services for Lot 2 are capable of meeting the acceptable solutions and, therefore, the performance criteria provided by PBP (2019).

### Emergency Management Planning

Before occupation of a new dwelling, residents should develop an NSWRFs Bushfire Survival Plan.



**Figure 2.17: Bushfire Prone Land Mapping** (Source: NSW Government Planning Portal Spatial Viewer, October 2024)



## 2.4.2 Asset Protection Zones

Performance criteria and acceptable solutions for APZs provided in PBP 2019 for residential and rural residential subdivisions are:

	PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	The intent may be achieved where:	
ASSET PROTECTION ZONES	Potential building footprints must not be exposed to radiant heat levels exceeding 29kW/m <sup>2</sup> on each proposed lot.	APZs are provided in accordance with Tables A1.12.2 and A1.12.3 based on the FFDI.
	APZs are managed and maintained to prevent the spread of a fire towards the building.	APZs are managed in accordance with the requirements of Appendix 4.
	The APZs are provided in perpetuity.	APZs are wholly within the boundaries of the development site.
	APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimized.	APZs are located on lands with a slope less than 18 degrees.
LANDSCAPING	Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.	Landscaping is in accordance with Appendix 4; and Fencing is constructed in accordance with Section 7.6.

The APZ setback recommendations prescribed for the proposed subdivision 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<sup>2</sup> and, therefore, surpass the minimum requirements.

This intended design feature will provide a higher level of safety and resilience for existing and future dwelling(s) on proposed Lots 1 & 2. 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 02 October 2024 (refer **Appendix C**) confirms the following:

*The APZ for Lot 2 meets the acceptable solutions and, therefore, the performance criteria provided by PBP (2019).*

The suggested APZ requirements for proposed Lot 1 (Existing Dwelling) are:

- A BAL-29 sized APZ around the existing dwelling would fit within the property boundary.
- The closest boundary is 163m to the south of the existing dwelling (refer **Figure 2.16**)



- Table 10 -Distance to the closest boundary from the existing dwelling.

Table 10 – Distance to the closest boundary from the existing dwelling.

Aspect	Predominate Vegetation Formation	Effective Slope	Distance to the property boundary	BAL-29 APZ requirement
South	Grasslands	Upslope	163m	10m

Note: All other aspects are within the interior of the property.

Following the recommendations within the Bushfire Assessment Report, it is proposed to create the following Positive Covenant over proposed Lot 1 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 1:

*The registered proprietor of the lot(s) hereby burdened will maintain at the sole expense of the registered proprietor the whole of their lot as an asset protection zone, 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.*

*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).*

Following the recommendations within the Bushfire Assessment Report, it is proposed to create the following Restriction on the Use of land and Positive Covenant over proposed Lot 2 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 Restriction on the Use of Land for Lot 2:

No development shall be permitted on the lot(s) hereby burdened unless:

- A future dwelling house has been designed to be constructed to at least BAL29 with an Asset Protection Zone (APZ) distances applicable to BAL 12.5 in accordance with Table A1.12.5 and Section 7.5 of Planning for Bushfire Protection 2019 (PBP 2019) (as amended), and AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard – Steel Framed Construction in Bushfire Areas (incorporating amendment A – 2015).
- A future dwelling house shall be provided with a minimum 40,000 litre static water supply in the form of a tank, pool, dam or the like.





## Proposed Positive Covenant for Lot 2:

*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.*

<b>Orientation</b>	<b>APZ Distance/ Depth</b>
<i>North</i>	<i>25m</i>
<i>Northeast</i>	<i>25m</i>
<i>East</i>	<i>25m</i>
<i>Southeast</i>	<i>22m</i>
<i>South</i>	<i>22m</i>
<i>Southwest</i>	<i>22m</i>
<i>West</i>	<i>22m</i>
<i>Northwest</i>	<i>25m</i>

*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).*



## 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
<p><i>SEPP (Biodiversity and Conservation) 2021</i></p>	<p>This SEPP aims to protect the biodiversity values of trees and vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of tree and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands, and koalas are included in the SEPP.</p> <p>Clearing of vegetation requires consent and has been assessed under the provisions of the Biodiversity Conservation Act. No additional permits from Council for the clearing of vegetation is anticipated.</p> <p>There are no recent records of Koalas in the locality and the species is generally not known to occur in the lowland agricultural lands of the Yass Valley Council LGA. The subject land does not constitute Koala habitat, and therefore Council can be satisfied that the proposed development is unlikely to have any impact on Koalas or Koala habitat and may grant consent to the development application.</p>
<p><i>SEPP (Transport and Infrastructure) 2021</i></p>	<p>There are provisions contained within the SEPP which are triggers for the referral of the DA to certain authorities prior to Council being able to grant consent. The potential triggers for referral are summarised as follows:</p> <p><u>Development Likely to affect an electricity transmission or distribution network</u></p> <p>Clause 2.48 of the SEPP requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that comprises or involves:</p> <ul style="list-style-type: none"> <li>• The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of electricity tower.</li> <li>• Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or</li> </ul>



	<p>within 5 metres of an exposed overhead electricity power line.</p> <ul style="list-style-type: none"> <li>• Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.</li> <li>• Development involving or requiring the placement of power lines underground.</li> </ul> <p>Based in a review of the plans and documents submitted with the DA, the proposed DA is unlikely to trigger referral to the electrical supply authority, as the nearest overhead pole location is further than 5 metres of any anticipated future construction site.</p> <p><u>Development in or adjacent to road corridors and road reservations</u></p> <p>Clause 2.122 of the SEPP requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.</p> <p>The nature and scale of the proposed development does not trigger referral of the application to TfNSW.</p>
<p><i>SEPP (Primary Production)2021</i></p>	<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>
<p><i>SEPP (Resilience and Hazards) 2021</i></p>	<p>This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.</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 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 the subdivision of two (2) Rural Residential Torrens Title Lots which does not require a BASIX Certificate.</p> <p>As such this SEPP is not applicable to the assessment of this application.</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 facilitates development of affordable and diverse housing including boarding houses, build-to-rent housing, seniors housing, caravan parks/ manufactured home estates, group home, secondary dwellings, social and affordable housing and short-term rental accommodation.</p> <p>The proposed development does not relate to the delivery of development listed above. 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"> <li>(i) <i>any environmental planning instrument, and</i></li> <li>(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></li> <li>(iii) <i>any development control plan, and</i></li> <li>(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></li> <li>(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i></li> <li>(v) <i>(Repealed)</i></li> </ul> <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 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 proposed two (2) Lot Torrens Title Rural Residential Subdivision has been designed to take into consideration the subject site and surrounds.</p>



	<p>The proposed development has been prepared by integrating the 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>
(c) <i>the suitability of the site for the development,</i>	<p>The proposed subdivision is consistent with, and compatible with the surrounding land uses of Gundaroo.</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>
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	<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&amp;A Act.</p>
(e) <i>the public interest.</i>	<p>This development application seeks approval for a proposed two (2) lot Torrens Title Rural Residential Subdivision. The proposal is considered in the public interest for the following reasons:</p> <ul style="list-style-type: none"> <li>• The site is located within the RU1 Primary Production zone of Gundaroo. 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.</li> <li>• 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 and the YVDCP2024.</li> <li>• The proposal accommodates rural residential living opportunities, within close proximity to Yass, Murrumbateman, Canberra and Goulburn.</li> <li>• It is expected any construction works associated with the proposed and future development will contribute in varying degrees to the local economy and Yass Valley more generally.</li> </ul>



### **3. CONCLUSION**

This application seeks approval for a Two (2) Lot Torrens Title Rural Residential Subdivision. It is concluded, the approval of the Development Application at Lot 1 DP1114409 & Lot 12 DP1043697 424 Beralston Road, GUNDAROO 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 Gundaroo. The application is supported by the appropriate documents that satisfy Council's requirements and demonstrate that the subject site is suitable for the proposed development.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.

The assessment concludes the subdivision is permissible within the RU1 Primary Production zone, is consistent with the specific provisions contained in the YVLEP2013 and the YVDCP2024. It is recommended that sufficient information has been submitted with the Development Application to allow Yass Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development should be supported.

