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Statement of Environmental Effects

for a

One Lot into Four Lot Torrens Title Subdivision

at

Lot 119 DP 1088125

**1098 Nottingham Road,
Wee Jasper, NSW 2582**

November 2024

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1 Introduction

1.1 Summary

Site Details	
Address	1098 Nottingham Road, Wee Jasper, NSW 25824 (Site)
Property Description	Lot 119 DP 1088125
Area	2,013ha approx
Local Government Area	Yass Valley Council

General Details	
Proposal	Four Lot Torrens Title Subdivision
Application Type	Development Application
Level of Assessment	Local Development
Consent Authority	Yass Valley Council
Key Applicable Codes	Yass Valley LEP 2013 (YVLEP) Yass Valley Development Control Plan 2024 (YVDCP)

1.2 Background

This Statement of Environmental Effects (SEE) has been prepared by Catalyze Property Consulting Pty Ltd (Catalyze) to accompany a Development Application (DA) to Yass Valley Council (Council) seeking development consent to subdivide the existing Torrens Title Lot into four new Torrens Title Lots.

The purpose of this report is to describe the proposed development and review the relevant planning requirements relating to the Proposal. It provides an assessment of the proposed development in terms of the Evaluation Criteria prescribed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (Act).

In the preparation of this SEE, the Site and the locality has been considered, along with the Draft Subdivision Plan and numerous specialty reports.

The merits of the Proposal have been considered with reference to the relevant State, Regional and Local Council planning instruments, codes and policies and the Proposal is considered worthy of development consent.

1.3 Site & Locality Description

The Site currently consists of one Torrens Title Lots being Lot 119 DP 1088125.

It has a total site area of approx. 2,013ha and is located on the western side of Nottingham Road, Wee Jasper, to the south of its intersection with Wee Jasper Road, approximately 41km south of Yass.

The Site is a large irregularly shaped lot, steeply undulating over ridges and valleys, broader valleys are open grassland to woodland, the steeper lands and ridges are well vegetated with native forest. It has previously been used for forestry and while most forest has regenerated to an advanced state, associated infrastructure including tracks, drainage, roads and fencing have continually been maintained and are generally in good condition. There are various basic structures on Site supporting basic storage or temporary habitation as well as a farm dam of approximately 0.6ML.

Jackos Trail (fire trail) runs along the top of the main ridgeline extending from Careys Trail in the north of the site and linking to Nottingham Road in the southwest.

The main access points to the site are via Pheasant Creek Road within the Wee Jasper State Forest in the northwest. The roads within the state forest are unsealed with a variable width of 5-6m.

Location maps showing the Site in a regional and local context are set out in the following Figures.

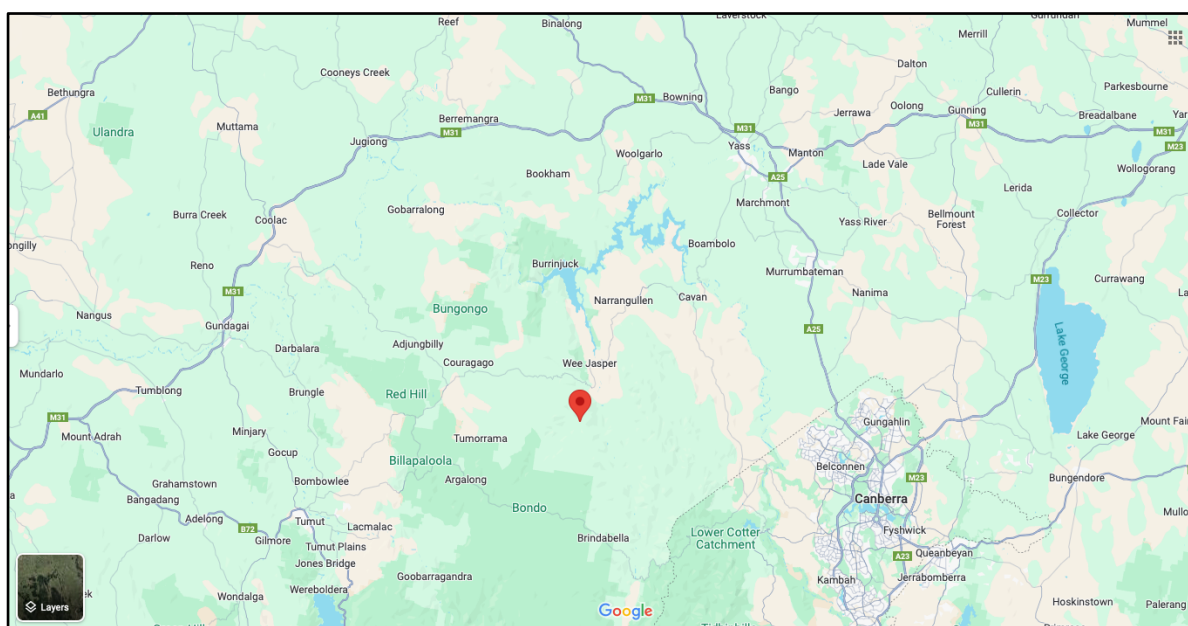


Figure 1 - Regional Context Map

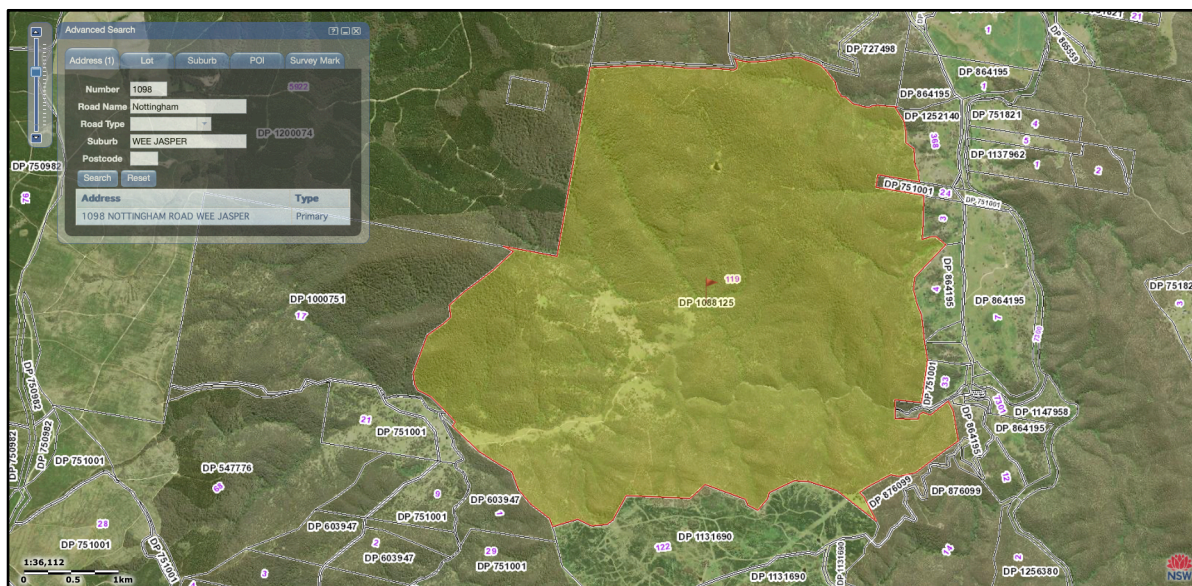


Figure 2 - Aerial Photograph of the Site

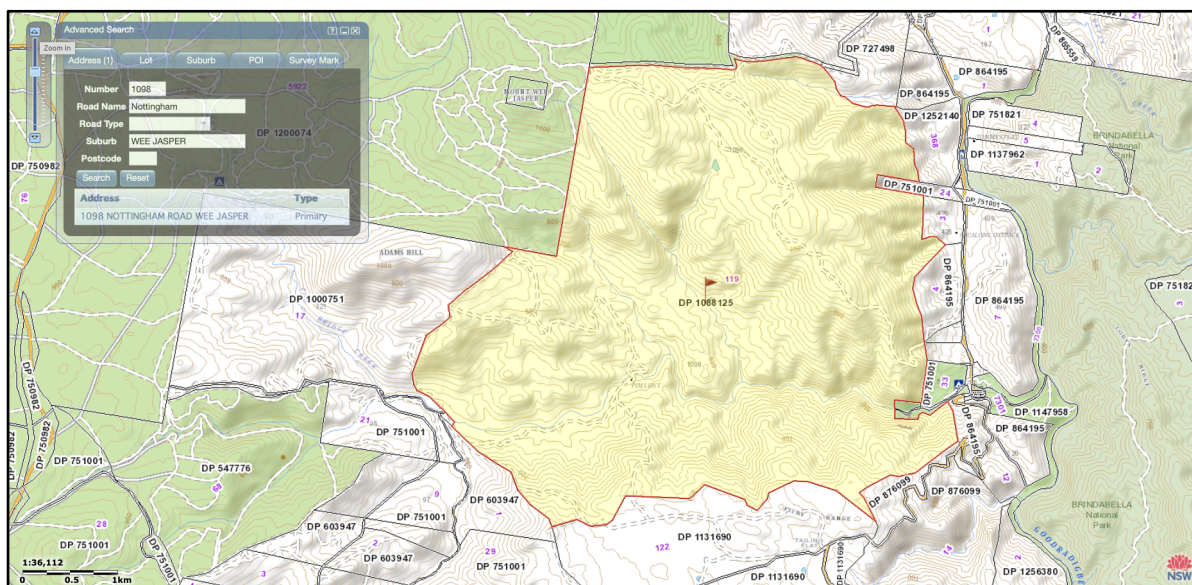


Figure 3 - Subject Site

2 Description of Proposal

The proposed subdivision involves creating four (4) new Torrens Title Lots being;

- Lot 1 with an area of 75ha;
- Lot 2 with an area of 145ha;
- Lot 3 with an area of 388ha; and
- Lot 4 with an area of 1,405ha.

Indicative building envelopes are shown on all Lots and the new Lot boundaries largely following existing fence lines.

The access tracks are largely existing and shown in Figure 3.1 Access of the Bushfire Assessment Report.

Extracts of the proposed Lot layout, access tracks and the indicative location of building envelopes and access tracks are set out in the following Figures:

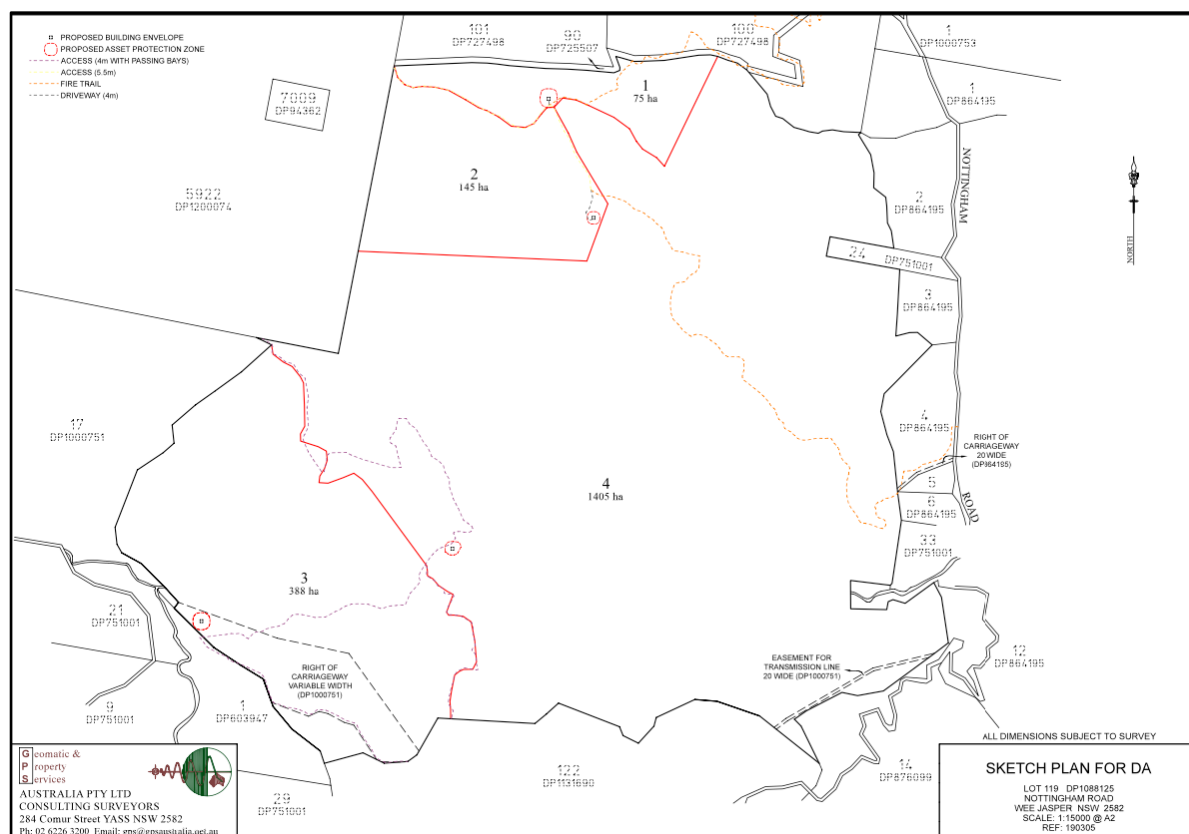


Figure 4 - Extract from proposed Subdivision Plan

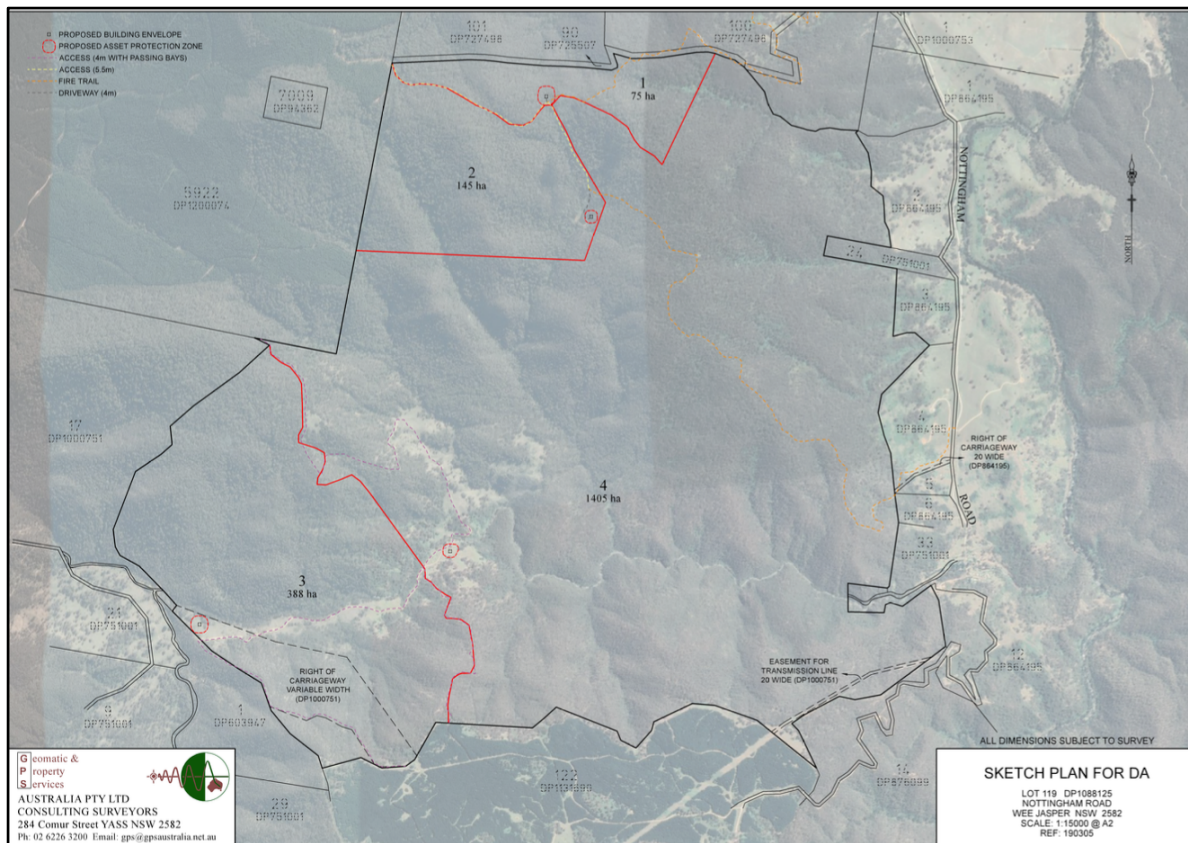


Figure 5 - Extract from proposed Subdivision Plan with aerial photograph

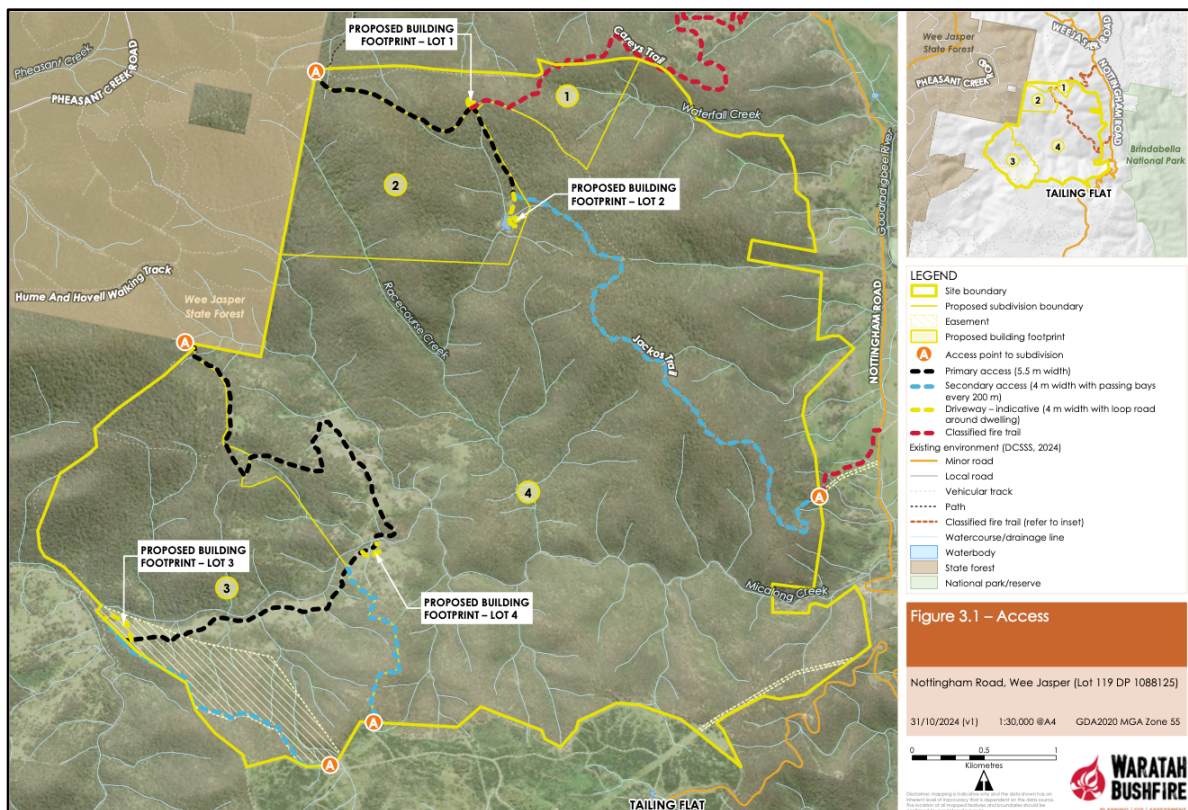


Figure 6 - Extract from Figure 3.1 of Bushfire Assessment Report

3 Planning Controls

3.1 State Environmental Planning Policies

State Environmental Planning (Resilience and Hazards) 2021 (SEPPRH)

SEPPRH establishes state-wide provisions to promote the remediation of contaminated land. Clause 4.6 of SEPPRH requires that a consent authority must not grant consent to a development unless it has considered whether the site is contaminated.

The property is currently used for rural and forestry purposes and therefore has an extremely small likelihood of being contaminated. There is no change of use or construction proposed and there is nothing that would suggest any risk of contamination. On this basis, the proposal development satisfies SEPPRH.

3.2 Yass Valley Local Environmental Plan 2013 (YVLEP)

Section 4.15(1)(a)(i) of the Act requires the consideration of all Local Environmental Plans relevant to the DA.

YVLEP applies to the Site and specifically the following provisions.

Clause 2.2 Zoning of land to which Plan applies

The Site is zoned RU1 Primary Production.

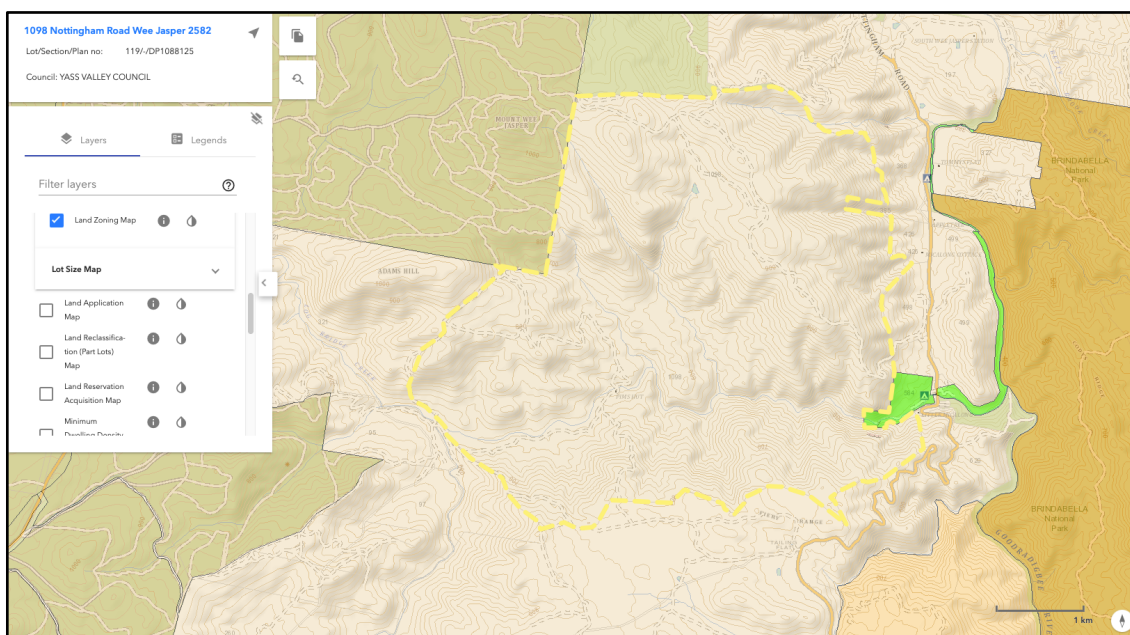


Figure 7 - Extract from YVLEP Zoning Map

Clause 2.3 – Zone Objectives and Land Use Table

Within the RU1 Primary Production zone, the objectives, and permitted and prohibited uses are as follows:

<i>RU1 – Primary Production</i>	
1	<p><i>Objectives of zone</i></p> <ul style="list-style-type: none"> - <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> - <i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i> - <i>To minimise the fragmentation and alienation of resource lands.</i> - <i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i> - <i>To protect and enhance the biodiversity of Yass Valley.</i> - <i>To protect the geologically significant areas of Yass Valley.</i> - <i>To maintain the rural character of Yass Valley.</i> - <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> - <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> - <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>
2	<p><i>Permitted without consent</i></p> <p><i>Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Water storage facilities</i></p>
3	<p><i>Permitted with consent</i></p> <p><i>Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Helipads; High technology industries; Home industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Serviced apartments; Signage; Timber yards; Transport depots; Truck depots; Turf farming; Waste or resource management facilities; Water recreation structures; Water supply systems</i></p>
4	<p><i>Prohibited</i></p> <p><i>Any development not specified in item 2 or 3</i></p>

The proposed development meets the relevant objectives of the zone by:

- providing Torrens Title Lots and potentially housing associated with rural industry;
- protecting the environment; and
- maintaining the rural character of the Yass Valley.

On this basis, the proposed development satisfies the zone objectives and the Development is permissible in the zone.

Clause 2.6 Subdivision – consent requirements

Clause 2.6 provides that Land to which this LEP applies maybe subdivided with development consent.

Clause 4.1 Minimum subdivision lot size

Clause 4.1 provides that consent may be granted to a development application for subdivision provided that;

- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

The minimum subdivision lot size for the Site is 40ha and the proposal complies with this requirement.

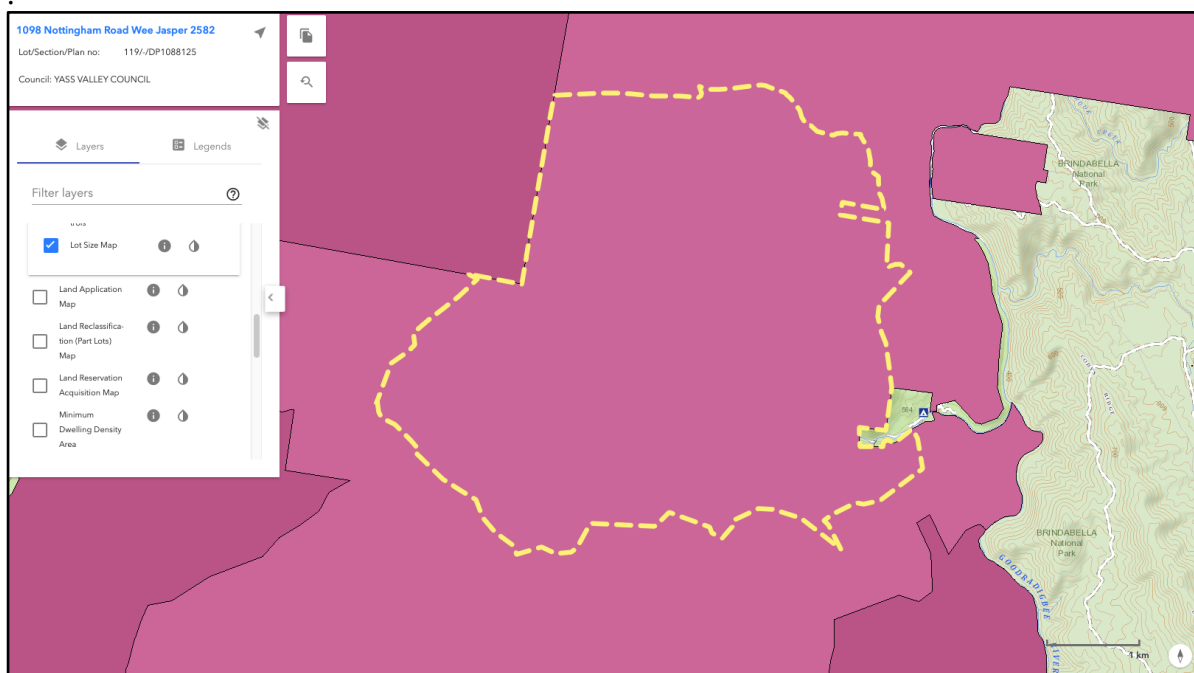


Figure 8 - Extract from YVLEP Lot Size Map

Clause 4.3 - Height of Buildings

The Site has no maximum Building Height and there are no construction works proposed as part of this application.

Clause 4.4 - Floor Space Ratio

The Site has no maximum FSR and there are no building works proposed as part of this application.

Clause 5.10 – Heritage

The Site is not a heritage item, does not adjoin a heritage item and is not located within a heritage conservation area. This DA is also accompanied by a detailed AHIMS Search (15 November 2023) which shows there are no recorded Aboriginal Sites or Places within 1,000m of the Site.

On this basis, the development is considered satisfactory in terms of cl.5.10 of YVLEP.

Clause 6.3 – Terrestrial biodiversity

A Biodiversity Assessment Report has been prepared to consider the ecological value of the Site and whether the Biodiversity Offset Scheme is triggered by the development.

Most of the Site is shown on the YVLEP Terrestrial Biodiversity Map and the provisions of clause 6.3 are addressed in detailed throughout the Biodiversity Assessment Report. Noting the proposed development has been designed, sited and managed to avoid potential adverse environmental impacts, effective measures are incorporated to minimise adverse impacts. The proponent considered alternatives for siting the works and subsequently determined that the least impact to biodiversity would result from siting the development in existing cleared and earth worked areas.

Several parts of the Site are mapped on the Biodiversity Values Map (BVM). These are predominantly in riparian areas and the proposal has been designed to avoid impacting these areas and makes use of existing fencing as lot boundaries necessitating no fencing works being required for the subdivision.

The Biodiversity Assessment Report concludes:

This report has assessed the flora and fauna associated with the subject land and the extent and nature of impacts on biodiversity of the proposed works to develop a 4 lot rural subdivision.

The proposed development has been designed and sited so as to avoid and minimise impacts to biodiversity values. Residual impacts have been considered through this assessment which has found impacts on biodiversity to be low and manageable in the context of the landscape.

Tests of Significance were undertaken for the following matters in accordance

with the NSW DPIE Threatened Species Test of Significance Guidelines;

- *Petauroides Volans*
Greater glider
- *Petaurus australis*
Yellow-bellied glider
- *Petaurus norfolcensis*
Squirrel glider
- *Phascogale tapoatafa*
Brush-tailed phascogale

These tests concluded the proposal was not likely to result in a significant impact to any of these listed matters.

It is essential that this report's impact mitigation measures be implemented in order to manage potential weed issues on the site and ensure that adjoining lands are not impacted.

The proposal is not likely to have a significant impact on listed threatened species, populations or ecological communities.

There are no other biodiversity issues associated with this proposal the net impact of this proposal on flora and fauna and biodiversity generally will be negligible.

On this basis, the DA is assessed as acceptable in terms of biodiversity impacts.

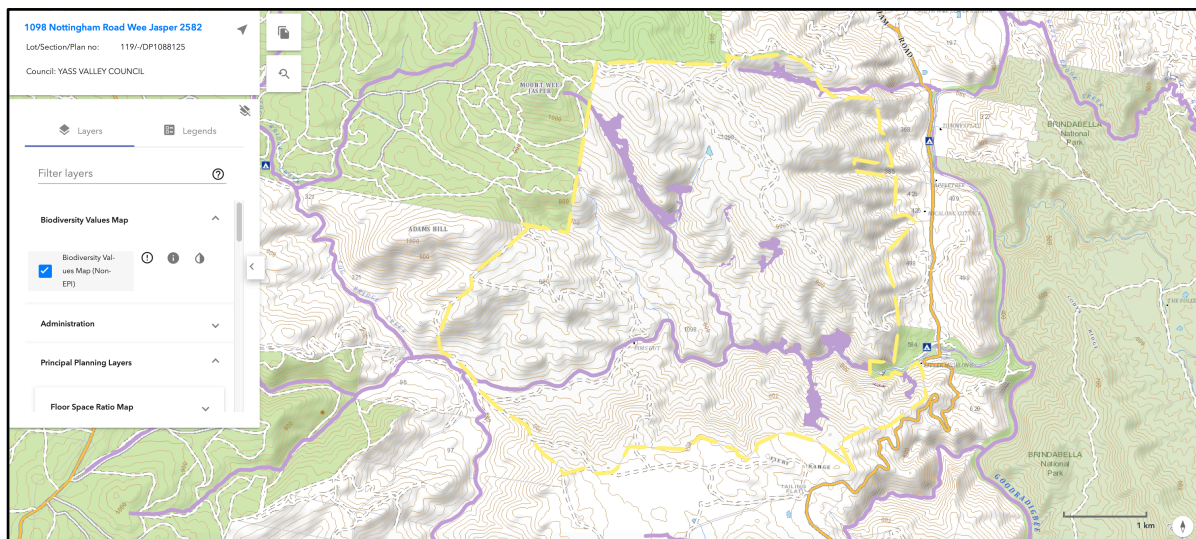


Figure 9 - Extract from Biodiversity Values Map

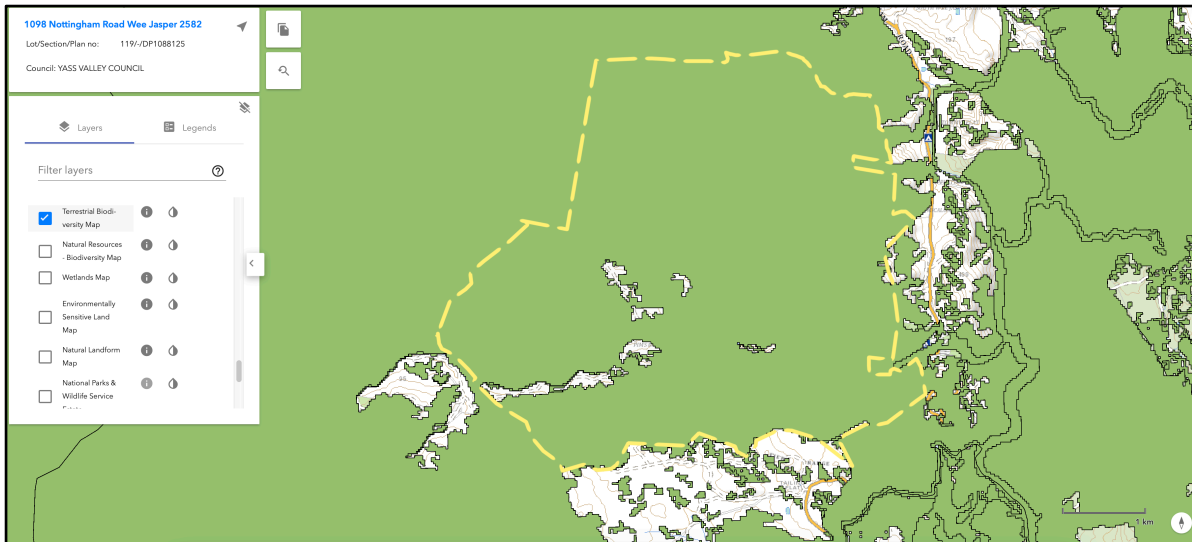


Figure 10 - Extract from YVLEP Terrestrial Biodiversity Map

3.3 Relevant Draft Local Environmental Plans

Section 4.15(1)(a)(ii) requires Council to consider the Provisions of relevant Draft Environmental Planning Instruments.

In these circumstances, there are no relevant Draft Environmental Planning Instruments to consider.

3.4 Development Control Plans

Section 4.15(1)(a)(iii) of the Act requires the consideration of any DCP.

Yass Valley Council Development Control Plan 2024 (YVDCP) applies to the land and specifically Part C.

The proposal's compliance with the relevant provisions of Part C is assessed in the Table below.

Part C – Subdivision Controls	
C.1 Layout	Comment
Objective: To ensure that the layout of subdivisions considers landform, topography with all necessary services considered at design stage	<p>The proposal makes use of existing fencing, access ways and vehicular tracks and has been designed and sited to avoid potential adverse environmental impacts.</p> <p>In preparing the design, the proponent considered alternatives for siting the works and subsequently determined that the least impact to biodiversity would result from siting the development in existing cleared and earth worked areas.</p>

C.2 Staging	Comment
Objective: To ensure that each stage in a progressive subdivision takes account of subsequent stages and development potential of adjoining land	There is no staging proposed as part of this DA.
C2 Large Lot Residential, Rural and Environmental Subdivision Controls	
C2.1 Buffers	Comment
Objective: To minimise potential land use conflict and protect the right to farm and enjoyment of individual properties. The right to farm, as described by NSW Department of Primary Industries, means a desire by farmers to undertake lawful agricultural practices without conflict or interference arising from complaints from neighbours and other land users.	The proposed lots are very large and comply with the separation distances articulated in this control.
C2.2 Fences	Comment
Objective: To ensure that fences are provided in accordance with the existing landscape and suitable for the location in which they are located	The proposal makes use of existing fencing and can be conditioned appropriately.
C2.3 Access	Comment
Objective: To ensure that each allotment is provided with a legal, adequately designed and located access	The proposal makes use of existing access roads and can be conditioned appropriately.
C2.4 Road design	Comment
Objective: To ensure that the design and placement of roads minimises environmental impact and is suitable for the landscape and topography	The proposal makes use of existing access roads and can be conditioned appropriately.
C2.5 Stormwater	Comment
Objective: To ensure that subdivisions in non-urban areas are provided with drainage in a manner so as not to cause erosion or nuisance	The proposed lots are very large and stormwater will easily be able to be managed without causing erosion and nuisance. This can be subject to an appropriate condition.
C2.6 Essential services	Comment
Objective: To ensure that non-urban subdivisions are provided with essential services having regard to their location and intended use	In the event that power cannot practically be made available to each allotment in the subdivision and a Notice of Satisfactory Arrangement for electricity provided it is proposed that a restriction to user is to be created stating the lot burdened may not be connectivity to grid electricity.
C2.7 Bushfire prone land	Comment
Objective: To protect life and property in the event of a bushfire by appropriate design of non-urban subdivisions	A satisfactory Bushfire Assessment Report is provided with this DA.

3.5 Planning Agreements

Section 4.15(1)(a)(iiia) of the Act requires consideration of any planning agreement entered into under Section 7.4.

There are no planning agreements or draft agreements included in this proposal.

3.6 Regulations

Section 4.15(1)(a)(iv) of the Act requires consideration of the Environmental Planning Assessment Regulation 2000 (Regs).

The Proposal complies with and is consistent with the relevant provisions of the Regulations.

4 Planning Considerations

Section 4.15(1)(b) of the Act requires consideration of the likely impact of the Development.

Natural Environment

The proposed lot boundaries largely follow existing fence lines and the building envelopes and access tracks have been located to utilise existing infrastructure and areas of existing landscape disturbance and exotic vegetation.

Ecological impacts are discussed in Section 3.2 of this SEE and these impacts have been assessed and the Proposal is considered acceptable.

A Land Capability Assessment has been prepared and is submitted with this DA. The Assessment provides the following conclusions:

This report assesses the general availability of an adequately sized area of land within the proposed dwelling lots.

A minimum area of 1,200m² has been used as the benchmark for the area required for the effluent dispersal. This is a conservative approach, given that an irrigation area for a six-bedroom dwelling will be around 520 m² and guidelines require that an equal size reserve effluent disposal area is also available. The location of future buildings, paths, tanks, pools and other infrastructure will also need to allow for the required buffers within the unconstrained areas of the dwelling lots.

Key constraints to effluent dispersal on the lots are the Micalong, Waterfall and Racecourse Creeks watercourse buffers of 100m and dam and drainage buffers of 40m.

The proposed new dwelling lots have an adequate area of land that is not constrained and is therefore suited to effluent dispersal. There is also an adequate remaining area that is available for the construction of dwellings and associated infrastructure, including an allowance for the necessary buffers between these features, refer Figure 25.

On this basis, the proposal is assessed as acceptable in terms of its impacts on the natural environment.

Built Environment

The Site is appropriately zoned to accommodate the existing development and the proposed subdivision is entirely suitable in its context.

The Proposal will not cause any amenity impacts on adjoining properties and will cause no significant additional demand on utilities.

On this basis, the Proposal is considered acceptable in terms of its impacts on the built environment.

Social and Economic Impacts

The Site is partially being utilised for primary production and forestry purposes and this application will not impact on these uses.

The Proposal will not give rise to any significant adverse social or economic impacts.

5 Suitability of the Site

Section 4.15(1)(c) of the Act requires consideration of the suitability of the Site.

The Site is currently zoned as RU1 Primary Production under YVLEP and the subdivision is permissible and entirely appropriate for the property.

A Bushfire Risk Assessment has been completed in relation to the proposed development and is submitted with this DA. This assessment concludes that the development is suitable for the proposed development subject to the following measures:

The proposed residential subdivision must provide minimum building setbacks between the vegetation and the dwellings to ensure that future building envelopes are not exposed to a radiant heat flux exceeding 29kW/m².

This assessment has found that bush fire can potentially affect the proposed dwellings from the surrounding forest vegetation, resulting in future buildings being exposed to potential radiant heat and ember attack.

Waratah Bushfire Planning proposes the following combination of bush fire measures to address the bush fire risk;

- *The provision of larger APZs (i.e. equivalent to BAL 29) outside of the range prescribed in PBP and increased Bush Fire Attack Level (BAL 29) to proposed buildings to create a safer area for occupants and firefighters remaining on-site; and*
- *Provision of access, water, electricity and gas supply in accordance with the acceptable solutions outlined in PBP 2019.*

On this basis, it is assessed that the Site is suitable for the proposed development.

6 Submissions

Section 4.15(1)(d) of the Act requires assessment of submissions by Council following exhibition.

7 Public Interest

Section 4.15(1)(e) of the Act requires the public interest to be considered.

If Council is required to notify this DA, specific issues of public interest relevant to this application can be addressed as required.

8 Conclusion

This SEE has been prepared to accompany a DA to Council seeking consent to subdivide the Site to create four (4) new Torrens Title Lots.

The DA is also supported by a Draft Subdivision Plan, Ecological Assessment, Bushfire Risk Assessment, AHIMS Search and Soil Capability Assessment.

The proposal has been assessed in relation to all relevant Environmental Planning Instruments and found to be acceptable.

The proposed development is worthy of approval by Council.



Craig McGaffin
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