


STATEMENT OF ENVIRONMENTAL EFFECTS

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PROJECT:	Development Application for the approval of a Two (2) Lot Torrens Title Rural Residential Subdivision at Lot 20 DP832724 151 Back Creek 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> .
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OUR REFERENCE:	3926_SEE1
DATE:	JANUARY 2025
AUTHOR:	RACHEL DOBERER SENIOR TOWN PLANNER
SIGNATURE:	



Revision Status

Rev No	Date	Report Title	Author	Reviewed by
1	02 December 2024	SEE – Proposed Two (2) Lot Torrens Title Subdivision – 151 Back Creek Road, GUNDAROO (Draft)	Rachel Doberer	Rachel Doberer
1	28 January 2025	SEE – Proposed Two (2) Lot Torrens Title Subdivision – 151 Back Creek Road, GUNDAROO (Final)	Rachel Doberer	Rachel Doberer

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1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared for *Zenia Pearl* (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 20 DP832724 151 Back Creek 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 and the YVDCP2024.

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 Murrumbateman, Yass, Canberra 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 Rural Residential 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

Zenia Pearl

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

Contact: Rachel Doberer
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1.3.2 The Owner(s)

*Zenia Rose Davis Pearl
Thea Marina Blomley*

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PO Box 5
YASS NSW 2582

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

1.3.3 Site Address

The subject site for this application is legally identified as Lot 20 DP832724 151 Back Creek Road, GUNDAROO and demonstrated 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, not far from Gundaroo Village (refer **Figure 1.1**), approximately 50km to Yass CBD, roughly 33km to Murrumbateman Village, 5km to Gundaroo Village and approximately 30km to Canberra CBD. The site is located on Back Creek Road and connects to Yass, Murrumbateman, Canberra and Goulburn seamlessly via Sutton Road, Murrumbateman Road, the Barton Highway and the Federal Highway, which are some of the main connecting road corridors in the area.

The subject site is made up of one lot and is zoned RU1 Primary Production in the Yass Valley LEP 2013 (YVLEP2013). It is bounded by other similar rural residential lots to the North, South, East and West (refer **Figure 1.2**).

Legal and physical access to the subject site is gained off Back Creek Road. The site is a regular shaped parcel of land with a total area of land of 328.7ha. The land is currently utilised for rural residential and farming purposes, following this subdivision, the use of both lots is intended to remain the same.

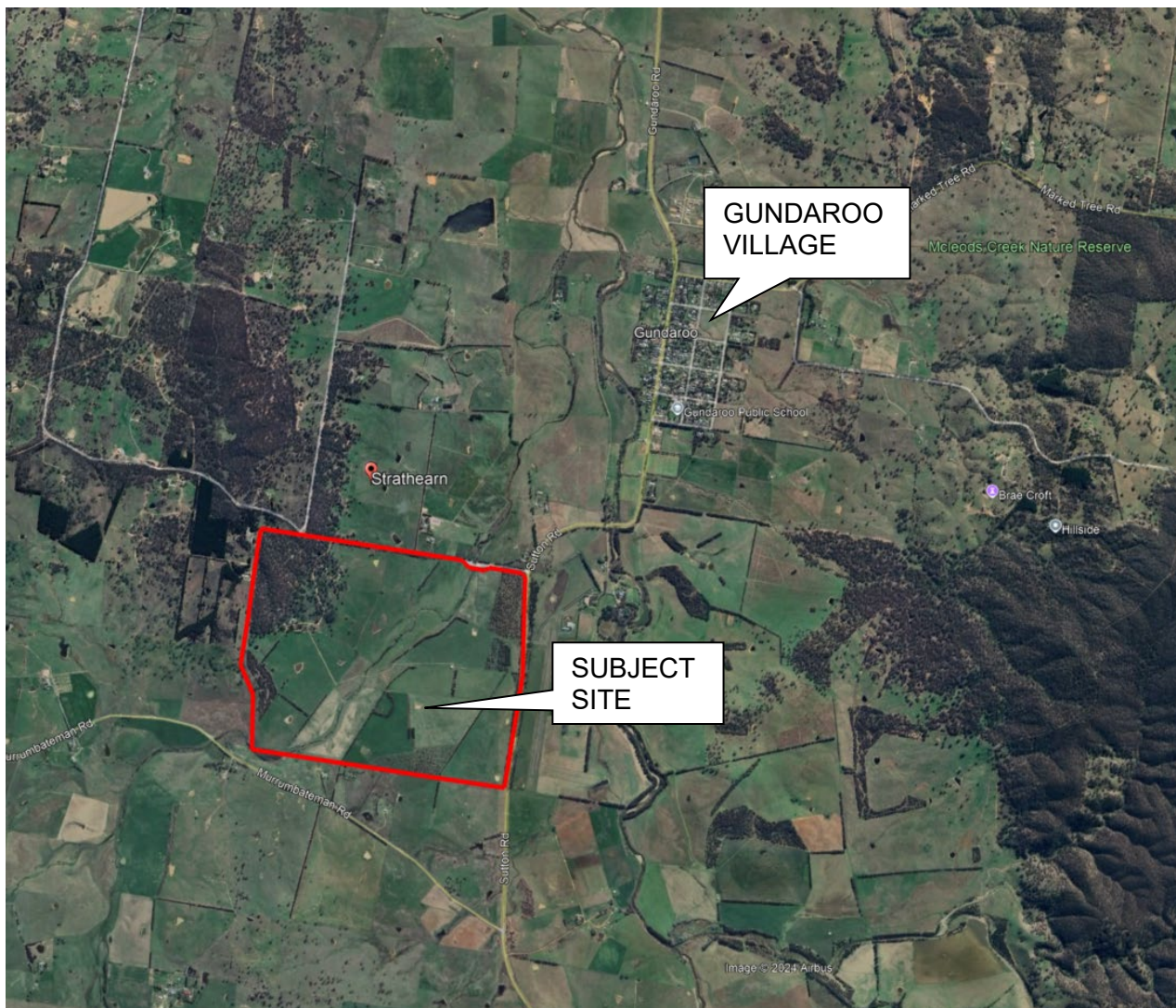


Figure 1.1: Subject Site in relation to Gundaroo Village (Source: Google Earth Aerial Imagery, January 2025)





Figure 1.2: Location Map (Source: Google Earth Aerial Imagery, January 2025)



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

- No Easements, Restrictions on the Use of Land or Positive Covenants are listed on the Certificate of Title of the subject land.

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 2 referenced as 'BE' on the Proposed Plan of Subdivision (refer **Appendix A**).
- It is proposed to create a Restriction on the Use of Land on proposed Lot 2 in relation to the BAL rating and the Construction Standards and Property Access Roads in relation to Bushfire Compliance, 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 2 in relation to the implementation and maintenance in perpetuity of the Asset Protection Zone (APZs) as reflected in the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 18 November 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 maintenance in perpetuity for the existing/ established APZs as reflected in the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 18 November 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 3926_PPS1 dated January 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 December 2024 (refer **Appendix B**).
- ❖ Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 18 November 2024 (refer **Appendix C**).
- ❖ NSW Government AHIMS Web Services Search Result and Site-Specific Due Diligence Procedure (refer **Appendix D**).
- ❖ Certificate of Title and Deposited Plan for Lot 20 DP832724 (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 328.7ha of land with two (2) existing dwelling house(s) 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 aims 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 18 November 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):

- ❖ *Thea (Marina Blomely & Zenia Pearl C/O DPS Yass have engaged Ember Bushfire Consulting to prepare a Bushfire Assessment Report for a proposed two0lot Rural Residential Subdivision at 151 Back Creek Road, Gundaroo (the subject site).*
- ❖ *The development proposal divides the existing RU1 block into two large rural lots.*
- ❖ *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 Back Creek Road will satisfy the performance criteria and intent for access arrangements set out in PBP (2019).*
- ❖ *The existing dwellings have access to multiple static water supplies providing sufficient supply for firefighting. A recommendation for an additional compliant water tank has been made to improve the static water supply at the secondary dwelling.*
- ❖ *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 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 NSWRFSA 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
- Biodiversity Values Map (Non-EPI) within the YVLEP2013
- Natural Resource - Groundwater Vulnerability Map within the YVLEP2013

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

The proposed subdivision has been designed to take into consideration the specific site characteristics, the existing access road, 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 Yass River locality, is consistent with the strategic planning for the area and the relevant planning legislation and policies. It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated. As a result of this investigation, it is concluded that the proposed development of the site is permissible with conditional consent.



1.6 PROPOSED WORKS

This DA seeks to facilitate the development of the subject site for the purpose of domestic rural residential and farm 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**).

There are no works required to finalise this subdivision, both driveways and all fencing is in place, no further upgrades/ construction is required to complete this subdivision.

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 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.



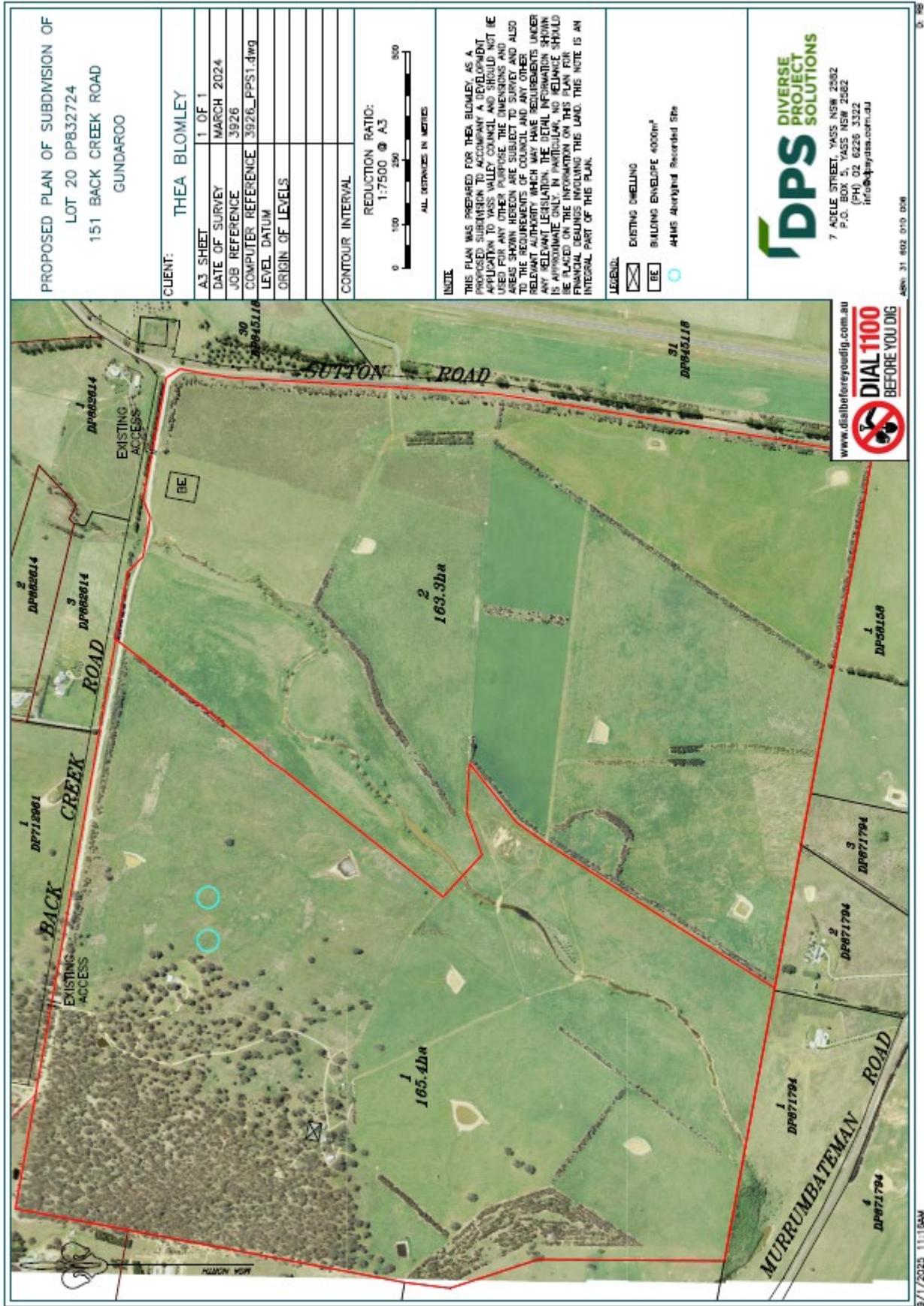


Figure 1.3: Proposed Plan of Subdivision (Source: DPS YASS P/L, January 2025)

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 Gundaroo, 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 two (2) Aboriginal Sites have been recorded to the north of the subject site.</p> <p>Further investigation of the potential Aboriginal Sites via an Extensive AHIMS Search revealed the following:</p> <table border="1" data-bbox="644 714 1490 1028"> <thead> <tr> <th>SITE ID</th> <th>SITE NAME</th> <th>CONTEXT</th> <th>SITE STATUS</th> <th>SITE FEATURES</th> <th>SITE TYPES</th> </tr> </thead> <tbody> <tr> <td>57-2-0013</td> <td>Back Creek;DC6</td> <td>Open Site</td> <td>Valid</td> <td>Artefact</td> <td>Open Camp Site</td> </tr> <tr> <td>57-2-0011</td> <td>Gundaroo: Balbriggan ;DC4</td> <td>Open Site</td> <td>Valid</td> <td>Artefact</td> <td>Open Camp Site</td> </tr> </tbody> </table> <p>It is noted the Aboriginal Site locations are within the northern portion of proposed Lot 1 in open grasslands. These locations are clearly marked on the Proposed Plan of Subdivision as per the coordinates provided within the AHIMS Extensive Search (refer Appendix A).</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>	SITE ID	SITE NAME	CONTEXT	SITE STATUS	SITE FEATURES	SITE TYPES	57-2-0013	Back Creek;DC6	Open Site	Valid	Artefact	Open Camp Site	57-2-0011	Gundaroo: Balbriggan ;DC4	Open Site	Valid	Artefact	Open Camp Site
SITE ID	SITE NAME	CONTEXT	SITE STATUS	SITE FEATURES	SITE TYPES														
57-2-0013	Back Creek;DC6	Open Site	Valid	Artefact	Open Camp Site														
57-2-0011	Gundaroo: Balbriggan ;DC4	Open Site	Valid	Artefact	Open Camp Site														
<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 existing access way occupy cleared sections of the subject site which is void of significant vegetation (refer Figure 2.1).</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.</p> <p>Specifically, any potential biodiversity removal is limited to:</p> <ul style="list-style-type: none"> 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 18 November 2024 (refer **Appendix C**), and

It is noted there is minimal 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.

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 and Existing Access Way (Source: Google Earth Aerial Imagery, January 2025)

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.
<i>(k) to minimise land use conflicts.</i>	Consistent. The zoning of the proposed development is consistent with surrounding development, which in turn minimises the potential for land use conflicts.

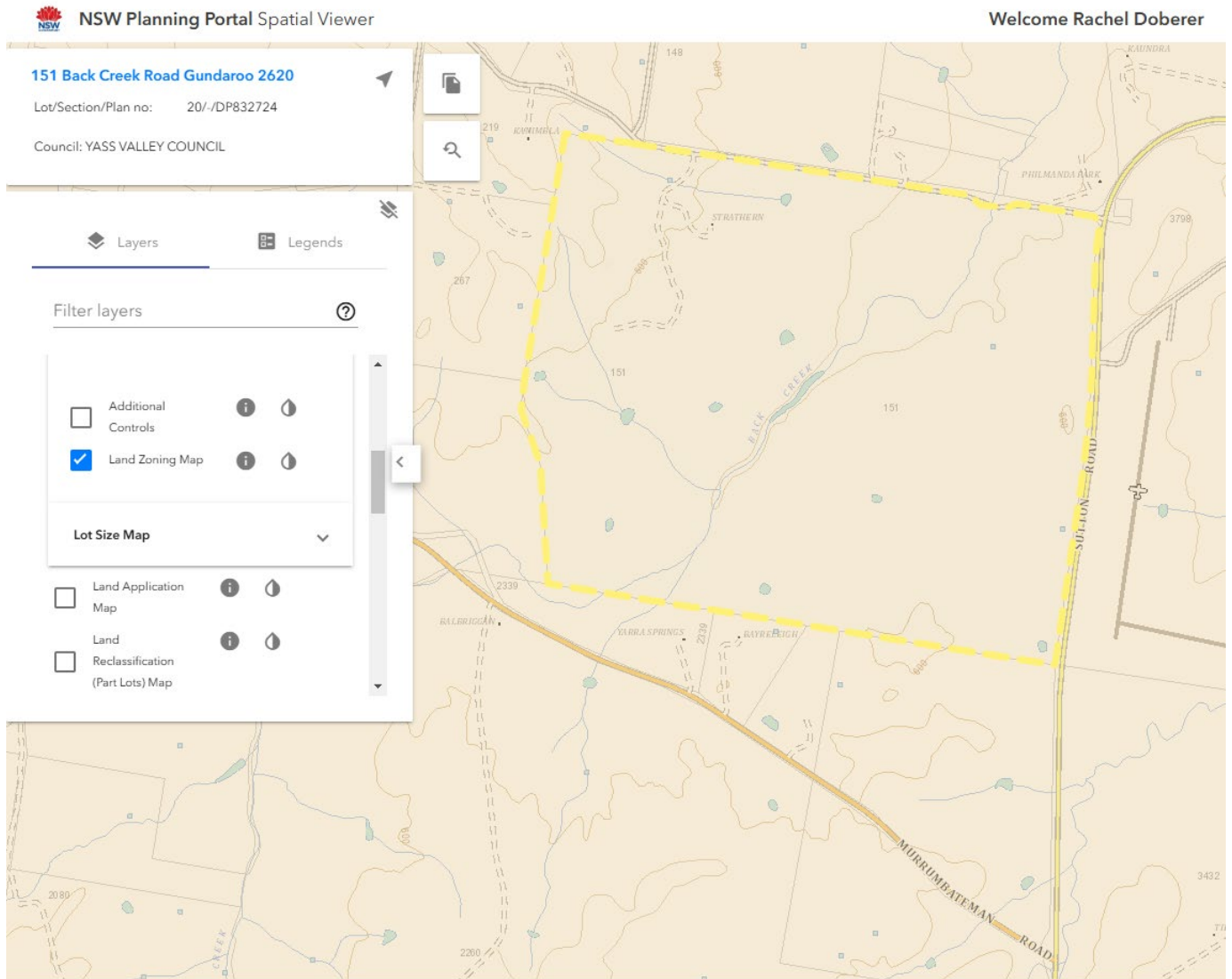


Figure 2.2: Land Zoning Map (Source: NSW Government Planning Portal Spatial Viewer, January 2025)



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 (BFPL), 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 areas within the subject site that have been identified/ mapped as having biodiversity concerns.</p> <p>The proposed building envelope and existing access way occupy cleared sections of the subject site which is void of significant vegetation (refer Figure 2.1).</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.</p> <p>Specifically, any potential biodiversity removal is limited to:</p> <ul style="list-style-type: none"> • 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 18 November 2024 (refer Appendix C), and <p>It is noted there is minimal 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 used for agriculture use and will further 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) rural residential lots that are expected to lay the foundation for more</p>



	efficient utilization of the land, and it is expected to contribute in varying degrees to the local economy.
<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>	Not applicable. The proposed subdivision is not located on the fringe of an urban area.



TABLE 3 - OBJECTIVES OF CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE

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 4.1 – Minimum Subdivision Lot Size.

OBJECTIVES OF CLAUSE 4.1 – MINIMUM SUBDIVISION LOT SIZE	COMPLIANCE
<p><i>(a) to minimise the likely impact of subdivision on the amenity of neighbouring properties,</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 Appendix A).</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"> ❖ It will not result in any substantial changes to the established streetscape qualities of the area; ❖ The act of subdividing will not directly impact on neighbouring properties. It is determined a future dwelling house will have good separation distances to adjoining dwellings. ❖ The act of subdividing will not result in any substantial changes to traffic volumes in the locality. ❖ Subdividing the site will not necessitate the removal of any existing important vegetation.

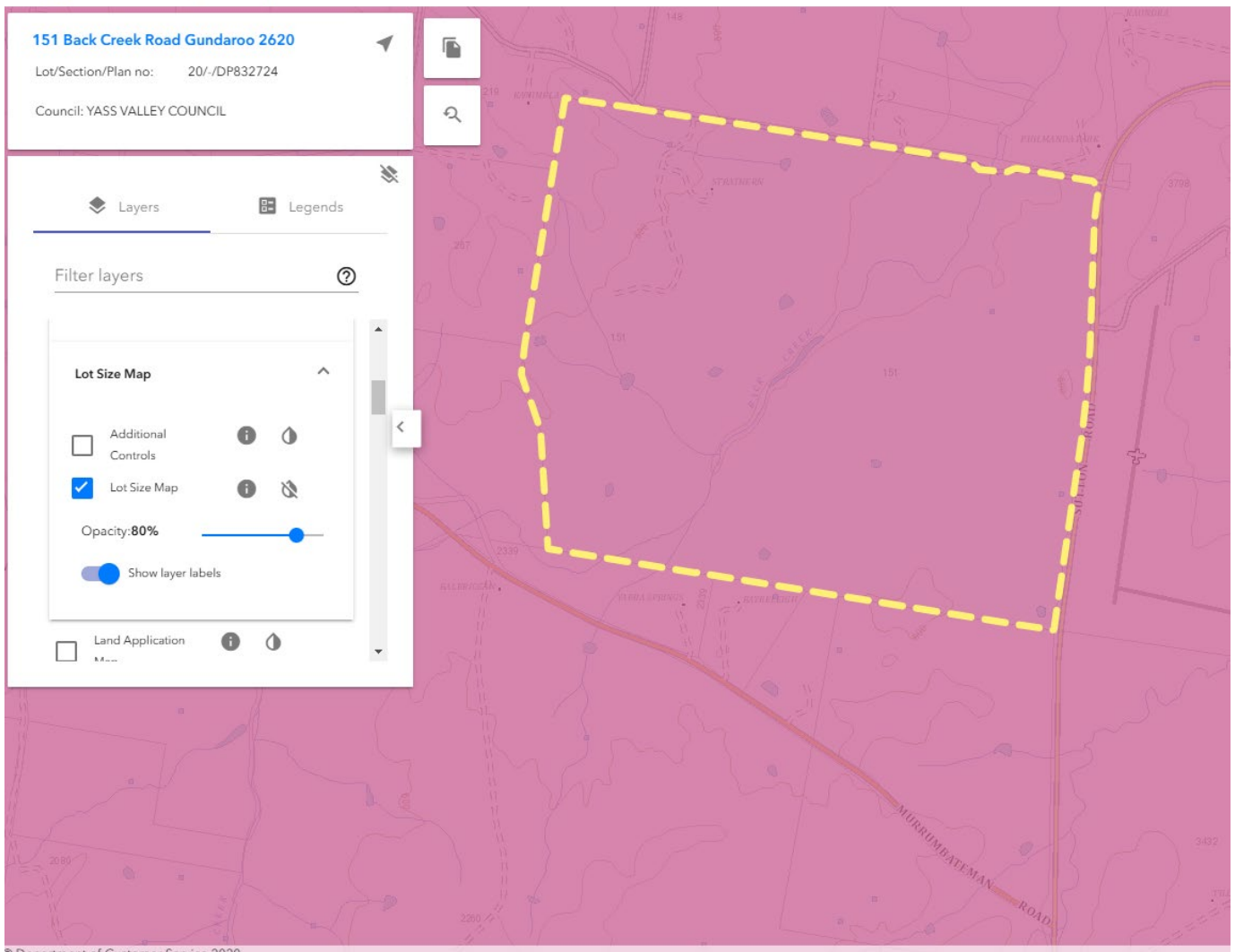


	<p>By integrating the relevant economic, environmental, and social considerations the proposed subdivision is actively promoting ecological sustainable development as specified earlier in this Statement.</p> <p>The proposal has taken into consideration the location, type and intensity of development 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>(b) to ensure that lot sizes and dimensions have appropriate regard to the characteristics of the land, the rural environment, the protection of biodiversity, significant geological and natural resources, the heritage and the built form of Yass Valley,</i></p>	<p>Complies. The proposed subdivision development is seeking Council consent for the creation of two lots, the detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision (refer Appendix A).</p> <table border="1" data-bbox="667 719 1469 981"> <thead> <tr> <th>LOT NUMBER</th> <th>LOT SIZE (HA)</th> <th>COMPLIES WITH MLS CONTROLS</th> </tr> </thead> <tbody> <tr> <td>Proposed Lot 1</td> <td>165.4</td> <td>Yes</td> </tr> <tr> <td>Proposed Lot 2</td> <td>163.3</td> <td>Yes</td> </tr> </tbody> </table> <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>	LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH MLS CONTROLS	Proposed Lot 1	165.4	Yes	Proposed Lot 2	163.3	Yes
LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH MLS CONTROLS								
Proposed Lot 1	165.4	Yes								
Proposed Lot 2	163.3	Yes								
<p><i>(c) to ensure that subdivision reflects and reinforces the predominant subdivision patterns of neighbouring properties and surrounds,</i></p>	<p>Complies. The proposal has been prepared to ensure that the design reflects and reinforces the neighbouring subdivision patters, preserving the character of Yass Valley.</p> <p>It is anticipated that the proposed two (2) lot Torrens Title subdivision will have a positive impact on the surrounding landscape of the subject site.</p>									
<p><i>(d) to maintain the character of Yass Valley,</i></p>	<p>Complies. Whilst the subject site is not located 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,</p>									



	<p>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>(e) to ensure subdivision occurs in a planned and sustainable way,</i></p>	<p>Complies. The subdivision has been designed to have regard to 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 development 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 and surrounding land, or any adjoining development where managed with the appropriate conditions.</p>
<p><i>(f) to ensure subdivision does not create unreasonable or uneconomic demands for the provision or extension of services,</i></p>	<p>Complies. The proposed two (2) Lot subdivision will not create unreasonable or uneconomic demands for the provision or extension of services.</p>
<p><i>(g) to prevent the subdivision of land on the fringe of urban areas into small lots that may negatively influence the layout of future urban areas.</i></p>	<p>Not applicable. The subject lot is located within an established rural setting that has no influence on the layout of existing or future urban areas.</p>





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Figure 2.3: Lot Size Map (Source: NSW Government Planning Portal Spatial Viewer, January 2025)



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 Appendix A).</p> <p>Each of the proposed lots is compliant with the minimum lot size controls as prescribed by the YVLEP2013. Proposed Lot 1 has existing dwelling house(s), ancillary structures and an established APZ. Proposed Lot 2 will be adequate to support the on-site management of potable water and the treatment and disposal of effluent.</p> <table border="1" data-bbox="647 1305 1473 1619"> <thead> <tr> <th data-bbox="647 1305 786 1429">LOT</th> <th data-bbox="786 1305 938 1429">LOT SIZE</th> <th data-bbox="938 1305 1147 1429">PRIMARY ROAD FRONTAGE</th> <th data-bbox="1147 1305 1283 1429">BE SIZE</th> <th data-bbox="1283 1305 1473 1429">EFFLUENT MNGMNT AREA</th> </tr> </thead> <tbody> <tr> <td data-bbox="647 1429 786 1514">Lot 1</td> <td data-bbox="786 1429 938 1514">165.4ha</td> <td data-bbox="938 1429 1147 1514">Back Creek Road</td> <td data-bbox="1147 1429 1283 1514">4000m²</td> <td data-bbox="1283 1429 1473 1514">400m²</td> </tr> <tr> <td data-bbox="647 1514 786 1619">Lot 2</td> <td data-bbox="786 1514 938 1619">163.3ha</td> <td data-bbox="938 1514 1147 1619">Back Creek Road</td> <td data-bbox="1147 1514 1283 1619">Existing Dwelling(s)</td> <td data-bbox="1283 1514 1473 1619">Existing</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	165.4ha	Back Creek Road	4000m ²	400m ²	Lot 2	163.3ha	Back Creek Road	Existing Dwelling(s)	Existing
LOT	LOT SIZE	PRIMARY ROAD FRONTAGE	BE SIZE	EFFLUENT MNGMNT AREA												
Lot 1	165.4ha	Back Creek Road	4000m ²	400m ²												
Lot 2	163.3ha	Back Creek Road	Existing Dwelling(s)	Existing												



	<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 minimal 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 proposed Lot 2, 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>Complies. 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 two (2) Aboriginal Sites have been recorded to the north of the subject site.</p> <p>Further investigation of the potential Aboriginal Sites via an Extensive AHIMS Search revealed the following:</p> <table border="1" data-bbox="647 853 1493 1167"> <thead> <tr> <th>SITE ID</th> <th>SITE NAME</th> <th>CONTE XT</th> <th>SITE STATUS</th> <th>SITE FEATURES</th> <th>SITE TYPES</th> </tr> </thead> <tbody> <tr> <td>57-2-0013</td> <td>Back Creek;DC6</td> <td>Open Site</td> <td>Valid</td> <td>Artefact</td> <td>Open Camp Site</td> </tr> <tr> <td>57-2-0011</td> <td>Gundaroo: Balbriggan;DC4</td> <td>Open Site</td> <td>Valid</td> <td>Artefact</td> <td>Open Camp Site</td> </tr> </tbody> </table> <p>It is noted the Aboriginal Site locations are within the northern portion of proposed Lot 1 in open grasslands. These locations are clearly marked on the Proposed Plan of Subdivision as per the coordinates provided within the AHIMS Extensive Search (refer Appendix A).</p> <p>Further and as identified in the Due Diligence Procedure for the Protection of Aboriginal Objects supplied in Appendix D, if any additional items are found the Department shall be notified.</p> <p>It is noted however there are no construction works/ disturbance to the ground as part of this subdivision development proposal.</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>	SITE ID	SITE NAME	CONTE XT	SITE STATUS	SITE FEATURES	SITE TYPES	57-2-0013	Back Creek;DC6	Open Site	Valid	Artefact	Open Camp Site	57-2-0011	Gundaroo: Balbriggan;DC4	Open Site	Valid	Artefact	Open Camp Site
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57-2-0013	Back Creek;DC6	Open Site	Valid	Artefact	Open Camp Site														
57-2-0011	Gundaroo: Balbriggan;DC4	Open Site	Valid	Artefact	Open Camp Site														
<p><i>Clause 5.21 Flood planning</i></p>	<p>Not applicable. The subject site is not identified as Flood Prone Land (FPL).</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 Appendix A).</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"> • The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the 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. <p>Due to the proposed subdivision not comprising of any form of earthworks, 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.</p> <p>The proposed building envelope and existing access way occupy cleared sections of the subject site which is void of significant vegetation (refer Figure 2.1).</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.

Specifically, any potential biodiversity removal is limited to:

- 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 18 November 2024 (refer **Appendix C**), and

It is noted there is minimal 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.

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.

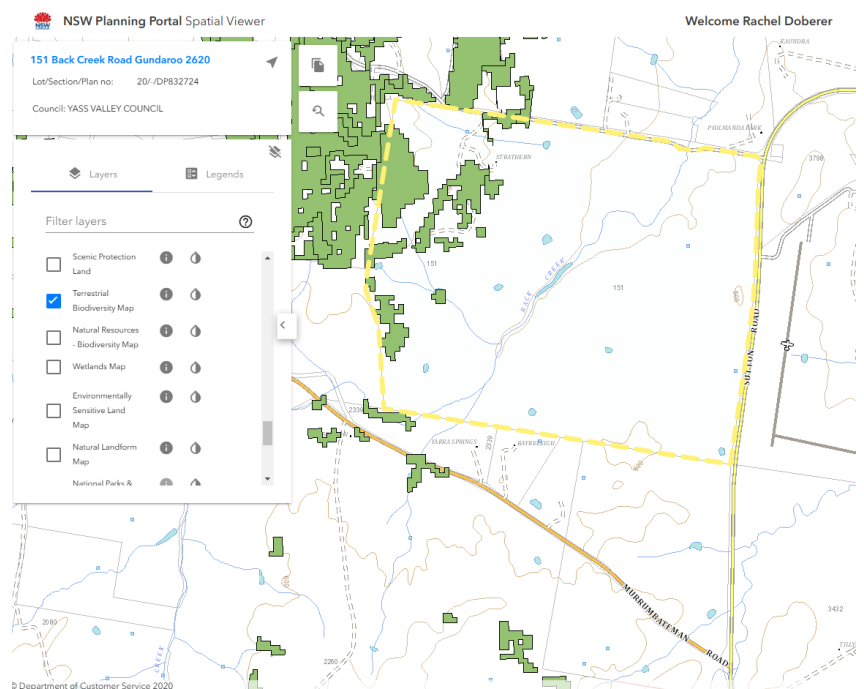


Figure 2.4: Terrestrial Biodiversity Map (Source: NSW Government Planning Portal Spatial Viewer, January 2025)

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>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>Clause 6.4 Groundwater vulnerability</p>	<p>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.</p> <p>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.</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 prescriptions 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"> • <i>The AWTS must be accredited by NSW Health.</i> • <i>An irrigation area of 400m² should be determined within the area shown as suitable in Figure 1.</i> • <i>The treated effluent is to 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 throughout the effluent application area to evenly spread</i>



hydraulic and nutrient loads.

- The treated effluent may also be applied by sub-surface irrigation. A flush return line to the tank to ensure flocculants in the lines are recycled 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.
- House area and rainwater tank runoff to be directed clear of the effluent application area.
- The irrigation area must not be disturbed by any building activity such as stockpiles of excavated material or vehicle traffic. Livestock to be excluded from the site.
- Detergents should be selected for low levels of phosphorus and sodium.

It is to be noted, the recommended irrigation area for proposed Lot 1 is 400m². 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.

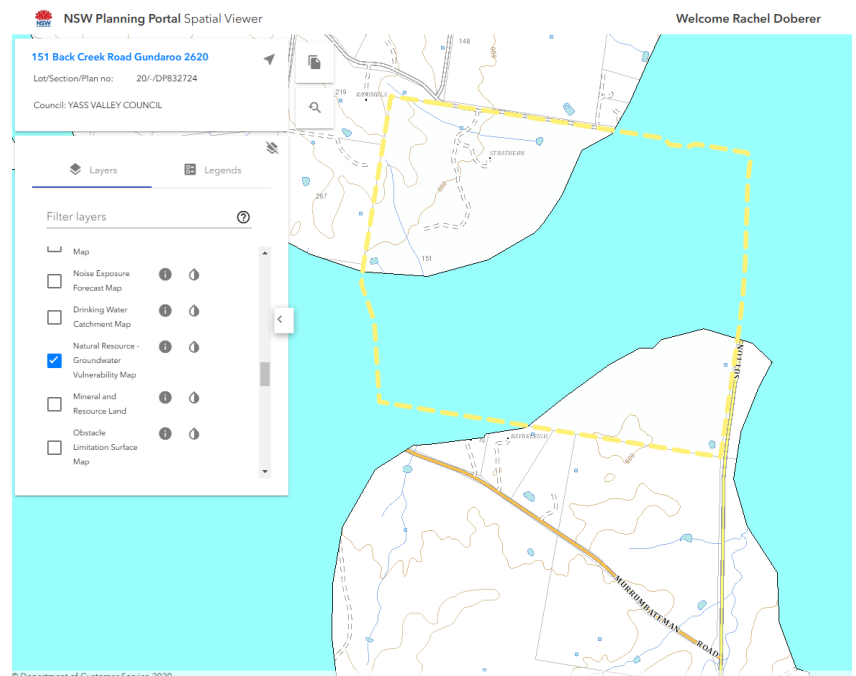


Figure 2.5: Groundwater Vulnerability Map (Source: NSW Government Planning Portal Spatial Viewer, January 2025)

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/ Back 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.

Clause 6.5 Riparian land and watercourses

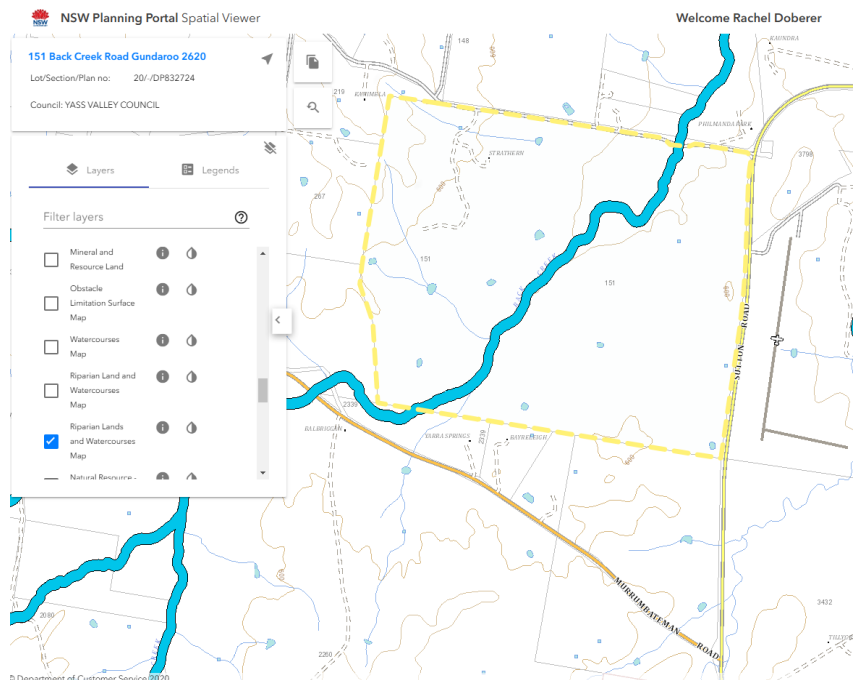


Figure 2.6: Riparian Land and Watercourses Map (Source: NSW Government Planning Portal Spatial Viewer, January 2025)

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



	<p>potential of the subject lot.</p> <p>It is anticipated that this development with the correct controls in place, will not have any detrimental effects to the groundwater or riparian land.</p>
<p><i>Clause 6.6 Salinity</i></p>	<p>Not applicable. The subject site is not identified on the Salinity Map within the YVLEP2013.</p>
<p><i>Clause 6.7 Highly erodible soils</i></p>	<p>Not applicable. The subject site is not identified on the Highly erodible soils Map within the YVLEP2013.</p>
<p><i>Clause 6.8 Essential services</i></p>	<p style="text-align: center;"><i>the supply of water,</i></p> <p>Proposed Lot 1 has existing rainwater tanks plumbed to the existing dwelling house(s). Lot 1 also has existing dam to supply water for farm use, bushfire protection and irrigation</p> <p>It is expected proposed Lot 2 will install rainwater tank(s) at construction stage for a dwelling house. Lot 2 also has existing dams to supply water for farm use, bushfire protection and irrigation.</p> <p style="text-align: center;"><i>the supply of electricity,</i></p> <p>Proposed Lot 1 has an existing power supply servicing the existing dwelling houses coming of EE Power Pole CE217198 (refer Figure 2.7).</p> <div data-bbox="644 1218 1493 1928" data-label="Image"> </div> <p>Figure 2.7: Existing Essential Energy Infrastructure (Source: Essential Energy Network Information Portal, January 2025).</p>



Proposed Lot 1 has access to EE Power Lines running through the Lot however it will be at the future owners discretion as to whether they install the required infrastructure to connect to the power grid supply.

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 disposal and management of sewage,

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

Proposed Lot 1 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 Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer **Figure 2.8**).



Figure 2.8: Existing Access to Proposed Lot 1 (Source Google Maps Street View, January 2025)

Proposed Lot 2 has an existing legal and physical access of Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer **Figure 2.9**).

It is noted Back Creek Road is a well-formed Council maintained sealed road (refer **Figure 2.10**).



Figure 2.9: Existing Access to Proposed Lot 1 (Source: Google Maps Street View, January 2025)



Figure 2.10: Status of Back Creek Road (Source: Google Maps Street View, January 2025)

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



	<p>dwelling house(s).</p> <p>Proposed Lot 2 will connect to the existing available infrastructure being, NBN Satellite mobile telecommunications network upon the construction of a dwelling house.</p>
<p><i>Clause 6.9 Development within a designated buffer area</i></p>	<p>Not applicable. The subject is not identified on the Water, Waste and Sewage Buffer Map within the YVLEP2013.</p>
<p><i>Clause 6.10 Development on land intended to be acquired for Barton Highway Duplication</i></p>	<p>Not applicable. The subject site is not identified on the Barton Highway Duplication Map within the YVLEP2013.</p>



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, no physical works are required to finalise this subdivision, in turn no native vegetation disturbance will occur within this mapped area. This area is contained to Bacb Creek which runs through the middle 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 (10000m²), 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.



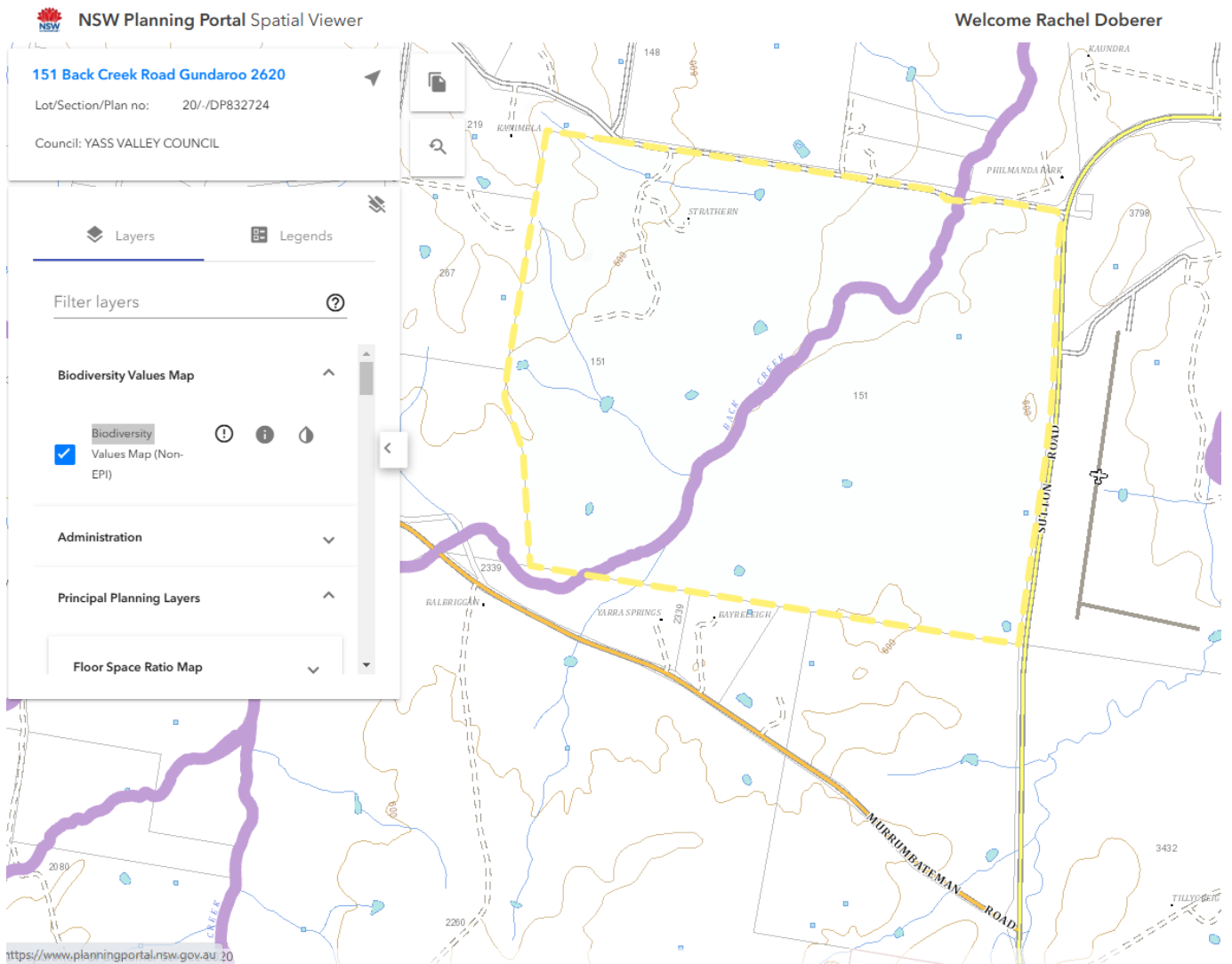


Figure 2.11: Biodiversity Values Map (Source: NSW Government Planning Portal Spatial Viewer, January 2025)



2.2.1 Access Tracks

Proposed Lot 1 has an existing and formed access track servicing the existing dwelling house(s) that requires no further works/ upgrading to remain trafficable (refer **Figure 2.12**).



Figure 2.12: Existing Access Track on Proposed Lot 1 (Source: Google Earth Aerial Imagery, January 2025)



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 90m with an expected pavement width of 4m, the total area of impact has been calculated to be 360m².

The total potential native vegetation clearing for the access track to the future building envelope for proposed Lot is **360m²**.

2.2.2 Fencing

The existing boundary and internal fencing is existing and is in an acceptable; condition and considered stock proof/ meets Councils standards.

The total potential native vegetation clearing for the construction of the boundary and internal fencing is **0m²**.

2.2.3 Access Entrances/ New Road

Proposed Lot 1 has an existing legal and physical access of Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer **Figure 2.8**).

Proposed Lot 2 has an existing legal and physical access of Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer **Figure 2.9**).

The total potential native vegetation clearing required for the existing access entrances is **0m²**.

2.2.4 Asset Protection Zones (APZ's)

The Asset Protection Zone (APZ) setbacks required for proposed Lots 1 & 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 18 November 2024 (refer **Appendix C**). This report concludes the following:

Table 5 details the BAL-29 APZ dimensions required around the presumed 15m x 15m dwelling site within the building envelope, as per Table A1.12.2 PBP (2019).

Table 5 - Required BAL-29 APZ dimensions for a future dwelling on Lot 2.

Aspect	Predominate Vegetation Formation	Effective Slope	Required APZ	OPA Available
North	Grasslands	0° - 5° downslope	12m	N/A
Northeast	Woodlands	Flat/upslope	16m	N/A
East	Woodlands	Flat/Upslope	16m	N/A
Southeast	Woodlands	Flat/Upslope	16m	N/A



South	Grasslands	Upslope	10m	N/A
Southwest	Grasslands	Flat/Upslope	10m	N/A
West	Grasslands	0° - 5° downslope	12m	N/A
Northwest	Grasslands	0° - 5° downslope	12m	N/A

Figure 2.13: Required BAL-29 APZ Dimensions for a future dwelling on Lot 2 (Source: Ember Bushfire Consulting, January 2025)

5.4 LOT 2-APZ DETAILS

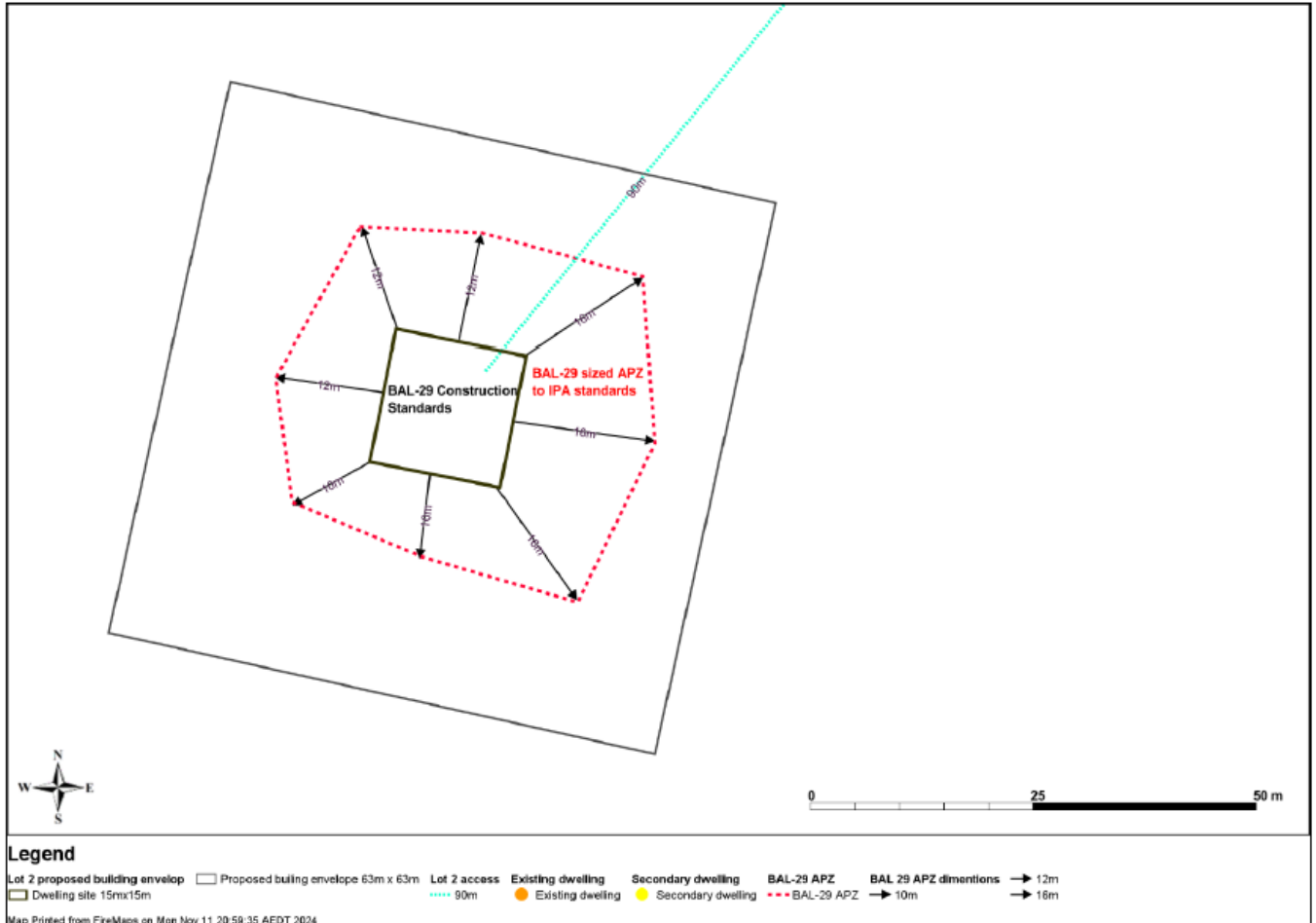


Figure 18– BAL-29 sized APZ details. FireMaps FPAA (2024). (McGregor, 2024)

Figure 2.14: Proposed Lot 2 APZ Setbacks BAL-29 (Source: Ember Bushfire Assessment Report, January 2025)

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 1) (BAL-29 APZ) are:

- A BAL-29 sized APZ around the existing dwelling would fit within the property boundary.
- The closest boundary is 282m to the existing dwelling (refer **Figure 2.16**)



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

Aspect	Predominate Vegetation Formation	Effective Slope	Distance to the property boundary	BAL-29 sized APZ requirement
West	Woodlands / Forest	Upslope	282m	24m

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

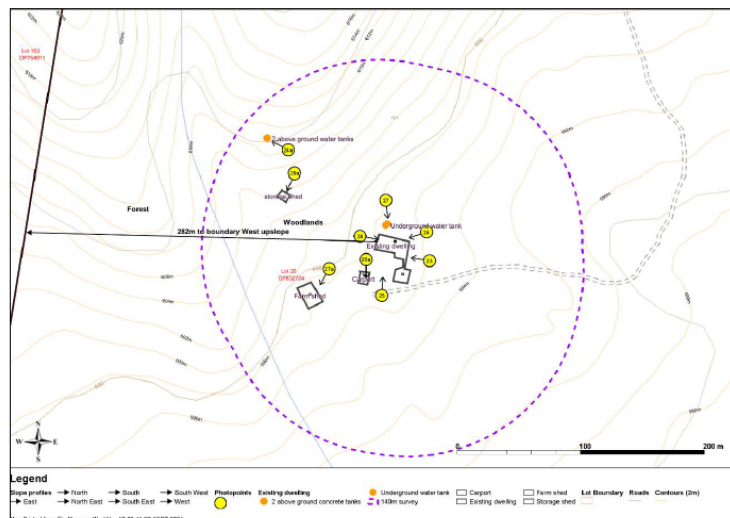


Figure 28 – Distance to closest boundary from the existing dwelling, slope and vegetation. FireMaps FPAA (2024) (McGregor, 2024). Photo points 23-27 & 24a-27a refer to Figures 24-27 & 24a-27a.

Figure 2.15: Distance to closest boundary from the existing dwelling, slope and vegetation
 (Source: Ember Bushfire Consulting, January 2025)

The suggested APZ requirements for proposed Lot 1 (Existing Dwelling 2) (BAL-29 APZ) are:

- A BAL-29 sized APZ around the existing dwelling would fit within the property boundary.
- The closest boundary is 244m to the existing dwelling (refer Figure 2.16)

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 / Woodlands	Upslope	244m	12m

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

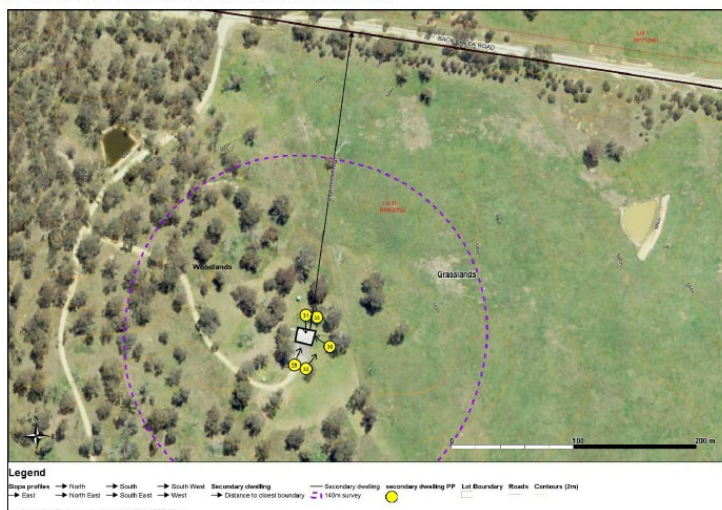


Figure 34 – Distance to closest boundary from existing dwelling, slope and vegetation. FireMaps FPAA (2024) (McGregor, 2024). Photo points 29-33 refer to Figures 29-33.

Figure 2.16: Distance to closest boundary from the existing dwelling, slope and vegetation
 (Source: Ember Bushfire Consulting, January 2025)



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 0m².

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 4000m².

2.2.6 Electricity/ Telecommunications

Proposed Lot 1 has an existing power supply servicing the existing dwelling houses coming of EE Power Pole CE217198 (refer **Figure 2.7**).

Proposed Lot 1 has access to EE Power Lines running through the Lot however it will be at the future owners discretion as to whether they install the required infrastructure to connect to the power grid supply.

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 0m².

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 400m². 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 Lot 1 will be 0m².



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 **4360m²**.

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 90m x 4m	0m ² 360m ²
Fencing	1 2	Existing Existing	0m ² 0m ²
Access Entrance	1 2	Existing Existing	0m ² 0m ²
Asset Protection Zones (APZ's)	1 2	Contained within the BE Contained within the BE	0m ² 0m ²
Building Envelope (BE)	1 2	0 4000m ²	0m ² 4000m ²
Electricity/ Telecommunications	1 2	Existing/ Existing Mobile NBN Satellite Coverage Existing/ Mobile NBN Satellite Coverage	0m ² 0m ²
Onsite Wastewater Disposal	1 2	Existing (500m ²) Contained within the BE	0m ² 0m ²
TOTAL AREA OF POTENTIAL CLEARING			4360m²



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><i>B1 Sustainability</i></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>B2 Site Suitability</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>B3 Site Analysis Plan</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 Appendix A).</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>B4 Crime Prevention and Safety</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>B4 Neighbourhood Character</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>C1 Layout</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 (4000m²) that will contain any future dwelling house, ancillary structures and the calculated Asset Protection Zones (APZs).</p>
<p>C2 Staging</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>C2.1 Buffers</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>C2.2 Fences</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>C2.3 Access</p> <p><i>To ensure that each allotment is provided with a legal, adequately designed and located access.</i></p>	<p>Proposed Lot 1 has an existing legal and physical access of Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer Figure 2.8).</p> <p>Proposed Lot 2 has an existing legal and physical access of Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer Figure 2.9).</p> <p>It is noted Back Creek Road is a well-formed Council maintained sealed road (refer Figure 2.10).</p>
<p>C2.4 Road Design</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>C2.5 Stormwater</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>C2.6 Essential Services</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>C2.7 Bushfire prone land</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 18 November 2024 (refer Appendix C) confirms the proposed development meets the requirements of PBP 2019.</p> <p>This is detailed throughout this Statement and more specifically within Table 7 – Integrated Development.</p>



PART E – RURAL, LARGE LOT AND ENVIRONMENTAL ZONE DEVELOPMENT

CONTROLS	COMPLIANCE
<p>E1 Siting of Buildings</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, being 50m from the site boundary and at least 100m from an existing dwelling house.</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>E2 Access</p> <p><i>To ensure that all developments are provided with safe and legal access that does not impede traffic movement.</i></p>	<p>Proposed Lot 1 has an existing legal and physical access of Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer Figure 2.8).</p> <p>Proposed Lot 2 has an existing legal and physical access of Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer Figure 2.9).</p> <p>It is noted Back Creek Road is a well-formed Council maintained sealed road (refer Figure 2.10).</p>
<p>E1 Dwellings</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>E2 Farm Buildings and Outbuildings</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>E3 Rural Based Activities</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>H1 Flooding</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>H2 Bushfire Prone</p> <p><i>The objectives are:</i></p> <ul style="list-style-type: none"> a) <i>Prevent the loss of life and property by providing development that is compatible with the identified bushfire hazard.</i> b) <i>Ensure that the risks associated with bushfire are appropriately and effectively managed.</i> c) <i>Ensure that bushfire risk is managed in conjunction with the ecological values of the site and neighbouring lands.</i> 	<p>Complies. The Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 18 November 2018 (refer Appendix C) confirms the proposed development meets the requirements of PBP 2019.</p> <p>This is detailed throughout this Statement and more specifically within Table 7 – Integrated Development.</p>
<p>H3 Contaminated Land</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><i>11 Carpark Design</i></p> <p><i>To ensure that carpark design facilitates the safe and efficient movement of pedestrian and vehicles.</i></p>	<p>Not applicable. This DA is for the subdivision of rural and only.</p>
<p><i>12 Loading Docks</i></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>	<p>Not applicable. This DA is for the subdivision of rural land only.</p>
<p><i>13 Carpark Construction</i></p> <p><i>To ensure that carpark construction is suitable for the type and number of vehicles likely to visit the site.</i></p>	<p>Not applicable. This DA is for the subdivision of rural land only.</p>
<p><i>14 Carparking Credits and Contributions</i></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>	<p>Not applicable. This DA is for the subdivision of rural land only.</p>
<p><i>15 Carparking Ratios</i></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>	<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>16 Residential Carparking</p> <p><i>To ensure that adequate carparking facilities are provided for residential development.</i></p>	Not applicable. This DA is for the subdivision of land only.
<p>17 Property Access Crossings</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>Proposed Lot 1 has an existing legal and physical access of Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer Figure 2.8).</p> <p>Proposed Lot 2 has an existing legal and physical access of Back Creek Road that is in good condition/ complies with Councils requirements/ specifications (refer Figure 2.9).</p> <p>It is noted Back Creek Road is a well-formed Council maintained sealed road (refer Figure 2.10).</p>

PART K – NATURAL RESOURCES

CONTROLS	COMPLIANCE
<p>K1 Vulnerable Land</p> <p>K1.1 Salinity</p> <p><i>To ensure that any development does not exacerbate salinity on site or offsite or negatively impact upon buildings.</i></p>	Not applicable. The subject site is not identified on the Salinity Map within the YVLEP2013.
<p>K1.2 Erodible Soils</p> <p><i>To ensure that any development does not exacerbate erosion on site or sedimentation offsite.</i></p>	Not applicable. The subject site is not identified on the Erodible Soils Map within the YVLEP2013.
<p>K2 Terrestrial Biodiversity</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>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 existing access way occupy cleared sections of the subject site which is void of significant</p>



	<p>vegetation (refer Figure 2.1).</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.</p> <p>Specifically, any potential biodiversity removal is limited to:</p> <ul style="list-style-type: none"> • 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 18 November 2024 (refer Appendix C), and <p>It is noted there is minimal 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>K3 Groundwater Vulnerability, Riparian Lands and Watercourses</p> <p>K3.1 Groundwater</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 Figure 2.5), 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 & 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.</p>



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 prescriptions 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 400m² should be determined within the area shown as suitable in Figure 1.*
- *The treated effluent is to 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 throughout the effluent application area to evenly spread hydraulic and nutrient loads.*
- *The treated effluent may also be applied by sub-surface irrigation. A flush return line to the tank to ensure flocculants in the lines are recycled 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.*
- *House area and rainwater tank runoff to be directed clear of the effluent application area.*
- *The irrigation area must not be disturbed by any building activity such as stockpiles of excavated material or vehicle traffic. Livestock to be excluded from the site.*
- *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 400m². This area can be contained to the proposed



	<p>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>K3.2 Riparian Land and Waterways</p> <p><i>To ensure that any development does not exacerbate streambank erosion, water pollution or ecosystem function.</i></p>	<p>Complies. The subject land has been highlighted on the Riparian Land and Watercourses Map within the YVLEP2013 (refer Figure 2.6).</p> <p>The proposed subdivision does not involve any proposed subdivision construction works within the vicinity of the Riparian Zone/ Back 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> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>It is anticipated that this development with the correct controls in place, will not have any detrimental effects to the groundwater or riparian land.</p>



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 Rural Residential 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 Rural Residential 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



	<p>in, on or over a public road, or to connect to a classified road.</p> <p>No works are required to connect the Site to a Council road (Back Creek Road), both accesses are in good condition/ comply with Councils road policy/ specifications. TfNSW is not likely to be the referral agency for the subject application pursuant to Section 4.46 of the EP&A Act. The basis for this is there are no works require as part of this subdivision nor would they have been within a classified 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 (BFPL) pursuant to the mapping within the YVLEP2013 (refer Figure 2.17).</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&A Act. Integrated development requires development consent from Council and General Terms of Approval from NSW Rural Fire Service (RFS). Any development applications for such a purpose must obtain a bush fire safety authority (BFSA) from the Commissioner of NSW RFS in accordance with Section 100B of the RF Act.</p> <p>A 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/m² (or Bushfire Attack Level 29) to all proposed dwellings and have adequate access and water supply provisions.</p> <p>To support the proposed subdivision, a Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 18 November 2024 (refer Appendix C) is included with this application and concludes the following recommendations demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP (2019):</p>



	<ul style="list-style-type: none"> ❖ <i>Thea (Marina Blomely & Zenia Pearl C/O DPS Yass have engaged Ember Bushfire Consulting to prepare a Bushfire Assessment Report for a proposed two0lot Rural Residential Subdivision at 151 Back Creek Road, Gundaroo (the subject site).</i> ❖ <i>The development proposal divides the existing RU1 block into two large rural lots.</i> ❖ <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> ❖ <i>Access to the new building envelope off Back Creek Road will satisfy the performance criteria and intent for access arrangements set out in PBP (2019).</i> ❖ <i>The existing dwellings have access to multiple static water supplies providing sufficient supply for firefighting. A recommendation for an additional compliant water tank has been made to improve the static water supply at the secondary dwelling.</i> ❖ <i>The new lot will require its own firefighting water supply to serve the future dwelling at the development time.</i> ❖ <i>To improve the level of ember protection for the existing dwellings, construction enhancements where required are recommended to increase ember protection.</i> ❖ <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> ❖ <i>Based on 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 NSWRFSA for the issuing of a bush fire safety authority.</i>
<p><i>Water Management Act 2000</i></p>	<p>Back Creek traverses through the centre 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 (GTAs)* 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 18 November 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-29 APZ dimensions required presumed 15m x 15m dwelling site within the building envelope, as per Table A1.12.2 PBP (2019).

Table 5 - Required BAL-29 APZ dimensions for a future dwelling on Lot 2.

Aspect	Predominate Vegetation Formation	Effective Slope	Required APZ	OPA Available
North	Grasslands	0° - 5° downslope	12m	N/A
Northeast	Woodlands	Flat/upslope	16m	N/A
East	Woodlands	Flat/Upslope	16m	N/A
Southeast	Woodlands	Flat/Upslope	16m	N/A
South	Grasslands	Upslope	10m	N/A
Southwest	Grasslands	Flat/Upslope	10m	N/A
West	Grasslands	0° - 5° downslope	12m	N/A
Northwest	Grasslands	0° - 5° downslope	12m	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

Presently set at **BAL-29** within the presumed dwelling site (15mx 15x) of the building envelope (BE). A subsequent future bushfire assessment at building application time may lower the BAL construction level, depending on its location within the BE.

Note: The proposed dwelling site and APZ within the building envelope reduce the potential impact on flora and fauna.

Recommendations:

- The construction standard is presently set at BAL-29 as per AS3959-2018 Amd 2:2020, 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 to be 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 ~ 90m long and connects to Back Creek Road (a 6m wide sealed public through road), offering travel in two directions. The most likely evacuation route would be to travel 251m to Back Creel Road to Sutton Road

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

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

Acceptable Solution	Compliance
General Access Requirements	
Property access roads are two-wheel drive, all-weather roads.	Yes
Perimeter roads provided for residential subdivisions of three or more allotments.	N/A
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	Yes
Dead end roads are not more than 200 m in length Include a 12m turning circle	Yes
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
Property Access Requirements Lot 2	
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.	N/A
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



The proposed 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 firefighting and hazard mitigation purposes.

Therefore, the proposed PAR and public road systema are capable of meeting the acceptable solutions to satisfy the performance criteria of Access 5.3.2 and the intent of 3.4 Access arrangements PMP (2019).

Water Supplies, Electricity and Gas

The provision of water, electricity, electricity and gas services to Lot 2 will occur while constructing a future dwelling. These services are to be provided under the specifications and standards set out in PBP (2019) and Attachment B in this report.

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

Acceptable solution	Compliance
Water supplies	
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
Electricity Services	
Where practicable, electrical transmission lines are underground	Yes
Where overhead electrical transmission lines are proposed:	
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



Gas Services	
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

Recommendations:

- *Future dwelling: Install a 20,000L (metal or concrete or underground) firefighting water tank with a 70mm Storz coupling near the residence when constructed.*
- *Install a static water supply sign at the entry to the property (See local RFS Captain)*

The Service 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 NSW RFS Bushfire Survival Plan.

ASSESSMENT CONCLUSION

The proposed subdivision has been assessed and found capable of the following:

- *APZs can provide sufficient space and reduced fuel loads to ensure radiant heat levels at the building will not exceed 29kW/m2.*
- *Landscaping can be managed to minimize flame contact, reduce radiant heat levels, minimize embers and reduce the effect of smoke on residents and firefighters.*
- *Safe operational Access can be provided to structures and water supplies for emergency services while providing suitable Access for evacuating residents and fire management and APZ management purposes.*
- *Providing water for the protection of buildings during and after the passage of a bush fire. Gas and electricity services are located so as not to contribute to the risk of fire to a building.*



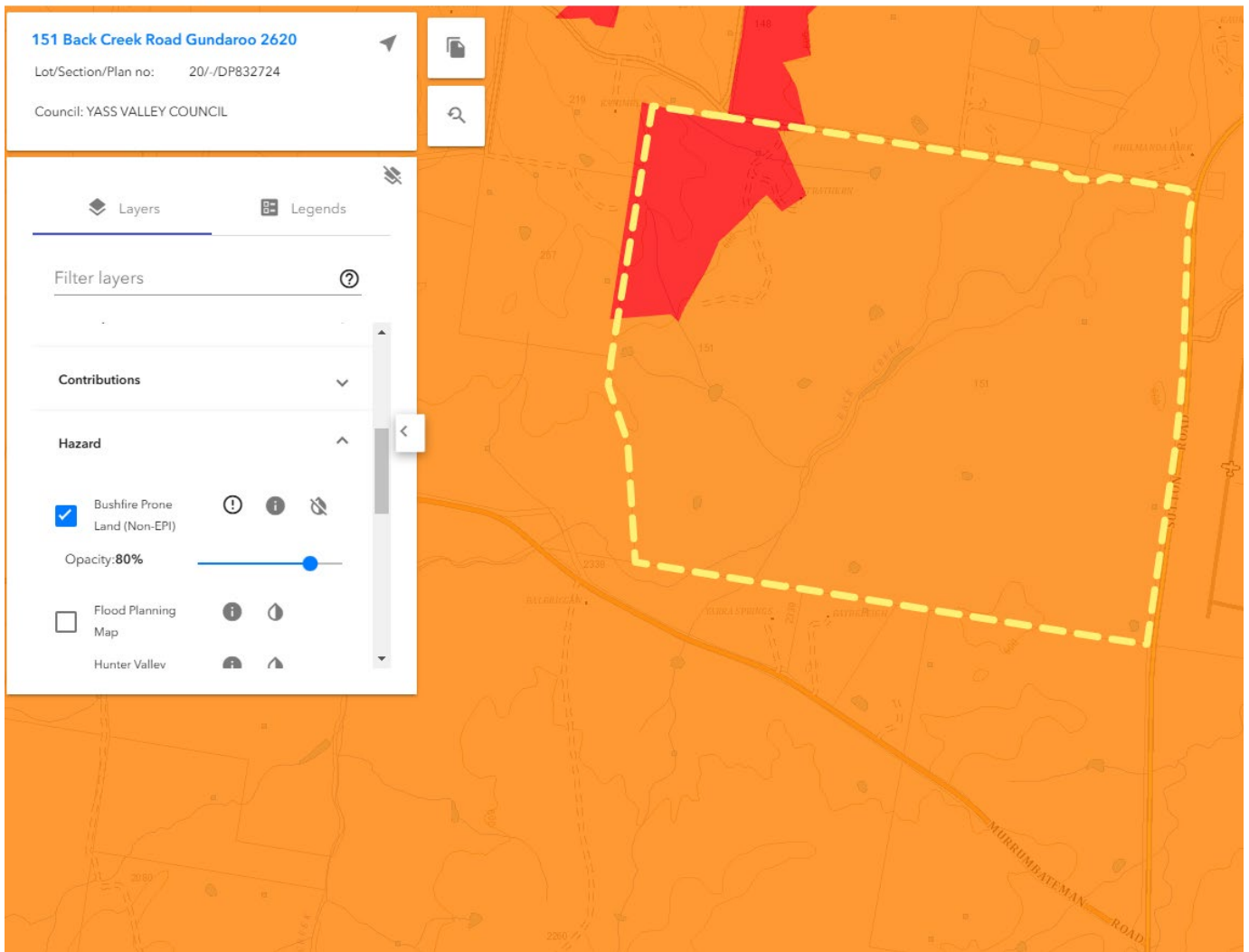


Figure 2.17: Bushfire Prone Land Mapping (Source: NSW Government Planning Portal Spatial Viewer, January 2025).



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 ² 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/m² 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 18November 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 1) (BAL-29 APZ) are:

- A BAL-29 sized APZ around the existing dwelling would fit within the property boundary.
- The closest boundary is 282m to the existing dwelling (refer **Figure 2.16**)



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

Table 5 details the BAL-29 APZ dimensions required around the presumed 15m x 15m dwelling site within the building envelope for proposed Lot 2, as per Table A1.12.2 PBP (2019).

Table 5 - Required BAL-29 APZ dimensions for a future dwelling on Lot 2.

Aspect	Predominate Vegetation Formation	Effective Slope	Required APZ	OPA Available
North	Grasslands	0° - 5° downslope	12m	N/A
Northeast	Woodlands	Flat/upslope	16m	N/A
East	Woodlands	Flat/Upslope	16m	N/A
Southeast	Woodlands	Flat/Upslope	16m	N/A
South	Grasslands	Upslope	10m	N/A
Southwest	Grasslands	Flat/Upslope	10m	N/A
West	Grasslands	0° - 5° downslope	12m	N/A
Northwest	Grasslands	0° - 5° downslope	12m	N/A

Following the recommendations within the Bushfire Assessment Report, it is proposed to create the following 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 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 the existing dwelling, for the distances defined in the following table, including, but not limited to, the removal of vegetation in accordance with fuel load requirements and restricting the placement of combustible materials, buildings or improvements, complying with the requirements of the NSW Rural Fire Service relevant and applicable at the time.

Orientation	APZ Distance/ Depth
North	12m
Northeast	16m
East	16m
Southeast	16m
South	10m
Southwest	10m
West	12m
Northwest	12m

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).



Proposed Restriction on the Use of Land for Lot 1:

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 29 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 20,000 litre static water supply in the form of a tank, pool, dam or the like.



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"> • 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. • Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or



	<p>within 5 metres of an exposed overhead electricity power line.</p> <ul style="list-style-type: none"> • 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. • Development involving or requiring the placement of power lines underground. <p>Based on 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 Rural Residential 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 rural residential 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"> (i) <i>any environmental planning instrument, and</i> (ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i> (iii) <i>any development control plan, and</i> (iiia) <i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i> (iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> (v) <i>(Repealed)</i> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The proposed development has been prepared taking into consideration any potential socioeconomic and environmental concerns.</p> <p>It has been determined the proposed development will not raise any matters of significance to inhibit the approval of the development application.</p> <p>The proposal has been assessed against the relevant provision of the Environmental Planning and Assessment Act 1979, the relevant Local Environmental Plan specifically the YVLEP2013 and the 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&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"> • 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. • 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. • The proposal accommodates rural residential living opportunities, within close proximity to Yass, Murrumbateman, Canberra and Goulburn. • It is expected any construction works associated with the future development of the site will contribute in varying degrees to the local economy and Yass Valley more generally.



3. CONCLUSION

This application seeks approval for a Two (2) Lot Torrens Title Rural Residential Subdivision. It is concluded, the approval of the Development Application at Lot 20 DP832724 151 Back Creek 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 rural 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.

