

Statement of Environmental Effects

336 Glenrock Road,
Cavan NSW 2582

Development Application for:

Three (3) into three (3) lot Torrens subdivision

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1 Introduction

Council Approval Group has been engaged by Jacqui & Peter Sekuless to prepare and submit a Development Application for a 3 into 3 lots subdivision at 336 Glenrock Road, Cavan NSW 2582.

We thank Yass Valley Council staff who have been of assistance during the formulation phase of this Development Application.

Specifically, this Statement of Environmental Effects (SoEE) includes:

- an analysis of the subject site and the surrounding locality;
- a description of the proposed development;
- an analysis of the proposal against the provisions of the Yass Valley (LEP 2013), relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- conclusion.

This SoEE is submitted in accordance with the requirements of the Environmental Planning and Assessment Act and Part 3 of the *Environmental Planning and Assessment Regulation 2021* for the purposes of

- demonstrating that the environmental impact of the development has been considered; and
- outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the Yass Valley LEP 2013. We are pleased to present this SoEE for a three into three lot subdivision, which, once approved, will improve the saleability of the lots and increase the size of each lot to over the 40 ha lot size.

2 The Subject Site and Locality

2.1 Description of site and surroundings

Details of the site are provided below. The location of the subject property is shown on the location and aerial maps at **Figures 1** and **2**. A Google street image of the property is included at **Figure 3**. The property is located in the Yass Valley Council area.

The 155 ha irregular shaped grazing property is undulating and supports a 3 bedroom dwelling house and outbuildings, including a shearing shed. The property already consists of 3 Lots as shown in the table below. Lot 1 in DP113231 supports the existing dwelling house while the remaining 2 lots are vacant.

While Lot 1 in DP1291518 exceeds the minimum lot size requirement under the LEP in the RU1 zone of 40 ha, Lot 1 in DP113231 and Lot 107 in DP751807 are significantly less than the 40 ha lot size requirement.

The property has power lines and supports 6 dams. Most of the property is devoid of trees with some trees located on Lot 1, DP1291518 towards the north.

At this stage, it is unknown whether additional encumbrances are identified on site but this can be informed through searches with the relevant authority. Encumbrances may include, but are not limited to, Council and utility service mains, easements, internal services as well as any covenants or agreements placed on the title. Prior to commencing any development proposal, it is highly recommended that both a certificate of title and service searches are undertaken with the relevant authorities to identify any encumbrances.

Address	Title Details	Site Area	Site Frontage
336 Glenrock Road, Cavan NSW 2582	Lot 1, DP113231	1,553,983.2 sqm (155 ha) (approx.)	2,264.2 metres (approx.)
	Lot 1, DP1291518		
	Lot 107, DP751807		



Figure 1: Site location (Source: Landchecker)



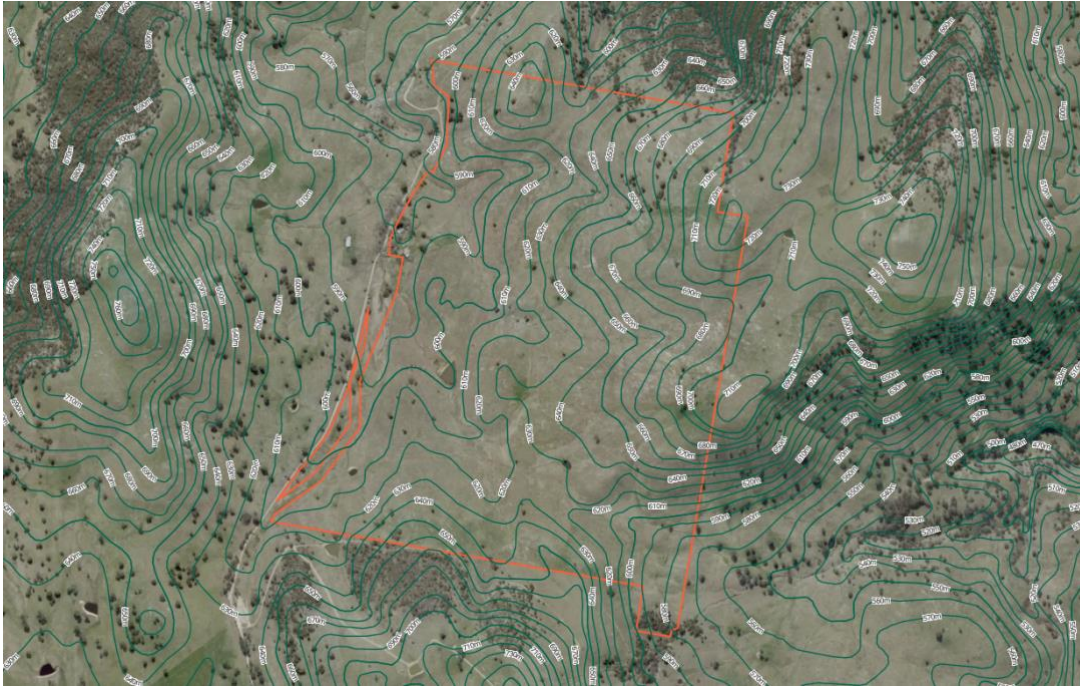


Figure 2: Site aerial (Source: Landchecker)



Figure 3: Google Street View (not available)

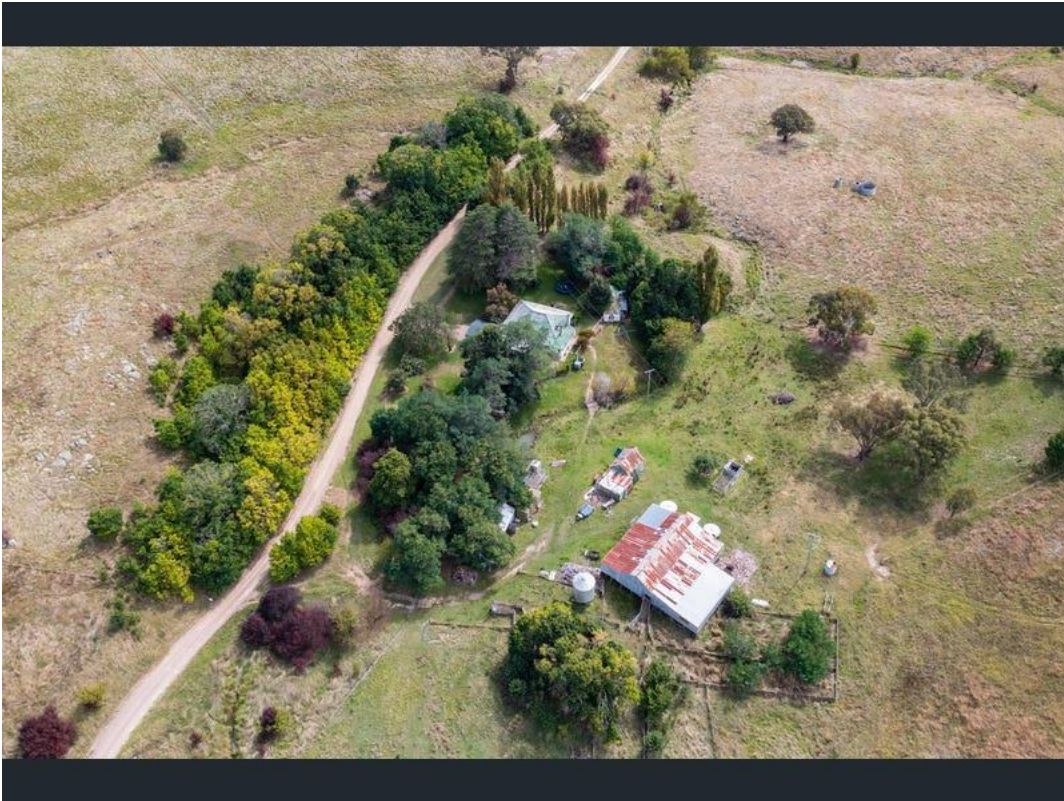


Figure 4: Aerial photo of dwelling and shearing shed (source: realestate.com)



Figure 5: Dwelling house (source: realestate.com)

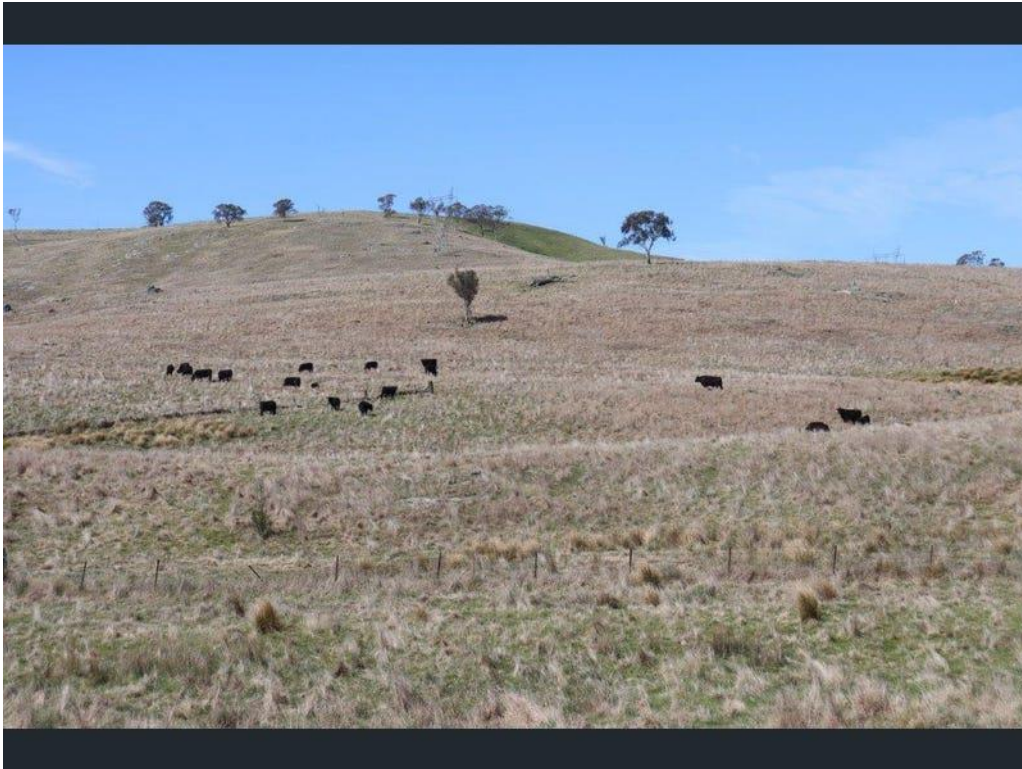


Figure 6: Grazing land (source: realestate.com)

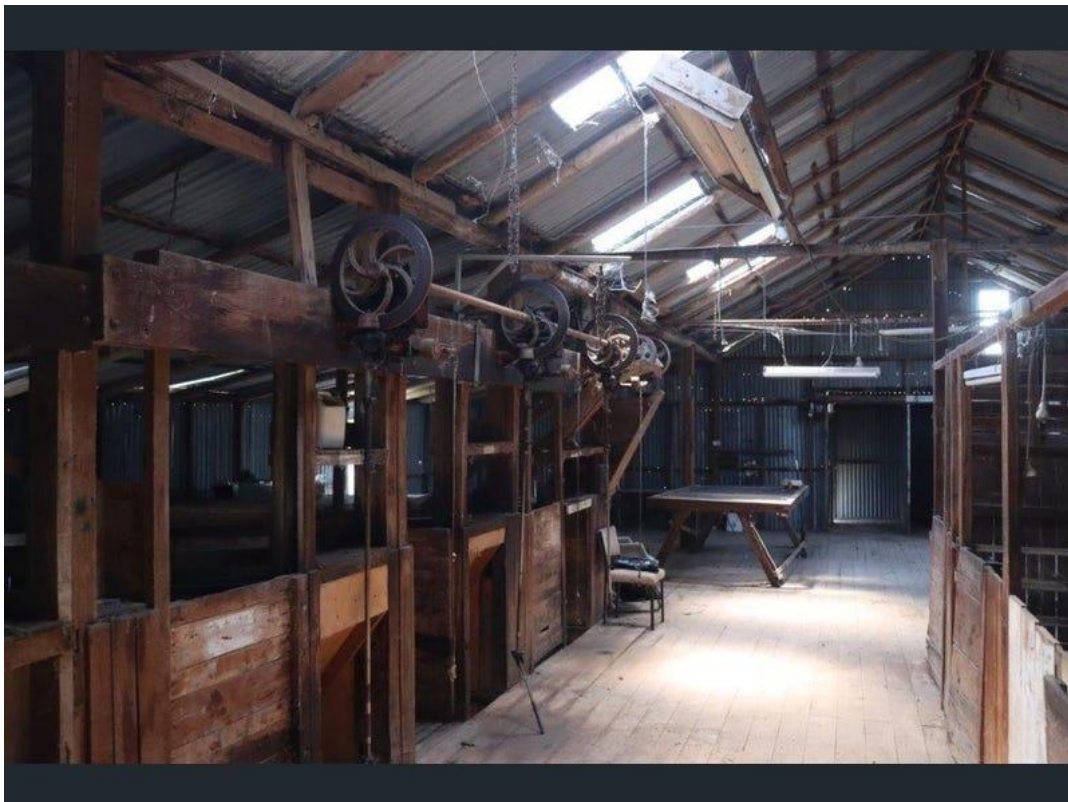


Figure 7: Shearing shed (source: realestate.com)

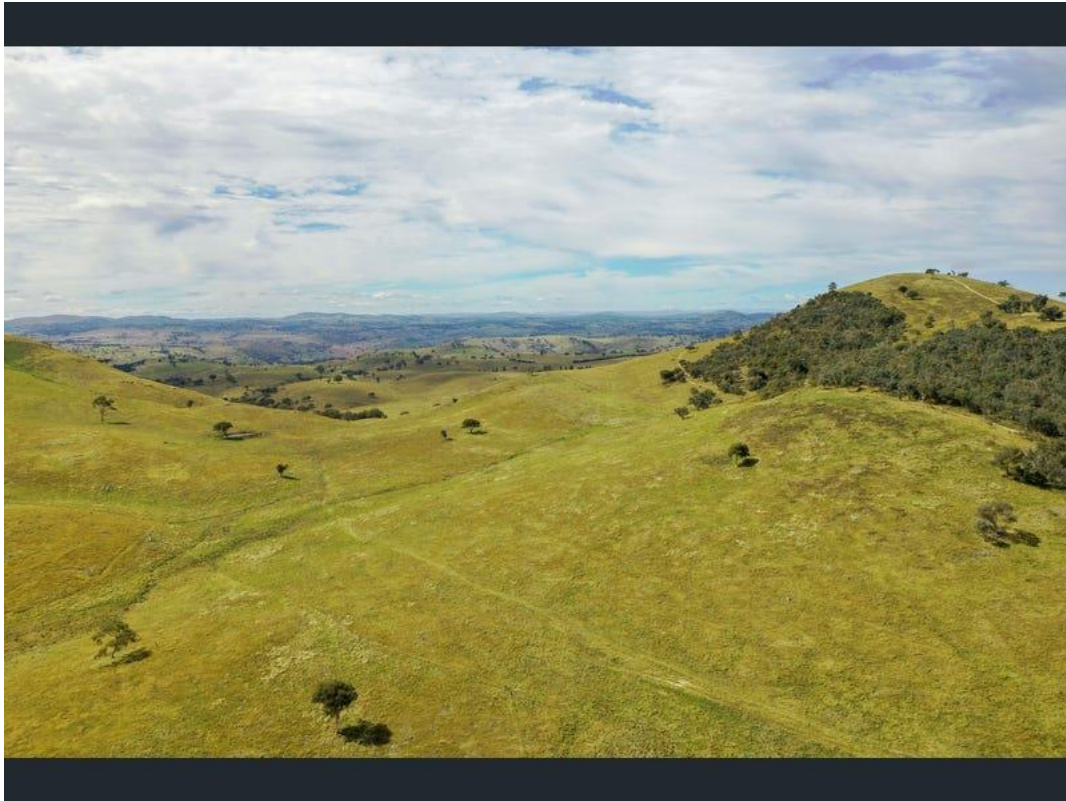


Figure 8: Aerial shot of undulating land (source: realestate.com)



Figure 9: Garden around existing dwelling (source: realestate.com)

2.2 Summary environmental mapping constraints

- Floor Space Ratio: not applicable
- Building Height: not applicable
- Minimum Lot Size: 40 ha
- Heritage: not applicable
- Natural Resources Biodiversity: Biodiversity
- Natural Resources Land: High Soil Erodibility
- Bushfire: Vegetation Category 3

2.3 Site zoning

The site is zoned under Yass Valley Local Environmental Plan 2013 (LEP) as Zone RU1 Primary Production.

2.4 Development history

A search of Council's online database did not reveal any previous approvals for the property.

3 The Proposed Development

3.1 Description of proposed development

The proposal involves a three (3) into three (3) lot Torrens subdivision, to create new lots with the following lot sizes:

1. Lot A: 557,098.55 m² (55.7 ha)
2. Lot B: 506,995.89m² (50.6 ha)
3. Lot C: 489,640.84 m² (48.9 ha)

While currently Lot 1 in DP1291518 exceeds the minimum lot size requirement under the LEP in the RU1 zone of 40 ha, Lot 1 in DP113231 and Lot 107 in DP751807 are significantly less than the 40 ha lot size requirement. The proposed subdivision will increase the lots sizes of all 3 lots to be in excess of 40 ha.

All 3 lots will have frontage to Glenrock Road. Proposed Lot A will support the existing dwelling house and outbuildings.

Building envelopes measuring 10m x 15m are on proposed Lots B and C, towards the west of the lot and closer to Glenrock Road. The building envelopes are located in suitable areas that are relatively non-sloping and closer to Glenrock Road to minimise the extent of proposed driveways so as to avoid site disturbance and tree removal. The building envelopes are located outside of biodiversity mapped areas.

3.2 Details of proposed development

3.2.1 Privacy, Views and Overshadowing

The proposed Lots A, B and C are large enough to ensure privacy is maintained between future dwelling houses and no overshadowing onto adjacent property will incur.

3.2.2 Trees and Vegetation

The building envelopes located on proposed Lots B and C are in areas devoid of trees to ensure future dwelling houses will not require the removal of trees.

3.2.3 Vegetation Clearing Calculation

Please refer to the attached pasture assessment report prepared by Roger Garnsey Agronomy (30 June 2025).

The vegetation clearing threshold in accordance with the NSW Biodiversity Offsets Scheme is a requirement under the *NSW Biodiversity Conservation Act 2016*.

Under this scheme, the *"native vegetation may exist as grassland, herb land and low shrublands that do not have trees or large shrubs"*. As such, the estimated clearing of the development should include factors that may impact or alter native vegetation (e.g. the building envelopes and access driveways, etc.) for determining whether the proposed development triggers entry into the scheme.

It is a recommendation for subdivision development to include a designated building envelopes (BE) and these are indicated on each of the new lots on the plans.

As provided in the pasture assessment report, the extent of the pasture assessment report includes the following for Lot B and Lot C:

- The proposed building envelopes;
- Access roads to each of the Building Envelopes.

No pasture assessment was completed for Lot A, given that an existing dwelling exists on this Lot.

Each pasture assessment involved recording the relative amount of exotic and native species at 10 random samples across each of the blocks using a 40 cm x 40 cm quadrat. This has been tabulated in the report and shows that Lots B and C (and the accompanying access roads) are dominated by introduced/exotic pasture species with a minor proportion of native plant species. This indicates that vegetation clearing will not exceed the permitted threshold under the NSW Biodiversity Offsets Scheme and no further vegetation assessment is required.

3.2.4 Access and Traffic

Access driveways are shown on the subdivision plans demonstrating access off Glenrock Road for proposed Lots B and C. The existing access driveway for proposed Lot A is also shown on the plans.

3.2.5 Stormwater and Sewerage

Please refer to the Land Capability Assessment prepared by Soil and Water (28 August 2025). Future dwelling houses will need to be provided with on site wastewater disposal facilities for proposed Lots B and C. These will be located within the building envelope areas shown on proposed Lots B and C.

The report advises for the effluent treatment and dispersal, the site and soil conditions on Lots B & C were assessed as suitable for the installation of secondary treatment systems linked to surface spray or drip irrigation. The sites are generally unsuited to primary treatment systems and subsoil absorption beds due to the limited soil depth available across the nominated building areas.

3.2.6 Contamination

The entire property has been in a rural use since its original subdivision and there is no evidence of any potentially contaminating uses occurring. It can be concluded beyond reasonable doubt that there is no likelihood of contamination on this site. No further consideration is therefore required under clause 4.6 (1) (b) and (c) of the SEPP.

3.2.7 Bushfire

The proposed subdivision is located within bushfire prone land specifically Vegetation Category 3 as shown in Figure 10 below. Please refer to the Bushfire Assessment Report prepared by Ember Bushfire Consulting (15 May 2025).

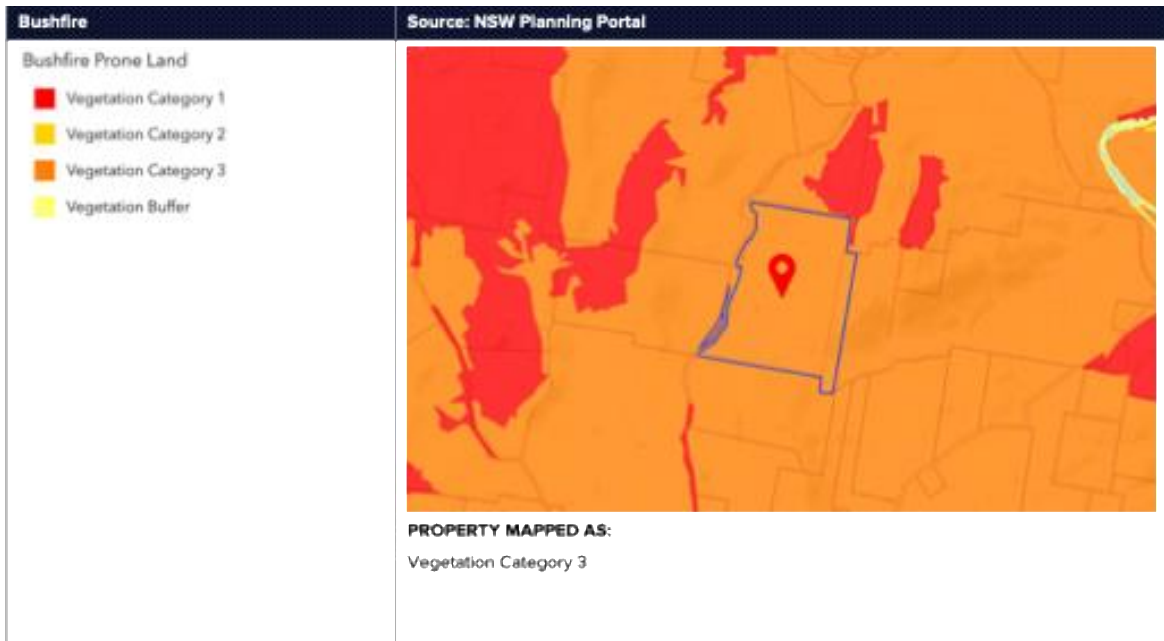


Figure 10: Bushfire Prone Land mapping (source: NSW Planning Portal)

The bushfire assessment adopts a methodology provided under the NSW RFS document Planning for Bushfire Protection 2019 to assess the adequacy of bushfire protection of the proposed subdivision.

As concluded in the report, based on the recommendations of the bushfire assessment report, the proposed development is deemed to comply with the specific and broad objectives of PBP 2019, the requirements of the Rural Fire regulations (2022) and therefore, suitable for submission to the NSW RFS for the issuing of a bushfire safety authority.

4 Environmental Assessment

4.1 State Environmental Planning Policies

4.1.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Exempt Development

Exempt development is very low impact development that can be undertaken on land without Council approval. Clause 1.15 of the Policy describes this as follows:

Development is exempt development for the purposes of this Policy if the development—

- (a) is specified in an exempt development code, and*
- (b) meets the standards specified for the development, and*
- (c) complies with the requirements of this Division for exempt development.*

To be Exempt Development under this Policy the development must first meet the general requirements of clause 1.16 which excludes Exempt Development from being undertaken on certain land and requires

work to meet the BCA and/or to be carried out in accordance with manufacturers specifications. The site is not on land excluded under this Policy.

The Policy then lists specific standards which are relevant to each 'type' of exempt development and the proposal must meet and must continue to meet these to be allowed as Exempt Development. The types of Exempt Development include:

Comment: There are no types of Exempt Development relevant to the proposed development.

Complying Development

Complying Development is approved under a Complying Development Certificate (CDC) issued subject to standard conditions, by a Principal Certifying Authority (PCA), which is either the local Council or a Private Certifier. A CDC can often be approved in as little as 10 working days once adequate plans and supporting documentation is submitted.

The Policy describes this as follows:

Development that is specified in a complying development code that meets the standards specified for that development and that complies with the requirements of this Division for complying development is complying development for the purposes of this Policy.

To be Complying Development under this Policy the development must not be on land excluded under clause 1.17A, 1.18 and 1.19A of the Policy, must not be on land excluded for the particular development type under clause 1.19 and must meet the general requirements under that clause. The subject site is not on excluded land for this type of development.

Part 6 Subdivisions Code

<u>Type of development permitted (subject to compliance)</u>	The following <u>under specific circumstances</u> : <ul style="list-style-type: none"> • Strata subdivision • Torrens Title subdivision
<u>Zones permitted in</u>	All land covered by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

SEPP Clause / Provision	Comment
<u>Division 2 Torrens subdivision</u>	
<u>6.3 Specified development</u>	
<p>(1) This clause applies only to a dual occupancy or multi dwelling housing (terraces) where no part of a dwelling is located above any part of another dwelling.</p> <p>(2) The Torrens title subdivision of a dual occupancy or multi dwelling housing (terraces) to which this clause applies, for which a complying development certificate has been issued under the Low Rise Housing Diversity Code, is development specified for this code.</p> <p>(3) If a single complying development certificate application proposes both the erection of a dual occupancy or multi dwelling housing (terraces) to which this clause applies on land and the Torrens title subdivision of land, the subdivision of that land is development specified for this code.</p>	

The only type of subdivision that can be complying development under The Codes SEPP is Torrens subdivision of a dual occupancy or multi dwelling housing.

4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP consolidated several SEPPs including State Environmental Planning Policy No. 55 – Remediation of Land which provides a state-wide practice for the remediation of contaminated land. Under clause 4.6 of the SEPP consideration must be given as to whether the land is contaminated. The entire property appears to have been in a rural use since its original subdivision and there is no evidence of any potentially contaminating uses occurring. It can be concluded beyond reasonable doubt that there is no likelihood of contamination on this site. No further consideration is therefore required under clause 4.6 (1) (b) and (c) of the SEPP.

4.1.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021: Chapter 6 Water Catchments

This State Environmental Planning Policy contains the provisions previously within the Sydney Drinking Water Catchment SEPP 2011.

Under Chapter 6 Drinking Water Catchments, the proposed development is not located within a NSW drinking water catchment and is outside the Greater Sydney Drinking Water Catchment Area and therefore the requirements of this SEPP are not relevant to this application.

4.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021: Chapter 3 Koala Habitat Protection 2020

Chapter 3 Koala Habitat Protection 2020 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

As the property is located on land zoned RU1 Primary Production and is in a local government area specified in Schedule 2, then this chapter applies to the proposed development.

In this chapter:

core koala habitat means an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population.

potential koala habitat means areas of native vegetation where trees of the types listed in Schedule 1 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Schedule 1 Feed tree species—Chapter 3

Scientific Name	Common Name
<i>Eucalyptus tereticornis</i>	Forest red gum
<i>Eucalyptus microcorys</i>	Tallowwood
<i>Eucalyptus punctata</i>	Grey Gum

<i>Eucalyptus viminalis</i>	Ribbon or manna gum
<i>Eucalyptus camaldulensis</i>	River red gum
<i>Eucalyptus haemastoma</i>	Broad leaved scribbly gum
<i>Eucalyptus signata</i>	Scribbly gum
<i>Eucalyptus albens</i>	White box
<i>Eucalyptus populnea</i>	Bimble box or poplar box
<i>Eucalyptus robusta</i>	Swamp mahogany

3.6 Step 1—Is the land potential koala habitat?

(1) Before a council may grant consent to a development application for consent to carry out development on land to which this Part applies, the council must be satisfied as to whether or not the land is a potential koala habitat.

(2) The council may be satisfied as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.

(3) If the council is satisfied—

(a) that the land is not a potential koala habitat, it is not prevented, because of this Chapter, from granting consent to the development application, or

(b) that the land is a potential koala habitat, it must comply with section 3.7.

Comment: The land is not a potential koala habitat because it does not support areas of native vegetation where trees of the types listed in Schedule 1 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

The land is not a core koala habitat because it does not support an area of land with a resident population of koalas, evidenced by attributes such as breeding females, being females with young, and recent sightings of and historical records of a population.

Irrespective, the building envelopes as shown on the plans which nominate future dwelling houses have deliberately been selected in these areas which do not support any native or non-native trees, to ensure that future tree removal will not be required for future building by others.

4.1.2 State Environmental Planning Policy (Sustainable Buildings) 2022

BASIX requirements are not relevant for a subdivision.

4.2 Local Environmental Plan

4.2.1 Yass Valley Local Environmental Plan 2013

Yass Valley Local Environmental Plan 2013 (LEP) applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

Zoning and Permissibility

Part 2 of LEP identifies that the subject site is zoned Zone RU1 Primary Production. The Land Use Table for the zone is as follows:

2. Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Water storage facilities

3. Permitted with consent

Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industries; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centres; Helipads; High technology industries; Home industries; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Landscaping material supplies; Markets; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Serviced apartments; Signage; Timber yards; Transport depots; Truck depots; Turf farming; Waste or resource management facilities; Water recreation structures; Water supply systems

4. Prohibited

Any development not specified in item 2 or 3

The subject Development Application to Council seeks approval for a three (3) into three (3) lot Torrens subdivision. The proposal is permitted with the consent of Council.

The objectives of the Zone RU1 Primary Production are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

- To protect and enhance the biodiversity of Yass Valley.
- To protect the geologically significant areas of Yass Valley.
- To maintain the rural character of Yass Valley.
- 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.
- 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.
- 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.

It is considered that the proposal is consistent with these objectives, in that:

- The proposed subdivision is not creating any new rural lots but rearranging the boundaries so that the new lots are of a better shape and configuration for future dwelling houses.
- The proposed subdivision will result in lot sizes that exceed the minimum 40 ha lot size requirement under the LEP, whereas currently two of the lots are less than the 40 ha lot size requirement.
- The proposed subdivision will have no adverse impact on the biodiversity of the land and will not detract from the rural character of Yass Valley.
- The proposed subdivision will not impact on the potential for the lands to continue to be used for agricultural purposes in particular grazing land.

Other Relevant Clauses

LEP Clause / Provision	Comment
1.2 Aims of plan	
<p>(2) The particular aims of this Plan are as follows—</p> <p>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</p> <p>(a) to establish planning controls that promote sustainable development,</p> <p>(b) to protect high quality agricultural land and encourage emerging agricultural industries,</p> <p>(c) to encourage housing diversity,</p> <p>(d) to promote employment-generating tourism,</p> <p>(e) to provide for commercial and industrial development,</p> <p>(f) to encourage the establishment of retail and professional services in urban locations,</p> <p>(g) to protect and enhance the character of each of the villages in Yass Valley,</p> <p>(h) to enhance service provision in each of the villages in Yass Valley,</p> <p>(i) to protect and conserve the cultural heritage and history of Yass Valley,</p> <p>(j) to protect and enhance the environmental and biodiversity values of Yass Valley,</p> <p>(k) to minimise land use conflicts.</p>	<p>It is considered that the proposed development is consistent with all relevant aims of the plan, in particular (b), (c), (j) and (k).</p>
2.6 Subdivision—consent requirements	

LEP Clause / Provision	Comment
<p>(1) Land to which this Plan applies may be subdivided, but only with development consent.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<p>This clause is generic to all NSW LEPs and allows land to be subdivided with consent.</p>
4.1 Minimum subdivision lot size	
<p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>(b) by any kind of subdivision under the Community Land Development Act 2021.</p>	<p>The minimum lot size for the creation of a new lot in the RU1 zone is 40 ha. Proposed Lot A will be 55.7 ha, Lot B will be 50.6 ha and Lot C will be 48.9 ha.</p>
4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation zones	
<p>(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.</p> <p>(2) This clause applies to land in the following zones that is used, or is proposed to be used, for residential accommodation or tourist and visitor accommodation—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU5 Village,</p> <p>(e) Zone R2 Low Density Residential,</p> <p>(f) Zone R5 Large Lot Residential,</p> <p>(g) Zone C3 Environmental Management,</p> <p>(h) Zone C4 Environmental Living.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies for a strata plan scheme (other than any lot comprising common property within the meaning of the Strata Schemes (Freehold Development) Act 1973 or Strata Schemes (Leasehold Development) Act 1986) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<p>This clause aims to protect smaller lot subdivision by way of strata subdivision that may break up productive rural land. It requires for any strata subdivision of buildings on a lot, that each lot in the strata scheme must meet the 40 ha minimum lot size. While strata subdivision is not proposed, this clause is capable of being met.</p>
4.1B Subdivision using average lot sizes	
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone C4 Environmental Living.</p> <p>(3) Despite clause 4.1, development consent may be granted to subdivide land in Zone RU1 Primary Production or Zone RU2 Rural Landscape if—</p> <p>(a) the average area of all the lots created will be at least 40 hectares, and</p> <p>(b) none of the lots created will have an area of less than 20 hectares, and</p> <p>(c) none of the lots created will have an area greater than 70 hectares.</p>	<p>This clause allows smaller lot sizes than 40 ha if the average area of all the lots to be created will be at least 40 ha. The proposed lot sizes are all in excess of 40 ha.</p>

LEP Clause / Provision	Comment
4.1C Additional requirements for subdivision in certain rural zones	
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU4 Primary Production Small Lots.</p> <p>(3) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the pattern of lots created by the subdivision and the location of any future buildings on the land are not likely to have a detrimental impact on any riparian land, watercourses or biodiversity values, or exacerbate existing erosion or salinity processes, and</p> <p>(b) the subdivision layout has regard to protecting areas of remnant vegetation and will minimise the need for clearing vegetation for any future buildings, accessways, fences and any associated asset protection zones, and</p> <p>(c) the pattern of lots will not significantly increase access to a watercourse for stock and domestic purposes, and</p> <p>(d) the subdivision will not adversely affect the use of the land and surrounding land for agriculture.</p>	<p>The proposed 3 into 3 lot subdivision will create an improved pattern of subdivision given that 2 of the lots are less than the 40 ha lot size in the rural zone. The building envelopes and accessways as shown on the plans are located in areas that have the least number of trees which will mean no tree removal will be required; and in areas that are not mapped for biodiversity and not located in water courses. The scattered and sparse trees will mean no tree removal is require establishing the APZs. The pattern of lots will not significantly increase access to a watercourse for stock and domestic purposes, as stock already has access to watercourses and dams. The subdivision will not adversely affect the use of the land and surrounding land for agriculture as only 2 new lots are being created that will be capable of supporting a future dwelling house.</p>
4.2 Rural subdivision	
<p>(2) This clause applies to the following rural zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(baa) Zone RU3 Forestry,</p> <p>(c) Zone RU4 Primary Production Small Lots,</p> <p>(d) Zone RU6 Transition.</p> <p>(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the <i>Lot Size Map</i> in relation to that land.</p> <p>(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.</p> <p>(5) A dwelling cannot be erected on such a lot.</p>	<p>This clause applies where smaller lots are sought than the 40 ha, but there are restrictions, in that a dwelling cannot be erected on a lot and the purpose of the subdivision is for primary production. This clause does not need to be relied on for the subdivision as the minimum 40 ha lot area is already achieved.</p>
4.2A Exceptions to minimum lot sizes for certain rural subdivisions	

LEP Clause / Provision	Comment
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone RU1 Primary Production,</p> <p>(b) Zone RU2 Rural Landscape,</p> <p>(c) Zone RU4 Primary Production Small Lots.</p> <p>(3) Land to which this clause applies may, with development consent, be subdivided to create a lot of a size that is less than the minimum size shown on the <i>Lot Size Map</i> in relation to that land if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than a dwelling house or a dual occupancy) permitted under an existing development consent for the land.</p> <p>(4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the subdivision will not adversely affect the use of the surrounding land for agriculture, and</p> <p>(b) the subdivision is necessary for the ongoing operation of the permissible use, and</p> <p>(c) the subdivision will not increase rural land use conflict in the locality, and</p> <p>(d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.</p>	<p>This clause only applies if the 40 ha lot area cannot be achieved for each new lot created.</p>
<p>4.2B Erection of dwelling houses and dual occupancies on land in certain rural and conservation zones</p>	

- (1) The objectives of this clause are as follows—
- (a) to minimise unplanned rural residential development,
 - (b) to enable the erection of dual occupancies in rural and conservation zones,
 - (c) to enable the replacement of lawfully erected dwelling houses or dual occupancies in rural and conservation zones.
- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU4 Primary Production Small Lots,
 - (d) Zone C3 Environmental Management,
 - (e) Zone C4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies unless the land—
- (a) is a lot that is at least the minimum lot size shown on the [Lot Size Map](#) in relation to that land, or
 - (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or a dual occupancy was permissible immediately before that commencement, or
 - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) is a lot resulting from a subdivision under clause 4.1 or clause 4.1B, or
 - (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.


Note—

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Development consent must not be granted under subclause (3) for the erection of a dwelling house unless—
- (a) no dwelling house has been erected on the land, and
 - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
 - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent must not be granted under subclause (3) for the erection of a dual occupancy unless—
- (a) no dual occupancy has been erected on the land, and
 - (b) if a development application has been made for development for the purpose of a dual occupancy on the land—the application has been refused or it was withdrawn before it was determined, and
 - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (6) Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or a dual occupancy on the land and the

This is the standard dwelling entitlement clause that is generic to rural zoned land in all NSW LEPs. It seeks to protect the breaking up of productive rural land through cumulative housing development. Only one of (3)(a) to (e) needs to be met. The proposed subdivision meets (3)(a) as each lot created is at least the 40 ha minimum lot size requirement.

LEP Clause / Provision	Comment
dwelling house or the dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy. (7) Despite subclauses (3) and (6), development consent may be granted for the erection of a dwelling house to create a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land.	
5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	
<p>(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).</p> <p>(2) This clause applies to land in the following zones—</p> <ul style="list-style-type: none"> (a) Zone RU1 Primary Production, (b) Zone RU2 Rural Landscape, (c) Zone RU3 Forestry, (d) Zone RU4 Primary Production Small Lots, (e) Zone RU6 Transition, (f) Zone R5 Large Lot Residential, (g) Zone C2 Environmental Conservation, (h) Zone C3 Environmental Management, (i) Zone C4 Environmental Living. <p>(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—</p> <ul style="list-style-type: none"> (a) subdivision of land proposed to be used for the purposes of a dwelling, (b) erection of a dwelling. <p>(4) The following matters are to be taken into account—</p> <ul style="list-style-type: none"> (a) the existing uses and approved uses of land in the vicinity of the development, (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development, (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b), (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c). 	<p>This clause is intended to minimise land use conflicts between adjoining uses including rural activities. Surrounding land use is predominantly rural and the proposed subdivision including 2 new dwelling houses on Lot B and C will not interfere with those rural uses. The lots sizes are well in excess of the minimum 40 ha required lot size and will enable the land to continue to be used for farming such as stock grazing.</p>
6.3 Terrestrial biodiversity	

LEP Clause / Provision	Comment
<p>(2) This clause applies to land identified as "Biodiversity" on the Natural Resources Biodiversity Map.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—</p> <p>(a) whether the development is likely to have—</p> <p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>A considerable portion of the property is biodiversity mapped. The large lot subdivision with a future dwelling house positioned in locations which are already cleared of vegetation will not have adverse impact on the biodiversity of the property. Each of the building envelopes for Lots B and C are located towards the lot frontages and outside of the biodiversity mapped areas.</p>  <p>PROPERTY MAPPED AS: Biodiversity</p>
<p>6.7 Highly erodible soils</p> <p>(2) This clause applies to land identified as "High Soil Erodibility" on the <i>Natural Resources Land Map</i>.</p> <p>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) whether the development is likely to have any adverse impact on soil erosion processes on the land,</p> <p>(b) whether soil erosion is likely to have an impact on the development,</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>	<p>Plans for future building on each site can incorporate erosion and sedimentation control measures. Any DA for future dwellings may need to be accompanied a geotechnical report.</p>

4.3 Development Control Plan

4.3.1 Yass Valley Development Control Plan 2024

Yass Valley Development Control Plan 2024 applies to the subject site. The following provides an assessment of the proposed development against the relevant provisions of the Plan.

DCP Clause / Provision	Statement of Compliance
Part C - Subdivision Controls	
C.1 Layout	
<p>a. Subdivision layout should be mindful of the adjacent settlement patterns, land uses and character taking account of the topography to minimize the need for earthworks/retaining walls and vegetation removal;</p> <p>b. Lot dimensions should protect existing vegetation to be retained and allow for a sufficient building envelope of at least 10m x 15m clear of easements, drainage lines and vegetation. The positioning of building envelopes is to take into consideration site access, topography, existing and proposed easements and building setbacks;</p> <p>d. Subdivision layout for residential development shall allow for footpath, street lighting, street planting and underground services in the road verge. As indicated in the adopted Masterplan overhead street lighting shall not be installed along new streets in Gundaroo or Sutton. bollard or low intensity lighting may be considered.</p> <p>e. Solar orientation of lots should be maximized by positioning roads east-west and north-south where possible;</p> <p>g. Lot layout shall have regard to the location and type of surrounding uses;</p> <p>j. The location and circumference of tree canopies are to be shown on the proposed plan of subdivision. Rural subdivisions may map stands of trees and individual trees impacted by the proposal.</p> <p>k. Any trees identified for removal shall be detailed on the proposed plan of subdivision.</p> <p>l. Consideration should be given to the retention and enhancement of vegetative corridors to facilitate survival and movement of flora and fauna.</p>	<p>Complies</p> <p>Building envelopes are located in area where these is historic clearing. The large lot subdivision will allow for maximum solar access and maintenance of privacy between lot. This is a rural subdivision and no provisions is required for footpath, street lighting, plantings or underground services. No trees will be impacted by the proposed subdivision. No tree removal is required or proposed.</p>
C.3 Earthworks	
<p>a. Subdivision design shall avoid the need for extensive cut and fill; where earthworks are proposed they shall be suitably protected from erosion, soil movement;</p> <p>b. Maximum cut or fill shall not exceed 2 metre when measured from existing natural ground level;</p> <p>c. Earthworks within 1 metre of the boundary shall not exceed 1 metre in depth;</p> <p>d. Any fill imported to site must be certified Virgin Excavated Natural Material or Excavated Natural Material;</p> <p>e. Any retaining walls or support structures must be located wholly within the property boundary;</p> <p>f. Stormwater must be drained to a legal point of discharge with finished ground levels at a minimum grade of 2% to allow for drainage; Legal point of discharge means a point nominated by Council for the discharge of stormwater from the property. In urban areas this is usually the street drainage system, but can also include inter allotment drainage. In rural areas this may include table drains or dams;</p> <p>g. Earthworks, retaining walls and the like shall be designed to accommodate overland stormwater flow.</p>	<p>Complies</p> <p>Earthworks are not proposed as part of the subdivision plan. The building envelopes are located on least sloping land where minimal earthworks would be required for future dwellings. Future dwelling houses would have stormwater designed so that drainage is to a legal point of discharge.</p>
C2 Large Lot Residential, Rural and Environmental Subdivision Controls	
C2.1 Buffers	
<p>a. Lots which enable the erection of a dwelling must have sufficient area and dimensions to allow buffers and setbacks from existing agricultural and rural uses;</p> <p>b. Lots created on land in RU1 and RU2 zones must enable the site of a dwelling with a separation of at least 100m from another dwelling not on the same title</p>	<p>Complies</p> <p>The large lot subdivision will allow for space for buffers and setbacks from existing agricultural and rural uses. Each of the building envelopes and also the existing dwelling on Lot A are separated by at least 100m.</p>

DCP Clause / Provision	Statement of Compliance																				
<p>C2.3 Access</p> <p>a. Lots created upon which a dwelling is able to be situated must have legal direct frontage or right of carriageway to a public road;</p> <p>b. All property access shall be constructed to a rural property access as in figure 8 below;</p> <p>c. Where access is from a sealed road, the entrance shall be constructed of two coat bitumen seal from the edge of the road formation to the gate;</p> <p>e. Reinforced minimum diameter 300mm concrete pipes and headwalls are to be installed in table drains and setback a minimum of 2 metres from the edge of the road formation and provided with permanent erosion protection;</p> <p>f. Where topography does not permit the installation of pipes, a reinforced concrete dish drain may be constructed in the table drain;</p> <p>g. The finished surface of any earthworks required for driveway construction shall be graded to a maximum 1:4 cut and 1:2 fill;</p> <p>h. Entrances are to be located so that a Safe Intersection Sight Distance is achieved appropriate for the prevailing speed conditions as follows:</p> <p><i>Table 4 - Safe Intersection Sight Distance</i></p> <table><tr><th>Road Type/Location</th><th>Sight Distance Category</th><th>Normal Posted Speed</th><th>Sight Distance Required</th></tr><tr><td>Rural - Residential</td><td>ASD*</td><td>70km/h</td><td>92 metres</td></tr><tr><td>Local Rural Roads</td><td>ASD*</td><td>100km/h</td><td>165 metres</td></tr><tr><td>Regional Roads</td><td>SISD#</td><td>100km/h</td><td>262 metres</td></tr><tr><td>State Roads/Highways</td><td>SISD#</td><td>100/110km/h</td><td>262/300 metres or as specified by Transport for NSW</td></tr></table> <p><i>* Approach Site Distance # Safe Intersection Sight Distance</i></p> <p>i. Consideration may be given to Approach Site Distance on difficult sites, subject to the provision of additional treatment as appropriate;</p> <p>k. All property accesses must ensure the roadside water can continue to flow downstream without ponding or forcing water onto the road or into adjacent lands.</p>	Road Type/Location	Sight Distance Category	Normal Posted Speed	Sight Distance Required	Rural - Residential	ASD*	70km/h	92 metres	Local Rural Roads	ASD*	100km/h	165 metres	Regional Roads	SISD#	100km/h	262 metres	State Roads/Highways	SISD#	100/110km/h	262/300 metres or as specified by Transport for NSW	<p><u>Complies</u></p> <p>All lots have legal and direct frontage to a public road, which is Glenrock Rd. The proposed driveways and access to Lots B and C will be constructed to councils standards for rural roads, including gravel sealed, proper drainage, concrete pipes and headwalls. There is adequate line of sight in both directions along this portion of Glenrock Rd.</p>
Road Type/Location	Sight Distance Category	Normal Posted Speed	Sight Distance Required																		
Rural - Residential	ASD*	70km/h	92 metres																		
Local Rural Roads	ASD*	100km/h	165 metres																		
Regional Roads	SISD#	100km/h	262 metres																		
State Roads/Highways	SISD#	100/110km/h	262/300 metres or as specified by Transport for NSW																		
<p>C2.5 Stormwater</p> <p>a. Subdivisions are to take into account the stormwater management requirements of the whole site, including stormwater from upslope areas in the catchment;</p> <p>b. Subdivisions are designed to accommodate all stormwater from the 1% AEP Event (Annual Exceedance Probability) through the road and drainage reserve networks;</p> <p>c. Subdivisions are provided with the necessary stormwater infrastructure required to address the determined stormwater discharge;</p> <p>d. Subdivisions that cannot drain stormwater to a legal point of discharge via gravity must be supported by a stormwater management plan designed by a suitably qualified person. Legal point of discharge means a point nominated by Council for the discharge of stormwater from the property. In urban areas this is usually the street drainage system, but can also include interallotment drainage. In rural areas this may include table drains or dams.;</p> <p>e. All stormwater works are to be designed and constructed in accordance with Australian Rainfall and Runoff.</p> <p>f. The movement of stormwater shall not create negative offsite impacts, including on other properties.</p>	<p><u>Complies</u></p> <p>Future dwelling houses will be designed with appropriate stormwater systems that will enable water to be drained to a legal point of discharge by way of gravity. The properties are large enough so that the movement of stormwater will not create negative offsite impacts, including on other properties.</p>																				

DCP Clause / Provision	Statement of Compliance
C2.6 Essential services	
<p>a. Power is to be made available to each allotment in the subdivision upon which it is possible to erect a dwelling. A Notice of Satisfactory Arrangement, for electricity.</p> <p>b. Where alternate arrangements to mains power are proposed a restriction to user is to be created stating the lot burdened may not be connectivity to grid electricity.</p> <p>c. Consideration should be given to the provision of community based renewable energy.</p> <p>d. Where Council reticulated sewer services are unavailable, a geotechnical report prepared by a suitably qualified wastewater consultant or geotechnical engineer is to be provided. The report must demonstrate that the proposed lots are of sufficient land area to accommodate a dwelling, likely outbuildings and an on site sewage management system that complies with the necessary buffer requirements of the Environmental Health Protection Guidelines On Site Sewage Management for Single Households (latest version).</p> <p>e. Where an on site sewage management system is proposed and the site is mapped in Yass Valley Local Environmental Plan 2013 as being impacted by vulnerable groundwater, the Geotechnical report shall include an assessment of the potential impacts of the development on the groundwater system and dependent ecosystems;</p> <p>f. A minimum standard for voice and data telecommunication services if 5G (or greater) wireless, NBN wireless, or satellite. A Certificate of Practical Completion for telecommunications shall be provided or evidence that the minimum standard outlined above is available</p>	<p><u>Complies</u></p> <p>Each lot is connected to power. Lots B and C will rely on site wastewater disposal systems for future dwellings. Please refer to the Land Capability Assessment report prepared by Soil and Water. The proposed lots are of sufficient land area to accommodate a dwelling, outbuildings and an on site sewage management system that complies with the necessary buffer requirements of the Environmental Health Protection Guidelines On Site Sewage Management for Single Households.</p>
C2.7 Bushfire prone land	
<p>a. Subdivision on land classified as bushfire prone on the Rural Fire Service (RFS) Bushfire Prone Land Map must comply with the NSW Rural Fire Service Planning for Bushfire Protection 2019;</p> <p>c. The subdivision must provide for an Outer Protection Area managed or hazard reduction and location on the bushland side of a perimeter road;</p> <p>d. A Bushfire Risk Assessment Report is to be lodged with the Statement of Environmental Effects in support of the Development Application. The Bushfire Risk Assessment Report is to be prepared by a suitably qualified and experienced bushfire consultant and addresses the proposed development's consistency with Planning for Bushfire Protection 2019;</p> <p>e. The development must demonstrate that there are provisions for adequate water supply for fire fighting purposes;</p> <p>f. The subdivision is designed so that any bushfire protection measures necessary in accordance with Planning for Bushfire Protection 2019 are able to be implemented within the development site.</p> <p>g. Any clearing of native vegetation is kept to minimum levels in accordance with the recommendations of the Bushfire Risk Assessment Report and the requirements of Planning for Bushfire Protection 2019.</p>	<p><u>Complies</u></p> <p>Please refer to the attached Bushfire Assessment Plan prepared by Embers. It demonstrates that the appropriate BAL is achievable and also adequate setbacks for the Asset Protection Zones. No clearing of vegetation is required. As provided in the plan, adequate water supply in the form of tanks for each lot for fire fighting purposes is provided. The subdivision is designed so that any bushfire protection measures necessary in accordance with Planning for Bushfire Protection 2019 are able to be implemented within the development site.</p>

4.4 Section 4.15 Considerations

4.4.1 Suitability of the site

The previous sections of this report have demonstrated the suitability of the site for the proposed usage, particularly in terms of:

- The proposal is consistent with the existing development within the locality.
- The proposal is consistent with the objectives and development standards applying to the land.
- Overall the development is considered an appropriate usage of the site.

4.4.2 Public interest

The proposal is considered to accord with the wider public interest in that:

- It provides an appropriate use of the site;
- It will have a positive effect on the streetscape and immediate locality; and
- It is consistent with all relevant LEP aims and objectives

4.4.3 Section 4.15 of the Environmental Planning and Assessment Act, 1979

Matters for Consideration	Considered?
Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iiiia) – Has consideration been given to all relevant provisions of 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?	N/A
Section 4.15 (1) (a)(iv) – Has consideration been given to all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by Council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

5 Summary and Conclusion

Council Approval Group is pleased to submit this Statement of Environmental Effects and accompanying information for a three (3) into three (3) lot Torrens subdivision at 336 Glenrock Road, Cavan NSW 2582.

This Statement of Environmental Effects for the proposed development has considered:

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- an analysis of the proposal against the provisions of the *LEP 2013*, as well as relevant DCPS, SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site; and
- Section 9.1 Directions.

This report concludes that the proposal will substantially complement the objectives and vision of the Plan, Zone, and DCP in particular:

- It will not detract from the environmental and biodiversity values of Yass Valley
- It will not create conflict between land uses within the zone or land uses within adjoining zones
- It will not adversely impact on the biodiversity of Yass Valley
- It will assist in maintaining the rural character of Yass Valley
- It will still allow the use of rural land for agriculture and other forms of development that are associated with rural industry

We are pleased to present this SoEE for a proposed subdivision, which, once approved, will create more saleable lots and provide opportunity for housing and lifestyle in a rural setting and community.

5.1 Recommendation

Under all the circumstances of the case, it is therefore recommended to Council for favourable consideration

