
STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed 4 Lot Boundary Adjustment

676 GOCUP ROAD, GOCUP

16 May 2023

KEOGH PROPERTY DEVELOPMENT PTY LTD

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INTRODUCTION

In accordance with Schedule 1 of the Environmental Planning and Assessment Regulation 2000, a development application (DA) must be accompanied by a Statement of Environmental Effects. This document has been prepared by Keogh Property Development Pty Ltd for

LOTS 30 - 32 DP1220601, LOTS 4-5 DP114730, LOT 1 DP780059 LOT 1 DP1243940 AND LOT 1 DP345544.

The document identifies the main environmental effects identified for the DA submission of a proposed boundary adjustment in Tumut, NSW.

1.1 Location

The proposed development site located in the Gocup, NSW. Gocup is located just outside the town limits of Tumut, which is a town in the Riverina region of New South Wales, Australia. Tumut is approximately 400 kilometres south-west of Sydney and 501 kilometres north-east of Melbourne.

Table 1-1: Location and Property Description

LOCATION AND PROPERTY DESCRIPTION			
Unit No:	House No:	Street:	Suburb:
NA	676	Gocup Road	Gocup
Lot and DP or SP: LOTS 30 - 32 DP1220601, LOTS 4-5 DP114730, LOT 1 DP780059 LOT 1 DP1243940 AND LOT 1 DP345544			Post Code: 2720

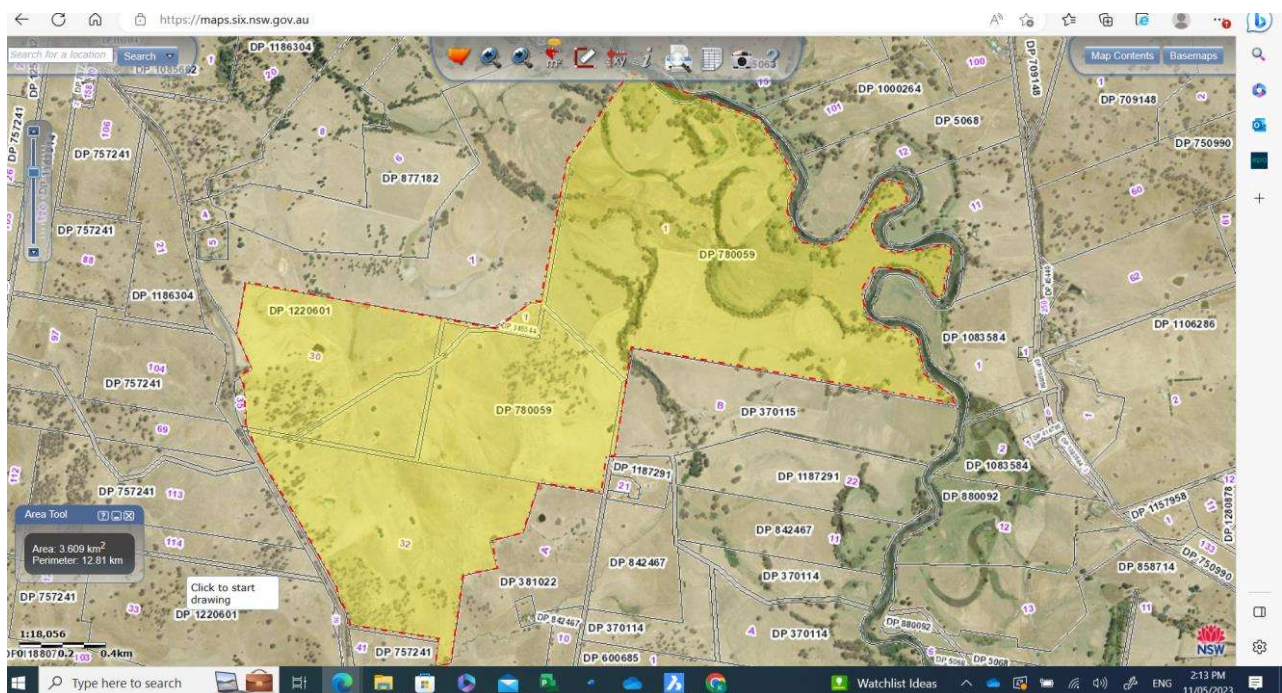


Figure 1.-1 Location Map Proposed Boundary Adjustment in Gocup, sourced from Six Maps

1.2 Clients Details

Table 1-2 below provides the clients details.

The (DA) submission has been submitted on behalf of the client, Scott McKimmie, by Keogh Property Development Pty Ltd: 177 Lambie Street, Tumut NSW 2720. (Phone: 0447573610).

Table 1-1: Clients Details

CLIENTS DETAILS	
Name or Company: Mr Scott McKimmie	
Address: 676 Gocup Road, Gocup	Post Code: 2720
Phone: 0417 437 978	
Email: smckimmie1969@gmail.com	

1.3 Description of Proposal

The proposed development is a boundary adjustment between LOTS 30 - 32 DP1220601, LOTS 4-5 DP114730, LOT 1 DP780059 LOT 1 DP1243940 AND LOT 1 DP345544

The 7 lots currently range in approximate size from 7000m2 to 220Ha.

The proposed development will consolidate the 7 Lots down to 4 Lots. This boundary adjustment will utilise existing dwelling fence lines as new boundaries whilst enabling best use of grazing land.

1.4 Surrounding Land Use

The surrounding land is zoned RU1 Primary Production and is used for farming and contains other rural residential properties. The lot size map highlights the consolidation straddles dual lots size zoning of 150Ha and 30Ha.

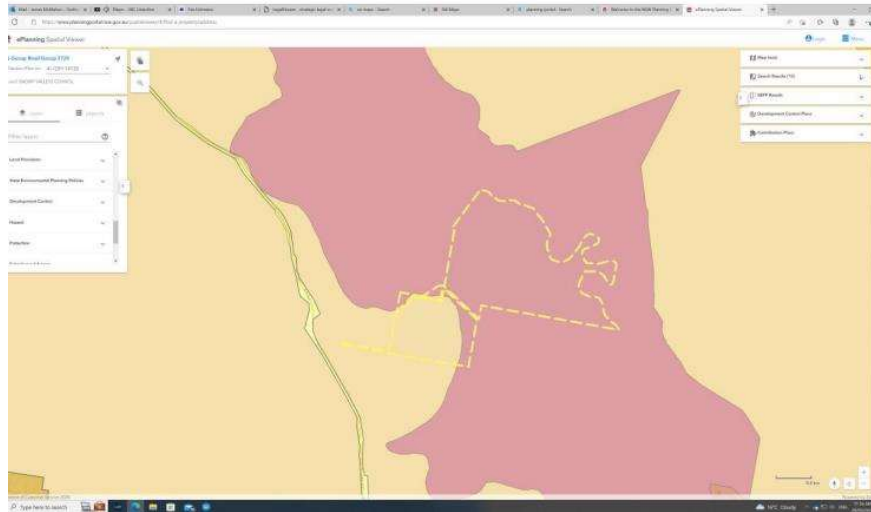


Figure 1.4.1- Land Zoning Map Image Sourced Planning Portal, NSW.

Surrounding Precedent.

In highlighting precedent for this boundary adjustment, surrounding land use includes lots with established dwellings, which are below the minimum lot size (150Ha & 30Ha), adjacent to and/or within proximity to the subject development.

Examples highlighted below are within 1 km of the proposed boundary adjustment and are given in support of this development application. These include –

- Lot 5 DP 877182 (approx. 2.2Ha) - Lot 10 DP 842467 (approx. 6.3Ha) - Lot 41 DP 757241 (approx. 20Ha)
- Lot 22 DP 1187291 (approx. 5.1Ha) - Lot B DP 381022 (approx. 15Ha) - Lot 1 DP 850580 (approx. 3.5Ha)



2 PROPOSED DEVELOPMENT

2.1 Existing Site Description

Landform: The land surface is characterised as Strong sloping throughout some of the lots, combined with alluvial grazing land.

Slope: The land slope is classified as Strong sloping, as it has hills and grazing land adjoining river country.

Table 2-1 Slope Classification

Slope Classification	Description	Slope Gradient Limits	
		Lower	Upper
Nearly level	Slightly undulating level	0	3
Gently sloping	Undulating	1	8
Strong sloping	Rolling hill type	4	16
Moderate steep	prominent hills	10	30
Steep	Steep terrain	20	60
Very steep	Very steep to sub vertical	> 45	

Flora and Fauna: The lot will not be cleared of vegetation and is currently predominantly grazing land with grasses and trees sporadically located.

Physical features: Lot 30 DP1220601 contains 2 existing dwellings and existing shearing sheds and cattle yards.

2.2 Site Access

The proposed boundary adjustment will not change the existing site access for proposed lots 1, 3 & 4.

Proposed lots are accessible from existing driveway/entrance from Gocup Road. Internal tracks currently are in use; however, it is proposed a Right of Carriageway (20 wide) be established over proposed Lot 4, in favour of proposed Lots 3 & 4 via a Section 88b.

Proposed lot 2 will be accessed via Gocup Farms Road, where a formed road is already in existence.

A simple rural access type driveway will be proposed during application for Section 138.

Traffic Movements:

Access to the existing properties will not change the current traffic flow on Gocup Road.

Gocup Farms Road will see a minimal increase of traffic flow because of the new entrance.

2.3 Site Suitability

Visual Prominence: Any future developments will be assessed and regulated by council prior to and during construction. There is no proposal in this application to erect any structures. The existing visual prominence will not change.

Heritage and or other Restrictions: The proposed development is not located in a Heritage Listed area.

Services: Key services are readily accessible and will not change as part of this development

Land surface and Land use: The land surface is strong sloping and Grazing flats. There is no intention currently or in the foreseeable future to change the current way the land is used. The development will not have any adverse impact on existing land uses.

2.4 Earthworks / Sediment and Erosion Control

The proposed development does not include anything to which may require earthworks or sediment and erosion control.

2.5 Air, Dust and Noise Pollution

The development does not include anything to which may produces are, dust or noise pollution.

2.6 Social Impacts

The land parcel is not seen as being environmentally or culturally sensitive. The parcel is surrounded by other rural residential land. The boundaries of the site are fenced. Subdivision of the land will tie in well with the surrounding rural residential properties and is unlikely to have any significant social impact. The boundary adjustment is expected to have a very minimal if any social impact at all. The objective of the boundary adjustment is to improve the viability of the current farm operation.

2.7 Natural Hazards

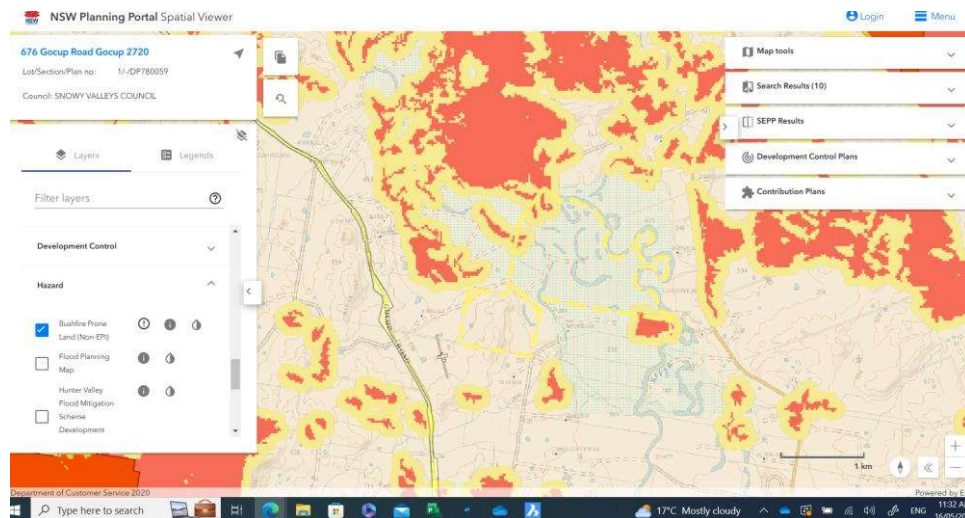


Figure 2-1 Natural Hazards Map, Sourced from Planning Portal.

The proposed development is located in a Bushfire prone area. Ember Bushfire Consulting has been engaged to undertake the Bushfire risk assessment to supplement this application.

The proposed development is partly identified as a Flood Prone area, however, the proposed boundary adjustment is not proposed for the use of the erection of a dwelling. Any future developments will be assessed and regulated by council.

3 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The following is an assessment of the proposed development in accordance with the relevant matters for consideration listed under Division 4.3 of the EP&A Act. Division 4.3 (4.15) of the EP&A Act states the following;

4.15 Evaluation

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered under section 7.4 or any draft planning agreement that a developer has offered to enter under section 7.4, and*
- (iv) 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,*

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

3.1 Environmental Planning Instruments

The following Environmental Planning instruments apply to the subject site because of the proposed redevelopment:

- ✓ Tumut Shire Local Environmental Plan 2012;
- ✓ State Environmental Planning Policy (Infrastructure 2007);
- ✓ Snowy Valleys Council Development Control Plan 2019

3.2 Tumut Shire Local Environmental Plan 2012

The main Environmental Planning Instrument (EPI) which applies to the subject site is the Tumut Shire Local Environmental Plan (LEP) 2012. The following sections undertake an assessment of the relevant provisions.

3.2.1 Land Use Zones

This development is zoned RU1 – Primary Production.

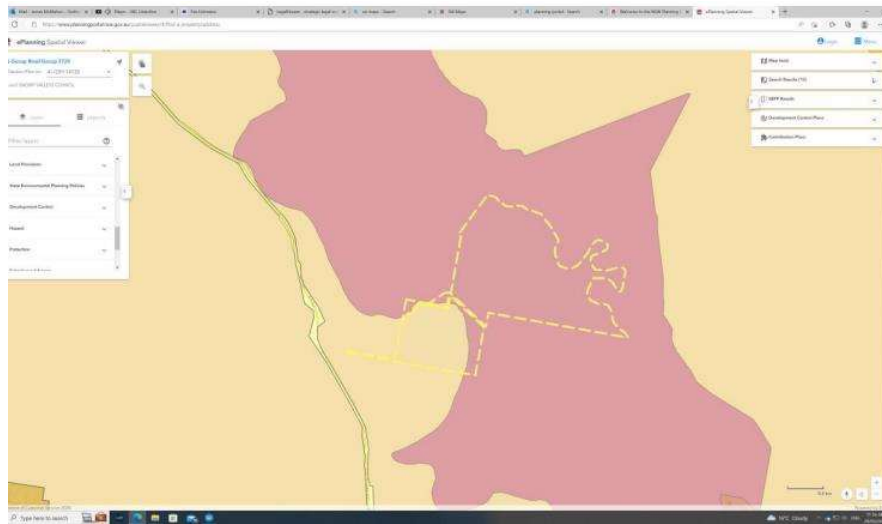


Figure 3-1 Land Zoning Map Image Sourced Planning Portal, NSW.

1 Objectives of zone

- 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, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.
- To ensure development prevents or mitigates land degradation.
- To protect significant scenic landscapes.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home occupations; Intensive plant agriculture; Roads

3 Permitted with consent

Aquaculture; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Garden centres; Intensive livestock agriculture; Markets; Open cut mining; Plant nurseries; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Amusement centres; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Vehicle repair stations; Wholesale supplies

As per Figure 3-1 above, Proposed Lots 1 & 2 meet the objectives of the zone with lots sizes 313Ha & 30Ha respectively.

Proposed Lots 3 & 4 do not meet the required minimum lot size for this area.

Thus, we are seeking approval under Clause 4.2C – Boundary adjustments of land in certain zones.

4.2C Boundary adjustments of land in certain zones

(1) The objective of this clause is to facilitate boundary adjustments between lots if the adjustment will result in the lot size of one or more of the lots being less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land and the objectives of the relevant zone can be achieved.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,*
- (b) Zone RU3 Forestry,*
- (c) Zone RU4 Primary Production Small Lots,*
- (d) Zone R5 Large Lot Residential.*

(3) *Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land, and the consent authority is satisfied that—*

- (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and*
- (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and*
- (c) the potential for land use conflict will not be increased as a result of the subdivision.*

The boundary adjustment will not create additional lots or the opportunity for additional dwellings as the boundary adjustment calls for a reduction in Lots.

The number of existing dwellings or opportunity for dwellings will remain the same after the boundary adjustment.

The boundary adjustment for proposed Lots 3 & 4 does intend to include two existing dwellings and associated farm infrastructure. As stated above, this will minimise land use conflict, as there are multiple adjacent properties comparable to the proposed lots sizes.

It is further proposed for Lots 3 & 4, a restriction as to user be implemented, to remove secondary dwelling entitlements.

3.3 Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

All necessary services are available to the site.

3.4 Development Control Plans

3.4.1 Snowy Valleys Council Development Control Plan

The relevant provisions of the Snowy Valleys Council Development Control Plan are addressed in the following sections.

3.4.1.1 Chapter 9 – Subdivision

9.8 Rural Subdivisions- Dwelling houses

9.8.1 General Considerations

Council will consider the following matters when assessing a subdivision for the purposes of a dwelling house within the RU1 Primary Production Zone and E3 Environmental Management Zone:

- *the rural character of the locality*
- *the disturbance to the rural landscape and the environment*
- *the environmental capabilities of the land*
- *soil erosion*
- *servicing the development*
- *fragmentation of rural land*
- *surface and ground water pollution*
- *the risk of bushfires or flooding*
- *legal and physical access to a road maintained by Council*
- *the creation of vehicular access points to major roads*
- *protection of prime agricultural land for long term sustainable production In considering the subdivision proposal Council will consider how:*
- *the subdivision will accommodate future and existing structures and be suitable for appropriate likely future land uses and site activities, and*
- *the subdivision proposal responds to the existing site attributes and constraints*

The proposed boundary adjustment is not proposed for the use of the erection of a dwelling.

The site currently has 1 existing dwelling in each of the proposed lots 3 and 4 as well as farm infrastructure. The number of dwellings will not increase after the subdivision.

9.8.2 Adjoining Development

The subdivision design and layout is to consider adjoining or nearby development, in relation to possible land use conflicts, the need for any buffer areas and the impacts of the subdivision on primary production activities on adjoining land.

The proposed development will not impact the adjoining lots.

9.8.3 Fencing

Stock proof rural type fencing must be provided to all road frontages and public areas. With the exception of post and rail as well as mesh fencing no other types of road frontage boundary fencing (including paling and metal panel fencing of any height) will be permitted.

The proposed development already has established fencing.

9.8.4 Lot size, Shape and Orientation

Lot shapes should be simple.

Lot boundaries should relate to land features such as creeks. Boundaries should be located parallel or perpendicular to the slope but not diagonally across it. Existing fences should be used for Lot boundaries where this does not result in inappropriately shaped Lots.

Long narrow Lots are to be avoided. Battle axe Lots are to be avoided.

Wedge shaped Lots are to be kept to a minimum and must have a minimum road frontage of 15m.

Each Lot in the proposed subdivision should be able to accommodate a building envelope of 600m² in size. The building envelope should contain an area for a future dwelling house and associated ancillary buildings to the domicile.

The building envelope is to generally exclude land:

- *within 40 metres of the top of bank of a watercourse*
- *that contains significant native vegetation*
- *that has been identified as being subject to the 1% AEP flood extent*
- *that is subject to a transmission line or other utility service easement, and*
- *that is visually prominent or located upon a ridgeline and upon which the construction of a dwelling would degrade the landscape character of the area.*
- *Required for onsite effluent disposal*
- *Utilised to house structures required for agricultural undertakings such as farm buildings*
- *Required for an asset protection zone under a Bushfire Safety Authority*
- *Identified as having moderate or higher risk of geotechnical instability.*

The design and layout of the building envelope will take into account site topography, geological conditions, existing soils and drainage and will minimise the need for landform modification when buildings are placed within the envelope. The envelope must be designed to limit or avoid any adverse impacts on watercourses and vegetation and prevent future development occurring on any steep and constrained lands.

The subdivision proposal must demonstrate, to the satisfaction of Council that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.

The proposed development is consistent with these objectives regarding this being a rural subdivision.

9.8.5 Natural Hazards and Risks

The subdivision design and layout will identify and take into account natural site features such as significant native vegetation, wildlife corridors, topography and rock outcrops.

The subdivision design and layout will identify and take into account natural hazards such as bushfire, flooding and geotechnical conditions.

**The proposed development is located in a Bushfire prone area.
Refer to Bushfire Risk Assessment produced by Ember Fire Consulting.**

9.8.7 Roads and Access

New rural roads are to be designed and constructed in accordance with Council's Planning and Design Manual. These roads are to be dedicated to Council as public roads.

Where road access is proposed from a Crown Road in accordance with the transfer the road must be transferred from Crown Lands to Council prior to the commencement of any road works at no cost to Council. The transfer of the road to Council does not necessarily change the extent of Council's adopted road maintenance areas.

Where new Lots gain access from a Crown road, the road is to be upgraded and constructed to meet the minimum standards specified in Council's Planning and Design Manual.

All existing public roads fronting or within the proposed Lots must be wholly within the road reserve.

A maximum of two (2) rural Lots may gain access from a right of carriageway within the subdivision, which should connect directly to a dedicated public road under the care and control of Council. A Section 88B instrument setting out the terms of the right of carriageway (including maintenance responsibilities) will be required.

The right of carriageway should be constructed to a standard that will allow all weather two wheel drive access. All-weather, two wheel drive access should be provided to all new Lots.

Entrances shall be limited to one (1) per Lot unless approved otherwise by Council. Entrances to individual Lots from public roads shall be constructed to Council standards. Where the relocation of an entrance is required the complete removal of the existing entrance will be required.

For subdivisions involving 2 or more Lots along or in the vicinity of school bus routes, Council may require the provision of suitably sited and constructed bus lay-bys.

Proposed lot 4 has direct access to Gocup Road. It is proposed a right of Carriageway in favour of proposed lots 3 and 4 will burden Lot 1, in favour of Lots 3 & 4. A 88b instrument will be produced pertaining to said terms.

Proposed lot 2 will be accessed via the road reserve known as Gocup farms Rd. This is already a formed road. An access point will be created via a section 138 application.

9.8.8 Rural Addressing

Rural address numbers are allocated by Council when the location of driveway entrances is determined. All occupied properties will be individually numbered. Numbers must be displayed adjacent to the entrance driveways.

The address of the properties will be displayed at the location of driveway entrances.

9.8.9 Services

Each new Lot must have direct access to a suitable telecommunications and electricity supply. Satisfactory arrangements are to be made with the relevant utility provider.

Alternative power sources for subdivision and development can be considered where it can be demonstrated that the economic cost and/or likely environmental impact of connection is unacceptable.

Services are already provided at the site.

9.8.10 Water Supply

Where no reticulated water supply is available water supply with a minimum of 45,000 litres of potable water is to be provided on site.

Bush fire prone land would need additional water for firefighting purposes in accordance with clause 3.2.2.

Water supply is already available to the site through tank water.

4 Conclusion

This Statement of Environmental Effects accompanies a Development Application for the proposed boundary adjustment at 676 Gocup Road. Gocup.

The assessment of environmental effects makes the following findings:

- ✓ The proposed development meets the objectives of relevant planning instruments including the Tumut LEP 2012 and Snowy Valleys Council DCP 2019;
- ✓ The proposed development will not unreasonably impact on the amenity of neighbouring properties in relation to noise, overshadowing or privacy;

Given the above assessment, the proposed development has planning merit and the Development Application can therefore be supported and granted consent by Council.

I/we declare to the best of my/our knowledge and belief that the particulars stated on this document are correct in every detail and that the information required has been supplied and that the development application may be returned to me/us if information is found to be missing or inadequate.

Name: Kevin Keogh

Date: 16/05/2023