



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Subdivision

676 Gocup Road,

05 August 2024

KEOGH PROPERTY DEVELOPMENT PTY LTD

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Tumut NSW 2720

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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 LOT 1 DP780059

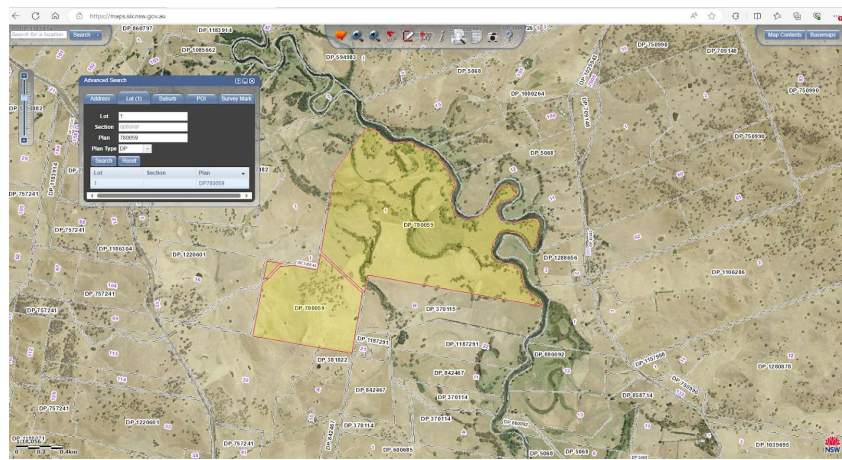
The document identifies the main environmental effects identified for the DA submission of a proposed boundary adjustment in Tumut, NSW.

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: NA	House No: 676	Street: Gocup Road	Suburb: Gocup
Lot and DP or SP: LOT 1 DP780059			Post Code: 2720



*Figure 1. Location Map Proposed **Boundary Adjustment** in Gocup, sourced from Six MapsClients 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	

1.2 Description of Proposal

The proposed development is an internal boundary adjustment of LOT 1 DP780059

The proposed development will be an internal boundary adjustment of LOT 1 DP780059, resulting in Proposed Lot 1 at 191.86Ha and Proposed Lot 2 at 30Ha.

This boundary adjustment will utilise existing stock fence lines where applicable as new boundaries whilst enabling best use of grazing land and zoning.

Both proposed lots will be above the minimum lot size for the zoning, and as such attract a building entitlement STCA.

This proposal does not propose any new dwellings at this time, any subsequent application for such, will be STCA.

Both Lots will be directly accessed via the existing formed road, Gocup Farms Road.

1.3 Surrounding Land Use

The surrounding land is zoned RU1 Primary Production, predominantly within 30Ha zoning and is used for farming and contains other rural residential properties. The lot size map highlights zoning of 150Ha and 30Ha, and where the subdivision straddles the 30Ha.

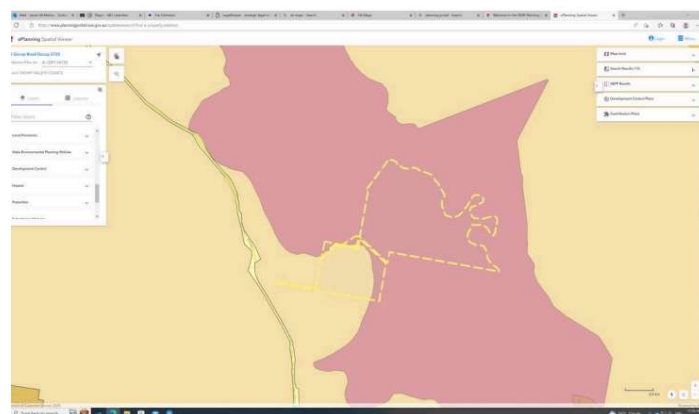


Figure 3 - Land Zoning Map Image Sourced Planning Portal, NSW.

Surrounding Precedent.

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

2 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.

Environmental Planning Instruments

Statutory Provisions

Pursuant to Section 4.15 (1)(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979 (EP&A Act) - any Environmental Planning Instrument/Draft Environmental Planning Instruments applying to the land:

The following Environmental Planning instruments apply to and the proposal assessed against-

- ✓ State Environmental Planning Policies;
- ✓ Tumut Shire Local Environmental Plan 2012;
- ✓ Snowy Valleys Council Development Control Plan 2024

3.2 State Environmental Planning Policies

The application has been considered with regards to the relevant provisions of applicable state environmental planning policies (SEPPs) as outlined and discussed below:

State Environmental Planning Policy (Sustainable Buildings) 2022

Not applicable as no erection of new dwellings is proposed within this proposal. Both lots would hold a building entitlement under the minimum lot size.

SEPP (Biodiversity and Conservation) 2021

Chapter 3: Koala Habitat Protection

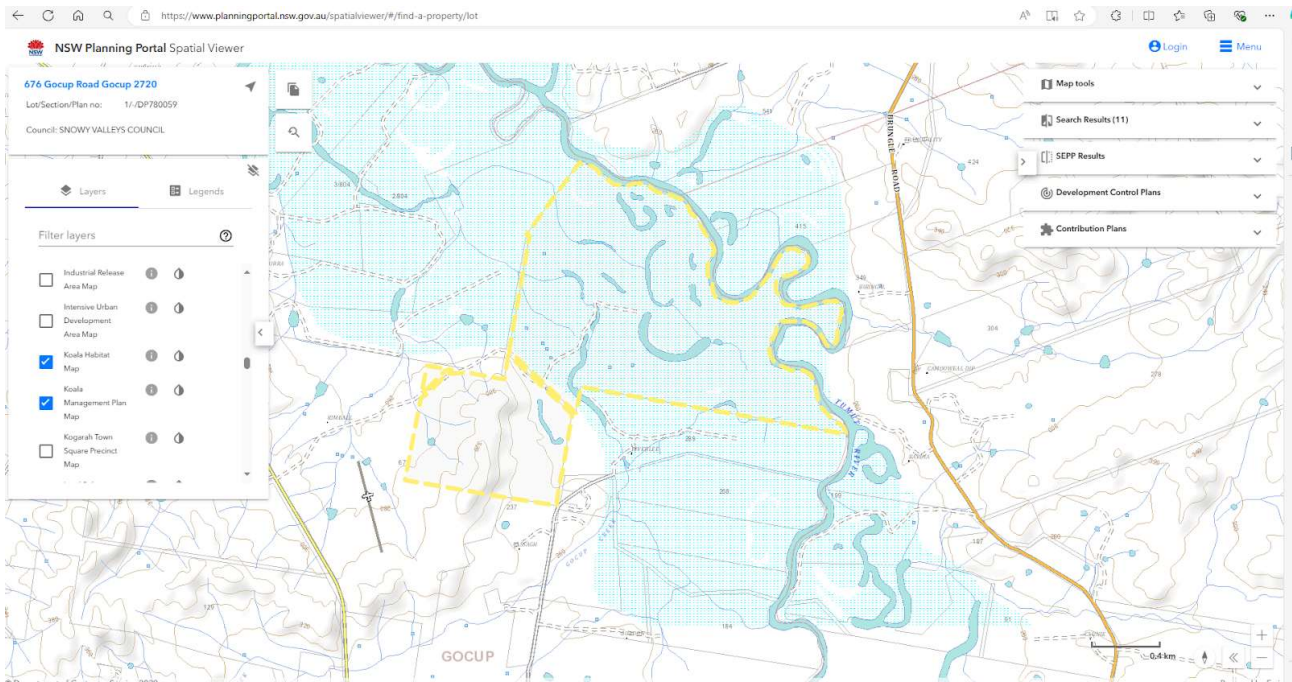
This chapter applies to Zone RU1 Primary Production. The proposal has been assessed against the requirements of Chapter 3 of the B&C SEPP (see Table below). It has been determined that the development would meet the requirements and objectives of the B&C SEPP as the cleared land is not considered to be core koala habitat and no further land clearing has been proposed as part of this application.

Chapter Three: Koala Habitat Protection 2020 Assessment

Question	Response	Outcome
Clause 3.5 - Does the development application apply to the whole, or only part, of the land— (i) has an area of more than 1 hectare, or (ii) has, together with adjoining land in the same ownership, an area of more than 1 hectare?	Yes	Assessment under B&C SEPP required.
Clause 3.6 - Is the land potential koala habitat? Note: ‘potential koala habitat’ are areas of native vegetation where trees of the types listed in Schedule 2 of the SEPP (feed tree species) constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.	Yes	The land is potential koala habitat, continue assessment.
Clause 3.7 - Is the land core koala habitat?	A desktop assessment undertaken on 29 July 2024 via NSW Planning Portal Spatial	The Land is 90% cleared, and historically a prime grazing operation. It would be fair to

	Viewer did not indicate the area to be Koala Habitat. Site investigations did note River red Gum present within the lower lying areas of the LoT which are types listed in Schedule 2 of the SEPP (feed tree species) but would not constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.	consider the proposal satisfactory under B&C SEPP, and that no clearing is proposed, no dwellings.
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Figure 3: Koala Habitat Map - Source: NSW Planning Portal Spatial Viewer



SEPP (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

Chapter 4 of the R&H SEPP applies to the site pursuant to clause 4.4 and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use to be carried out.

The subject site has historically operated as an agricultural, cattle and lamb grazing/breeding operation. A site inspection has not identified any animal dips, chemical storages or other potentially hazardous activities. Therefore, it is improbable that the site has encountered any known contamination, making it suitable for future residential use without the need for further assessment. The proposed development has been evaluated against the criteria outlined in Chapter 4 of the R&H SEPP, and it has been concluded that it meets the requirements and objectives of the R&H SEPP.

SEPP (Primary Production) 2021

Chapter 2 Primary Production and Rural Development

The aim of the State Environmental Planning Policy (Primary Production) 2021 is to primarily reduce land use conflict and ensure the orderly use of agricultural lands.

The aim of this Chapter are as follows—

- (a) to facilitate the orderly economic use and development of lands for primary production,*
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,*
- (d) to simplify the regulatory process for smaller-scale, low risk artificial water bodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,*
- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.*

The land has not been designated as state significant agricultural land. Given the size of the allotments, the subdivision aligns with the overall aims and objectives of the SEPP (Primary Production) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Subdivision 2 Development likely to affect an electricity transmission or distribution network

2.48 Determination of development applications—other development

NO electrical infrastructure or easements identified, as such, This section does not apply because the development comprises a subdivision that does not involve construction work within or immediately adjacent to an easement for electricity purposes, or immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line.

3.2 Tumut Shire Local Environmental Plan 2012

Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 requires the consent authority to consider the provisions of Environmental Planning Instruments (EPIs), which includes Local Environmental Plans (LEPs). The Tumut Local Environmental Plan 2012 (hereafter the 'LEP') applies to the northern part of the Snowy Valleys Local Government Area (LGA). An assessment of the development against the relevant sections of the LEP is provided below.

Tumut Local Environmental Plan 2012 (LEP)

3.2.1 Land Use Zones

This development is zoned RU1 – Primary Production.

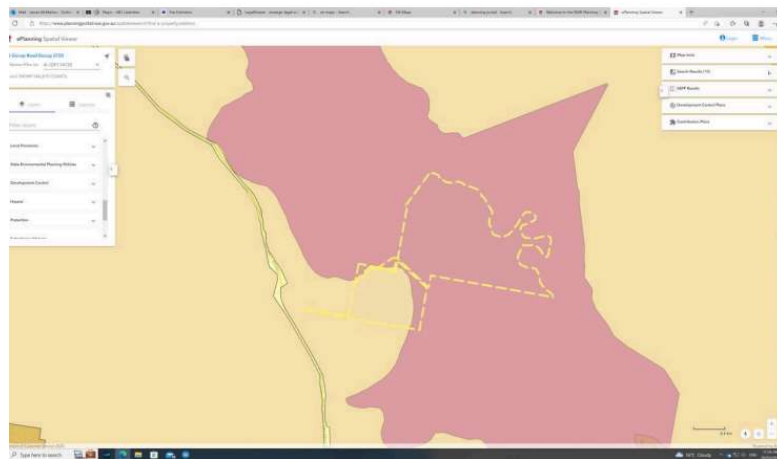


Figure 4-1 Land Zoning Map Image Sourced Planning Portal, NSW.

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 childcare 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

- **Clause 1.2 Aims of the Plan**

The development complies broadly with respect to the overall aims and objectives of the Tumut Local Environment Plan 2012.

- **Clause 1.4 Definitions**

The land is zoned as RU1 Primary Production under the Tumut Local Environmental Plan 2012. As defined within the RU1 Land Use Table, subdivisions are permissible with development consent of the Council.

The proposed development is defined as a One into two subdivision.

- **Clause 2.2 Zoning to which the Plan applies**

The land is zoned RU1 - Primary Production and subdivisions are permissible with the development consent of the Council.

- **Clause 2.3 Zone Objectives and Land Use Table**

The proposal complies with the overall objectives of the zone.

- **Clause 4.1 Minimum subdivision lot size**

The proposed subdivision intends to utilise the natural land contours and dual lot size zoning currently in place. The lot straddles both, minimum lot size of 150 hectares and minimum lot size of 30 hectares.

Proposed Lot 1 is above the minimum lot size being 191.86 hectares, effectively utilises the 150 hectares minimum.

Proposed Lot 2 meets the minimum lot size being 30 hectares.

The development is capable of compliance.

- **Clause 4.2 Rural Subdivision**

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow landowners a greater chance to achieve the objectives for development in the relevant zone. (2) This clause applies to the following rural zones:

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (baa) Zone RU3 Forestry,*
- (c) Zone RU4 Primary Production Small Lots,*
- (d) Zone RU6 Transition.*

(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 Lot Size Map in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

The development is capable of compliance.

•5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

(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).

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

- (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.*

(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—

- (a) subdivision of land proposed to be used for the purposes of a dwelling,*
- (b) erection of a dwelling.*

(4) The following matters are to be taken into account—

- (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).*

The existing and approved uses of land (rural residential and agriculture) in the vicinity of the development were considered through site inspection and analysis of records. The development is compatible with agricultural uses, as the current Kimbell farming operations are similar to the predominant and preferred land uses in the area. Additionally, the development is unlikely to significantly impact these land uses due to the lot sizes and the buffer distances provided by them.

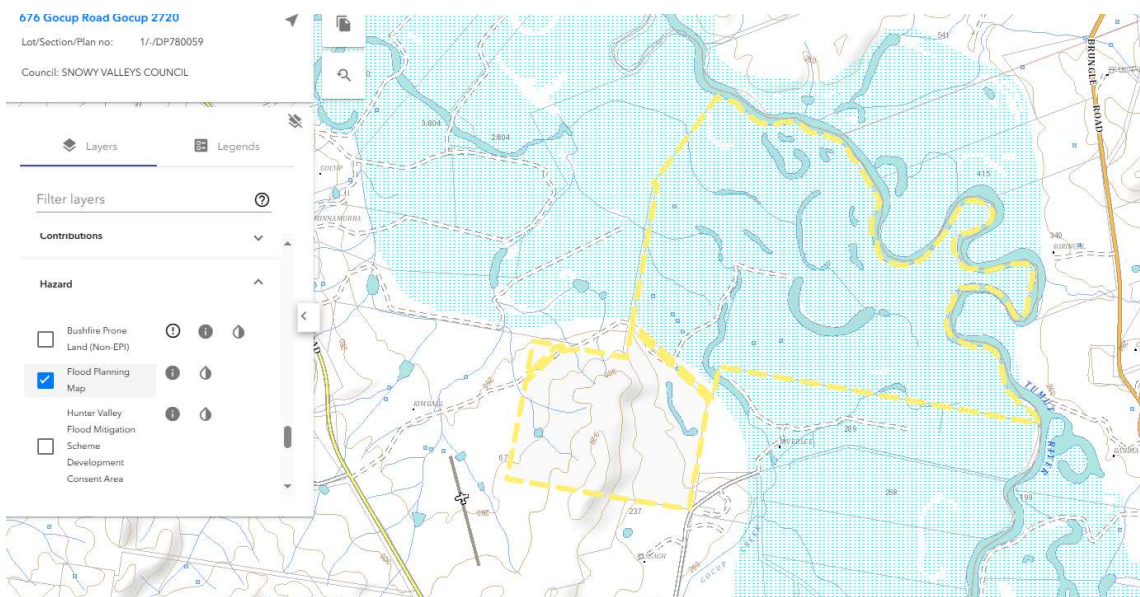
• Clause 5.21 Flood Planning

(1) The objectives of this clause are as follows—

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

The development is partially on land identified within the flood planning area as mapped by the LEP Flood Planning Map. Despite the proximity of the land to the Tumut River, there are areas of elevation of the land which are not susceptible to flooding including inundation during flood events due to the strong sloping topography of the site. This includes the proposed building envelopes, which are located on elevated sections of the site outside of known and historical flood limits on the land.

Figure 5 : Flood Planning Map - Source: NSW Planning Portal Spatial Viewer



Part 6 Additional local provisions

• 6.1 Earthworks

(1) The objective of this clause 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.

(2) Development consent is required for earthworks unless—

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note—

The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

No Earthworks are proposed. Not applicable.

• 6.2 (Repealed)

• 6.3 Terrestrial biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity by—

(a) protecting native fauna and flora, and

(b) protecting the ecological processes necessary for their continued existence, and

(c) encouraging the conservation and recovery of native fauna and flora and their habitats.

(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether the development is likely to have—

(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

(iv) any adverse impact on the habitat elements providing connectivity on the land, and

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

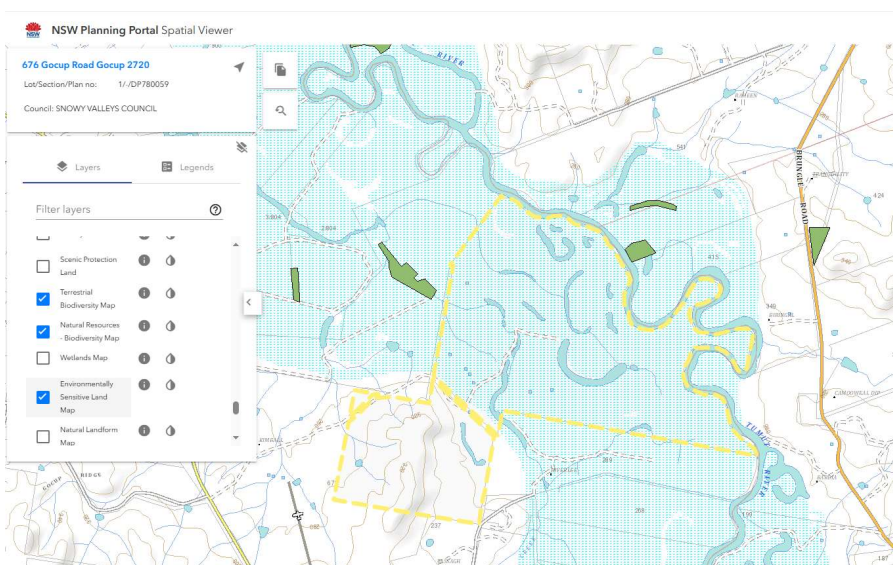
(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(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

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The land is not identified for Terrestrial Biodiversity.

Figure 6 : Terrestrial Biodiversity Map - Source: NSW Planning Portal Spatial Viewer



•6.4 Groundwater vulnerability

(1) The objectives of this clause are as follows—

(a) to maintain the hydrological functions of key groundwater systems,

(b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.

(2) This clause applies to land identified as “Groundwater Vulnerability” on the Groundwater Vulnerability Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—

(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),

(b) any adverse impacts the development may have on groundwater dependent ecosystems,

(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),

(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

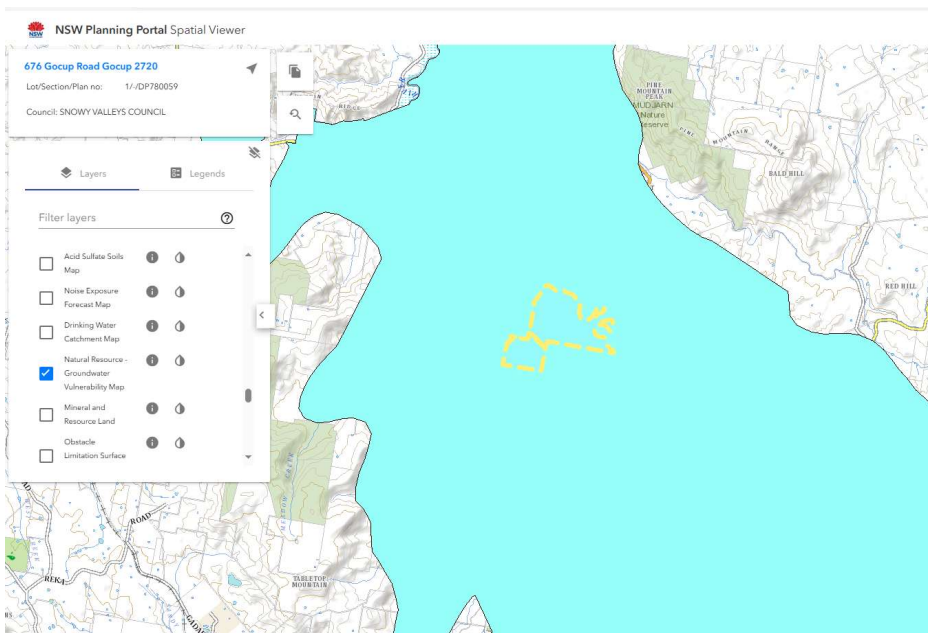
(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The site is identified on the Groundwater Vulnerability Map, and as future dwellings are proposed to satisfy the LEP provisions, A.C.S.T has undertaken assessment of the land for capability for the disposal of sewer and also groundwater vulnerability. Report attached to application.

Figure 7 : Groundwater Vulnerability Map - Source: NSW Planning Portal Spatial Viewer



•6.5 Riparian lands and watercourses

(1) The objective of this clause is to protect and maintain the following—

- (a) water quality within watercourses,
- (b) the stability of the bed and banks of watercourses,
- (c) aquatic and riparian habitats,
- (d) ecological processes within watercourses and riparian areas.

(2) This clause applies to all of the following—

- (a) land identified as “Watercourse” on the Riparian Lands and Watercourses Map,
- (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

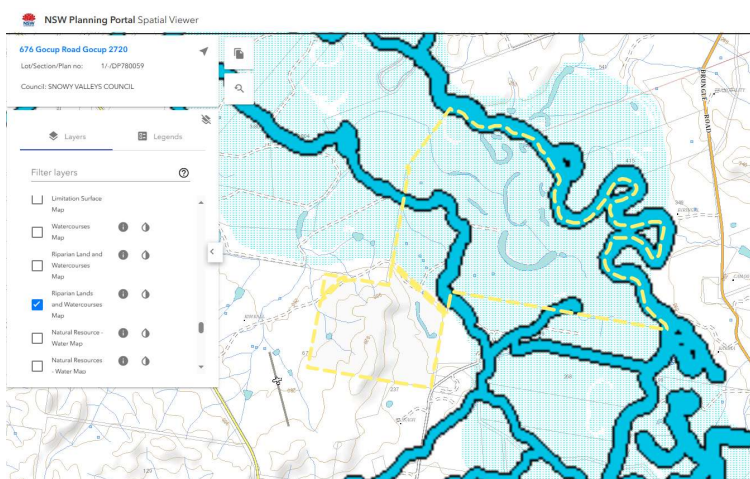
- (a) whether or not the development is likely to have any adverse impact on the following—
 - (i) the water quality and flows within the watercourse,
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and riparian areas, and
- (b) whether or not the development is likely to increase water extraction from the watercourse, and
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The development has land identified under this clause within the lower lying areas. The proposal is not expected to have any impact on the riparian land and watercourse given the application has proposed a subdivision of land. An assessment has been made in relation to Clause 6.5(3) and 6.5(4) and it is not expected that the development will have any likely impact on riparian lands and the watercourse associated with Tumut River and its tributaries.

Figure 7 : RL & W Map - Source: NSW Planning Portal Spatial Viewer



•6.6 Wetlands

- (1) The objective of this clause is to ensure that wetlands are preserved and protected from the impacts of development.*
- (2) This clause applies to land identified as “Wetland” on the Wetlands Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—*
 - (a) whether or not the development is likely to have any significant adverse impact on the following—*
 - (i) the condition and significance of the existing native fauna and flora on the land,*
 - (ii) the provision and quality of habitats on the land for indigenous and migratory species,*
 - (iii) the surface and groundwater characteristics of the land, including water quality, natural water flows and salinity, and*
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

6.7 Salinity

- (1) The objective of this clause is to provide for the appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.*
- (2) This clause applies to land identified as “Saline land” on the Salinity Map.*
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following—*
 - (a) whether the development is likely to have any adverse impact on salinity processes on the land,*
 - (b) whether salinity is likely to have an impact on the development,*
 - (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Not applicable

•6.8 Landslide risk

(1) The objectives of this clause are to ensure that development on land susceptible to landslide—

(a) matches the underlying geotechnical conditions of the land, and

(b) is restricted on unsuitable land, and

(c) does not endanger life or property.

(2) This clause applies to land identified as “Landslide risk land” on the Landslide Risk Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following matters to decide whether or not the development takes into account the risk of landslide—

(a) site layout, including access,

(b) the development’s design and construction methods,

(c) the amount of cut and fill that will be required for the development,

(d) waste water management, stormwater and drainage across the land,

(e) the geotechnical constraints of the site,

(f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development will appropriately manage waste water, stormwater and drainage across the land so as not to affect the rate, volume and quality of water leaving the land, and that—

(a) the development is designed, sited and will be managed to avoid any landslide risk or significant adverse impact on the development and the land surrounding the development, or

(b) if that risk or impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that risk or impact, or

(c) if that risk or impact cannot be minimised—the development will be managed to mitigate that risk or impact.

Not applicable

•6.11 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.

The development is capable of being able to access electricity. Provision of electrical infrastructure is located within close proximity to the development and telecommunications are available for connection within proximity of the land. An application for a notice of arrangement through Essential Energy will be provided to achieve the Subdivision Certificate. Static water supplies will be required for the purposes of providing water to the development as reticulated water is not available due to the location of the proposal. A land capability study was completed in July 2024 by A.S.C.T Pty Ltd in support of the application which has identified that the land is capable of disposal of sewerage. Access is achievable via the already established Gocup Farms road, new entrances will be sort via Road opening Permit.

3.4 Development Control Plans

3.4.1 Snowy Valleys Council Development Control Plan 2024

Pursuant to section 4.15 (1)(a)(iii) – any development control plans applying to the land. The application has been assessed in accordance with provisions of the Snowy Valleys Council Development Control Plan 2024 (DCP) that applies to the land: The controls relating to Subdivisions in the RU1 Primary Production and requirements relating to all development are the most relevant and will be utilised for the assessment of the application.

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
Chapter 3 Requirements applying to all types of development			
3.2.1	Vehicle Access Standards	The proposal will utilise existing formed road Gocup Farms road. New entrances are proposed and Approval for access on Council public roads requires approval under the Roads Act 1993, so may be subject to Road Opening Permit.	Complies subject to conditions
3.2.2	Bushfire	The land is mapped as bush fire prone land, and the development must comply with the relevant NSW Rural Fire Service Planning for Bushfire Protection Guidelines. Ember Bushfire Consulting undertook assessment in July 2024. Report submitted in support of this application.	Complies subject to RFS
3.2.3	Car Parking	Sufficient car parking can be accommodated.	Complies
3.2.4	Building over Council Land and Services	Not Applicable	Not applicable
3.2.5	Contaminated Land	Kimbell has a history associated with agricultural use including livestock grazing. A site inspection has not identified any animal dips, chemical storages or other potentially hazardous activities on the land. It is therefore unlikely that the site has experienced any known contamination. As such, the site is considered suitable for any future residential use in terms of contamination risk and further assessment is not necessary.	Complies
Clause	Prescriptive Control /	Commentary	Compliance

	Performance Standard		
3.2.6	Cut and Fill	No cut and fill is proposed as part of the application for subdivision.	Not applicable
3.2.7	Demolition	No demolition is proposed as part of the application for subdivision.	Not applicable
3.2.8	Development Near Electrical Easements	No development near electrical easements is proposed as part of the application for subdivision.	Complies
3.2.9	Erosion and Sediment Control	Access connection to a public road is required to be upgraded. ESCP will be provided and addressed as part of S138.	Complies subject to conditions
3.2.10	Flooding	The development is on land considered to be within the Flood Planning Map. Despite the proximity of the land to the Tumut River, the low levels of the land immediately adjacent to the river are subject to flooding; however , both building envelopes proposed are not susceptible to flooding given their elevation.	Complies subject to conditions
3.2.11	Heritage	The land is not identified as heritage	Not applicable
3.2.12	Landscaping	No landscaping is proposed as part of this development.	Not applicable
3.2.13	Onsite Wastewater Management	Dwelling envelopes have been identified on proposed Lots 1 and 2. A geotechnical analysis in the form of a land capability assessment has been prepared by the applicant which identifies that the land is capable of disposal of sewer by on-site sewer management.	Complies
3.2.14	Provision of Services	The provision of services such as electricity are available within the area for connection. No water or sewer reticulation is available and therefore will require on-site static supplies and on-site sewage disposal (subject to a section 68 of the Local Government Act 1993 approval).	Complies subject to conditions
Clause	Prescriptive Control / Performance Standard	Commentary	Compliance

3.2.15	Retaining Walls	The application does not seek to provide any retaining of earth as part of the subject application.	Not applicable
3.2.16	Safer by design	These controls relate to buildings and site design. The subject application seeks consent for the purposes of subdivision only.	Not applicable
3.2.17	Stormwater / roof water management	These controls relate primarily to buildings. The subject application seeks consent for the purposes of subdivision only.	Not applicable
Chapter 9.0 Subdivisions			
	Subdivision Objectives	These controls relate more broadly to all types of subdivisions. The development is considered to be in accordance with the overall broader objectives of the controls.	Complies
Chapter 9.8 Rural Subdivisions			
9.8.1	General considerations	• the proposal is consistent with the rural character of the locality • No disturbance to the rural landscape and the environment is likely • the environmental capabilities of the land are sufficient to support the proposal. • soil erosion is considered negligible • servicing the development can be achieved • The proposal improves the usage of the land where fragmentation of rural land • surface and ground water pollution is addressed • the risk of bushfires or flooding has been addressed. • legal and physical access to a road maintained by Council, can be achieved • the creation of vehicular access points to major roads, can be achieved • protection of prime agricultural land for long term sustainable production In considering the subdivision proposal Council will consider how: The proposal seeks to meet and improve this. • 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. Compliant.	Complies subject to conditions

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
9.8.2	Adjoining development	This proposal seeks Subdivision Only. Any future development would need 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. From inspection, adjoining land uses appear to be grazing and other agricultural pursuits. No intensive agricultural pursuits are in operation.	Complies
9.8.3	Fencing	Existing fencing is proposed to be utilised for the purposes of the new lot arrangements	Complies
9.8.4	Lot size, shape and orientation	The proposed orientation and shape of the allotments complies with the controls identified within the relevant controls of the clause.	Complies
9.8.5	Natural Hazards and Risks	The site is mapped as being bushfire prone. The application is supported by an assessment undertaken by EMBER Bushfire Consulting, the submission is to be referred to the Rural Fire Service under section 100B of the Rural Fires Act 1997. Some of the property, adjacent to the Tumut River, is subject to flooding but the majority of the property is flood free. Any building envelopes have been sited on flood free elevated lands.	Complies subject to conditions
9.8.6	On-site sewer wastewater management	A geotechnical report - land capability assessment has been submitted with the application by McMahons Earth Sciences dated July 2024 which identifies that the land is capable of disposal of on-site sewer wastewater.	Complies subject to conditions

Clause	Prescriptive Control / Performance Standard	Commentary	Compliance
9.8.7	Roads and Access	The application proposes that access be via Gocup Farms Road. Construction of which will subject to conditions	Complies subject to conditions
9.8.8	Rural Addressing	An application to Council for Rural Addressing will be made should the application be supported. Rural addressing is capable of being supplied in accordance with Council Policy and the Australian Standard.	Complies
9.8.9	Services	The provision of services such as electricity are available within the area for connection. No water or sewer reticulation is available, and therefore will require on-site static supplies and on-site disposal.	Complies subject to conditions
9.8.10	Water Supply	Reticulated water is not available to the site and accordingly any water requirements will be required to be met via on-site static water supply (i.e. tanks)	Complies

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 2024;
- ✓ 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: 12/08/2024