



STATEMENT OF ENVIRONMENTAL EFFECTS FOR

a proposed 1 into 2 Lot Torrens Title Subdivision of
869 Gloucester Tops Road, Berrico NSW 2422 (Lot 4
DP1302194)

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EXECUTIVE SUMMARY

Tailored Town Planning Services (Tailored TPS) has been engaged by the client, John and Sally Higgins, to prepare a Statement of Environmental Effects (SoEE) for a proposed 1 into 2 Lot Torrens Title Subdivision at 869 Gloucester Tops Road, Berrico NSW.

The proposed development is located within the MidCoast Local Government Area (LGA) and therefore is to be submitted to Midcoast Council for assessment.

The proposal will not create any adverse environmental, social or economic impacts to the immediate and surrounding site.

This SoEE has demonstrated that the proposed development is consistent with the relevant planning framework. This SoEE will expand on the relevant planning framework to assist MidCoast Council in completing a detailed assessment on the proposed development.

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1 INTRODUCTION

1.1 INTENT OF STATEMENT

This Statement of Environmental Effects (SOEE) has been prepared by Tailored TPS and is to accompany a Development Application (DA) to MidCoast Council for a proposed 1 into 2 Lot Torrens Title Subdivision at 869 Gloucester Tops Road, Berrico NSW.

This SoEE has been prepared in coordination with the client and sub-consultants to demonstrate the relevant matters associated with the proposed development. The SoEE seeks to provide all the relevant data to give a suitable level of clarity and certainty to the consent authority that the proposal has a positive impact on the immediate and surrounding built and natural environment.

It has been prepared on behalf of the client and addresses the matters referred to in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), and the matters required to be considered by the consent authority.

This SoEE aims to:

- Describe the existing environment to which the DA relates, including the character of the immediate and surrounding area;
- Describe the proposed development;
- Outline the statutory planning framework within which the DA is assessed and determined; and
- Assess the proposed development in considering the relevant heads of consideration (Section 4.15 of the EP&A Act 1979).

1.2 SITE LOCATION DETAILS AND CHARACTERISTICS

The subject site of this DA can be legally identified as Lot 4 DP1302194. Gloucester Tops Road transects the property, with the vast portion of land situated to the south of Gloucester Tops Road. The property is approximately 1008ha in size.

The property consists of both cleared and densely vegetated land, as demonstrated in Figure 1 below.

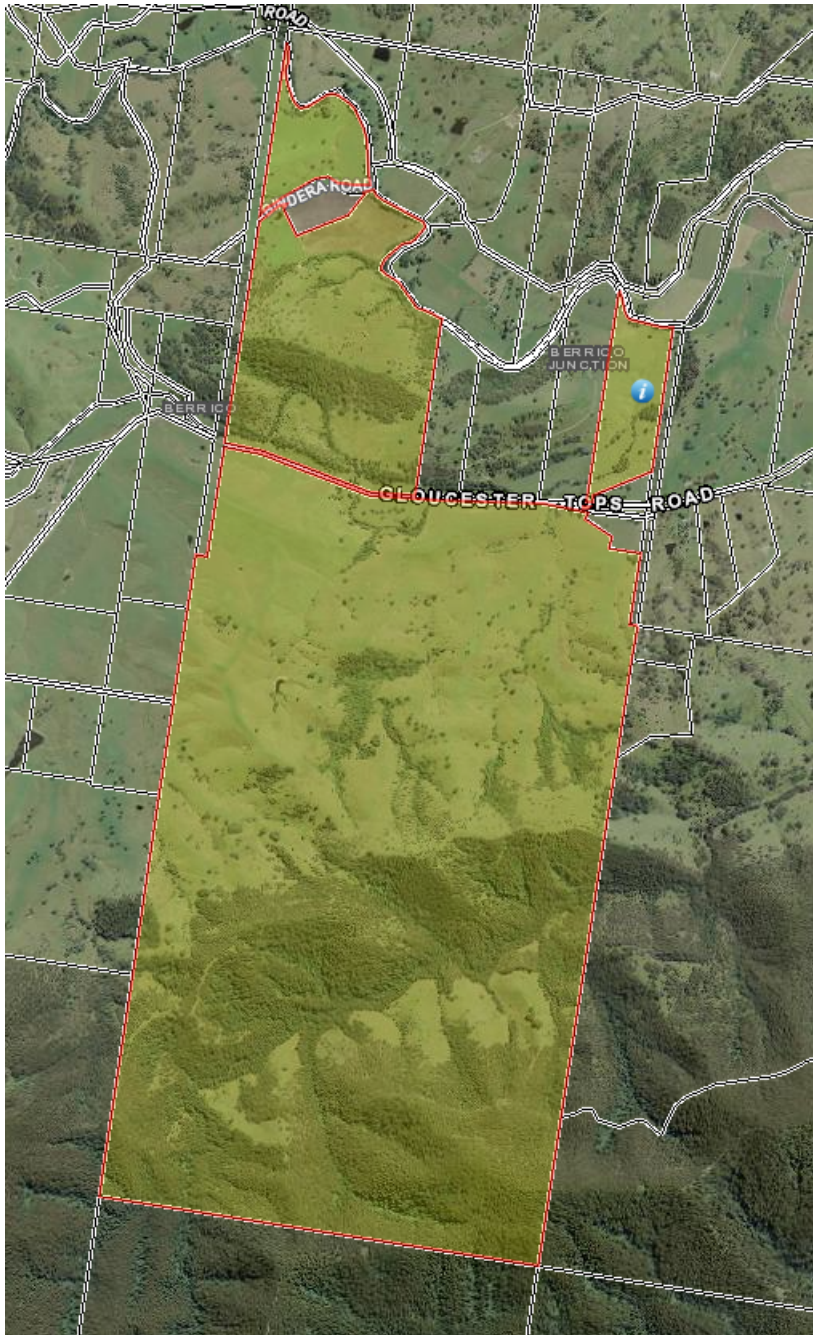


Figure 1 - Aerial of the subject site (SixMaps)

Figure 2 – Proposed subdivision plan

The subdivision is proposing Lot 41 and Lot 42, with Lot 41 being approximately 430ha in size and consisting primarily of vegetated land. Access to proposed Lot 41 is via a Crown owned Travelling Stock Route (TSR) which consent has been requested. This TSR can be identified as Lot 7007 DP1026832.

Proposed Lot 42 is 577ha and consists of primarily cleared land with Gloucester Tops Road transecting the property.

Given the desire to minimise fragmentation of the agriculturally usable land, the proposed subdivision consists of a battle-axe shape for proposed Lot 41. This Lot incorporates majority of the vegetated land with a battle-axe handle and associated area for a dwelling while utilising the existing TSR for access.

Both lots are well above the minimum lot size and provide future opportunity.

2.2 SUPPORTING DOCUMENTATION

This application is supported by the following documentation:

- Proposed subdivision plan
- Bushfire Threat Assessment
- Owners consent

3 STATUTORY CONSIDERATIONS

The following Acts and planning instruments are relevant to the proposed development and subject site.

3.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following Sections (3 & 4) demonstrate the proposal's compliance with the relevant heads of consideration in Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), in particular:

(a) the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) (Repealed)

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.

3.2 OTHER ACTS

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development under Clause 4.46 of the Act. Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Table 1 - Integrated Development

Legislation	Referral Required?
Fisheries Management Act 1994	No
Heritage Act 1977	No
Coal Mine Subsidence Compensation Act 2017	No
Mining Act 1992	No
National Parks and Wildlife 1974	No
Petroleum Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	Yes
Water Management Act 2000	No

Overall, the proposal requires authorisation under 100B of the Rural Fires Act 1997, and is therefore deemed Integrated Development.

3.3 LOCAL ENVIRONMENTAL PLAN

The subject site is currently governed by the Gloucester LEP 2010, however it is noted that a Draft Midcoast LEP has been prepared and recently come off exhibition.

Draft Local Environmental Plan

Under the Draft Midcoast LEP, the subject site is proposed to become a split zone consisting of RU1 Primary Production with a proposed minimum lot size of 100ha, and RU2 Rural Landscape with a proposed minimum lot size of 60ha.

Both of these proposed zonings and minimum lot sizes will not prohibit the proposed subdivision, and as such, the proposed development is in-keeping with the Draft LEP.

Gloucester Local Environmental Plan 2010

As noted below, the site is currently zoned RU1 Primary Production under the Gloucester Local Environmental Plan 2010 (LEP).

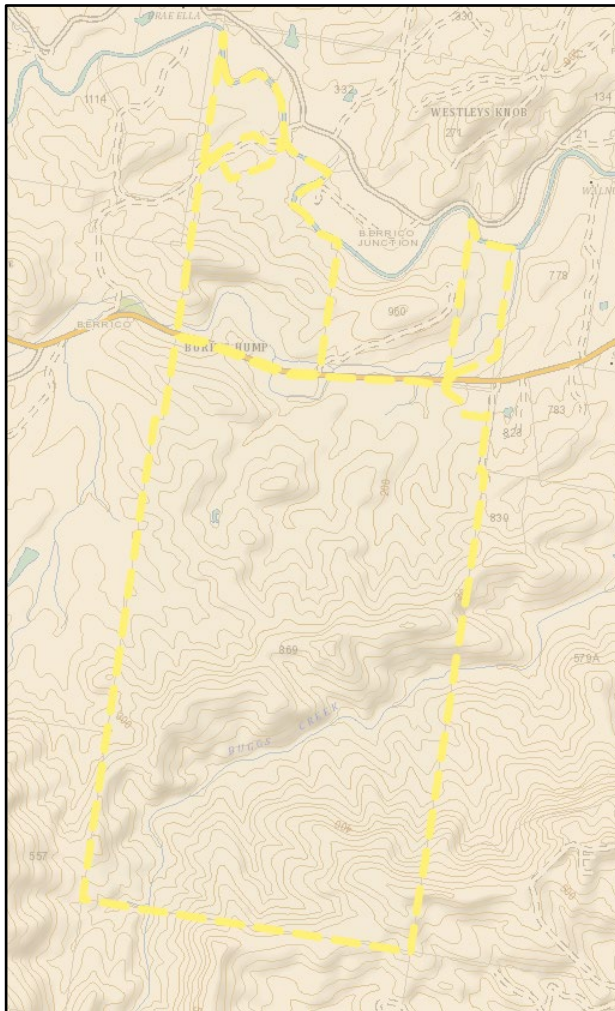


Figure 3 - Land Use Zone Map (NSW Planning Portal)

It is considered that the proposed 1 into 2 lot subdivision is a suitable and compatible use of the property. The subdivision provides agricultural opportunity by minimising the fragmentation of cleared grazing lands.

Clause 4.1 Minimum Lot Size

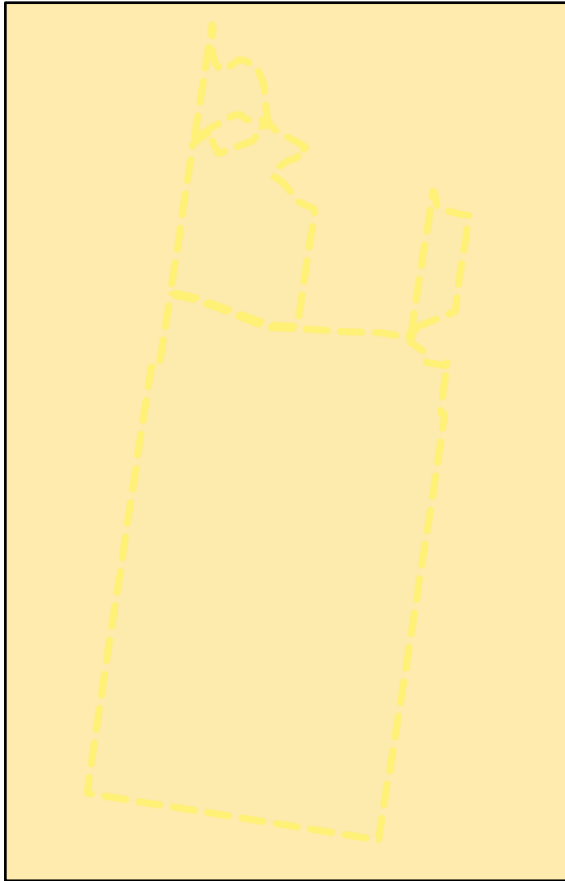


Figure 4 - Minimum Lot Size map (NSW Planning Portal)

The subject site has a minimum lot size of 100ha. The proposed Lots consists of 577ha and 430ha, and therefore comply with the minimum lot size.

Clause 4.2 Rural Subdivision

N/A given the proposal meets the minimum lot size requirements.

Overall it is considered the proposed subdivision meets the relevant LEP clauses.

3.4 DEVELOPMENT CONTROL PLAN

The Gloucester Development Control Plan (DCP) applies to the site and development. The relevant controls and a response to each have been provided below.

Section 4.4 Subdivision

The proposed subdivision layout provides ample opportunity for a dwelling to meet the required setbacks, being 75m front and 50m side and rear, within proposed Lot 42. Given the desire to minimise fragmentation of the agriculturally usable land, the proposed subdivision consists of a battle-axe shape for proposed Lot 41. This Lot incorporates majority of the vegetated land with a battle-axe handle and associated area for a dwelling while utilising the existing TSR for access. The building envelope identified on the proposed subdivision plan is within an area of 160m by 160m, which can easily support the required setbacks. The proposed subdivision plan demonstrate that dwelling opportunities are readily available within both proposed Lot 41 and Lot 42. It should be noted that any future development on either Lot will be subject to its own assessment.

Access to proposed Lot 42 will be via direct access to Gloucester Tops Road. Access to proposed Lot 41 will be via an existing Travelling Stock Route (TSR) which currently provides access to neighbouring Lot 123 DP753209. It is requested that electricity supply to proposed Lot 41 be via alternate supply given then distance to the nearest infrastructure.

The subject site is identified as bushfire prone. As such, a bushfire assessment has been undertaken to support this DA. The assessment concludes that the development can meet the PBP 2019.

Overall it is considered that the proposed development meets the general controls and objectives of the Gloucester DCP.

4 LIKELY IMPACTS OF DEVELOPMENT

Further to Section 3 above, assessment of Section 4.15 – (1) Matters for consideration of the Environmental Planning and Assessment Act 1979 is continued below:

4.1 CONTEXT AND SETTING

The proposed development demonstrates consistency with the use of the site, and surrounding locality and development. It has also shown to be consistent with the applicable planning tools and legislation. Overall, it is considered that the proposed subdivision will not detract from the existing environment and is therefore considered a suitable use of the site.

4.2 VISUAL IMPACT

Negligible impact created by a subdivision of land. The location of future development will be subject to its own assessment, however given the vast area of land for both proposed Lots, it is considered that visual impact will be negligible and could be mitigated should it pose any neighbouring concerns. Further, the proposed subdivision meets the minimum lot size and has demonstrated that there is sufficient land for future development to meet all required LEP and DCP controls.

4.3 ENVIRONMENTAL IMPACT

Some vegetation will be required for removal to facilitate the internal fence line. The proposed subdivision however has been designed to follow the existing vegetation line to minimise environmental impact as much as possible.

As demonstrated by Figure 5 below, the site contains biodiversity values, however, the subdivision has been designed to minimise impact on these biodiversity values. Overall the environmental impact of the development is considered negligible.

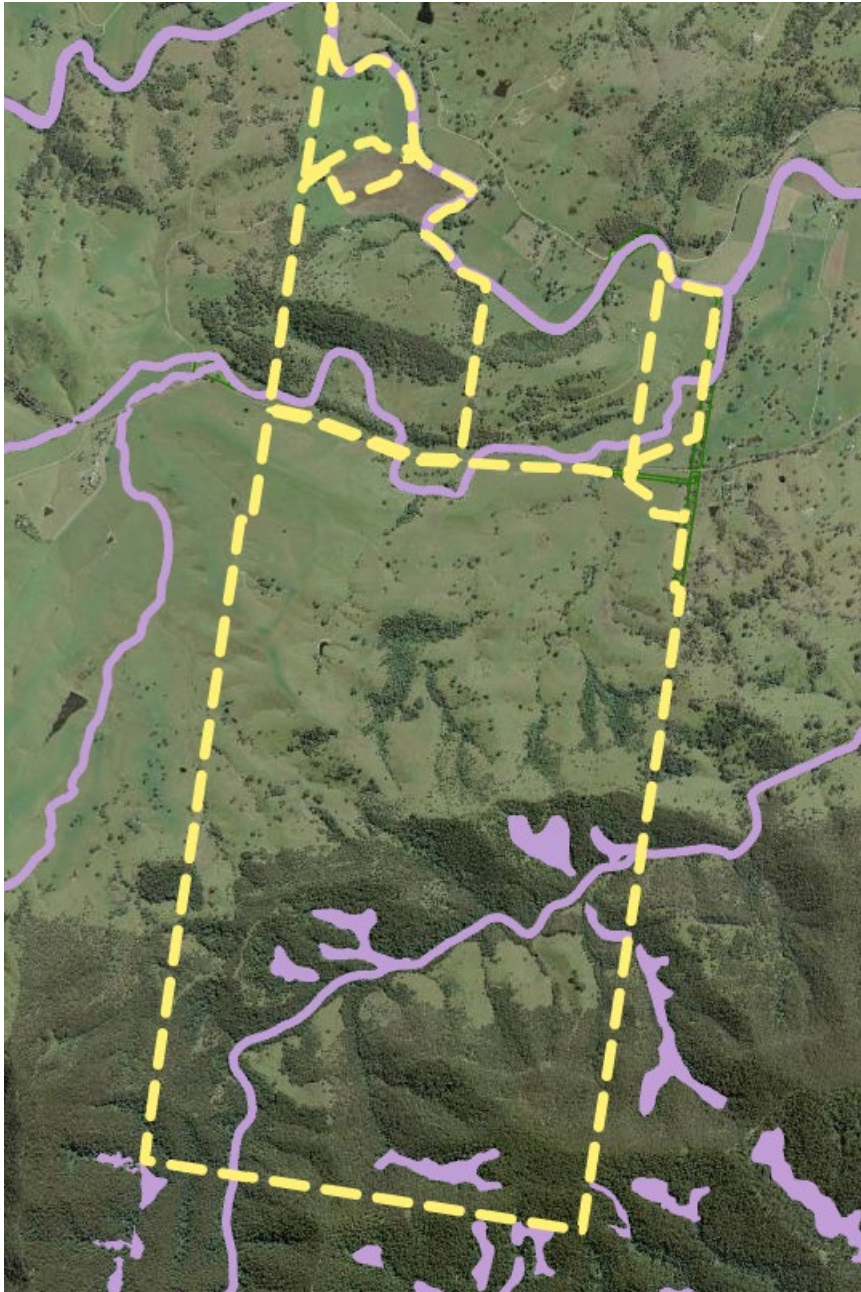


Figure 5 - Biodiversity Values Map (NSW Planning Portal)

4.4 BUSHFIRE THREAT

The subject site is identified as being bushfire prone. As such, a bushfire threat assessment has been undertaken for the proposed subdivision. This has been submitted as part of the DA.



Figure 6 - Bushfire Prone Land Map (NSW Planning Portal)

Overall, the bushfire threat assessment concluded that a dwelling could be safely constructed on both proposed lots 41 and 42 without significant bushfire threat and ensuring compliance with the Planning for Bushfire document.

4.5 ACCESS

Access to proposed Lot 42 will be via direct access to Gloucester Tops Road. Access to proposed Lot 41 will be via an existing Travelling Stock Route (TSR) which currently provides access to neighbouring Lot 123 DP753209. This TSR can be identified as Lot 7007 DP1026832. Consent for the use of this has been sought by the Crown.

4.6 HERITAGE AND ARCHAEOLOGICAL IMPACT

No known Aboriginal artefacts or European historical significance have been identified on the site or within close proximity.

4.7 MINE SUBSIDENCE IMPACT

The site is not located within a mine subsidence district.

4.8 SOCIAL AND ECONOMIC IMPACT

The proposed development is not considered to produce any adverse social or economic impact on the locality. The site is reasonably remote and situated within a rural locality.

4.9 SITE SUITABILITY

The proposed development is a suitable use of the site given its permissibility under the current zone and use of the site. It is also considered appropriate given the layout of the proposal which provides one lot of a 'bush retreat' containing biodiversity values, and the other lot the more versatile agricultural land.

4.10 PUBLIC INTEREST

The proposed subdivision is permissible under the LEP. This SoEE has addressed any relevant concerns and therefore the proposal is considered to be within the public interest.

4.11 PUBLIC DOMAIN

The proposed development will not have a noticeable impact on any public domain.

4.12 CONSULTATION

Notification will be undertaken in accordance with Council policy as relevant.

5 CONCLUSION

This SoEE has been prepared to accompany a development application to Mid-Coast Council for a proposed 1 into 2 Lot Torrens Title Subdivision at 869 Gloucester Tops Road, Berrico NSW.

The proposed development will not create adverse environmental, social or economic impacts, and will in fact provide a well-coordinated and justifiable development of the site and existing use of the site.

Overall, the proposal is consistent with the relevant planning framework and should be supported by Council.



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