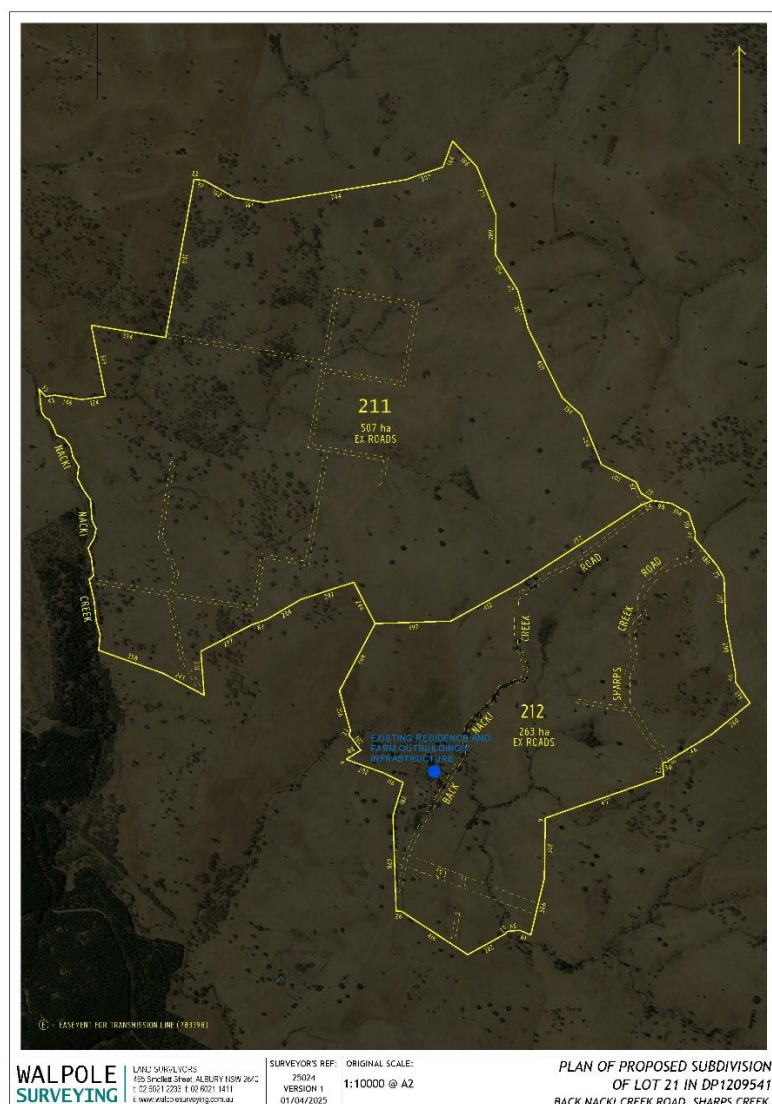


STATEMENT OF ENVIRONMENTAL EFFECTS

APPLICATION SEEKING APPROVAL FOR A 2 LOT SUBDIVISION

LOT 21 DP 1209541
242-374 BACK NACKI CREEK ROAD, SHARPS CREEK

OWNER: A C & E McDougall



Garret Barry Planning Services Pty Ltd
May 2025

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1 INTRODUCTION

1.1 The Proposal

This application is for development consent for a 2 lot subdivision on land at Lot 21 DP 1209541, 242-374 Back Nacki Creek Road, Sharps Creek. (See Subject Land in Figure 1). The subdivision is for rural purposes, although a dwelling exists on proposed Lot 212 and proposed Lot 211 will continue to operate as a large rural parcel for agricultural purposes – no dwelling is proposed as part of the application. Any proposal for a dwelling would need to be the subject of a subsequent DA.

The subject land is zoned RU1 Primary Production and has a minimum lot size of 150ha. The proposed lots will exceed 150ha in size.

The proposed boundary follows existing fence lines.

The subject land is agricultural land and is mostly cleared of native vegetation. 1 dwellings and a number of farm sheds are located on the land.

Access will be provided to the lots via Back Nacki Creek Road

Proposed lot 212 has telecommunications and electricity connections available. Proposed lot 211 is vacant and of significant rural proportions – it is considered connection of services to this lot is not required.

The application is permissible with consent and complies with the minimum lot size for the land. The development is integrated development as a S110B Bush Fire Safety Authority is required from the NSW Rural Fire Service.

2 SITE ANALYSIS

2.1 Existing Development

2.1.1 Existing development on the site

The subject land consists of one lot, being Lot 21 DP 1209541.

That lot has a total area of 770.5 ha.

The land is predominantly cleared of native vegetation. A number of watercourses cross or adjoin the subject land.

1 dwelling and a number of farm sheds are located on the land. The dwelling is connected to the electricity grid.

2.1.2 Existing development surrounding the site

The land is bordered to the north and east by similar sized agricultural land and to the west and south by land used for forestry purposes.

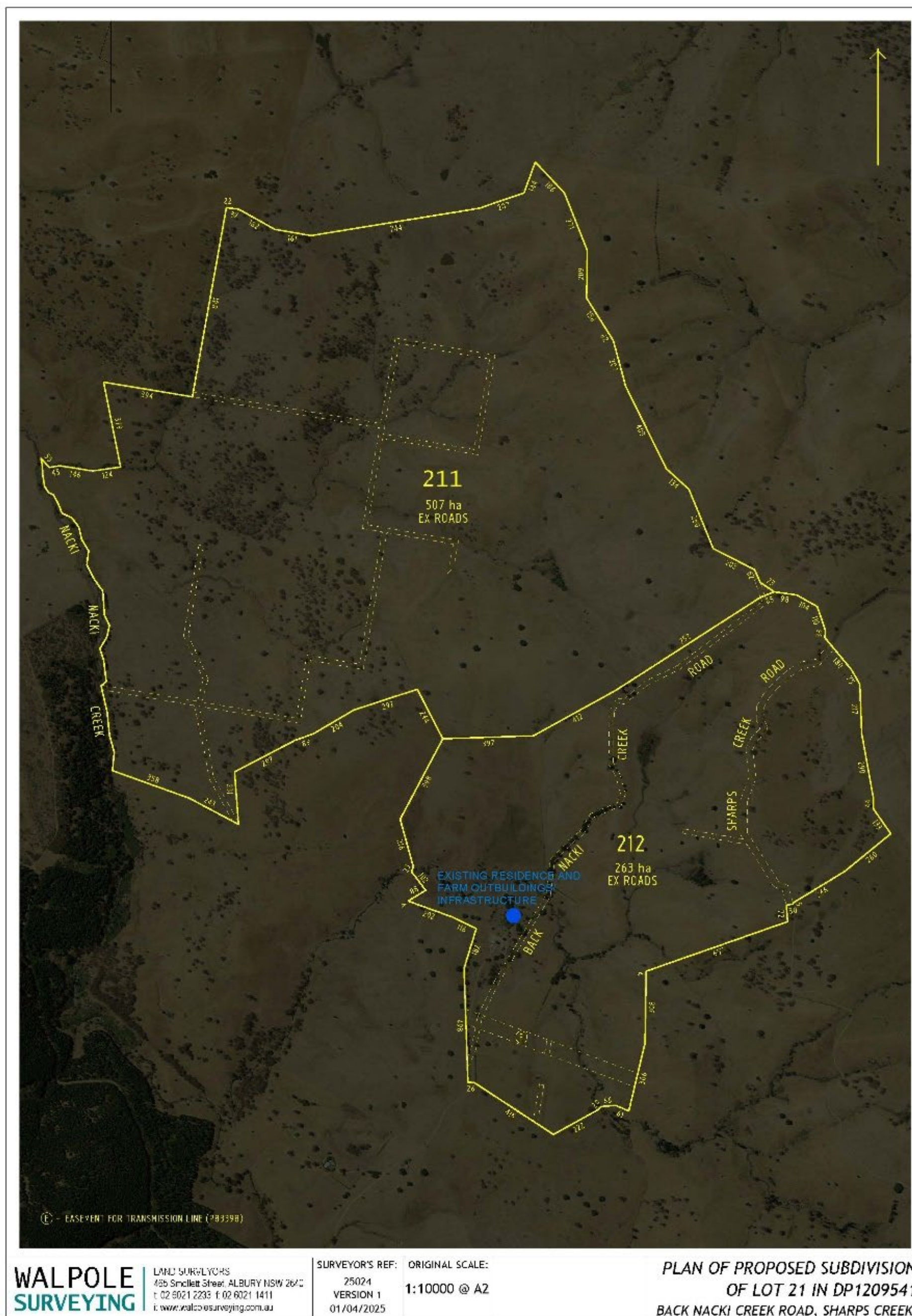


Figure 2: Proposed subdivision plan.

2.2 Services

2.2.1 Water

The lots are not connected to reticulated water. Existing and any future dwellings will rely on water tanks for potable water supply.

2.2.2 Sewer

The lots are not connected to reticulated sewer. Existing and any future dwellings will rely on on-site effluent disposal systems.

2.2.3 Road Access

Existing access is available from Back Nacki Creek Road .

2.2.4 Telecommunications

Wireless broadband is available to the site.

2.2.5 Power

Overhead power exists on the site and can be extended to the proposed vacant lot 211. As no development requiring power is proposed for lot 211 in this application, it is considered sufficient for Council to condition that the applicant furnish a Notice of Arrangement from Essential Energy as a condition of release of the subdivision certificate. This will ensure any requirements of Essential Energy have been met.

2.3 Natural Resources

2.3.1 Topography and Soils

Topography

Rolling hill country, undulating to steep with several ridges through the site.

Soils

Decomposed granite and basalt, well drained, chocolate soil. Good quality grazing land.

2.3.2 Vegetation and Fauna

The property is extensively cleared and long established for grazing agriculture. Scattered paddock trees remain and small clumps of native vegetation. No further vegetation assessment is warranted given no proposal to effect any further clearing as part of this application

2.3.3 Perennial Streams

Much of the land is upper catchment. The site general drains via non-perennial gullies to Sharps Creek (which runs east-westerly through the site) and to the west to Back Nacki Creek (which runs north-south along the western boundary of the site). Sharps Creek runs into Back Nacki Creek.

3 COMPLIANCE WITH RELEVANT LEGISLATION

3.1 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* outlines the processes for biodiversity assessments, approvals and offsets where required. The Act also defines biodiversity values. As shown on the map below, one watercourse crossing the site is included on the Biodiversity Values Map.

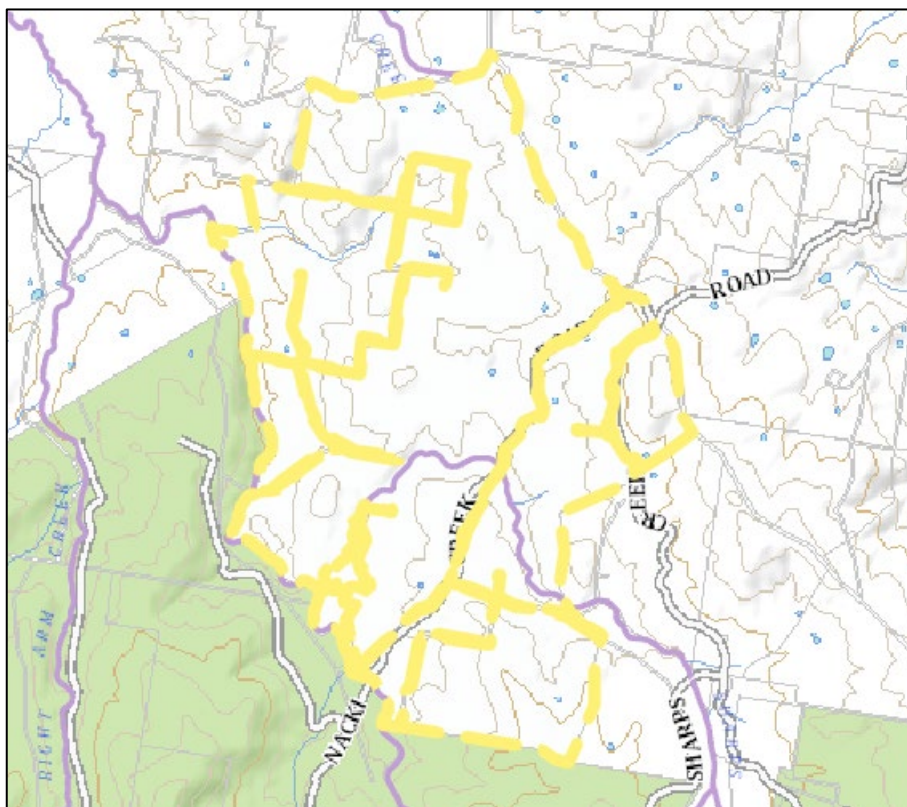


Figure 3: Purple area shows biodiversity values mapped over the subject land as of the date of this report.

The proposed subdivision boundary does not cross the mapped area.

The Act also provides a Biodiversity Offset Scheme that is triggered when clearing exceeds the biodiversity offset threshold. Where development involves clearing that exceeds the threshold, a Biodiversity Development Assessment Report (BDAR) is required.

The proposal does not involve any clearing of vegetation and therefore does not exceed the threshold and a BDAR is not required.

3.2 National Parks and Wildlife Act 1974

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) states that it is an offence to harm or desecrate an Aboriginal object unless authorised by an Aboriginal Heritage Impact Permit.

A due diligence assessment has been undertaken for the site...

Based on the due diligence assessment, the proposal does not require a permit to destroy. No works likely to disturb any Aboriginal heritage are proposed

3.3 Environmental Planning and Assessment Act 1979

3.3.1 Section 4.5 – Designation of consent authority

Pursuant to clause 4.5(d) of the EPA Act, the proposal is local development with Council the consent authority.

3.3.2 Section 4.10 – Designated development

Clause 4.10 defines designated development as development that is declared by an environmental planning instrument or the regulations as designated development. The development is not declared by any environmental planning instrument as designated development.

3.3.3 Section 4.13 – Consultation and concurrence

Section 4.13 provides for an environmental planning instrument to identify where consultation or concurrence is required before determining a development application. There are no consultation or concurrence requirements for the development under any relevant environmental planning instrument.

3.3.4 Section 4.15 – Evaluation

The following matters are relevant to the proposal under section 4.15 of the EPA Act. Detailed assessment against each of these matters is provided in Section 5 of this SEE.

State Environmental Planning Policies

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021

Local Environmental Plans

- Tumut Local Environmental Plan 2012

Draft Environmental Planning Instruments

Nil.

Development Control Plans

Snowy Valleys Development Control Plan 2024

Planning Agreements

Nil

Environmental Planning and Assessment Regulation 2000

Nil

Impacts on the built environment

The development will have no impact on the built environment.

Impacts on the natural environment

The development will have no significant impacts on the natural environment.

Social and economic impacts

The proposal will have no significant social and economic impacts.

Suitability of the site

The site is suitable for the development as the existing commercial scale agricultural uses can continue. The subdivision can facilitate sale of the vacant lot to another commercial farming enterprise

The Public Interest

The impact on public interest is considered positive as the subdivision continues the professional use of the land for agriculture.

3.3.5 Section 4.46 – Integrated Development

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. This proposal is integrated development as a S100B Bushfire Safety Authority is required from the NSW Rural Fire Service.

3.3.6 Sections 7.11 and 7.12 – Development contributions

Council has a S 7.12 developer contributions plan. Most development over \$100,000 attracts a contribution to Council of 0.5% of development cost for developments between \$100,000 and \$200,000 and 1% for development cost over \$200,000. The development cost in this development is under \$100,000 and therefore no levy applies.

Council also levies contributions under Section 7.11 but these appear to only apply to the Villages.

The proposed subdivision does not create any additional load on Council services as no dwelling is proposed. Should a future owner seek a dwelling then that application would be assessed on its merits and under active policies of that time.

4 COMPLIANCE WITH RELEVANT PLANNING CONTROLS

4.1 State Environmental Planning Policies

4.1.1 SEPP Resilience and Hazards 2021

Chapter 4 of this SEPP relates to remediation of contaminated land. There is no known contamination of the land.

4.1.2 SEPP Biodiversity and Conservation 2021 (Chapter 3)

Chapter 3 of this SEPP relates to koala habitat protection. The land is substantially cleared and no change in land use is proposed. No impact on Koala habitat is likely

4.2 Bega Valley Local Environmental Plan 2013

4.2.1 Zoning and zone objectives

The subject site is zoned RU1 under the Tumut Local Environmental Plan 2012, as shown on the map below.

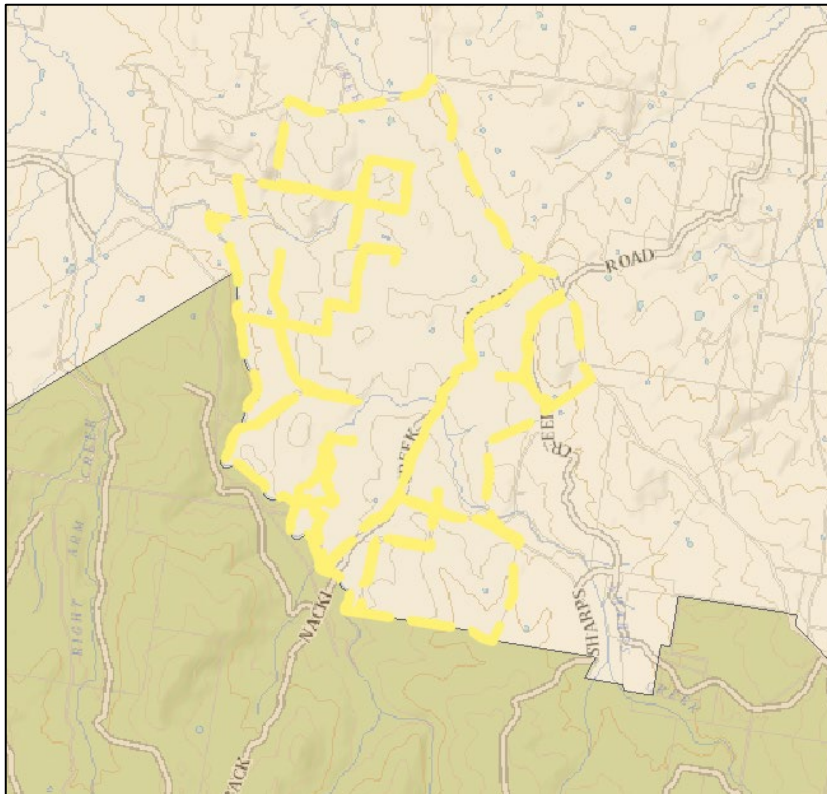


Figure 4: TLEP 2012 Land Zoning Map.

The objectives of the RU1 zone are:

- *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.*

Comment: The proposed subdivision is for rural purposes and creates lots of a suitable size for agricultural activities, consistent with the minimum lot size in the LEP. The proposal will not create land use conflicts and does not involve the removal of native vegetation. The proposal is therefore considered to be consistent with the objectives of the RU1 zone.

4.2.2 Minimum Lot Size

The minimum lot size for the land is 150ha. Proposed lots exceed this minimum lot size.

4.2.3 5.10 Heritage Conservation

The subject land does not contain a heritage item, is not in a heritage conservation area and is not in the vicinity of a heritage item.

4.2.4 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

This clause applies to development 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.

While the proposed subdivision is not intended for the purpose of a dwelling, the proposed lot size will facilitate a dwelling and therefore this clause applies.

The clause requires the following matters to be taken into consideration:

- (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).*

Comment: The proposed subdivision is considered compatible with the preferred uses for the locality for the following reasons.

- The proposed lots are large enough for the continuation of appropriate agricultural activities on the lots

- The size of the lots ensures compliance with dwelling entitlement provisions, however no dwelling is proposed as part of this DA.
- The impacts on biodiversity are acceptable.

4.2.5 5.21 Flood planning

The subject land is not known to be flood prone.

4.2.6 Part 6 – Additional local provisions

6.1 Earthworks

No earthworks are proposed or required to facilitate the subdivision.

6.3 Terrestrial Biodiversity Overlay

The subject land contains land mapped as having terrestrial biodiversity as shown below.

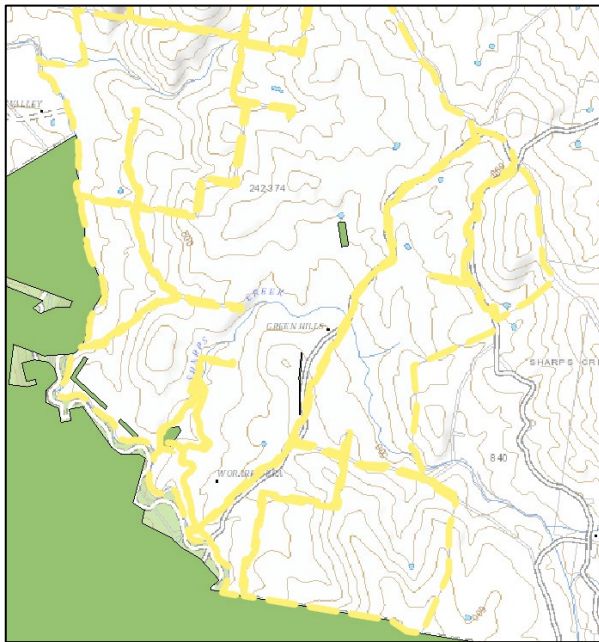


Figure 5: TLEP 2012 Terrestrial Biodiversity Overlay.

The proposed subdivision does not affect the mapped area of terrestrial biodiversity.

6.4 Groundwater Vulnerability

The subject land is not mapped as containing groundwater vulnerability.

6.5 Riparian Land and Watercourses

The site contains a number of watercourses mapped as having riparian land, as shown below.

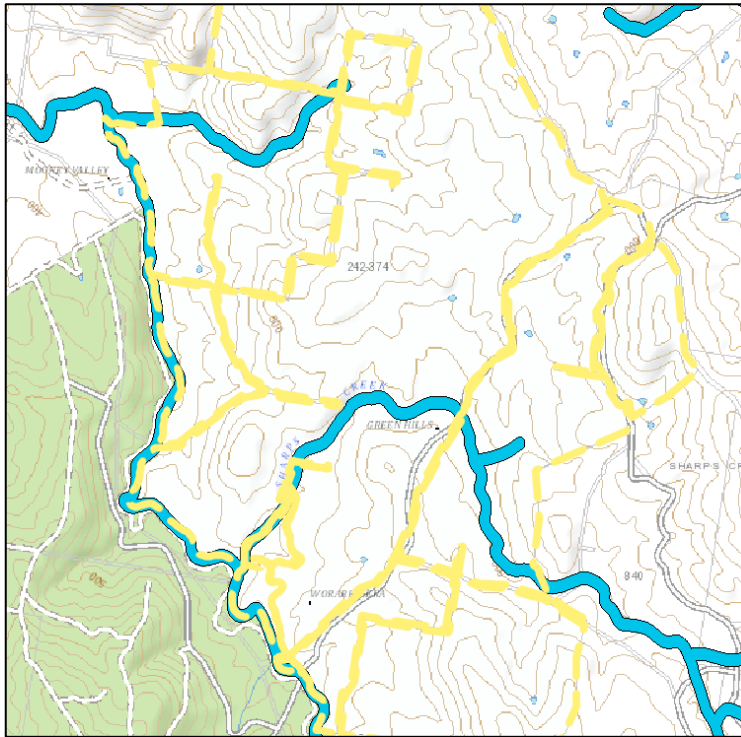


Figure 7: TLEP 2012 Riparian Lands and Watercourses Overlay.

The proposed subdivision does not cross the mapped watercourses.

6.6 Wetlands

The subject land is not mapped as containing wetlands.

6.7 Salinity

The subject land is not mapped as containing saline soils.

6.8 Landslide Risk

The subject land contains areas identified as having risk of landslides, as shown below:

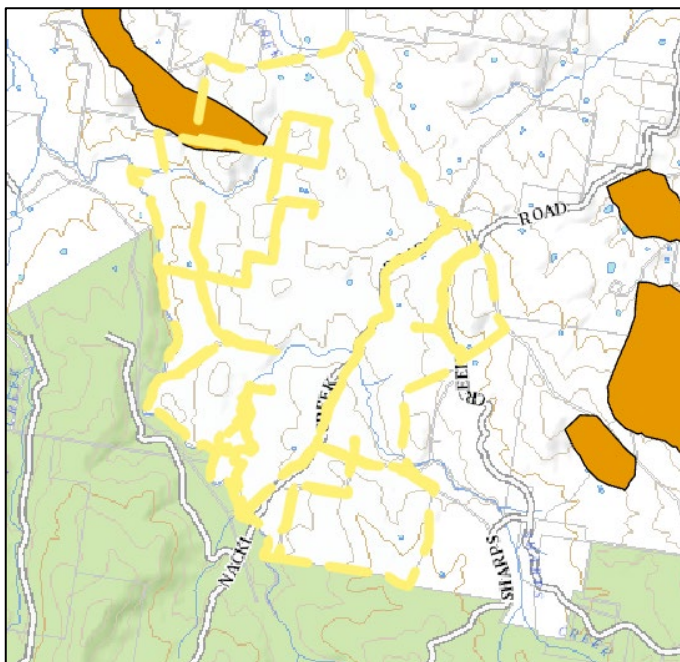


Figure 8: TLEP 2012 Landslide Risk Overlay.

The proposed subdivision does not affect the mapped area.

4.3 Snowy Valleys Development Control Plan 2024

The following sections of the Snowy Valleys DCP 2024 are relevant to the proposed subdivision.

4.3.1 Chapter 3 - Requirements Applying to All Types of Development

3.2.1 Vehicle Access Standards

Existing access to proposed lots can be maintained. No new road is proposed.

3.2.2 Bushfire

The subject land is bushfire prone. A bushfire report accompanies the application and establishes the proposed subdivision complies with Planning for Bushfire Protection. No dwelling is proposed on lot 211 as part of this application and adequate bushfire protection can be afforded the existing dwelling on lot 212

3.2.3 Car Parking

Not applicable to the proposed development.

3.2.4 Construction Over Council Land and Services

Not applicable to the proposed development.

3.2.5 Contaminated Land

3.2.6 Cut and Fill

Not applicable to the proposed development.

3.2.7 Demolition

Not applicable to the proposed development.

3.2.8 Development Near Electrical Easements

Not applicable to the proposed development.

3.2.9 Erosion and Sediment Control

Not applicable to the proposed development.

3.2.10 Flooding

Not applicable to the proposed development.

3.2.11 Heritage

Not applicable to the proposed development.

3.2.12 Landscaping

Not applicable to the proposed development.

3.2.13 On-site Wastewater Management

Not applicable to the proposed development.

3.2.14 Provision of Services

No additional services required.

3.2.15 Retaining Walls

Not applicable to the proposed development.

3.2.16 Safer By Design

Not applicable to the proposed development.

3.2.17 Stormwater/roof Water Management

Not applicable to the proposed development.

4.3.2 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 C3 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.

Comment: The proposed subdivision will have no impact on the rural character of the locality and will cause no disturbance to the rural landscape or the environment. The proposal represents an appropriate fragmentation of rural land by complying with the minimum lot size requirement of the LEP. It is likely, once subdivided, the vacant lot will be incorporated into another large rural holding. No dwelling is proposed as part of this DA.

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.

Comment: The proposed subdivision will not generate any land use conflicts or require the provision of buffer areas.

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.

Comment: No new fencing is required as the proposed boundary follows existing fence lines.

9.8.4 Lot size, Shape and Orientation

The proposed lots are of functional shape and follow established paddocks and fence lines. The commercial use of the land for agriculture can be conserved.

While no application for a dwelling is sought in this application, there are ample opportunities for a homesite within such a large parcel, should it ever be sought.

9.8.5 Natural Hazards and Risks

No increase to current risks is generated. The current practical and serviceable paddock design continued. There is no known land contamination. Current waterways are practically fenced.

The accompanying report establishes the requirements of Planning for Bushfire can be met.

9.8.6 On-site Wastewater Management

The existing dwelling(s) on proposed Lot 212 has an existing septic system. Any future dwelling on proposed Lot 211 (if proposed) will require an effluent management system and details of this can accompany any future development application for a dwelling.

9.8.7 Roads and Access

No new roads or accesses to a public road are proposed.

Existing road frontages – if any existing Council road is outside of the reservation, this can be resolved by condition.

9.8.8 Rural Addressing

This can be resolved following consent.

9.8.9 Services

Wireless broadband is available to the land. Both lots can be / are connected to electricity supply.

9.8.10 Water Supply

The existing dwelling(s) on Lot 212 have ample potable water supply though tanks and for firefighting purposes. Any future dwelling on proposed Lot 211 (if proposed) will require water tanks for potable water supply and firefighting purposes and details of this can accompany any future development application for a dwelling.

5 CONCLUSION

This application for a two lot subdivision at 242-374 Back Nacki Creek Road, Sharps Creek is permissible under the Tumut Local Environmental Plan and can be undertaken with no significant environmental or land use conflicts.

Conditional consent is considered warranted.

Appendix 1: List of attachments to this development application

1. Draft Plan of Subdivision
2. Bushfire report.