


## STATEMENT OF ENVIRONMENTAL EFFECTS

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<b>PROJECT:</b>	Development Application for the approval of A Two (2) Lot Torrens Title Rural Subdivision at Lot 2 DP598957 1300 Mountain Creek Road, MULLION  pursuant to the provisions within the <i>Yass Valley Local Environmental Plan 2013 (YVLEP2013)</i> , specifically 4.1B and the <i>Yass Valley Development Control Plan 2024 (YVDCP2024)</i> .
<b>APPLICANT:</b>	MELINDA JAMIESON
<b>OUR REFERENCE:</b>	5631_SEE1
<b>DATE:</b>	JULY 2025
<b>AUTHOR:</b>	CLAUDIA EDWARDS TOWN PLANNING ASSISTANT
<b>SIGNATURE:</b>	

#### Revision Status

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# **1. INTRODUCTION**

This Statement of Environmental Effects (**SEE**) has been prepared for *Melinda Jamieson* (the **Applicant**) by DPS YASS Pty Ltd. This Statement is to accompany a development application to Yass Valley Council for the approval of a Two (2) Lot Subdivision at Lot 2 DP598957 1300 Mountain Creek Road, Mullion, pursuant to the provisions of Clause 4.1B of the Yass Valley Local Environmental Plan 2013. It is proposed to create two lots of 59.86ha and 29.3ha from the existing Lot.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. This report aims to assess the potential impacts and environmental effects of the proposed development of the subject site under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

This SEE includes a comprehensive assessment of environmental impacts of the proposal. Where potential impacts and constraints are identified, measures are proposed to mitigate any harm to the natural environment as well as the amenity of existing and future development throughout the locality.

This site is zoned RU1 Primary Production pursuant to the *Yass Valley Local Environmental Plan 2013* (YVLEP2013). The proposed development is permissible with development consent within the RU1 zone. The proposed development formulates contextual elements derived from the existing rural character with respect to the immediate vicinity and is consistent with the objectives and provisions within the YVLEP2013.

The proposal is classified as local development under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and therefore will be determined by Council.

This assessment concludes that the proposal is of an appropriate scale and mass and is consistent with the character of the area. It will have no unacceptable amenity impacts upon nearby residential development, nor any adverse impacts upon the natural environment. The proposal will have numerous positive social and economic impacts, and is considered in the public interest, accordingly DPS YASS Pty Ltd is supportive of the development proposal.

## 1.1 PURPOSE OF THIS REPORT

This SEE has been prepared in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation)* for the purposes of demonstrating:

- The proposal is consistent with the controls within the YVLEP2013 and the YVDCP2024.
- The supporting technical studies which accompany the DA establish that the environmental impacts of the proposed concept are generally positive and where appropriate, make recommendations for the detailed design phase of the project which will provide certainty and clarity to guide the development.
- The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:
  - Facilitates ecologically sustainable development of residential land. This is explained in more detail later in this Statement.
  - The subject site is located within the RU1 Primary Production zone of Yass. The vision for the expansion of Yass LGA is to create high quality and ecologically sustainable environments integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development which will support the other uses of the area.
  - Accommodates a rural opportunity in Mullion, within close proximity to Murrumbateman, Canberra and Yass.
- Demonstrating that the environmental impacts of the development have been considered; and
- Outlining the steps to be undertaken to protect the environment or to mitigate against any potential harm, if necessary

This SEE describes the proposal and its environment, including a detailed description of the site and its surrounds and an assessment of the proposal against the relevant planning controls.

The SEE demonstrates that the proposed development is acceptable pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and concludes that the proposed development should be granted approval subject to conditions.

## 1.2 TYPE OF DEVELOPMENT APPLICATION

Section 1.5 of the EP&A Act defines what constitutes 'development'.

Development is defined as the following:

- a) *The use of land*
- b) ***The subdivision of land***
- c) *The erection of a building*
- d) *The carrying out of work*
- e) *The demolition of a building or work*
- f) *Any other act, matter or thing that may be controlled by an environmental planning instrument.*

The scope of the proposal is considered to be 'development' in accordance with Section 1.5 of the EP&A Act. Therefore, pursuant to Section 4.5 of the EP&A Act development consent is sought from Yass Valley Council.

## **1.3 OWNER AND APPLICANT DETAILS**

### **1.3.1 The Applicant**

*Melinda Jamieson*

c/- DPS Pty Ltd  
PO Box 5  
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Contact: Claudia Edwards  
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### **1.3.2 The Owner**

*Melinda Jamieson*  
*Mathew Ansel Timothy Trinca Talalin*  
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Contact Claudia Edwards  
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### **1.3.3 Site Address**

The subject site for this application is legally identified as Lot 2 DP598957 1300 Mountain Creek Road, Mullion and shown in **Figures 1.1 and 1.2** (Location Maps) of this Statement.



## 1.4 SITE AND LOCATION

### 1.4.1 Site Description

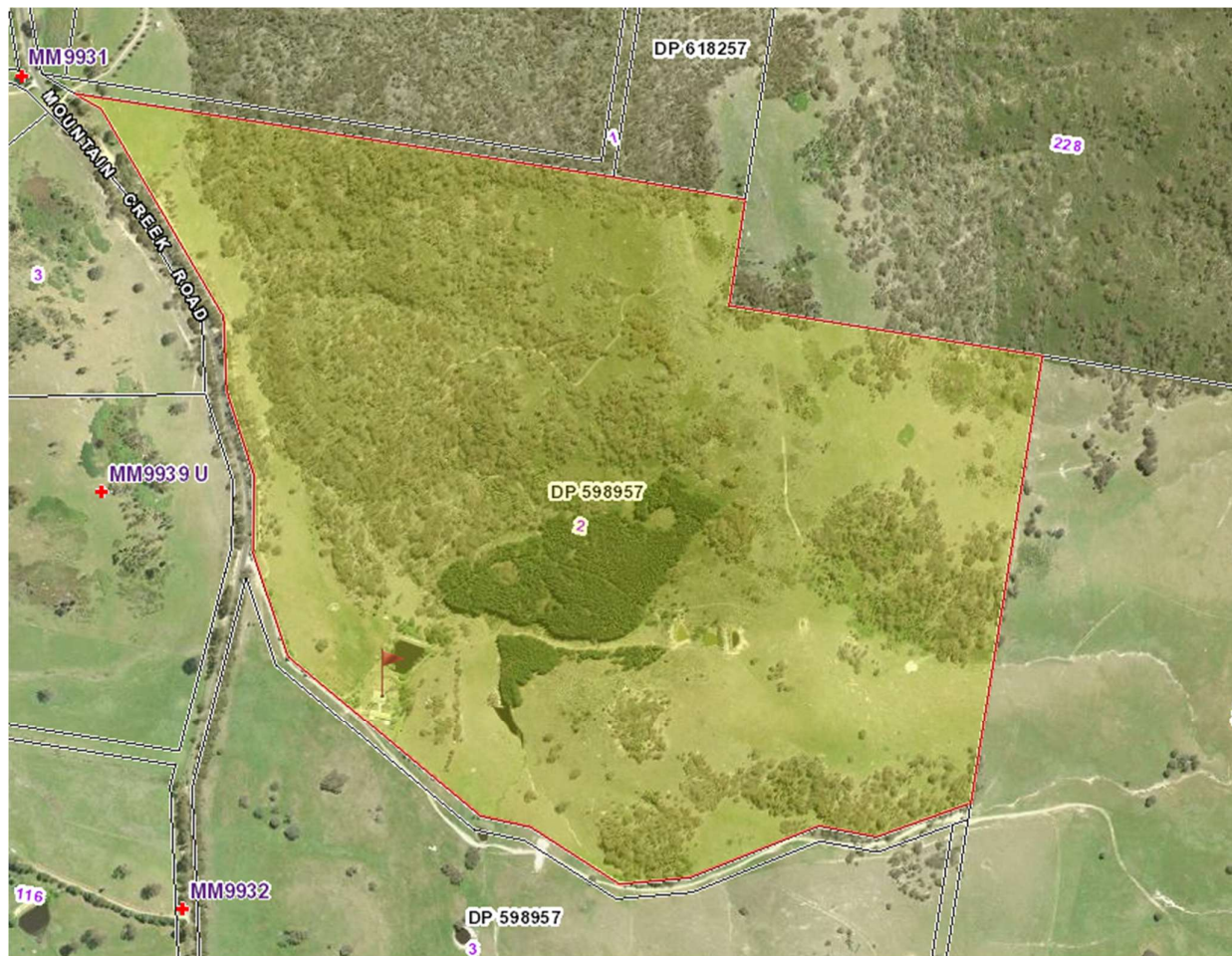
The property is in the Mullion locality roughly 47km to Yass CBD and approximately 38km to Canberra CBD. The subject site is accessed off Mountain Creek Road and connects to Yass, Murrumbateman, and Canberra seamlessly via Wee Jasper Road, Murrumbateman Road, and the Barton Highway which are some of the main connecting road corridors in the area.

The subject site is made up of one lot and is zoned RU1 Primary Production in the Yass Valley Council LEP 2013 (YVLEP2013). It is bounded by rural lots to the North, East, South and West.

The site is an irregular shaped parcel of land with an area of 89.16ha fronting Mountain Creek Road (refer **Figure 1.1**). The land is intended to be utilised for rural purposes.



**Figure 1.1: Location Map to Demonstrate the Site's Local Context** (Source: Google Earth Aerial Imagery, July 2025)



**Figure 1.2: Location Map** (Source: SIX Maps Imagery, July 2025)



### **1.4.2 Surrounding Locality**

The subject site currently consists of an existing dwelling, pool and ancillary structures on proposed Lot 1 and vacant land utilised for farming purposes. Specifically, the following land uses surround the project Site:

- North: Rural / Farming Land.
- East: Rural / Farming Land
- South: Rural / Farming Land
- West: Rural / Farming Land

### **1.4.3 Existing Easements, Restrictions on the Use of Land and Positive Covenants**

- No Easements, Restrictions on the Use of Land or Positive Covenants are listed on the title of the subject lot.

### **1.4.4 Proposed Easements, Restrictions on the Use of Land and Positive Covenants**

- A Restriction on the Use of Land will be created on proposed Lot 2 to state it is not connected to the electricity grid supply.

## 1.5 PROPOSED DEVELOPMENT

This report has been prepared by DPS to accompany the Development Application submission and is lodged under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* to facilitate a Two (2) Lot Subdivision, that is permissible with Council consent.

### 1.5.1 Overview

This section broadly explains the scope of works that is proposed to facilitate a two-lot subdivision. These details are considered to be indicative of a typical rural subdivision scope and may be subject to minor changes.

This SEE is to be read in conjunction with the following Plans and Specialist Reports included in the Appendix's.

- Proposed Plan of Subdivision prepared by DPS YASS P/L dated April 2025 (refer **Appendix A**).
- Site & Soil Assessment for On-site Effluent Disposal prepared by Land Capability Services dated May 2025 (refer **Appendix B**).
- Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 17 June 2025 (refer **Appendix C**).
- AHIMS Search Result & Due Diligence Assessment (refer **Appendix D**).
- Certificate of Title and Deposited Plan for Lot 2 DP598957 (refer **Appendix E**).

The purpose of this report is to consider the site characteristics and the anticipated impacts of the proposed development providing an assessment in accordance with the matters for consideration in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Specifically, the SEE includes the following information:

- Description of the site in its local context
- Identifies any proposed works
- Identifies and addresses relevant policies
- Assessment against relevant Council plans and policies
- Assess of potential environmental impacts and identification of mitigation measures

The subject site has a total area of 89.16ha of vacant land awaiting development. The proposed DA has been prepared to take into consideration the future use of the site and aims to improve the overall functionality of the site.

It is expected that any associated construction works such as fencing and the construction of accesses for the proposed development will have potentially a minor impact on the location however, it is understood as part of the development assessment process that correspondence with neighbours regarding the proposed development along with any potential impact on their visual amenity will be undertaken.

This DA is considered 'Integrated Development' under Section 4.46 of the EP&A Act. It is noted the proposed development is situated on land mapped as bushfire prone land (**BFPL**). All development on BFPL must satisfy the aim and objectives of PBP 2019. The aim of PBP 2019 is to provide for the

protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

The objectives are to:

- *Afford buildings and their occupants protection from exposure to a bush fire.*
- *Provide for a defensible space to be located around buildings.*
- *Provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent the likely fire spread to buildings.*
- *Ensure that appropriate operational access and egress for emergency service personnel and occupants is available.*
- *Provide for ongoing management and maintenance of BPMs; and*
- *Ensure that utility services are adequate to meet the needs of firefighters.*

To support the proposed subdivision a Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 17 June 2025 (refer **Appendix C**) is included with this application and concludes the proposal can demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP (2019). This is expressed in more detail in Part 1.6 of this SEE.

Based on the bushfire assessment and the recommendations contained in the report, the proposed development is deemed to comply with the specific and broad objectives of PBP 2019, the requirements of the Rural Fire Regulations 2022 and is, therefore, suitable for submission to the NSW RFS for the issuing of a bush fire safety authority.

This development application (DA) is not considered as 'Designated Development', 'Regionally Significant Development' or 'State Significant Development' pursuant to the EP&A Act or EP&A Regulation.

The subject site is mapped on the:

- Lot Size Map within the YVLEP2013
- Land Zoning Map within the YVLEP2013
- Terrestrial Biodiversity Map within the YVLEP2013
- Bushfire Prone Land (Non-EPI) within the YVLEP2013
- Dryland Salinity Map within the YVLEP2013

The proposed subdivision has been designed to take into consideration the specific site characteristics, the existing accesses and fencing. The proposal retains the character of the existing and surrounding properties, in turn maximising the potential use of the site whilst also being mindful of any existing constraints.

This report concludes that the proposed development indicates a positive contribution to the Mullion locality, is consistent with the strategic planning for the area and the relevant planning legislation and policies. It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated. As a result of this investigation, it is concluded that the proposed development of the site is permissible with conditional consent.

## 1.6 DESCRIPTION OF DEVELOPMENT

This DA seeks to facilitate the development of the subject site for the purpose of rural use, specifically the application seeks development consent for a subdivision creating two (2) Torrens Title Rural Lots as specified on the Proposed Plan of Subdivision (refer **Appendix A**). These proposed Lots will be sized 29.3ha and 59.86ha.

During construction and on-going use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the awarded contractors. The proposed works will generally consist of minor access improvements.

In detail, this development application seeks approval for:

- The subdivision of the subject lot into Two (2) Torrens Title Rural Lots,
- Creation and construction of a new entrance way on proposed Lot 2.

Each of these components of the proposed development is described in more detail below. The proposed development has been designed to tie in with adjoining existing and future land uses, existing lot boundary and visual amenity. It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have minimal adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.

The proposed subdivision has been prepared to meet the specific criteria that allow it to be classified as Ecologically Sustainable Development, this is explained in more detail below.

### **1.6.1 Ecological Sustainable Development**

The original concept of sustainable development articulated in *Our Common Future* is of ‘*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*’.

In Australia, the adjective ‘sustainable’ is qualified by the word ‘ecologically’ to emphasise the necessary integration of economy and environment.

Ecologically Sustainable Development (ESD) involves a cluster of elements or principles. The following six (6) are worth highlighting:

1. Principle of sustainable use
2. Principle of integration
3. Precautionary principle
4. Inter-generational and inter-generational equity
5. Conservation of biodiversity diversity and ecological integrity
6. Internalisation of external environmental costs.

The concept of sustainability applies not merely to development but to the environment.

The Australian National Strategy for Ecologically Sustainable Development defines ESD as ‘development that improves the total quality of life both now and in the future, in a way that maintains the ecological processes on which life depends’.

ESD requires the effective integration of economic and environmental considerations in the decision-making process.

The principle of integration ensures mutual respect and reciprocity between the economic and environmental considerations. Specifically, the following points need to be taken into consideration when assessing a development application:

- Environmental considerations are to be integrated into economic and other development plans, programs and projects, and
- Development needs are to be taken into account when applying environmental objectives.

ESD mandates that the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making including in the formulation, adoption and implementation of any economic and other development plan, program or project.

Although it could be argued ESD lacks a precise accepted definition, it is generally recognised as an important concept as it ensures environmental factors and future generations are considered in assessing current development applications.

The proposed development, being a two (2) lot rural subdivision can be categorized as an ESD as depicted in this Statement as it a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.

## 1.6.2 Bushfire Prone Land

This DA is considered 'Integrated Development' under Section 4.46 of the EP&A Act. It is noted the proposed development is situated on land mapped as bushfire prone land (**BFPL**). All development on BFPL must satisfy the aim and objectives of PBP 2019. The aim of PBP 2019 is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

Performance criteria and acceptable solutions for APZs provided in PBP 2019 for residential and rural subdivisions are:

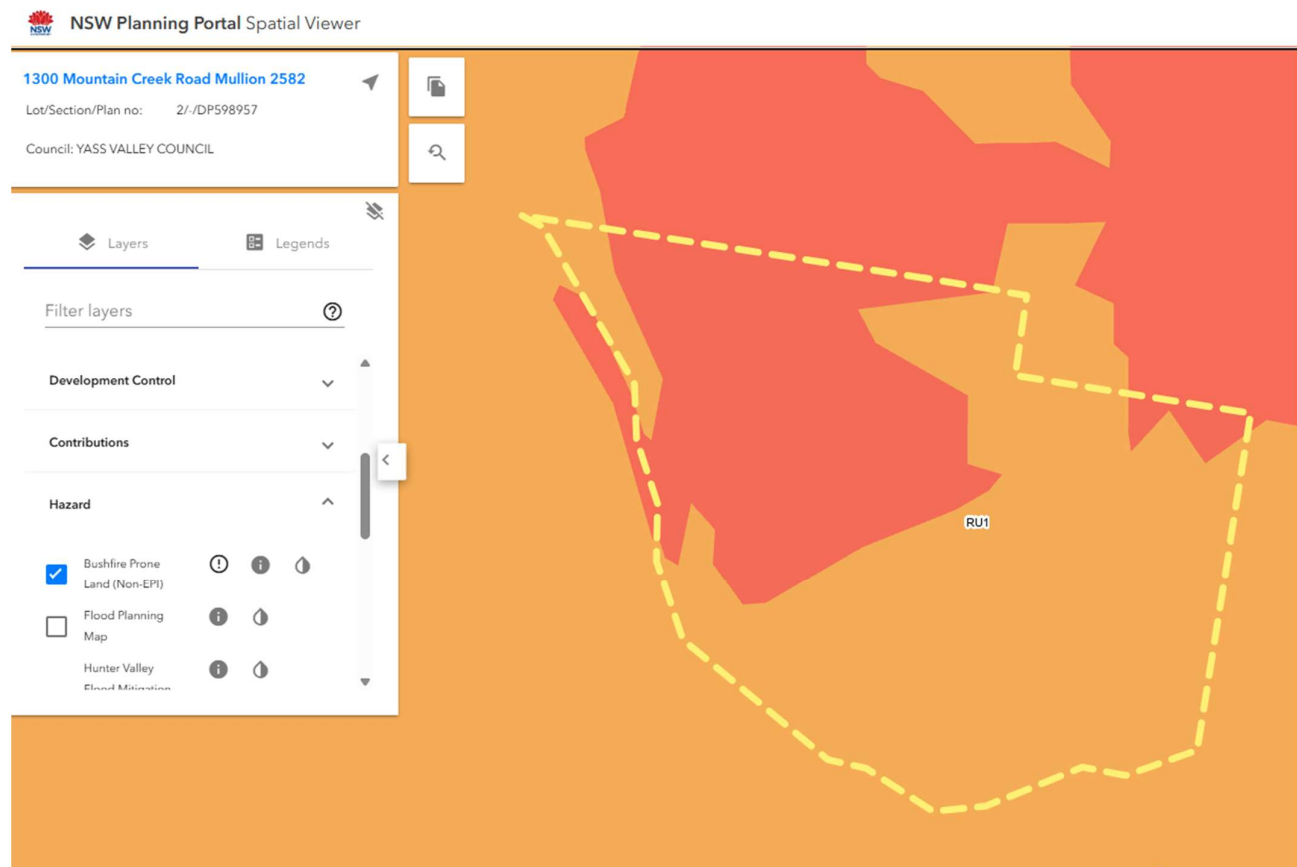
PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS
The intent may be achieved where:		
ASSET PROTECTION ZONES	Potential building footprints must not be exposed to radiant heat levels exceeding 29kW/m <sup>2</sup> on each proposed lot.	APZs are provided in accordance with Tables A1.12.2 and A1.12.3 based on the FFDI.
	APZs are managed and maintained to prevent the spread of a fire towards the building.	APZs are managed in accordance with the requirements of Appendix C.
	The APZs are provided in perpetuity.	APZs are wholly within the boundaries of the development site.
	APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is minimized.	APZs are located on lands with a slope of less than 18 degrees.
LANDSCAPING	Landscaping is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind-driven embers to cause ignitions.	Landscaping is per Appendix C; and  Fencing is constructed in accordance with Section 7.6.

The APZ setback recommendations prescribed for the proposed subdivision have been calculated by a qualified bushfire consultant and have been specified to ensure that future dwellings are not exposed to radiant heat levels exceeding 29kW/m<sup>2</sup> and, therefore, surpass the minimum requirements.

To support the proposed subdivision a Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 17 June 2025 (refer **Appendix C**) is included with this application and concludes the proposal can demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP (2019).



Based on the bushfire assessment and the recommendations contained in the report, the proposed development is deemed to comply with the specific and broad objectives of PBP 2019, the requirements of the Rural Fire Regulations 2022 and is, therefore, suitable for submission to the NSW RFS for the issuing of a bush fire safety authority.



**Figure 1.3: Bushfire Prone Land Mapping** (Source: NSW Government Planning Portal Spatial Viewer, July 2025)

## **2. ASSESSMENT**

The statutory process under the Environmental Planning and Assess Act 1979 requires an evaluation in accordance with the provisions of Section 4.15. The matters for consideration include:

The provisions of:

- ❖ Any environmental planning instrument,
- ❖ 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),
- ❖ Any development control plan,
- ❖ 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,
- ❖ 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,
- ❖ The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality,
- ❖ The suitability of the site for the development,
- ❖ Any submission made in accordance with this Act or the regulations; and
- ❖ The public interest

This section of the SEE assesses the proposed development against the planning framework and planning controls applicable to the site and the development, including:

- Threatened Species and Biodiversity Impacts (Section 1.7 of the EP&A Act)
- Integrated Development Matters (Section 4.46 of the EP& A Act)
- Bushfire Prone Land (Section 4.14 of the EP&A Act), and
- Matters for consideration relating to Development Applications (Section 4.15 of the EP&A Act)

## 2.1 ENVIRONMENTAL PLANNING INSTRUMENTS

### Yass Valley Local Environmental Plan 2013

The Yass Valley Local Environmental Plan 2013 (YVLEP2013) is the statutory framework regulating land uses within the Yass Valley LGA and the development of the site. The site is zoned RU1 Primary Production (refer **Table 3**) and this development relies on the provision of Clause 4.1B, Subdivision Using Average Lot Sizes. An assessment against the relevant Planning Legislation is tabulated below.

**TABLE 1 - AIMS OF THE YVLEP 2013**

AIMS OF THE YVLEP 2013	COMPLIANCE
<i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	Not applicable. The proposed development is for the subdivision of land only.
<i>(a) to establish planning controls that promote sustainable development,</i>	<p>Consistent. The proposed development has been prepared in accordance with the relevant legislation and has consciously been prepared to promote ecological sustainable development, as indicated earlier in this Statement.</p> <p>The proposed development is actively utilising the principles behind ESD as it is a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.</p>
<i>(b) to protect high quality agricultural land and encourage emerging agricultural industries,</i>	Not applicable. The subject site is not classified as high-quality agricultural land.
<i>(c) to encourage housing diversity,</i>	<p>Consistent. The proposed subdivision will provide the opportunity for an appropriate variety of housing type(s) and densities.</p> <p>Housing diversity is defined as ‘a diversity of housing types to help cater to the housing needs of people at different stages of their lives’. By creating additional manageable rural lots, housing density will slightly increase without any adverse impacts on its context or overall desired outcome.</p>
<i>(d) to promote employment-generating tourism,</i>	Not applicable. The proposed development is for the subdivision of rural land only.

<i>(e) to provide for commercial and industrial development,</i>	Not applicable. The proposed development is for the subdivision of rural land only.
<i>(f) to encourage the establishment of retail and professional services in urban locations,</i>	Not applicable. The proposed development is for the subdivision of rural land only.
<i>(g) to protect and enhance the character of each of the villages in Yass Valley,</i>	<p>Complies. Whilst the subject site is not within a village, it is in an area where local character is embraced. The proposed subdivision responds to the character of the Mullion and is consistent with the relevant planning controls that are identified later in this Statement.</p> <p>The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the surrounding environment, in turn actively maintaining the character of Yass Valley.</p>
<i>(h) to enhance service provision in each of the villages in Yass Valley,</i>	Not applicable. The proposed development is for the subdivision of rural land only.
<i>(i) to protect and conserve the cultural heritage and history of Yass Valley,</i>	<p>Consistent. The land is not identified as a heritage item in the YVLEP2013 to which this land relates. Within the LEP, a review of the heritage items reveals that adjoining allotments are not classed as items of heritage value.</p> <p>Therefore, it is considered that the proposal will not impact on any adjoining heritage items.</p> <p>According to the Office of Environment and Heritage website, there are no identified aboriginal relics or aboriginal heritage items located on the property.</p> <p>If any items are found during construction, construction works shall cease, and the Department shall be notified. As the development is not listed as a heritage item, no specific heritage study is required to be submitted as part of this development application.</p>

<p><i>(j) to protect and enhance the environmental and biodiversity values of Yass Valley,</i></p>	<p>Consistent. As indicated on Council's LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns.</p> <p>The proposed building envelope and access entrance will occupy cleared sections of the subject site which is relatively void of significant vegetation.</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment; this extends to the management of the biodiversity and environmental values of the land.</p> <p>Specifically, any potential biodiversity disturbance is limited to:</p> <ul style="list-style-type: none"> <li>• The future building envelope on proposed Lot 2, this includes the implementation and maintenance of the Asset Protection Zones (APZs) as per the Bushfire Assessment Report prepared by Ember Bushfire Consulting.</li> <li>• The creation and construction of a new access entrance on Proposed Lot 2.</li> </ul> <p>It is noted there is no potential clearing of remnant trees within the areas listed above, therefore demonstrating the proposed development is actively protecting and enhancing the environmental and biodiversity values of Yass Valley.</p> <p>Further to that and during the construction phase of the proposed development, to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.</p> <p>The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land.</p> <p>It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity.</p> <p>This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.</p>
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<i>(k) to minimise land use conflicts.</i>	Consistent. The zoning of the proposed development is consistent with surrounding development, which in turn minimises the potential for land use conflicts.
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## TABLE 2 - OBJECTIVES OF THE RU1 PRIMARY PRODUCTION ZONE

The subject site is zoned RU1 Primary Production (refer **Figure 2.1**). The following table demonstrates that the proposed Two (2) Lot Torrens Title Subdivision is consistent with the objectives of the zone.

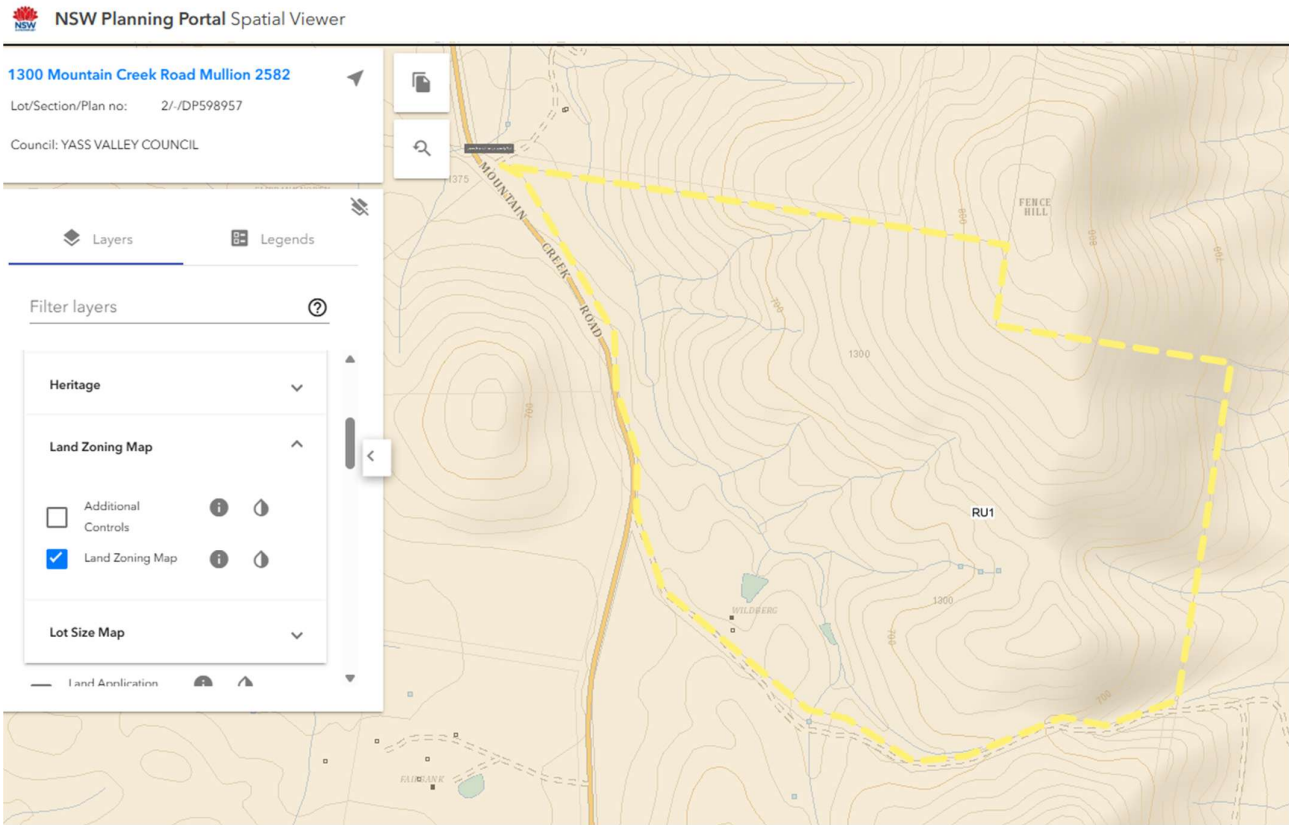
OBJECTIVES OF RU1 PRIMARY PRODUCTION ZONE – YVLEP2013	COMPLIANCE
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	<p>Consistent. The proposal is found to be consistent with the RU1 Primary Production land use. The proposed development provides an appropriate planning outcome for the subject land that takes into consideration the ecological impacts, aesthetic value of the land and the surrounding land uses. The proposed development is situated on land free of any major constraints, other than being mapped as Bushfire Prone Land (<b>BFPL</b>), this is discussed in more detail later in this statement.</p> <p>It is considered the proposed development is consistent with the aims and objectives of the relevant planning instruments, is compatible with and responds positively to the site-specific conditions.</p> <p>No significant or threatened ecological species or vegetation exists on the subject site. The proposed DA has been prepared in respect to the biodiversity of the site, onsite wastewater reports, bushfire assessment, natural topography, vista's, amenities, buffer zones and accessibility.</p> <p>These factors have determined that there is sufficient land available on each proposed lot for the construction of a future dwelling house/ dual occupancy and associated infrastructure with no adverse effects to be felt on the biodiversity of the site</p> <p>This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP, has minor environmental impacts that are manageable and compatible with the existing and desired local area character.</p>

<i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	<p>Consistent. The proposed subdivision will create additional rural lots for new dwellings in the Mullion locality.</p> <p>It is intended that the proposed lots will encourage diversity in primary industry enterprises and systems appropriate for the area.</p>
<i>To minimise the fragmentation and alienation of resource lands.</i>	<p>Consistent. The zoning of the proposed development is consistent with surrounding development, which in turn minimizes fragmentation and alienation of resource lands.</p>
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	<p>Consistent. The surrounding lots are also zoned RU1 Primary Production and are therefore surrounded by similar rural development, which in turn minimises conflict between land uses within this zone and adjoining zones.</p>
<i>To protect and enhance the biodiversity of Yass Valley.</i>	<p>Consistent. As indicated on Council's LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns.</p> <p>The proposed building envelope and access entrance will occupy cleared sections of the subject site which is relatively void of significant vegetation.</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment, this extends to the management of the biodiversity and environmental values of the land.</p> <p>Specifically, any potential biodiversity disturbance is limited to:</p> <ul style="list-style-type: none"> <li>• The future building envelope on proposed Lot 2, this includes the implementation and maintenance of the Asset Protection Zones (APZs) as per the Bushfire Assessment Report prepared by Ember Bushfire Consulting.</li> <li>• The creation and construction of a new access entrance on proposed Lot 2.</li> </ul> <p>It is noted there is no potential clearing of remnant trees within the areas listed above, therefore demonstrating the proposed development is actively protecting and enhancing the environmental and biodiversity values of Yass Valley.</p> <p>Further to that and during the construction phase of the proposed development, to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a</p>

	<p>condition that prevents tracking or flowing of sediment onto public or private property.</p> <p>The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land.</p> <p>It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity.</p> <p>This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.</p>
<i>To protect the geologically significant areas of Yass Valley.</i>	Not Applicable. The subject land is not listed as a geographically significant area of Yass Valley.
<i>To maintain the rural character of Yass Valley.</i>	<p>Complies. Mullion Locality is an area where local character is embraced. The proposed subdivision responds to the character of the Mullion and is consistent with the relevant planning controls that are identified later in this Statement.</p> <p>The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the surrounding environment, in turn actively maintaining the character of Yass Valley.</p>
<i>To encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.</i>	Consistent. The proposed subdivision is creating rural lots that will encourage the use of rural land for agriculture and other forms of development that are associated with rural industry or that require an isolated or rural location.



<p><i>To ensure that the location, type and intensity of development is appropriate, having regard to the characteristics of the land, the rural environment and the need to protect significant natural resources, including prime crop and pasture land.</i></p>	<p>Consistent. The proposed development has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the rural environment.</p>
<p><i>To prevent the subdivision of land on the fringe of urban areas into small lots that may prejudice the proper layout of future urban areas.</i></p>	<p>Not applicable. The proposed subdivision is not located on the fringe of an urban area.</p>



**Figure 2.1: Land Zoning Map** (Source: NSW Government Planning Portal Spatial Viewer, July 2025)

### TABLE 3 - OBJECTIVES OF CLAUSE 4.1B – Subdivision Using Average Lot Sizes

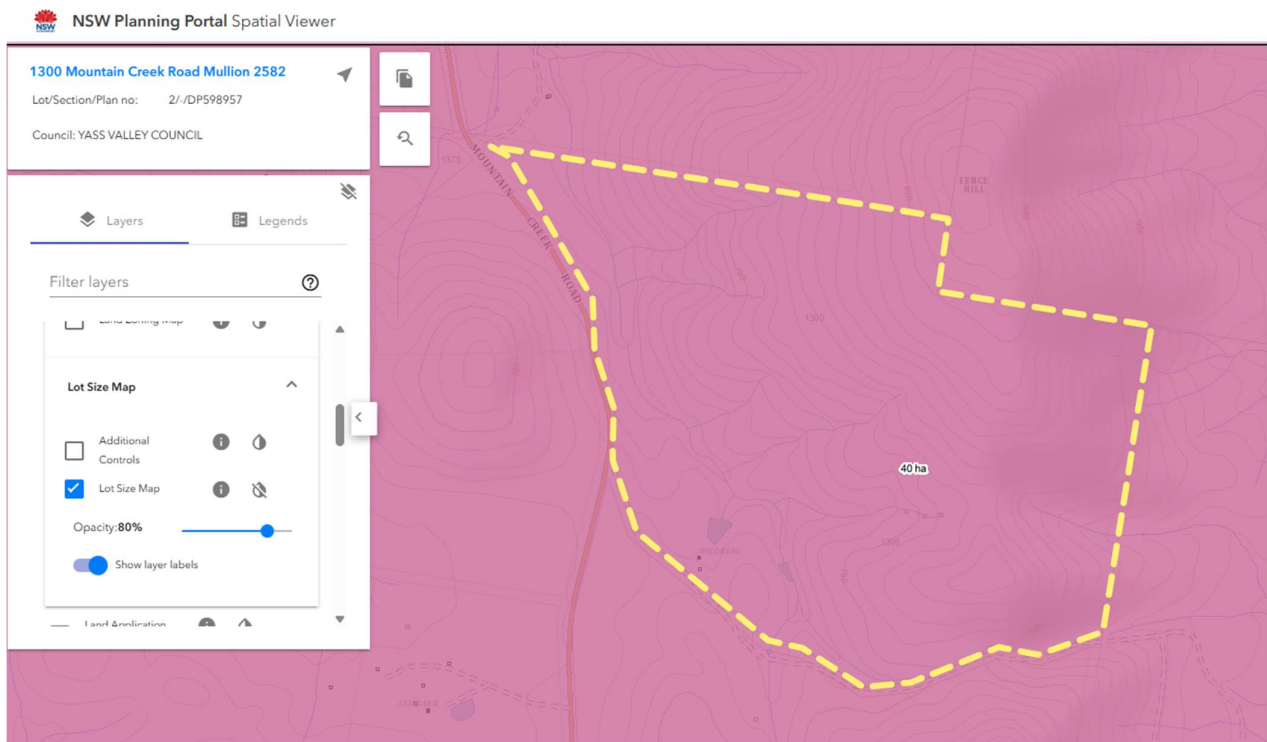
The subject site has a minimum lot size of 40ha (refer **Figure 2.2**). Clause 4.1B within YVCLEP2013 has the following objectives and controls:

- The average area of all the lots created will be at least 40 hectares, and
- None of the lots created will have an area of less than 20 hectares, and
- None of the lots created will have an area greater than 70 hectares.

The following table demonstrates that the proposed Two (2) Lot Torrens Title Rural Subdivision is consistent with the objectives of Clause 4.1B – Subdivision Using Average Lots Sizes.

OBJECTIVES OF CLAUSE 4.1B – SUBDIVISION USING AVERAGE LOT SIZES	COMPLIANCE
<p><i>(1) The objectives of this clause are to facilitate alternative subdivision controls that—</i></p> <p><i>(a) maintain the rural character of the Yass Valley, and</i></p>	<p>Complies. The proposed two (2) Lot Torrens Title Rural Subdivision will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts. It is noted the proposed development is situated in the Mullion locality. The proposed subdivision layout responds to the characteristics of the site and the surrounding environment as illustrated on the Proposed Plan of Subdivision.</p> <p>The proposed development has been designed to consider the existing land uses and has been able to retain efficient and productive-sized allotments, maintaining the opportunity for sustainable rural development.</p> <p>The proposed subdivision has taken a holistic and sustainable approach to the development with the intention of creating a development that offers productive sized lots delivering a better environmental planning outcome for the Mullion and Yass Valley LGA as a whole.</p> <p>The proposed subdivision will not impact on either the built or natural environment in any substantial way. In this regard:</p> <ul style="list-style-type: none"> <li>❖ It will not result in any substantial changes to the established streetscape qualities of the area;</li> <li>❖ The act of subdividing will not directly impact on neighbouring properties. It is determined a future dwelling house will have good separation distances to adjoining dwellings.</li> <li>❖ The act of subdividing will not result in any substantial changes to traffic volumes in the locality.</li> <li>❖ Subdividing the site will not necessitate the removal of any existing important vegetation.</li> </ul>

	<p>By integrating the relevant economic, environmental, and social considerations the proposed subdivision is actively promoting ecological sustainable development as specified earlier in this Statement.</p> <p>The proposal has taken into consideration the location, type and intensity of development whilst also having regard to the characteristics of the land and the surrounding environment, in turn actively maintaining the character of Yass Valley.</p>									
<p><i>b) facilitate a subdivision design that takes into consideration the environmental and agricultural values of the land and best protects those values</i></p>	<p>Complies. The proposed subdivision development is seeking Council consent for the creation of two lots with an average minimum lot size of 44.58ha, the detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision.</p> <table><tr><th>LOT NUMBER</th><th>LOT SIZE (HA)</th><th>COMPLIES WITH MLS CONTROLS</th></tr><tr><td>Proposed Lot 1</td><td>59.86</td><td>Yes</td></tr><tr><td>Proposed Lot 2</td><td>29.3</td><td>Yes</td></tr></table> <p>The proposed subdivision is consistent with the aims and objectives of the YVLEP2013. The proposal will facilitate development in accordance the YVLEP2013 and will deliver allotments that can facilitate a variety of housing products to provide variety and attract buyers at different price points in the market.</p> <p>It is considered to be an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have no adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.</p>	LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH MLS CONTROLS	Proposed Lot 1	59.86	Yes	Proposed Lot 2	29.3	Yes
LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH MLS CONTROLS								
Proposed Lot 1	59.86	Yes								
Proposed Lot 2	29.3	Yes								



**Figure 2.2: Lot Size Map** (Source: NSW Government Planning Portal Spatial Viewer, July 2025)

## TABLE 4 – RELEVANT PLANNING CONTROLS

The following table demonstrates the proposed development is compliant with the relevant planning considerations within the YVLEP2013.

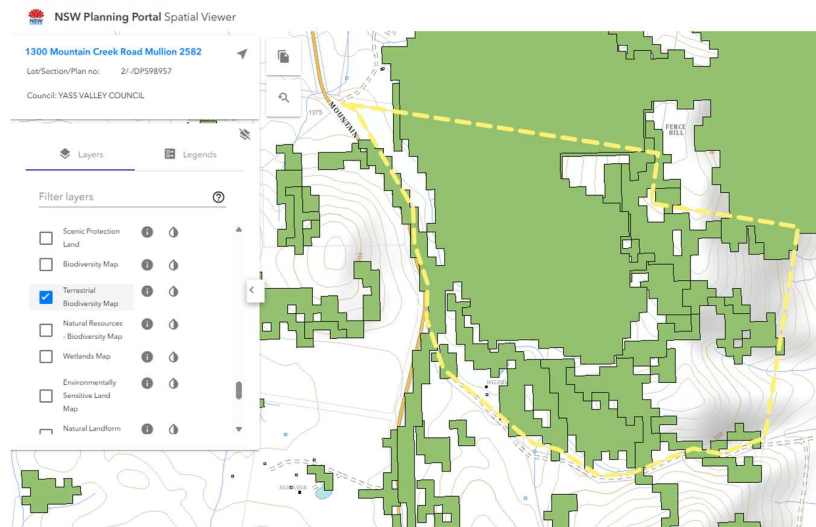
PLANNING CONTROLS	COMPLIANCE															
Clause 2.1 Land Use zones	Complies. The subject site is zoned RU1 Primary Production. The subdivision of land within this zone is permissible with development consent.															
Clause 2.6 Subdivision – consent requirements	Complies. The subject site is zoned RU1 Primary Production. The subdivision of land within this zone is permissible with development consent.															
Clause 4.1 Minimum Subdivision Lot Size	<p>Does not comply. The proposed subdivision development is seeking Council consent for the creation of two lots with an average lot size of 44.58ha, the detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision. Each of the proposed lots meet the objectives of Clause 4.1 but are achieved using the averaging provisions of Clause 4.1B.</p> <table><tr><th>LOT</th><th>LOT SIZE</th><th>PRIMARY ROAD FRONTAGE</th><th>BE SIZE</th><th>EFFLUENT MNGMNT AREA</th></tr><tr><td>Lot 1</td><td>59.86ha</td><td>Mountain Creek Road</td><td>Existing</td><td>Existing</td></tr><tr><td>Lot 2</td><td>29.3ha</td><td>Mountain Creek Road</td><td>4000m<sup>2</sup></td><td>500m<sup>2</sup></td></tr></table> <p>The subdivision has been designed to consider the existing land uses and has been able to retain efficient and productive sized allotments, maintaining the opportunity for sustainable rural development.</p> <p>The proposal has been prepared to ensure that the design reflects and reinforces the neighbouring subdivision patterns, preserving the character of Yass Valley</p> <p>The proposed subdivision is consistent with the aims and objectives of the YVLEP2013. The proposal will facilitate development in accordance the YVLEP2013 and will deliver allotments that can facilitate a variety of housing products to provide variety and attract buyers at different price points in the market.</p>	LOT	LOT SIZE	PRIMARY ROAD FRONTAGE	BE SIZE	EFFLUENT MNGMNT AREA	Lot 1	59.86ha	Mountain Creek Road	Existing	Existing	Lot 2	29.3ha	Mountain Creek Road	4000m <sup>2</sup>	500m <sup>2</sup>
LOT	LOT SIZE	PRIMARY ROAD FRONTAGE	BE SIZE	EFFLUENT MNGMNT AREA												
Lot 1	59.86ha	Mountain Creek Road	Existing	Existing												
Lot 2	29.3ha	Mountain Creek Road	4000m <sup>2</sup>	500m <sup>2</sup>												

	It is an appropriate use of the subject land in relation to the location and zoning, makes good use of the land and will have no adverse environmental effects on the subject/ surrounding land, or any adjoining development where managed with the appropriate conditions.
<i>Clause 4.1C Additional requirements for subdivision in certain rural zones</i>	<p>Complies. The proposed development application has been prepared in respect to the biodiversity of the site, onsite wastewater reports, bushfire assessment, natural topography, vista's amenities, buffer zones and accessibility.</p> <p>These factors have determined that there is sufficient land available for the construction of a future new dwelling and associated infrastructure on the proposed lots, with no adverse effects to be felt on the biodiversity of the site. As a result, there will be minimal native vegetation removal required to achieve this subdivision.</p> <p>There are areas within the subject lot that have been highlighted as having biodiversity sensitivities as discussed further below, however, with sufficient land free of constraints on proposed Lots 1 &amp; 2, there will be minimal to no effect on the existing biodiversity as a result of this subdivision.</p> <p>The land is currently being utilised as a rural lot and it is intended that the land use will remain the same after the subdivision. Subdividing the land into two separate holdings will not limit the land with respect to its current agricultural potential.</p>
<i>Clause 4.3 Height of buildings</i>	Not applicable. The subject site is not identified on the Height of Buildings Map within the YVLEP2013.
<i>Clause 4.4 Floor space ratio</i>	Not applicable. The subject site is not identified on the Floor Space Ratio Map within the YVLEP2013.
<i>Clause 4.6 Exceptions to development standards</i>	Not applicable. The proposed development does not include a variation to the YVLEP2013 development controls.
<i>Clause 5.10 Heritage conservation</i>	<p>Consistent. The land is not identified as a heritage item in the YVLEP2013 to which this land relates. Within the LEP, a review of the heritage items reveals that adjoining allotments are not classed as items of heritage value. Therefore, it is considered that the proposal will not impact on any adjoining heritage items.</p> <p>According to the Office of Environment and Heritage website, there are no identified aboriginal relics or aboriginal heritage items located on the property. If any items are found during construction, construction works shall cease, and the Department shall be notified. As the development is not listed as a heritage item, no specific heritage study is required to be submitted as part of this development application.</p>

<p><i>Clause 5.21 Flood planning</i></p>	<p>Not Applicable. The subject land is not identified on the Flood Planning Map within the Yass Floodplain Risk Management Study and Plan.</p>
<p><i>Clause 6.1 Earthworks</i></p>	<p>Complies. As part of the delivery of the proposed development, it is proposed to create a two (2) Lot Rural Torrens Title Subdivision as indicated on the Proposed Plan of Subdivision.</p> <p>The objective of Clause 6.1 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.</p> <p>Before granting development consent for earthworks, the following issues must be considered:</p> <ul style="list-style-type: none"> <li>• The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.</li> <li>• The effect of the development on the likely future use or redevelopment of the land.</li> <li>• The quality of the fill or the soil to be excavated, or both.</li> <li>• The effect of the development on any existing and likely amenity of adjoining properties.</li> <li>• The source of any fill material and the destination of any excavated material.</li> <li>• The likelihood of disturbing relics.</li> <li>• The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.</li> <li>• Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</li> </ul> <p>It is anticipated that given the purpose, nature and minimal extent of excavation, that conventional methods of ancillary earthworks are able to be employed and that subject to the design of the works there will be minimal adverse impacts to the drainage, flooding or to adjoining properties</p> <p>The proposed works will involve the installation of a number of sediment and erosion control measures to address any potential impacts associated with the development. These measures will be in place for the duration of the construction phase to avoid, minimise and mitigate any impacts that could potentially occur.</p> <p>These measures may include:</p> <ul style="list-style-type: none"> <li>• A temporary site security/ safety fence to be constructed around the site;</li> </ul>

	<ul style="list-style-type: none"> <li>• Sediment fencing provided downstream of disturbed areas, including any topsoil stockpiles;</li> <li>• Dust control measures including covering stockpiles, installing fence hessian and watering exposed areas;</li> <li>• Placement of hay bales or mesh and gravel inlet filters around and along proposed catch drains and around stormwater inlet pits.</li> </ul> <p>Due to the existing condition of the land and the overall outcome of the proposal, it is expected that the proposed development will not cause any disruption or have any detrimental effect on the drainage patterns or the soil stability of the site.</p>
<p><i>Clause 6.3 Terrestrial biodiversity</i></p>	<p>Consistent. As indicated on Council's LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns (refer <b>Figure 2.3</b>).</p> <p>The proposed building envelope and access entrance will occupy cleared sections of the subject site which is relatively void of significant vegetation. The proposal is expected to have a minimum impact in terms of the natural environment; this extends to the management of the biodiversity and environmental values of the land.</p> <p>Specifically, any potential biodiversity disturbance is limited to:</p> <ul style="list-style-type: none"> <li>• The future building envelope on proposed Lot 2, this includes the implementation and maintenance of the Asset Protection Zones (APZs) as per the Bushfire Assessment Report prepared by Ember Bushfire Consulting.</li> <li>• The creation and construction of a new access entrance on proposed Lot 2</li> </ul> <p>It is noted there is no potential clearing of remnant trees within the areas listed above, therefore demonstrating the proposed development is actively protecting and enhancing the environmental and biodiversity values of Yass Valley.</p>





**Figure 2.3: Terrestrial Biodiversity Map** (Source: NSW Government Planning Portal Spatial Viewer, July 2025)

Further to that and during the construction phase of the proposed development, to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.

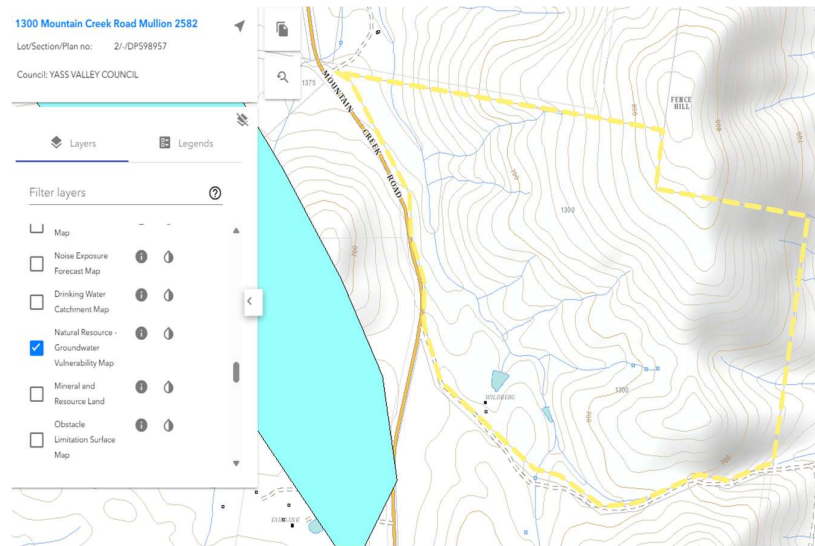
The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land.

It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity.

This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.

**Clause 6.4  
Groundwater  
vulnerability**

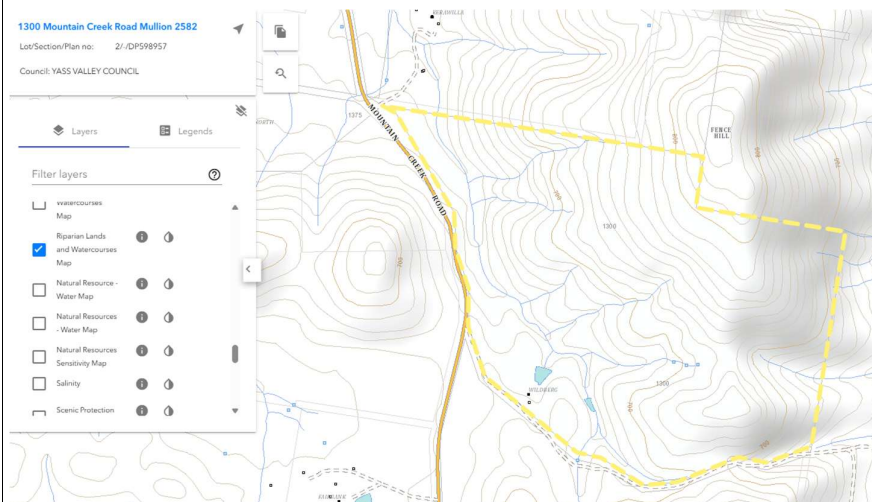
Not applicable. The subject site is not identified on the Groundwater Vulnerability Map within the YVCLEP2013 (refer to **Figure 2.4**)



**Figure 2.4 Groundwater Vulnerability Map** (Source: NSW Government Planning Portal Spatial Viewer, July 2025)

**Clause 6.5 Riparian  
land and watercourses**

Not applicable. The subject site is not mapped on the Riparian Land and Watercourses map within the YVLEP2013 (refer **Figure 2.5**). The proposed development does not involve any earthworks within the vicinity of watercourses drainage depressions or their environs.



**Figure 2.5 Riparian Lands and Watercourses Map** (Source: NSW Government Planning Portal Spatial Viewer, July 2025)

<p><i>Clause 6.6 Salinity</i></p>	<p>Complies. As indicated on Councils LEP Salinity Map, there are portions within the project Site that have been highlighted as having Dryland Salinity (refer <b>Figure 2.6</b>).</p> <p>It is anticipated the proposed development will not have an adverse impact on the salinity processes on the land. All appropriate measures and mitigations will be in place for the duration of the proposed subdivision works, avoiding any environmental impacts.</p> <p>All works associated with any earthworks will be carried out by the relevant and qualified contractors, who are aware of the sensitivities of the subject site. All care will be taken to avoid any significant environmental impact.</p> <p>Soil quality on the subject lot and surrounding land will not be affected by this development as the relevant and required controls will be in place prior to any works commencing.</p> <div data-bbox="500 762 1445 1329" data-label="Figure"> <p>The figure is a screenshot of a web-based spatial viewer. The title bar at the top reads '1300 Mountain Creek Road Mullion 2582' and 'Lot/Section/Plan no: 2//DP598957'. Below the title bar is a 'Layers' panel with a 'Filter layers' section. The 'Filter layers' section lists several maps: 'Watercourses Map', 'Riparian Lands and Watercourses Map', 'Natural Resource - Water Map', 'Natural Resources - Water Map', 'Natural Resources Sensitivity Map', 'Salinity', and 'Scenic Protection'. The 'Salinity' layer is checked and highlighted in red. The main map area shows a topographic map with contour lines and a yellow dashed line indicating the project boundary. The red areas represent dryland salinity.</p> </div> <p><b>Figure 2.6: Dryland Salinity Map</b> (Source: NSW Government Planning Portal Spatial Viewer, July 2025)</p>
<p><i>Clause 6.7 Highly erodible soils</i></p>	<p>Complies. There are no areas of mapped or observed high soil erodibility within the nominated building envelope on proposed Lot 2.</p> <p>It is anticipated the proposed development will not have an adverse impact on the soil quality on the subject lot. All appropriate measures and mitigations will be in place for the duration of the proposed subdivision works, avoiding any environmental impacts.</p> <p>Soil quality on the subject lot and surrounding land will not be affected by this development as the relevant and required controls will be in place prior to any works commencing.</p>

<p><i>Clause 6.8 Essential services</i></p>	<p><i>the supply of water,</i></p> <p>Proposed Lot 1 has an existing dwelling with a rainwater tank to supply water to the dwelling, for bushfire protection and farm use Lot 1 also has a pool and multiple existing dams. It is expected proposed Lot 2 will install rainwater tank(s) at construction stage for a dwelling house. Lot 2 has an existing dam to supply water for farm use, bushfire protection and irrigation.</p> <p><i>the supply of electricity,</i></p> <p>A Restriction on the Use of Land will be created on the respective title to state it is not connected to the electricity grid supply.</p> <p><i>the disposal and management of sewage,</i></p> <p>Proposed Lot 2 will require the installation of an On-site Wastewater Treatment system as recommended in the Site and Soil Assessment for On-site Effluent Disposal prepared by Land Capability Services..</p> <p><i>stormwater drainage or on-site conservation,</i></p> <p>The proposed subdivision development will have minimal effect on the existing natural overland flow path for stormwater runoff.</p> <p>All appropriate stormwater drainage techniques are existing and are intended to remain in place.</p> <p><i>suitable vehicular access,</i></p> <p>Proposed Lots 1 has existing legal and physical access off Mountain Creek Road.</p> <p><i>connection to a communications network with voice or data capability (or both).</i></p> <p>Proposed Lot 2 will connect to the existing available infrastructure being, NBN Satellite mobile telecommunications network upon the construction of a dwelling house.</p>
<p><i>Clause 6.9 Development within a designated buffer area</i></p>	<p>Not applicable. The subject is not identified on the Water, Waste and Sewage Buffer Map within the YVLEP2013.</p>
<p><i>Clause 6.10 Development on land intended to be acquired for Barton Highway Duplication</i></p>	<p>Not applicable. The subject site is not identified on the Barton Highway Duplication Map within the YVLEP2013.</p>

## 2.2 POTENTIAL NATIVE VEGETATION IMPACT PURSUANT TO THE BIODIVERSITY CONSERVATION ACT 2016 AND THE BIODIVERSITY CONSERVATION REGULATION 2017

The NSW *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017, the purpose of which is *'to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development'*.

The BC Act outlines the NSW framework for addressing impacts on biodiversity from development and clearing. Supported by the NSW *Biodiversity Conservation Regulation 2017* (BC Regulation), the BC Act establishes a framework to avoid, minimize and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme (BOS).

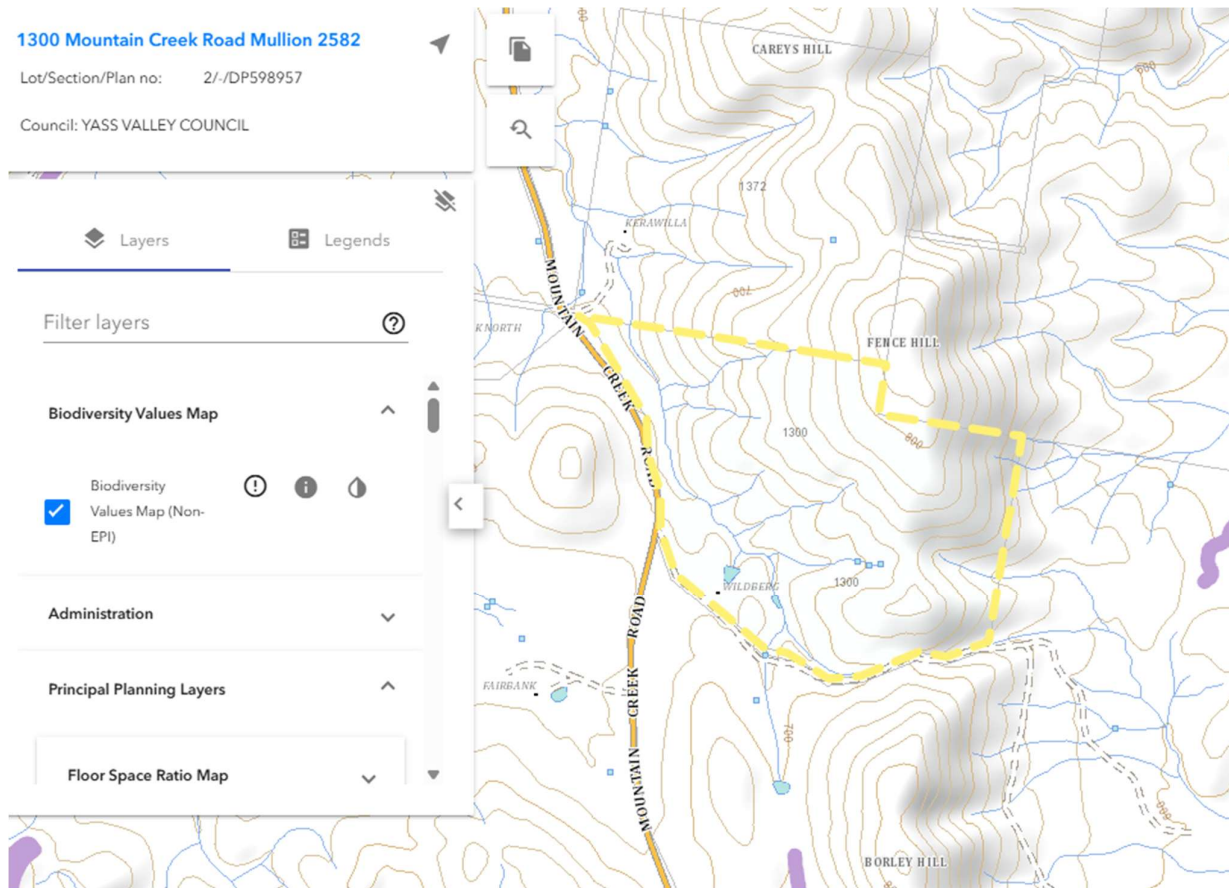
Under the BC Act, the BOS is triggered, and a Biodiversity Development Assessment Report (BDAR) required if a proposed development:

1. Will involve clearance of native vegetation (including trees, understory plants, groundcover plants, and wetland plants) or a prescribed impact (as set out in Clause 6.1 of the BC Regulation on land identified on the Biodiversity Values Map; and/ or
2. Will exceed the native vegetation clearance threshold for the smallest minimum lot size associated with the development area; and/or
3. May significantly impact one or more BC Act listed entities (i.e threatened species or ecological communities)

The subject lot is not mapped on the Biodiversity Values Map (Non EPI) (refer **Figure 2.7**). As demonstrated below, the proposed development of the subject land will not potentially clear greater than the threshold level of native vegetation, being 1ha (10000m<sup>2</sup>), and as such does not trigger the requirement for a BDAR.

A detailed assessment of the potential native vegetation clearing is listed/ demonstrated and tabulated below.





**Figure 2.7: Biodiversity Values Map (Non EPI)** (Source: NSW Government Planning Portal Spatial Viewer, July 2025)

## **Access Tracks**

Access to both lots is available off Mountain Creek Road. The existing access track (refer **Figure 2.8**) provides access to both Lots 1 and 2. Proposed Lot 2 will require approximately 30m of construction of additional track to the proposed building envelope.



**Figure 2.8: Property Access Point from Mountain Creek Road** (Source: Ember Bushfire Consulting, June 2025)

The total potential native vegetation clearing for the access tracks for proposed Lot 2 is **120m<sup>2</sup>**.

## **Fencing**

The proposed subdivision adopts existing boundary fencing that is in an acceptable condition and considered stock proof/ meets Council's standards. The construction of internal fencing will be required for this subdivision; this fencing will be approximately 875m in length.

The total potential native vegetation clearing for the construction of the internal fencing is **1750m<sup>2</sup>**.

## **Access Entrances**

Proposed Lot 1 has existing legal and physical access off Mountain Creek Road. Proposed Lot 2 will require the creation and construction of an access entrance to comply with Councils requirements/ specifications.

The total potential native vegetation clearing required for the new access entrances is **50m<sup>2</sup>**.

## **Asset Protection Zones (APZ's)**

The Asset Protection Zone (APZ) setbacks required for proposed Lots 1 and 2 within the proposed subdivision have been calculated using the recommendations in the Bushfire Assessment Report prepared by Ember Bushfire Consulting. Based on the comments within the Bushfire Assessment Report, it has been determined that the required APZs for proposed Lots 1 and 2 can be contained within the proposed and existing building envelopes.

The total potential native vegetation clearing required for the APZs is **0m<sup>2</sup>**.

### **Building Envelopes**

The proposed building envelope on proposed Lot 2 has been placed in the most appropriate way to reduce the impact to large vegetation and ensure the site complies with the Asset Protection Zone requirements for a future dwelling. There is minimal established vegetation existing within this area and no large remnant vegetation.

It is anticipated that the proposed building envelope will house an onsite wastewater facility and ancillary structures in addition to a dwelling/ house and the APZ. As a result, the entire area within the proposed building envelope has been considered within the calculation.

The total potential native vegetation clearing required to be implemented for the proposed building envelope will be **4000m<sup>2</sup>**.

### **Electricity/ Telecommunications**

Proposed Lots 1 has an existing power supply to the existing dwelling. Proposed Lot 2 will utilise an alternate power supply. A Restriction on the Use of Land will be created on the respective title to state it is not connected to the electricity grid supply.

The planned technology for the subject site by the Statutory Infrastructure Provider (SIP) is via NBN Satellite. It is expected this technology will be installed at the stage of the construction of a dwelling house on a case-by-case basis.

The total potential native vegetation clearing to implement the future electricity/ telecommunications infrastructure will be **0m<sup>2</sup>**.

### **Onsite Effluent Disposal**

As per the Site and Soil Assessment for On-site Effluent Disposal, the area specified for effluent treatment for proposed Lot 2 is 500m<sup>2</sup>. This area has been included within the building envelope calculation above.

The total potential native vegetation clearing required to implement the onsite effluent disposal for proposed Lot 2 will be **0m<sup>2</sup>**.

### **Total Vegetation Clearing of the Proposed Development:**

Following the above findings, a total area of vegetation clearing for the proposed development has been calculated at **6020m<sup>2</sup>**.

The calculation has included potential clearing that has been deemed appropriate for the proposed development and the future use/ maintenance of the land. These findings and calculations are tabulated below in **Table 5** for ease of reference.



**TABLE 5 - PERCEIVED NATIVE VEGETATION CLEARING FOR THE PROPOSED DEVELOPMENT:**

ITEM OF WORKS	LOT(S)	NOTES	AREA OF PERCEIVED NATIVE VEGETATION REMOVAL
Access Track	1 2	Existing 30m x 4m	0m <sup>2</sup> 120m <sup>2</sup>
Fencing	1 2	Internal fencing required 875m x 2m	1750m <sup>2</sup>
Access Entrance	1 2	Existing 10m x 5m	0m <sup>2</sup> 50m <sup>2</sup>
Asset Protection Zones (APZ's)	1 2	Existing Contained within the BE	0m <sup>2</sup> 0m <sup>2</sup>
Building Envelope (BE)	1 2	Existing 4000m <sup>2</sup>	0m <sup>2</sup> 4000m <sup>2</sup>
Electricity/ Telecommunications	1 2	Alternative Source/ Existing Mobile NBN Coverage Alternative Source/ Existing Mobile NBN Coverage	0m <sup>2</sup> 0m <sup>2</sup>
Onsite Wastewater Disposal	1 2	Existing (400m <sup>2</sup> ) Contained within the BE	0m <sup>2</sup> 0m <sup>2</sup>
<b>TOTAL AREA OF POTENTIAL CLEARING</b>			<b>6020m<sup>2</sup></b>

## 2.3 DEVELOPMENT CONTROL PLAN

### Yass Valley Development Control Plan 2024 (YVDCP2024)

The YVDCP provides the non-statutory planning, design and environmental objectives and controls to ensure orderly, efficient and sensitive development within the LGA is achieved. The relevant sections of the DCP considered to apply to the proposed development include:

- Part B - Principles for all Development
- Part C - Subdivision Controls
- Part C2 – Large Lot Residential, Rural and Environmental Subdivision Controls
- Part E – Rural, Large Lot and Environmental Zone Development
- Part H – Development in Hazard Affected Areas
- Part I – Carparking and Access
- Part K – Natural Resources

**TABLE 6 – COMPLIANCE WITH THE YVDCP2024**

PART B – PRINCIPLES FOR ALL DEVELOPMENT	
CONTROLS	COMPLIANCE
<p><b>B1 Sustainability</b></p> <p><i>a. Increase tree retention and provision at development stage to increase and enhance tree cover, for visual, social, environmental, economic and ecological values.</i></p> <p><i>b. Discourage the use of heat producing surfaces in preference of natural materials, surfaces and finishes.</i></p> <p><i>c. Encourage the use of sustainable building materials.</i></p> <p><i>d. Avoid excessive resource consumption and minimise waste.</i></p>	<p>Consistent the proposed development has been prepared in accordance with the relevant legislation and has consciously been prepared to promote ecological sustainable development, as indicated earlier in this Statement.</p> <p>The proposed development is actively utilising the principles behind ESD as it is a development that meets the needs of the present generation whilst not compromising the ability of future generations to also meet their needs.</p> <p>The proposed development will result in the orderly and economic use and development of land as the site is of an appropriate size, location and land use zoning to enable the proposed development.</p>

<p><b>B1 Site Suitability</b></p> <p><i>All development applications are assessed on their individual merits and take account of, amongst other things, the suitability of the site for the proposed development.</i></p>	<p>Complies. The proposed development represents a coordinated approach to rural infill development, through the efficient use of land and the enabling of housing choice which supports higher levels of amenity and accessibility.</p> <p>The site is well positioned to cater for a mixed demographic of groups likely to be attracted to regional rural living. The proposed building envelopes have been positioned to be clear of any constraints primarily bushfire, salinity, drainage, effluent disposal and large remnant vegetation/ trees.</p> <p>The suitability of the site for the proposed development is considered to be found consistent with Councils standards for infill development of rural land, specifically being respectful to the topography and neighbourhood to which the proposed development relates.</p>
<p><b>B2 Site Analysis Plan</b></p> <p><i>All applications must be accompanied by a site analysis plan.</i></p>	<p>Complies. The proposed Plan of Subdivision demonstrates the location of the proposed building envelope noting it has taken into consideration any site constraints as mentioned in B1 above (refer <b>Appendix A, B &amp; C</b>).</p>
<p><b>B3 Crime Prevention and Safety</b></p> <p><i>Good design optimises safety in development which can lead to a reduction in crime and improve overall safety and liveability. The principles of crime prevention through design seek to minimise preventable crime by considering crime opportunities in the development design phase. Design that encourages effective surveillance, controls access and maintains a high standard in the public realm has positive cumulative effect in crime prevention and reduction.</i></p>	<p>Not applicable. The proposed development is for the subdivision of land only. This aspect will be considered upon the preparation of a DA for the future built form.</p>
<p><b>B4 Neighbourhood Character</b></p> <p><i>Each neighbourhood is unique and its characteristics assist people in finding their way and contributes to a sense of community and belonging. It is important that development is respectful of, and</i></p>	<p>Complies. The proposed development has been designed to take into consideration the specific site characteristics, and the specific design controls within the YVDCP2024.</p>

*responsive to, the individual character of each neighbourhood.*

## PART C – SUBDIVISION CONTROLS

### CONTROLS

### COMPLIANCE

#### **C1 Layout**

*To ensure that the layout of subdivisions considers landform, topography with all necessary services considered at design stage.*

Complies. The proposed subdivision has been designed to reflect the adjacent settlement patterns, land uses and character also taking into account the topography of the land to minimise the potential for extensive earthworks and vegetation removal.

The proposed subdivision recommends a building envelope that takes into consideration all constraints and provides for a sufficient sized area that will contain any future dwelling house, ancillary structures and the calculated Asset Protection Zones (APZs).

#### **C2 Staging**

*To ensure that each stage in a progressive subdivision takes account of subsequent stages and development potential of adjoining land.*

Not applicable. The proposed subdivision does not include staging of the development.

## PART C2 – LARGE LOT RESIDENTIAL, RURAL AND ENVIRONMENTAL SUBDIVISION CONTROLS

### CONTROLS

### COMPLIANCE

#### **C2.1 Buffers**

*To minimise potential land use conflict and protect the right to farm and enjoyment of individual properties.*

Complies. The proposed Lot Layout and proposed Building Envelopes allow for the appropriate distance to minimise any potential land use conflicts. The proposed building envelopes enable the appropriate separation of more than 100m to another existing/ future dwelling house on an adjoining lot.

It is noted due to the recommendations in the Bushfire Assessment Report prepared by Ember Bushfire Consulting, the proposed Lot 2 building envelope is set 30m from the site boundary, not the standard 50m. The Bushfire Assessment Reports states:

*The APZ setback dimensions for proposed Lot 2 has been specified to ensure that future dwelling is not exposed to radiant heat levels exceeding 19 kW/m<sup>2</sup>, and therefore, exceed the minimum requirements.*

*The radiant heat level of 19 kW/m<sup>2</sup> is less than the allowable 29 kW/m<sup>2</sup>. This intended design feature will provide a higher level*

	<i>of safety and resilience to the future dwelling on Lot 2. This design feature forms part of a performance-based design to address extended access/egress discussed in Section 4.3.</i>
<b>C2.2 Fences</b>  <i>To ensure that fences are provided in accordance with the existing landscape and suitable for the location in which they are located.</i>	Complies. The proposed subdivision development adopts existing fencing where possible. The new division line has been selected to be sympathetic to the surrounding topography & biodiversity of the site.
<b>C2.3 Access</b>  <i>To ensure that each allotment is provided with a legal, adequately designed and located access.</i>	Proposed Lots 1 and 2 have existing legal and physical access of Mountain Creek Road.
<b>C2.4 Road Design</b>  <i>To ensure that the design and placement of roads minimises environmental impact and is suitable for the landscape and topography.</i>	Not applicable. The proposed subdivision does not include the construction/ dedication of new road.
<b>C2.5 Stormwater</b>  <i>To ensure that subdivisions in non-urban areas are provided with adequate drainage in an appropriate manner.</i>	<p>The proposed subdivision development will have minimal effect on the existing natural overland flow path for stormwater runoff.</p> <p>All appropriate stormwater drainage techniques are existing and are intended to remain in place.</p>
<b>C2.6 Essential Services</b>  <i>To ensure that non-urban subdivisions are provided with adequate essential services having regard to their location and intended use.</i>	Complies. Please see response to Clause 6.8 in Table 4 of this Statement.
<b>C2.7 Bushfire prone land</b>  <i>To protect life and property in the event of a bushfire by appropriate design of non-urban subdivisions.</i>	Complies. The Bushfire Assessment Report prepared by Ember Bushfire Consulting confirms the proposed development meets the requirements of PBP 2019.

PART E – RURAL, LARGE LOT AND ENVIRONMENTAL ZONE DEVELOPMENT	
CONTROLS	COMPLIANCE

<p><b>E1 Siting of Buildings</b></p> <p><i>To ensure that developments are sited in a manner to not dominate the rural landscape and minimise land use conflict potential.</i></p>	<p>Complies. Whilst this DA is not for the construction of a dwelling house, the proposed building envelope has been positioned accordingly to take into consideration all constraints.</p> <p>Due to the recommendations in the Bushfire Assessment Report prepared by Ember Bushfire Consulting, the proposed Lot 2 building envelope is set 30m from the site boundary, not the standard 50m. The Bushfire Assessment Reports states:</p> <p><i>The APZ setback dimensions for proposed Lot 2 has been specified to ensure that future dwelling is not exposed to radiant heat levels exceeding 19 kW/m<sup>2</sup>, and therefore, exceed the minimum requirements.</i></p> <p><i>The radiant heat level of 19 kW/m<sup>2</sup> is less than the allowable 29 kW/m<sup>2</sup>. This intended design feature will provide a higher level of safety and resilience to the future dwelling on Lot 2. This design feature forms part of a performance-based design to address extended access/egress discussed in Section 4.3.</i></p>
<p><b>E2 Access</b></p> <p><i>To ensure that all developments are provided with safe and legal access that does not impede traffic movement.</i></p>	<p>Proposed Lots 1 and 2 have existing legal and physical access of Mountain Creek Road. Proposed Lot 2 will require the creation and construction of additional track up to the building envelope.</p>
<p><b>E1 Dwellings</b></p> <p><i>This section applies to new dwellings, ancillary development, as well as alterations and additions to existing dwellings.</i></p>	<p>Not applicable. This DA is for the subdivision of land only.</p>
<p><b>E2 Farm Buildings and Outbuildings</b></p> <p><i>To provide guidance on the placement of rural buildings.</i></p>	<p>Not applicable. This DA is for the subdivision of land only.</p>
<p><b>E3 Rural Based Activities</b></p> <p><i>This section applies to common rural based activities likely to occur in the applicable zones and provides guidelines on acceptable development design, siting and operation.</i></p>	<p>Not applicable. This DA is for the subdivision of land only.</p>

## PART H – DEVELOPMENT IN HAZARD AFFECTED AREAS

CONTROLS	COMPLIANCE
<p><b>H1 Flooding</b></p> <p><i>To ensure that development is appropriately located and constructed having account of the risk of flood impact.</i></p>	<p>Not applicable. The subject site is not identified as Flood Prone Land (<b>FPL</b>).</p>
<p><b>H2 Bushfire Prone</b></p> <p><i>The objectives are:</i></p> <ul style="list-style-type: none"> <li>a) <i>Prevent the loss of life and property by providing development that is compatible with the identified bushfire hazard.</i></li> <li>b) <i>Ensure that the risks associated with bushfire are appropriately and effectively managed.</i></li> <li>c) <i>Ensure that bushfire risk is managed in conjunction with the ecological values of the site and neighbouring lands.</i></li> </ul>	<p>Complies. The Bushfire Assessment Report prepared by Ember Bushfire Consulting confirms the proposed development meets the requirements of PBP 2019.</p> <p>This is detailed throughout this Statement and more specifically within Part 1.6.3 Bushfire Prone Land and Table 7 – Integrated Development.</p>
<p><b>H3 Contaminated Land</b></p> <p><i>To ensure that potentially contaminated land is suitable for the proposed development.</i></p>	<p>Complies. It is noted the proposed development is not located on 'Contaminated Land'. It is noted that despite the subject land has been used for agricultural purposes in the past, there are no know dip sites, any current or former waste disposal, burrow pits or offal/animal burial sites.</p> <p>Taking into consideration the historic use of the site Council can be satisfied that the land is not contaminated and is not land specified in subsection (4) of clause 4.6 of the SEPP (such that there is no requirement for a preliminary site investigation report).</p>



## PART I – CARPARKING AND ACCESS

CONTROLS	COMPLIANCE
<p><b>I1 Carpark Design</b></p> <p><i>To ensure that carpark design facilitates the safe and efficient movement of pedestrian and vehicles.</i></p>	Not applicable. This DA is for the subdivision of rural land only.
<p><b>I2 Loading Docks</b></p> <p><i>To ensure that loading docks are located and designed in a manner that facilitates ease of truck usage and does not increase crime opportunities.</i></p>	Not applicable. This DA is for the subdivision of rural land only.
<p><b>I3 Carpark Construction</b></p> <p><i>To ensure that carpark construction is suitable for the type and number of vehicles likely to visit the site.</i></p>	Not applicable. This DA is for the subdivision of rural land only.
<p><b>I4 Carparking Credits and Contributions</b></p> <p><i>Developments involving a change of use or additions/ alterations may attract parking credits. Parking credits will be determined by length of street frontage, type of existing parking (parallel or angled), the existing use and the number of existing carparking spaces on site and the demand for on site parking from the proposed development</i></p>	Not applicable. This DA is for the subdivision of rural land only.
<p><b>I5 Carparking Ratios</b></p> <p><i>Carparking ratios by Development Type.</i></p> <p><i>Car Parking requirements should be rounded up to the nearest number where necessary.</i></p>	Not applicable. This DA is for the subdivision of rural land only.

<p><b>I6 Residential Carparking</b></p> <p><i>To ensure that adequate carparking facilities are provided for residential development.</i></p>	<p>Not applicable. This DA is for the subdivision of rural land only.</p>
<p><b>I7 Property Access Crossings</b></p> <p><i>To ensure that access to site is provided in a location and manner that facilitates safety, efficient traffic movement and minimise negative environmental impact.</i></p>	<p>Proposed Lots 1 and 2 have existing legal and physical access off Mountain Creek Road. Proposed Lot 2 will require the creation and construction of additional track up to the building envelope.</p>
<p><b>PART K – NATURAL RESOURCES</b></p>	
<p><b>CONTROLS</b></p>	<p><b>COMPLIANCE</b></p>
<p><b>K1 Vulnerable Land</b></p> <p><b>K1.1 Salinity</b></p> <p><i>To ensure that any development does not exacerbate salinity on site or offsite or negatively impact upon buildings.</i></p>	<p>Complies. As indicated on Councils LEP Salinity Map, there are portions within the project Site that have been highlighted as having Dryland Salinity (refer <b>Figure 2.6</b>).</p> <p>It is anticipated the proposed development will not have an adverse impact on the salinity processes on the land. All appropriate measures and mitigations will be in place for the duration of the proposed subdivision works, avoiding any environmental impacts.</p> <p>All works associated with any earthworks will be carried out by the relevant and qualified contractors, who are aware of the sensitivities of the subject site. All care will be taken to avoid any significant environmental impact.</p> <p>Soil quality on the subject lot and surrounding land will not be affected by this development as the relevant and required controls will be in place prior to any works commencing.</p>
<p><b>K1.2 Erodible Soils</b></p> <p><i>To ensure that any development does not exacerbate erosion on site or sedimentation offsite.</i></p>	<p>Complies. There are no areas of mapped or observed high soil erodibility within the nominated building envelope on proposed Lot 2.</p> <p>It is anticipated the proposed development will not have an adverse impact on the soil quality on the subject lot. All appropriate measures and mitigations will be in place for the duration of the proposed subdivision works, avoiding any environmental impacts.</p>

	Soil quality on the subject lot and surrounding land will not be affected by this development as the relevant and required controls will be in place prior to any works commencing
<p><b>K2 Terrestrial Biodiversity</b></p> <p><i>To ensure that any development does not negatively impact upon the biodiversity of the site or the region overall.</i></p>	<p>Consistent. As indicated on Council's LEP Terrestrial Biodiversity Map there are areas within the subject site that have been identified/ mapped as having biodiversity concerns (refer <b>Figure 2.3</b>).</p> <p>The proposed building envelope and access entrance will occupy cleared sections of the subject site which is relatively void of significant vegetation.</p> <p>The proposal is expected to have a minimum impact in terms of the natural environment; this extends to the management of the biodiversity and environmental values of the land.</p> <p>Specifically, any potential biodiversity disturbance is limited to:</p> <ul style="list-style-type: none"> <li>• The future building envelope on proposed Lot 2, this includes the implementation and maintenance of the Asset Protection Zones (APZs) as per the Bushfire Assessment Report prepared by Ember Bushfire Consulting.</li> <li>• The creation and construction of a new access entrance on proposed Lot 2.</li> </ul> <p>It is noted there is no potential clearing of remnant trees within the areas listed above, therefore demonstrating the proposed development is actively protecting and enhancing the environmental and biodiversity values of Yass Valley.</p> <p>Further to that and during the construction phase of the proposed development, to ensure there are no adverse environmental impacts, the installation of erosion and sediment controls, and the provision of waste receptors and temporary construction exits that will be maintained in a condition that prevents tracking or flowing of sediment onto public or private property.</p> <p>The proposed development has taken into consideration any possible concerns and it has been determined that it will not have any detrimental effects on the biodiversity structure, function, and composition of the land.</p> <p>It is expected the proposed development will encourage the introduction of further vegetation to assist with privacy screening and to create a more appealing visual amenity.</p> <p>This assessment has found that the proposal will deliver a development that enables the orderly and economic use and development of the land that complies with key controls in</p>

	Council's LEP and other Government agencies, has minor and manageable environmental impacts and is compatible with the existing and desired local area character.
<p><b>K3 Groundwater Vulnerability, Riparian Lands and Watercourses</b></p> <p><b>K3.1 Groundwater</b></p> <p><i>To ensure that any development does not negatively impact upon groundwater quality, quantity, or ecosystem dependent species.</i></p>	<p>Not applicable. The subject site is not identified on the Groundwater Vulnerability Map within the YVCLEP2013 (refer to <b>Figure 2.4</b>)</p> <p>It is anticipated that this development with the correct controls in place will not have any detrimental effects to groundwater or riparian land.</p>
<p><b>K3.2 Riparian Land and Waterways</b></p> <p><i>To ensure that any development does not exacerbate streambank erosion, water pollution or ecosystem function.</i></p>	<p>Not applicable. The subject site is not mapped on the Riparian Land and Watercourses map within the YVLEP2013 (refer <b>Figure 2.5</b>).</p> <p>The proposed development does not involve any earthworks within the vicinity of watercourses drainage depressions or their environs.</p>

## 2.4 INTEGRATED DEVELOPMENT

Sections 4.46 and 4.47 of the EP&A Act requires a review of whether the proposed development on the subject site would trigger an approval under other environmental or related legislation. Such development is categorised as 'Integrated Development'.

The following provides brief commentary on whether any aspect of the development triggers a need for the consent authority to obtain General Terms of Approval from the relevant approval bodies.

**TABLE 7 – INTEGRATED DEVELOPMENT**

ACT	COMMENT
<i>Coal Mine Subsidence Compensation Act 2017</i>	The site is not located within a mine subsidence district.
<i>Fisheries Management Act 1994</i>	The site does not contain any permanent water bodies, nor is it located within Key Fish Habitat. It is considered the proposed development will not harm marine vegetation, nor will it require dredging of the bed and land reclamation of a Key Fish Habitat Creek.
<i>Heritage Act 1977</i>	No works are proposed that are referred to pursuant to section 57(1) of <i>Heritage Act 1977</i> .
<i>Mining Act 1992</i>	No mining lease is being sought as part of this DA.
<i>National Parks and Wildlife Act 1974</i>	The subject site has not been identified as containing any archaeological sites and is primarily of 'low' archaeological potential.
<i>Petroleum (Onshore Act) 1991</i>	No production lease is being sought as a part of this DA.
<i>Protection of the Environment Operations Act 1997</i>	The implementation of appropriate environmental protection works will ensure that no licence will be required.
<i>Roads Act 1993</i>	Section 138 of the Roads Act 1993 requires an approval from the Roads Authority (either Council or TfNSW) for certain works in, on or over a public road, or to connect to a classified road. TfNSW is not likely to be the referral agency for the subject application pursuant to Section 4.46 of the EP&A Act. The basis for this is there are no works require as part of this subdivision nor would they have been within a classified road.

	<p>Under this legislation, the proposed development, therefore, does not trigger the application as requiring integrated approval from TfNSW.</p>
<p><i>Rural Fires Act 1997</i></p>	<p>The subject land is identified as being bushfire prone land (<b>BFPL</b>) pursuant to the mapping within the YVLEP2013 (refer <b>Figure 1.3</b>).</p> <p>The proposed Torrens Title subdivision development is categorised as Integrated Development under Section 4.46 of the EP&amp;A Act. Integrated development requires development consent from Council and General Terms of Approval from NSW Rural Fire Service (<b>RFS</b>). Any development applications for such a purpose must obtain a bush fire safety authority (<b>BFSA</b>) from the Commissioner of NSW RFS in accordance with Section 100B of the RF Act.</p> <p>A BFSA authorises development to the extent that it complies with PBP 2019 including standards regarding setbacks, provision of water supply and other measures in combination considered by the Commissioner necessary to protect persons, property or the environment from danger that may arise from a bushfire.</p> <p>To support the proposed subdivision, a Bushfire Assessment Report prepared by Ember Bushfire Consulting is included with this application and includes recommendations that demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP (2019).</p> <p>Due to the recommendations in the Bushfire Assessment Report prepared by Ember Bushfire Consulting, the proposed Lot 2 building envelope is set 30m from the site boundary, not the standard 50m. The Bushfire Assessment Reports states:</p> <p><i>The APZ setback dimensions for proposed Lot 2 has been specified to ensure that future dwelling is not exposed to radiant heat levels exceeding 19 kW/m<sup>2</sup> , and therefore, exceed the minimum requirements.</i></p> <p><i>The radiant heat level of 19 kW/m<sup>2</sup> is less than the allowable 29 kW/m<sup>2</sup> . This intended design feature will provide a higher level of safety and resilience to the future dwelling on Lot 2. This design feature forms part of a performance-based design to address extended access/egress discussed in Section 4.3.</i></p>
<p><i>Water Management Act 2000</i></p>	<p>There are no watercourses that traverse the site or nearby. As such the development does not warrant approval pursuant to section 91(2) of the <i>Water Management Act 2000</i> for a controlled activity.</p>

## 2.5 STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policies (SEPPs) are environmental planning instruments that deal with matters of State or Regional environmental planning significance.

The following provides a brief commentary on whether the key SEPPs are relevant to this proposal.

**TABLE 8 – SEPPS**

SEPP	COMMENT
<i>SEPP (Biodiversity and Conservation) 2021</i>	<p>This SEPP aims to protect the biodiversity values of trees and vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of tree and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands, and koalas are included in the SEPP.</p> <p>No additional permits from Council for the clearing of vegetation is anticipated.</p> <p>There are no recent records of Koalas in the locality and the species is generally not known to occur in the lowland agricultural lands of the Yass Valley Council LGA.</p>
<i>SEPP (Transport and Infrastructure) 2021</i>	<p>There are provisions contained within the SEPP which are triggers for the referral of the DA to certain authorities prior to Council being able to grant consent. The potential triggers for referral are summarised as follows:</p> <p><u>Development Likely to affect an electricity transmission or distribution network</u></p> <p>Clause 2.48 of the SEPP requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that comprises or involves:</p> <ul style="list-style-type: none"><li>• The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of electricity tower.</li><li>• Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.</li><li>• Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.</li></ul>



	<ul style="list-style-type: none"> <li>Development involving or requiring the placement of power lines underground.</li> </ul> <p>Based on a review of the plans and documents submitted with the DA, the proposed DA is unlikely to trigger referral to the electrical supply authority, as the nearest overhead pole location is further than 5 metres of any anticipated future construction site.</p> <p><u>Development in or adjacent to road corridors and road reservations</u></p> <p>Clause 2.122 of the SEPP requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.</p> <p>The nature and scale of the proposed development does not trigger referral of the application to TfNSW.</p>
<i>SEPP (Primary Production)2021</i>	<p>This SEPP contains planning provisions to protect and support agricultural lands and opportunities for Primary Production.</p> <p>The proposed development for a two (2) lot Torrens Title Rural subdivision, does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.</p>
<i>SEPP (Resilience and Hazards) 2021</i>	<p>This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.</p> <p>It is noted the proposed development is not located on 'Contaminated Land'.</p> <p>'Contaminated Land' means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.</p> <p>Taking into consideration the historic use of the site Council can be satisfied that the land is not contaminated and is not land specified in subsection (4) of clause 4.6 of the SEPP (such that there is no requirement for a preliminary site investigation report).</p>

<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	<p>The proposed development is for the subdivision of two (2) Rural Torrens Title Lots which does not require a BASIX Certificate.</p> <p>As such this SEPP is not applicable to the assessment of this application.</p>
<i>SEPP (Exempt and Complying Codes) 2008</i>	<p>The proposed two (2) lot Torrens Title rural subdivision does not qualify to be assessed against this code.</p> <p>As such this SEPP is not applicable to the assessment of this application.</p>
<i>SEPP (Planning Systems) 2021</i>	<p>This SEPP contains planning rules that allow for a strategic and inclusive planning system for the community and the environment for State Significant Development.</p> <p>The proposed development is not classified as State Significant Development and therefore this SEPP is not applicable to this development application.</p>
<i>SEPP (Resources and Energy) 2021</i>	<p>This SEPP contains planning rules that promote the sustainable use of NSW's resources and transitioning to renewable energy.</p> <p>The proposed development does not relate to the developments listed above and as such this SEPP is not applicable to this development application.</p>
<i>SEPP (Housing) 2021</i>	<p>This SEPP facilitates development of affordable and diverse housing including boarding houses, build-to-rent housing, seniors housing, caravan parks/ manufactured home estates, group home, secondary dwellings, social and affordable housing and short-term rental accommodation.</p> <p>The proposed development does not relate to the delivery of development listed above. As such this SEPP is not applicable to this development application.</p>
<i>SEPP (Industry and Employment) 2021</i>	<p>This SEPP contains planning rules that applies to employment land in western Sydney and for advertising and signage in NSW.</p> <p>The proposed development does not relate to any of the items listed above and as such this SEPP is not applicable to this development application.</p>

## 2.6 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

In determining a development application, a consent authority is to take into consideration the following matters that are of relevance to the subject application as per Clause 4.15 of the EP&A Act

The following table summarises the key findings in the context of Section 4.15 of the Act under which the application must be assessed by the Consent Authority.

**TABLE 9 – SECTION 4.15 OF THE EP&A ACT**

OBJECT	COMMENT
<p>(a) <i>the provisions of—</i></p> <p><i>(i) any environmental planning instrument, and</i></p> <p><i>(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</i></p> <p><i>(iii) any development control plan, and</i></p> <p><i>(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</i></p> <p><i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i></p> <p><i>(v) (Repealed)</i></p> <p><i>that apply to the land to which the development application relates,</i></p>	<p>The proposed development has been prepared taking into consideration any potential socioeconomic and environmental concerns.</p> <p>It has been determined the proposed development will not raise any matters of significance to inhibit the approval of the development application.</p> <p>The proposal has been assessed against the relevant provision of the Environmental Planning and Assessment Act 1979, the relevant Local Environmental Plan specifically the YVLEP2013 and the Yass Valley Development Control Plan 2024 (YVDCP2024).</p> <p>The proposal is permissible with Councils consent within the zone and meets the relevant objectives of the RU1 Primary Production zone confirming the proposed development meets the relevant objectives.</p> <p>Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also attaining an environmentally sustainable development that is compatible with and sympathetic to surrounding and neighbouring properties.</p>
<p>(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i></p>	<p>The proposed development has been prepared to facilitate an ecologically sustainable development that represents rational, orderly, economic and sustainable use of the land.</p> <p>The proposed development has been sited to take into consideration the specific site characteristics, the existing access entrance and fencing.</p>

	<p>No major change in the aesthetics of the land is proposed to occur as part of this development.</p> <p>It has been determined that any minor impacts of the development will have little to no effect on the surrounding environment. The proposed development of the subject lot is expected to lay the foundation for more efficient utilization of the land, and it is expected to contribute to the local economy in varying degrees.</p>
<i>(c) the suitability of the site for the development,</i>	<p>The proposed development represents a coordinated approach to subdivision of the subject land that is consistent with, and compatible with the surrounding land uses of the Mullion.</p> <p>The proposed development has been designed to have regard for the existing land uses and will not adversely affect the amenity of the surrounding area, environment, or adjoining neighbours, maintaining the opportunity for sustainable residential development. Therefore, the site is considered suitable for the proposed development.</p>
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	<p>Council is required to take into consideration any submission made in accordance with Council's notification policy and the notification provisions of the EP&amp;A Act.</p>
<i>(e) the public interest.</i>	<p>This development application seeks approval for a proposed two (2) lot Torrens Title Rural Subdivision. The proposal is considered in the public interest for the following reasons:</p> <ul style="list-style-type: none"> <li>• The site is located within the RU1 Primary Production zone of the Mullion. The vision for the expansion of Yass LGA is to create a high quality and ecologically sustainable environment integrated with good accessibility and open space. This DA meets the intent of this by providing a high-quality development which will support the other uses of the area.</li> <li>• The site is zoned for development purposes, and the proposed development provides for a subdivision that is consistent with the objectives and controls contained in YVLEP2013 and the YVDCP2024.</li> <li>• The proposal accommodates rural living opportunities, within close proximity to Yass, Murrumbateman, Canberra and Goulburn.</li> <li>• It is expected any construction works associated with the future development of the site will contribute in varying degrees to the local economy and Yass Valley more generally.</li> </ul>

### **3. CONCLUSION**

This application seeks approval for a Two (2) Lot Rural Torrens Title Subdivision. It is concluded, the approval of the Development Application on Lot 2 DP598957, is an appropriate, orderly and compatible form of development when assessed against Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

This SEE has undertaken an environmental assessment of the proposed development and has concluded that the proposal provides a development that will have minimal environmental impacts that meets the relevant objectives of the RU1 Primary Production zone.

Careful consideration has been given to the design of the proposed development to ensure that a high-quality outcome is achieved whilst also achieving an environmentally sustainable development that is compatible with and sympathetic to surrounding properties.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the *Environmental Planning & Assessment Act 1979*,
- provide a development that is consistent with and appropriate to the existing and desired future character of the site.
- have no adverse impacts upon nearby residential development and public recreational space, and
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.

It has been considered that the proposal will not have a detrimental effect to the environment, and the proposal represents rational, orderly, economic and sustainable use of the land. It complies with all relevant legislation, will result in a good planning outcome, and it is recommended that conditional development consent for the proposed development on Lot 2 DP598957 1300 Mountain Creek Road, Mullion be granted by Council.

# APPENDIX A

## PROPOSED PLAN OF SUBDIVISION

## **APPENDIX B**

### **Site and Soil Assessment for On-site Effluent Disposal**



# APPENDIX C

## BUSHFIRE ASSESSMENT REPORT

# APPENDIX D

## AHIMS SEARCH RESULTS AND DUE DILIGENCE PROCEDURE

# APPENDIX E

## CERTIFICATE OF TITLE AND DEPOSITED PLAN FOR LOT 2 DP598957