

STATEMENT OF ENVIRONMENTAL EFFECTS

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PROJECT:	Development Application for a Three (3) Lot Torrens Title Rural Subdivision at Lot 4 DP1086437 and Lot 130 DP754908 613 Tallagandra Lane, Sutton, pursuant to the provisions within the <i>Yass Valley Local Environmental Plan 2013 (YVLEP2013)</i> , and the <i>Yass Valley Development Control Plan 2024 (YVDCP2024)</i> .
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OUR REFERENCE:	5929_SEE1
DATE:	June 2026
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SIGNATURE:	



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CONTENTS

STATEMENT OF ENVIRONMENTAL EFFECTS	1
1. INTRODUCTION	5
1.1 PURPOSE OF THIS REPORT	6
1.2 TYPE OF DEVELOPMENT APPLICATION	7
1.3 OWNER AND APPLICANT DETAILS	7
1.3.1 The Applicant	7
1.3.2 The Owner(s)	7
1.3.3 Site Address	7
1.4 SITE AND LOCATION	8
1.4.1 Site Description	8
1.4.2 Existing Easements, Restrictions on the Use of Land and Positive Covenants	9
1.4.3 Proposed Easements, Restrictions on the Use of Land and Positive Covenants	9
1.5 PROPOSED DEVELOPMENT	10
1.6 PROPOSED WORKS	13
1.6.1 Civil Works	13
1.6.2 Ecological Sustainable Development	13
2. ASSESSMENT	15
2.1 ENVIRONMENTAL PLANNING INSTRUMENTS	16
TABLE 1 - AIMS OF THE YVLEP 2013	16
TABLE 2 - OBJECTIVES OF THE RU1 PRIMARY PRODUCTION ZONE	19
TABLE 3 – OBJECTIVES OF CLAUSE 4.1B – SUBDIVISION USING AVERAGE LOT SIZES	21
TABLE 4 – RELEVANT PLANNING CONTROLS	23
2.2 POTENTIAL NATIVE VEGETATION IMPACT PURSUANT TO THE BIODIVERSITY CONSERVATION ACT 2016 AND THE BIODIVERSITY CONSERVATION REGULATION 2017	28
TABLE 5 - POTENTIAL NATIVE VEGETATION CLEARING FOR THE PROPOSED DEVELOPMENT:	30
2.3 DEVELOPMENT CONTROL PLAN	31
TABLE 6 – COMPLIANCE WITH THE YVDCP2024	31
2.4 INTEGRATED DEVELOPMENT	39
TABLE 7 – INTEGRATED DEVELOPMENT	39
2.5 STATE ENVIRONMENTAL PLANNING POLICIES	41
TABLE 8 – SEPPS	41
2.6 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT	44
TABLE 9 – SECTION 4.15 OF THE EP&A ACT	44
3. CONCLUSION	46
APPENDIX A	47
PROPOSED PLAN OF SUBDIVISION	47
APPENDIX B	48



SITE & SOIL ASSESSMENT FOR ON-SITE EFFLUENT DISPOSAL FOR PROPOSED LOTS 1 AND 3.....	48
APPENDIX C.....	49
BUSHFIRE ASSESSMENT REPORT	49
APPENDIX D.....	50
PASTURE ASSESSMENT REPORT	50
APPENDIX E.....	51
AHIMS SEARCH RESULTS AND DUE DILIGENCE PROCEDURE.....	51
APPENDIX F.....	52
CERTIFICATES OF TITLE AND DEPOSITED PLANS FOR LOT 4 DP1086437 AND LOT 130 DP754908.....	52



1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared for *Ryan Cappello, (the Applicant)* by DPS YASS Pty Ltd. This statement is to accompany a development application to Yass Valley Council for the approval of a Three (3) Lot Torrens Title Rural Subdivision at Lot 4 DP1086437 and Lot 130 DP754908 613 Tallagandra Lane, Sutton. It is proposed to create three lots of 28.2ha, 59.9ha and 40ha from the existing lots, under the provision of Clause 4.1B of Yass Valley Local Environmental Plan 2013.

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* (as amended).

This SEE includes a comprehensive assessment of the 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 zones. 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.



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 in 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 rural land. This is explained in more detail later in this Statement.
 - The subject site is located within the RU1 Primary Production zone of Sutton. 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 that will support the other uses of the area.
 - Accommodates future rural living opportunities in the locality of Sutton, within proximity to Canberra, Murrumbateman, Yass and Goulburn.
 - The development is suitable within this particular zone, as the proposed three-lot subdivision is consistent with the objectives and controls contained in YVLEP2013 and the YVDCP2024.
- 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 under 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

Ryan Cappello

C/- DPS Pty Ltd
PO Box 5
YASS NSW 2582

Contact: Claudia Edwards
Phone: (02) 6226 3322
Email: claudia@dpsyass.com.au

1.3.2 The Owner(s)

Martine Elske Cappello

C/- DPS Pty Ltd
PO Box 5
YASS NSW 2582

Contact: Claudia Edwards
Phone: (02) 6226 3322
Email: claudia@dpsyass.com.au

1.3.3 Site Address

The subject site for this application is legally identified as Lot 4 DP1086437 and Lot 130 DP754908 and is shown in **Figure 1.1** (Location Maps) of this Statement.



1.4 SITE AND LOCATION

1.4.1 Site Description

The subject site is located within the Sutton locality (refer to **Figure 1.1**), approximately 45km to Yass CBD, 27km to Murrumbateman Village, 35km to Canberra CBD and approximately 85km from Goulburn CBD. The site is located on Tallagandra Lane and connects to Yass, Murrumbateman, Canberra and Goulburn seamlessly via the Federal Highway, Barton Highway and Murrumbateman Road, which are some of the main connecting road corridors in the area.

The subject site consists of two allotments of 128.1ha. It is zoned RU1 Primary Production in the Yass Valley LEP 2013 (YVLEP2013) and is bounded by other similar rural lots to the North, South, East and West (refer to **Figure 1.1**). The land is currently utilised for rural purposes. Following this subdivision, the use is intended to remain the same.



Figure 1.1: Subject Site in relation to Yass, Murrumbateman Village and Canberra (Source: Google Earth Aerial Imagery)

1.4.2 Existing Easements, Restrictions on the Use of Land and Positive Covenants

- Easement for overhead power line(s) wide affecting the part 20 Wide in Plan with AE209777 (AE209777)
- Easement for transmission line 45.72 metres wide designated (H) notified in the government gazette no. 114 dated 9-10-1959 folio 3073 affecting the part of the land above described, shown so burdened in the title diagram -
 - Easement now vested in the New South Wales electricity transmission authority (2393353)
 - Easement now vested in Country Energy (AC875069)
- Easement for transmission line 45.72 metres wide, designated (K), affecting the part of the land above described, shown so burdened in the title diagram (see DP109650 – sheet 10) (H440829) -
 - Easement now vested in the New South Wales electricity transmission authority (2393353)
 - Easement now vested in Country Energy (AC875415)
- Easement for overhead powerlines 20 metres wide, designated (G), affecting the part (s) of the land above described, shown so burdened in the title diagram (DP1086437)
- Restrictions (s) on the use of land (DP1086437).

1.4.3 Proposed Easements, Restrictions on the Use of Land and Positive Covenants

- An Easement for Overhead Powerlines 20 Wide (E1) is proposed to be created over Lot 1, as per the Proposed Plan of Subdivision (Refer to Appendix A).
- A Restriction on the Use of Land is proposed to restrict Proposed Lots 1 and 3 to the electricity grid supply.
- It is proposed to create Building Envelopes within proposed Lots 1 and 3.



1.5 PROPOSED DEVELOPMENT

This report has been prepared by DPS to accompany the Development Application (**DA**) submission and is lodged under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* for a proposed Three (3) Lot Torrens Title Rural Subdivision that is permissible with Council consent. It is proposed to create three lots of 28.2ha, 59.9ha and 40ha from the existing lots.

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 reference 5929_PPS1 dated January 2026 (refer to **Appendix A**).
- Site & Soil Assessment for On-site Effluent Disposal for proposed Lots 1 and 3 prepared by Land Capability Services dated March 2026 (refer to **Appendix B**).
- Bushfire Assessment Report prepared by Cool Burn Fire and Ecology (refer to **Appendix C**)
- Pasture Assessment Report prepared by Roger Garnsey Agronomy, dated 23 May 2026 (refer to **Appendix D**).
- AHIMS Basic Search Result and Site-Specific Due Diligence Procedure (refer to **Appendix E**).
- Certificate of Title and Deposited Plan for Lot 4 DP1086437 and Lot 130 DP754908 (refer to **Appendix F**).

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
- Assessment of potential environmental impacts and identification of mitigation measures

The subject site has a total area of 128.1ha of land with one existing dwelling and ancillary structures currently located within proposed Lot 2. Proposed Lots 1 and 3 are currently vacant, and the proposed access to both Lots will be directly from Tallagandra Lane. Lot 2 has an existing property access crossing. It is noted that there is an existing property access to the small section of Lot 1 (5.9ha) that will be used for farm management only.

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. The proposed subdivision and associated works are not anticipated to have any adverse impacts on the surrounding amenity of adjoining lots or the nearby waterways. This DA is considered 'Integrated Development' pursuant to Section 4.46 of the EP&A Act. It is noted the proposed development is situated on land mapped as Bushfire Prone Land (**BFPL**) (refer to **Figure 1.2**). All development on BFPL must satisfy the aim and objectives of PBP 2019.



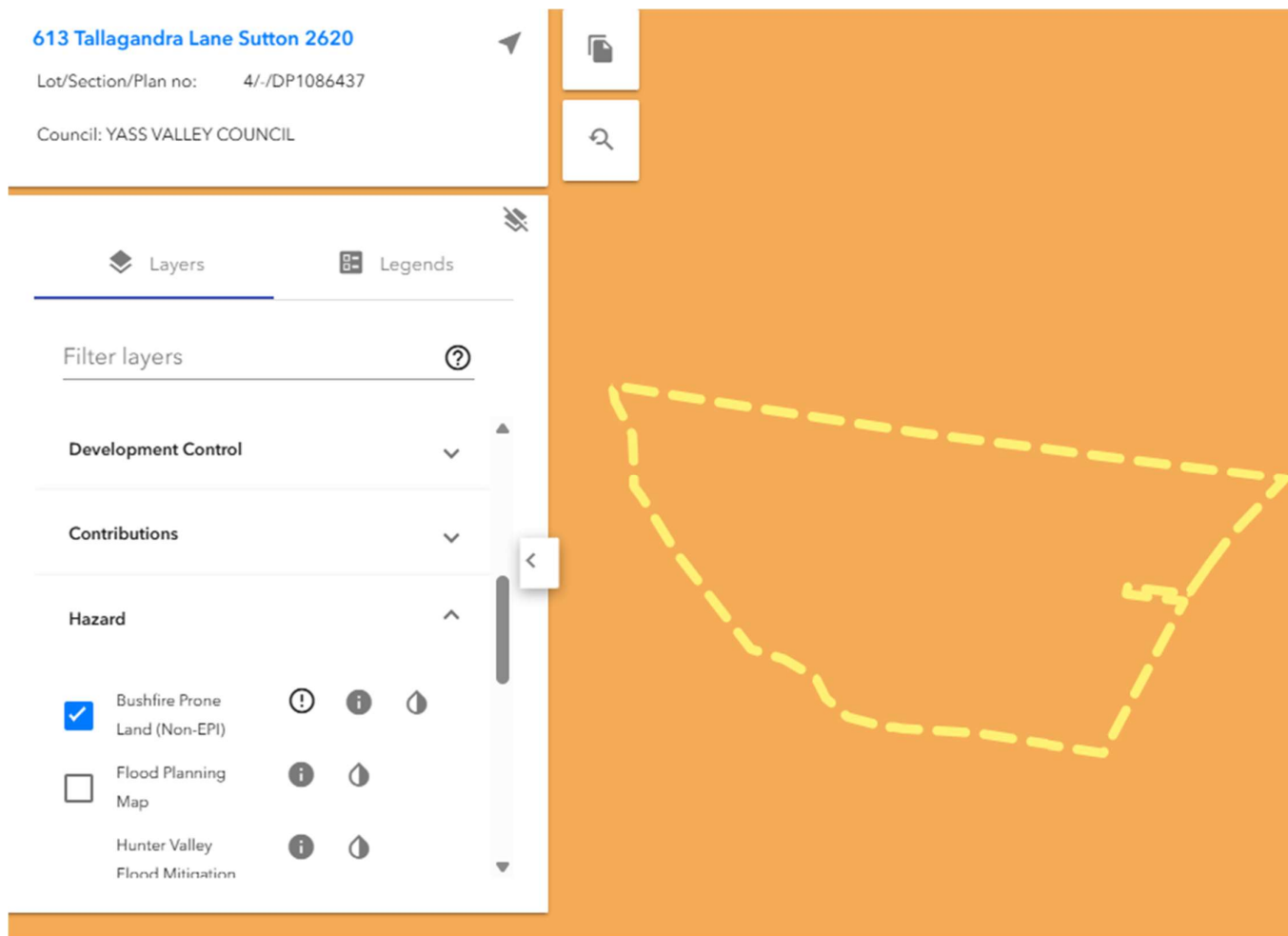


Figure 1.2: Bushfire Prone Land Map (Source: NSW Government Planning Portal Spatial Viewer)

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.*

The specific objectives required for the proposed development are detailed in Chapter 5 – Residential and Rural Subdivision of Planning for Bushfire Protection 2019 (**PBP**) and include:

- *Minimised perimeters of the subdivision exposed to the bushfire hazard;*
- *Minimise vegetated corridors that permit the passage of bushfire towards buildings;*
- *Provide for the siting of future dwellings away from ridge-tops and steep slopes, within saddles and narrow ridge crests;*
- *Ensure that APZs between a bushfire hazard and future dwellings are effectively designed to address the relevant bushfire attack mechanisms;*
- *Ensure the ongoing maintenance of APZs;*
- *Provide adequate access from all properties to the wider road network for residents and emergency services;*
- *Provide access to hazard vegetation to facilitate bushfire mitigation works and fire suppression; and*
- *Ensure the provision of an adequate supply of water and other services to facilitate effective firefighting.*

To support the proposed subdivision, a Bushfire Assessment Report prepared by Cool Burn Fire and Ecology (refer to **Appendix C**) is included with this application and includes recommendations that demonstrate an acceptable performance-based solution that is consistent with the NSW RFS PBP (2019.)

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
- Groundwater Vulnerability Map within the YVLEP2013
- Bushfire Prone Land (Non-EPI) within the YVLEP2013

However, as a result of this investigation it has been determined that any minor environmental impacts associated with the future operation of the subject site can be mitigated. 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. It is expected that any minor environmental impacts associated with the future operation of the development can be mitigated.



1.6 PROPOSED WORKS

This DA seeks to facilitate the development of the subject site for the purpose of domestic rural use, specifically the application seeks development consent for a subdivision creating three (3) Torrens Title Rural Lots, from the existing allotment, as indicated on the Proposed Plan of Subdivision (refer to **Appendix A**).

In detail, this development application seeks approval for:

- The subdivision of the subject site into three (3) Torrens Title Rural Lots (refer to **Appendix A**).

The proposed development has been designed to tie in with adjoining existing and future land uses, existing lot boundaries and visual amenity. 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 minimal adverse environmental effects on the subject/ surrounding land, or any adjoining development, where managed with the appropriate conditions.

1.6.1 Civil Works

Earthworks on the site can be designed to achieve no export and no importation of material that exceeds the permissible 100m³. This strategy has been proposed to minimise the impact on surrounding neighbours and the public road network. During construction and on-going use of the site, the appropriate sediment and erosion control measures will be implemented and maintained by the applicant's contractors. The proposed works will generally consist of the construction of the two proposed accesses for Lot 1 and 3.

1.6.2 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 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 for a three (3) Lot Torrens Title Rural Subdivision can be categorised as an ESD as depicted in this Statement 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.



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.



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 to **Figure 2.1**).

This development involves the subdivision of the subject lot into three (3) Torrens Title Rural Lots that are permissible with conditional consent pursuant to clause(s) 2.1 and 2.6 of the YVLEP2013 within the RU1 Primary Production zone. 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>	Complies. 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. 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.
<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>	Complies. The proposed subdivision will provide the opportunity for an appropriate variety of housing type(s) and densities. By creating three (3) manageable rural lots, housing density will slightly increase without any adverse impacts on its context or overall desired outcome.
<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>	Complies. Although the subject site is not situated within a Yass Valley village, it is positioned in a region that appreciates local character. The proposal has considered the site, nature, and scale of development while also recognising the land's features and the nearby surroundings, thereby actively preserving the character of Yass Valley.
<i>(h) to enhance service provision in each of the villages in Yass Valley,</i>	Complies. The proposed subdivision will improve service delivery in Sutton by increasing the population, which will in turn facilitate the demand for enhanced service offerings.
<i>(i) to protect and conserve the cultural heritage and history of Yass Valley,</i>	Complies. 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. According to the Office of Environment and Heritage website, there are no identified Aboriginal relics or heritage items located on the property.
<i>(j) to protect and enhance the environmental and biodiversity values of Yass Valley,</i>	Complies. 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. The area selected for the proposed building envelopes has been carefully chosen to minimise vegetation clearing and is located within a previously disturbed section of the site. Specifically, any potential biodiversity removal is limited to: • The future building envelopes on proposed Lots 1 and 3, including the implementation and maintenance of the Asset Protection Zones as per the Bushfire Assessment Report (refer to Appendix C) and, • The two proposed access crossings for Lots 1 and 3. The Pasture Assessment Report (refer to Appendix D) confirms that the areas selected for the proposed building envelopes and future access track comprise entirely exotic vegetation species. Accordingly, the proposed clearing will not result in the removal of native vegetation or harm to native species.
<i>(k) to minimise land use conflicts.</i>	Complies. The zoning of the proposed development is consistent with surrounding development, which in turn minimises the potential for land use conflicts.



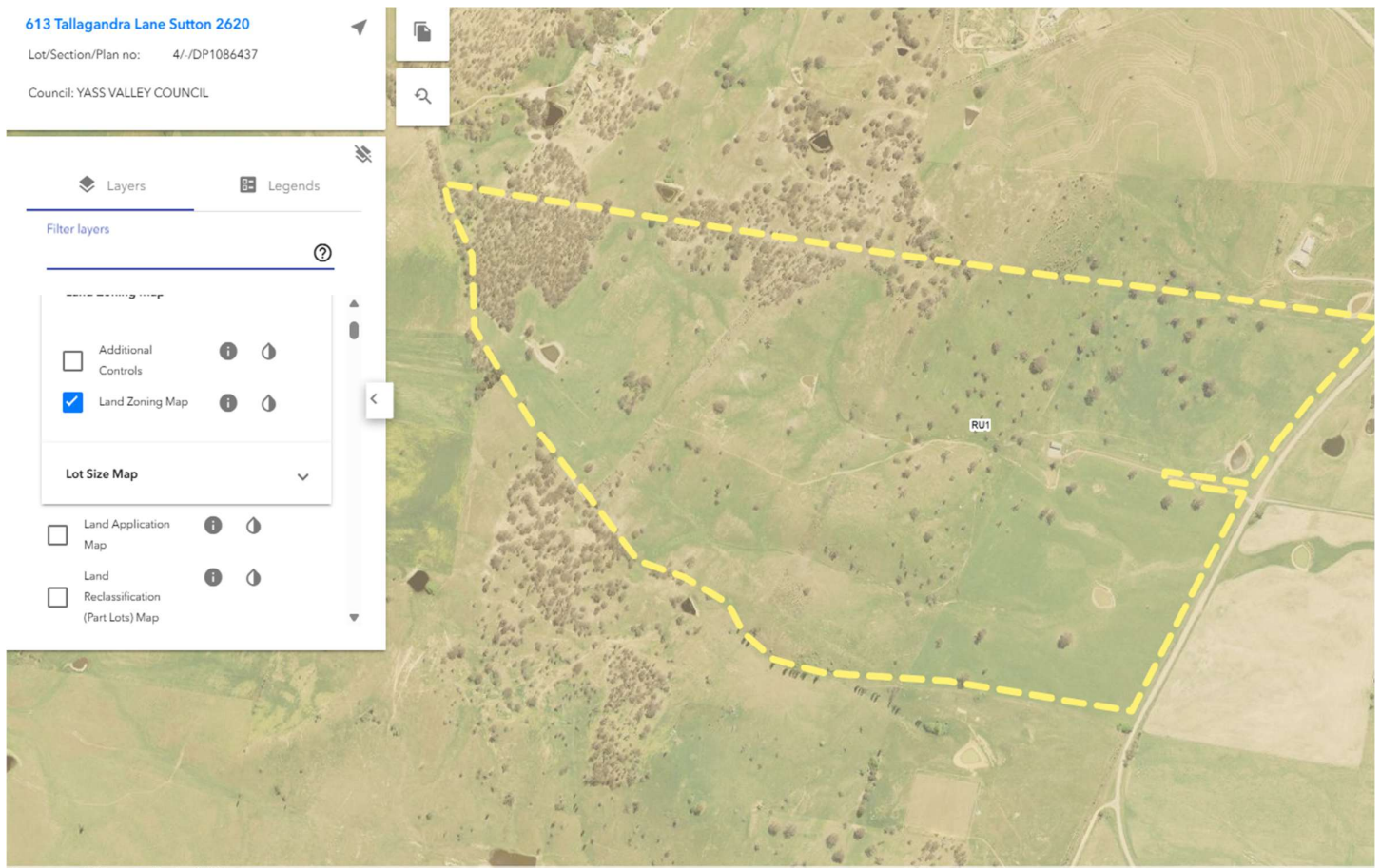


Figure 2.1: Land Zoning Map (Source: NSW Government Planning Portal Spatial Viewer)

TABLE 2 - OBJECTIVES OF THE RU1 PRIMARY PRODUCTION ZONE

A portion of the subject site is zoned RU1 Primary Production (refer to **Figure 2.1**). The following table demonstrates that the proposed three (3) Lot Torrens Title Rural 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>	Complies. The proposal is found to be consistent with the RU1 Primary Production land use objectives, providing for a low-impact rural development that is permitted within the zone with conditional consent. The proposed development is sympathetic with the surrounding amenity of the area, considers the opportunities and constraints of the site, including all relevant legislation and is therefore considered worthy of the Councils support. 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.
<i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	Complies. The proposed subdivision will create additional rural lots for new dwellings in the Sutton locality. It is intended that the proposed lots will encourage diversity in primary industry enterprises and systems appropriate for the area and the size of the lots.
<i>To minimise the fragmentation and alienation of resource lands.</i>	Complies. The zoning of the proposed development is consistent with surrounding development, which in turn minimises the fragmentation and alienation of resource lands.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	Complies. 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.
<i>To protect and enhance the biodiversity of Yass Valley.</i>	Complies. 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. The area selected for the proposed building envelopes has been carefully chosen to minimise vegetation clearing and is located within a previously disturbed section of the site. Specifically, any potential biodiversity removal is limited to:



	• The future building envelopes on proposed Lots 1 and 3, including the implementation and maintenance of the Asset Protection Zones as per the Bushfire Assessment Report (refer to Appendix C) and, • The two proposed access crossings for Lots 1 and 3. The Pasture Assessment Report (refer to Appendix D) confirms that the areas selected for the proposed building envelopes and future access track comprise entirely exotic vegetation species. Accordingly, the proposed clearing will not result in the removal of native vegetation or harm to native species.
<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>	Complies. Although the subject site is not situated within a Yass Valley village, it is positioned in a region that appreciates local character. The proposal has considered the site, nature, and scale of development while also recognising the land's features and the nearby surroundings, thereby actively preserving the character of Yass Valley.
<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>	Complies. 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.
<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>	Complies. 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 rural environment. The proposed subdivision creates three (3) lots that are expected to lay the foundation for more efficient utilisation of the land, and it is expected to contribute in varying degrees to the local economy.
<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>	Not applicable. The proposed subdivision is not located on the fringe of an urban area.



TABLE 3 – OBJECTIVES OF CLAUSE 4.1B – SUBDIVISION USING AVERAGE LOT SIZES

A portion of the subject site has a minimum lot size of 40ha (refer to 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 three (3) Lot Torrens Title Rural Subdivision is consistent with the objectives and controls of Clause 4.1B – Subdivision Using average Lot Sizes.

OBJECTIVES OF CLAUSE 4.1B – SUBDIVISION USING AVERAGE LOT SIZES	COMPLIANCE
<i>(1) The objectives of this clause are to facilitate controls that –</i> <i>(a) maintain the rural character of the Yass Valley and,</i>	Complies. The proposed three (3) Lot Torrens Title Rural Subdivision minimises any likely impact on the amenity of neighbouring properties; it will not generate any unacceptable adverse environmental impacts in respect of overshadowing, view loss or privacy impacts. It is noted that the proposed development is situated in the locality of Sutton. The proposed subdivision will not impact on either the built or natural environment in any substantial way. In this regard: • It will not result in any substantial changes to the established streetscape qualities of the area; • The act of subdividing will not directly impact on neighbouring properties. It is determined that future dwelling houses will have good separation distances to adjoining dwellings. • The act of subdividing will not result in any substantial changes to traffic volumes in the locality. • Subdividing the site will not necessitate the removal of any existing important vegetation. 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.
<i>b) facilitate a subdivision design that takes into consideration the</i>	Complies. The proposed subdivision development is seeking



environmental and agricultural values of the land and protect those values.

Council consent for the creation of three lots, with a total average lot size of 42.7 ha, the detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision (refer Appendix A).

LOT NUMBER	LOT SIZE (HA)	COMPLIES WITH AVERAGE MLS CONTROLS
1	28.2	Yes
2	59.9	Yes
3	40	Yes

The proposal is consistent with the aims and objectives of the Yass Valley Local Environmental Plan 2013 (YVLEP 2013) and supports the delivery of diverse housing opportunities suited to a range of buyers and price points. The subdivision represents a logical and efficient use of the subject land in accordance with its zoning and location. It is compatible with the surrounding area and, when subject to appropriate conditions, is not expected to result in any adverse environmental, ecological, or amenity impacts on nearby land or development.



Figure 2.2: Lot Size Map (Source: NSW Government Planning Portal Spatial Viewer)



TABLE 4 – RELEVANT PLANNING CONTROLS

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

PLANNING CONTROLS	COMPLIANCE
<i>Clause 2.1 Land Use zones</i>	Complies. The subject site is zoned RU1 Primary Production. The subdivision of land within this zone is permissible with development consent.
<i>Clause 2.6 Subdivision – consent requirements</i>	Complies. The subject site is zoned RU1 Primary Production. The subdivision of land within this zone is permissible with development consent.
<i>Clause 4.1B Subdivision Using Average Lot Sizes</i>	Complies. The proposed subdivision development is seeking Council consent for the creation of three lots, with a combined average lot size of 42.7 ha, the detail of which is tabulated below and illustrated on the Proposed Plan of Subdivision (refer Appendix A).
<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 is not proposing a variation to the YVLEP2013.
<i>Clause 5.10 Heritage conservation</i>	Complies. 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. According to the Office of Environment and Heritage website, there are no identified Aboriginal relics or Aboriginal heritage items located on the property.
<i>Clause 5.21 Flood planning</i>	Not applicable. The subject site is not identified as Flood Prone Land (FPL).



Clause 6.1 Earthworks

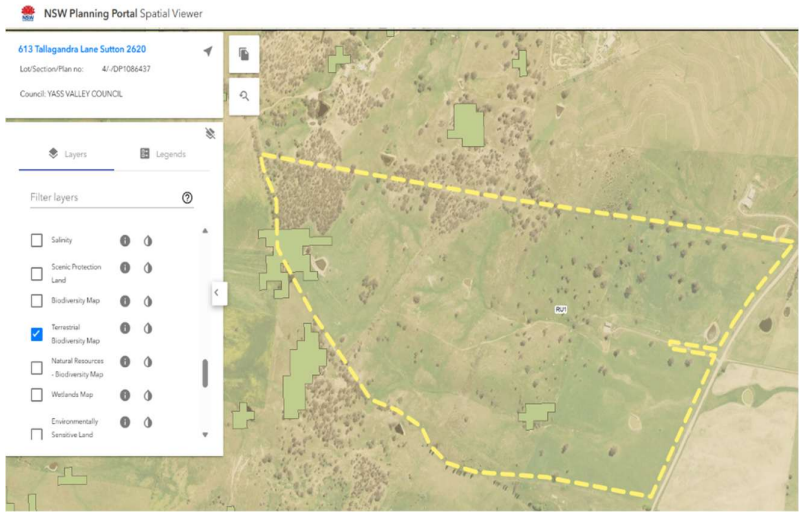
Complies. The objective of Clause 6.1 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural heritage items or features of the surrounding land. Before granting development consent for earthworks, the following issues must be considered:

- The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.
- The effect of the development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.
- The effect of the development on any existing and likely amenity of adjoining properties.
- The source of any fill material and the destination of any excavated material.
- The likelihood of disturbing relics.
- The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- It is anticipated that given the purpose, nature and 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.

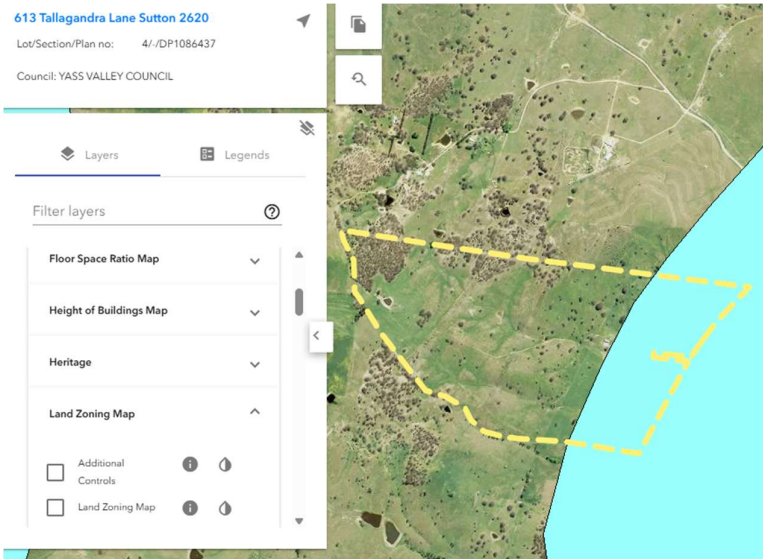
The proposed works will involve the installation of a number of sediment and erosion control measures to address any potential impacts associated with the development. These measures will be in place for the duration of the construction phase to avoid, minimise and mitigate any impacts that could potentially occur. These measures may include:

- A temporary site security/ safety fence to be constructed around the site;
- Sediment fencing provided downstream of disturbed areas, including any topsoil stockpiles;



	• Dust control measures including covering stockpiles, installing fence hessian and watering exposed areas; • Placement of hay bales or mesh and gravel inlet filters around and along proposed catch drains and around stormwater inlet pits.
<i>Clause 6.3 Terrestrial biodiversity</i>	Complies. 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. The area selected for the proposed building envelopes has been carefully chosen to minimise vegetation clearing and is located within a previously disturbed section of the site. Specifically, any potential biodiversity removal is limited to: • The future building envelopes on proposed Lots 1 and 3, including the implementation and maintenance of the Asset Protection Zones as per the Bushfire Assessment Report (refer to Appendix C) and, • The two proposed access crossings for Lots 1 and 3. The Pasture Assessment Report (refer to Appendix D) confirms that the areas selected for the proposed building envelopes and future access track comprise entirely exotic vegetation species. Accordingly, the proposed clearing will not result in the removal of native vegetation or harm to native species.  Figure 2.3: Terrestrial biodiversity Map (Source: NSW Government Planning Portal Spatial Viewer)
<i>Clause 6.4 Groundwater vulnerability</i>	Complies. As indicated on Council's LEP Groundwater Vulnerability Map (refer to Figure 2.4) the subject land has been highlighted as having groundwater vulnerability. The proposed



	key management measures to minimise the potential for any adverse groundwater impacts include the implemented of erosion and sediment control measures and stabilisation of all drainage lines. However, as we are proposing to subdivide the subject lot, a Site & Soil Assessment for Onsite Effluent Disposal have been prepared by Land Capability Services (refer to Appendix B) confirming there is adequate available space for effluent disposal within the proposed building envelopes.  Figure 2.4: Groundwater Vulnerability Map (Source: NSW Government Planning Portal Spatial Viewer)
<i>Clause 6.5 Riparian land and watercourses</i>	Not applicable, the subject site is not identified on the Riparian Land and Watercourses Map within the YVLEP2013.
<i>Clause 6.6 Salinity</i>	Not applicable, the subject site is not identified on the Salinity Map within the YVCLEP2013.
<i>Clause 6.7 Highly erodible soils</i>	Not applicable, the subject site is not identified on the Highly Erodible Soils Map within the YVLEP2013.
<i>Clause 6.8 Essential services</i>	<i>the supply of water,</i> Proposed Lot 2 contains an existing rainwater tank plumbed to the dwelling house, in addition to existing dams that provide water for farm use, bushfire protection and irrigation. Proposed Lots 1 and 3 are expected to install rainwater tank(s) at the dwelling construction stage. Existing dams are also located within each proposed lot and will continue to be available for use



	<i>the supply of electricity,</i> The dwelling within proposed lot 2 uses an existing connection to power. It is proposed to create a Restriction on the Use of Land over Lots 1 and 3 to state that they will not be connected to the electricity grid supply <i>the disposal and management of sewage,</i> Proposed Lot 2 has an existing on-site wastewater treatment system servicing the existing dwelling house that is working efficiently. Proposed Lots 1 and 3 will require the installation of an on-site wastewater treatment system as recommended in the Site & Soil Assessment for On-site Effluent Disposal prepared by Land Capability Services (refer to Appendix B), at the construction stage for a dwelling house. <i>stormwater drainage or on-site conservation,</i> The proposed subdivision development will have minimal effect on the existing natural overland flow path for stormwater runoff. All appropriate stormwater drainage techniques are existing and are intended to remain in place. <i>suitable vehicular access,</i> Proposed Lot 2 has an existing legal and physical property access crossing off Tallagandra Lane. Proposed lots 1 and 3 will both require the creation of an access crossing off Tallagandra Lane. <i>connection to a communications network with voice or data capability (or both).</i> Proposed Lot 2 has an existing connection to the NBN Satellite mobile telecommunications network servicing the existing dwelling houses. Proposed Lots 1 and 3 will connect to the existing available infrastructure, being the NBN Satellite mobile telecommunications network, upon the construction of a dwelling house.
<i>Clause 6.9 Development within a designated buffer area</i>	Not applicable. The subject is not identified on the Water, Waste and Sewage Buffer Map within the YVLEP2013.
<i>Clause 6.10 Development on land intended to be acquired for Barton Highway Duplication</i>	Not applicable. The subject site is not identified on the Barton Highway Duplication Map within the YVLEP2013.



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), which commenced on 25 August 2017, aims *"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."* Supported by the Biodiversity Conservation Regulation 2017, the Act establishes the Biodiversity Offsets Scheme (BOS), which seeks to avoid, minimise, and offset impacts on biodiversity arising from development.

Under the BC Act, a Biodiversity Development Assessment Report (BDAR) is required where 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 identified on the Biodiversity Values Map within the YVLEP2013. The proposed development will not result in the clearing of native vegetation exceeding the 1-hectare (10,000 m²) threshold. A pasture assessment report was prepared by Roger Garnsey Agronomy (refer to Appendix D) and demonstrates that the land subject to be cleared for the proposed access crossings, tracks and building envelopes comprises entirely of exotic vegetation species. As such, the Biodiversity Offsets Scheme is not triggered, and a BDAR will not be required.

Access Tracks

Proposed Lot 2 has an existing legal and physical access track off Tallagandra Lane that is in good condition and meets Council's Standards. Proposed Lots 1 and 3 will require the construction of access tracks to the proposed building envelopes at the construction stage for future dwellings. The pasture assessment report (refer to Appendix D) demonstrates that the proposed site for these tracks is entirely exotic vegetation species. Accordingly, the total potential native vegetation clearing for the creation of access tracks is **0m²**

Fencing

The proposed subdivision will require the installation of approximately 1317m of additional boundary fencing. The total potential native vegetation clearing for the construction of the fencing is **2634m²**.

Access Entrances

Proposed Lot 2 has an existing legal and physical access off Tallagandra Lane that is in good condition and meets Council's Standards. Proposed Lots 1 and 3 will require the construction of property access crossings. The pasture assessment report (refer to Appendix D) demonstrates that the proposed site for these crossings is entirely exotic vegetation species. Accordingly, the total potential native vegetation clearing for the creation of access crossings is **0m²**



Asset Protection Zones (APZ's)

The Asset Protection Zone (APZ) setbacks required for proposed Lots 1 and 3 have been calculated using the recommendations in the Bushfire Assessment Report (refer to Appendix C). Based on the comments within the Bushfire Assessment Report, it has been determined that the required APZs can be contained within the proposed building envelope. The existing dwelling within proposed lot 2 already has a cleared APZ and will not require any further clearing. The total potential native vegetation clearing required for the APZs is 0m².

Building Envelopes

The proposed building envelopes have been placed to reduce the impact on large vegetation. The Pasture assessment report demonstrates that the proposed site for these building envelopes is entirely exotic vegetation species. Accordingly, the total potential native vegetation clearing for the proposed building envelope sites is 0m².

Electricity/ Telecommunications

The dwelling house within proposed Lot 2 has an existing connection to the electricity grid. A Restriction on the Use of Land will be created to state that Lots 1 and 3 will not be connected to the electricity grid supply. The total potential native vegetation clearing to implement the future electricity/ telecommunications infrastructure will be 0m².

Onsite Effluent Disposal

As per the Site & Soil Assessment for On-site Effluent Disposal, the area specified for effluent treatment for proposed Lot 1 and 3 is 450m². There are large areas within the proposed building envelopes to accommodate this disposal area. Therefore, the total potential native vegetation clearing required for the effluent disposal will be 0m².

Total Vegetation Clearing of the Proposed Development:

Taking the above into consideration, a total area of native vegetation clearing for the proposed development has been calculated at 2634m².

This calculation represents the maximum potential extent of native vegetation clearing associated with the proposed subdivision. The assessment includes vegetation likely to be impacted by the development and associated land use or maintenance activities. These findings are summarised in Table 5 for ease of reference.



TABLE 5 – POTENTIAL NATIVE VEGETATION CLEARING FOR THE PROPOSED DEVELOPMENT:

ITEM OF WORKS	LOT(S)	NOTES	AREA OF POTENTIAL NATIVE VEGETATION REMOVAL
Access Track	1 2 3	Exotic Existing Exotic	0m ² 0m ² 0m ²
Fencing	1 2 3	1317m x 2m Existing Existing	2634m ² 0m ² 0m ²
Access Entrance	1 2 3	Exotic Existing Exotic	0m ² 0m ² 0m ²
Asset Protection Zones (APZ's)	1 2 3	Contained within the BE Existing Contained within the BE	0m ² 0m ² 0m ²
Building Envelope (BE)	1 2 3	Exotic Existing Exotic	0m ² 0m ² 0m ²
Electricity/ Telecommunications	1 2 3	Existing Mobile NBN Satellite Coverage Existing Mobile NBN Satellite Coverage Existing/ Mobile NBN Satellite Coverage	0m ² 0m ² 0m ²
Onsite Wastewater Disposal	1 2 3	(450m ²) Contained within the BE Existing (450m ²) Contained within the BE	0m ² 0m ² 0m ²
TOTAL AREA OF POTENTIAL CLEARING			2634m²



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
<i>B1 Sustainability</i> <i>a. Increase tree retention and provision at the development stage to increase and enhance tree cover, for visual, social, environmental, economic and ecological values.</i> <i>b. Discourage the use of heat-producing surfaces in preference of natural materials, surfaces and finishes.</i> <i>c. Encourage the use of sustainable building materials.</i> <i>d. Avoid excessive resource consumption and minimise waste.</i>	Complies, 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. 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.



B2 Site Suitability <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>	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. 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.
B3 Site Analysis Plan <i>All applications must be accompanied by a site analysis plan.</i>	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 to Appendix A, B, C & D). The scale of the development has been derived from planning controls and desires a high degree of amenity for future residents.
B4 Crime Prevention and Safety <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>	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.
B4 Neighbourhood Character <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 responsive to, the individual character of each neighbourhood.</i>	Complies. The proposed development has been designed to take into consideration the specific site characteristics and the specific design controls within the YVDCP2024. 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 surrounding environment, in turn actively maintaining the existing neighbourhood character.
PART C – SUBDIVISION CONTROLS	
CONTROLS	COMPLIANCE



C1 Layout <i>To ensure that the layout of subdivisions considers landform, topography with all necessary services considered at design stage.</i>	Complies. The proposed subdivision has been designed to reflect the adjacent settlement patterns, land uses and character, also considering the topography of the land to minimise the potential for extensive earthworks and vegetation removal.
C2 Staging <i>To ensure that each stage in a progressive subdivision takes account of subsequent stages and development potential of adjoining land.</i>	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 <i>To minimise potential land use conflict and protect the right to farm and enjoyment of individual properties.</i>	Complies. The proposed Lot layout and building envelopes allow for the appropriate distance to minimise any potential land use conflicts. The proposed building envelopes enables the appropriate separation of more than 100m from another existing/ future dwelling house on an adjoining lot.
C2.2 Fences <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 the existing fencing that fits with the existing landscape and is suitable for the location.
C2.3 Access <i>To ensure that each allotment is provided with a legal, adequately designed and located access.</i>	Proposed Lot 2 has an existing legal and physical property access crossing off Tallagandra Lane. Proposed lots 1 and 3 will both require the creation of an access crossing off Tallagandra Lane.
C2.4 Road Design <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 a new road.



C2.5 Stormwater <i>To ensure that subdivisions in non-urban areas are provided with adequate drainage in an appropriate manner.</i>	The proposed subdivision development will have minimal effect on the existing natural overland flow path for stormwater runoff. All appropriate stormwater drainage techniques are existing and are intended to remain in place.
C2.6 Essential Services <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 the response to Clause 6.8 in Table 4 of this Statement.
C2.7 Bushfire prone land <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 Cool Burn Fire and Ecology, confirms that the proposed development meets the requirements of PBP 2019.

PART E – RURAL, LARGE LOT AND ENVIRONMENTAL ZONE DEVELOPMENT

CONTROLS	COMPLIANCE
E1 Siting of Buildings <i>To ensure that developments are sited in a manner to not dominate the rural landscape and minimise land use conflict potential.</i>	Complies. Whilst this DA is not for the construction of a dwelling house, the proposed building envelopes have been positioned accordingly to take into consideration all constraints. The specific position of a dwelling house will be determined upon the preparation of a future DA for a dwelling house.
E2 Access <i>To ensure that all developments are provided with safe and legal access that does not impede traffic movement.</i>	Proposed Lot 2 has an existing legal and physical property access crossing off Tallagandra Lane. Proposed lots 1 and 3 will both require the creation of an access crossing off Tallagandra Lane.
E1 Dwellings <i>This section applies to new dwellings, ancillary development, as well as alterations and additions to existing dwellings.</i>	Not applicable. This DA is for the subdivision of land only.



E2 Farm Buildings and Outbuildings <i>To provide guidance on the placement of rural buildings.</i>	Not applicable. This DA is for the subdivision of land only.
E3 Rural Based Activities <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>	Not applicable. This DA is for the subdivision of land only.
PART H – DEVELOPMENT IN HAZARD AFFECTED AREAS	
CONTROLS	COMPLIANCE
H1 Flooding <i>To ensure that development is appropriately located and constructed having account of the risk of flood impact.</i>	Not applicable. The subject site is not identified as Flood Prone Land (FPL).
H2 Bushfire Prone <i>The objectives are:</i> <i>a) Prevent the loss of life and property by providing development that is compatible with the identified bushfire hazard.</i> <i>b) Ensure that the risks associated with bushfire are appropriately and effectively managed.</i> <i>c) Ensure that bushfire risk is managed in conjunction with the ecological values of the site and neighbouring lands.</i>	Complies. The Bushfire Assessment Report prepared by Cool Burn Fire and Ecology confirms the proposed development meets the requirements of PBP 2019.
H3 Contaminated Land <i>To ensure that potentially contaminated land is suitable for the proposed development.</i>	Complies. The consent authority must consider the contamination potential of the land, and if the land is contaminated, it must be 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. It is noted that the land on which this proposed development is to take place does not have any known dip sites, offal or waste pits, gravel extraction or intensive orcharding or viticulture that has intensive spray regimes. 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).
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PART I – CARPARKING AND ACCESS

CONTROLS	COMPLIANCE
I1 Carpark Design <i>To ensure that carpark design facilitates the safe and efficient movement of pedestrian and vehicles.</i>	Not applicable. This DA is for the subdivision of land only.
I2 Loading Docks <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>	Not applicable. This DA is for the subdivision of land only.
I3 Carpark Construction <i>To ensure that carpark construction is suitable for the type and number of vehicles likely to visit the site.</i>	Not applicable. This DA is for the subdivision of land only.
I4 Carparking Credits and Contributions <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</i>	Not applicable. This DA is for the subdivision of land only.



<i>and the demand for on site parking from the proposed development</i>	
15 Carparking Ratios <i>Carparking ratios by Development Type. Car Parking requirements should be rounded up to the nearest number where necessary. Where a development contains more than one land use the total parking requirement will be calculated by adding together the number of spaces required for each separate use.</i>	Not applicable. This DA is for the subdivision of land only.
16 Residential Carparking <i>To ensure that adequate carparking facilities are provided for residential development.</i>	Not applicable. This DA is for the subdivision of land only.
17 Property Access Crossings <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>	Proposed Lot 2 has an existing legal and physical property access crossing off Tallagandra Lane. Proposed lots 1 and 3 will both require the creation of an access crossing off Tallagandra Lane.
PART K – NATURAL RESOURCES	
CONTROLS	COMPLIANCE
K1 Vulnerable Land K1.1 Salinity <i>To ensure that any development does not exacerbate salinity on site or offsite or negatively impact upon buildings.</i>	Not applicable. The subject site is not identified on the Salinity Map within the YVLEP2013
K1.2 Erodible Soils <i>To ensure that any development does not exacerbate erosion on site or sedimentation offsite.</i>	Not applicable, the subject site is not identified as having Highly Erodible Soils.



K2 Terrestrial Biodiversity <i>To ensure that any development does not negatively impact upon the biodiversity of the site or the region overall.</i>	Complies. 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. The area selected for the proposed building envelopes has been carefully chosen to minimise vegetation clearing and is located within a previously disturbed section of the site. Specifically, any potential biodiversity removal is limited to: • The future building envelopes on proposed Lots 1 and 3, including the implementation and maintenance of the Asset Protection Zones as per the Bushfire Assessment Report (refer to Appendix C) and, • The two proposed access crossings for Lots 1 and 3. The Pasture Assessment Report (refer to Appendix D) confirms that the areas selected for the proposed building envelopes and future access track comprise entirely exotic vegetation species. Accordingly, the proposed clearing will not result in the removal of native vegetation or harm to native species.
K3 Groundwater Vulnerability, Riparian Lands and Watercourses K3.1 Groundwater <i>To ensure that any development does not negatively impact upon groundwater quality, quantity, or ecosystem dependent species.</i>	Complies. As indicated on Council's LEP Groundwater Vulnerability Map (refer to Figure 2.4), the subject land has been highlighted as having groundwater vulnerability. The proposed key management measures to minimise the potential for any adverse groundwater impacts include the implementation of erosion and sediment control measures and stabilisation of all drainage lines. However, as we are proposing to subdivide the subject lot, a Site & Soil Assessment for Onsite Effluent Disposal has been prepared by Land Capability Services (refer Appendix's B) confirming there is adequate available space for effluent disposal within the proposed building envelopes.
K3.2 Riparian Land and Waterways <i>To ensure that any development does not exacerbate streambank erosion, water pollution or ecosystem function.</i>	Not applicable, the subject site is not identified on the Riparian Land and Watercourses Map within the YVLEP2013.



2.4 INTEGRATED DEVELOPMENT

Sections 4.46 and 4.47 of the EP&A Act require 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 subject site does not contain any permanent water bodies, nor is it located within Key Fish Habitat. It is considered that 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 of <i>Heritage Act 1977</i> .
<i>Mining Act 1992</i>	No mining lease is being sought as part of this DA, noting this DA is for a proposed Three (3) Lot Torrens Title Subdivision.
<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, noting this DA is for a proposed Three (3) Lot Torrens Title Subdivision.
<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.



	Minor works may be required to connect the Site to a Council road. TfNSW is not likely to be the referral agency for the subject application pursuant to Section 4.46 of the EP&A Act. Under this legislation, the proposed development, therefore, does not trigger the application as requiring integrated approval from TfNSW.
<i>Rural Fires Act 1997</i>	The subject land is identified as being bushfire-prone land (BFPL) pursuant to the mapping within the YVLEP2013 (refer to Figure 1.2). To support the proposed subdivision, a Bushfire Assessment Report (refer to Appendix C) is included with this application. Based on the bushfire assessment and the recommendations contained in this report, the proposed development is deemed to comply with the specific and broad objectives of PBP (2019), the requirements of the Rural Fire regulations (2013) and, therefore, suitable for submission to the NSWRFs for the issuing of a bush fire safety authority.
<i>Water Management Act 2000</i>	The development does not warrant approval pursuant to section 91(2) of the Water Management Act 2000 for a controlled activity.



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>	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. Clearing of vegetation requires consent and has been assessed under the provisions of the Biodiversity Conservation Act. No additional permits from Council for the clearing of vegetation are anticipated.
<i>SEPP (Transport and Infrastructure) 2021</i>	There are provisions contained within the SEPP that 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: <u>Development likely to affect an electricity transmission or distribution network</u> 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: • 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. • Development carried out within or immediately adjacent to an easement for electricity purposes or a substation, or within 5 metres of an exposed overhead electricity power line. • 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. • Development involving or requiring the placement of power lines underground.



	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 from any anticipated future construction site. <u>Development in or adjacent to road corridors and road reservations</u> 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. The nature and scale of the proposed development does not trigger referral of the application to TfNSW.
<i>SEPP (Primary Production) 2021</i>	This SEPP contains planning provisions to protect and support agricultural lands and opportunities for Primary Production. The proposed development for a three (3) lot subdivision does not relate to any of the items listed above and as such this SEPP does not apply to this development application.
<i>SEPP (Resilience and Hazards) 2021</i>	Complies. The 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. It is noted that the land on which this proposed development is to take place does not have any known dip sites, offal or waste pits, gravel extraction or intensive orcharding or viticulture that has intensive spray regimes. 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).
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	The proposed development is for the subdivision of three (3) Rural Torrens Title Lots which does not require a BASIX Certificate. As such this SEPP is not applicable to the assessment of this application.
<i>SEPP (Exempt and Complying Codes) 2008</i>	The proposed three (3) lot Torrens Title subdivision does not qualify to be assessed against this code. As such this SEPP is not applicable to the assessment of this application.

<i>SEPP (Planning Systems) 2021</i>	This SEPP contains planning rules that allow for a strategic and inclusive planning system for the community and the environment for State Significant Development. The proposed development is not classified as State Significant Development and therefore this SEPP is not applicable to this development application.
<i>SEPP (Resources and Energy) 2021</i>	This SEPP contains planning rules that promote the sustainable use of NSW's resources and transitioning to renewable energy. Specifically for the assessment and development of mining, petroleum production and extractive material resource proposals. The proposed development does not relate to the developments listed above and as such this SEPP is not applicable to this development application.
<i>SEPP (Housing) 2021</i>	This SEPP facilitates development of affordable and diverse housing, including boarding houses, build-to-rent housing, seniors housing, caravan parks/ manufactured home estates, group homes, secondary dwellings, social and affordable housing and short-term rental accommodation. The proposed development does not relate to the delivery of the development listed above. As such, this SEPP is not applicable to this development application.
<i>SEPP (Industry and Employment) 2021</i>	This SEPP contains planning rules that applies to employment land in western Sydney and for advertising and signage in NSW. 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.



2.6 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

In determining a development application, a consent authority is to take into consideration such of the following matters as 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.

TABLE 9 – SECTION 4.15 OF THE EP&A ACT

OBJECT	COMMENT
(a) <i>the provisions of—</i> <i>(i) any environmental planning instrument, and</i> <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> <i>(iii) any development control plan, and</i> <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> <i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i> <i>(v) (Repealed)</i> <i>that apply to the land to which the development application relates,</i>	The proposed development has been prepared taking into consideration any potential socioeconomic and environmental concerns. It has been determined the proposed development will not raise any matters of significance to inhibit the approval of the development application. 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). 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. 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.
(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>	The proposed development has been prepared to facilitate an ecologically sustainable development that represents rational, orderly, economic and sustainable use of the land. The proposed three (3) Lot Torrens Title Rural Subdivision has been designed to take into consideration the subject site and surrounds.



	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 utilisation of the land, and it is expected to contribute to the local economy in varying degrees.
<i>(c) the suitability of the site for the development,</i>	The proposed subdivision is consistent and compatible with the surrounding land uses of Sutton. It 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 development.
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	Council is required to take into consideration any submission made in accordance with Council's notification policy and the notification provisions of the EP&A Act.
<i>(e) the public interest.</i>	This development application seeks approval for a proposed three (3) lot Torrens Title Rural Subdivision. The proposal is considered in the public interest for the following reasons: • The site is located within the RU1 Primary Production zone of Sutton. 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. • 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 the YVLEP2013 and the YVDCP2024. • The proposal accommodates rural living opportunities, within proximity to Yass, Murrumbateman, Canberra and Goulburn. • It is expected any construction works associated with the proposed and future development will contribute in varying degrees to the local economy and Yass Valley more generally.



3. CONCLUSION

This application seeks approval for a three (3) Lot Torrens Title Rural Subdivision. It is concluded that the approval of the Development Application at Lot 4 DP1086437 and Lot 130 DP754908, 613 Tallagnadra Lane Sutton, is an appropriate, orderly and compatible form of development when assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The environmental assessment of the proposed development has demonstrated that it will have minimal adverse environmental impacts. The proposal is permissible with Council's consent within the zone and 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.

The proposal has been prepared with respect to creating an appealing subdivision development within the Sutton locality. The application is supported by the appropriate documents that satisfy Council's requirements and demonstrate that the subject site is suitable for the proposed development.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*.

The assessment concludes that the subdivision is permissible within the RU1 Primary Production zone, is consistent with the specific provisions contained in the YVLEP2013 and the YVDCP2024. It is recommended that sufficient information has been submitted with the Development Application to allow Yass Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development should be supported.



APPENDIX A

PROPOSED PLAN OF SUBDIVISION



APPENDIX B

SITE & SOIL ASSESSMENT FOR ON-SITE EFFLUENT DISPOSAL FOR PROPOSED LOTS 1 AND 3



APPENDIX C

BUSHFIRE ASSESSMENT REPORT



APPENDIX D

PASTURE ASSESSMENT REPORT



APPENDIX E

AHIMS SEARCH RESULTS AND DUE DILIGENCE PROCEDURE



APPENDIX F

**CERTIFICATES OF TITLE AND DEPOSITED PLAN FOR LOT 4 DP1086437
AND LOT 130 DP754908**

