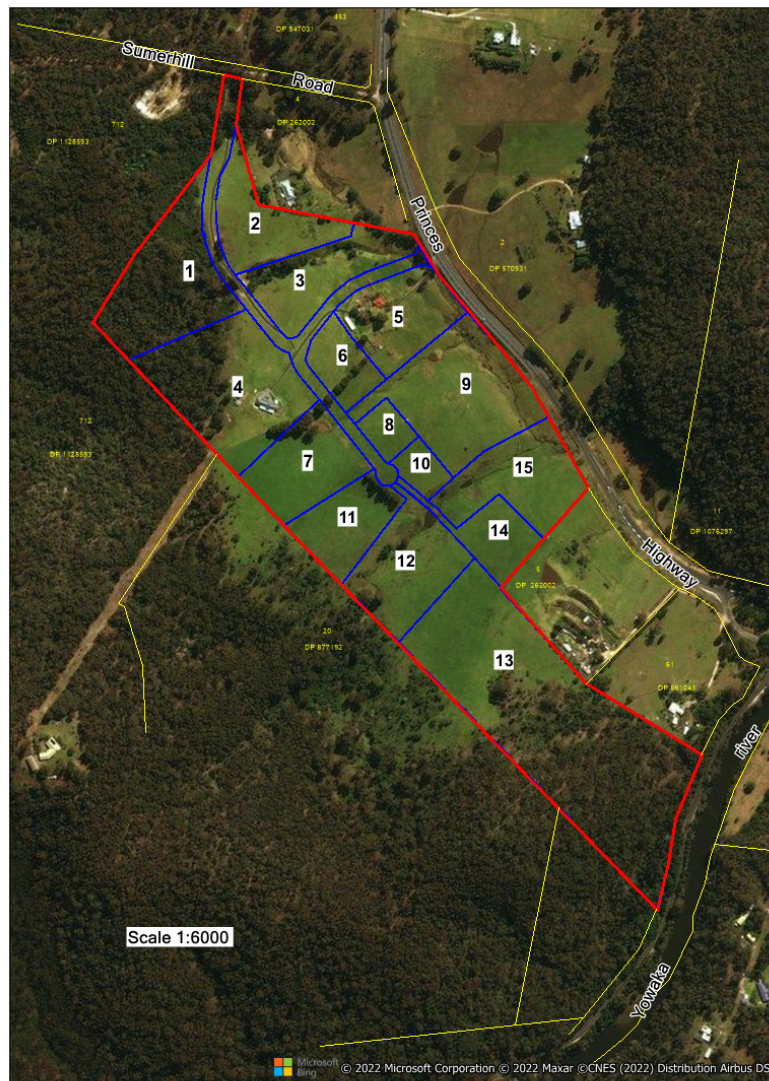


# STATEMENT OF ENVIRONMENTAL EFFECTS

## APPLICATION SEEKING APPROVAL FOR A 15 LOT SUBDIVISION AND RELATED EARTHWORKS

LOT 711 DP 1128593  
Princes Highway, South Pambula

OWNER: Graeme Payten



Garret Barry Planning Services Pty Ltd

March 2022

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# 1 INTRODUCTION

## 1.1 The Proposal

This application is for development consent for a 15 lot subdivision of land at Lot 711 DP 1128593, Princes Highway, South Pambula. (See Subject Land in Figure 1). The development application is lodged jointly with a planning proposal for rezoning the land from 1(a) General Rural under the Bega Valley Local Environmental Plan 2002 to the C4 Environmental Living and C2 Environmental Conservation zones under the Bega Valley Local Environmental Plan 2014. The Planning Proposal also seeks to amend the minimum lot size for the land to part 2ha and part 120ha.

The subdivision would see proposed Lots 1 to 12, 14 and 15 with an E4 zoning and lot sizes from 5000m<sup>2</sup> to 2.4ha. Proposed Lot 13 at 9.6ha would be part zoned E4 and all the forested section E2 to better protect biodiversity. The subdivision layout is depicted in Figure 2. Full detail subdivision concept plans are in the plan set.

The subject land currently contains two dwellings on proposed Lots 4 and 5. With the exception of proposed Lot 1, all of the proposed lots that do not currently contain a dwelling have a building envelope clear of native vegetation and watercourses and with adequate room for asset protection zones. Proposed Lot 1 would require some clearing of native vegetation for a building envelope and an asset protection zone.

Access will be provided to each lot via a new road from the Princes Highway at the current driveway access to the existing dwellings. A second access from Summerhill Road will be retained as an emergency access and egress and a third emergency access point will be provided to the Princes Highway at the southern end of the site.

The lots would be fully serviced with overhead power, telecommunications and stormwater with sealed roads to Council standards. Onsite effluent management and water supply would be required for all lots.

Subject to completion of the planning proposal, the application is permissible with consent and is considered to be integrated development given:

1. the application of Section 100B of the *Rural Fires Act 1997* (a detailed bushfire report forms part of this application) and;
2. the application of section 138 of the *Roads Act 1993* in that a road is proposed to be opened to a Classified Road. (TfNSW has provided conceptual consent to the proposed intersection as detailed in the application and plans); and
3. the application of the *Water Management Act 2000* in that a controlled activity approval will be needed for the water course crossings.





**Figure 1: Subject land.**

## 1.2 Background

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The subject land is substantially cleared with two areas of remnant forest in the south west and north west. The land is on the western side of the Princes Highway, just south of the village of South Pambula.

The land falls at moderate grades to the north east with good solar aspect. The site drains to the Yowaka River approximately 500 metres from the drainage exit of the site.

The land was part of one of the district's early dairy farms and still retains a historic farm house and out buildings from that period. More recently, the land has been used for running sheep at a hobby scale. A second dwelling has been erected on the property.

The land retains 1(a) General Rural zoning under the LEP 2002. This is because a decision on the future of this and some adjoining lands was deferred from the 2013 Plan. As detailed in the accompanying Planning Proposal, Council's Rural Residential Strategy 2020 concludes that the area should be investigated for rural small holding development. This development application is submitted with the Planning Proposal so a full and thorough assessment of the proposal might be effected.

Should the proposed changes to lot size and zoning be achieved, then it will be open for Council to determine this development application.

## 2 SITE ANALYSIS

### 2.1 Existing Development

#### 2.1.1 Existing development on the site

The subject site is contained entirely within Lot 711 DP 1128593. (See Figure 2 below.)

That lot has a total area of 40.21 ha.

29.4 ha is substantially cleared grazing land with some scattered trees and shelter belts. The development areas of the proposal are almost entirely in this section of the property. Almost all the 10.8 ha of forested lands would be conserved.

There are two dwellings on the property one of which is a heritage item representing a typical early farm house. The internal dwelling access roads are sealed. There are 4 dams and paddocks and the land is currently used for sheep grazing.

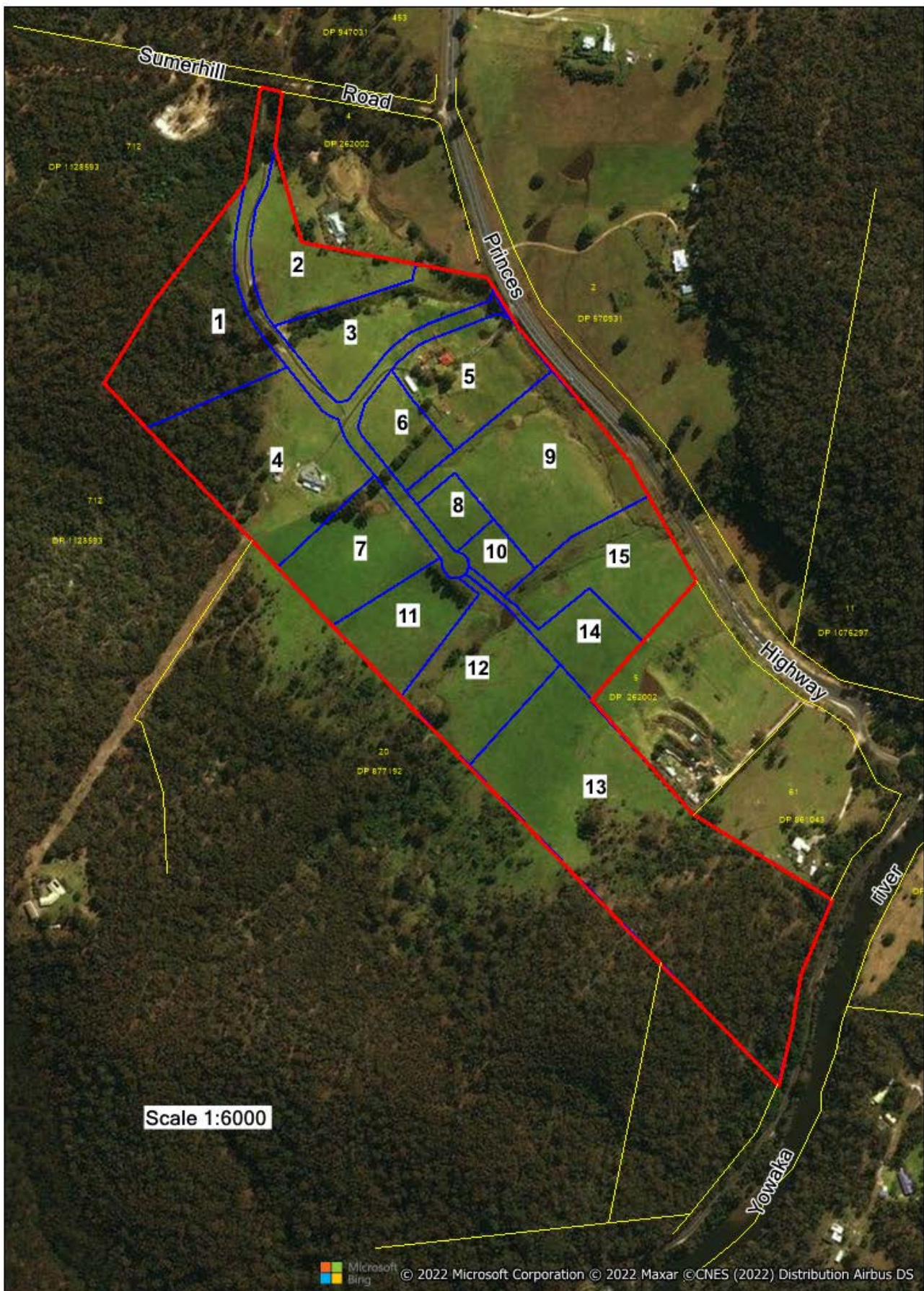
Several power lines traverse the site.

The Princes Highway forms much of the north eastern frontage of the land.

#### 2.1.2 Existing development surrounding the site

The subject land is located south of the South Pambula Village. Rural zoned lands currently surround the property with lot size 120 ha. The Nethercote Road forms the south east boundary and immediately beyond that is the Yowaka River, which in turn drains into Pambula Lake approximately 2 kilometres downstream. South west of the property is substantial forest.





**Figure 2: Proposed subdivision.**

## **2.2 Services**

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### **2.2.1 General**

The proposal will be a traditional rural residential subdivision with sealed roads, underground power, wireless broadband communications, onsite sewerage management and weekly Council garbage service.

### **2.2.2 Water**

There will not be reticulated water. Each dwelling will rely on rainwater collection from dwelling and shed roof.

### **2.2.3 Sewer**

Onsite sewerage management will be required for all proposed lots as detailed in the Wastewater Land Capability Assessment report by Martens dated 11 January 2022.

The report concludes that appropriate onsite effluent management systems are able to be accommodated on each of new allotments in the proposed subdivision. Refer to section 5.4.5 of this SEE for further detail and to the full report by Martens which forms part of this application.

### **2.2.4 Stormwater Drainage**

Detailed stormwater drainage for the lots, upper catchment, other lands and road is shown on the accompanying Stormwater Concept Plan. The plan depicts catchments and culvert sizing.

It is proposed to create a wetland and water settling dam at the main catchment exit of the site in Lot 15.

### **2.2.5 Road Access**

The proposal will see the closure of the sub-standard Summer Hill intersection with the Princes Highway to normal traffic, its restriction to emergency bushfire access and its replacement with the new highway intersection as shown in the plans. The proposed intersection has received concept support from TfNSW.

A second emergency bushfire access is proposed in the south east.

All internal subdivision roads will be sealed.

### **2.2.6 Telecommunications**

Wireless broadband is available to the site.

### **2.2.7 Power**

Overhead power exists on the site and underground service can be reticulated to every proposed lot.



## 2.3 Natural Resources

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### 2.3.1 Topography and Soils

#### Topography

Contours are provided on the concept plan. The subject land in its predeveloped landform is as follows:

- The majority of the subject land falls to the north-east with slopes across the proposed development areas ranging from 1 in 12 to 1 in 5.
- The homesite areas mostly have modest slopes better than 1 in 8. Slab dwellings could be accommodated on all lots without unmanageable cut and fill.
- The natural areas have steeper lands but these would remain undeveloped except for the small clearing areas detailed in the Biodiversity Development Assessment Report (BDAR).
- The proposed E2 zone area in the south, for most of its southern 250 metres, this land falls steeply to the Yowaka River with steep slopes up to 1 in 2.

Soils (see biodiversity and OSSM reports).

The topsoil is rhyolite based, of modest fertility and depth on the ridge lines with higher quality soils of greater depth in the gullies. The OSSM report finds the soils adequate for onsite disposal and the soils are generally suitable for building construction.

### 2.3.2 Vegetation and Fauna

A full Biodiversity Development Assessment Report (BDAR) has been prepared in accordance with the *Biodiversity Conservation Act 2016* (BC Act) and its regulations and in conformance with Section 1.7 of the *Environmental Planning and Assessment Act 1979*. The report has been prepared by Local Environmental Solutions. The findings of this report are summarised in section 4.3.

### 2.3.3 Perennial Streams

The subject land drains to the Yowaka River, approximately 500 metres from where drainage exits the site. There are no perennial streams but the land does include four significant drainage lines as detailed on the plans. These are first and second order streams under the Strahler Stream Classification system.

The accompanying Planning Proposal provides a detailed strategic analysis and justification for the proposed development.

The proposal meets the requirements of the Regional Plan and Council's Community Strategic Plan and Local Strategic Planning Statement 2040. The provision of a further 15 new rural residential dwellings, subject to the environmental controls proposed in this application, is consistent with the objectives of these strategies.

Council's Rural Residential Strategy specifically identifies the subject land for further investigation for rural residential use.

## 4 COMPLIANCE WITH RELEVANT LEGISLATION

### 4.1 Local Government Act 1993

#### Section 68 Approvals

No Section 68 approvals are required in association with the proposed subdivision.

Part C of the Table to S68 of the *Local Government Act 1993* (LG Act) relates to the management of waste and includes the operation of a system of sewage management. As part of development applications for future dwellings on the proposed lots, an approval under the LG Act will be required for the installation and operation of onsite effluent management systems. The accompanying report By Marten's establishes that each lot can provide adequate disposal areas for effluent.

### 4.2 Coastal Management Act 2016

The *Coastal Management Act 2016* (CM Act) provides for land within the coastal zone to be included within one or a number of coastal management areas, being:

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area, and
- (d) the coastal use area.

The CM Act also requires councils to prepare coastal management programs for land within the coastal zone including Mackay Park.

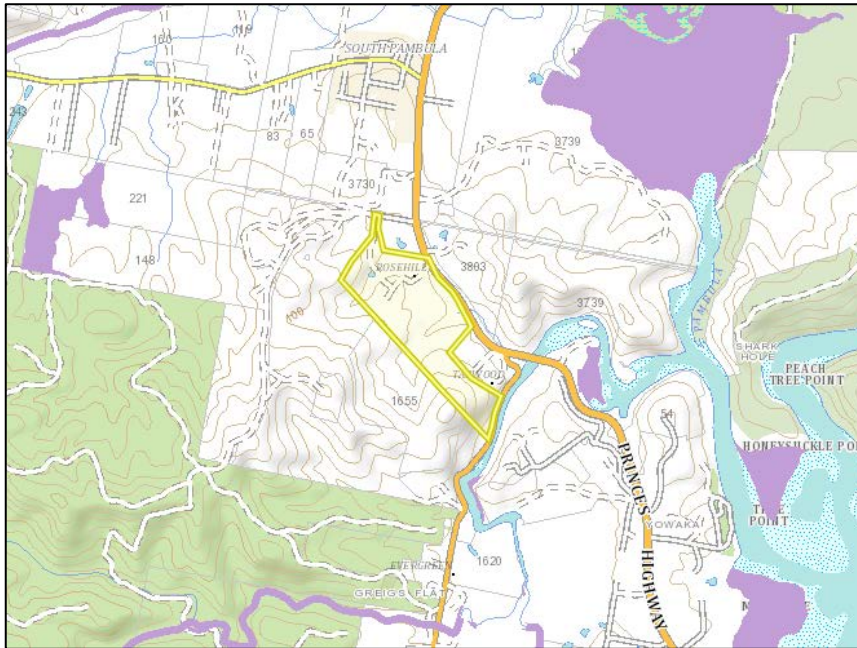
Bega Valley Shire Council is currently preparing a Coastal Management Program.

Coastal management issues are addressed under Section 5.1.1.

### 4.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* outlines the processes for biodiversity assessments, approvals and offsets where required. The Act also defines biodiversity values. As shown on the map below, no part of the subject land is identified as having biodiversity values.





**Figure 3: Purple area shows biodiversity values are not mapped over the subject land as of the date of this report.**

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

The proposal exceeds the threshold and a BDAR accompanies this application.

Refer to BDAR and summary of results in Section 6.1.

#### 4.4 Rural Fires Act 1997

Under Section 100B of the *Rural Fires Act 1997*, a bush fire safety authority is required for certain types of development, including subdivision of land for residential purposes. The proposal is therefore Integrated Development.

A *Bushfire Assessment Report* by Firesense dated November 2021 is included in the DA package and summarised in Section 5.4.5 of this SEE. The report demonstrates that each lot can be provided with an Asset Protection Zone to meet the requirements for BAL 29 construction of dwellings in accordance with Planning for Bushfire Protection 2019. The report also demonstrates that the subdivision is appropriate in relation to access, water supply and other relevant requirements.

#### 4.5 Water Management Act 2000

The *Water Management Act 2000* outlines the approval requirements for works on waterfront land, which is defined as land within 40 metres of the top of bank of a watercourse. The proposal will require works on waterfront land (for construction of the access road crossings of waterways) and as such the application is integrated development and will require a referral to the Natural Resources Access Regulator to see if a Controlled Activity Approval is required.

## 4.6 Roads Act 1993

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The proposal includes a new road to access the State highway and the general closure of the Summer Hill Road intersection. As such, the application is integrated and approval of TfNSW is required. See detail in section 5.4.6. and the concept plans.

## 4.7 National Parks and Wildlife Act 1974

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

A Due Diligence Report by New South Wales Archaeology dated 8 October 2021 forms part of this application. The report concludes that the property has negligible/very low archaeological potential and that an Aboriginal Heritage Impact Permit is not required.

A summary of the findings of this report forms Section 5.4.5 and the full report is an attachment to the application.

The report considers the proposal does not require a permit to destroy but that normal precautionary conditions should apply at earthworks stage.

## 4.8 Environmental Planning and Assessment Act 1979

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### 4.8.1 Section 4.5 – Designation of consent authority

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

### 4.8.2 Section 4.10 – Designated development

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

### 4.8.3 Section 4.12 – Application

Section 4.12(3) of the EPA Act states that:

If the consent authority is a council, a person (other than the Crown or a person acting on behalf of the Crown) may, in the same development application, apply for development consent and approval for anything that requires approval under the following provisions of the Table to section 68 of the *Local Government Act 1993*.

This provision allows for certain LG Act approvals to be addressed within a development consent. No LG Act approvals are required for the subdivision application. However, as noted above, as part of future development applications for dwellings on the proposed lots, an approval under the LG Act will be required for onsite sewerage management.

A detailed onsite sewerage management strategy forms part of this application demonstrating that each lot can accommodate an appropriate effluent management system.

### 4.8.4 Section 4.13 – Consultation and concurrence

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

or concurrence requirements for the development under any relevant environmental planning instrument.

#### **4.8.5 Section 4.15 – Evaluation**

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

##### State Environmental Planning Policies

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy (Primary Production and Rural Development) 2019
- State Environmental Planning Policy (Koala Habitat Protection) 2021
- State Environmental Planning Policy (Infrastructure) 2007.

##### Local Environmental Plans

- Bega Valley Local Environmental Plan 2002.

##### Draft Environmental Planning Instruments

Nil, however, a Gateway Determination has been issued for the Planning Proposal that facilitates this development proposal.

##### Development Control Plans

Bega Valley Development Control Plan.

##### Planning Agreements

Nil.

##### Environmental Planning and Assessment Regulation 2000

Nil.

##### Impacts on the built environment

The development will have a significant positive impact on the built environment as detailed in Section 6.5.

##### Impacts on the natural environment

The development will have impacts on the natural environment. Assessment of the impacts of the development on the natural environment are provided in the BDAR report and Section 6.1 of this SEE.

##### Social and economic impacts

The proposal will have mostly positive social and economic impacts. Minor negative impacts can be reasonably mitigated and the economic benefits to the Shire are positive. (See section 6.5.)

##### Suitability of the site

The site is suitable for the development as:

- The environmental impacts are acceptable,
- The landform is suited to rural living,



- The safety of residents from hazards like poor access or fire is sound,
- The development will form a transition to the South Pambula Urban Area, and
- The commercial agricultural value of the land is negligible.

#### The Public Interest

The development is in the public interest. The major reasons for this positive benefit are:

- The additional supply of rural residential homesites which are in short supply in the district,
- A dangerous road intersection would be removed at minimal cost to the public,
- 13 additional families will benefit the South Pambula and wider locality, and
- Community services and schools are adequate in the region to service the needs of the additional 13 dwellings.

#### **4.8.6 Section 4.46 – Integrated Development**

Section 4.46 of the EPA Act identifies development that requires other approvals and is therefore integrated development. This proposal is integrated on three grounds:

##### Rural Fires Act 1997

The development is integrated development given the need for authorisation from the RFS under Section 100B of the *Rural Fires Act 1997*. A detailed bushfire analysis forms an attachment to the application and is summarised in section 5.4.5.

##### Road Act 1993

Section 138 of the *Roads Act 1993* applies in that a road is proposed to be opened to a Classified Road. (TfNSW has provided conceptual consent to the proposed intersection as detailed in the application and plans). See Section 5.4.6 and the concept plans for details.

##### Water Management Act 2000

The application of the *Water Management Act 2000* requires that a controlled activity approval will be needed for the four water course crossings.

#### **4.8.7 Sections 7.11 and 7.12 – Development contributions**

Council's current contributions plan requires the payment of a cash contribution per lot. The current contribution is \$10,272 per lot.

## 5 COMPLIANCE WITH RELEVANT PLANNING CONTROLS

### 5.1 State Environmental Planning Policies

#### 5.1.1 SEPP Coastal Management 2018

The subject land lies partly within the Coastal Environmental Area and Coastal Use Area as mapped in this SEPP.



**Figure 4:** Blue colour is the extent of the Coastal Environmental Area.



**Figure 5:** Red colour is the extent of the Coastal Use Area.

Division 3 of the SEPP applies to lands mapped in the Coastal Environmental Management Area and in particular Clause 13:

**13 Development on land within the coastal environment area**

(1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

Comment: The impacts of the proposal are considered to be acceptable. Surface and groundwater quality can be maintained with good soil and water management as detailed in section 5.4 and the plans.

There would be minor biodiversity impacts as detailed in Section 6.1. However, these would be mitigated by offsets, the proposed E2 zoning and the proposed wetland/water quality pond.

- (b) *coastal environmental values and natural coastal processes,*

Comment: Subject to the measures offered in this SEE, there should be no impact of any significance on coastal environmental values or natural coastal processes.

- (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

Comment: The proposal is in close proximity to Pambula Lake. As such, stormwater quality from the development needs appropriate management as detailed in this SEE.

- (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

Comment: Subject to the soil and water management controls proposed in this application, there should be no unacceptable impacts on marine vegetation. The terrestrial vegetation and fauna are addressed in the BDAR under performance measures and offsets. This proposal will have no impact on coastal headlands or rock platforms.

- (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

Comment: The development sections of the subject land are separated from these coastal features by other properties and roads. There will be no additional adverse impacts on public open space and access.

- (f) *Aboriginal cultural heritage, practices and places,*

Comment: Aboriginal heritage is addressed in Section 5.3.5.

- (g) *the use of the surf zone.*

Comment: Not applicable.

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

- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*



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

Comment: Most of the impacts of this proposal can be fully mitigated or offset. Ongoing water quality control is important and is addressed in the soil and water management proposals.

Division 4 of the SEPP applies to lands mapped in the Coastal Use Area. In the coastal use area, development consent must not be granted to development unless the consent authority:

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

Comment: Not applicable

- (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*

Comment: Not applicable.

- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*

Comment: See visual analysis, Section 6.4.

- (iv) *Aboriginal cultural heritage, practices and places,*

Comment: Minimal impact envisaged.

- (v) *cultural and built environment heritage,*

Comment: The existing heritage item will not be adversely impacted.

and;

- (b) *is satisfied that:*
- (i) *the development is designed, sited and will be managed to avoid an adverse impact, or*

Comment: The subdivision design avoids many adverse impacts. The homesites are well placed in the landscape and with respect to solar access. The road network does not involve excessing cut or fill. The proposed highway intersection will improve public road safety.

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

Comment: Impacts mitigated by the design include visual impacts. See section 6.4 for detail.

- (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

Comment: While matters such as stormwater quality and onsite sewerage management have been mitigated by the strategies in this application, they will require ongoing management. These management actions can be reasonably conditioned and/or form part of ongoing programs such as approval of septic systems. Performance conditions can apply to the proposed water treatment pond in Lot 15.

- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment: The proposal complements the surrounding coastal and built environment. The development areas do not directly adjoin sensitive coastal lands. The 15 ultimate dwellings will be in sympathy with the South Pambula development and form part of the transition from the South

Pambula urban area. The bulk and scale will be low key detached dwellings, well separated on large allotments and mostly of single storey construction.

### 5.1.2 SEPP Infrastructure 2007

Clause 101 of the SEPP relates to development with frontage to a classified road and states:

#### **101 Development with frontage to classified road**

- (1) *The objectives of this clause are—*
- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
  - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
    - (i) *the design of the vehicular access to the land, or*
    - (ii) *the emission of smoke or dust from the development, or*
    - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Comment: TfNSW has given consent in principle for the traffic arrangements which will see a dangerous intersection closed and replaced by one that meets all required standards.

The additional 13 dwellings would each likely generate 6 to 8 vehicle movements per day, totalling 78 to 104 movements per day. This is well within the capacity of the roads as proposed on the engineering plans.

Clause 104 of the SEPP relates to traffic generating development and applies to certain developments of a certain size or capacity as outlined in Schedule 3 of the SEPP.

Comment: The proposal is not Traffic Generating Development as the number of allotments proposed is less than 50.

### 5.1.3 SEPP Primary Production and Rural Development 2019

The subject land is currently zoned 1(a) Rural General under the Bega Valley LEP 2002. This policy relates to land that is identified as State Significant Agricultural Land and to certain agricultural activities such as livestock industries and sustainable aquaculture.

The subject land is not included on the draft State Significant Agricultural Land (SSAL) Map, as shown below with the subject land identified by the red circle. The draft SSAL is shown in light blue.

The land is not being used for the relevant commercial livestock industries or aquaculture. The policy is therefore not applicable to the proposal. The agricultural potential of the property is only of hobby scale.



**Figure 6:** Draft State Significant Agricultural Land Map.

#### 5.1.4 SEPP State and Regional Development 2011

This policy defines what categories of development are State or Regional Development. The proposal does not fall within the definitions of State development.

For Regional Development, the relevant triggers in the policy are:

1. General development over \$30 million:

*Development that has a capital investment value of more than \$30 million.*

Comment: The proposal estimated per lot gross cost is estimated at well below \$200,000. With 15 lots that equates with an investment of less than \$3 million

2. Coastal subdivision:

- (1) *Development within the coastal zone for the purposes of subdivision of the following kind—*
  - (a) *subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,*
  - (b) *subdivision of land for residential purposes into more than 100 lots, if the land—*
    - (i) *is not in the metropolitan coastal zone, or*
    - (ii) *is wholly or partly in a sensitive coastal location,*
  - (c) *subdivision of land for rural-residential purposes into more than 25 lots, if the land—*
    - (i) *is not in the metropolitan coastal zone, or*
    - (ii) *is wholly or partly in a sensitive coastal location.*
- (2) *In this clause—*

*coastal zone has the same meaning as in the Coastal Management Act 2016.*

*sensitive coastal location means any of the following that occur within the coastal zone—*

- (a) land within 100m above mean high water mark of the sea, a bay or an estuary,*
- (b) a coastal lake,*
- (c) a declared Ramsar wetland within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth,*
- (d) a declared World Heritage property within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth,*
- (e) land declared as a marine park or an aquatic reserve under the Marine Estate Management Act 2014,*
- (f) land within 100m of any of the following—*
  - (i) the water's edge of a coastal lake,*
  - (ii) land to which paragraph (c), (d) or (e) applies,*
  - (iii) land reserved under the National Parks and Wildlife Act 1974,*
  - (iv) (land to which State Environmental Planning Policy No 14—Coastal Wetlands applies,*
- (g) residential land (within the meaning of State Environmental Planning Policy No 26—Littoral Rainforests) that is within a distance of 100m from the outer edge of the heavy black line on the series of maps held in the Department and marked “State Environmental Planning Policy No 26—Littoral Rainforests (Amendment No 2)”.*

Comment: The proposal is not considered to be coastal subdivision which triggers Regional Development as:

- Only 15 lots are proposed, and
- The land is not a sensitive coastal location by the above definition.

#### **5.1.5 SEPP Koala Habitat Protection 2021**

While technically the land is currently rural zoned, for this DA to proceed to a determination the zoning will need to change to C4 and C2 and as such this policy applies.

There is no approved Koala Management Plan applying to the land. As such Clause 11 sets the following tests that Council must apply:

##### **11 Development assessment process—no approved koala plan of management for land**

- (1) This clause applies to land to which this Policy applies if the land—*
  - (a) has an area of at least 1 hectare (including adjoining land within the same ownership), and*
  - (b) does not have an approved koala plan of management applying to the land.*
- (2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- (3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*



- (4) *If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.*
- (5) *However, despite subclauses (3) and (4), the council may grant development consent if the applicant provides to the council—*
  - (a) *information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*
    - (i) *does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or*
    - (ii) *is not core koala habitat, or*
  - (b) *information the council is satisfied demonstrates that the land subject of the development application—*
    - (i) *does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or*
    - (ii) *includes only horticultural or agricultural plantations.*

Comment: The accompanying BDAR includes a koala assessment and the conclusion drawn by the ecologist is that the subject land is not Core Koala Habitat and that the development will have low or no impact on Koalas.

## 5.2 Bega Valley Local Environmental Plan 2002

### 5.2.1 Zoning and zone objectives

The subject site is zoned 1(a) (Rural General Zone) under the Bega Valley Local Environmental Plan 2002. The subject land was deferred from the Bega Valley Local Environmental Plan 2013. This development application is accompanied by a Planning Proposal to include the land within the 2013 LEP. See Section 3 above and 5.3 below for further discussion.

The objectives of the 1(a) zone are:

- (a) *to encourage continued growth in the area's rural economic base,*
- (b) *to encourage other forms of development, including tourism, that are compatible with agricultural activities and do not create undesirable environmental and cultural impacts,*
- (c) *to protect and conserve the productive potential of prime crop and pasture land,*
- (d) *to maintain the scenic amenity and landscape quality of the area,*
- (e) *to promote the protection, and the preservation and enhancement, of natural ecological systems and processes,*
- (f) *to provide proper and coordinated use and protection of rivers, riparian corridors and water catchment areas,*
- (g) *to promote the economic provision of services compatible with the nature and intensity of development and the character of the area,*
- (h) *to ensure that development and management of the land has minimal impact on water quality and environmental flows of receiving waters,*
- (i) *to maintain significant features of natural and cultural heritage.*

Comment: The combined planning proposal and development application seek to change the zoning of the land from a rural zone to the C4 Environmental Living zone to permit subdivision and residential development and a section of C2 Environmental Conservation zone. The proposal is therefore inconsistent with the current zone objectives. This inconsistency will no longer be relevant should the rezoning of the land be achieved.

Given the development application relies on the successful rezoning of the land and therefore the application of the 2013 LEP to the land, no further assessment of the application against the 2002 LEP is considered warranted. The following section assesses the application against the relevant provisions of the 2013 LEP that would apply should the land be rezoned.

## **5.3 Bega Valley Local Environmental Plan 2013 (Planning Proposal)**

As noted above, this development application is accompanied by a Planning Proposal to include the land within the 2013 LEP. The planning proposal seeks to rezone the land to C4 Environmental Living and C2 Environmental Conservation.

### **5.3.1 Zoning and Zone Objectives**

The objectives of the C4 Environmental Living Zone are as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

Comment: The proposal is considered to meet these objectives. The sensitive areas of the land are either proposed to be zoned C2 or excluded from development by fencing.

The objectives of the C2 Environmental Conservation Zone are as follows:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

Comment: The proposal extends C2 zoning over most of the sensitive native vegetation of the subject land.

### **5.3.2 Minimum Lot Size**

The proposed minimum lot size for the land is part 2ha and part 120ha. The proposed development will not comply with these minimum lot sizes but will meet the lot averaging provisions (see below).

### **5.3.3 Lot averaging subdivision in Zone R5, Zone E3 and Zone E4**

The proposed subdivision has been designed to comply with the lot averaging provisions of the LEP, as follows:

- (1) *The objective of this clause is to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the environmental values of the land by encouraging buildings to be appropriately sited.*
- (2) *This clause applies to land in the following zones—*
  - (a) *Zone R5 Large Lot Residential,*
  - (b) *Zone E3 Environmental Management,*
  - (c) *Zone E4 Environmental Living.*

- (3) *Despite clauses 4.1 and 4.1AA, development consent may be granted to the subdivision of land to which this clause applies (whether or not the subdivision is under the Community Land Development Act 1989) if—*
- (a) *the consent authority is satisfied that the land to be subdivided is proposed to be used for the purpose of residential accommodation, and*
  - (b) *for land in Zone R5 Large Lot Residential—the area of the lots resulting from the subdivision will not be less than 3,000 square metres, and*
  - (c) *for land in Zone E3 Environmental Management or Zone E4 Environmental Living—the area of the lots resulting from the subdivision will not be less than 5,000 square metres, and*
  - (d) *the total number of lots resulting from the subdivision will not exceed the number of lots that could be created by a subdivision of the same land under clause 4.1(3) or 4.1AA(3), and*
  - (e) *the consent authority is satisfied that the development retains, and is complementary to, the environmental attributes of the land and its surrounds.*
- (4) *Despite any other provision of this Plan, development consent must not be granted to the subdivision of a lot created under this clause unless the consent authority is satisfied that—*
- (a) *the lots resulting from the subdivision will not be used for the purpose of residential accommodation, and*
  - (b) *the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.*

Comment: The Planning Proposal presents a justification for a 2ha minimum lot size over the development area. The development detail as presented in this application, utilises the lot averaging provisions of the LEP effectively:

- Larger lots such as 1 and 13 are proposed over steeper lands with remnant vegetation so that homesites can be set without significant impacts on biodiversity and landscape, and
- Those smaller lots, below 2ha, have gentle slopes and are substantially cleared. All have ample onsite sewerage disposal areas sited away from drainage lines.

The total area of land proposed to have a minimum lot size of 2ha is 33ha. Under clause 4.1(3) of the LEP, a theoretical maximum of 16 x 2ha lots could be achieved. However, the road area is 2.25ha, which reduces the maximum lot yield to 15. The proposed subdivision, at 15 lots, complies with the maximum yield of a 2ha lot size and meets the area standard requirements of the lot averaging provisions. The physical merits of the individual lots are displayed in the rest of this SEE and the specialist reports.

#### **5.3.4 4.3 Building height**

The subject land has a 10m maximum building height in the Bega Valley LEP 2013. As this proposal is for subdivision of land and earthworks, not for the erection of buildings, the maximum height of building standard is not relevant. Notwithstanding, the subdivision layout will facilitate single and two storey dwellings on each lot that will be able to comply with the standard.

#### **5.3.5 5.10 Heritage Conservation**

The subject land contains a heritage item, being the old farm house. Refer to section 5.4.5 for analysis. The Aboriginal heritage significance of the site is considered low as detailed in section 5.4.5.

### 5.3.6 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

The planning proposal seeks to include the land in the C2 and C4 zones, to which this clause applies. The clause requires the following matters to be taken into consideration:

- (a) *the existing uses and approved uses of land in the vicinity of the development,*
- (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

Comment: The proposed development is considered compatible with the preferred uses for the locality.

- There is no commercial agricultural potential in the immediate area.
- Councils strategy for the land indicates a preference for rural residential use.
- The impacts on biodiversity are low and acceptable.
- The low density rural residential scale will be best suited to the landscape values of the approach to the Yowaka River estuary.

### 5.3.7 Flood planning

The subject land is not known to be flood prone. The minor watercourses through the development have been analysed in detail in the accompanying Flood Risk Assessment and Surface Water Assessment report by Southeast Engineering and Assessment dated October 2021. The report establishes that all proposed dwelling envelopes are flood free. Flood modelling has been undertaken to establish the levels required for flood free access and crossings of the watercourses through the site. The report also considers water quality impacts and concludes that long term stormwater quality and quantity impacts associated with this rural residential development are unlikely to be noticeable given the development density and available buffers to receiving waters.

### 5.3.8 Part 6 – Additional local provisions

#### 6.1 Acid Sulfate Soils –

No potential Acid Sulfate soils are mapped on the subject land.

#### 6.2 Earthworks

The proposal will require moderate levels of earthworks for the road system. But these can be managed with appropriate soil and water controls so that water quality impacts are acceptable and erosion contained. Topsoil reserves are reasonable and will assist in resurfacing batter areas. The potential homesites are not steep and present opportunities for dwellings with acceptable levels of earthworks for house pads and access.

Clause 6.2 requires Council to effect the following assessment:

- (3) *Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:*
  - (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*



Comment: The design retains the natural drainage system and will add a water quality pond/wetland at the lower catchment point. Most of the road system is of moderate grade and without excessive cut or fill. Full adherence to a sound soil and water management plan will be essential.

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

Comment: This DA proposes subdivision for residential purposes. The works associated with the proposed subdivision will facilitate dwellings and ancillary development on each lot.

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

Comment: The rhyolite derivative soils are considered satisfactory for the proposed uses of roading, dwelling sites and areas of onsite sewerage disposal.

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

Comment: There are only two dwellings sited close enough to the site that might be at all impacted. Lot 4 DP 262002 contains a dwelling and is within 75 metres of potential roadworks. Normal dust suppression and hours of operation controls should provide reasonable amenity protection and the road construction phase will only span a number of months. The proposed dwelling site on the nearest Lot (2) achieves the DCP required setbacks in excess of 10 metres from the boundary.

Lot 3 DP 262002 will have the proposed emergency bushfire access constructed to the immediate north but over 140 metres from the existing dwelling. Normal noise and dust controls should be sufficient to protect amenity during construction. The nearest house that may result from the development will be at least 170 metres from the dwelling on Lot 3 and mostly on the other side of a gentle ridge. So the noise and visual impacts should be minor.

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

Comment: It is proposed to balance earthworks onsite with the exception of the highway intersection and a source of fill report and appropriate soil tests should be required before any construction.

(f) *the likelihood of disturbing relics,*

Comment: See discussion on Cultural and European heritage at section 5.4.5.

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

Comment: The technical reports accompanying this development application demonstrate that the proposed subdivision and future development of dwellings on the lots will have a negligible impact on the watercourses that traverse the site and environmentally sensitive areas of the site will be protected from development.

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

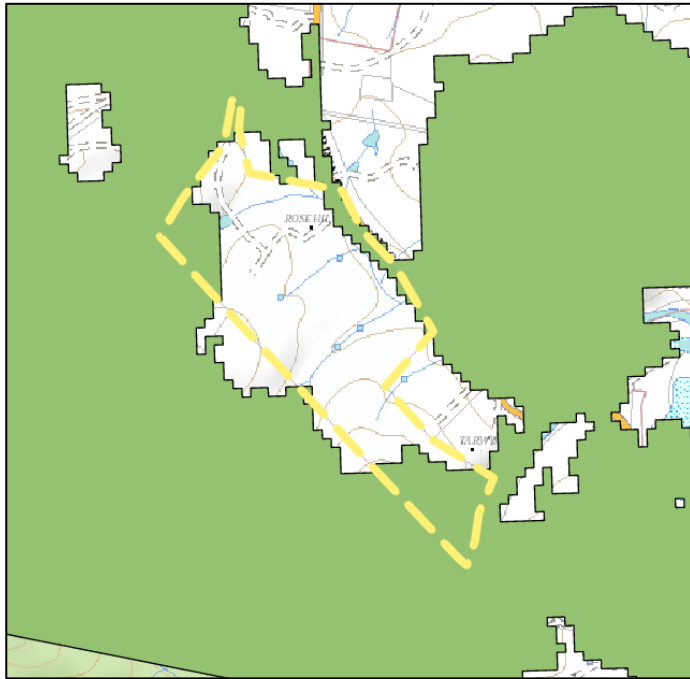
Comment: The minor impacts on biodiversity are proposed to be addressed by payment of offsets and through improvements to protection of the riparian areas. Sound soil and water management strategy should ensure adequate conservation of water and soils. The low density nature of the development will maintain the rural character. The heritage item will be conserved through the development and retain an appropriate curtilage.

#### **6.4 Coastal Risk Planning**

The subject land is in the Coastal Zone but well protected from coastal hazards. The homesites are all well clear of local flooding estimations and the lowest homesite is some 16 metres above sea level. The geology is sound rhyolite landform not likely to be impacted by coastal erosion or predicted sea level rises.

### **6.5 Terrestrial Biodiversity Overlay**

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



**Figure 7: BVLEP 2013 Terrestrial Biodiversity Overlay.**

A full Biodiversity Development Assessment Report has been prepared in compliance with the *Biodiversity Conservation Act 2016*. See analysis at section 6.1 of this SEE.

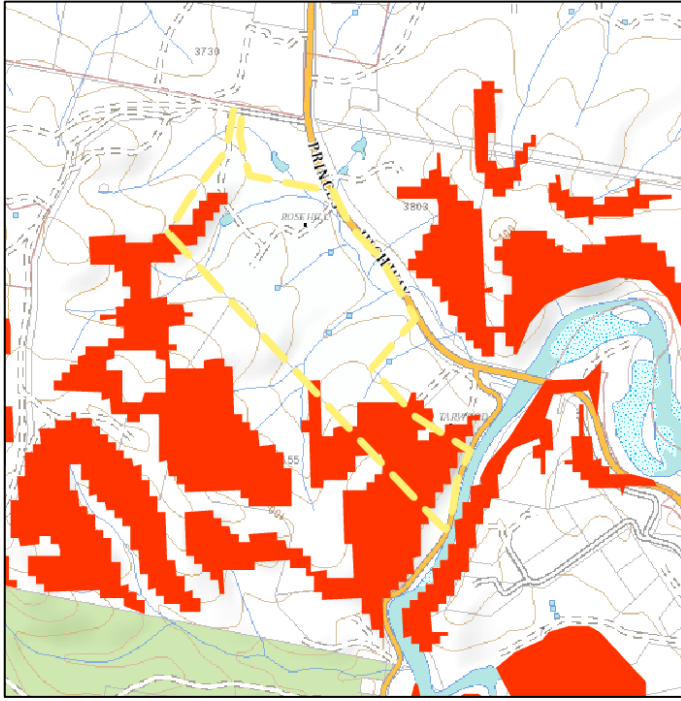
### **6.6 Riparian Land and Watercourses**

The site is drained by three category 2 streams which all contribute to the main watercourse that runs near the north-east boundary and exists under the highway before exiting into the Yowaka River.

These streams will not be disturbed except for four culvert crossings as depicted in the plans. Adequate measures can be taken to ensure the culvert construction impacts are acceptable and the surface areas quickly regressed. An overall improvement to the riparian areas is envisaged through the proposed exclusion of stock and development of a water quality pond near the stream exit of the property.

### **6.7 Environmentally Sensitive Land**

The subject land contains some areas mapped as constrained land on the Natural Resources Map in Bega Valley LEP 2013 as shown below.



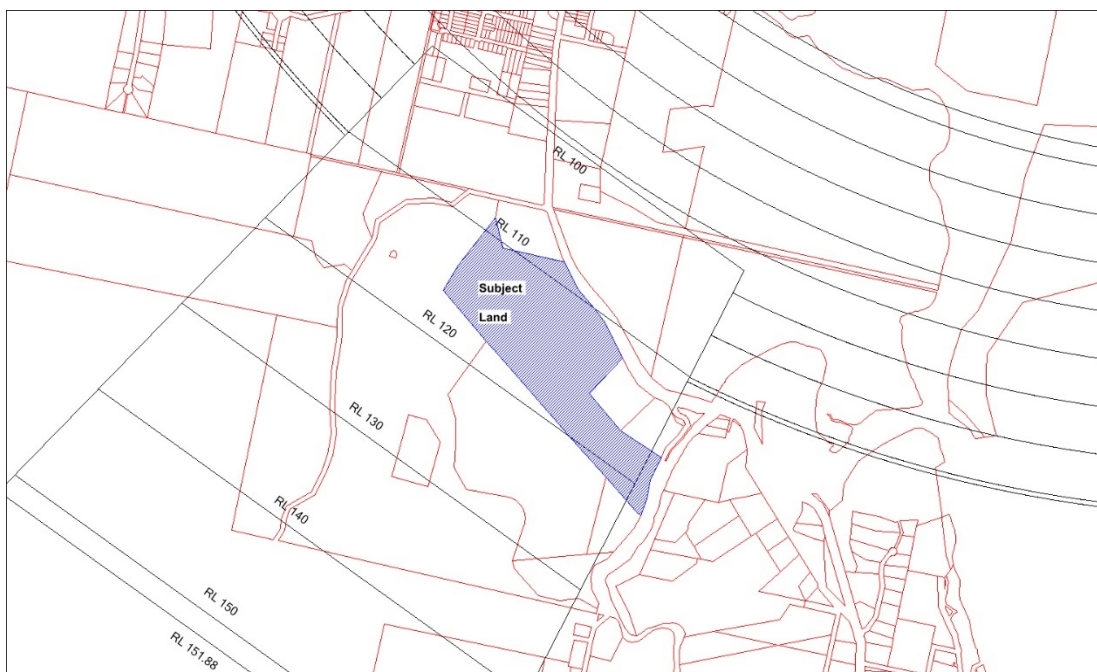
**Figure 8: Environmentally Sensitive Land.**

With the exception of a small area of Lot 1, the proposed development will not impact on Environmentally Sensitive Lands and the accompanying biodiversity assessment and recommendations addresses the minor clearing.

### **6.8 Airspace Operations**

As detailed in the Planning Proposal, the subject land lies in the flight path of Merimbula Airport and an Obstacle Limitation surface applies. (See Figure 9.)

The highest part of any of the subject lands where a dwelling envelop might be considered is less than 50 metres AHD and all affected lands are located within either the Inner Horizontal Surface RL or Transitional Surface RL. Those surfaces range from 108 to 122 metres AHD over the subject lands. The height of buildings will remain unchanged for all the site at 10 metres. Therefore, the highest potential dwelling would be under 60 AHD - giving at least 50 metres clearance.



**Figure 9: Obstacle Limitation Surface.**

## 5.4 Development Control Plan 2013

The Bega Valley Shire Development Control Plan 2013 will apply to the subject site as a result of the rezoning of the land to E4 and E2 under the BVLEP 2013. The following sections of the DCP will be relevant to the proposed subdivision.

### 5.4.1 Chapter 4.2 Rural Land Use Conflict

The proposed subdivision is in a location where there are no agricultural activities in close proximity that warrant the identification of buffers between dwellings and rural activity. Compliance with the minimum setbacks outlined in section 4.3 of the DCP (addressed below) will suffice to ensure no rural land use conflict arises.

### 5.4.2 Chapter 4.3 Setbacks

The applicable setbacks for buildings/structures in the C4 zone are:

- Public roads or front boundary 20m
- Side boundaries 10m
- Rear boundaries 10m

The subdivision layout identifies building envelopes on each lot that demonstrate compliance with the minimum setback requirements.

### 5.4.3 Chapter 4.4 – Environmental Zones

*The objectives for Environmental Zones are as follows:*

- *Maintain or re-establish vegetation links where possible.*
- *Maintain and enhance indigenous vegetation through appropriate regeneration and replanting.*



- *Design and constructed new development to effectively integrate with the natural topography of the site.*
- *Maintain the established streetscape setting of the locality.*

Comment: No existing vegetation links will be severed. In fact, the exclusion of stock and revegetation of riparian areas will be an environmental improvement. The design respects the topography with the road system not unduly impacting the landscape. The bulk of the existing native vegetation onsite will be retained and most of that rezoned to C2 for added protection.

#### **4.4.1 General Requirements**

The following general requirements apply:

- *Identify and protect any sensitive or significant vegetation present on the site.*

Comment: See section 6.1.

- *Locate development outside environmentally sensitive areas.*

Comment: With the exception of Lot 1, all lots are on either exotic grassland areas or native grasses with minimal impacts. Lot 1 requires only a small clearing area and offsets are proposed to be made in accordance with the Biodiversity Conservation Act.

- *Choose a building site that has been cleared or disturbed, wherever possible.*

Comment: With the exception of Lot 1, this is fully achieved.

- *Maintain habitat and habitat corridors and avoid fragmentation of such.*

Comment: The proposal to fence out and improve riparian vegetation will have environmental benefits.

- *Retain as much native vegetation as possible. View the uncleared areas as a resource to be conserved.*

Comment: Apart from minor clearing for Lot 1 and gully road crossings, most native vegetation is retained and in the case of riparian vegetation will be improved.

- *Maintain links between adjacent bush and the garden to provide a corridor for fauna movement. Do not fence wildlife corridors. If this is not possible, then design fences so that they facilitate effective fauna movement.*

Comment: The riparian fencing will be fauna friendly and allow fauna access along waterways.

- *Rehabilitate disturbed areas with indigenous plants.*

Comment: See above comment concerning stock exclusion and revegetation of riparian areas.

- *Salvage plants and bush rock where possible for onsite landscape works that contribute to the streetscape character of the locality.*

Comment: Plant salvage is not practical in this situation. Most site fill will be obtained onsite.

- *Use indigenous species in landscape design, where possible.*

Comment: See above regarding riparian improvements.

- *Place fences to stop the introduction of domestic pets or livestock to parts of the site where they may impact on the survival, movement or habitat of native fauna and flora.*

Comment: See above regarding riparian improvements.

#### **5.4.4 Chapter 4.6 Rural landscapes and visual discussion**

This chapter provides a desired future character for rural landscapes in the Bega Valley that identifies the "Pambula cultural landscape unit (incorporating South Pambula, Pambula River Flats,

main street vistas)” as a significant scenic and cultural landscape with high levels of scenic exposure. The Pambula Rural Landscape is identified in Figure 4.2 in the DCP and does not include the subject land.

The following general requirements apply to all development in the rural landscape:

- *New buildings in the rural landscape must be in a style (design, height, scale, bulk, materials and external colours) sympathetic to the landscape character.*

Comment: This is a DA for subdivision, however, the homesites are not dominant in the landscape and adequate opportunity exists at house DA stage to control external materials to protect the rural character. Also see more detail on visual elements in Section 6.4.

- *Buildings must be constructed from a non-reflective material and must blend in with locality landscape.*

Comment: As above, this can be adequately addressed at house DA stage.

- *Visibility of new buildings from regionally or locally significant public roads and vantage points must be minimised by planting trees and shrubs between the view sites and the structure and immediately adjacent to the structure. Landscape planting must reflect existing landform and natural vegetation. Buildings can be partly set into the natural surface on slopes and/or be split level.*

Comment: Landscaping conditions should apply at dwelling DA stage.

- *Roads, driveways and other excavations visible from regionally or locally significant public roads and vantage points must follow contours and natural vegetation lines and not be at right angles to contours. Excessive cut and fill is to be avoided.*

Comment: The new roads and bushfire trail will not be dominant in the landscape and much of the length involves low levels of cut and fill.

- *The erection of a building on a ridgeline is discouraged if the building would be visible from a regionally or locally significant public road or vantage point and appears as a skyline structure from that location.*

Comment: No dwelling site is overly dominant in the landscape. There are no regionally prominent ridges on the subject site - the land form is part of the side ridge with higher forested lands to the west.

- *The following strategies are considered appropriate to reduce negative impacts of development on scenic values:*
  - *Design modification following the above requirements*
  - *Increasing the distance between the development and significant public roads or vantage points*
  - *Locating the structure on a site that is partly or fully hidden from significant public roads or vantage points*
  - *Siting development in less prominent areas such as on the side slopes and in the natural depressions*
  - *Reducing the height and width of the structure that presents to the public road or vantage points*
  - *Planting and maintaining screening vegetation as ongoing performance conditions of consent.*

- *Where landscape planting is an important part of the mitigation strategy for any development, Council will impose ongoing performance conditions for the land owner to achieve and maintain the intent of the provision.*

Comment: The design adequately addresses these requirements. The site is a side slope with forest backdrop. There is scope at house DA stage to ensure appropriate building design and landscaping.

#### **5.4.5 Chapter 5 General Development**

##### **5.1 Aboriginal Heritage**

A Due Diligence Report by New South Wales Archaeology dated 8 October 2021 forms part of this application. The report makes the following findings:

- The study area is comprised of simple slopes of moderate to steep gradient. Such landforms are not expected to have been focal points of Aboriginal occupation. Minor second order drainage line flows eastward through the property. Given their ephemeral nature the creek lines will not have provided Aboriginal occupants with a permanent or abundant water source. Given this hydrological context, the area is unlikely to have been utilised by Aboriginal people for regular encampment.
- The property is obviously disturbed by previous impacts including, vegetation clearance, dam construction and stock grazing.
- Prior to European land clearance the area would have been covered with forest or woodland. These zones were utilised by Aboriginal people for hunting and gathering (targeted species are likely to have included koalas, macropods, wombats, and possums). Such activity is likely to have resulted in the discard of limited suite of artefacts in sparse distributions and very low density.
- The activity area is assessed to be of very low archaeological potential based on a consideration of the environmental context.
- Based on the research conducted for this assessment it is concluded that the proposal area is unlikely to be archaeologically sensitive. Artefact density is predicted to be very low to negligible.

The report concludes that the property has negligible/very low archaeological potential and that an Aboriginal Heritage Impact Permit is not required.

##### **5.2 Non Aboriginal Heritage**

The site contains a heritage item, being I670 “farm cottage with red roof”. It is understood the cottage and out buildings are the surviving elements of the original dairy farm developed on the property in the early 1900s. The dwelling has been well conserved and represents a form of building once common in the district and now with few surviving.

The subdivision creates an adequate lot curtilage area of approximately 30 metres off the proposed road and contains all the associated farm buildings on the lot.

The subdivision is not considered to adversely impact the heritage item and in fact may enhance its conservation.

##### **5.3 Access and Mobility**

This section is aimed mostly at buildings and as such is not relevant to the proposed development. All lots will have the capacity to be accessed by vehicle and for an accessible dwelling to be placed on the lot.

#### **5.4 Social and Economic Impacts**

A formal socio-economic impact statement is not required for the proposed development, being a residential subdivision of less than 20 lots.

Section 6.5 contains a socio-economic appraisal.

#### **5.5 Sustainable Design Principles**

A Sustainable Design Management Plan is not required for the proposed development, however, the following comment is provided:

The bulk of the requirements Council seeks for sustainable design, apply to the built stage. But for completeness, the following analysis is effected against those aspects of the DCP Table 5.1 of some relevance to the subdivision design:

##### Energy:

- *ensure solar passive design including subdivision and layout of building/s on the property.*

Comment: The layout achieves good solar potential with all homesites having potential to exploit north-easterly aspects. The topography provides good protection from winter southerlies and summer north-westers.

##### Water Resources:

- *protect and enhance natural waterways and bodies, (and) encourage the collection and reuse of stormwater*

Comment: The stormwater concept aims to retain water quality and intensity exiting the site. The proposed wetland/quality control pond is added insurance for water quality. The existing dams will be retained and provide some support water for fire emergencies and such like. Water consumption of dwellings should be modest as no reticulated supply is proposed and rainwater will be required to be collected.

##### Ecology:

- *protect and enhance biodiversity*

Comment: Overall biodiversity impacts are acceptable or can be offset and some improvements to riparian areas are envisaged. (See Section 6.1).

- *protect and enhance existing natural landscapes, heritage, amenity (including visual)*
- *and neighbourhood character*

Comment: The subdivision will not detract from the local landscape character. (See detail in Section 6.4).

- *provide ecologically sustainable landscapes and natural habitats*

Comment: See Section 6.1 Some riparian habitat improvements are proposed. The impacts of 13 new dwelling lots versus the current sheep grazing practices are not considered to be greatly different. There is a likelihood of improve vegetation cover over time as evidenced by the tree planting and gardens in most rural residential areas of the Shire.

- *protect and manage all remnant indigenous plant communities*

Comment: See section 6.1 and the BDAR. Only a small section of remnant vegetation is proposed to be removed and compensated by payment of offsets. Between the offsets, the improvements to riparian areas and tree planting by lot owners, the impact on native vegetation is considered acceptable.

- *encourage the planting of indigenous vegetation*



Comment: Difficult to enforce but as evidenced by other small holding areas of the shire, this occurs to a reasonable degree. The proposal to exclude stock from riparian areas will see natural regeneration occur.

- *encourage productive gardens*

Comment: The soil types of the lots are conducive to sound gardens. Water supply will be a limiting factor.

Stormwater management:

- *reduce the impact of stormwater run-off*
- *improve the water quality of stormwater run-off*
- *achieve best practice stormwater quality outcomes*
- *incorporate the use of water sensitive urban design, including stormwater re-use*

Comment: The above 4 dot points can be reasonably addressed by the stormwater works proposed. The runoff of the site is already of reasonable quality as it comes off grassed pasture that has never been heavily stocked. That will be further enhanced by stock exclusion from riparian areas and improved vegetation and grass filtering by those areas.

Detailed detention and treatment of stormwater is planned and a water quality pond/ wetland system is proposed before the waterway exits the site in Lot 15.

Transport:

- *ensure that the built environment is designed to promote the use of walking, cycling*
- *and public transport in that order*
- *ensure accessibility for all ages and capabilities*
- *minimise car dependency*
- *promote the use of low emissions vehicle technologies and supporting infrastructure*

Comment: The estate is rural residential. As such there is more limited potential for public transport and walking/cycling. The internal roads will be low volume traffic roads with capacity for safe local walking and cycling. The existing limited bus services will be able to stop at the highway intersection.

All homesites are on modest slopes and can accommodate accessible dwellings and gardens, if required.

Waste Management

- *ensure waste avoidance, reuse and recycling during the design, construction and*
- *operation stages of the development*

Comment: This issue relates mostly to the subsequent building activity. The subdivision works will produce low levels of waste. The minor clearing works will generate some timber which can be used as firewood or mulched onsite. There will be little other production of waste due to the subdivision.

The estate will be serviced by Council's waste services contractor.

Innovation and Area:

- *integrate effectively buildings with accessibility, landscaping, open spaces, community facilities, natural areas, public and active transport and safety*

Comment: As a rural residential subdivision, there are practical limitations in the ability to meet these objectives. All dwellings will be detached with significant separation from each other unless an attached dual occupancy. There is capacity at dwelling DA stage to ensure buildings blend with the rural landscape, that site landscaping is proposed and accessibility is reasonable.

### **5.6 Tree and Vegetation Preservation**

See BDAR report and Section 6.1.

### **5.7 Onsite sewerage management**

Onsite sewerage management will be required for all proposed lots as detailed in the Wastewater Land Capability Assessment report by Martens dated 11 January 2022.

The report details the soil characteristics of the land and the location of watercourses, waterbodies, dwellings, property boundaries and bores to establish appropriate setbacks for effluent management.

Pathogen modelling was undertaken to assess the risks posed to the existing groundwater supply bore on the adjoining lot to the south-east. The modelling resulted in the need for a 74m buffer from the bore. Effluent management areas on proposed lots are all well outside of this 74m buffer area, with the nearest effluent management area located approximately 100m from the bore.

The report concludes that appropriate onsite effluent management systems are able to be accommodated on each of new allotments in the proposed subdivision with disposal areas well clear of drainage lines. More detailed and site/system specific reports will be required to accompany development applications for dwellings on each proposed lot.

### **5.8 Planning for Hazards**

*Flood planning* - see Section 6.2.

*Coastal Hazards* - see Section 5.3.8.

*Contaminated Land* - A Preliminary Contamination Assessment was undertaken for the land by A.F. Legler & Associates Pty Ltd dated 6 November 2021. The report is accompanied by a site history that includes the following information relevant to potential land contamination:

- Burial of demolition waste from the former Milking Complex and yards is reported to be located on proposed Lot 3;
- Potential use of pesticides and other chemicals associated with, buildings, farming and/or market gardening;
- Asbestos containing materials, lead based paints, galvanized metals may have been used in existing and/or former buildings;
- A fertiliser dump is reported to have been located in the vicinity of proposed Lot 3;
- No record of livestock dipping or mining activity have been identified regarding the Subject Property;
- Disused machinery located about 100 m from new residence likely to be associated with timber getting activities or fodder processing;

In addition to a review of the site history, the preliminary investigation consisted of an inspection and assessment of the site, surface of the property, property boundary, and adjacent land site inspection and discussions with current and previous land owners.

While the site history review identified the potential for buried demolition waste to be present on proposed Lot 3, the site inspection revealed no evidence of rubbish dumping in the gullies and ravines which are the most likely locations. Further, a detailed inspection of proposed Lot 3 revealed no evidence of unusual soil mounding, surface depressions or debris. The property owner has also indicated that mowing activities have never identified debris in this area.

Minor amounts of debris including the remains of a boiler and several tyres and wheels were identified in the north-west corner of the property which may be relics of past mining activity, timber getting or fodder processing.

Based on the above, additional assessment may be warranted regarding potential buried demolition waste on proposed Lot 3, otherwise no additional assessment is recommended.

*Bushfire Prone Land* - The subject land is bushfire prone as shown on the map below.



**Figure 10: Bushfire Prone Land**

A Bushfire Assessment Report by Firesense dated November 2021 is included in the DA package.

The report assesses the subject land as containing managed grassland with some forest vegetation in the steeper northwest and southwest corners of the site. Each proposed lot is assessed in relation to slope and distance to bushfire hazard and a suitable asset protection zone (APZ) that complies with Planning for Bushfire Protection 2019 is applied to each lot as shown in the following table.

Lot No.	North	South	East	West
1	36m	24m	13m	36m
2	10m	13m	10m	10m
3	13m	10m	13m	10m
4	13m	10m	12m	13m
5	10m	10m	12m	10m
6	10m	13m	13m	10m
7	10m	12m	13m	10m
8	12m	12m	12m	10m
9	12m	12m	12m	10m
10	10m	13m	12m	10m
11	10m	15m	15m	24m
12	15m	24m	10m	36m
13	13m	24m	13m	24m
14	13m	13m	13m	10m
15	13m	13m	13m	10m

With the above APZs, each lot can be provided with a dwelling that meets the requirements for BAL 29 construction in accordance with Planning for Bushfire Protection 2019.

The report also demonstrates that the subdivision is appropriate in relation to access, water supply and other relevant requirements, with the following recommendations:

#### Water Supply

- A 20,000L dedicated firefighting water storage per lot, accessible (within 4 metres) to large Category 1 firefighting vehicles. (PBP Table 5.3c & 5.3d pp 47-48).
- All above ground water supply tanks and fittings should be metal or concrete and taps and pipes external to the buildings are to be metal.
- Residents should have a suitable pump and sufficient length hoses to reach all corners of the building and to defend the dwelling from a passing fire front.

#### Electricity and Gas

- Electricity supplies meet specifications in “Vegetation Safety Clearances” issued by Energy Australia (NS179 April 2002).
- Gas supplies should be installed to comply with the requirements of the relevant authority with release valve discharging away from buildings.

#### Access

- Firefighting vehicles are provided with safe all-weather access to structures:
  - Property access roads are two-wheel drive all-weather.
  - Construction of any traffic management devices are not to inhibit emergency service vehicles.
  - Dead end roads incorporate a minimum 12m outer radius turning circle and signposted as a dead end road.
- The capacity of access roads is adequate for firefighting vehicles i.e. road surfaces are sufficient to carry fully loaded fire fighting vehicles, up to 23 tonnes.
- There is appropriate access to water supply.

- There is suitable access for Category 1 fire trucks to within 4m of static water supply where no reticulated supply is available.
- Public access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating.
  - Minimum 5.5m seal.
  - Parking provided outside carriageway width.
  - Curves of roads have minimum inner radius of 6m.
  - Road crossfall does not exceed 3 degrees.
  - A minimum vertical clearance of 4m to any overhanging obstructions including tree branches is provided.

Subject to the recommended mitigation measures, the report concludes the requirements of Planning for Bushfire Protection 2019 (PBFP) can be reasonably met.

*Climate change* - The estate is outside of areas likely to be affected by coastal hazards and the exacerbation of such hazards due to climate change. The estate drainage has additional capacity for management of peak storms. All homesites are well above current and current predictions of maximum flood levels. The site is reasonably sheltered from major storm wind directions.

### **5.10 Subdivision Standards**

The objectives for subdivision are as follows:

- *Ensure that land is subdivided and developed in accordance with the principles of ecologically sustainable development.*
- *Facilitate development that is integrated with the landscape while ensuring the conservation of identified ecological, scenic and cultural values.*

Comment: The overall ecological impacts are considered acceptable as has been detailed above, in section 6.1 and the BDAR. The proposed development will blend with the landscape of the locality and form a transition to the much greater density proposed in South Pambula village and its new residential areas.

#### **5.10.1 General Requirements**

##### *5.10.1.1 Access and Servicing*

Comment: Each proposed lot is being provided with legal and practical vehicular access, access to services and suitable drainage.

##### *5.10.1.2 Subdivision across zone boundaries*

Comment: Proposed Lot 13 will have a split zoning of C4 and C2, but the homesite will be entirely within C4. All other lots will have only one zone, being C4.

##### *5.10.1.3 Public reserve dedications*

Comment: No public reserve dedication is proposed. The allotments are large enough to address a range of private recreational, gardening and food supply needs.

##### *5.10.1.4 Hazards*

Comment: A detailed analysis of site hazards is provided in Section 5.4.5 and the special reports on bushfire, water quality, flooding, contamination and onsite sewerage.

##### *5.10.1.5 Threatened species and Endangered Ecological Communities*

Comment: See section 6.1 and the BDAR.

##### *5.10.1.6 Riparian areas.*



Comment: As detailed in other sections, the impacts on existing riparian areas are considered acceptable. The riparian areas will be fenced out and stock excluded and regeneration encouraged within the constraints of the recommended bushfire APZs.

#### 5.10.1.7 Weeds:

Comment: The development site is relatively free of serious noxious weeds (scattered fireweed) and cleared areas continue to be occasionally slashed which is considered to provide sufficient interim control pending the residential development.

#### 5.10.1.8 Energy efficient design

Comment: The majority of proposed lots have a good north aspect for the homesite.

### 5.10.2 Specific requirements – development type

#### 5.10.2.1 Rural and Rural Residential Subdivision

The following requirements apply:

- *Subdivision must be designed to contain new structures and major infrastructure and any asset protection within cleared land.*

Comment: Not entirely possible with regard to Lot 1, but offsets proposed.

- *Where any lot is intended to have the potential for the erection of a dwelling, the lot must identify at least one site which is suitable for a house site.*

Comment: Achieved.

- *Subdivision design will have regard to the requirements of Section 4.2.1 regarding land use conflict.*

Comment: Addressed under that section.

- *A maximum of 4 allotments in a rural residential subdivision will be serviced via battle axe configuration. The battle axe handle may not be used for access to other lots.*

Comment: Achieved.

- *The maximum number of lots that can be serviced by a right of access or right of carriageway is four. This includes existing and proposed lots using the same physical access.*

Comment: Achieved.

- *A restrictive covenant pursuant to Section 88B of the Conveyancing Act 1919 will be established on any agricultural lot less than the lot size area specified in the LEP Lot Size Map, prohibiting the erection of a dwelling house on that land. Bega Valley Shire Council will be nominated as having the sole authority to release, vary or modify this covenant.*

Comment: Not applicable.

- *All applications proposing the creation of agricultural allotments will require the submission of an agronomists report to demonstrate that the allotment can operate as a standard alone agricultural enterprise. Such applications will be referred to the Department of Primary Industries.*

Comment: Not applicable.

## 5.4.6 Chapter 6 Engineering Requirements

### 6.1 Roads and Easements

The proposed roads will be variable width as detailed in the roads plan and can comfortably contain constructed roads to Council's urban road standards and be addressed in the application for the construction certificate.

Should easements be required for services outside of the road reserves, these can be accommodated in the survey plan.

A traffic analysis is included in the plans. The road design easily accommodates the peak predicted traffic follows with most traffic being generated inside the development. The four existing properties outside of the subject land and currently using Summerhill Road will utilise the new subdivision roads and highway intersection. The design is more than adequate for these volumes and current and proposed zonings do not indicate any significant further traffic. TfNSW has endorsed the highway intersection concept as fully adequate for the anticipated loadings, subject to construction certificate detail.

#### *6.3 Soil and Stormwater Management*

A concept soil and water management plan is provided in the plan set and a full soil and water management strategy can be determined as part of the CC application.

#### *6.4 Utility Services*

Power - Reticulation exists overhead within the subject land. It is proposed to reticulate underground from this existing overhead network.

Communications - The site is serviced by wireless broadband.

### **5.4.7 Chapter 8 Notification and advertising**

Subdivision resulting in three or more lots requires notification to affected persons for 14 days.

## **5.5 Developer contributions**

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Council has a developer contributions plan. The current plan sets a contribution per standard residential lot of \$10,272 per lot, as of drafting of this SEE. If approved, the DA would ultimately generate 14 new lots at a current day contribution value of \$143,808. This is considered an adequate contribution to address the impacts on Council services.

## 6 ASSESSMENT OF IMPACTS NOT FULLY COVERED IN SECTIONS 3 TO 5

### 6.1 Assessment of Biodiversity

As identified in Section 4.3, the development proposal triggers the need for a Biodiversity Development Assessment Report. The full BDAR, prepared by Local Environmental Solutions, February 2022, is attached and this section contains a summary with related planning analysis of the interactions of biodiversity with bushfire protection and general land supply.

#### 6.1.1 Draft BDAR status

The submitted BDAR is draft but considered adequate for the Planning Proposal and initial DA requirements because:

- It assumes all potential threatened species not already excluded following field survey are present and sets species credits on this basis. Further field surveys of the listed species are being effected. However, some surveys may take up to a year to progress given seasonal requirements. The only potential change from this survey work might be a lessening of the species credits as some species may be ruled out. As such, the submitted BDAR is adequate for the DA determination and if changes are required post consent, a modification could be sought.
- It assumes a maximum potential clearing area. All lots have generous building envelopes and the assessment includes all envelop areas and extended Asset Protection Zones. The resultant physical clearing will be a lesser area as the dwellings and out buildings will require a considerably smaller footprint and in turn this will lessen the APZ required at each house site. So again, the submitted BDAR is considered adequate for a full determination of the Planning Proposal and DA.

#### 6.1.2 Planning analysis of the BDAR

As addressed above, the submitted BDAR makes generous assumptions about threatened species and applies to the absolute maximum area that might ultimately be impacted by the development. This allows a “worst case” scenario for the PP and DA assessment. It is likely the applicant may seek a DA modification to lessen the credit payments once field surveys are complete. However, the submitted Credit Summary report and Payment report both assume worst case scenario that all species not yet excluded by field survey are present and impacted.

The overall conclusion of the BDAR is that the required clearing for the proposed subdivision and subsequent rural residential development is relatively minor, acceptable and can be fully offset. The draft subdivision layout has been modified and adjusted to attempt minimal impact on biodiversity with the bulk of the land to be used for rural residential purposes comprising the long established farming sections of the property which the field surveys have mapped as predominately exotic grasslands.

Of the total area of the subject land of 40ha, the maximum clearing and disturbance footprint where any native vegetation exists covers 13.47ha. Of that area, the following is a breakdown of the vegetation components:

- 0.39ha of Silver Top Ash - Blue leaf Stringy Bark open forest (Plant Community type (PCT) 1149), and
- 13.07ha of grassland derived from PCTs 1149,777 and 1109. The mix of native and exotic species in this area range from 20 to 95% native grassland species.

Overall, the clearing will generate a need to retire 16 ecosystem credits. None of the development area contains vegetation meeting the definition of any Endangered Ecological Community.

With the exception of proposed Lot 1, almost the entire building envelopes, onsite sewerage disposal areas and Asset Protection Zones avoid clearing native vegetation outside of the derived grasslands. In Lot 1 the design has been adjusted to ensure the required APZ clearing avoids the more sensitive riparian zone vegetation.

The report concludes that with the retirement of credits and effective implementation of the recommended mitigation measures, the proposal is consistent with the requirements of the Biodiversity Development Assessment Method.

## **6.2 Waterways protection and flood planning**

The development application includes a Flood Risk and Surface Water Assessment by South-East Engineering and Environmental Services, October 2021.

That report models the flooding limits of the streams through the site and makes recommendations for dwelling sites and water quality protection.

### Flood Impact Assessment:

Hydraulic modelling software was used to estimate flood flows and flood behaviour across the site. The report recommends any dwelling site be at least 0.5 metres above the 1% Annual Exceedance Probability (AEP) of any nearby stream. The report further models the extent of the 1% AEP for all the site. This mapping has been depicted in the General Arrangements Plan of the Engineering plan set. It depicts that the closest dwelling envelop to any 1% area is on Lot 15 and has at least a minimum of 4 metres clearance. It is therefore demonstrated that no existing or potential dwelling on the subject land will be exposed to any predicted flood risk.

The report concludes that the additional impervious surfaces of dwellings and roadways will have insignificant impact on flood levels (P16).

With respect to extreme storm events and anticipated climate change impacts, the report concludes the homesites are still well above maximum probable floods and well above anticipated sea level rise.

### Surface water assessment:

In relation to riparian and water course protection, the report recommends the streams through the development be fenced out 10 to 20 metres above bank and revegetated to improve water quality.

The concurrence of the Natural Resource Assessment Regulator will be required for the proposed road and carriage way culverts (5 in total) and that such culverts should be designed to meet "Guidelines for Riparian Corridors on Water front Land", DPI, 2012.

In relation to water quality management, the report emphasises the sensitive nature of the catchment and the need for detailed soil and water management during construction phase, but concludes, subject to the requirement to fence out the riparian areas, provide stock watering away from streams and implement the onsite sewerage recommendations of the Martens Report, the development should have acceptable impacts with regard to water quality.

In some aspects, there is potential for water quality improvement over the current unfenced streams and agricultural use.

### 6.3 Noise

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The proposed homesites range in distance from the highway from 75 to 340 metres.

Proposed dwellings on Lots 9 and 15 would benefit from additional noise attenuation measures.

The appeal of these 2 lots will be less than the remainder where distance will reduce highway noise, but it is considered the 2 lots are still acceptable and in fact less exposed to noise than many urban lots in the shire in proximity to the highway or other major roads.

Signage on the highway prohibiting exhaust braking at night could be beneficial.

### 6.4 Visual analysis

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The overall landscape where the subject land is situated is one of a closed view of a valley system, ringed by forested crests and upper slopes. The highway dissects the immediate valley and presents the south bound traveller with an attractive rural and bushland scene in the descent to the Yowaka River.

The subject land is considered to have moderate visual qualities and is reasonably prominent in the foreground view of motorists travelling on the Princes Highway. Highway verge vegetation partly screens the site and the three principle ridgelines of the site further break up the scene at any view point given the ridges and valleys. The subject land is mostly rural/grazing landscape and includes a small section of the extensive bushland backdrop. Almost all of the vegetation backdrop on the subject land is to be retained.

The conclusion is that no visual impact will occur that is significantly different from the current landscape.

The current concept design would place a further 13 dwellings on the site. Well considered planning controls could actually assist with landscape enhancement:

- Large lots are placed along the highway to reduce visual density impact,
- Conditions of consent at dwelling DA stage can require planting and landscaping to further screen the development,
- The proposal is to fence out the riparian areas from stock and revegetate these corridors with endemic native vegetation. This will significantly break up the view into separate cells of each ridgeline – partly screened from the next by the vegetation.
- Other design considerations can be applied to dwelling approvals such as housing character, colour palettes, etc., to enhance the vista,
- Most rural residential estates evolve with substantial gardens and revegetation developed by subsequent lot owners which could enhance the current landscape,
- The low rural residential density would create a pleasant transition to and from the urban character of South Pambula for travellers on the highway, and
- The impressive elements of the landscape are the forested upper slopes and riparian/river scenes and these would not be impacted by the proposal.

The subject land does not form part of the regionally significant landscape of the Pambula flats which is separated by a ridgeline.

A photo analysis follows.





**Figure 11: South western section of subject land. Four dwellings would be visible in this scene. The vegetation would almost all remain and indeed the additional riparian vegetation improve the screening.**



**Figure 12: Central section of subject land and view southeast. Five potential dwellings in this section. Again the riparian revegetation will further break up and soften this scene.**



**Figure 13: Dominant view of property heading south on Highway. New dwellings will blend with the background and form part of the mid view - partially screened by existing and potential vegetation and with a permanent vegetation backdrop. Six dwellings would be visible in this scene.**

## 6.5 Socio-economic assessment

Overall, this proposal will generate a small increase in supply of rural residential living opportunities.

13 additional dwelling lots will result and are of a category of rural living style lots that are in demand and for which supply is very limited in the Pambula district.

From discussions with real estate agents, it was disclosed only one lot had come up for sale in the lot size range of the proposal in the past 12 months for the whole Pambula to Greg's Flat district and it sold immediately for around \$450,000. It is also apparent the last 2 years has seen a large spike in demand for rural residential lots across the Shire.

The accompanying Planning Proposal at page 34 includes a summary of the supply and demand analysis from Council's Rural Residential Strategy for the Pambula Catchment, in which the subject land is located. It summarises that there are only a potential 55 additional lots left to yield from the current rural residential zones.

GBPS effected a further review of the vacant E4 and R5 zoned lands in the Pambula Catchment and considers even this small yield optimistic. These remaining lands have very constrained areas with respect to biodiversity, topography and ability to address OSSM. Further, several sites have significant economic constraints to development which may see some years before they may produce supply. We feel a more realistic yield from these areas over the next decade might be 30 lots.



Whereas the proposal has potential to put 13 lots on the market within about 18 months of a consent and hence address a few years likely demand.

There are no significant social or economic disadvantages to the proposal:

Social impacts:

- All existing neighbours have adequate setbacks from the potential dwellings and roads. Noise impacts on neighbours will be negligible especially given the existing highway noise impacts.
- 13 additional families should not overload Council's community and recreational services and developer contributions would be paid for each additional dwelling lot.
- Power and wireless broadband will be available to all lots.
- The visual impacts when the estate is viewed from public places is considered acceptable and will mellow further over time as the dwelling gardens evolve.
- School buses service the potential estate and there are 3 primary schools and 2 high schools within a half an hour bus ride.
- The new intersection will provide safe highway access and a current dangerous intersection will be closed.

Economic impacts:

The direct economic benefits are estimated as follows:

- Subdivision works of approximately \$4 million with most of that going to local employment.
- 13 additional homes at say \$350,000 each = \$4.5 million with many materials being locally procured and construction mostly by local building teams.
- So at least \$8 million direct expenditure over perhaps 4 years should equate with about 30 full time direct jobs for the 4 years and community job multiplier ratios of 2 to 3 are possibly adding a further 60 plus jobs for that term.
- 13 additional families should have a weekly local expenditure in the order of \$1300 to \$1500 for goods and services based on regional modelling (ABS Household expenditure Survey 2015-2016). That is a sum of around \$1 million per year additional expenditure in the Shire.
- While Council would obtain 14 new rate assessments, rate pegging means this does not translate into significant additional income, however, this issue is beyond the scope of this development to solve and applies to all Shire growth.

## **6.6 Cumulative impacts of the proposal**

Most of the impacts of this development can be adequately mitigated through appropriate conditions and through compliance with the specialist reports that form part of this application. The following residual impacts cannot be fully mitigated:

### **6.6.1 Changes to visual presentation.**

The visual analysis identifies the impacts will not be significant and will be further mitigated by the proposed riparian vegetation and domestic gardens. Initial residual impacts will lessen over time. There will be a residual landscape change of perhaps 3 to 4 additional dwellings in the more exposed view vantage points over the current development.

#### **6.6.2 Traffic**

The additional traffic volume impacts will be minor in the context of the proposed service roads and cause minimal impact on existing residents.

#### **6.6.3 Biodiversity**

There will be minor clearing of a small section of forested land that is not EEC. This will be addressed by payment of offsets. In addition there will be enhancement measures such as C2 zoning of most forested areas, improvement to riparian vegetation and provision of a new wetland/ water quality feature.

#### **6.6.4 Services**

##### Water and sewer

The proposal will not be connected to reticulated sewer nor water.

##### Stormwater

A full soil and water management plan will form part of the Construction certificate process. This plan will address both the short term construction impacts and the long term site water quality management.

A performance based condition is recommended be imposed requiring:

- Fenced out corridors incorporating gulley lines and their including in an 88B restriction on user to be maintained as a natural water way.
- At the site drainage exit point in Lot 15, a wetland area be created for water treatment and biodiversity enhancement, followed by a water quality pond that can also function as a dam for Lot 15.

#### **6.6.5 Heritage**

The existing heritage item and an adequate curtilage, including all the existing farm outbuildings will all be contained within Lot 5. This allows for an adequate conservation of this important example of a traditional dairy farm house and outbuildings from the early 1900s.

Culturally, the building complex sits in a broadacre context and the re-subdivision will diminish that context by increasing density. However, the important planning elements of survival and potential ongoing maintenance of the historic building set are conserved.

## 7 CONCLUSION

This application for creation of 15 rural residential lots can be implemented within acceptable impacts. Appropriate lands for rural small holding development are limited in the district given biodiversity, bushfire and prime agricultural land constraints. This site is less constrained and the measures recommended in this development application can ensure a good quality and safe living environment with minimal impacts on natural systems and resources.

The land will have good access, has good solar access to potential homesites and will form a suitable low density transition from the urban areas of South Pambula.

A dangerous highway intersection would be removed as part of the development and improved biodiversity result in the riparian areas.

There is strong demand and limited supply of the types of lots proposed in the development.

There will be ongoing benefits to the local economy in the order of \$1 million in additional local expenditure per year and some significant short term employment during the construction period.

Conditional consent is considered warranted.



## Appendix 1: List of attachments to this development application

1. Plans folder.
2. Planning Proposal, GBPS February 2022.
3. Due Diligence Report, October 2021, NSW Archaeology.
4. Flood Risk Assessment and Surface Water Assessment, October 2021, South-East Engineering and Environmental.
5. Preliminary Contamination Investigation report, November 2021, A F Legler and Associates.
6. Bushfire Assessment Report, November 2021, Firesense.
7. Wastewater Land Capability Assessment, January 2022, Martens Consulting Engineers.
8. Biodiversity Development Assessment Report, February 2022, Local Environmental Solutions.