

STATEMENT OF ENVIRONMENTAL EFFECTS

PROJECT: Boundary Adjustment/Consolidation

CLIENT: Mr L M Buckley

SITE: Lots 109, 110, 111, 155 & 156 DP 750972 and Lots 16, 17,
34 DP 750971

ADDRESS: Walls Creek Road East, Goobarragandra

OUR REF: 20166

DATE: 24th November, 2021

Gray Surveyors
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152 Wynyard Street
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1.1 THE PROPOSAL

Our client proposes a boundary adjustment/consolidation of the subject land as per the attached sketch.

Proposed lot 42 will have an area of approximately 410 hectares (subject to survey) with proposed lot 41 being approximately 20 hectares (subject to survey). Both proposed lots will attract the potential for a dwelling. As per clause 4.1 of Tumut LEP 2012, proposed lot 42 will be greater than the minimum lot size zoning of 150 hectares and will have the potential for further subdivision and dwelling entitlement.

Proposed lot 41 will utilise the dwelling potential attached to an existing holding as stated in a recent search (copy enclosed). A boundary adjustment utilising Clause 4.2C(3) will accommodate the creation of proposed lot 41, being an undersized lot.

The dwelling potential attached to the existing holding to the southern lots will be relocated via a boundary adjustment to the north with frontage to Goobarragandra River, creating proposed lot 41. The remainder of the subject lots will be consolidated to create proposed lot 42 thereby reducing fragmentation of rural lands. As any of the lots included in the existing holding may utilise the potential dwelling entitlement as per Council's advice, three being 20 hectares or below, this proposal is permissible utilising Clause 4.2C(3) of Tumut LEP 2012 which allows the creation of undersized lots while not increasing additional lots or potential for additional dwellings. The dwelling potential opportunities will remain the same as before upon finalisation of this proposal. The potential for land use conflict will not increase as a result of this proposal.

Council approval is required for the boundary adjustment. Consolidation of adjoining lots can be carried out without Council approval but in this instance the consolidation is included in the proposal to alleviate the need and added expense of an additional plan registration.

Both proposed lots will have frontage to the Goobarragandra River. Proposed lot 42 will utilise the existing access arrangements which have been in place for several decades. Proposed lot 41 will gain access from the west via Little River Road which has also been utilised for access also for many years. This access also services an existing dwelling located on Lot 2 DP 738416.

2.1 ZONING

The subject land is zoned RU1 Primary Production as per clause 2.1 Tumut LEP 2012 with a minimum lot size of 150 ha to attract a building entitlement as per clause 4.1 Tumut LEP 2012. A recent Dwelling Potential search acknowledged Council is able to consider an application for one dwelling on one lot, either Lots 16, 17 & 34 DP 750971 of Lot 156 DP 750972, all being below 150 hectares in area.



Figure 3: Land Zoning (<https://www.planningportal.nsw.gov.au/spatialviewer>)

2.2 LEP AIMS

The objectives of the Tumut LEP 2012 land use table which require consideration prior to the creation of the subject subdivision proposal are as follows;

RU1 PRIMARY PRODUCTION

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.
- To ensure development prevents or mitigates land degradation.
- To protect significant scenic landscapes.

Is it proposed that the current permitted land uses will continue with completion of the proposed development?

Yes, this proposal meets the above aims and objectives of the Tumut LEP 2012 land use table. The proposal reduces the fragmentation of the subject lots via consolidation and does not diminish continued agricultural production and does not increase the possibility of conflict of land use .

SECTION 3

EP&A Act 1979, Section 4.15

3.1 THE PROVISIONS OF ANY ENVIRONMENTAL INSTRUMENT

What are the relevant EPI's?

Tumut LEP 2012
State Environmental Planning Policy (Primary Production and Rural Development) 2019

Does the proposal satisfy the requirements and development standards of the EPI's?

This proposal is permissible and satisfies the requirements and standards of the relevant EPI's. This proposal facilitates the orderly economic use and development of lands for intended uses, does not increase the potential for land use conflict and sterilisation of rural land by balancing primary production with residential development.

Is the land use permissible in the land use zone?

Yes as per Tumut LEP land use table.

Are there advertising and notification requirements?

Under legislation this proposal does require advertising or notification. However, Council may advertise to allow the community to comment prior to determination.

What are the concurrence, consultation and referral requirements?

The subject land is bushfire prone as per NSW RFS mapping and concurrence will be required.

3.2 DEVELOPMENT CONTROL PLANS

What are the relevant DCP's?

Tumut Shire Development Control Plan 2019

3.2.1- Vehicle Access Standards-

- Existing vehicle access to proposed lot 42 will be continued to be utilised. No new internal roads are proposed. Proposed lot 41 may require upgrading and extension of existing access via Little River Road.

3.2.2- Bushfire-

- The site is located in a bushfire zone as per NSW RFS mapping. Concurrence and compliance with NSW RFS will be required.

3.2.3 Car Parking

- Sufficient space is available to accommodate on site car parking.

3.2.14 Provision of services.

- Sewerage – onsite waste water system for both lots will be required upon dwelling construction.
- Water Supply- onsite potable water supply will be required for both proposed lots upon dwelling construction.
- Electricity – due to financial outlay, location and site constraints, grid connection will be highly unlikely. Alternative power sources such as solar or hydro must be considered. Electrical grid connection is in existence to the dwelling on neighbouring lot 2 DP 738416 but would require the land proprietors consent for an extension to be facilitated. Considering the possible compensation that may be required, financial constraints with this option would be highly likely.
- Telecommunications – land line connection may be available as mobile coverage in the area is limited. Satellite communication may be considered as it is available in this area.

9.8.1 Rural Subdivisions – Dwelling/houses – general considerations.

- The development is consistent with the rural character of the locality.
- Minimal disturbance to the rural landscape and the environment within this proposal.
- Land capabilities are consistent with the proposed use.
- Services can be made available upon dwelling construction.
- It is highly unlikely that any surface or ground water pollution will arise from this proposal
- Legal and physical access will be provided to the site from a Council maintained road.
- This proposal does not increase the dwelling entitlements already available to the land and will not impede on future agricultural production.
- The proposal is sympathetic to the site attributes and constraints.

3.3 IMPACTS OF THE DEVELOPMENT

Context and Setting

SCENIC QUALITIES AND FEATURES OF THE LANDSCAPE.

The subject land is located approximately 13 kilometres north west of Tumut CBD in the Goobarragandra valley. The subject land is predominantly agricultural grazing land, partially cleared with large stands of native trees along the ridges. The majority of the land is steep terrain and fire prone as per NSW RFS mapping

This proposal will have minimal impact on the scenic qualities of the landscape viewed from surrounding lands and adjoining lots. Civil works for possible access upgrade to proposed lot 41 will be required but will minimally change the visual aspect of the landscape.

CHARACTER, AMENITY, SCALE, BULK, HEIGHT ETC.

The proposed boundary adjustment will have minimal visual impact on the site. Site works will be minimal, limited to access construction works. The proposal is consistent with the character of the area. The proposal will have no impact on adjacent land uses as it is proposed for the existing uses to continue for the foreseeable future.

Access, transport and traffic

Proposed lot 42 will continue to utilise the existing access arrangements via Walls Creek Road. Proposed lot 41 will require access construction/upgrade. It is proposed to access proposed lot 41 from the west via Little River Road, with existing track in use which also services the neighbouring lot and dwelling. This access also services multiple dwellings from the bitumen seal of Little River Road.

Public Domain.

This proposal will not have a significant impact on the public domain at this point in time. Further future development may increase the impact in terms of service provision.

Utilities

This proposal will not see an increase in supply/demand of existing utilities as none are available. Future development may see an increase but it is highly unlikely due to the possible high financial outlay to connect to existing utilities in the area.

Heritage

We are not aware of any heritage significance within the property or adjacent to the subject site.

Water

This proposal will not have an adverse impact of the conservation of water resources or the water cycle.

Soils

No contamination or degradation is apparent at this site.

Flora and fauna

It is not considered that the proposal has any implications for the protection and management of critical habitats and threatened species.

The site has been substantially modified over the past 100 years.

Natural hazards

This proposal will not create any additional natural hazard risks other than those already subject to the land. The site is bushfire prone as per NSW RFS mapping.

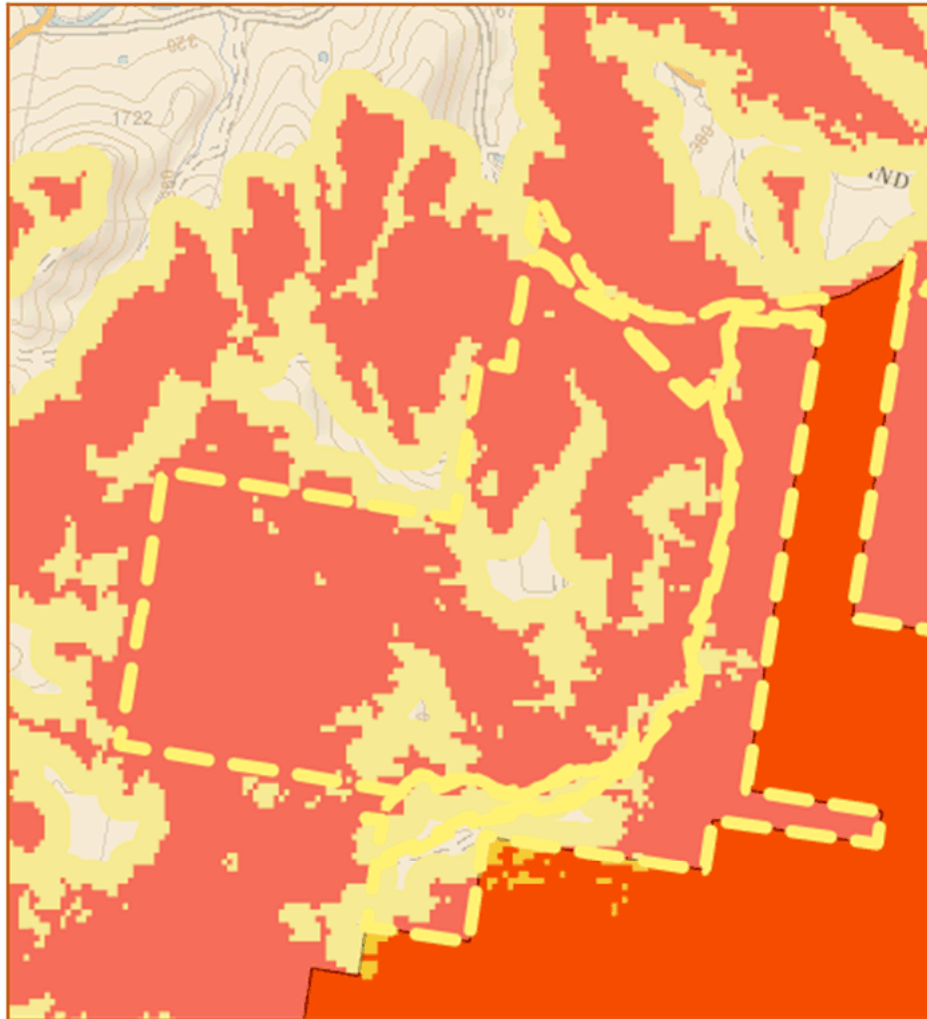


Figure 4: Fire Prone Land Map (<https://www.planningportal.nsw.gov.au/spatialviewer>)

Social impact in the locality

The proposal will have minimal to no social effect, benefit or cost as the existing uses are to remain unchanged. Future dwelling construction may see a slight social benefit to the area.

3.4 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does the proposal fit in the locality?

Yes.

Are constraints posed by adjacent development prohibitive?

No.

Would development lead to unmanageable transport demands and are there adequate transport facilities in the area?

Public transport is not available in this area.

Are utilities and services available to the site and adequate for the development?

No. Utilities and services to the site are very limited. Access will require upgrading and utilities will in most likelihood be stand alone, self sufficient systems.

Are hazardous land uses or activities nearby?

None are known.

Are ambient noise levels suitable for the development?

Yes.

How critical is the site to the water cycle in the catchment?

The site does contribute to the water cycle in the catchment, but is not critical in providing water flow.

Are the site attributes conducive to development?

Is the site subject to natural hazards including flooding, subsidence, slip and mass movement and bushfires?

The majority of the site is bushfire prone as per NSW RFS mapping.

Are soil characteristics on the site appropriate for development?

Yes. Many residential dwellings are located within a 5km radius of the site with similar soil characteristics.

Is development compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitats on site?

Not aware of any critical habitats or threatened species being located on site.

Is the site prime agricultural land and will development prejudice future agricultural production?

No, the site is not prime agricultural land and this proposal will not prejudice future agricultural production.

Will the development prejudice the future use of the site for mineral and extractive resources?

No.

3.5 THE PUBLIC INTEREST

Federal, State and Local Government and community interests.

Do any policy statements from Federal or State Governments have relevance?

None are known.

Are there any relevant planning studies and strategies?

None are known.

Is there any management plan, planning guideline, or advisory document that is relevant?

None are known.

Are there any credible research findings which are applicable to the case?

None are known.

Do any covenants, easements or agreements have an effect on the proposal?

None that we are aware of.

Have there been relevant issues raised in public meeting and inquiries?

None are known.

Was there consultations and submissions made to above?

None are known.

How will the health and safety of the public be affected?

Health and safety of the public will be improved as a result of this proposal as emergency addressing will be assessed.