

STATEMENT OF ENVIRONMENTAL EFFECTS

June 2025

Lot 1 DP 826655

Youngs Road, Akolele, NSW, 2546

Concept Development Application for a Dwelling House

Submitted to the Eurobodalla Shire Council as the consent authority.

DOCUMENT PROPERTIES	
CREATED BY	RI/KR
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1.DEVELOPMENT SUMMARY

This Statement of Environmental Effects Report ('SEE') has been prepared by Candor Town Planning & Development Professionals on behalf of the landowner, Mr P.Briggs. The SEE supports a development application ('DA') for the concept approval for a dwelling house on a parcel of land, legally described as Lot 1 DP826655, Youngs Road, Akolele, NSW 2546 (the 'Site').

The land is zoned RU1 Primary Production in accordance with the Eurobodalla Local Environmental Plan 2012 (the 'LEP 2012'). The DA is submitted to Eurobodalla Shire Council ('ESC') as the consent authority.

The proposal seeks consent for a concept development approval for a dwelling house on a parcel of land under CI4.2A(2)(a) Erection of dwelling houses or dual occupancies on land in Zone RU1 Primary Production of the LEP 2012. The minimum lot size for the site is 100ha under the LEP 2012. The existing lot size is 2.04Ha. This proposal seeks to vary CI4.2A(2)(a) to allow the consent authority to grant concept approval for the dwelling house. This request is supported by a CI4.6 Written Request. The development is not prohibited and is a development standard as demonstrated within this SEE.

The SEE is supported and informed by:

- **Annexure One** – Owners Consent
- **Annexure Two** – Aboriginal Heritage Information System Search prepared by Candor Town Planning
- **Annexure Three** – Deposited Plan No.826655
- **Annexure Four** – Biodiversity Conservation Act 2016 Assessment of Significance prepared by Southern Cross Environmental
- **Annexure Five** –On-site Sewage Management Capability Assessment prepared by Southeast Engineering & Environmental
- **Annexure Six** – Bushfire Report prepared by Bushfire Planning & Environmental Solutions
- **Annexure Seven** – Survey prepared by John Healey and Associates dated May 2024
- **Annexure Eight** – Clause 4.6 Written Request prepared by Candor Town Planning and Development Professionals

This SEE describes the Site, its environment and the proposed development, and provides an assessment of the environmental impacts, including mitigation measures to limit environmental impacts. The application is recommended for approval given the following reasons:

- The proposal development is considered satisfactory regarding the aims and objectives of the s4.15 of the Environmental Planning and Assessment Act (the 'Act'), the LEP 2012 and the Development Control Plan (the 'DCP');
- The proposed development, will provide an additional housing opportunity within Eurobodalla;
- The proposed development is suitable for the site and is in the public interest.

The DA is not Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979 (**EP & A Act**). The DA is not Regional or State Significant Development.

Table One -Summary Table

Property Description	Lot 1 DP826655 Youngs Road, Akolele
Site Area	20378.43sqm
Local Environmental Plan	Eurobodalla Local Environmental Plan 2012
Zoning	RU1 Primary Production
Height Control	Nil identified There is no maximum height under this application
Proposed Land Use	Concept approval for Dwelling House
Site considerations	The site is identified as being Bushfire prone land The site is not identified as being flood prone land
BASIX	Not applicable concept development
Development Control Plan	Rural, R5 Large Lot and Environmental Zones Development Control Plan
Code of Practice	Eurobodalla Parking and Access Eurobodalla Landscape Site Waste Minimisation and Management

2. THE SITE & THE LOCALITY

2.1 Location & Site Characteristics

The Site comprises a parcel of land legally described as Lot 1 DP826655, Youngs Road, Akolele. The location of the site is shown highlighted in yellow below in **figure one**. The site is 2.04ha in size and contains an upslope from the western boundary containing Youngs Road to the centre of the site, then downslope to the eastern boundary.



Figure 1: subject site source: Six Maps

The site is accessed from Youngs Road and contains an existing farm building. The adjoining land to the north, west and east are large lot allotments which all contain a dwelling house and associated ancillary rural structures. The lot to the south (Lot 2) contains a dwelling house, ancillary structures and a small-scale fruit plantation. In the broader context, there is a mix of vacant unmanaged land and residentially developed rural lots that contain varying lot sizes.

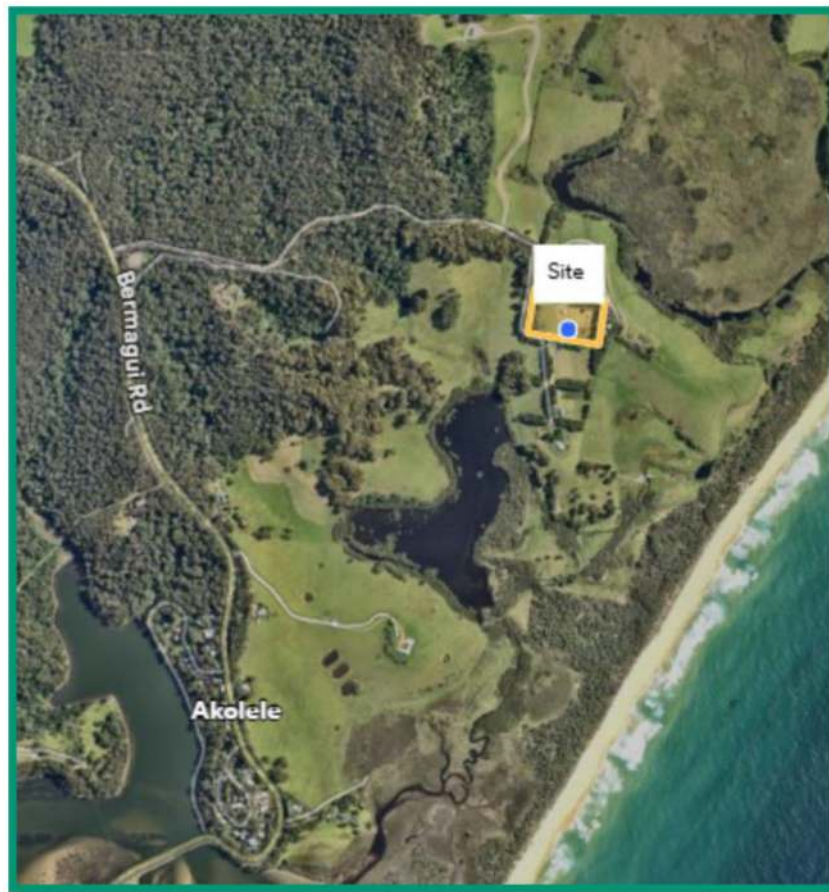


Figure 2: broader context source: Nearmaps.

The site is zoned RU1 Primary Production in accordance with the ELEG 2012.



Figure 3: Zoning source: ESC GIS.

The lot is partially mapped as containing native vegetation.

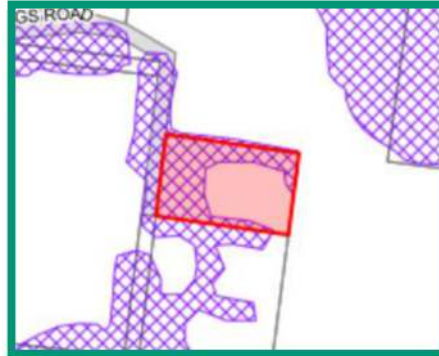


Figure 4: native vegetation mapping source: ESC GIS

The lot is mapped as being bushfire prone land.

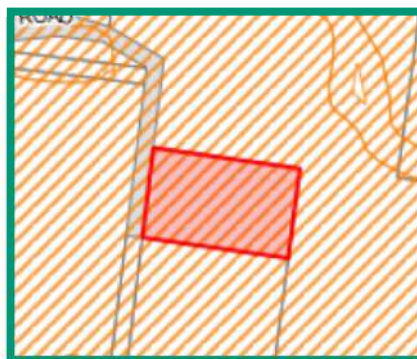


Figure 5: bushfire prone land mapping source: ESC GIS

The site is mapped under the *State Environmental Planning Policy (Resilience & Hazards) 2021* as coastal use area and coastal environment area, and a small section in the northeastern corner of the site is partially mapped within the wetlands proximity area as shown in **figure six**.

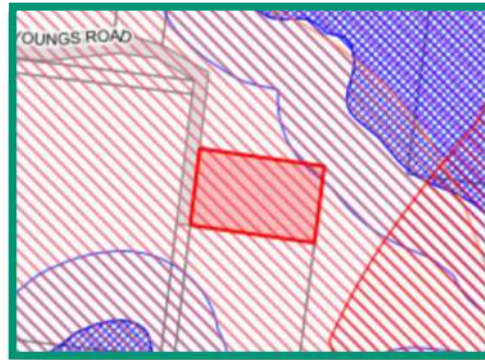


Figure 6: Coastal management mapping source: ESC GIS.

The lot is not mapped as containing acid sulfate soils.

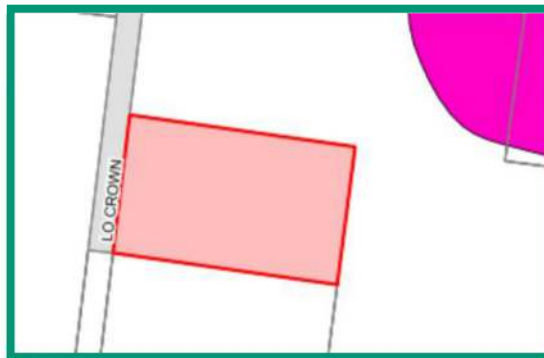


Figure 7: Acid Sulfate Soils mapping source: ESC GIS.

A Heritage item exists on 198-244 Sherringham Lane which is located northeast of the subject site. The heritage item is located >1km from the site. This is addressed in detail within **table three**.

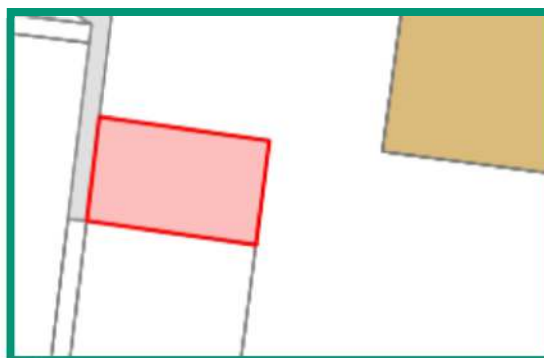


Figure 8: heritage item source: ESC GIS.

The site is not identified in an infrastructure buffer.

The Lot is not mapped as containing riparian watercourses.

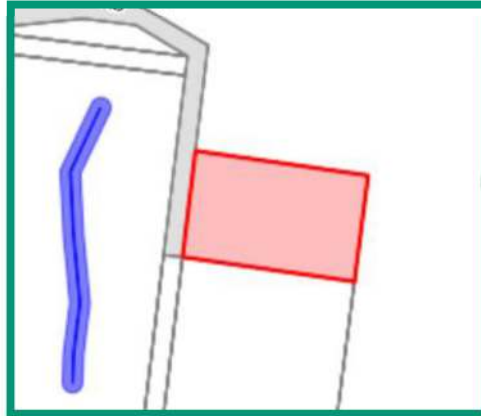


Figure 9: riparian lands source: ESC GIS.

The site contains an electricity easement which is demonstrated in **figure 10**.



Figure 10: Electricity infrastructure source: Essential Energy.

2.2 Deposited Plan & 88B Instrument

The deposited plan depicts the easement for electricity purposes which is 10 wide and located within the western quadrant of the site. The 88B instrument sets out the terms of the easement

noting Illawarra County Council is the benefited party. The only restriction on the 88b instrument attached as **annexure three** is regarding the electricity easement.

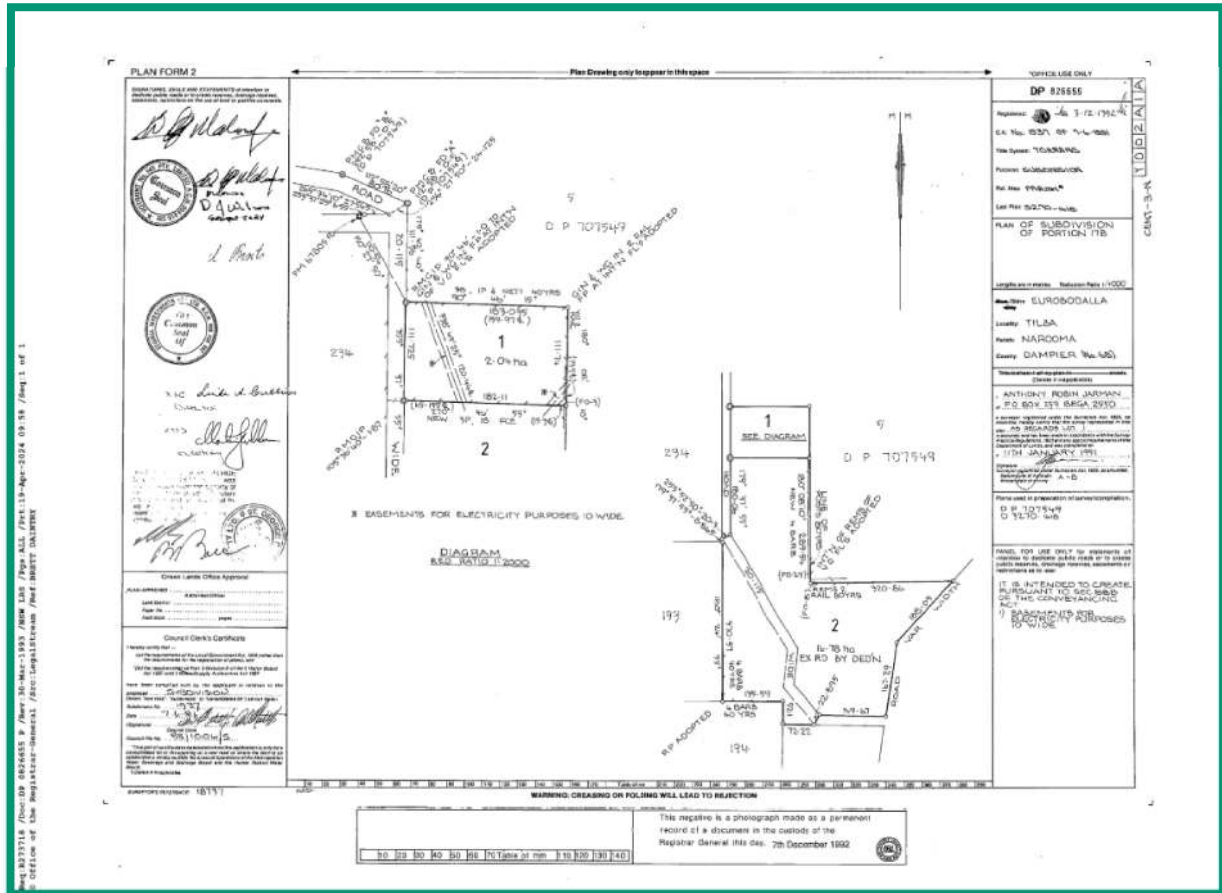


Figure 11: Deposited Plan

2.3 Site Background

The electronic property file was requested and the Council fee paid to obtain documentation relating to the subdivision identified on the deposited plan as file No.88/1006/s.

A development application for a non-urban subdivision of five lots was lodged by Mr Ivan Young on 12 October 1982 and registered by Council on 15 October 1982 for Lot 2 DP615590. The subject lot was located within the parent lot 5 at the time of this subdivision.

The site was created through a development application for a two-lot rural subdivision dated 31 August 1990. The development approval is referenced as development application number 89.600 dated 25 July 1990 and described by plan 90-417. A copy of the plan has been requested from the Council, a copy has not been provided and therefore has not been included in this background.

At the time of the subdivision, the site was zone 1(a) rural according to DA89.600. It is presumed, based on the dates, that the subdivision was approved under a historic Interim Development Order (IDO). A search on Trove suggests that the subdivision may have occurred under IDO #3.

Consent condition 62.3 of development application number 89.600 states the following:

Submission of a Plan of Survey by a registered surveyor together with a plan printing fee as set by Council from time to time and currently \$18 per original sheet of the Plan of Survey.

Reason: The Plan of Survey required by the Land Titles Office must be certified by the Council Clerk as having satisfied the requirements of the Local Government Act, 1919.

Council's plan printing fee covers the cost of providing copies of the Plan of Survey to relevant internal Council Departments and to Government Departments as required.

And subject to:

- (a) The subdivision is approved for the purposes of lease only.*
- (b) The applicant pay the cost of registration of the plan of subdivision which Council will carry.*
- (c) The applicant shall consent to the lodgment of an instrument under Section 88E of the Conveyancing Act, to preclude the transfer of either lot in the subdivision other than with the other lot in the subdivision or by consolidation with adjoining lots.*

Additional information:

- 1. The applicant is advised that, with registration with the Land Titles Office of the Plan of Survey required under this approval and the corresponding change in description of the land, current approval for a dwelling on Portion 178 Parish of Narooma (the subject land) will lapse.*

Construction of the approved dwelling in the approved location should be substantially commenced prior to registration of the plan or survey for approval to remain valid.

- 2. With registration of the plan of survey, under 1(a) rural zone in Rural Local Environmental Plan 1987, a dwelling application will not be approved on either of the proposed lots.*

Condition 62.3(c) of development application 89.600 was resolved to be removed on the 14 July 1992 Council meeting and the Councils Solicitor informing that the Council does not wish to proceed with the Restriction as to User as provided below in **figure 12**:

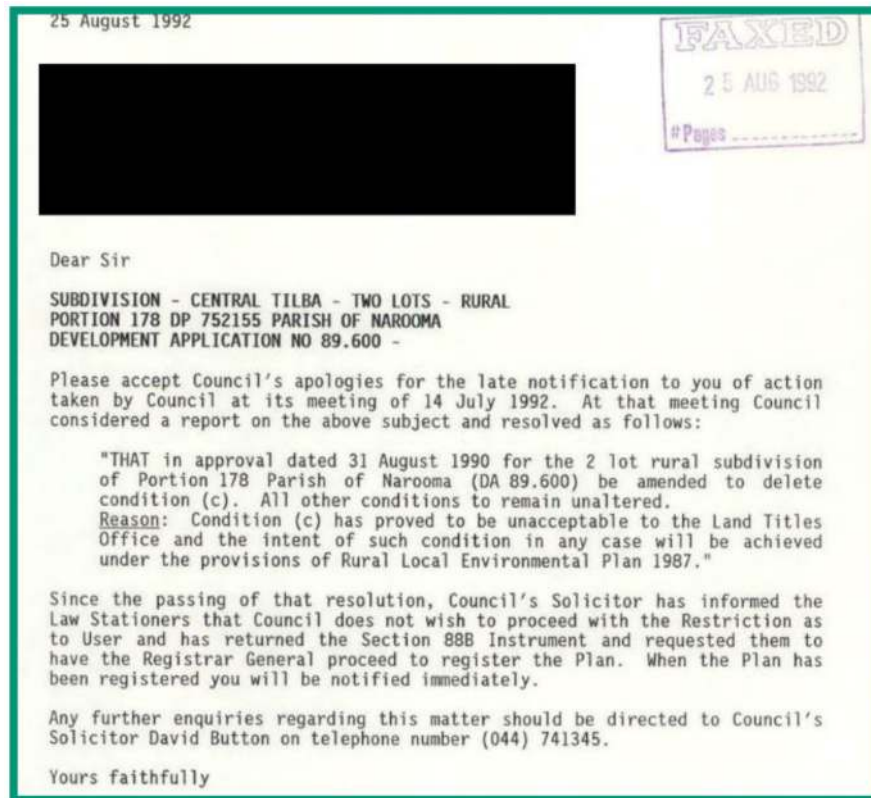


Figure 12 Council Historic Letter dated 25 August 1992 -ESC Property File.

The Plan of Survey has been endorsed and registered and the 88b instrument are consistent with the resolution above.

Additional information numbered (2), is not relevant as a dwelling house has been approved on Lot 2.

A dwelling entitlement search was completed for the site and the Council advised the subdivision was approved for a lease purpose for a palm plantation. Photographic evidence demonstrates that the site has not been utilised as a palm plantation. There is a small part of the lot to the immediate south of the subject land which is used for a Fejoa fruit orchard. Notably, the subdivision was registered as Lot 1 DP826655 on 3/12/1992 as a Torrens title lot, and there is no restriction on the land title limiting the lot to primary production use or lease only and there is a dwelling approved on the other Lot.

In addition, the then Department of Agricultural and Fisheries advised the Council on the 22 February 1990 advised the following:

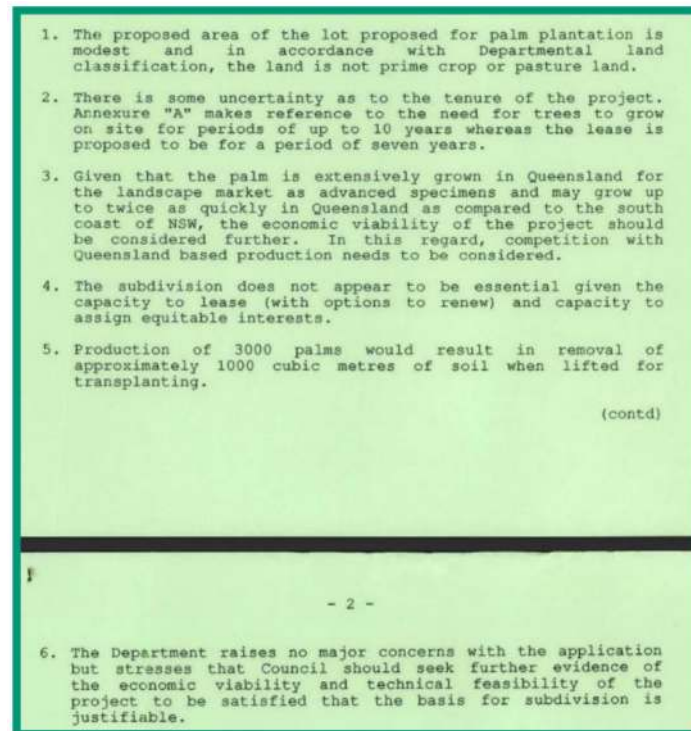


Figure 13 Historic Letter dated 22 February 1990-ESC Property File.

Historic photographs of the site are provided below:



Figure 14. - Date 2/5/1994. -source NSW Government.



Historic Aerial Photos: NAROOMA

date

22/01/1998 0:00

sheetnum

8925

sheetname

NAROOMA

film

4405

run

R10

frame

52

key_diagra

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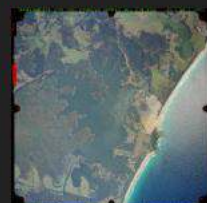


Figure 15 - Date 22/01/1998. -source NSW Government Historical Imagery

The site contains an approval for DA252/18 which was for the construction of an access road was approved on the 15 June 2018. This consent references the Site. Condition 2 of DA252/18 states the approval does not infer that a further development such as a dwelling house will be approved as shown below. The remaining conditions relate to obtaining a s138 for works within the public road reserve and the protection of trees.

2. Limits of Consent

This development consent is for a property access road only. The approval does not infer that a further development such as a dwelling house will be approved, nor does it infer that the road is compliant with the requirements of Section 4.1.3(2) of 'Planning for Bushfire Protection 2006'. Despite statements contained within the approved plans, the Council did not assess the development application in terms of RFS Guidelines.

A modification to the DA525/18 was approved on the 15 June 2018 to construct access road, Council approval number 525/18-M1. The approval was issued over Lot 1 and Lot 2 DP707549 Youngs Road Akolele as the subject land. The approval modified DA525/18 to amend an error in the deposited plan number.

There is no restriction on the land title restricting the site to lease only and prohibiting a dwelling house.

There is no additional permitted use under CI2.5 and Schedule One of the ELEP limiting the land use on Lot 1 DP826655.

2.4 Site Photos taken 02/05/2024 by Rebecca Ireland



1. SUBJECT SITE



2. EXISTING SHED



3. EXISTING SHED



4. CLEARED AREA ON SITE



5. CLEARED AREA ON SITE SHOWING REMNANT VEGETATION



6. REMNANT VEGETATION



6. EXISTING CLEARED AREA SUITABLE FOR DEVELOPMENT



7. YOUNGS ROAD

3. DESCRIPTION OF PROPOSED DEVELOPMENT

The DA seeks consent for the concept approval for the construction of a rural dwelling house on the land formally identified as Lot 1 DP826655. The proposed dwelling site is illustrated on the survey by John Healey and Associates attached as **annexure seven**.

The proposed dwelling footprint is proposed to be sited in the location of the existing farm building on site, located on the upper most portion of the site in a cleared and managed area of the site. The dwelling footprint is proposed 33m from the northern boundary, 89m from the east, 63m from the south and 75m from the west as shown below in **figure 16**.



Figure 16 – Indicative Building Envelope – Source - R.Ireland/Nearmaps

Access is proposed via the public road and existing driveway and gate shown in **figure 17** below.

Future dwellings must have an on-site wastewater system. An assessment by Southeast Engineering & Environmental shows the site can support an OSSM for a four-bedroom house, as shown in **figure 18** and detailed in **annexure five**.



4.S4.14 BUSHFIRE PRONE LAND

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vegetation. Within 140m of the Site, there are small, isolated parcels of forest to the southeast and southwest, and forest threat to the northwest and northeast.



Figure 19: vegetation classification within 140m of the site source: Bushfire Planning & Environmental Solutions

The effective slope is shown below, noting that the dominant slope is to the northeast.

Aspect	Effective Slope	Hazard
North	5-10° Downslope	Grassland
Northeast	10-15° Downslope	
Southeast	5-10° Downslope	Remnant to Grassland
Southwest	5-10° Downslope	Remnant to Grassland
West	5-10° Downslope	Grassland

Figure 20: effective slope source: Bushfire Planning & Environmental Solutions

The report notes that there are no site-specific environmental features which are relevant to the proposal. Table 2 within the Report demonstrates that a potential BAL rating for future development of BAL12.5 can be achieved within the property boundaries, without the need for any vegetation disturbance.

Aspect	Effective slopes	Classified vegetation	Available setbacks	BAL 29 APZs per Table A1.12.2 PBP 2019	Potential BAL rating for future development
North	5-10° Downslope	Grassland	≥20m	13m	BAL 12.5
Northeast	10-15° Downslope	Grassland		15m	
Southeast	5-10° Downslope	Remnant	≥37m	18m	
Southwest	5-10° Downslope	Remnant			
West	5-10° Downslope	Grassland	≥20m	13m	

Figure 21: APZ requirements for future development source: Bushfire Planning & Environmental Solutions

The report demonstrates that the site is connected to and has direct legal access to Youngs Road on the western boundary. Youngs Road is an unsealed, all-weather, no-through public road. Any future development on the site can accommodate additional bushfire protection measures to mitigate the nature of the parcel of land.

The report concludes that the proposed development is consistent with the aims and objectives of PBP2019, and that the site has capacity to provide a suitable package of bushfire protection measures commensurate with the assessed level of risk. Bushfire protection measures for future development will be defined in a separate application under Section 4.14 of the EP&A Act 1979.

5. STATUTORY PLANNING FRAMEWORK

Development consent is sought under Part 4 of the EP&A Act. The application has been lodged with the Eurobodalla Shire Council as the consent authority.

Under Section s4.15 of the EP & A Act, in determining a DA the consent authority must consider the provisions of environmental planning instruments, impacts of the built and natural environment, the social and economic impacts of the development, the suitability of the site and whether the public interest would be served by the development.

This SEE and supporting annexures demonstrate the suitability of the site for the proposed development and provide an assessment of the potential impacts of the proposal and proposed measures to ensure all potential impacts can be mitigated.

5.1 National Parks and Wildlife Act 1974

A search of the NSW Heritage Aboriginal Heritage Information Management System (AHIMS) database has determined that there is one known site within 50m of the Site. This item is located within the reserve area, owned and managed by Council. The item will not be impacted by the development, and no further investigation is required.



Figure 22: AHIMS source: AHIMS Web Services.

5.2 Environmental Planning and Assessment Act 1979 & State Environmental Planning Policy (Planning Systems) 2021

The SEE identifies the matters outlined under S4.15 of the Act. The matters are addressed in detail and the proposed development is deemed acceptable.

Cl4.36 of the Act determines development that is considered State Significant Development (SSD). The proposed development does not trigger the criteria for SSD.

The proposed development does not trigger the criteria for Regionally Significant Development.

S4.46 of the Act determines development that is considered Integrated Development that requires consent or approval from an approval body.

Table 2: Integrated Development – Section 4.46 EP & Act

Integrated Development - Section 4.46 EP & Act			
Integrated Development - Act	Provision	Approval	Required
Coal Mine Subsidence Compensation Act 2017	S22	approval to alter or erect improvements, or to subdivide land, within a mine subsidence district	N/A
Fisheries Management Act 1994	s144	aquaculture permit	N/A
	s201s	permit to carry out dredging or reclamation work	N/A
	s205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	N/A
	s219	permit to—	N/A
		(a) set a net, netting or other material, or	
		(b) construct or alter a dam, floodgate, causeway or weir, or	
		(c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	
Heritage Act 1977	s58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57(1)	N/A
Mining Act 1992	ss63,64	grant of mining lease	N/A
National Parks and Wildlife Act 1974	ss63,64	grant of Aboriginal heritage impact permit	N/A
Petroleum (Onshore) Act 1991	s16	grant of production lease	N/A
Protection of the Environment Operations Act 1997	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	N/A
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	N/A
	ss43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	N/A
Roads Act 1993	s138	consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	N/A
Rural Fires Act 1997	s100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	N/A
Water Management Act 2000	ss89,90,91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A

The proposed development is not integrated development.

Division 4.4 of the Act applies as the proposed development is for a concept development approval. A separate application is to be lodged for the detailed proposal for a dwelling house.

In accordance with Division 4.4, S4.22(5), the Consent Authority, when considering a development application under section 4.15, must assess the likely impacts of the development only related to the concept development application, and does not need to consider the likely impact of the carrying out of development which will be subject to a subsequent development application. This SEE addresses the necessary matters subject to the concept development application.

5.3 South East and Tablelands Regional Plan 2036

The South East and Tablelands Regional Plan 2036 ('the **Plan**') is the NSW Government's 20-year strategy for guiding land use planning decisions in the region. Adopted in 2017, the Plan has four key goals:

- *A connected and prosperous economy*
- *A diverse environment interconnected by biodiversity corridors*
- *Healthy and connected communities*
- *Environmentally sustainable housing choices*

Several priorities and directions in the Plan are relevant to this proposal:

Priority 2 and Direction 8 aim to map and protect important agricultural land. The subject site contains Class 4 soils, which have limitations for cultivation, if large enough, is suitable for grazing. The key characteristics of Class 4 land as provided by the NSW Office of Environment & Heritage, with Class 1 being the best for agriculture and Class 5 containing severe limitations, the Class 4 soil can only be suitable for intermittent use for sowing of pastures and crops. The soil is not suitable for full time crops. Class 4 land is only suitable for intermittent cropping or pasture improvement.

Priority 9 and Direction 15 seek to enhance biodiversity connections. The site is not mapped on the High Values Biodiversity Values Map by the NSW Government, while the site is mapped as containing potential native vegetation, an ecological assessment found it is predominantly cleared with exotic groundcover. No threatened species were identified, and the dam is not considered suitable habitat. The proposal would not impact biodiversity under the Biodiversity Conservation Act 2016.

Direction 28 requires consideration of rural lifestyles, including:

- *Avoiding land use conflicts with productive agricultural land and natural resources*
- *Avoiding areas of high environmental, cultural or heritage significance, important agricultural land, and natural hazards*

The site adjoins existing dwellings and has vegetated buffers to neighbouring properties as demonstrated in **figure 23**. It does not contain known Aboriginal artifacts as provided **annexure two** or heritage items, is not high value agricultural land, and is not flood prone. While bushfire prone, a consultant report attached as **annexure six**, confirms the site can accommodate appropriate bushfire protection measures and support a dwelling house.



Figure 23 – Visual buffer between lots – Youngs Road – Source - B.Dantry

5.4 Eurobodalla Settlement Strategy

The Eurobodalla Settlement Strategy (the '**Strategy**') aims are as follows:

- *conserve biodiversity*
- *respect our diverse cultural background*
- *stimulate economic and community development*
- *provide efficient public services.*

Objective 20: Managing Rural Living

The Strategy's approach to rural living considers land capability and carrying capacity to determine appropriate land uses. This proposal aligns with the Strategy in the following ways:

1. **Land Capability:** The site is not suitable for intensive agriculture or small-scale hobby farming due to its size (2.04 ha) and soil classification. It is more appropriate for small-scale agricultural activities associated with residential use, such as:
 - Chicken coops
 - Small animal enclosures
 - Vegetable or flower gardens
2. **Environmental Protection:** The proposed residential use will not cause environmental harm, as demonstrated by:
 - An on-site septic report showing suitability for effluent management without environmental impact
 - No constraints regarding existing watercourses (closest is >100m from the site)
 - No required clearing for access road or Asset Protection Zone
3. **Infrastructure Capacity:** The proposal will not place undue pressure on infrastructure:

- The site fronts an existing public road
- On-site septic system is suitable for the proposed use
- There is no pressure on reticulated sewer or water

4. Land Use Considerations:

- The proposal does not involve rural subdivision
- No natural hazards or ecological constraints make the site unsuitable for a dwelling
- The land parcel size (2.04 ha) is existing

In summary, the proposed residential use with associated small-scale agricultural activities aligns with the Strategy's objectives by respecting land capabilities, protecting the environment, and efficiently utilizing existing infrastructure.

5.5 Eurobodalla Shire Council Rural Lands Strategy 2016

The Eurobodalla Shire Council Rural Lands Strategy 2016 (**RLS**) recognizes several key points relevant to this proposal:

1. Part-time farming is more common than full-time commercial agriculture in Eurobodalla. Many farmers rely on income from sources other than their agricultural holdings.
2. The RLS aims to conserve better agricultural lands in larger holdings of 100-500 ha, while identifying 20-40 ha lots as suitable for small farms and hobby agriculture.
3. The strategy supports dwellings in appropriate rural locations that have minimal impacts on services, infrastructure, and productive agricultural land use.
4. It seeks to balance rural dwelling opportunities with protection of productive agricultural land.
5. The RLS recommends a range of lot sizes and zones to accommodate different types of rural living.

For the 2 ha lot in question, the proposal appears to align with the RLS in the following ways:

1. The 2 ha size is below the range identified for small farms/hobby agriculture (20-40 ha), suggesting it is not suitable for significant agricultural pursuits.
2. The Class 4 soil classification indicates limited agricultural potential.
3. A dwelling on this lot is unlikely to impact productive agricultural lands, given its size and soil quality.
4. The proposal argues there will be minimal impacts on services and infrastructure.
5. A 2 ha lot size fits within the RLS aim of providing a range of rural living opportunities, in this case on the smaller end of the spectrum.

Overall, while the RLS focuses on conserving larger agricultural holdings, it also recognises the need for diverse rural living options. The proposal for a dwelling on this 2 ha lot appears to be consistent

with the strategy's goals for smaller rural residential lots, provided it can be demonstrated that impacts on services, infrastructure, and agricultural potential are indeed minimal.

5.6 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The site is not mapped on the NSW Biodiversity Values Map. The site is mapped as having native vegetation by the Eurobodalla Shire Council. No native vegetation is to be disturbed as part of the application. No further assessment of vegetation is required. See **figure 24** below.

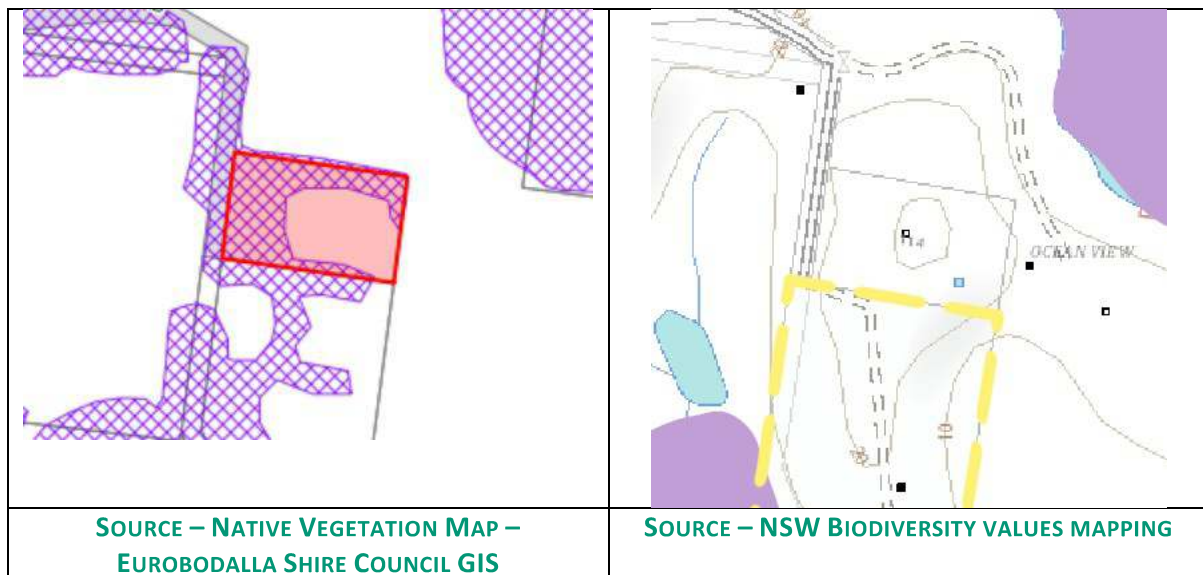


Figure 24: Native Vegetation Assessment

5.7 State Environmental Planning Policy (Primary Production) 2021

The State Environmental Planning Policy (Primary Production) 2021 (the 'PP SEPP') applies to the site. The aims are follows:

The aims of this Chapter are as follows—

- (a) to facilitate the orderly economic use and development of lands for primary production,
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) to encourage sustainable agriculture, including sustainable aquaculture,
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

The proposed development meets the aims of the PP SEPP as the use of the land for a dwelling is orderly and economic use of the existing small parcel of land as demonstrated in detail throughout this SEE and supporting annexures.

The proposal does not cause sterilization of rural land for primary production due to the lot being incapable of sustaining primary production as demonstrated throughout section five of this SEE.

The use as residential dwelling is consistent with the adjoining residential dwellings. The construction of a dwelling house within the concept building envelope does not have any impact on the native vegetation or any biodiversity values as demonstrated in this SEE and **annexure four**.

Schedule 4 does not apply to the Eurobodalla Shire Council as it is not referred to in the table in Part 6 of this Schedule.

5.7 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP) applies to the Site under s2.3 of the Hazards SEPP. S2.4 of the of the Hazards SEPP and the Coastal Management Act 2016 defines the Site as a coastal environmental area. S2.10 requires the consent authority to consider 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,
- (b) coastal environmental values and 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,
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands, and 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,
- (f) Aboriginal cultural heritage, practices, and places,
- (g) the use of the surf zone.

The proposed development is for concept approval for a dwelling house. The site is heavily disturbed, with it being unlikely that any future development would need an unreasonable level of earthworks or disturbance of native vegetation. The area surrounding the concept building envelope is cleared and does not require additional clearing to accommodate an APZ. Stormwater will be considered as part of the future development application, with there being ample opportunity for onsite disposal which would prevent any nuisance to adjacent properties or the coastal areas. Sediment and erosion controls will be installed during the construction and managed through the Construction Certificate to reduce any potential impact on the coastal environment. The site is not listed on the NSW Government, State Heritage Inventory as a known Aboriginal Place and is not identified as containing any Aboriginal sites, objects and declared Aboriginal places on the

NSW Government AHIMS data base under the National Parks and Wildlife Act 1974. The proposed development will not impact marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands, and rock platforms due to minimal disturbance to the ground and the large distance to the coastal areas.

The site is located partially within the wetlands proximity area, therefore Cl2.8 of the SEPP applies. The Consent Authority must be satisfied that the proposed development will not significantly impact on:

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The boundary of the Site is located approximately 92m away from the mapped wetland area. The proximity area mapping only slightly intersects the north eastern corner of the Site, for an area of approximately 320sqm. There is ample opportunity on the remainder of the Site to be located outside of the proximity area to reduce potential adverse impacts to the wetlands areas.

As also noted above, the development is low in terms of its impact to the scenic areas, and there will be no impact to existing access to and along the foreshore or any other coastal areas.

Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP) applies to the Site under s 4.4 of the Hazards SEPP and as required by s 4.6 of the Hazards SEPP, the consent authority is to consider whether the subject site is contaminated. The subject site is currently utilised for purposes ancillary to the dwelling house located on the adjoining lot 2. The Site contains an existing shed which has been used for the storage of equipment. The Site has not been utilised for extensive agricultural purposes as demonstrated in this SEE. The Site is not listed by the EPA as a contaminated Site. There are no sites listed within the Youngs Road locality.

With consideration of the above history of the site and based on the searches available, it is considered that the probability of the site being contaminated is negligible. The site history indicates that it has been used ancillary to the residential use of the adjoining site. The development application does not propose a change of use. Therefore, no further consideration to cl 4.6 of the Hazards SEPP is required. The site is considered suitable for the proposed residential use.

5.9 Eurobodalla Local Environmental Plan 2012

The site is subject to the ELEM 2012 in accordance with cl 1.3 of the ELEM.

The proposal meets the aims of the ELEM 2012 as outlined in cl1.2 based on the following:

- The proposal meets the aims and requirements of the Eurobodalla Settlement Strategy as outlined in s5.7 of this SEE.
- The proposal supports the principles of ecologically sustainable development through the location of the concept building envelope which minimising environmental impact and optimises natural light and solar gain and supports water reuse through use of rain water.
- This SEE demonstrates that the proposal provides land suitable to meet the future residential needs of Eurobodalla.

- The proposal provides compliance with Planning for Bushfire Protection 2019 as demonstrated in **annexure six** and section four of this SEE.
- The proposal demonstrates that agriculture land will not be rendered sterile.
- The proposal demonstrates that development will protect and manage the biodiversity and environmental value of the land and waterways as outlined in this SEE and supporting annexures.
- The development does not impact biodiversity, water resources or natural landforms.
- The development does not impact cultural and architectural heritage in the Eurobodalla, including Aboriginal relics and places as demonstrated in this SEE and supporting annexures.

The site is zoned RU1 Primary Production under cl 2.2 of the EEP. A dwelling house is permissible in the RU1 zone.

The objectives of the RU1 zone seek to:

- *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 minimise the visual impact of development on the rural landscape.*
- *To provide for recreational and tourist activities that support the agricultural, environmental and conservation value of the land.*

The proposal meets the objectives of the zone as a dwelling house located on the site does not reduce the availability of sustainable, quality agricultural land as demonstrated in detail in section 5.3. The lot is existing and does not create fragmentation and alienation of resource land and as demonstrated in detail in section 5.3 and below in **table three**. There is no impact on the rural landscape as demonstrated in section 5.3. The proposal meets the objectives of the RU1 Primary Production zone.

Table three below is an assessment of the proposal against the jurisdictional prerequisites, development standards and miscellaneous provisions in the EEP 2012.

TABLE 3 – EEP 2012 ASSESSMENT

CLAUSE	ASSESSMENT	SATISFACTORY
2.1 Land use Zones	RU1 Primary Production	Yes
2.2 Zoning of land to which Plan applies	RU1 Primary Production	Yes
2.3 Zone objectives and Land Use Table	The proposed concept for a dwelling house meets the zone objectives and is permissible in the zone.	Yes
2.4 Unzoned land	N/A	N/A
2.5 Additional permitted uses for particular land	N/A	N/A
2.6 Subdivision	No subdivision is sought under this application	N/A
2.7 Demolition	There is no demolition required under this application	N/A
2.8 Temporary use of land	N/A	N/A

CLAUSE	ASSESSMENT	SATISFACTORY
2.9 Canal estate development prohibited	N/A	N/A
Part 3 Exempt and complying development	N/A	N/A
4.1 Minimum subdivision lot size	Not applicable	N/A
4.1AA Minimum subdivision lot size for community title schemes	Not applicable	N/A
4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation zones	Not applicable	N/A
4.1B Subdivision in Zone RU5 Village	Not applicable	N/A
4.1C Exceptions to minimum lot sizes for certain residential development	Not applicable	N/A
4.1D Subdivision in environmentally sensitive areas	Not applicable	N/A
4.1E Lot averaging subdivision in certain zones	Not applicable	N/A
4.1F Minimum lot sizes for certain split zones	Not applicable	N/A
4.2 Rural Subdivision	Not applicable	N/A
4.2A Erection of dwelling houses or dual occupancies on land in Zone RU1 Primary Production	The proposal seeks concept approval for the construction of a dwelling house within RU1 Primary Production Zone. The objective of this Clause is: (a) to minimise unplanned rural residential development, (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in Zone RU1 Primary Production, (c) to ensure that rural residential development does not create unreasonable or uneconomic demands for the provision or extension of public infrastructure. The 2ha lot is existing and is situated on Youngs Road, surrounded by dwelling houses on all four boundaries. While the use of the word 'minimise' suggests that there are few situations where a dwelling house would be appropriate, this SEE and its supporting annexures demonstrate that the site's size and location make it particularly suitable for a dwelling house. The planning	Yes Variation sought

CLAUSE	ASSESSMENT	SATISFACTORY
	use of the site for a dwelling house is justified by the following factors: Existing context: The lot is already surrounded by established dwelling houses, indicating compatibility with the area's character. Site characteristics: The 2ha size of the lot are conducive to residential development. Limited agricultural potential: The site's attributes and specific soil composition suggest that its optimal use may not be for intensive agricultural purposes. Consistency with surroundings: A dwelling house would be in keeping with the existing pattern of development in the immediate vicinity. Environment outcome: There is no detrimental environmental impact conducive to residential development. By placement of the concept building envelope in the location of the existing shed therefore not interfering with the existing vegetation on site or altering the existing landform and utilising the existing approved access driveway is considered planned residential development. As provide above in s5.3 of this SEE there is no unreasonable or uneconomic demands for the provision or extension of infrastructure due to the following: • The site fronts an existing public road • There is no pressure on reticulated sewer or water as On-site septic system and rainwater collection is suitable for the proposed use. 4.2(2) is reproduced below, with emphasis added to cl4.2(2)(a) as this proposal is reliant on this clause: (2) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in Zone RU1 Primary Production, and on which no dwelling house or dual occupancy is erected, unless the land— (a) is a lot that has an area of at least the minimum lot size shown on the <u>Lot Size Map</u> in relation to that land, or (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or (d) is an existing holding, or	

CLAUSE	ASSESSMENT	SATISFACTORY
	(e) is a 1987 holding, or (f) (Repealed) (g) would have been a lot or a holding referred to in paragraphs (b)–(e) had it not been affected by— (i) a minor realignment of its boundaries that did not create an additional lot, or (ii) a subdivision creating or widening a public road or public reserve or for another public purpose. The minimum lot size for the site is 100ha under the ELEP 2012. The existing lot is 2.04Ha. This proposal seeks to vary Cl4.2A(2)(a) to allow the consent authority to grant concept approval for the dwelling house. This request is support by a Cl4.6 Written Request attached as annexure eight. As demonstrated in <i>Elwaw v Kiama Municipal Council [2022] NSWLEC 1395</i>, and <i>Sharp v Kiama Municipal Council [2024] NSWLEC 1360</i>, Cl4.2A of the ELEP 2012 is a development standard which falls within the definition contained s 1.4(1)(a) of the EPA Act that cl 4.2A falls within “Part 4 Principal Development Standards” and can be varied by Cl4.6 of the ELEP 2012. The site contains a farm shed which is used for storage. The proposal does not meet the criteria in Cl4.2(b)(c)(d)(e) or (g). Cl4.2A contains a note that states: <i>Note— A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.</i> The subdivision creating the lot was approved in 1990. The <i>of State Environmental Planning Policy (Rural Lands) 2008</i> came into effect on the 9 May 2008 and is not applicable. The Eurobodalla Local Environmental Plan 2012 came into effect on July 20, 2012 including Cl4.2 of the plan. Cl4.2 was not applicable when the subject lot was created. The consent authority has the jurisdictional authority to approval a dwelling house on the site. A dwelling house is permitted with consent in the RU1 zone in accordance with the ELEP 2012. Subclause (4)&(5) are listed below, however are not relevant to this proposal.	

CLAUSE	ASSESSMENT	SATISFACTORY
	(4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy. (5) In this clause— 1987 holding means land that— (a) was a holding on 11 December 1987, and (b) is a holding at the time the application for development consent referred to in subclause (2) is lodged, whether or not there has been a change in the ownership of the holding since 11 December 1987, and includes any other land adjoining that land acquired by the owner or owners since 11 December 1987. Note— The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date. existing holding means land that— (a) was a holding on 9 August 1963, and (b) is a holding at the time the application for development consent referred to in subclause (2) is lodged, whether or not there has been a change in the ownership of the holding since 9 August 1963, and includes any other land adjoining that land acquired by the owner or owners since 9 August 1963. Note— The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date. holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.	
4.2B Rural occupancies on land in rural zones	Not applicable	N/A
4.2C Boundary changes between lots in certain rural and conservation zones	Not applicable	N/A
4.3 Height of buildings	Not applicable	N/A
4.6 Exceptions to development standards	The proposed development seeks a variation to Cl4.2A for the construction of a dwelling house on a lot which does not achieve the requirements as outlined within the Clause. This has been addressed within the necessary written request which supports this application attached as annexure eight. The written request demonstrates that compliance with the development standard is unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention to the development standard.	Yes
5.1 Relevant acquisition authority	Not applicable	N/A

CLAUSE	ASSESSMENT	SATISFACTORY
5.1A Development on land intended to be acquired for public purposes	Not applicable	N/A
5.2 Classification and reclassification of public land	Not applicable	N/A
5.3 Development near zone boundaries	Not applicable	N/A
5.4 Controls relating to miscellaneous permissible uses	Not applicable	N/A
5.5 Controls relating to secondary dwellings on land in a rural zone	Not applicable	N/A
5.6 Architectural roof features	Not applicable	N/A
5.7 Development below mean high water mark	Not applicable	N/A
5.8 Conversion of fire alarms	Not applicable	N/A
5.10 Heritage Conservation	The site is not within a Heritage Conservation Area, and there are no items of environmental heritage on the land. An item of European heritage is located on land to the north east of the site, being item 176. This is identified under the ELP 2012 as <i>Sherringham Farmhouse and Silos</i> located on 198-244 Sherringham Lane. It is an item of local significance. The State Heritage Inventory notes that the building is one of Central Tilba's earliest dairy farms. The building was constructed 1877 and has had little renovation since its original built form. The building is located over 1.2km north of the subject Site, and is not visible. The construction of a dwelling house on the subject Site would not result in any negative impacts to the heritage item.	Yes
5.11 Bush fire hazard reduction	Not applicable	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	Not applicable	N/A
5.13 Eco-tourist facilities	Not applicable	N/A
5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	The objective of this clause is to minimise potential land use conflict between existing and proposed development on the land in the rural landscape, and it applies to the lot due to the zoning. The matters to be taken into account are as follows: (a) the existing uses and approved uses of land in the vicinity of the development	Yes

CLAUSE	ASSESSMENT	SATISFACTORY
	(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 use The preferred and predominant land use seen within this locality is for residential development. The proposed development for purposes of a residential dwelling house will not be out of character in the locality, and is considered the preferred and predominant land use. There are no measures required to avoid or minimise any incompatibility.	
5.18 Intensive livestock agriculture	Not applicable	N/A
5.19 Pond-based, tank-based and oyster aquaculture	Not applicable	N/A
5.20 Standards that cannot be used to refuse consent—playing and performing music	Not applicable	N/A
5.21 Flood Planning	Not applicable	N/A
5.22 Special flood considerations	Not applicable	N/A
5.24 Farm stay accommodation	Not applicable	N/A
5.25 Farm gate premises	Not applicable	N/A
6.1 Public utility infrastructure	Not applicable	N/A
6.2 Development control plans for land release areas	Not applicable	N/A
6.3 Acid sulfate soils	Not applicable	N/A
6.4 Earthworks	There is no approval sought under this Concept development approval for earthworks. This would be addressed at future DA stage	N/A
6.7 Riparian land watercourses	There are no riparian corridors traversing through or located near the Site.	N/A
6.8 Wetlands	The site is partially mapped as containing a wetland proximity area. There are no works proposed within the mapped area, and the future proposed residential development will not have any adverse impact on the native flora or fauna, the quality of habitats nor any surface or groundwater characteristics of the land. There are no unreasonable impacts anticipated to the wetland areas	Yes

CLAUSE	ASSESSMENT	SATISFACTORY
6.9 Stormwater management	The proposal is for concept only. There is adequate space on the proposed lot to provide for onsite stormwater disposal, subject to application for further development	Yes

5.10 Any Proposed Instruments

Draft South East and Tablelands Regional Plan 2041.

The draft South East and Tablelands Regional Plan 2041 has been exhibited by the Department of Planning. Objective 5 & 6 have been addressed above in **section 5.6** of this SEE. The draft Plan Objective 17 requires Local Housing Strategies to be updated and consider lower density areas, with capacity for renewal or additional density. This SEE demonstrates that the site is not suitable for agricultural pursuits however is suitable for the additional density of residential development.

Draft Eurobodalla Housing Strategy 2024-2041.

Although the draft Eurobodalla Housing Strategy 2024-2041 (the 'EHS') is focused on urban housing supply within urban areas and town centres, it does emphasise the need for additional housing in the Eurobodalla.

5.11 Any Development Control Plan

The site is subject to assessment against the Rural, R5 Large Lot and Environmental Zones DCP. The aim of the DCP is to further the aims of the ELEG 2012 and the objectives for the RU1, E4 and R5 zones. The development application is for concept approval, and as such there is no specific design incorporated into the application. As such, the provisions within the DCP are not relevant to the concept approval stage and will be assessed in detail within the future development application.

5.12 Any Planning Agreement (Draft)

There are no planning agreements entered into or any draft agreement offered to enter into under for this development.

5.13 Any Regulations

Environmental Planning and Assessment Regulation 2021.

Environmental Planning and Assessment Regulation 2021 (the 'Regulations')

This SEE has been prepared to consider the environmental, social and economic impacts of the proposed development. The SEE has addressed the items outlined in cl193 of the Regulations regarding the principles of ecological sustainable development listed as follows:

(a) The precautionary principle.

The precautionary principle does not apply as this SEE has demonstrated that there no potential environmental impacts that would cause serious or irreversible environmental damage.

(b) Inter-generational equity, is concerned with ensuring health, diversity and productivity of the environment are maintained for future generations.

The proposal has been designed to benefit both the existing and future generations by economic growth and residential development to accommodate future generations consistent with the residential uses that exist and are desirable.

(c) Conservation of biological diversity and ecological integrity.

The future development of the Site does not negatively impact on biological and ecological integrity as demonstrated in this SEE and supporting reports.

(d) improved valuation, pricing and incentive mechanisms, requires consideration of all environmental resources which may affect the proposal including air, water and land.

The proposal will not negatively affect air, water or land resources. The residential development will not affect pricing or incentive mechanisms.

5.14 The Likely Impacts of Development

I. Access

The lot has direct access to Youngs Road, which is a public road.

II. Services

The future residential development will be required to be self-servicing in terms of water supply and the disposal of sewerage. The application is supported by an On-site Sewage Management Capability Assessment prepared by Southeast Engineering & Environmental. This is annexed to the SEE as **annexure five**.

The Report provides analysis of the soil and site constraints, topography and drainage features of the Site. Section 3.4 of the Report provides a comprehensive soil constraints table which demonstrates that there are only minor limitations associated with the Site, and that there is an adequate area available outside of the constraint areas to provide suitable disposal areas. The wastewater generation has been estimated for a future 4 bedroom dwelling, with a hydraulic load of 800L/d. The Report recommends treatment via an AWTs with disinfectant to provide secondary level treatment and minimise the space required for treatment disposal. The method of disposal is that of shallow absorption trenches with pressurised dosing to efficiently distribute treated effluent. A minimum area of 66sqm is required for the trenches and beds, and is recommended by the installation of 6 trenches 18.5m long and 0.6m wide. A reserve area would also be required and it is noted that the size of the property allows ample room to duplicate the disposal system, if required.

The Report provides a conclusion under Section 5.0 that an adequate solution can be provided on site to meet the requirements of the Council's OSSM Code of Practice. The final OSSM arrangement for a future dwelling would be determined through a separate development application however this assessment report demonstrates there is a feasible solution for OSSM for the Site for a typical 4 bedroom dwelling.

III. Ecological

The concept development application is supported by an Assessment of Significance prepared by Southern Cross Environmental. This Report is seen as **annexure four**. The Report addresses the legislative requirements, listed within Table 1 of the Report. This identifies that the site is not mapped on the Biodiversity Values Map, and the amount of vegetation disturbance does not exceed the BOS trigger of 1Ha. The Report notes that the Site is predominantly cleared with exotic groundcover and that all works can be located without requiring the removal of any native vegetation. There were no threatened species identified during survey of the Site, and the dam is not considered to provide a suitable habitat for any threatened species of fauna.

Section 4 of the Report outlines the direct and indirect impacts of the development, noting that there are no direct impacts associated with the concept development proposal, and that a future application would address native flora and fauna. The extensive exotic open areas provide a suitable location for a future dwelling, APZ and associated infrastructure that would not have any impacts on areas of native vegetation. The Report concludes that there are no indirect impacts as a result of the development.

The five part test of significance concludes that the proposal will not have a significant impact on any State listed threatened flora, fauna or EEC. No clearing of native vegetation is required and therefore a BDAR is not required. The proposed development is unlikely to have any significant effect on threatened species populations or ecological communities or their habitats.

IV. Noise

The concept approval for a dwelling house will not result in any negative noise impacts. Future construction of a dwelling would result in short-term noise emitting from the Site, however this is not considered to be unreasonably offensive.

V. Geotechnical

The proposal is for concept approval only, with no physical works required. All earthworks will be assessed at future DA stage.

VI. Cultural Heritage

There are no known items of Aboriginal or European heritage within the lot boundaries. This SEE addresses the nearby heritage item within the ELP 2012 **table three**.

An Aboriginal Heritage Management System Search has been conducted as part of this application, with the results determining that there are no known items of Aboriginal significance within 50m of the subject site. It is considered that the proposal will not have any adverse impacts upon the cultural heritage of the locality.

VII. Visual Impact

The proposal does not seek approval for any built form. This would be considered at development application stage, however, a dwelling on the subject lot would not be out of character within the locality and would therefore not result in any unreasonable visual impacts.

VIII. Environmental Impacts

The proposal is for a concept approval only, and no built form is proposed under the application. This application demonstrates that the Site is suitable for residential development and will not result in any unreasonable adverse impacts on the environment. The supporting documentation demonstrates that there will be no unreasonable impacts on native vegetation, and that all works can be confined to the area which is not mapped as containing native vegetation. They also demonstrate that a suitable onsite sewerage management system can be installed without causing any adverse impacts to the environment.

The proposal will not result in any unacceptable environmental impacts.

IX. Social Impact and Economic Impact

Once final development approval is granted for construction of a dwelling house, the Site will provide an additional housing opportunity within the Central Tilba area, which has high amenity values and is rich in local history.

5.15 Suitability of the Site

In accordance with Section 4.15(1)(c) of the EP&A Act, the Site is suitable for the proposed development for the following reasons:

- It is demonstrated that the Site is suitable for the purposes of residential development. There is adequate area on Site to provide for residential development, APZ areas and associated infrastructure without disturbing any sensitive environmental areas nor resulting in any adverse visual impacts.
- The Site is not of a size which is viable for productive primary industry and is therefore not suitable for its
- The proposal is for concept approval only with no built form proposed at this stage, once final approval for construction of a dwelling is given it will provide a unique housing opportunity within Central Tilba, which has high amenity value and significant local history.

5.16 Any Submissions

Should the proposal be notified, any submissions received will be considered by Council and the Applicant prior to determination.

5.17 The Public Interest

S4.15(1)(e) of the EP & A Act requires consideration of the public interest.

The proposed development is in the public interest for the following reasons:

- The lot is an existing small lot. At 2.04 hectares, it is not suitable for intensive agriculture or economically viable small-scale farming, particularly given the topography and limitations of its soil classification. In this context, the highest and best use of the land, consistent with the objects of the EP&A Act, is to support appropriate rural residential development that contributes to the local housing supply while maintaining rural land uses where feasible.

- The proposal will not result in any adverse environmental impacts and will not compromise the ongoing agricultural use or broader rural viability of the surrounding area. Appropriate measures can be implemented to protect environmental values, ensuring that the development is compatible with the rural character of the locality.
- The proposal is aligned with the Eurobodalla Housing Strategy 2022-2042, which recognises the need to increase housing supply and encourage a diversity of housing types, including smaller homes that respond to the changing housing needs of the community. This development contributes directly to that objective by providing the opportunity for a well-designed rural dwelling on a small, underutilised rural parcel.
- The site is suitable for residential development within a rural context, offering a unique housing opportunity on land that is:
 - Too small and constrained for productive agricultural use, but
 - Well-suited to low-impact residential accommodation that can coexist with surrounding rural activities.
- The development will support rural capacity by providing additional housing supply for those involved in local agricultural or rural industries, contributing to the economic and social sustainability of the rural community. The dwelling's modest scale (to be contained generally within the footprint and envelop of the existing building) and lot ensures it does not fragment or compromise larger viable agricultural holdings.
- The proposal delivers a planned rural residential outcome, consistent with both local planning controls and broader State and regional housing supply objectives. It represents a pragmatic and balanced approach to land use within a rural area that contains a mix of lot sizes and land uses.
- The Eurobodalla Local Government Area (LGA) is facing significant challenges in housing supply and affordability, which have been exacerbated by population growth, tourism pressures, and changes in demand for housing driven by the COVID-19 pandemic. This proposal contributes to alleviating that pressure by providing a new dwelling in a location where it can be sensitively integrated into the rural landscape, without compromising the broader agricultural or environmental values of the area.
- The development is consistent with the objects of the Act, specifically:

(c) to promote the orderly and economic use and development of land — the site's constraints make intensive agriculture unfeasible, but its characteristics support well-planned rural residential use, which complements the surrounding rural landscape.

(d) to promote the delivery and maintenance of affordable housing — the proposal contributes to diversifying the local housing stock, addressing identified gaps in housing supply for rural residential accommodation.
- The development is consistent with the objects of the LEP, specifically it:
 - maintains the existing natural resource base (no change to building footprint).
 - provides diverse housing supporting the rural base.
 - minimises the fragmentation and alienation of resource lands (no change to existing lot size).
 - minimises conflict between land uses within this zone and land uses within adjoining zones.

- minimise the visual impact of development on the rural landscape (no change to building footprint or envelop).
- can also provide for recreational and tourist activities that support the agricultural, environmental and conservation value of the land.

CONCLUSION

The key outcomes are:

- No adverse environmental impacts.
- Efficient use of underutilised rural land.
- Supports local housing supply and diversity.
- Aligns with strategic planning directions, including the Eurobodalla Housing Strategy.
- Balances housing needs with rural land protection.
- Supports rural economic capacity (housing for rural workers or residents supporting the agricultural sector).

Development consent is sought for concept approval for the construction of a new dwelling house. The proposal has been assessed pursuant to the matters for consideration prescribed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2021. The proposed development is not Designated or Integrated Development.

This Statement of Environmental Effects demonstrates how the proposed development is consistent with and satisfies the relevant development standards prescribed by the applicable State Planning Policies. The proposal is permissible in the zone and achieves compliance with the EEP, subject to a written request under Clause 4.6 to vary Clause 4.2A of the EEP 2012. That written request demonstrates that compliance with Cl4.2A is unreasonable and unnecessary given the circumstances.

Having regard to the surrounding development, the proposal is consistent with the existing character of the area and will not result in any significant adverse impacts. The proposed development is considered to be in the interest of the public pursuant to s4.15(1)(e) of the Environmental Planning and Assessment Act 1979. The proposal as submitted is compliant with or has met statutory and merit objectives and it is recommended that development be approved.