

Planning and Development (Conditional Environmental Significance Opinion – Block 291 Paddys River – Freshford Subdivision) Notice 2021

Notifiable instrument NI2021–289

made under the

Planning and Development Act 2007, s 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 291 Paddys River – Freshford Subdivision) Notice 2021*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 7 May 2021, the Conservator of Flora and Fauna, pursuant to section 138AB(4)(b) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to subdivision of the lease into three separate leases, on Block 291 in the District of Paddys River.

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

Note Under section 138AD(6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

George Cilliers
Delegate of the planning and land authority
25 May 2021

Schedule

See section 3(2)

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007* (the Act), I provide the following environmental significance opinion:

APPLICANT

Mr Hamish Sinclair.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA of the Act to the Conservator of Flora and Fauna for an environmental significance opinion (ESO) to the effect that the development proposal set out in the submission is not likely to have a significant adverse environmental impact (the application).

The development proposal is for the subdivision of the lease over Block 291 Paddys River into three separate leases as described in the submission.

LOCATION

Block 291 District of Paddys River.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application.

OPINION

Provided the works are undertaken in a manner consistent with the following condition in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following condition made under s138AB(4) of the Act:

- As indicated in the supporting documentation, no additional access tracks, fencing or gates or other infrastructure are to be constructed to facilitate the subdivision.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'Ian Walker', with a long horizontal flourish extending to the right.

Ian Walker
Conservator of Flora and Fauna

7th May 2021

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4, being:

Part 4.3, item 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

Block 291 contains:

One community listed as endangered:

- White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland (Box Gum Woodland).

Part 4.3, item 3 proposal for development in a reserve;

The northern section of this block has a Nature Reserve overlay.

The proponent wants the application for the development approval assessed in the merit track on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Conservator of Flora and Fauna to that effect.

Meaning of *significant* adverse environmental impact

An adverse environmental impact is ***significant*** if—

- (a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or
- (b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is ***significant***, the following matters must be taken into account:

- (a) the kind, size, frequency, intensity, scope and length of time of the impact;
- (b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

It has been determined that the proposal is unlikely to have a significant environmental impact, based on the documentation submitted, known values of the site, and provided the works and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description

The development proposed is to 'subdivide' the property to separate the existing into three new leases:

- Block 1: Existing equestrian facility, cider farm and two dwellings; ~131ha
- Block 2: Agricultural hub; ~108ha
- Block 3: Equestrian rural grazing; ~165ha

Block 1 is to retain all existing uses (agriculture, equestrian centre, two ancillary dwellings), while Blocks 2 and 3 will retain the agriculture use. No additional dwellings or horses will be permitted.

The proponent is also seeking a lease variation to add existing uses of farm tourism to the primary uses.

Documentation Submitted

- Planning report for Freshford Equestrian Centre;
- Statement of natural conservation values
- Ecological communities map;
- Location Plan
- Subdivision Plan;
- Letter of Authorisation;
- Form 1M.

Natural conservation values present

Block 291 has been highly modified from its grazing history and from impact during the 2003 bushfires. The vegetation on site is recovering, assisted by a native planting program. The current vegetation present consists mainly of native grasslands with patches of woodland (including patches of the Box Gum Woodland threatened ecological community to the north), and patches of derived native shrubland and exotic grassland.

The northern part of the block which has a nature reserve overlay is also mapped as being potential habitat for Rosenberg's Monitor (*Varanus rosenbergi*), which is listed as threatened in NSW.

The block is adjacent to the Murrumbidgee River Corridor and Bullen Range Nature Reserve, which are contiguous with Namadgi National Park and conserve significant ecological values.

Impact on the Reserve

No construction works are being proposed and all fences, tracks and access ways are already present on the site. All buildings and dwellings are to be consolidated within the proposed Block 1, while proposed Blocks 2 and 3 will retain agricultural and farm tourism uses. The number of horses permitted on the whole property (76) will be divided between the blocks so that the sum of the resulting leases is no more than the existing rights. Proposed Blocks 2 and 3 will not have ancillary dwellings as a permitted use.

Potentially Significant Environmental Impacts

A condition has been included to ensure that the subdivision details on which this assessment is based remain consistent:

- As indicated in the supporting documentation, no additional access tracks, fencing or gates or other infrastructure are to be constructed to facilitate the subdivision.

It has been determined that if the works are undertaken in a manner consistent with the above condition attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.