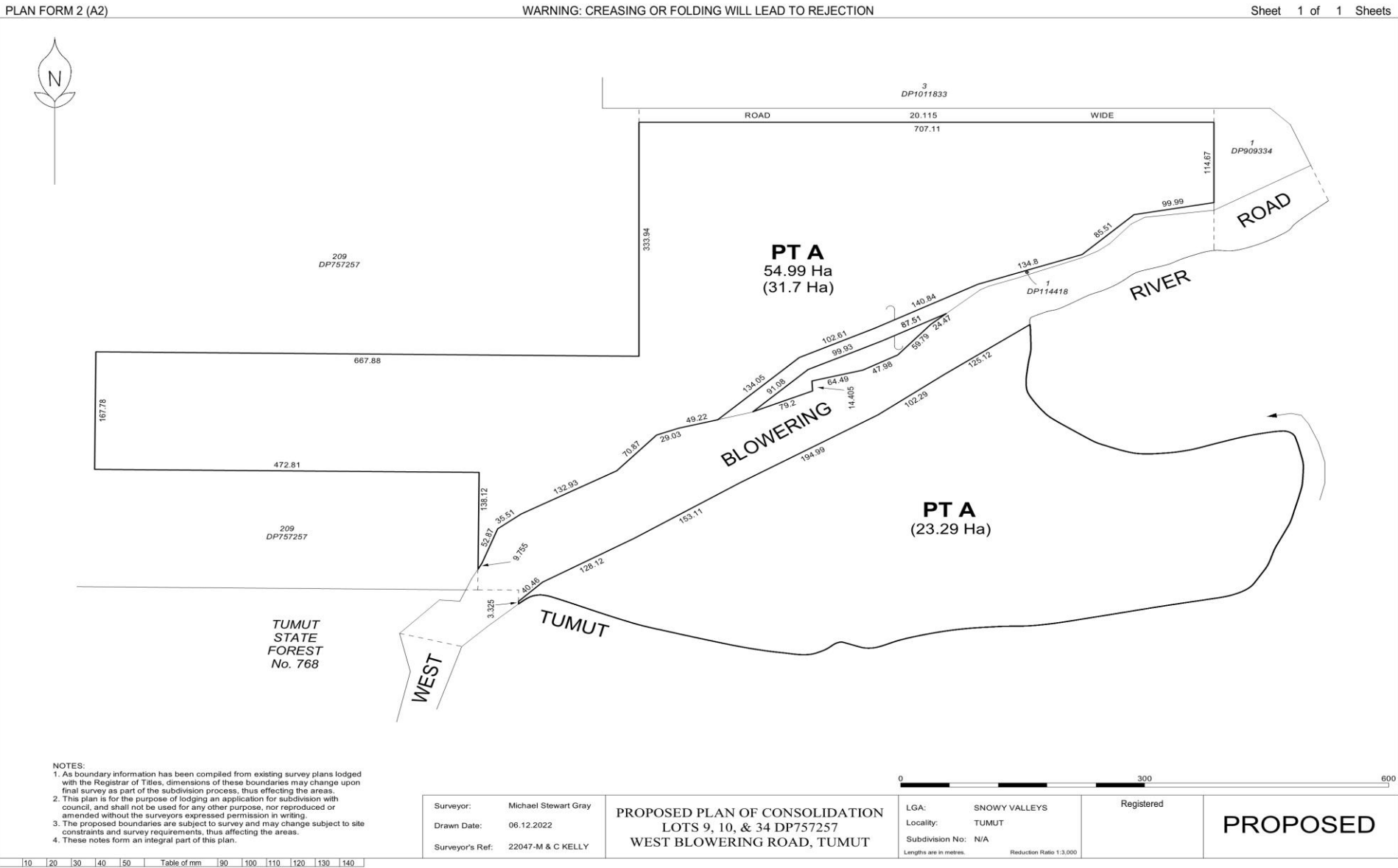


#### **10.4. DEVELOPMENT APPLICATION DA2022-0200 - PROPOSED SUBDIVISION - WEST BLOWERING ROAD JONES BRIDGE - ATTACHMENTS**

Attachment Titles:

1. Development Application DA2022-0200 - Proposed Plan - West Blowering Road, Jones Bridge
2. Development Application DA2022-0200 - Statement of Environmental Effects - West Blowering Road, Jones Bridge
3. Draft Conditions of Consent 2022/0200 West Blowering Road Jones Bridge

Attachment 1 - Development Application DA2022-0200 - Proposed Plan - West Blowering Road, Jones Bridge



6<sup>TH</sup> DECEMBER, 2022

LOTS 9, 10 & 34 DP 757257 & LOT 1 DP 114418  
WEST BLOWERING ROAD, JONES BRIDGE

**GRAY SURVEYORS**  
SURVEYING AND LAND DEVELOPMENT CONSULTANTS  
152 Wynyard Street, Tumut NSW 2720





## 2. Development Site Locality & Description

The development site is located approximately 8.5 kilometres south east of Tumut township on West Blowering Road. The site is adjoined by rural lands which are utilized for agricultural production. Several dwellings are located within a two kilometre radius of the site. An easement for transmission line, 40 metres wide, traverses the site.

As shown in Figure 2, the site is irregular in shape and dissected by West Blowering Road. The northern side of West Blowering Road has an area of approximately 32 hectares with the southern side having an area of approximately 23 hectares. The site has a gentle fall towards the Tumut River. All the subject lands are zoned RU1 Primary Production with the northern side of West Blowering Road having a minimum lot size of 150 hectares to attract a potential dwelling entitlement and the southern side of the road having a minimum lot size of 30 hectares to attract a potential dwelling entitlement.

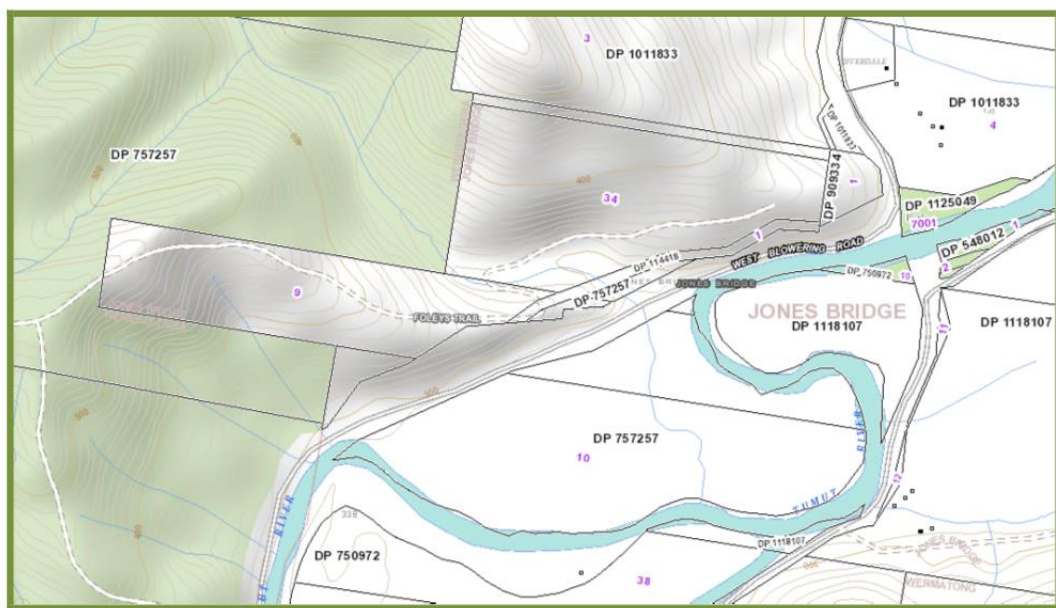


Figure 2: West Blowering Road, Jones Bridge, Lots 9, 10 & 34 DP 757257 & Lot 1 DP 114418

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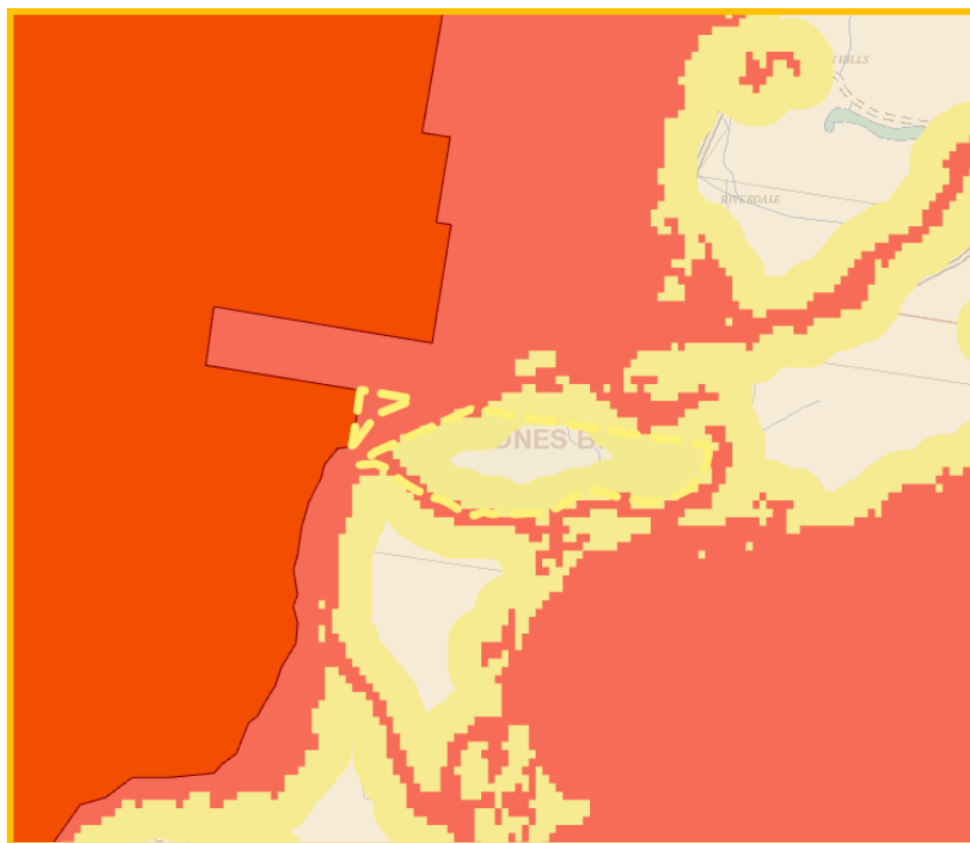


Figure 1: Bushfire Prone Land ([www.planningportal.nsw.gov.au/spatialviewer](http://www.planningportal.nsw.gov.au/spatialviewer))

The site has several constraints but all are manageable with correct planning consideration. Figure 3 shows the site is bushfire prone land. The site also has riparian lands along the lower lands and water drainage pathways as per figure 4. Groundwater vulnerability is displayed within figure 5. The site is also mapped as landslide risk as per figure 6.

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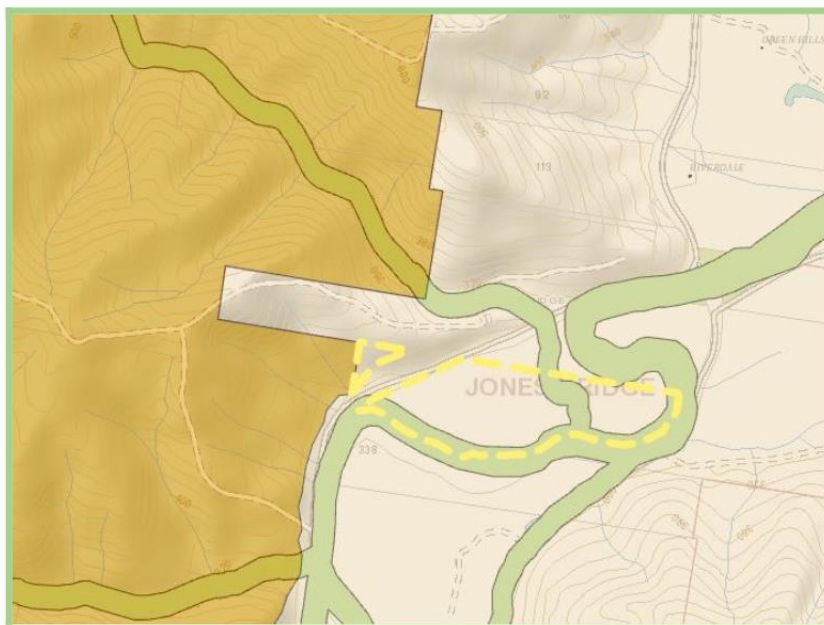


Figure 2: Riparian land ([www.planningportal.nsw.gov.au/spatialviewer](http://www.planningportal.nsw.gov.au/spatialviewer))

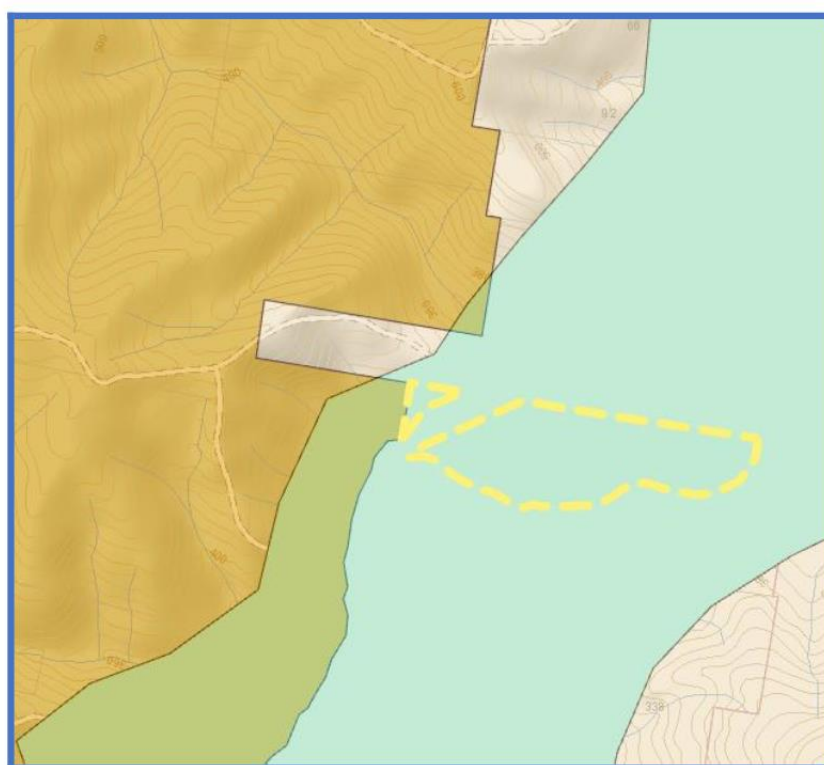


Figure 5: Groundwater vulnerability ([www.planningportal.nsw.gov.au/spatialviewer](http://www.planningportal.nsw.gov.au/spatialviewer))

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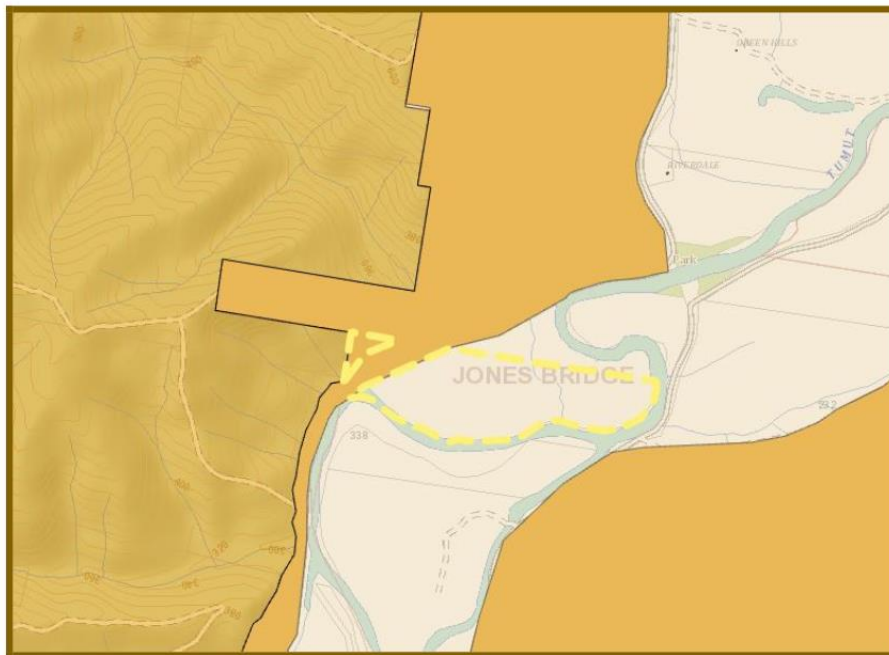


Figure 6: Landslide Risk ([www.planningportal.nsw.gov.au/spatialviewer](http://www.planningportal.nsw.gov.au/spatialviewer))

### 3. Proposed Development

Lots 9, 10 & 34 DP 757257 are an existing holding as per clause 4.2B(5) of Tumut LEP 2012 and attracts a potential dwelling entitlement as per the enclosed confirmation from Snowy Valleys Council dated 21<sup>st</sup> June, 2022. It is our client's intention to consolidate lots 9, 10 & 34 DP 757257 to enable Council consideration of the construction of a dwelling (Proposed Plan of Consolidation enclosed). Consolidation of these lots is exempt from obtaining a subdivision certificate from Council as per NSW Land Registry Services Registrar General's guidelines. The land consolidation has been included within this development application to reduce additional plan registration costs being imposed upon our client.

Subsequently it is intended to complete a boundary adjustment between the consolidated lot and lot 1 DP 114418 utilising clause 4.2C(3). This clause permits boundary adjustments between lots if one or more resultant lots do not meet the minimum lots size. As this proposal does not create additional lots or the opportunity for additional dwellings, the number of dwellings or opportunities for dwellings on each lot after the subdivision is the same as before the subdivision and the potential land use conflict is not increased, the proposal is permissible. It is intended proposed lot 102, located on the southern side of West Blowering Road, will be for agricultural use only and will be restricted as such. The potential dwelling entitlement will be attached to proposed lot 101 to the northern side of the road for agricultural and residential use. Proposed lot 101 will also have a small section to the southern side of West Blowering Road to provide river frontage. Both proposed land uses are permissible without consent as Tumut LEP 2012 RU1 Primary Production land zoning.

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Proposed lot 101 will be approximately 32 hectares with proposed lot 102 being approximately 23 hectares.

The proposed boundary adjustment and intended use of both proposed lots reflects a more sustainable use of the subject land by restricting the flood prone land located on the southern side of the road to agricultural use only, predominantly grazing and fodder production. Flooding of this land is not restricted to any particular season and is dependent on rainfall events due to the close proximity to Blowering Dam. Construction of a dwelling on these lands would be possible but highly impractical and expensive. Snowy Valleys Council Development Control Plan 2019 would also place planning constraints on the construction of a dwelling in this location. Restricting this proposed lot to agricultural use only is both a practical and sensible planning decision.

Proposed lot 101 to northern side of the road attracts its own natural constraints being bushfire prone and landslide risk lands. A high percentage of rural lands in Snowy Valleys Council Local Government area are mapped as bushfire prone and any dwelling construction will be required to comply with Planning for Bush Fire 2019 standards and requirements. Bushfires are a seasonal event, mostly occurring in the summer months, but with good planning and annual maintenance and preparation coming into bushfire season, this constraint can be satisfactorily managed.

The landslide risk land covers a large area around the steeper sections of proposed lot 101. The landslide risk lands extend along the western side of West Blowering Road, continuing along the Snowy Mountains Highway to the town limits, Boonderoo Road. In excess of fifteen dwellings are located on this land and we are not aware of any landslide history being identified in the vicinity of the site. It appears the land has been assessed as such due to the steep topography without concise geotechnical assessment as no information of such investigations appears available. In light of the lack of geotechnical information and no identified landslide history, it appears the risk of landslide is low.

The lands are also mapped as having biodiversity values as per figure 7. This proposal does not trigger any further assessments as no land clearing is intended within the proposed development. The site is also clear of naturally occurring asbestos as per figure 8.

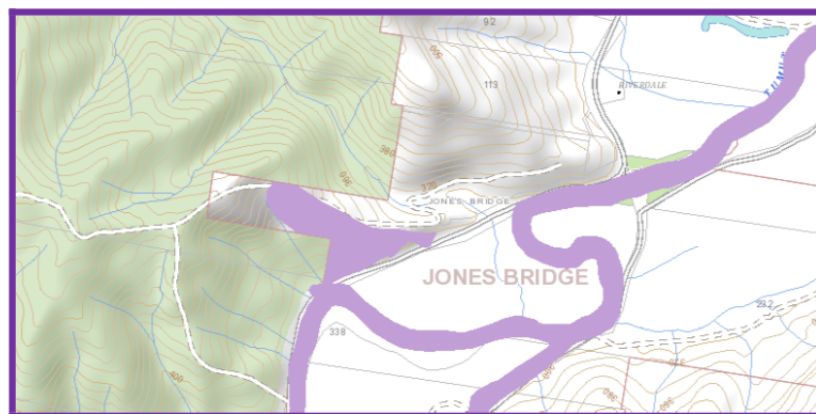


Figure 7: Biodiversity Values Map (<https://www.lmbc.nsw.gov.au>)

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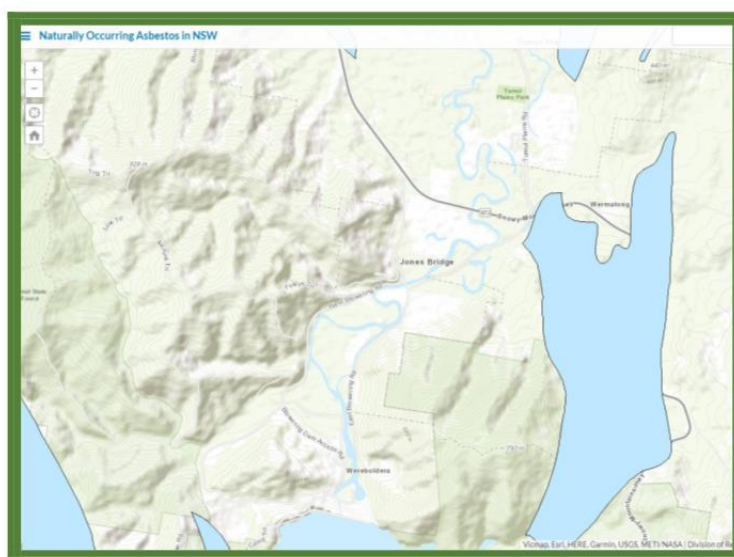


Figure 8: Naturally Occurring Asbestos (<https://trade.maps.arcgis.com>)

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#### 4. PLANNING PROVISIONS

##### TUMUT LOCAL ENVIRONMENTAL PLAN 2012

The subject site is zoned RU1 Primary Production under the provisions of the Tumut Local Environmental Plan 2012 as illustrated in Figure 8 below.



Figure 9: Zoning Map (<https://www.planningportal.nsw.gov.au/spatialviewer>)

Under the provisions of the Tumut LEP 2012, the proposed consolidation/boundary adjustment deemed uses would be extensive agriculture and home occupations which are both permitted without consent in RU1 Primary Production land zoning.

##### **Zone RU1 Primary Production**

###### **1 Objectives of zone**

- 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.

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**2 Permitted without consent**

*Environmental protection works; Extensive agriculture; Forestry; Home occupations; Intensive plant agriculture; Roads*

**3 Permitted with consent**

*Aquaculture; Cellar door premises; Dwelling houses; Extractive industries; Farm buildings; Garden centres; Intensive livestock agriculture; Markets; Open cut mining; Plant nurseries; Roadside stalls; Rural workers' dwellings; Secondary dwellings; Any other development not specified in item 2 or 4*

**4 Prohibited**

*Advertising structures; Amusement centres; Centre-based child care facilities; Commercial premises; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Local distribution premises; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Service stations; Sex services premises; Vehicle repair stations; Wholesale supplies*

Definition extracts from Tumut LEP 2012 are as follows:

**extensive agriculture** means any of the following—

(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,

(b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,

(c) bee keeping,

(d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve—

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the display of goods, whether in a window or otherwise, or

(d) the exhibition of any signage (other than a business identification sign), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

*but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises. but does not include tourist and visitor accommodation or caravan parks.*

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Table 1: Objectives of RU1 Primary Production

Zone Objectives	Comments
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	The proposal will allow continued sustainable agriculture production by restricting the floodprone alluvial river flat land for agricultural use only.
<i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	The proposal will allow for a diverse range of agricultural practices, including but not limited to stock grazing and fodder production.
<i>To minimise the fragmentation and alienation of resource lands.</i>	This proposal reduces rural land fragmentation and restricts agricultural use only to the more fertile lands.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	Proposed lot 101 and proposed lot 102 will be separated by the road corridor which will minimize conflict with adjoining land use. The majority of surrounding lands are also utilized for agricultural/home occupations.
<i>To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.</i>	This proposal will enable protection of the lower flood prone lands by restricting residential development.
<i>To ensure development prevents or mitigates land degradation.</i>	The landscape will not be altered within this proposal
<i>To protect significant scenic landscapes.</i>	n/a

Table 2: Tumut LEP 2012 Clauses - relevance to the proposed development.

PART 2: Permitted or Prohibited Development			
	Clause	Comments	Applicable
2.4	Unzoned Land	Not applicable	n/a
2.5	Additional Particular uses for particular land	Not applicable	n/a
2.6	Subdivision – consent requirements	This proposal is permissible with development consent	yes
2.7	Demolition requires development consent	Not applicable	n/a
2.8	Temporary use of land	Not applicable	n/a
PART 3: Exempt and complying development			
	Clause	Comments	Applicable

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3.1	Exempt development	Not applicable	n/a
3.2	Complying development	Not applicable	n/a
3.3	Environmentally sensitive areas excluded	Not applicable	n/a

**PART 4: Principal development standards**

	Clause	Comments	Applicable
4.1	Minimum subdivision lot size	Proposed lot 102 will be agricultural use only and is not restricted to a minimum lot size. Proposed lot 101 will be below the minimum but permissible as per clause 4.2C(3) of Tumut LEP 2012 to utilize the existing potential dwelling entitlement.	yes
4.1AA	Minimum subdivision lots size for community title schemes	Not applicable	n/a
4.2	Rural Subdivision	Proposed lot 102 will be agricultural use only and is not restricted to a minimum lot size. Proposed lot 101 will be below the minimum but permissible as per clause 4.2C(3) of Tumut LEP 2012.	n/a
4.2A	Exceptions to minimum lot sizes for certain rural subdivision	As per Tumut LEP 2012 Part 4 Clause 4.2C	n/a
4.2B	Erection of dwelling houses or secondary dwellings on land in certain rural and residential zones	Not applicable	n/a
4.2C	Boundary adjustments of land in certain zones	Proposed lot 102 will be agricultural use only and is not restricted to a minimum lot size. Proposed lot 101 will be below the minimum but permissible as per clause 4.2C(3) of Tumut LEP 2012 and attract the existing dwelling entitlement.	n/a
4.6	Exceptions to development standards	Not applicable	n/a

**PART 5: Miscellaneous provisions**

	Clause	Comments	Applicable
5.1	Relevant acquisition authority	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
5.8	Conversion of fire alarms	Not applicable	n/a
5.10	Heritage conservation	Not applicable	n/a

**PART 5: Miscellaneous provisions**

	Clause	Comments	Applicable
5.11	Bushfire hazard reduction	Dwelling construction will require an asset protection zone satisfactory to the requirements of Planning for Bushfire 2019.	yes

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5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable	n/a
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Not applicable	n/a
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	Flood prone land will be restricted to agricultural use only.	yes
<b>PART 6: Additional local provisions</b>			
	Clause	Comments	Applicable
6.1	Earthworks	Not applicable	n/a
6.3	Terrestrial biodiversity	This proposal will not have any increased impact on the land as the existing use of agricultural is to continue.	yes
6.4	Groundwater vulnerability	This proposal will not have any increased impact on the land as the existing use of agricultural is to continue.	yes
6.5	Riparian lands and watercourses	This proposal will not have any increased impact on the land as the existing use of agricultural is to continue.	yes
6.6	Wetlands	This proposal will not have any increased impact on the land as the existing use of agricultural is to continue.	yes
6.7	Salinity	Not applicable	n/a
6.8	Landslide risk	No relevant information available as to the geological formation of the site. History does not identify any significant landslide incidents.	yes
6.9	Airspace operations	Not applicable	n/a
6.10	Development in areas subject to aircraft noise	Not applicable	n/a
6.11	Essential Services	Supply of water, disposal of sewage, stormwater and waste will be addressed in any future dwelling construction. Electricity infrastructure is located within close vicinity of the subject land. Vehicle access is available from West Blowering Road.	yes
6.12	Exceptions to minimum subdivisions lot sizes for certain land	Not applicable	n/a

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## 5. SNOWY VALLEYS COUNCIL DEVELOPMENT CONTROL PLAN 2019

Specific controls relevant to the development proposal under Snowy Valleys Council Development Control Plan 2019 are addressed below;

Table 3: Compliance with specific controls

	Clause	Comments	Applicable
3.2.1	Vehicle Access Standards	Existing vehicle access is available to both proposed lots. No new internal roads are proposed. The existing accesses may require upgrading to Council standards.	yes
3.2.2	Bushfire	Concurrence with NSW RFS will be required.	yes
3.2.3	Car Parking	Sufficient space is available to accommodate onsite car parking	yes
3.2.8	Development Near Electrical Easements	any proposed future dwelling or infrastructure will be required not to encroach any easement.	yes
3.2.10	Flooding	Proposed lot 102 is prone to flooding but will be agricultural use only.	yes
3.2.13	On-site Wastewater Management	Will be required upon construction of future dwelling.	yes
3.2.14	Provision of services	<p><b>Sewerage</b> – onsite waste water system will be required for proposed lot 101 upon the construction of any future dwelling.</p> <p><b>Water Supply</b> - on onsite potable water supply will be required upon future construction of a dwelling on proposed lot 101</p> <p><b>Electricity</b> – electrical infrastructure is located in very close proximity to the site.</p> <p><b>Telecommunications</b> – telecommunication infrastructure is located in close proximity to the site. Limited mobile phone service coverage is available to the site.</p>	yes
9.8.1	Rural Subdivisions – General Considerations	The proposed boundary adjustment will provide a sustainable, efficient use of the land and is appropriate for the existing and surrounding land use.	yes
9.8.2	Adjoining Development	This proposal does not increase the possibility of land use conflict and does not impede on any further adjoining development.	yes
9.8.3	Fencing	Existing fencing is farm fencing suitable for enclosing livestock.	yes
9.8.4	Lot size, Shape & Orientation	The proposed boundary adjustment does not substantially alter the existing lot shapes or	yes

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		orientation.	
9.8.5	Natural Hazards & Risks	The site is bushfire and flood prone. Concurrence is required with the NSW RFS. The section of flood prone land will be agricultural use only.	yes
9.8.6	On-site Wastewater management	Any future dwelling construction will require compliance with the standards in force upon approval.	yes
9.8.7	Roads & Access	Access is available to both proposed lots via West Blowering Road.	yes
9.8.8	Rural Addressing	Council to allocate	yes
9.8.9	Services	Any future dwelling construction will require compliance with the standards in force upon approval.	yes
9.8.10	Water Supply	Any future dwelling construction will require compliance with the standards in force upon approval.	yes

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## 6. OTHER RELEVANT SECTION 4.15 MATTERS FOR CONSIDERATION

Section 4.15 of the Environmental Planning and Assessment Act 1979 states 'that in determining a development application, a consent authority is to take into consideration' other relevant matters. These matters are addressed in the table below.

Table 4: Other relevant matters

Relevant Matters	Comments
The provisions of any environmental planning instrument	Addressed in table 2.
The provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority	There are no known proposed instruments applicable to the development.
The provisions of any development control plan	Addressed in table 3.
The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4	There are no known planning agreements applicable to the proposed development.
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Addressed in 4, 'Likely impacts of the Development'
The suitability of the site for the development	Based on the physical evidence and evidence provided in this document, the site is considered suitable for the proposal. It is considered this proposal is consistent with the objectives of the zone and the character of the immediate area.
Any submissions made in accordance with this Act or the regulations	If in Council's opinion public notification is required, Council will be required to undertake the appropriate public consultation process and consider any submissions as a result of public notification
The public interest	The public interest is supported with this proposal as the development is in accordance with the publicly endorsed planning policies and guidelines. This proposal will allow compatible development on the site with the desired character and amenity of the area to be maintained.
Relevant Matters	Comments
State Environmental Planning Policy (Biodiversity and Conservation) 2021	It is not envisaged any land clearing will be required. The site is not recognized koala habitat. This development is unlikely to affect threatened species as determined by clause 7.2 Biodiversity Conservation Act 2016.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	n/a
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	n/a
State Environmental Planning Policy (Housing 2021)	n/a

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State Environmental Planning Policy (Industry & Employment) 2021	n/a
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	n/a.
State Environmental Planning Policy (Planning Systems) 2021	n/a
State Environmental Planning Policy (Precincts—Central River City) 2021	n/a
State Environmental Planning Policy(Precincts—Eastern Harbour City) 2021	n/a
State Environmental Planning Policy(Precincts—Regional) 2021	n/a
State Environmental Planning Policy(Precincts—Western Parkland City) 2021	n/a
State Environmental Planning Policy (Primary Production) 2021	The proposal complies with the aims of this policy by facilitating the economic use and development of lands for primary production and balancing primary production, residential development and protection of native vegetation, biodiversity and water resources.
State Environmental Planning Policy (Resilience & hazards) 2021	n/a
State Environmental Planning Policy (Resources & Energy) 2021	n/a
State Environmental Planning Policy (Transport & Infrastructure) 2021	n/a

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## 7. OTHER LIKELY IMPACTS OF THE DEVELOPMENT

The other likely impacts of the development are considered below.

Table 5: Likely impacts of the development

Primary matter	Comments	Impact
CONTEXT AND SETTING	The development is consistent with the expectations for development in the area. It is not anticipated to have any adverse impact on the setting and surrounding properties.	acceptable
STREETSCAPE	The development will not detrimentally affect the existing streetscape.	acceptable
TRAFFIC, ACCESS AND PARKING	Traffic will not be altered within this proposal. Access and off street parking will be available to both proposed lots and will not impact the availability in existence.	acceptable
PUBLIC DOMAIN	The development will have minimal impact on the public domain.	acceptable
UTILITIES	The proposed development will have minimal impact on the current utilities.	acceptable
HERITAGE	The proposal is not subject to any heritage provisions.	acceptable
OTHER LAND RESOURCES	The development will have no impact on other land resources.	acceptable
WATER QUALITY AND STORMWATER	The development is not anticipated to impact on water quality or increase storm water to unmanageable levels.	acceptable
SOILS, SOIL EROSION	The development will have no impact on soils or soil erosion.	acceptable
AIR AND MICROCLIMATE	The development is not anticipated to have any adverse impacts on air quality or microclimate.	acceptable
FLORA AND FAUNA	The development is not anticipated to have any adverse impacts on flora or fauna.	acceptable
WASTE	The development is not anticipated to generate any additional waste.	acceptable
NOISE AND VIBRATION	The development is not anticipated to generate any noise or vibration.	acceptable
NATURAL HAZARDS	The site is subject to natural hazards which can be managed with planning and proactive actions.	acceptable
TECHNOLOGICAL HAZARDS	The development is unlikely to create any technological hazards.	acceptable
SAFETY, SECURITY AND CRIME PREVENTION	No adverse safety and security impacts are anticipated as a result of the development.	acceptable
SOCIO-ECONOMIC IMPACT IN THE LOCALITY	Minimal, short term economic benefits are expected as a result of expenditure and employment of local contractors for any works required.	Acceptable
OVERLOOKING AND OVERSHADOWING	Not relevant for this proposal.	Not Applicable

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LANDSCAPING	Established trees and native vegetation are located on the site.	Acceptable
CONSTRUCTION	Not relevant for this proposal.	Not Applicable
PRIVATE OPEN SPACE	Both proposed lots have the ability for private open space.	Acceptable
CUMULATIVE IMPACTS	The cumulative impact of the development is considered low.	Acceptable
DISABLED ACCESS	Not relevant for this proposal.	Not Applicable
SIGNAGE	Not relevant for this proposal.	Not Applicable
SETBACKS AND BUILDING ENVELOPES	Not relevant for this proposal.	Not Applicable

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## 8. CONCLUSION

This SEE report has been prepared to support an urban residential subdivision (two lot).

The proposal has been described and discussed in previous sections of this report, and has been considered in respect of the relevant planning provisions applicable to the proposed development. The proposal is considered to be permissible for the following reasons:

- The proposal is permissible under the provisions of the Tumut Local Environment Plan 2012 and meets the objectives of the applicable zone;
- The proposal is not in conflict with controls of the Snowy Valleys Development Control Plan 2019;
- The proposal will not have any significant adverse environmental impacts, natural or man-made.
- The proposal will not have any significant adverse impacts on the adjoining or surrounding land.

As demonstrated throughout this report, the development is permissible with consent, subject to a council merit assessment.

### Disclaimer

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**Attachment 3 - Draft conditions 2022-0200 West Blowering Road Jones Bridge****WITHOUT PREJUDICE - DRAFT CONDITIONS**

Note: Should support be provided for the proposal the listed draft conditions should be applied.

1. Development consent has been granted in accordance with this notice of determination for the purposes of a subdivision (4 into 2 lots)

**REASON:** To confirm the use of the approved development.

2. The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Proposed Plan of Subdivision	22047	Gray Surveyors	6 December 2022

**REASON -** To ensure the development is carried out in accordance with the approved plans and documentation.

3. In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

**REASON -** To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).

4. Lot 101 is created pursuant to Clause 4.2C of the Tumut Local Environmental Plan 2012 for the purpose of agriculture and residential development (potential future dwelling subject to consent) and Lot 102 has been created for the purposes of agriculture.

**REASON:** To ensure the land satisfies the Local Environmental Plan applicable in the area.

5. No guarantee can be given that any particular proposal for a dwelling-house will be approved as Council must consider each individual proposal against the matters enumerated in Section 4.15 of the *Environmental Planning and Assessment Act 1979* before making a decision.

**REASON -** To allow Council to assess the development in accordance with Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

6. The application identifies that no vegetation shall be removed or is required to be removed for the purposes of undertaking the subdivision of land as outlined under this consent. Should removal of trees or other vegetation be required, then the proponent will be required to lodge a section 4.55 modification application with Council and seek approval for such works prior to any such works commencing.

**REASON** - To ensure that any tree or vegetation is assessed in accordance with the relevant statutory provisions prior to its removal.

Note: this condition does not affect any approval previously granted for routine agricultural management of land issued by the Local Land Services.

7. Electricity supply is to be made available to proposed Lot 101 in accordance with the requirements of Essential Energy.

In this regard, written confirmation from Essential Energy that suitable arrangements have been made shall be submitted to Council prior to the release of the Subdivision Certificate.

Note: provisions may also be made for off grid arrangements providing that a section 88B instrument is prepared identifying that no provision has been made for electricity.

**REASON** - To make available electricity supply.

#### **Subdivision Engineering**

8. An application shall be made to Council (and application fees paid in accordance with Council's current Fees and Charges Schedule) under section 138 of the Roads Act 1993 for a rural access driveway for each of the proposed lots prior to construction taking place.

Compliance certificates shall be obtained from Council to verify that the required works have been satisfactorily completed.

**REASON** - To ensure adequate access is provided to each allotment.

#### **Prior to Issue of Subdivision Certificate**

9. Prior to the issue of any Subdivision Certificate the proponent shall prepare and submit to Council for approval, a Section 88E instrument under the Conveyancing Act over proposed Lot 102 identifying that the subject allotment may only be utilised for the purposes of agriculture and that no dwelling may be constructed on the subject allotment.

The instrument shall also identify that no guarantee shall be provided for approval of any application for a dwelling house on proposed Lot 101 and that any proposed future dwelling will be subject to both an application to Council for approval and merit assessment in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.

**REASON** - To ensure appropriate access standards and to ensure that future purchasers of the allotment are aware of the merit assessment requirements for any future dwelling.

10. Prior to any issue of any Subdivision Certificate the proponent shall prepare and submit to Council for approval a Section 88E instrument under the Conveyancing Act



over land nominated as proposed part lot 101 which restricts any dwellings to be erected on the subject allotment due to potential flood liability and ground water vulnerability.

**REASON** - To ensure compliance with the provisions of the Snowy Valleys Local Environment Plan

11. An application for a Subdivision Certificate shall be lodged with Council or an Registered Certifier (in accordance with Section 6.15 of the Environmental Planning and Assessment Act 1979) for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services. Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision shall be submitted with 2 copies or shall be submitted by the NSW Planning Portal.

All works specified in Council's development consent and approved Subdivision Works Certificate plans (if required) shall be completed and all development consent conditions complied with prior to issue of the Subdivision Certificate.

The application for a Subdivision Certificate is to be accompanied by supporting documentation outlining how each condition of consent has been complied with.

**REASON:** To comply with the provisions of the Environmental Planning and Assessment Act 1979.

12. Bushfire Safety Authority - General Terms of approval dated 16<sup>th</sup> March 2023 issued by the Rural Fire Service shall be complied with prior to the issue of a subdivision certificate

#### **REASONS FOR CONDITIONS:**

1. To ensure compliance with the Environmental Planning and Assessment Act 1979 and Building Code of Australia.
2. To ensure that the development complies with the provisions of relevant Environmental Planning Instruments and Council's Codes and Policies.
3. To minimise adverse environmental impact.
4. To maintain the amenity and character of the neighbourhood.
5. To ensure that the development does not conflict with the public interest.

#### **RIGHT OF APPEAL:**

If you are dissatisfied with the decision Sections 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

Section 8.10 of the *Environmental Planning and Assessment Act 1979* provides objectors who are dissatisfied with the determination of a consent authority to grant consent to a development application for designated development, the entitlement to appeal the determination to the Land and Environment Court. The appeal must be made within 28 days after the date on which notice of the determination was given.

#### **RIGHT OF REVIEW:**

Section 8.2 of the *Environmental Planning & Assessment Act 1979* gives you the right to request the Council to review the determination, other than a complying development certificate, designated development, integrated development or a determination in respect of an application by the Crown, within six (6) months after the date on which you receive this notice. The prescribed fee must be paid in connection with a request for a review.

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