

**10.7. DEVELOPMENT APPLICATION 2023-0073 - CONTINUOUS USE OF COMPLETED EARTHWORKS - LOT 10 DP 703914 - 131-133 HERBERT STREET TUMUT - ATTACHMENTS**

Attachment Titles:

1. Attachment 1 - Locality & Site plan drawing (DO03-01 & DO03-02)
2. Attachment 2 - Statement of environmental effects
3. Without Prejudice Draft Conditions - 131-133 Herbert Street Tumut Continuous Use of Earthworks

**Attachment 1 - Attachment 1 - Locality & Site plan drawing (DO03-01 & DO03-02)**

# CONTINUOUS USE OF EARTHWORKS 131-133 HERBERT STREET, TUMUT NSW 2720



LOCATION MAP

IMAGE SOURCE: SIX MAPS NSW


SHEET LIST	
01	TITLE PAGE
02	EXISTING SITE PLAN

	<b>TUMUT BUILDING DESIGN</b> Mel Tarovich 04 13 907 73 17 tumut@tumbuildingdesign.com.au	Project Name: <b>CONTINUOUS USE OF EARTHWORKS</b>	Date: 08.06.23	Issue: 1	
	1. Issued for DA 2. Issued for client approval Issue/Amendments	09.06.23 08.06.23 Date	Client: <b>JAMES DOON</b>	Scale: N.T.S. Sheet size: A3 Drawn: M.T.	Plan & Sheet Number <b>DO03- 01</b> Sheets in set: 2



<p><b>TUMUT BUILDING DESIGN</b> Mick Fairclough 0413 987 717 mick@tumbuildingdesign.com.au</p>		<p><b>COPYRIGHT</b> The information and design concepts herein remain the property of Tumut Building Design and are not to be used or copied without their written permission.</p>
<p>Project Name: <b>CONTINUOUS USE OF EARTHWORKS</b></p>		
<p>Address: <b>131-133 HERBERT ST, TUMUT</b></p>		
<p>1 - Issued for DA 08.06.23 2 - Issued for client approval 08.06.23</p>		<p>Date</p>
<p>Date: 08.06.23</p>		<p>Issue: 1</p>
<p>Scale: 1:600</p>		<p>Plan &amp; Sheet Number</p>
<p>Sheet size: A3</p>		<p><b>D003- 02</b></p>
<p>Drawn: M.T</p>		<p>Sheets in set: 2</p>

**Attachment 2 - Attachment 2 - Statement of environmental effects**



Tumbarumba Office: Bridge St (PO Box 61), Tumbarumba NSW 2653  
 Tumut Office: 76 Capper St, Tumut NSW 2720  
[info@svc.nsw.gov.au](mailto:info@svc.nsw.gov.au) | [www.svc.nsw.gov.au](http://www.svc.nsw.gov.au) | Ph: 1300 ASK SVC (1300 275 782)

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
 For 1a, 10a and 10b Building classification only

Applicable Development Types	
	Single Residential Dwelling (single storey in a residential zone).
	Residential Alterations and Additions
X	Other Domestic Buildings and Structures (e.g. swimming pools, sheds, carports etc.)
	Small Scale Commercial and Industrial Development

**Note:** other development proposals must be accompanied by a detailed site specific statement.

**Application Details**

**Applicants Name:** Tumut Building Design      **Lot/DP:** Lot 10, DP703914  
**Street No:** 131-133      **Street:** Herbert Street  
**Suburb:** Tumut

**Development Description**

(Include where applicable a description of the proposed building, nature of use, details of any demolition etc.)

Retrospective approval of earthworks (fill) to increase size of pad in front of recently constructed shed.  
Pad size approved in original design did not allow sufficient distance for steepness to allow a vehicle to access the shed.

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(Provide a description of the proposed materials and colours of the development)

Description	Materials and Finishes; Provide Details:
Walls	NA
Roof	NA
Fences	NA
Other	NA

(Provide a description of the proposed materials and colours of the development)

**Site Description**

(Include where applicable a description of the physical features of the site such as shape, slope, vegetation and waterways)

The site is a large residential allotment with frontage to Herbert street on two boundaries. The site has substantial fall from rear boundary to front boundary (road) of about 12m. There is an existing dwelling near the road and recently constructed shed in the back northern corner.  
There are a few mature trees on the site but no waterways.

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Reviewed 22/8/2019

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**Site Context & Suitability**

**Will the development be:**

- Inconsistent with the character and amenity of the area?  Yes  No
- Visually prominent in the surrounding area?  Yes  No
- Inconsistent with surrounding land uses?  Yes  No
- Impacting on any item of heritage or cultural significance?  Yes  No

Comments: The earthworks have been previously completed. Once the disturbed area has restabilised with vegetation (grass) it is expected to blend in with the surrounding natural environment

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**Present and Previous Site Uses**

Provide details of the present use of the site? \_\_\_\_\_  
Residential

Provide details of any previous uses of the site? \_\_\_\_\_  
Residential

Provide details of the present and past uses of the adjoining sites? \_\_\_\_\_  
Residential

Based on past uses is the site potentially contaminated?  Yes  No

Provide details: None known

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**Traffic, Access and Utilities**

Will additional road access be required?  Yes  No

Will the development increase local traffic movements and volumes?  Yes  No

Comment: Driveway was approved in shed consent

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Will services (water, gas, electricity, sewer, telephone) need to be provided?  Yes  No

What services are currently available at the site? \_\_\_\_\_

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**Privacy, Views and Overshadowing**

**Will the development result in:**

- Any privacy issues between adjoining properties as a result of the placement of windows, decks, pergolas, private open space etc.?  Yes  No
- The overshadowing of adjoining properties?  Yes  No
- Any acoustic issues between adjoining properties as a result of the placement of active use outdoor areas, vehicular movement, air conditioners, pumps, bedroom and living room windows etc.?  Yes  No
- Loss of views enjoyed from adjoining properties and public spaces such as parks, roads and footpaths?  Yes  No

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Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Environmental Impacts**

(If yes is answered to any of the following provide details)

**Is the development likely to result in any form of?**

- Air pollution (smoke, dust etc.)?  Yes  No
- Water Pollution?  Yes  No
- Noise Pollution (e.g. swimming pool pumps)?  Yes  No
- Erosion?  Yes  No
- Soil Contamination?  Yes  No
- Excavation; cut and fill?  Yes  No
- Trees/vegetation removal?  Yes  No
- Is the development considered to be environmentally sustainable?  
(Including provision of BASIX certificate where required)  Yes  No
- Is the development likely to impact on any heritage item or item of cultural  
significance (Including aboriginal artifacts and relics)?  Yes  No

Comments: \_\_\_\_\_  
The development consisted of additional fill imported to the site, at a depth of approximately 1.5m at the  
highest point (south-west extent of pad)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Flora and Fauna Impacts**

(For further information on threatened species, see [www.threatenedspecies.environment.nsw.gov.au](http://www.threatenedspecies.environment.nsw.gov.au) )

- Will the development result in the removal of any native vegetation from the site?  Yes  No
- Is the development likely to have an impact on threatened species or  
native habitat?  Yes  No

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Planning Controls**

- Is your proposal permissible in the zone?  Yes  No
- Is your proposal consistent with zone objectives?  Yes  No
- Is your proposal in accordance with any development control plan?  Yes  No

Comments: The fill height exceeds DCP provision of 1m max, however has already been completed  
 \_\_\_\_\_  
 \_\_\_\_\_

**Note:** if you answered no to any of the above, you should make an appointment to discuss the proposal with a town planner before lodging a development application.



**Natural Hazards**

Is the development subject to any of the following natural hazards, if yes provide details:  
 Bushfire prone?     Landslip?     Flooding?

Comments: \_\_\_\_\_  
The site identifies as prone to landslip  
 \_\_\_\_\_  
 \_\_\_\_\_

**Note:** If the site is identified as Bushfire Prone it will be necessary to address the Planning for Bushfire Protection Guidelines. For more information consult the NSW Rural Fire Service web site [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

**Erosion and Sedimentation Control**

Does the proposal require any excavation?  Yes  No  
 Could the proposal result in erosion and/or sedimentation of watercourses during or after construction,  Yes  No  
 If you answered yes to any of the above provide details of erosion and sedimentation controls? \_\_\_\_\_  
The works required fill to be imported to the site. Until the disturbed area and associated water have been restabilised there is potential for siltation run-off. Siltation measures were approved in shed development consent for the earthworks relevant to the additional earthworks  
 \_\_\_\_\_  
 \_\_\_\_\_

**Stormwater and Effluent Disposal**

How will stormwater be disposed of?  
 Existing council drainage system     Other (if other provide details)  
NA  
 \_\_\_\_\_  
 \_\_\_\_\_

How will effluent be disposed of?  
 To sewer     On-site; provide details:  
NA  
 \_\_\_\_\_  
 \_\_\_\_\_

**Waste Disposal**

Will the proposal generate any waste?  Yes  No  
 If so please provide details of how waste materials will be managed on site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Is the proposal likely to generate hazardous wastes such as asbestos?  Yes  No  
 If so provide details on amount, proposed disposal, location, details of licensed asbestos removal contractors to be used etc: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

For rural dwellings how will household waste be disposed of? Provide details: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Social and Economic Impacts**

Will the proposal have any economic consequences in the area?  Yes  No  
 Will the proposal create an increase in the demand for community services

and/or infrastructure?  Yes  No  
 Will the proposal have any safety, security or crime prevention issues?  Yes  No  
 Will the development impact on public or open spaces?  Yes  No  
 If answered yes to any of the above provide details: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Sheds-Outbuildings**

(This section is only relevant to sheds, outbuildings, carports etc.)

What is the intended use(s) of the building? NA

What type of vehicle/s will be housed and/or what will be stored in the building? (Include any flammable or hazardous materials and the quantity).  
NA

**Energy Efficiency**

Does the proposal require a BASIX certificate?  Yes  No

If no BASIX is required:

- Is the development considered to be environmentally sustainable?  Yes  No
- Is the development considered to be energy efficient?  Yes  No

If so please comment on how the development complies with energy efficient principles: \_\_\_\_\_  
NA

**Operational and Management Details**

(This section is only relevant to commercial / industrial / public buildings and other non-residential uses)  
Please attach a separate statement to this form addressing the following matters:

- Description of operation
- Numbers of staff
- Description of production process
- Method / timing / frequency of deliveries (loading and unloading)
- Type and quantity of goods handled including any hazardous substances
- Provision for disabled access and facilities
- Hours and days of operation
- Maximum expected no. of customers
- Nature of any waste generated
- Fire safety

**Other Relevant Matters**


**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Applicant Declaration**

I/we declare to the best of my/our knowledge, that the particulars stated on this document are correct in every detail and the required information has been supplied.

**Applicants Name/s:** Tumut Building Design

**Applicant's Signature:** 

**Date:** 08.06.23

**Legal Reference:**

Section 78A(9) of the *Environmental and Assessment Act 1979* states that the regulations may specify what is required to be submitted with a development application.

Section 50(1) (a) of the *Environmental Assessment Regulation 2000* states that development applications must contain information and documents specified in schedule 1, part 1.

Schedule 1, part 1, sub clause 2(1) (c) of the *Environmental Planning and Assessment Regulation 2000* states:

(1) A development application must be accompanied by the following documents:

(c) a statement of environmental effects (in the case of development other than designated development),

Schedule 1, part 1, sub clause 4 of the *Environmental Planning and Assessment Regulation 2000* states:

(4) A statement of environmental effects referred to in sub clause (1) (c) must indicate the following matters:

(a) the environmental impacts of the development,

(b) how the environmental impacts of the development have been identified,

(c) the steps to be taken to protect the environment or to lessen the expected harm to the environment,

(d) any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause

**PRIVACY STATEMENT**

Snowy Valleys Council (council) is collecting your personal information solely for the purpose of administering this application. Council will take all reasonable and appropriate steps to protect the privacy of individuals having regard to the requirements of the *Privacy and Personal Information Protection Act 1998* and the *Government Information (Public Access) Act 2009*. Council will not disclose your personal information to any person or body if it is not directly related to the purpose for which the information was collected. Questions concerning privacy or the use of your personal information may be referred to Council's Public Officer.

**Attachment 3 - Attachment 3 - Without Prejudice Draft Conditions - 131-133 Herbert Street Tumut Continuous Use of Earthworks**

**Without Prejudice Draft Conditions**

**SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT**

**ADMINISTRATION CONDITIONS**

**1. Development Description**

Development consent has been granted in accordance with this notice of determination for the purposes of continuous use of an existing earth pad.

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

**2. Development in Accordance with Plans and Documents**

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.

<b>Plan Title / Supporting Document</b>	<b>Reference / Version</b>	<b>Prepared By</b>	<b>Dated</b>
Architectural Plan Set	Revision 1, D003-01-02 dwg	Tumut Building Design	8 June 2023
Statement of Environmental Effects	08/06/2023	Tumut Building Design	8 June 2023

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

**3. Inconsistency between documents**

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. Imported 'Waste-derived' Fill Material**

The only waste derived fill material that has been received at the development site must be:

- Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

**Note:** *Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier (PC).*

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

Resource recovery exemptions are available on the NSW EPA website at <http://www.epa.nsw.gov.au/waste/>.

**Reason:** *To ensure that imported fill is of an acceptable standard for environmental protection purposes.*

**5. Structure not to be built over easements/infrastructure**

No portion of any of the earthworks shall be erected over any existing sullage or stormwater disposal drains or easements.

**Reason:** *To protect infrastructure.*

**6. Ground Levels**

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved storm water drainage system.

**Reason:** *To ensure that natural drainage of the property and adjoining properties is not affected.*

**7. Earthworks, retaining walls and structural support**

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

**Reason:** *Structural safety.*

**8. Maintenance of soil erosion and pollution controls**

All erosion and sediment measures to minimise the effects of soil erosion and pollution are to be installed then maintained until disturbed areas are rehabilitated and landscaped. Roads servicing the development site shall be maintained in a condition free of mud and soil materials at all times.

*Reason: To ensure that that soil erosion is mitigated and sedimentation and erosion control measures are in place.*

**9. Amenity of the Area**

The approved use on site shall be conducted in such a manner so as not interfere with the amenity of the neighborhood by reason of noise, smoke, smell, gases, vapours, dust, particulate matter or impurities from the premises.

*Reason: to ensure that the development does not impact on the neighborhood*

**10. Geotech Analysis**

The proponent shall engage a suitably qualified and professional geotechnical engineer to establish the structural stability of the earth subject to this application including testing and advice on compaction rates and whether the material is VENM in accordance with condition 4 of this notice of determination.

*Reason: to ensure compliance with statutory controls.*

**11. Amenity**

The approved use on site shall be conducted in such a manner so as not interfere with the amenity of the neighborhood by reason of noise, smoke, smell, gases, vapours, dust, particulate matter or impurities from the premises.