

11.1 DA2023-0120 - PROPOSED BOUNDARY ADJUSTMENT AT 702-712 BOMBOWLEE CREEK ROAD, BOMBOWLEE - ATTACHMENT

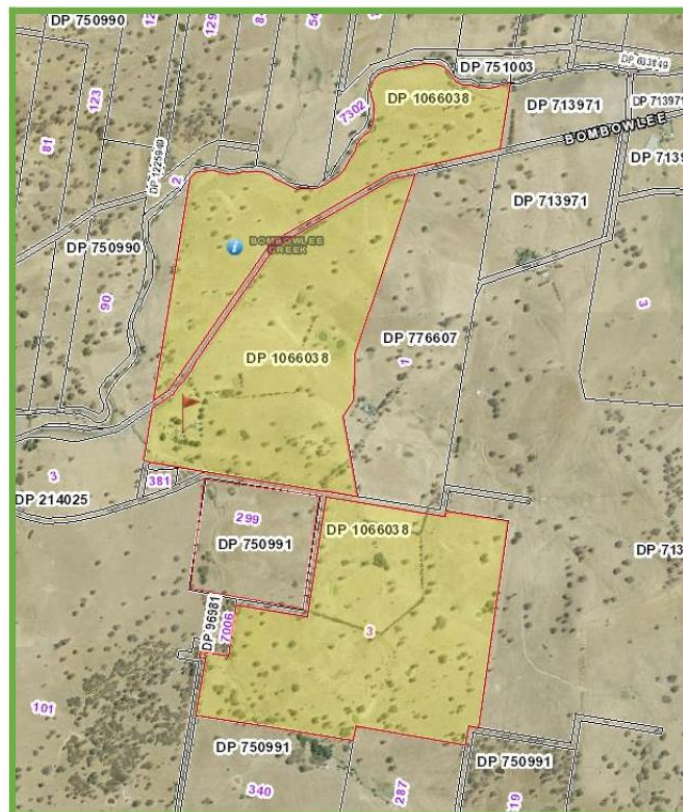
Attachment Titles:

1. 20231128 - Statement of Environmental Effects - 702-712 Bombowlee Creek Road Bombowlee
2. Proposed Boundary Adjustment and Site Plan - 702-712 Bombowlee Creek Road Bombowlee
3. Without Prejudice Draft Conditions - DA2023/0120 - 702-712 Bombowlee Creek Road Bombowlee

Attachment 1 - 20231128 - Statement of Environmental Effects - 702-712 Bombowlee Creek Road, Bombowlee

18TH SEPTEMBER, 2023

**STATEMENT OF ENVIRONMENTAL
EFFECTS
RURAL BOUNDARY ADJUSTMENT/SUBDIVISION**



LOT 299 DP 750991 & LOT 3 DP 1066038

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

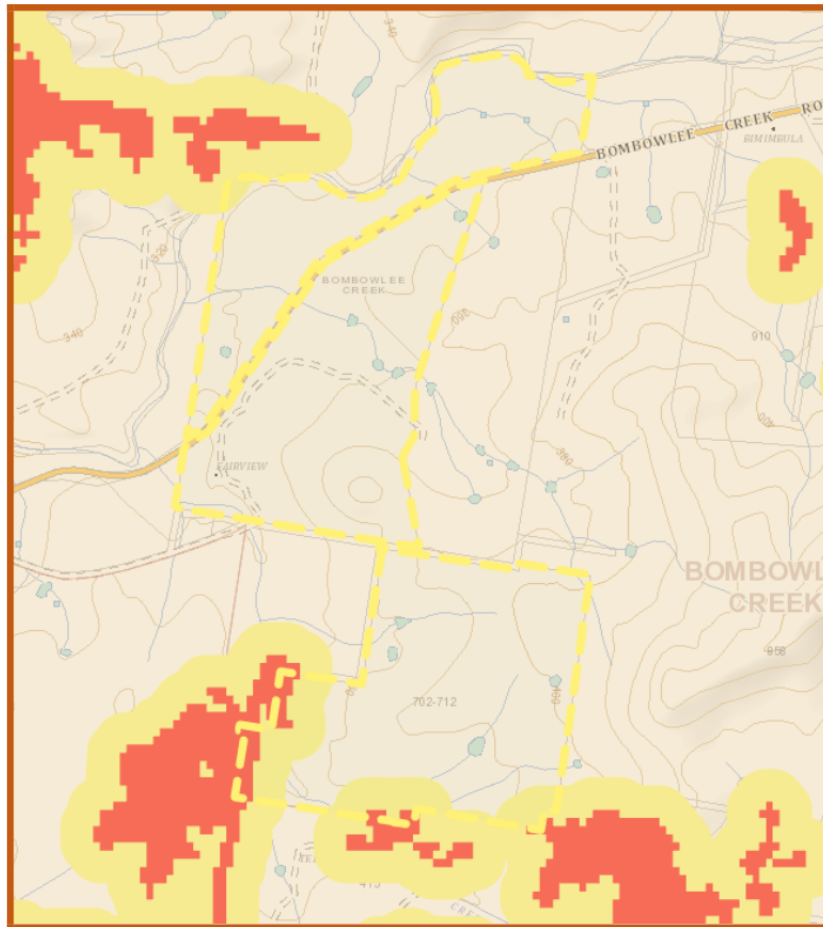


Figure 3: Bushfire Prone Land (www.planningportal.nsw.gov.au/spatialviewer)

Figure 3 shows the site has a small section of Lot 299 DP 750991 identified as a bushfire buffer zone as per NSW Rural Fire Service mapping. This application will require concurrence from NSW Rural Fire Service.

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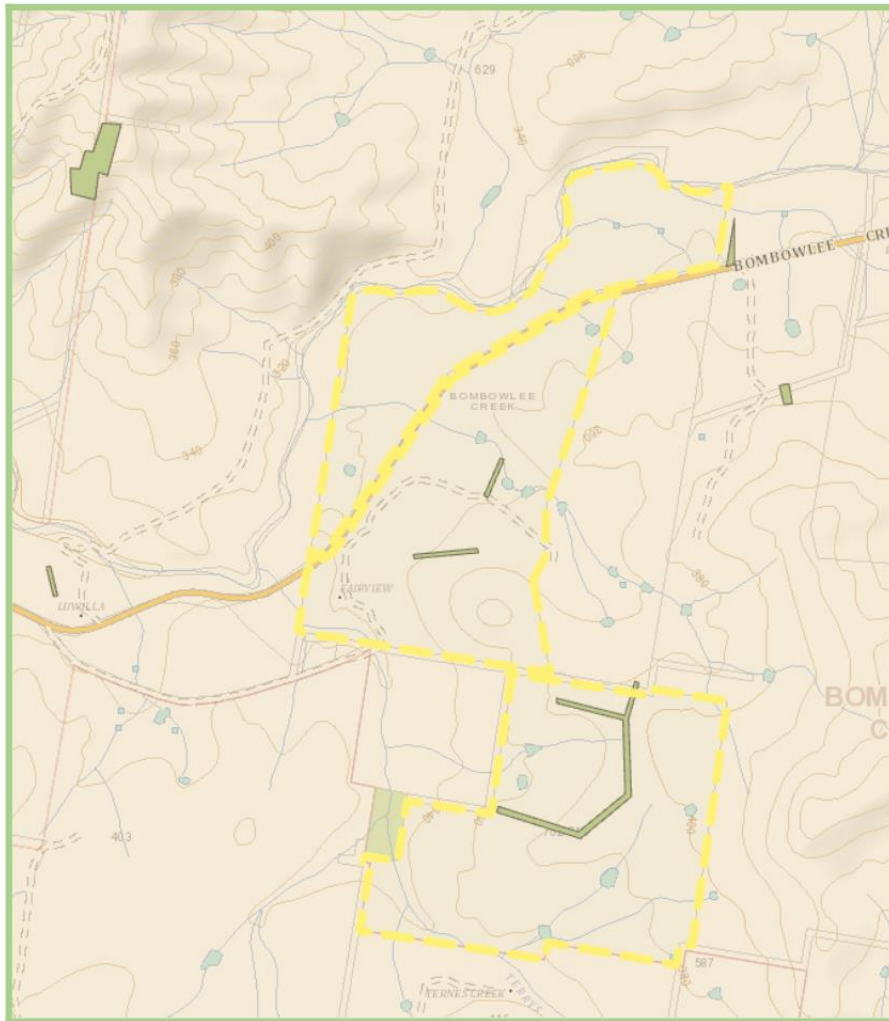


Figure 4: Terrestrial Biodiversity (www.planningportal.nsw.gov.au/spatialviewer)

As identified in figure 4, small strips are mapped as terrestrial biodiversity. These are not naturally occurring. These plantings have been provided by the landowner along fence lines to provide protection for stock in times of adverse weather events.

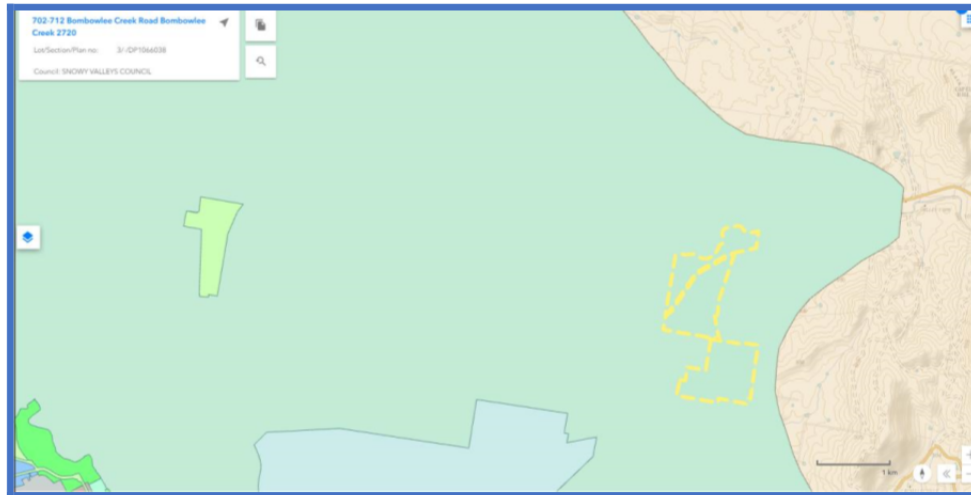


Figure 5: Groundwater vulnerability (www.planningportal.nsw.gov.au/spatialviewer)

The site is included in the Groundwater vulnerability map as a large area of the lands located around the township of Tumut.

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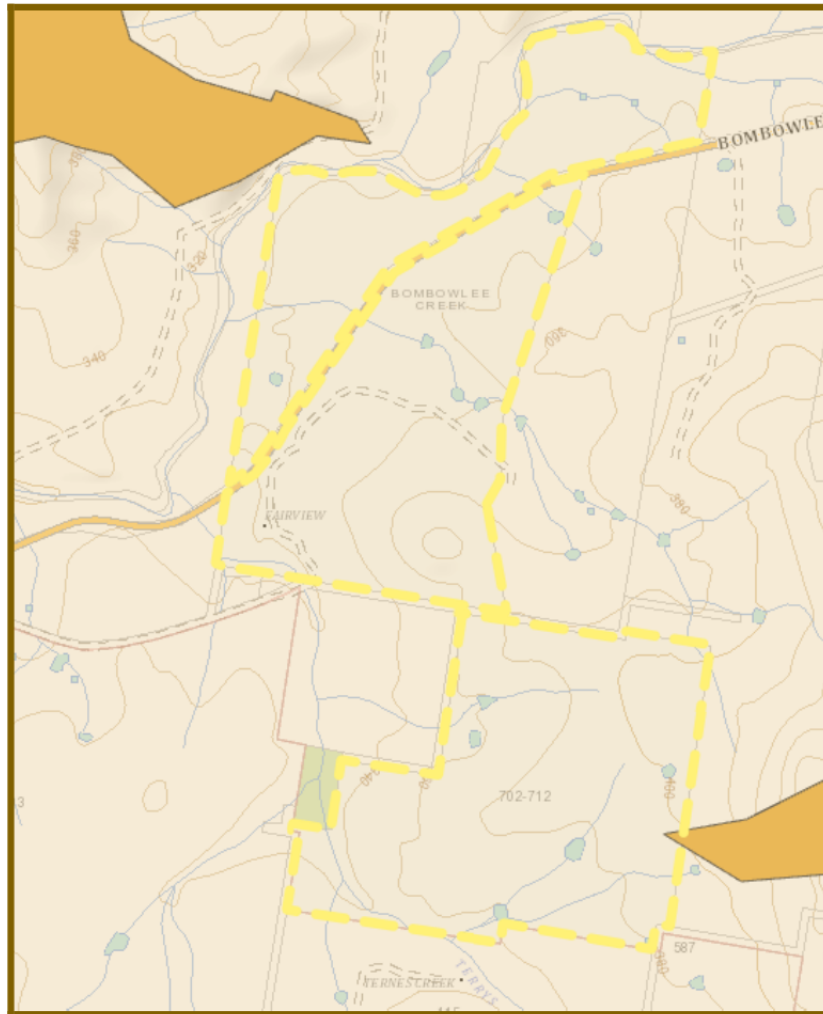


Figure 6: Landslide Risk (www.planningportal.nsw.gov.au/spatialviewer)

The site is not prone to landslip as per figure 6.

3. Proposed Development

Lot 299 DP 750991 is an existing holding as per clause 4.2B(3)(d) of Tumut LEP 2012 and attracts a potential dwelling entitlement as per the enclosed confirmation from Snowy Valleys Council dated 8th June, 2017. Lot 3 DP 1066038 attracts a dwelling entitlement as per clause 4.2B(3)(a) with the current lot size being 154.26 hectares excluding roads.

It is intended to complete a boundary adjustment between Lot 299 DP 750991 & Lot 3 DP 1066038 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 (despite Clause 4.1). As this proposal satisfies all the development standards of this clause by not creating additional lots or the opportunity for additional dwellings, the number of dwellings or opportunities for dwellings on

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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. Both proposed lots will be utilized for rural residential (home occupation) and agricultural production (extensive agriculture), both permitted without consent as per Tumut LEP 2012 land use table RU1 Primary Production land zoning.

Each proposed lot will attract a dwelling entitlement with proposed lot 21 being approximately 106.4 hectares and proposed lot 20 being approximately 64 hectares. The northern side of Bombowlee Creed Road, proposed lot 20 has an area of approximately 36 hectares with the balance of proposed lot 20 located on the southern side. The final land areas and boundary alignments are subject to survey.

Proposed lot 21 will contain the existing dwelling, ancillary structures and cattle yards located adjacent to Bombowlee Creek Road. An easement will be created over the cattle yards to allow proposed lot 20 use of these facilities. The existing dwelling has all services in existence and connected.

An easement for access currently burdens Lot 3 DP 1066038 giving legal and practical access to Lot 1 DP 776607. This easement will remain upon completion of the boundary adjustment, burdening both proposed lots.

Access to Lot 299 DP 750991 is currently restricted as no legal access is constructed. The legal access extends from Bombowlee Creek Road, east via an unformed Crown road to the boundary of Lot 299. Construction of this legal access would require substantial civil works due to the length and the rugged natural terrain. An 11kv powerline traverses this lot which is protected by a statutory easement.

Lot 3 DP 1066038 has legal & practical access and existing connection to electrical services which are protected by statutory easements. Contained within this lot is an existing residential dwelling, stock yards and several ancillary farm structures. The existing dwelling has a potable water supply and an onsite wastewater management system.

This proposal aims to allow better utilization of the subject rural land by releasing Lot 299 from its current constraints and limited agricultural productivity. The creation of two rural lots of considerable size, both with dwelling entitlements, will allow improved agricultural production.

Current farm demographic trends show change in land ownership from the traditional large family-owned farm to smaller rural residential farms. They have differences in their characteristics, values, attitudes and drivers of land-use compared to mainstream commercial farmers. These smaller holdings are significant and an integral and important part of the rural community.

In the current economic climate, a large majority of smaller rural land holdings also utilize off farm income to supplement farm income. This allows smaller holdings to be more sustainable as they have the capacity to endure economic, social and environment variants much easier. Smaller holdings often produce a greater income per hectare than larger farms as they are more intensely supervised and farmed to give maximum profitability. These small holdings also contribute to overall agricultural productivity, product integrity and market protection of Australia's food and fibre supply chain.

Both lots provide great opportunity for the production of niche produce of premium standards as per consumer demands. Global marketing opportunities and close proximity to major

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transport linkages allows smaller holdings to be utilized to maximum agricultural potential in an ethical and sustainable manner.

Agricultural lots below the minimum lot size have minimal impact on the use or conversion of agricultural land within the local area. The changing agricultural climate, intensification of farming and the increasing interest in food production with hands on experience, has resulted in the preservation and utilization of agricultural land. Value adding and niche market opportunities has encouraged productive and environmentally friendly agricultural enterprises, albeit on smaller scales.

This proposal provides a greater opportunity to achieve the objectives of the zone by enabling more varied sustainable agricultural production, improved agricultural production utilizing the existing resources and infrastructure and the ability for future diversification of the farming enterprise if required.

It is not envisaged this proposal will increase land use conflict as the existing uses are to continue upon finalization of the development. The surrounding lands are also utilized for agricultural production.

Consideration has been given to rural amenity issues which may cause conflict such as, air quality, noise, visual amenity, trespass, changes to storm water flows or water availability, management of pest animals and weeds and consideration has also been given to harassment of livestock from straying domestic animals.

As the subject land and surrounding lands are utilized for agricultural purposes, and have been for decades, it is not envisaged that this proposal will increase the risk of conflict as the current land use is to remain. Any change in proposed land use will require a development application to be lodged with Council for merit assessment and determination as per legislative requirements.

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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.

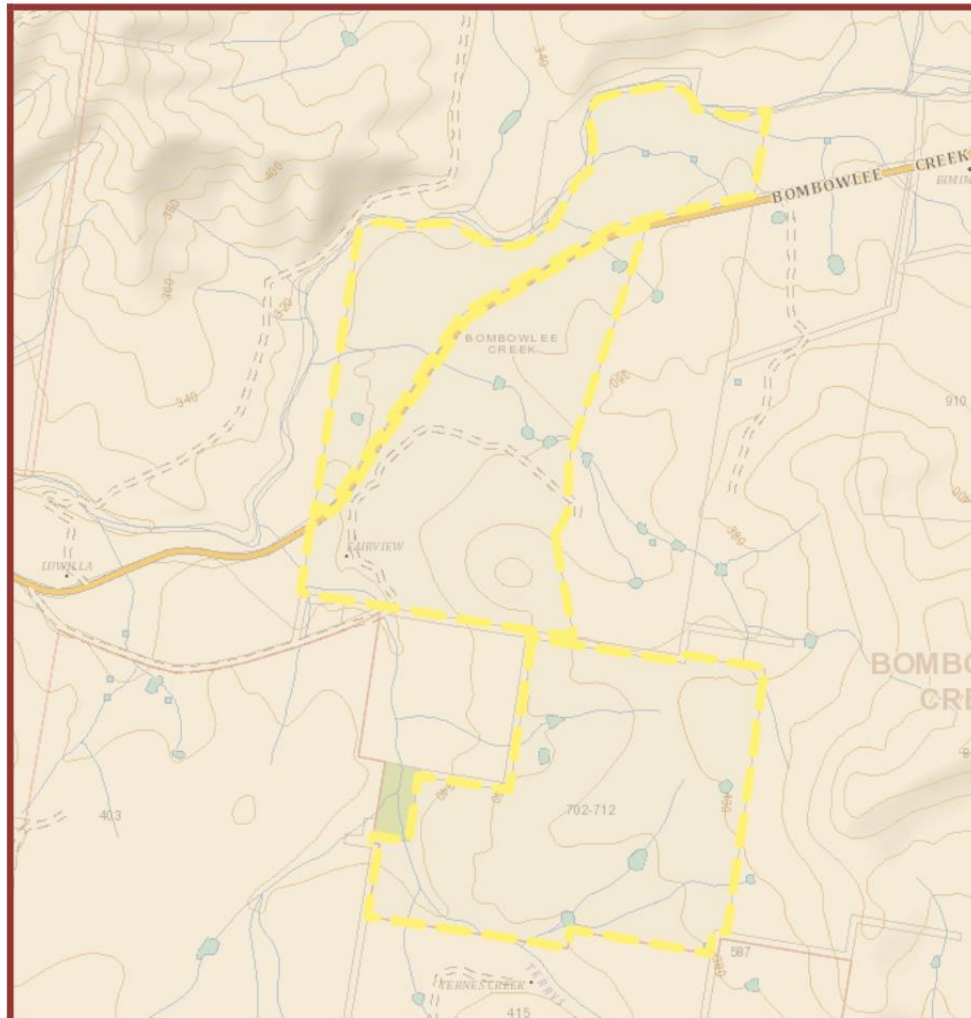


Figure 8: Zoning Map (<https://www.planningportal.nsw.gov.au/spatialviewer>)

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

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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.

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

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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.

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. At present Lot 299 is isolated and has limited agricultural potential due to size, access & water constraints. Creation of two larger rural lots, both with dwelling entitlements, will encourage more productive use of the land for agricultural pursuits. Due to the size of each proposed lot, it is envisaged the land will be utilized for maximum income return while remaining sustainable.
<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. The below minimum lot size offers the opportunity to diversify into niche markets or tourist and visitor accommodation. Any change in proposed land use may require development approval.
<i>To minimise the fragmentation and alienation of resource lands.</i>	This proposal reduces rural land fragmentation by eliminating a very small agricultural lot with numerous constraints hindering successful agricultural production. The proposed lot sizes of the final development will lead to better utilization of the land for agricultural use.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	The proposal will reduce land use conflict as both proposed lots will be of considerable size with the potential for dwellings to be located a considerable distance apart. The majority of surrounding lands are also utilized for agricultural/home occupations and we

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	are not aware of any land use conflict. As it is envisaged the existing land use is to remain unchanged, it is highly unlikely conflict will be increased. Any change in proposed land use will require further Council merit assessment in a separate development application.
<i>To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.</i>	The readjustment of size of both lots will enable protections of the environment as dwellings and ancillary infrastructure will not be located to a confined small allotment with limited land area. This will reduce the possibility of land contamination/degradation and over development of a small rural lot.
<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
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	Both proposed lots will be below the minimum and retain existing dwelling entitlements. This proposal is permissible via utilization of clause 4.2C(3) of Tumut LEP 2012 which permits the creation of undersized lots with dwelling entitlements despite clause 4.1	yes
4.1AA	Minimum subdivision lots size for community title	Not applicable	n/a

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schemes			
4.2	Rural Subdivision	Both proposed lots will be below the minimum lot size and attract a dwelling entitlement. This proposal is permissible as per clause 4.2C(3) of Tumut LEP 2012 which allows boundary adjustments creating undersized lots whilst retaining dwelling entitlements.	yes
4.2A	Exceptions to minimum lot sizes for certain rural subdivision	Both proposed lots will be below the minimum and retain existing dwelling entitlements. This proposal is permissible via utilization of clause 4.2C(3) of Tumut LEP 2012 which permits the creation of undersized lots with dwelling entitlements despite clause 4.1	yes
4.2B	Erection of dwelling houses or secondary dwellings on land in certain rural and residential zones	Although dwelling construction is not proposed, lawful dwellings will be permissible on both proposed lots as per clause 4.2B(3)(ca).	n/a
4.2C	Boundary adjustments of land in certain zones	This clause is utilized to create two undersized lots with dwelling entitlements which is permissible as per 4.2C(3) as all development standards are satisfied. I.e the subdivision will not create additional lots or the opportunity for additional dwellings and the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision and the potential for land use conflict will not be increased as a result of the subdivision.	yes
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	We are not aware of any heritage or aboriginal heritage item, place or object within the subject land. (ASHIMS search completed)	n/a

PART 5: Miscellaneous provisions			
	Clause	Comments	Applicable
5.11	Bushfire hazard reduction	The existing dwelling and any future dwelling will require an asset protection zone satisfactory to the requirements of Planning for Bushfire 2019.	yes
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

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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
PART 6: Additional local provisions			
	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. The existing mapped terrestrial biodiversity is not naturally occurring, it is a result of plantings by the proprietor of the land.	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. The subject site has been utilized for agricultural purposes for many decades without any apparent degradation to riparian lands and watercourses.	yes
6.6	Wetlands	Not applicable	n/a
6.7	Salinity	Not applicable	n/a
6.8	Landslide risk	Not applicable	n/a
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 for any future dwelling construction. Electricity infrastructure is located within close vicinity of the subject land. Vehicle access is available from Bombowlee Creek Road. The existing dwelling has all essential services available and connected.	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
3.2.13	On-site Wastewater Management	The current dwelling located on the site has an existing onsite wastewater management system. Any future dwelling will require onsite wastewater management system. The proposed lot sizes are more than capable of hosting an onsite wastewater system without any adverse effects to surrounding lands.	yes
3.2.14	Provision of services	<p>Sewerage – onsite waste water system in existence for existing dwelling. Additional onsite waste water system will be required for any new dwelling construction.</p> <p>Water Supply- on onsite potable water supply available to existing dwelling. Additional potable water supply will be required upon construction of any new dwelling.</p> <p>Electricity – electrical infrastructure is located in very close proximity to the site and connected to the existing dwelling.</p> <p>Telecommunications – telecommunication infrastructure is located in close proximity to the site. 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 future permissible adjoining development.	yes
9.8.3	Fencing	Existing fencing is farm fencing suitable for enclosing livestock.	yes

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9.8.4	Lot size, Shape & Orientation	The proposed boundary adjustment does not alter the orientation in relation to the existing dwelling. The proposed lots shape and size are similar to surrounding lands and adjoining allotments.	yes
9.8.5	Natural Hazards & Risks	The site is bushfire prone. Concurrence is required with the NSW RFS.	yes
9.8.6	On-site Wastewater management	Any future dwelling construction will require compliance with the standards in force upon approval. The existing dwelling has onsite wastewater management in place.	yes
9.8.7	Roads & Access	Access is available to both proposed lots via Bombowlee Creek 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. The existing dwelling has electricity connected.	yes
9.8.10	Water Supply	Any future dwelling construction will require compliance with the standards in force upon approval. The existing dwelling has a potable water supply in place.	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	<i>Addressed in table 3.</i>
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	<i>Addressed in 4, 'Likely impacts of the Development'</i>
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.
	n/a
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	
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 (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, ACCES AND PARKING	A slight increase in traffic movements may occur with 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 at this point in time.	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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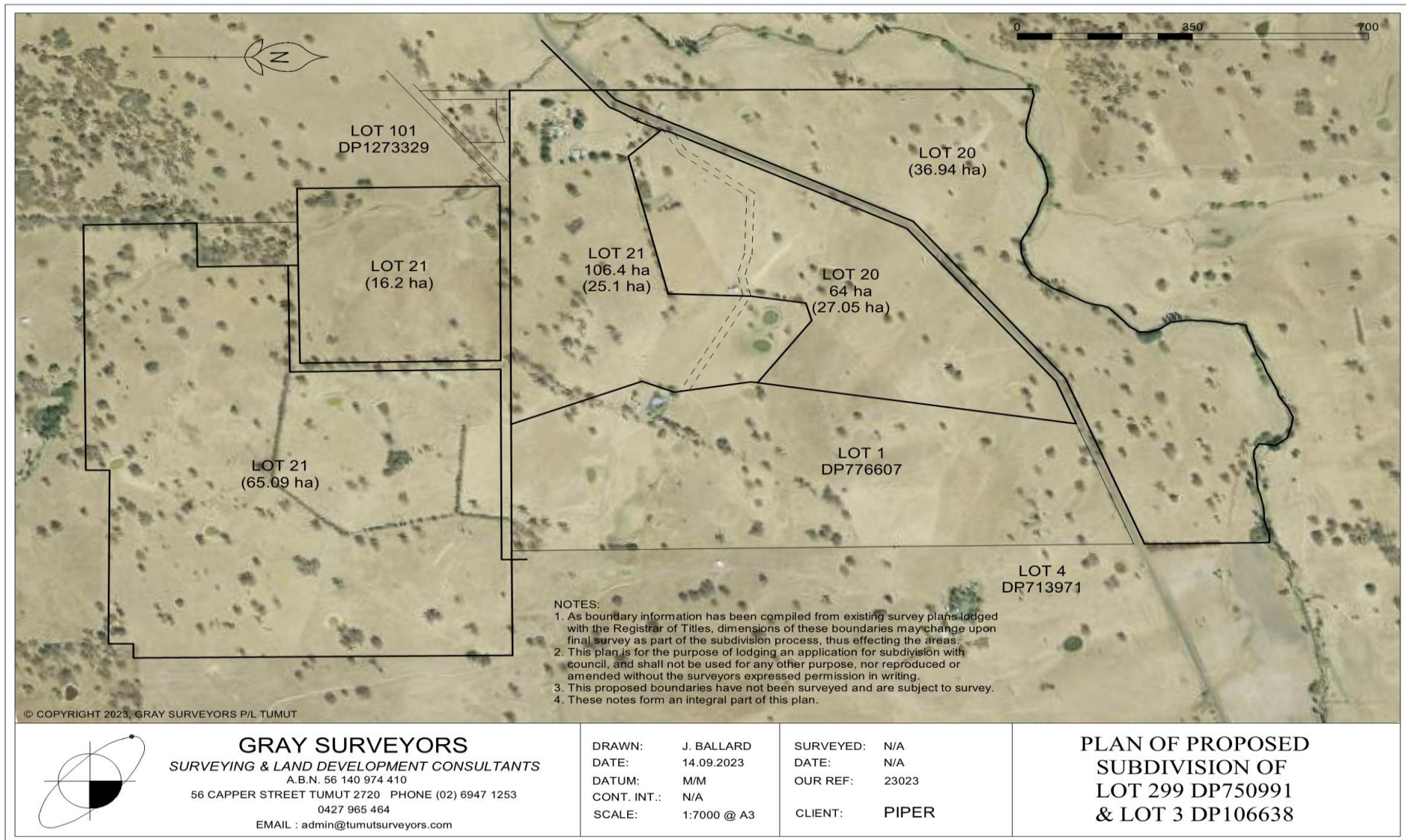
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Attachment 2 - Proposed Boundary Adjustment and Site Plan - 702-712 Bombowlee Creek Road, Bombowlee



Attachment 3 - Without Prejudice Draft Conditions - DA2023-0120 - 702-712 Bombowlee Creek Road Bombowlee

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 a subdivision of a boundary adjustment.

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.

Plan Title/ Supporting Document	Reference / Version	Prepared By	Dated
Plan of Proposed Boundary adjustment	23023	Gray Surveyors	No date
Statement of Environmental Effects	23023-Piper-SEE	Gray Surveyors	18.09.23

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

3. Application for a Subdivision Works Certificate

Subdivision work in accordance with the consent shall not be commenced until a Subdivision Works Certificate has been applied for and issued by Council or a registered certifier, pursuant to Section 6.13 of the *Environmental Planning and Assessment Act 1979*. The application for a Subdivision Works Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Council's Engineering Policies (AUSPEC).

Reason: *A requirement under the provisions of the Environmental Planning and Assessment Act 1979.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK**4. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993**

Current accesses will need to be upgraded to allow B-doubles to enter and exit the proposed properties without crossing the centre line of Bombowlee Creek Road (a gazetted B-double route). Therefore, the proponent shall upgrade the access from Bombowlee Creek Road. The accesses shall also comply with Council's standard designs for rural access.

Where works are proposed within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the *Roads Act 1993*) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

Reason: *Statutory requirement.*

5. Relocation of Existing Services

Where existing services including drainage and on-site sewer lines, may be required to be relocated as a result of the development, a plumber's permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

Reason: *Statutory requirement.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

6. Approved Plans to be available on site

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

Reason: *To ensure compliance with approved plans.*

7. Approved hours of Construction

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

Reason: *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

Note: *Any variation to these hours shall require Council consent via the lodgment of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

8. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

Reason: *Environmental amenity.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**9. Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council or an Accredited 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 via the NSW Planning Portal.

All works specified in Council's development consent and approved Subdivision Works Certificate plans 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.*

Note: *The applicant is to ensure that works associated with the Section 138 (Roads Act) approval and Section 68 (Local Government Act) approval are completed and inspected by Council.*

10. Section 138 Roads Act Final

The applicant is to ensure that the works associated with the Section 138 approval for this development be completed and inspected by Council prior to the issue of the Subdivision Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

11. Section 68 Local Government Act Final

The applicant is to ensure that the works associated with any Section 68 approval for this development be completed and inspected by Council prior to the issue of the Subdivision Certificate.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

12. Section 88B Instrument - Various

The original plans of subdivision shall be accompanied by a Section 88B Instrument where applicable under the *Conveyancing Act 1919*, which requires:

- Protection of any on site sewer, stormwater and water infrastructure on any allotment.

Full details, including draft Section 88B Instrument, shall be submitted for the approval of

Council with the application for a Subdivision Certificate.

Reason: *To ensure compliance with Council policy positions.*

13. **Civil Engineering works and services**

All civil engineering works and services, including construction works within the road reserve, are to be constructed in accordance with the Snowy Valleys AUSPEC guidelines.

Reason: *To ensure that the works and services are constructed in accordance with the approved plans.*

14. **Compliance Statement**

Compliance with each condition of this development consent must be demonstrated in a statement (submitted to Council) in accordance with section 6.15(1)(c) of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021 (as amended).

REASON - To satisfy the above statutory requirement.

INTEGRATED DEVELOPMENT CONDITIONS

1. A Bushfire Safety Authority dated 30th November 2023 has been issued with associated General Terms of Approval that are required to be met prior to the issue of any Subdivision Certificate.

END OF CONDITIONS