

11.1 DA2023-0129 - PROPOSED SUBDIVISION (4 LOTS INTO 2) GOOBARRAGANDRA ROAD, GOOBARRAGANDRA - ATTACHMENTS

Attachment Titles:

1. DA2023-0129 - Statement of Environmental Effects - Subdivision - Goobarragandra Road, Goobarragandra - Briggs & Keremelevski
2. DA2023-0129 - Plan Of Proposed Subdivision - Subdivision - Goobarragandra Road, Goobarragandra - Briggs & Keremelevski
3. Without Prejudice Draft Conditions - DA2023-0129 - Goobarragandra Road, Goobarragandra
4. 20240109 - DA2023-0129 - Bushfire Safety Authority - Subdivision - Boundary Adjustment - Rural Fire Service

**Attachment 1 - DA2023-0129 - Statement of Environmental Effects - Subdivision -
Goobarragandra Road, Goobarragandra - Briggs & Keremelevski**



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed 4 Lot
Internal Boundary Adjustment.

GOOBARRAGANDRA ROAD, GOOBARRAGANDRA

Date: 17/08/2023

Keogh Property Development Pty Ltd

177 Lambie Street

Tumut NSW 2720

kevin@keoghpd.com



CONTENTS

Location	3
Clients Details.....	5
Description of Proposal.....	6
Surrounding Land Use	6
2 PROPOSED DEVELOPMENT	7
Existing Site Description	7
Site Access.....	7
Site Suitability.....	7
Earthworks / Sediment and Erosion Control	8
Air, Dust and Noise Pollution	8
Social Impacts.....	8
Natural Hazards	8
3 ASSESSMENT OF ENVIRONMENTAL EFFECTS.....	9
3.1Environmental Planning Instruments.....	9
3.2Tumut Shire Local Environmental Plan 2012	9
3.2.1Land Use Zones	10
3.3Essential Services	11
3.4Development Control Plans	12
..... 3.4.1 Snowy Valleys Council Development Control Plan	12
..... 3.4.1.1 Chapter 9 – Subdivision	12
9.8 Rural Subdivisions- Dwelling houses.....	12
9.8.1 General Considerations	12
4 Conclusion	16
 Table 1- 2 : Clients Details	 5
Table 21 Slope Classification.....	7



1 INTRODUCTION

In accordance with Schedule 1 of the Environmental Planning and Assessment Regulation 2000, a development application (DA) must be accompanied by a Statement of Environmental Effects.

This document has been prepared by Keogh Property Development Pty Ltd for the purpose of a proposed internal boundary adjustment between LOTS 5 & 6 DP1027218, LOT 1 DP1287489 and LOT 1 1286650. The document identifies the main environmental effects identified for the DA submission of a proposed boundary adjustment in Goobarragandra NSW.

Location

The proposed Subject land is approximately 22kilometres Southwest of Tumut CBD in the Goobarragandra Valley in the Snowy Valleys region of New South Wales, Australia. Tumut is 412 kilometres south-west of Sydney and 501 kilometres north-east of Melbourne.

Table 1-1: Location and Property Description

LOCATION AND PROPERTY DESCRIPTION			
Unit No: NA	House No: N/A	Street: Goobarragandra ROAD	Suburb: Goobarragandra
Lot and DP or SP: LOTS 5 & 6 DP1027218, LOT 1 DP1287489 and LOT 1 1286650.			Post Code: 2720

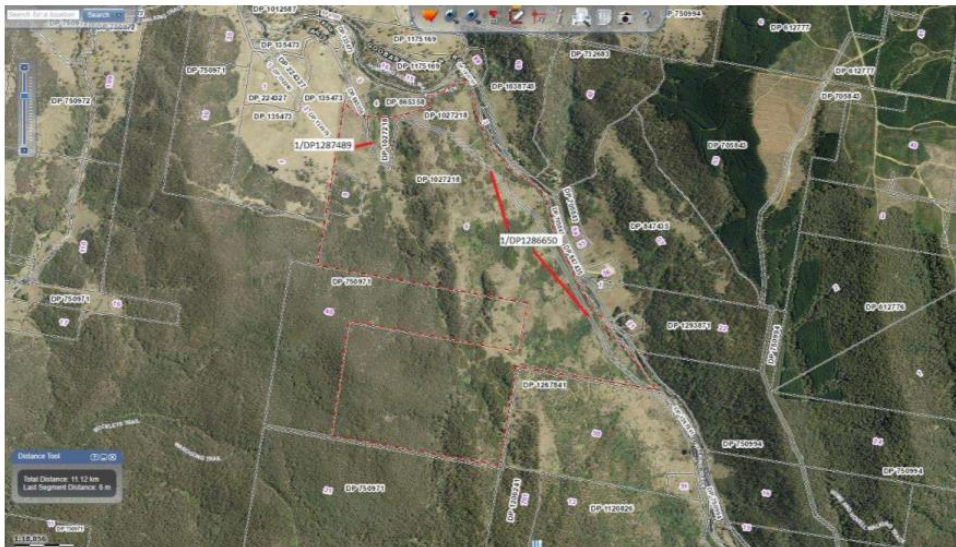


Figure 11 Location Map Proposed Boundary Adjustment Goobarragandra, sourced from Six Map



Clients Details

Table 1-2 below provides the clients details. The (DA) submission has been submitted on behalf of the client by Keogh Property Development Pty Ltd: 177 Lambie Street, Tumut NSW 2720. (Phone: 0447573610).

Table 1- 1 : Clients Details

CLIENTS DETAILS	
Name or Company: TANE & RENAA KEREMELEVSKI, AND JOHN DAVID & JANE FRANCES BRIGGS	
Address: GOOBARRAGANDRA ROAD, GOOBARRAGANDRA NSW	Post Code: 2720
Phone: Tane Keremelevski 0458388383 – John Briggs 0417231652	
Email: tanekerem@gmail.com & jbriggs1@vtown.com.au	



Description of Proposal

The proposal is a 4 Lot internal boundary adjustment between LOTS 5 & 6 DP1027218, LOT 1 DP1287489 and LOT 1 1286650. The lots approximate areas are 5/DP1027218 (5.868Ha), 6/DP1027218 (281.6Ha), 1/DP1287489 (8295m2) & 1/DP1286650 (5.928Ha).

The proposed internal boundary adjustment will reduce the number of Lots from four to two. The small Lots (Lot 1/DP1287489 and Lot 1/DP1286650) will be dissolved into the two remaining Lots. This will facilitate a more functional and more sustainable use of the current RU1 zoning and in harmony with Council’s preference for best use of RU1 Primary Production. The current black Angus farming operation on the property currently has significant constraints because of the size of the current lots and the Tenants in Common arrangement. This internal boundary adjustment will allow the current Tenants in Common to be extinguished and each family will have a workable size RU1 Primary Production holding, simplify and enhance the individual farming operations and more in harmony with council's preferred best use of RU1 Primary Production land.

The attached Plan of Proposed Subdivision (Allspec & Partners) shows the lot size of proposed Lot 7 at 131.6ha and proposed Lot 8 at 165.4ha. As per Clause 4.1 of the Tumut Local Environmental Plan 2012, Proposed Lot 8 is permissible under this clause, however, Lot 7 is below the minimum Lot size of 150Ha, so application under Clause 4.2C of the Tumut Local Environmental Plan 2012, which facilitates boundary adjustments between lots if the adjustment will result in the lot size of one or more of the lots being less than the minimum lot size shown on the Lot Size Map in relation to that land and the objectives of the relevant zone can be achieved.

Therefore, the proposed internal boundary adjustment will result in an enlargement of the current Lot 5 from 5.868ha to 131.6ha (to become Lot 7) and the reduction of the current Lot 6 from 281.6ha to 165.4ha (to become Lot 8), which facilitates permissibility utilising the current clause 4.2C(3) of the TUMUT Local Environmental Plan 2012.

The dwelling(s) potential attached to the existing lots will remain the same (No new dwelling entitlement will be created), Proposed Lot 7 and Lot 8 will retain existing building entitlements, as per Notice of Determination – Council Reference JLM:KG 714, Client Reference 6180.1 MG.

Surrounding Land Use

The surrounding land is zoned RU1 Primary Production and is used for farming and contains other rural residential properties and individual farming operations.

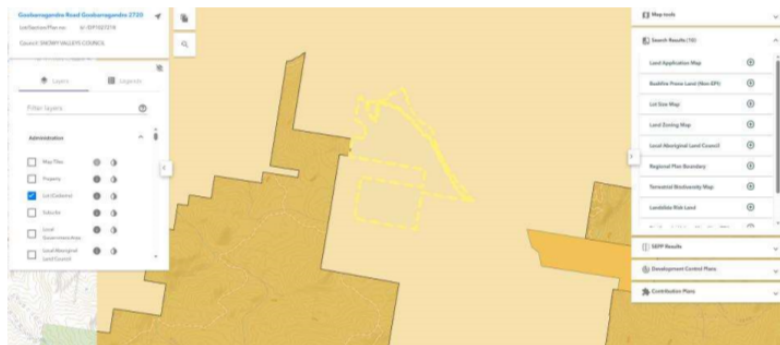


Figure 12 Land Zoning Map Image Sourced Planning Portal, NSW



1 PROPOSED DEVELOPMENT

Existing Site Description

Landform: The land surface is characterised as Strong sloping throughout the lots, with a natural slope rolling hills throughout.

Slope: The land slope is classified as Strong sloping.

Table 1-1 Slope Classification

Slope Classification	Description	Slope Gradient Limits	
		Lower	Upper
Nearly level	Slightly undulating level	0	3
Gently sloping	Undulating	1	8
Strong sloping	Rolling hill type	4	16
Moderate steep	prominent hills	10	30
Steep	Steep terrain	20	60
Very steep	Very steep to sub vertical	> 45	

Flora and Fauna: No clearing will be required for the proposed internal boundary adjustment and therefore there will be no impact on flora or fauna. The access road to the proposed Lot 8 will use an existing all-weather farm road. The proposed boundary has been selected to traverse secondary grassland and no clearing will therefore be required to construct the new boundary fence.

Site Access

Existing vehicle access to proposed lot 7 and 8 will remain via the sealed Walls Creek Road East and the existing Right of Carriageway over Lot 3 and Lot 4, DP 865358.

A 1.75 kilometre, 10 metre wide Right of Carriageway will be created over proposed lot 7 for the benefit of the proposed Lot 8 utilising the existing all-weather access track currently in existence.

Traffic Movements: Access to the properties is existing and will not change the current traffic flow.

Site Suitability

Visual Prominence: Any future developments will be assessed and regulated by council prior to and during construction. There is no proposal in this application to erect any structures. The existing visual prominence will not change.

Heritage and or other Restrictions: The proposed development is not located in a Heritage Listed area.

Services: Key services are readily accessible and will not change as part of this development

Land surface and Land use: The land surface is strong sloping. There is no intention currently or in the near future to change the current way the land is used. The development will not have any adverse impact on existing land uses.



Earthworks / Sediment and Erosion Control

The proposed development does not include anything which may require earthworks or sediment and erosion control.

Air, Dust and Noise Pollution

The development does not include anything which may produce dust or noise pollution.

Social Impacts

The land parcel is not seen as being environmentally or culturally sensitive. The parcel is adjoined by one other rural residential property, and all the other surrounding properties are RU1 Primary Production. Subdivision of the land will tie in well with the existing surrounding farming land use, as it current does, and is unlikely to have any social impact.

The boundaries of the site will be fenced.

Natural Hazards

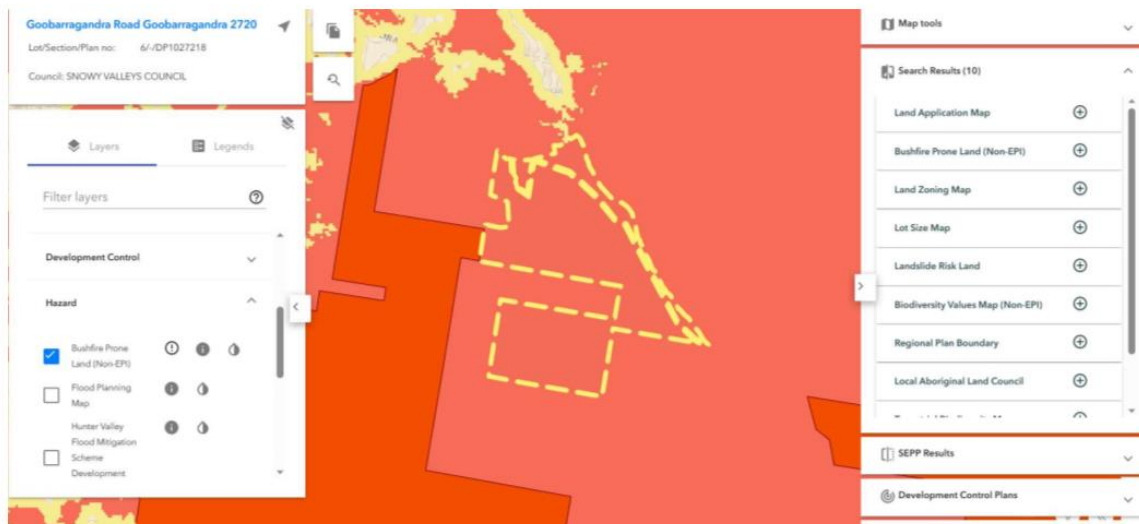


Figure 2-1 Natural Hazards Map, Sourced from Planning Portal.

The proposed development is located in a Bushfire prone area. Report will be undertaken by Consulting Bushfire Practitioner, Jeff Dau from EMBER Bushfire Consulting addressing this issue, and will be uploaded on the NSW Planning Portal.

The proposed development is NOT located in a Flood Prone area.



2 ASSESSMENT OF ENVIRONMENTAL EFFECTS

The following is an assessment of the proposed development in accordance with the relevant matters for consideration listed under Division 4.3 of the EP&A (Environmental Protection Agency) Act. Division 4.3 (4.15) of the EP&A Act states the following.

4.15 Evaluation

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered under section 7.4 or any draft planning agreement that a developer has offered to enter under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

(b) the impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

3.1 Environmental Planning Instruments

The following Environmental Planning instruments apply to the subject site because of the proposed redevelopment:

- ✓ Tumut Shire Local Environmental Plan 2012.
- ✓ State Environmental Planning Policy (Infrastructure 2007).
- ✓ Snowy Valleys Council Development Control Plan 2019

3.2 Tumut Shire Local Environmental Plan 2012

The main Environmental Planning Instrument (EPI) which applies to the subject site is the Tumut Shire Local Environmental Plan (LEP) 2012. The following sections undertake an assessment of the relevant provisions.



3.2.1 Land Use Zones

This development is zoned RU1 – Primary Production.

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 childcare facilities; Commercial premises; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite Day care centres; Restricted premises; Service stations; Sex services premises; Vehicle repair stations; Wholesale supplies

The proposed development of Lot 8 is permissible under the current lot size for this area.

Lot 7 does not meet the required minimum lot size for this area. Thus, we are seeking approval under Clause 4.2C – Boundary adjustments of land in certain zones.

4.2C Boundary adjustments of land in certain zones

(1) The objective of this clause is to facilitate boundary adjustments between lots if the adjustment will result in the lot size of one or more of the lots being less than the minimum lot size shown on the [Lot Size Map](#) in relation to that land and the objectives of the relevant zone can be achieved.

(2) This clause applies to land in the following zones –

- (a) Zone RU1 Primary Production,*
- (b) Zone RU3 Forestry,*
- (c) Zone RU4 Primary Production Small Lots,*
- (d) Zone R5 Large Lot Residential.*



(3) *Despite clause 4.1, development consent may be granted to subdivide land by adjusting the boundary between adjoining lots if one or more resultant lots do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land, and the consent authority is satisfied that—*

- (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and*
- (b) the number of dwellings or opportunities for dwellings on each lot after the subdivision will be the same as before the subdivision, and*
- (c) the potential for land use conflict will not be increased as a result of the subdivision.*

The proposed development is located in RU1 Primary Production. The boundary adjustment will not create additional lots with the opportunity for additional dwellings, the amount of existing dwelling entitlements will remain the same after the boundary adjustment. The proposed development is consistent with these objectives and is needed to benefit the ongoing use of the farm.

3.3 Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

All necessary services are available to the site.



3.4 Development Control Plans

3.4.1 Snowy Valleys Council Development Control Plan

The relevant provisions of the Snowy Valleys Council Development Control Plan are addressed in the following sections.

3.4.1.1 Chapter 9 – Subdivision

9.8 Rural Subdivisions- Dwelling houses

9.8.1 General Considerations

Council will consider the following matters when assessing a subdivision for the purposes of a dwelling house within the RU1 Primary Production Zone and E3 Environmental Management Zone:

- *The rural character of the locality*
- *The disturbance to the rural landscape and the environment*
- *The environmental capabilities of the land*
- *Soil erosion*
- *Servicing the development*
- *Fragmentation of rural land*
- *Surface and ground water pollution*
- *The risk of bushfires or flooding*
- *Legal and physical access to a road maintained by Council*
- *The creation of vehicular access points to major roads*
- *Protection of prime agricultural land for long term sustainable production in considering the subdivision proposal Council will consider how:*
- *The subdivision will accommodate future and existing structures and be suitable for appropriate likely future land uses and site activities, and*
- *The subdivision proposal responds to the existing site attributes and constraints*

The proposed internal boundary adjustment is not for the use or application for the erection of a dwelling as part of this application. Any future application for a dwelling will be assessed at that time. The number of dwellings entitlements will not increase after the subdivision, with Proposed Lots 7 and 8 retaining the same number of dwelling entitlements as currently in possession.

9.8.2 Adjoining Development

The subdivision design and layout are to consider adjoining or nearby development, in relation to land use conflicts, the need for any buffer areas and the impacts of the subdivision on primary production activities on adjoining land.

The proposed development will not impact the adjoining lots.

9.8.3 Fencing



Stock proof rural type fencing must be provided to all road frontages and public areas. With the exception of post and rail as well as mesh fencing no other types of road frontage boundary fencing (including paling and metal panel fencing of any height) will be permitted.

The proposed development will include fencing between proposed lot 7 and lot 8.

9.8.4 Lot size, Shape and Orientation

Lot shapes should be simple.

Lot boundaries should relate to land features such as creeks. Boundaries should be located parallel or perpendicular to the slope but not diagonally across it. Existing fences should be used for Lot boundaries where this does not result in inappropriately shaped Lots.

Long narrow Lots are to be avoided. Battle axe Lots are to be avoided.

Wedge shaped Lots are to be kept to a minimum and must have a minimum road frontage of 15m.

Each Lot in the proposed subdivision should be able to accommodate a building envelope of 600m² in size. The building envelope should contain an area for a future dwelling house and associated ancillary buildings to the domicile.

The building envelope is to generally exclude land:

- Within 40 metres of the top of bank of a watercourse*
- That contains significant native vegetation*
- That has been identified as being subject to the 1% AEP flood extent*
- That is subject to a transmission line or other utility service easement, and*
- That is visually prominent or located upon a ridgeline and upon which the construction of a dwelling would degrade the landscape character of the area.*
- Required for onsite effluent disposal*
- Utilised to house structures required for agricultural undertakings such as farm buildings*
- Required for an asset protection zone under a Bushfire Safety Authority*
- Identified as having moderate or higher risk of geotechnical instability.*

The design and layout of the building envelope will take into account site topography, geological conditions, existing soils, and drainage and will minimise the need for landform modification when buildings are placed within the envelope. The envelope must be designed to limit or avoid any adverse impacts on watercourses and vegetation and prevent future development occurring on any steep and constrained lands.

The subdivision proposal must demonstrate, to the satisfaction of Council that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.

The proposed development is consistent with these objectives.

9.8.5 Natural Hazards and Risks

The subdivision design and layout will identify and take into account natural site features such as significant native vegetation, wildlife corridors, topography, and rock outcrops.



The subdivision design and layout will identify and take into account natural hazards such as bushfire, flooding and geotechnical conditions.

The proposed development is located in a Bushfire prone area, as per a search on the NSW Planning Portal. A Report addressing this, by Consulting Bushfire Practitioner, Jeff Dau from EMBER Bushfire Consulting will be uploaded on the NSW Planning Portal.

9.8.7 Roads and Access

New rural roads are to be designed and constructed in accordance with Council's Planning and Design Manual. These roads are to be dedicated to Council as public roads.

Where road access is proposed from a Crown Road in accordance with the transfer the road must be transferred from Crown Lands to Council prior to the commencement of any road works at no cost to Council. The transfer of the road to Council does not necessarily change the extent of Council's adopted road maintenance areas.

Where new Lots of gain access from a Crown Road, the road is to be upgraded and constructed to meet the minimum standards specified in Council's Planning and Design Manual.

All existing public roads fronting or within the proposed Lots must be wholly within the road reserve.

A maximum of two (2) rural Lots may gain access from a right of carriageway within the subdivision, which should connect directly to a dedicated public road under the care and control of Council. A Section 88B instrument setting out the terms of the right of carriageway (including maintenance responsibilities) will be required.

The right of carriageway should be constructed to a standard that will allow all weather two-wheel drive access. All-weather, two-wheel drive access should be provided to all new Lots.

Entrances shall be limited to one (1) per Lot unless approved otherwise by Council. Entrances to individual Lots from public roads shall be constructed to Council standards. Where the relocation of an entrance is required the complete removal of the existing entrance will be required.

For subdivisions involving 2 or more Lots along or in the vicinity of school bus routes, Council may require the provision of suitably sited and constructed bus lay-bys.

The internal boundary adjustment proposes a Right of Carriageway over the existing internal all-weather track, which includes passing bays and exceeds all Rural Fire Service standards, in favour of Lot 8 over Lot 7. Access to the proposed Lots will remain as currently utilised.

9.8.8 Rural Addressing

Rural address numbers are allocated by Council when the location of driveway entrances is determined. All occupied properties will be individually numbered. Numbers must be displayed adjacent to the entrance driveways.

The address of the properties will be displayed at the location of driveway entrances.

9.8.9 Services



Each new Lot must have direct access to a suitable telecommunications and electricity supply. Satisfactory arrangements are to be made with the relevant utility provider.

Alternative power sources for subdivision and development can be considered where it can be demonstrated that the economic cost and/or environmental impact of connection is unacceptable.

Services will be considered in the future, where applicable, during any further development application.

9.8.10 Water Supply

Where no reticulated water supply is available water supply with a minimum of 45,000 litres of potable water is to be provided on site.

Bush fire prone land would need additional water for firefighting purposes in accordance with clause 3.2.2.

Water supply is already available to the site through tank water, permanent creeks and, both properties will have Goobarragandra river frontage.



3 Conclusion

This Statement of Environmental Effects accompanies a Development Application for the proposed internal boundary adjustment of LOTS 5 & 6 DP1027218, LOT 1 DP1287489 and LOT 1 1286650 at Goobarragandra Road, Goobarragandra. The assessment of environmental effects makes the following findings:

- ✓ The proposed development meets the objectives of relevant planning instruments including the Tumut LEP 2012 Clauses 4.1 and 4.2C(3) and Snowy Valleys Council DCP (Development Control Plans) 2019.
- ✓ The proposed development will not unreasonably impact on the amenity of neighbouring properties in relation to noise, overshadowing or privacy.

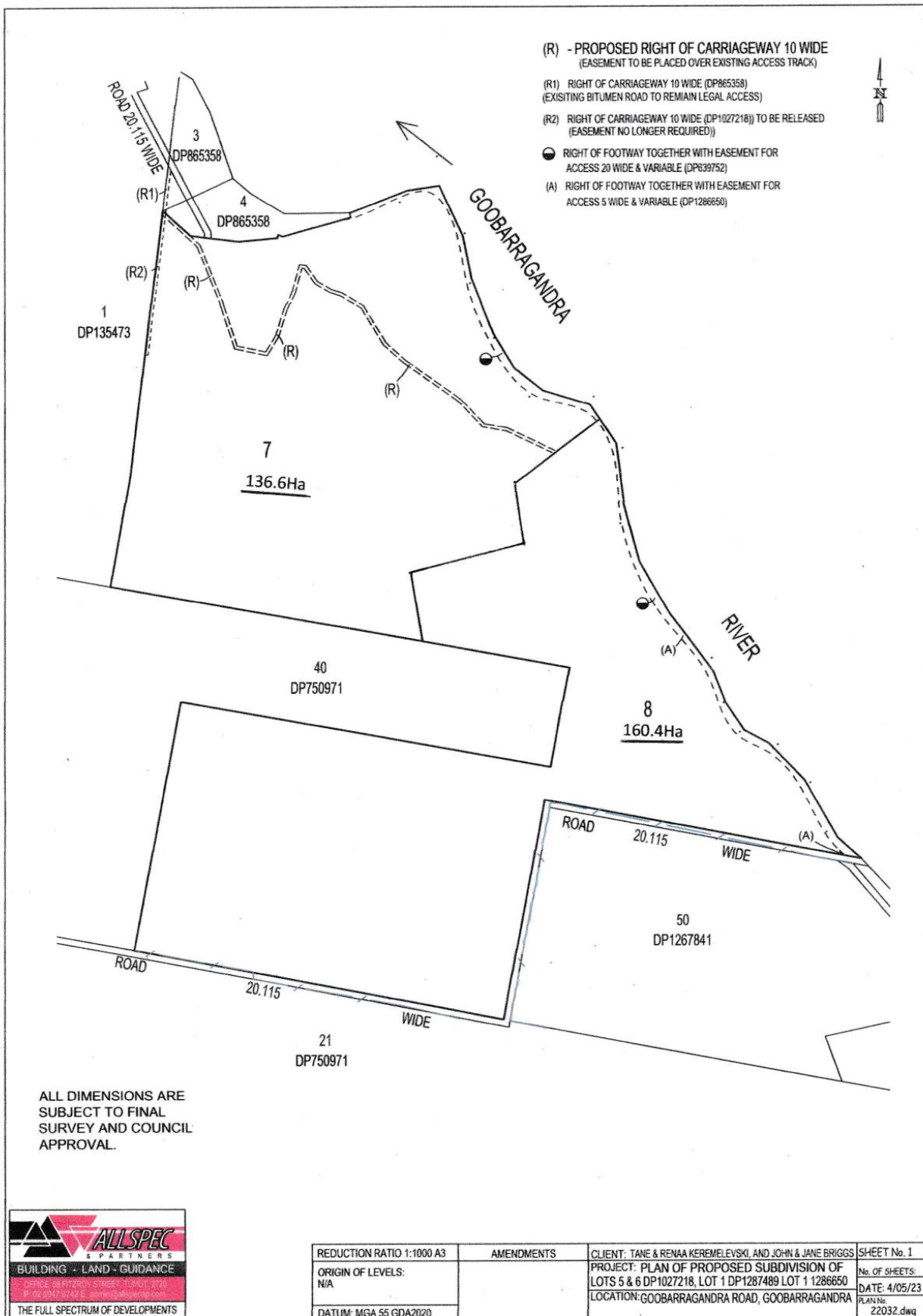
Given the above assessment, the proposed development has planned merit and the Development Application can therefore be supported and granted consent by Council.

I/we declare to the best of my/our knowledge and belief that the particulars stated on this document are correct in every detail and that the information required has been supplied and that the development application may be returned to me/us if information is found to be missing or inadequate.

Name: Kevin Keogh

Date: 17/08/2023

Attachment 2 - DA2023-0129 - Plan Of Proposed Subdivision - Subdivision - Goobarragandra Road, Goobarragandra - Briggs & Keremelevski



Attachment 3 - Without Prejudice Draft Conditions - DA2023-0129 - Goobarragandra Road, Goobarragandra

11 July 2024

Keogh Property Development Pty Ltd
177 Lambie Street
TUMUT NSW 2720

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979

APPLICATION NO:	2023/0129
APPLICANT:	Keogh Property Development Pty Ltd
OWNER:	Mr John Briggs, Mrs Jane Briggs, Mr Tane Keremelevski, Mrs Renaa Keremelevski
PROPERTY DESCRIPTION:	Lot 1 in Deposited Plan 1287489, Lot 1 in Deposited Plan 1286650, Lot 5 1027218, Lot 6 in Deposited Plan 1027218
PROPERTY ADDRESS:	Goobarragandra Road, Goobarragandra
PROPOSED DEVELOPMENT:	Subdivision (Four lots into two)
DETERMINATION:	Determined by granting of CONSENT by Council resolution dated TBA
CONSENT TO OPERATE FROM:	TBA
CONSENT TO LAPSE ON:	TBA

Rights of Appeal

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 12 months after the date the decision appealed against is notified.

Review of Determination

You have the right to request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*, subject to the provisions of Division 8.2 Reviews.

Nick Wilton
Executive Manager Growth and Development

TBA
Date of Determination

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

- 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.

- 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 Subdivision	22023.dwg	Allspec	04.05.23
Statement of Environmental Effects	Goobarragandra Road	KPD Pty Ltd	17.08.23
Land Capability Assessment	N/A	McMahons Earth Sciences	July 2024
Geotechnical Assessment	N/A	McMahons Earth Sciences	July 2024

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

- 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).

- No approval is granted for any proposed dwelling(s) on proposed Lot 5 and Lot 6. An application will need to be lodged with Council and the merits of any application will need to be considered under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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

- 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.

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

6. Electricity supply is to be made available to proposed Lot 5 and Lot 6 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.

7. **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.

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

8. **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 9 January 2024 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

Attachment 4 - 20240109 - DA2023-0129 - Bushfire Safety Authority - Subdivision - Boundary Adjustment - Rural Fire Service



NSW RURAL FIRE SERVICE

Snowy Valleys Council
76 Capper Street
TUMUT NSW 2720

Your reference: (CNR-63724) DA2023/0129
Our reference: DA20231214005664-Original-1

ATTENTION: Bradley Allen

Date: Tuesday 9 January 2024

Dear Sir/Madam,

Integrated Development Application

s100B - Subdivision - Boundary adjustment

GOOBARRAGANDRA RD GOOBARRAGANDRA NSW 2720, 6//DP1027218, 5//DP1027218, 1//DP1287489, 1//DP1286650

I refer to your correspondence dated 18/12/2023 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

General Conditions

1. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.

- The plan titled "Plan of Proposed Subdivision" drawn by Allspec & Partners, plan no. 22032.dwg. Dated 4/05/23.
- The bush fire assessment prepared by Ember Bushfire Consulting with reference JD.218.23, dated 6/10/23.

General Advice - Consent Authority to Note

Future development application lodged for land in this subdivision may be subject to the requirements of *Planning for Bush Fire Protection 2019*. Provision of Asset Protection Zones within the lots boundaries and construction to AS3959 2018 *Construction of Buildings in Bushfire Prone Areas* standards may be required. In this regard it is noted that the subdivision has constrained access and a performance solution utilising increased APZ distances around dwellings and associated buildings commensurate with one Bushfire Attack Level (BAL) higher than the identified radiant heat exposure and applicable BAL rating specified by Table A1.12.6 of *Planning for Bush Fire Protection 2019*. Future dwelling proposals may need to adopt a similar performance solution to determine construction requirements and will not qualify as complying development.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

For any queries regarding this correspondence, please contact David Webster on 1300 NSW RFS.

Yours sincerely,

Anna Jones
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Boundary adjustment

GOOBARRAGANDRA RD GOOBARRAGANDRA NSW 2720, 6//DP1027218, 5//DP1027218,
1//DP1287489, 1//DP1286650

RFS Reference: DA20231214005664-Original-1

Your Reference: (CNR-63724) DA2023/0129

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Anna Jones

Manager Planning & Environment Services
Built & Natural Environment

Tuesday 9 January 2024