

STATEMENT OF ENVIRONMENTAL EFFECTS

43 Miles Franklin Drive, Talbingo

Installation of New Manufactured Home as a Principal Dwelling, Making the Existing Dwelling a Secondary Dwelling, Ancillary Earthworks & Swimming Pool

V1.2 23 August 2023



This Statement of Environmental Effects has been prepared by Prefabulous for the development of 43 Miles Franklin Drive Talbingo NSW.

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Version	Amendments	Date
1	Final uploaded to NSW Planning Portal	29.3.23
1.1	Amendments to cut and fill per request from SVC and review from structural engineer	19.7.23
1.2	Correct error in address on title page Address minor design changes – reduce cut by 500mm and some windows/doors changes	23.8.23

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2 INTRODUCTION

2.1 OVERVIEW OF THE PROPOSAL

This Statement of Environmental Effects (SEE) has been prepared by Camilla Rocks on behalf of the proponent to accompany a Development Application (DA) for the site located at 43 Miles Franklin Drive, Talbingo (the subject site). The DA has been prepared under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for submission to Snowy Valleys Council (Council).

The purpose of this SEE is to

- describe the site to which the DA relates;
- describe the surrounding locality, and in particular, adjoining and adjacent development;
- describe the proposed development;
- define the statutory planning framework within which the DA is to be assessed and determined;
- assess the proposed development against the relevant heads of consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

The proposed development seeks to install a manufactured home on Lot 1 of the site, which will be the principal dwelling on the site and the existing dwelling shall be retained for the purpose of a secondary dwelling. There will be ancillary earthworks to construct a building pad, a swimming pool, decks and connecting halls between the modules.

2.2 SITE ANALYSIS

The site comprises of Lots 1 and 2 DP 557498, being 43 Miles Franklin Drive, Talbingo. It is situated approximately 1.5km north-east of the township of Talbingo and within the boundaries of Snowy Valleys Council, as identified in Figure 1 below.



Figure 1 Identification of subject site Source: SIXmaps

The site is used for residential purposes. Lot 1 is developed with a dwelling, double garage as well as 2 sheds. Lot 2 hosts the access to the site from Miles Franklin Drive and a shed.

The site is approximately 10 hectares (25 acres) and fenced into two paddocks. The site is zoned

RU1 Primary Production and is surrounded on all sides by rural and forestry development. It slopes down from south to north, with a significant gully in the eastern part of the site. The north-westerly facing hill slopes between 20% and 30%, being approximately 25% on the proposed building location.

The groundcover in the vicinity of the installation site is grasses. There is no waterway within the site and there are some rocky outcrops scattered across the site.



Figure 2 Southern view of site (Source: ASCT)

2.3 SUPPORTING DOCUMENTATION

- Architectural Plans, prepared by Prefabulous
- Statement of Environmental Effects, prepared by Camilla Rocks for Prefabulous
- Soil Stability Assessment, prepared by McMahon Earthscience
- Effluent System Design, prepared by ASCT Parkes office
- Bushfire Risk Assessment, prepared by ASCT Parkes office
- Geotechnical Site Investigation, prepared by ASCT – Tumut office

3 THE PROPOSAL

3.1 PROPOSED DEVELOPMENT

This application seeks approval for the installation of a manufactured home on the site, which will become the principal dwelling on the site and the existing dwelling will be retained as a dual occupancy dwelling.

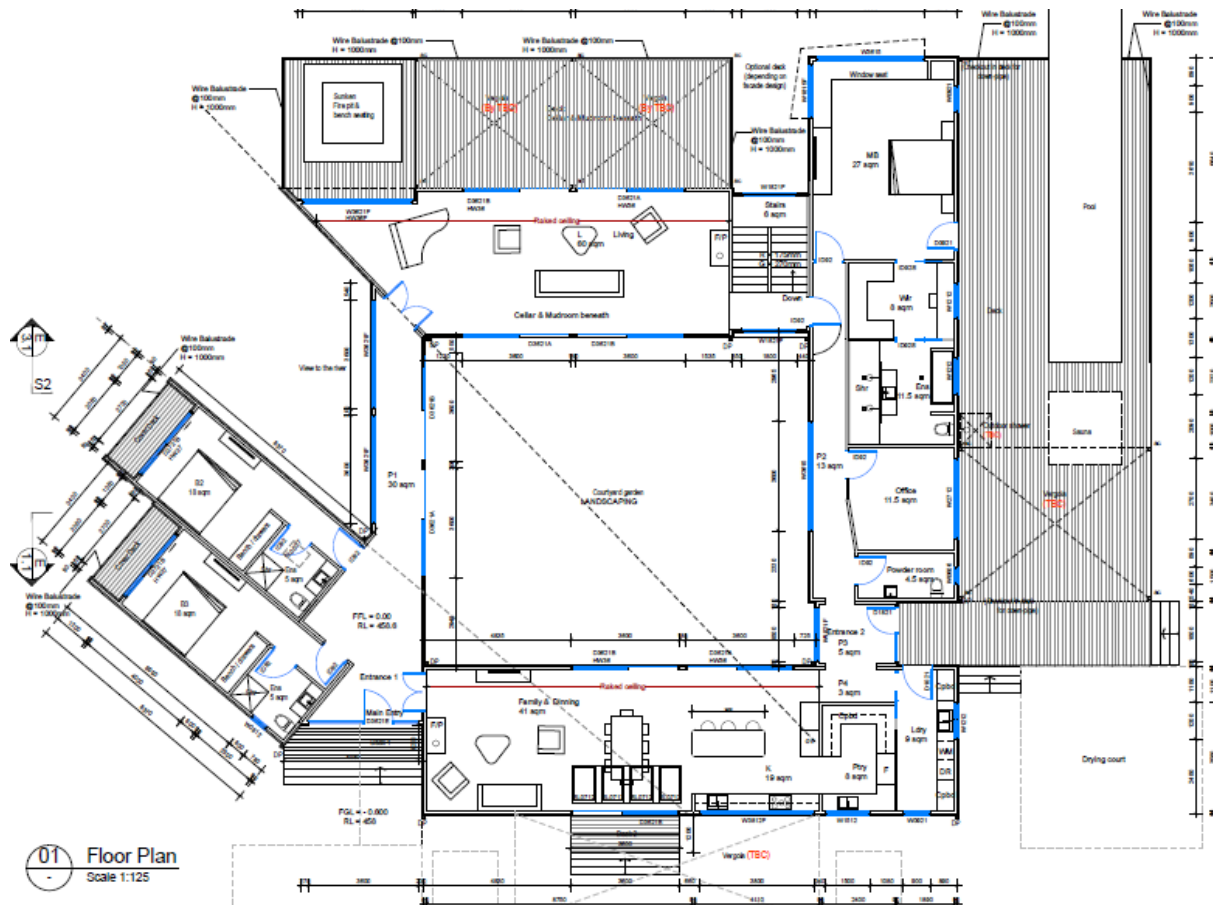


Figure 3 Proposed floor plan

The manufactured home is proposed to consist of 6 modules attached with constructed links to form one courtyard dwelling with a total floor area of 318.4m². To better respond to the slope of the land, the development will include a sub-floor area, with concrete poured on site, to create the foundation for the main living area of the dwelling. This area will house the recreation room/stairs/mud room and toilet.

The modules are set out as follows:

- 1 module 14625mm x 4860mm x 10135mm – 1 x living room,
- 1 module 17900mm x 4860mm – master bedroom suite, office and powder room
- 1 module 17600mm x 4860mm – laundry, kitchen/dining/living
- 2 modules 8370mm x 3400mm – bedroom suite with covered deck

The modules will be attached through constructed links as detailed in the plans. There is the main entrance, with a deck, stairs and 30m² hallway and a secondary entrance consisting of a hall of 5m². There is an additional link between the main living and main bedroom suite.

Earthworks are proposed to create a flat pad for the proposed dwelling. Initially, a deep straight cut was proposed, however council requested a revision of this design, in consideration of the landslip risk on site. The excavation has been revised to have a maximum cut of 2000mm, advised by council as the maximum cut it would consider, with 3 steps. A structural engineer has analysed the proposal and provided a report to support the application. A later revision (23/08/2023) has reduced the cut by 500mm again closest to the dwelling (see Plan A10)

Works are proposed to include:

- ♦ Site preparation, earthworks and retaining walls as outlined in drawings
- ♦ Construction of ground level portion of dwelling
- ♦ Delivery and installation of manufactured home modules
- ♦ Delivery and installation of connecting links
- ♦ Connection of manufactured home to services
- ♦ Installation of timber decks attached to manufactured home, with coverings as outlined on plans
- ♦ Delivery and installation of swimming pool

The cost of works is estimated to be \$1,050,000.

4 ASSESSMENT OF THE DEVELOPMENT

This section provides our assessment of the proposed development against the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following plans are applicable to the proposed development:

- ❖ Tumut Local Environmental Plan (TLEP) 2012

however other legislation and policy is referenced here for clarity.

4.1 NSW LOCAL GOVERNMENT ACT, 1993

Installation of a manufactured home requires approval under Section 68 of this Act. The approval required is a Part A Structures of Places of Public Entertainment (1) Install a manufactured home, moveable dwelling or associated structure on land.

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 sets out the standards for manufactured homes.

Division 4 of the Regulation applies to manufactured homes and associated structures:

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021		
Part 3 Caravan parks, camping grounds and moveable dwellings		
Clause	Regulation	Compliance of Proposed Development
70	<p>This Part applies to—</p> <ul style="list-style-type: none"> a) the operation of caravan parks and camping grounds, and b) the installation of moveable dwellings, including manufactured homes, in caravan parks, camping grounds and a place other than a manufactured home estate. 	This application is for the installation of a manufactured home on a site which is not a manufactured home estate
Subdivision 3 Installation of moveable dwellings on land other than land in caravan parks or camping grounds		
77	<p>1) The approval of the council is not required for the installation of the following—</p> <ul style="list-style-type: none"> (a) 2 caravans or tents if they are not occupied for— <ul style="list-style-type: none"> (i) more than 2 consecutive days, and (ii) more than 60 days in a 12-month period, (b) 1 caravan on land occupied by the owner of the caravan in connection with the owner's dwelling house if the caravan is— <ul style="list-style-type: none"> (i) used for habitation only by the owner or members of the owner's household, and (ii) maintained in a safe and healthy condition, (c) a caravan on pastoral or agricultural land if the caravan is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land, or 	The proposed manufactured home does not fall under any of the categories that do not require consent. Consent is therefore required.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021		
	<p>(d) a moveable dwelling or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster if the moveable dwelling or associated structure is—</p> <p>(i) maintained in a safe and healthy condition, and</p> <p>(ii) removed within—</p> <p>(A) 2 years after it is installed, or</p> <p>(B) if the relevant local approvals policy for the moveable dwelling or associated structure specifies a longer period—the longer period.</p>	
79	<p>(1) An application for approval to install a moveable dwelling or associated structure must be accompanied by the following—</p> <p>(a) 2 copies of the plans and specifications for the moveable dwelling,</p> <p>(b) 2 copies of the plans and specifications for fences already erected or intended to be erected,</p> <p>(c) 2 copies of the site plan of the land,</p> <p>(d) 2 copies of a sketch plan of the moveable dwelling indicating—</p> <p>(i) the height of the moveable dwelling, and</p> <p>(ii) the proposed external configuration of the moveable dwelling in relation to the site.</p> <p>(2) The plans must—</p> <p>(a) be drawn to a suitable scale, and</p> <p>(b) not be less than A4 size, and</p> <p>(c) show the following—</p> <p>(i) a plan of each floor section and elevation,</p> <p>(ii) the levels of the lowest floor, including the open area, if any, and adjacent ground,</p> <p>(iii) the height, design, construction and provision for fire safety and fire resistance, if any.</p> <p>(3) Copies of the plans must be coloured or marked to adequately distinguish a proposed alteration, rebuilding or modification if the plans include a proposal to—</p> <p>(a) carry out an alteration or rebuilding of an existing moveable dwelling, or</p>	<p>The application will be submitted through the NSW Planning Portal and complies with these requirements.</p>

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021		
	<p>(b) modify plans and specifications submitted to the council.</p> <p>(4) The specification of the moveable dwelling must—</p> <p>(a) describe the construction and materials used to construct the moveable dwelling and the method of drainage, sewerage and water supply, and</p> <p>(b) state whether the materials will be new or second-hand, including particulars of the second-hand materials, if any.</p> <p>(5) This section does not apply to a moveable dwelling that is a vehicle capable of being registered.</p>	
80	<p>In considering whether to approve the installation of a moveable dwelling or associated structure, the council must consider the following—</p> <p>(a) whether development consent for the installation of the moveable dwelling or associated structure has been granted under the <i>Environmental Planning and Assessment Act 1979</i>,</p> <p>(b) whether the installation of the moveable dwelling or associated structure contravenes the <i>Environmental Planning and Assessment Act 1979</i> or an environmental planning instrument.</p>	<p>This development application is submitted in order for council to grant development consent and assess its compliance with the Act. This SEE demonstrates compliance with EPIs.</p>
81	<p>(1) An approval to install a relocatable home on land other than land in a caravan park or camping ground is subject to the condition that it must be designed, constructed and installed in accordance with Division 4, other than sections 133–136.</p> <p>(2) An approval to install an associated structure on land other than land in a caravan park or camping ground is subject to the condition that it must be designed, constructed and installed in accordance with Division 4, other than sections 133–136.</p> <p>(3) In Division 4—</p> <p>(a) a reference to a caravan park is taken to be a reference to the land on which the relocatable home or associated structure will be installed, and</p> <p>(b) a reference to an approval for a caravan park is taken to be a reference to the approval</p>	<p>See below for an assessment of the proposal against the relevant sections</p>

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021		
	for the installation of the relocatable home or associated structure.	
Division 4 Relocatable homes and associated structures		
132	<p>(1) The Minister may, by order published in the Gazette, issue specifications for the design, construction, installation, modification and extension of relocatable homes and associated structures.</p> <p>(2) The specifications may adopt, with or without modification, a rule, standard or code of practice.</p> <p>(3) A relocatable home or associated structure must be designed, constructed, installed, modified and extended in accordance with the specifications.</p>	Noted. Specifications have been consulted during the design of the manufactured home.
133 - 136	Not applicable to sites that are not a caravan park or manufactured home estate	NA
137	<p>A relocatable home and an associated structure must not be located—</p> <p>(a) within 1 metre of an access road, or</p> <p>(b) within 2 metres of the boundary of the caravan park.</p>	Complies. The manufactured home is setback approximately 354 metres
138	<p>(1) A relocatable home must not be installed on a dwelling site if the relocatable home floor area is more than 65% of the site area.</p> <p>(2) If there is no carport or garage on the dwelling site or other parking space for the home located separately from the site, the site must contain an area—</p> <p>(a) with minimum dimensions of 6 metres by 3 metres, and</p> <p>(b) accessible from an access road, and</p> <p>(c) used for car parking.</p> <p>(3) In this section—</p> <p>relocatable home floor area means—</p> <p>(a) the area occupied by—</p> <p>(i) the relocatable home, and</p> <p>(ii) associated structures or other buildings, excluding areas without a roof, and</p> <p>(b) if there is no carport or garage on the dwelling site—an area of 18 square metres.</p>	Not relevant as the subject site is not a dwelling site as defined.
139	<p>(1) A garage may adjoin a site boundary.</p> <p>(2) A shared double carport or shared double garage may extend over a site boundary.</p>	There is no garage that is part of this application.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021		
	<p>(3) Adjacent garages may adjoin along a shared site boundary.</p> <p>(4) If a garage on a dwelling site is located within 900 millimetres of both the relocatable home and the site boundary of an adjoining dwelling site—</p> <p>(a) the external walls of the relocatable home that face the garage must comply with the <i>Building Code of Australia</i>, Volume Two, section 3 for class 1 buildings, or</p> <p>(b) the external walls of the garage that face the relocatable home must comply with the <i>Building Code of Australia</i>, Volume Two, section 3 for class 10 buildings.</p>	
140	<p>(1) The following parts of a carport must be non-combustible—</p> <p>(a) the roof covering,</p> <p>(b) the ceiling lining,</p> <p>(c) the wall cladding,</p> <p>(d) the gable.</p> <p>(2) A carport must have—</p> <p>(a) at least 2 open sides, and</p> <p>(b) a roof covering at least 500 millimetres from the relocatable home, annexe, associated structure or site boundary, and</p> <p>(c) at least one-third of its perimeter open.</p> <p>(3) A carport must not provide direct vertical support to the relocatable home.</p> <p>(4) If a carport shares a roof with a relocatable home and the carport does not have a ceiling, the opening between the top of the wall of the relocatable home and the underside of the roof covering of the carport must be infilled with—</p> <p>(a) a non-combustible material, or</p> <p>(b) construction clad with non-combustible material on the carport side.</p>	The application does not include a carport.
141	An associated structure must not be designed or modified to be capable of being used as a habitable room.	The attached decks are not suitable for conversion to habitable living space.
Subdivision 2 Design		
142 Structural Soundness	<p>(1) The design of a relocatable home and associated structure must be certified by a practising structural engineer as structurally sound.</p> <p>(2) The engineer's certificate must—</p>	Each Prefabulous manufactured home is certified by a structural engineer. Certification is attached to the application.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

	<p>(a) certify that the relocatable home or associated structure complies with all relevant standards, codes and specifications, and</p> <p>(b) include specifications for—</p> <p>(i) the way in which the relocatable home or associated structure must be transported and installed, and</p> <p>(ii) the footings, if any, on which the relocatable home or associated structure must be installed.</p> <p>(3) Specifications for footings or tie-down systems must consider—</p> <p>(a) the design gust wind speed, and</p> <p>(b) the soil type, and</p> <p>(c) other design considerations relevant to the location in which the relocatable home or structure will be installed.</p> <p>(4) This section does not apply to fences or privacy screens.</p>	
143 Design Gust Wind Speed	<p>(1) A relocatable home or associated structure must be designed in accordance with the following—</p> <p>(a) AS/NZS 1170.1:2002, <i>Structural design actions—Part 1: Permanent, imposed and other actions</i>,</p> <p>(b) AS/NZS 1170.2:2011, <i>Structural design actions: Wind actions</i> or AS 4055:2021, <i>Wind loads for housing</i>,</p> <p>(c) AS/NZS 1170.3:2003, <i>Structural design actions, Part 3: Snow and ice actions</i>,</p> <p>(d) AS 1170.4—2007, <i>Structural design actions, Part 4: Earthquake actions in Australia</i>.</p> <p>(2) The design gust wind speed for the location of a relocatable home or associated structure is taken to be at least 41 metres per second.</p>	Each Prefabulous manufactured home is designed in accordance with the relevant standards for wind, snow and ice and earthquake actions, as certified by the structural engineer.
144 Floor area of relocatable home	The enclosed floor area of a relocatable home must be at least 15 square metres.	The enclosed floor area of the whole structure is over 318m ² and complies with this standard.
145 Floor areas of certain rooms	<p>(1) The floor area of a bathroom in a relocatable home must be at least 2.2 square metres plus—</p> <p>a) 0.6 square metre if the bathroom has a separate shower and bath, and</p>	The proposed manufactured home complies with the standard for bathroom size. The main ensuite bathroom contains a shower, bath and toilet and is 11.5m ² , which

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021		
	<p>b) 0.7 square metre if the bathroom has a toilet, and</p> <p>c) an additional 1.6 square metres if the relocatable home—</p> <p>i) does not include a separate laundry, and</p> <p>ii) is not used or intended to be used as a holiday van or park van.</p> <p>(2) The floor area of a shower room in a manufactured home must be at least 1.1 square metres.</p> <p>(3) If a toilet is installed in a separate room in a relocatable home, the room must have—</p> <p>(a) an area of at least 1.1 square metres, and</p> <p>(b) a width of at least 0.8 metre.</p> <p>(4) The floor area of a laundry in a relocatable home must be at least 1.6 square metres.</p>	<p>exceeds the minimum requirement of 3.5m².</p> <p>The secondary ensuite bathrooms each contain a toilet and shower and are 5m² each, which exceeds the minimum requirement of 2.9m².</p> <p>There is a separate toilet on the ground floor that is 4.5m² in size and 1500mm wide, satisfying the requirements. There is a separate toilet in the subfloor area that is 4.5m² in size and 2100mm wide, satisfying the requirements.</p> <p>The laundry is 9m² and exceeds the minimum requirement.</p>
146 Ceiling heights	<p>(1) The ceiling height of a habitable room in a relocatable home must be at least 2.4 metres.</p> <p>(2) The ceiling height of a kitchen, laundry, hallway or other similar room or area in a relocatable home must be at least 2.1 metres.</p> <p>(3) For a habitable room with a sloping ceiling, the ceiling height may be less than 2.4 metres if—</p> <p>(a) the floor area of the part of the room with a ceiling height of less than 2.4 metres does not exceed one-third of the floor area of the room, and</p> <p>(b) the ceiling height is suitable for the intended function of the room.</p>	<p>The ceiling height in the manufactured home is at least 2.4 metres rising to a higher raked ceiling in each module therefore satisfies this provision.</p>
147 Separation of kitchen areas	<p>A toilet must not be located in a room in a relocatable home that leads directly into a kitchen or other food preparation area unless the room containing the toilet is mechanically ventilated.</p>	<p>No toilet is located in a room that leads directly into a kitchen.</p>
148 Lighting and ventilation	<p>(1) A relocatable home must have adequate provision for light and ventilation.</p> <p>(2) A habitable room in a relocatable home must have at least—</p> <p>(a) 1 window, or</p>	<p>Each habitable room in the manufactured home has a window in compliance with these standards.</p>

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

	<p>(b) 1 opening into an adjoining room that has at least 1 window.</p> <p>(3) The window or opening, or a combination of both, in a habitable room must—</p> <p>(a) have a total area of at least 10 per cent of the floor area of the room, and</p> <p>(b) include an area of at least 5 per cent of the floor area of the room that is capable of being opened.</p> <p>(4) If the habitable room has no windows, the window in the adjoining room must—</p> <p>(a) have a total area of at least 10 per cent of the floor area of both the habitable room and the adjoining room, and</p> <p>(b) include an area of at least 5 per cent of the floor area of both the habitable room and the adjoining room that is capable of being opened.</p>	
Subdivision 3 Construction		
149 Termite shields	Shields or barriers must be provided in accordance with AS 3660.1—2014, <i>Termite management, Part 1: New building work</i> to protect structural members, if any, that are susceptible to attack by termites.	Shields or barriers will be provided in accordance with AS 3660.1—2014, <i>Termite management, Part 1: New building work</i> to protect structural members, if any, that are susceptible to attack by termites.
150 Glazing	Glazing materials must be selected and installed in accordance with—	Glazing has been selected and installed to comply with the Standards.
	<p>(a) AS 1288—2021, <i>Glass in buildings—Selection and installation</i>, and</p> <p>(b) if safety glass is required—AS/NZS 2208:1996, <i>Safety glazing materials in buildings</i>.</p>	
151 External waterproofing	The following parts of a relocatable home must be constructed to prevent rain or damp penetrating to the inner parts of the home—	The roof, external walls and door and window frames have been constructed to prevent rain or damp penetrating to the inner parts of the home.
	<p>(a) the roof,</p> <p>(b) the external walls,</p> <p>(c) the door and window frames.</p>	
152 Internal waterproofing	(1) The following must consist of, or be covered by, material that is impervious to water—	The floors of rooms containing a shower, bath, toilet or washing machine are covered with tiles, which will be impervious to water.
	<p>(a) the floor of a bathroom or shower room, and</p>	

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021		
	<p>(b) the floor of a room containing a toilet or washing machine.</p> <p>(2) The following must be impervious to water to a height of at least 1.8 metres above the floor—</p> <p>(a) the wall surface of a shower enclosure, or</p> <p>(b) for a shower that is not enclosed—a wall surface within 1.5 metres of the shower fitting.</p> <p>(3) A wall surface within 75 millimetres of a bath, basin or other similar bathroom fixture must be impervious to water to a height of at least 150 millimetres above the fixture.</p> <p>(4) The requirements of this section are taken to be satisfied if the relocatable home complies with AS 3740—2021, <i>Waterproofing of domestic wet areas</i>.</p>	<p>Each shower enclosure is tiled as is the wall surface adjacent to the basins.</p> <p>Waterproofing has been undertaken in accordance with the Standards therefore the requirements of this section area satisfied.</p>
153 Plumbing and drainage	<p>(1) All pipes and fittings in a relocatable home relating to water supply or sewerage must be installed in accordance with—</p> <p>(a) the Plumbing and Drainage Act 2011 and the regulations made under that Act, and</p> <p>(b) the requirements of a relevant statutory body.</p> <p>(2) All pipes and fittings in a relocatable home relating to stormwater drainage must be installed in accordance with—</p> <p>(a) the Plumbing Code of Australia, and</p> <p>(b) the requirements of a relevant statutory body.</p>	<p>Qualified plumbers have performed the plumbing works in accordance with the relevant standards and codes.</p>
154 Electrical wiring	<p>The electrical wiring in a relocatable home must comply with the Australian/New Zealand Wiring Rules.</p>	<p>Electrical work has been carried out by qualified electricians in accordance with all relevant standards and codes.</p>
155 Fire and smoke alarms	<p>(1) A relocatable home must be equipped with an automatic fire detection and alarm system that complies with the <i>Building Code of Australia</i>, Volume Two, Part 3.7.2 for class 1(a) buildings.</p> <p>(2) This section does not apply to a relocatable home constructed before 1 January 1996.</p>	<p>Automatic fire detection and alarm systems are fitted to the manufactured home in accordance with the NCC.</p>
Subdivision 4 Installation		

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021		
156 Footings	<p>(1) A relocatable home or associated structure must be installed on footings if required by the engineer's certificate for the home or structure.</p> <p>(2) The footings and tie-down system for the relocatable home or associated structure must be constructed in accordance with the engineer's certificate.</p> <p>(3) The clearance beneath the home or structure must—</p> <p>(a) provide adequate underfloor cross-flow ventilation, and</p> <p>(b) be measured from the lowest point of the underside of the home's chassis or frame, and</p> <p>(c) be—</p> <p>(i) if termite shields are required to be installed—at least 400 millimetres, or</p> <p>(ii) otherwise—at least 200 millimetres, or</p> <p>(iii) a lesser clearance specified in the approval.</p>	<p>Suitable footings have been designed by the structural engineer.</p> <p>Clearance has been suitably designed to provide cross flow ventilation and FFL is a minimum 455mm above natural ground.</p>
157 Installation to comply with specifications	<p>A relocatable home or associated structure must be installed on a dwelling site in accordance with—</p> <p>(a) the specifications set out in the engineer's certificate for the home or structure, or</p> <p>(b) other specifications specified in the approval.</p>	<p>The manufactured home will be installed in accordance with engineer's specifications.</p>
158 Compliance plate	<p>(1) A compliance plate must be attached to an accessible part of the following structures—</p> <p>(a) a relocatable home,</p> <p>(b) an associated structure forming part of a relocatable home,</p> <p>(c) an associated structure comprising a freestanding garage.</p> <p>(2) A compliance plate must specify the following—</p> <p>(a) the name of the manufacturer of the relocatable home or associated structure,</p> <p>(b) the unique identification number for each major section of the relocatable home,</p> <p>(c) the month and year during which the relocatable home or associated structure was constructed,</p> <p>(d) the design gust wind speed for the relocatable home or associated structure,</p>	<p>Noted. The manufactured home will be fitted with a compliance plate, setting out the information specified. Each major section of the home will have an identifying number. This requirement will be checked by council following installation.</p>

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021		
	<p>(e) a statement that the relocatable home or associated structure complies with this Division,</p> <p>(f) the name of the practising structural engineer who issued the engineer's certificate for the relocatable home,</p> <p>(g) whether a relocatable home is intended for use as a park van or holiday van.</p> <p>(3) A unique identification number must be permanently marked on each major section of the relocatable home.</p> <p>(4) The Minister may, by order published in the Gazette, issue specifications for the design, construction, issue and registration of compliance plates.</p> <p>(5) A compliance plate must be designed, constructed, issued and registered in accordance with the specifications.</p>	
159 Notice of completion of installation	<p>(1) The holder of an approval must give the council written notice of the installation of a relocatable home or associated structure within 7 days after its completion.</p> <p>(2) The notice must—</p> <p>(a) indicate the site identifier of the dwelling site on which the relocatable home or associated structure has been installed, and</p> <p>(b) include the particulars specified on each compliance plate relating to the relocatable home or associated structure.</p> <p>(3) The notice must be accompanied by—</p> <p>(a) a copy of the engineer's certificate for the relocatable home or associated structure, and</p> <p>(b) a diagram of the dwelling site for the relocatable home or associated structure indicating whether the setback, density, open space and site identification requirements of this Part have been complied with.</p>	Noted. This requirement will be complied with and will likely form a condition of consent.

4.2 BIODIVERSITY CONSERVATION ACT 2016

The subject site is not identified as an area of outstanding biodiversity value on the biodiversity values map. No native vegetation is proposed to be removed and there is no requirement for a BDAR. Given that no native vegetation is being removed and that there is no recorded endangered flora or fauna on the site of the proposed development, it is not anticipated that the proposed development will significantly affect threatened species or ecological communities or their habitats.

Based on the above, we consider that the development will not trigger the Biodiversity Offset Scheme.

4.3 STATE ENVIRONMENTAL PLANNING POLICY – EXEMPT AND COMPLYING DEVELOPMENT

The subject proposal does not fall under the provisions of this instrument as the land is listed as environmentally sensitive land.

4.4 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE & HAZARDS) 2021

The information publicly available about former uses of the site indicates that the site was used for agricultural, and later, residential purposes since the area was first settled by Europeans. The residential use continues to the present day.

The site is not listed as contaminated land. Agriculture is listed as a potentially contaminating use in recognition of the likelihood of contaminating activities occurring on the site such as chemical use and storage, fertiliser application, sheep dipping and potential engine works and fuel storage. There is no evidence of a sheep dip on the site. We cannot rule out the application and storage of fertilisers and other chemicals, however, there is no evidence of this on the site.

Council should confirm whether the site has been the subject of complaints with regard to dumping of materials that may cause contamination. Overview of the site does not indicate that this is the case. There is no evidence of dumping of any materials. Likewise, there is no physical evidence of contamination of the site.

No further assessment of potential land contaminating activities is considered warranted. It is considered that Council can be satisfied that there is a low risk the site may be contaminated but is suitable in its current state for the continued use as a dwelling site.

4.5 TUMUT LOCAL ENVIRONMENTAL PLAN 2010

Part 1 confirms that the subject site falls under the provisions of this plan and provides administrative information for the application of the TLEP.

4.5.1 Part 2 Permitted or Prohibited Development

The site, 43 Miles Franklin Drive, Talbingo, is zoned RU1 Primary Production.

The proposal for development is best defined as a **manufactured home**, which means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

- a) that comprises one or more major sections, and
- b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the *Road Transport Act 2013*,

and includes any associated structures that form part of the dwelling.

The development satisfies the definition of manufactured home as it includes a kitchen, bathroom, bedroom, living area and toilet and laundry facilities.

In consideration of the above, it is considered that the proposal responds to the objectives of the zone, satisfies the landuse definition of manufactured home and is permitted with consent.

Secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Secondary dwellings are a type of residential accommodation.

The development will comply with the definition of a secondary dwelling because the manufactured home will be the principal dwelling, making the existing smaller dwelling, a secondary dwelling. The dwellings will be established in conjunction with each other, they will be on the same lot of land and they are separate.

4.5.2 Part 3 Exempt and Complying Development

The proposal does not fall under the provisions of exempt or complying development as land use for a dwelling requires consent and the site is environmentally sensitive land - land reserved or dedicated under the *Crown Land Management Act 2016* for the preservation of flora, fauna, geological formations or for other environmental protection purposes.

4.5.3 Part 4 Principal Development Standards

4.5.3.1 Clause 4.2B Erection of dwelling houses or secondary dwellings on land in certain rural and residential zones.

The objectives of this clause are :

- to minimise unplanned rural residential development,
- to enable the replacement of lawfully erected dwelling houses or secondary dwellings in rural and residential zones.

The proposal is consistent with the objectives because the lot is an established rural residential development, with all services provided. The second objective is not applicable as there is no proposal to replace a dwelling.

The lot was created in 1972 therefore is a lot created before this Plan commenced and on which the erection of a dwelling house or secondary dwelling was permissible immediately before that commencement.

4.5.4 Part 5 Miscellaneous Provisions

4.5.4.1 Clause 5.5 Controls relating to secondary dwellings on land in a rural zone

There is no restriction on floor area of a secondary dwelling on land in a rural zone.

4.5.4.2 Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

As the dwelling is proposed on a site that was created for rural residential development, the use is expected to be compatible with surrounding development. We consider that council can be satisfied the proposed development will be consistent with and compatible with surrounding development. Surrounding development will be similar in nature and we can identify no incompatibility.

4.5.4.3 Part 6 Additional Local Provisions

4.5.4.4 Clause 6.1 Earthworks

Any earthworks will be for site preparation, ancillary to the proposed installation of a manufactured home and will not require separate consent.

Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

- a. the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- b. the effect of the development on the likely future use or redevelopment of the land,
- c. the quality of the fill or the soil to be excavated, or both,
- d. the effect of the development on the existing and likely amenity of adjoining properties,
- e. the source of any fill material and the destination of any excavated material,
- f. the likelihood of disturbing relics,
- g. the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- h. any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposed cut and fill on the site is detailed in the submitted engineer's plans. There is a line of cut close to the southern boundary, which creates a corner 20m from the eastern boundary. The retaining wall will be 200mm thick and have a maximum height of 2000mm in 1 step of 1482mm and 2 steps of 1500mm width.

The earthworks will be undertaken in accordance with the recommendations of both the site classification and engineering reports to minimise adverse impacts on soil stability.

The earthworks are ancillary to the proposed dwelling on the site, with rural residential living being the intended long term use of the site. The earthworks will not hinder the future use or development of the site.

The proposed fill will be sourced from the cut. The site has been classified 'P' due to the extensive excavation (more than 0.5m cut and 0.4m fill) that is required for the development. There is no requirement to import fill to the site.

An AHIMS search of the site revealed that there are no Aboriginal sites recorded in or near the site and no Aboriginal places have been declared in or near the site. Excavation should be undertaken carefully in order to identify any relics that may exist within the site and NPWS guidelines followed for the ceasing of work and reporting of any finds.

A soil classification report was commissioned prior to preparation of the development application. The report notes there are no significant water sources observed on the site and no groundwater was encountered during fieldwork.

There will be a balance of cut and fill. The design of the house responds to the slope of the land. A split-level design was employed to minimise earthworks. The following will be undertaken during construction:

- Prefabulous and contractors will use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains, onto nearby roads or neighbouring properties; and
- disturbed surfaces on the land resulting from the buildings and works will be revegetated within three (3) months of the completion of the development; and
- Orientate the house floor plan parallel with the contours of the land to decrease the amount of earthworks required;
- Earthworks are outside the drip line of any tree to be retained on the site and on adjoining properties;
- All earthworks are setback a suitable distance from the site boundaries to allow room for landscaping;
- Septic tanks and pipes are not located within fill areas, as the fill will settle and move;
- Batter slope gradients are not be greater than 1:3;
- A combination of retaining walls, rocks and landscaping will integrate the earthworks with the surrounding area; and
- No earthworks apart from those required to establish the septic system are proposed in close proximity or within the effluent disposal area.

4.5.4.5 *Clause 6.3 Terrestrial Biodiversity*

Lot 1 is not mapped as “Biodiversity” on the Terrestrial Biodiversity Map; however, Lot 2 has an area that is listed. There are no works proposed on Lot 2.

4.5.4.6 *Clause 6.5 Riparian lands and watercourses*

Lot 1 is not mapped as “Watercourse” on the Riparian Lands and Watercourses Map; however Lot 2 has an area that is listed. There are no works proposed on Lot 2.

4.5.4.7 *Clause 6.8 Landslide risk*

The site is identified as “Landslide risk land” on the Landslide Risk Map.

The objectives of this clause are to ensure that development on land susceptible to landslide—

- a) matches the underlying geotechnical conditions of the land, and
- b) is restricted on unsuitable land, and
- c) does not endanger life or property.

The proponent has selected a manufactured home that can be installed on piers to suit the topography of the site. There is cut and fill proposed, and the existing access and services will be utilised. We consider that that the proposed development is appropriately designed and sited and do not consider it would increase any landslide risk. Cut and fill has been designed by a structural engineer with reference to soil testing to ensure works are suitable for the subject site. Footings have been designed for the subject site and the site classification indicated the intended footings would be suitable.

A slope stability assessment was undertaken by a geotechnical engineer. The report concluded that the land is suitable for the proposed development.

4.5.4.8 Clause 6.11 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.

The site has a dwelling in place and is fully serviced therefore council can be satisfied that the clause has been complied with.

4.6 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPIs that would be relevant to this application.

4.7 SNOWY VALLEYS DEVELOPMENT CONTROL PLAN 2019

4.7.1 Part 1 Introduction and General Information

The proposal is consistent with the general principles outlined in this section. Particular items are addressed below. This application seeks the variation of cut and fill controls.

There will be a balance of cut and fill. The design of the house responds to the slope of the land. A split-level design was employed to minimise earthworks. The following will be undertaken during construction:

- Prefabulous and contractors will use appropriate site management practices to prevent the transfer of mud, dust, sand or slurry from the site into drains, onto nearby roads or neighbouring properties; and
- disturbed surfaces on the land resulting from the buildings and works will be revegetated within three (3) months of the completion of the development; and
- Orientate the house floor plan parallel with the contours of the land to decrease the amount of earthworks required;
- Earthworks are outside the drip line of any tree to be retained on the site and on adjoining properties;
- All earthworks are setback a suitable distance from the site boundaries to allow room for landscaping;
- Septic tanks and pipes are not located within fill areas, as the fill will settle and move;
- Batter slope gradients are not be greater than 1:3;
- A combination of retaining walls, rocks and landscaping will integrate the earthworks with the surrounding area; and
- No earthworks apart from those required to establish the septic system are proposed in close proximity or within the effluent disposal area.

For these reasons, we believe that council could support a variation to the controls in order to permit the development as proposed.

4.7.2 Part 3 Requirements Applying to all Types of Development

4.7.2.1 *Clause 3.2.1 Vehicle Access Standards*

The existing vehicle accesses will be retained and extended to the dwelling site, as indicated on plans.

4.7.2.2 *Clause 3.2.2 Bushfire*

The subject site is mapped as being bushfire prone. A bushfire assessment report was commissioned and the assessor concluded the dwelling had a BAL rating of BAL-19.

There is a large capacity dam situated on the property, within 300m of the proposed installation site. The size of the property would require a water supply of 20,000L.

The existing driveway is approximately 270m and will require extending by approximately 120m to the installation site. Access is through a 3m wide gate. Planning for Bushfire Protection (PBP) requires an unobstructed 2 wheel drive all weather road 4m wide with 4m clearance height, with passing bays 20m long and 6m wide every 200m. A vehicle turning head will be required to be constructed. An APZ of at least 50m north and west, 40m east and 10m south is required.

4.7.2.3 *Clause 3.2.3 Car Parking*

Parking for the proposed dwelling will be accommodated at the rear of the dwelling, where the driveway will be extended and finished with a turning head to satisfy PBP provisions. This will enable the parking of a minimum of 4 vehicles, which is sufficient for a dwelling. The existing double garage near the existing dwelling will be retained.

4.7.2.4 *Summary Clause 3.2.4 Construction Over Council Land and Services*

No works on council land are proposed as part of this application.

4.7.2.5 *Clause 3.2.5 Contaminated Land*

There is no evidence of contamination of the subject site. Given the historical use, it is considered unlikely that the site would be significantly contaminated.

4.7.2.6 *Clause 3.2.6 Cut and Fill*

A site plan has been submitted clearly illustrating all areas of cut and fill. Engineering plans are also included for further analysis. The design of the dwelling incorporates manufactured modules that are placed on footings, which is more responsive to the slope of the land than a slab on ground construction. The level change is taken up in the building design as much as possible.

DCP standards for cut and fill are for a maximum 1m, when measured at any corner of the building platform. The cut and fill is proposed as the site is very steep and the proponent wishes to create a flat building pad and yard. The choice of manufactured home allows for the modules to be installed over the slope to reduce the amount of cut required.

An element of flat land is important on a sloped allotment for parking, outdoor entertaining and as a play space. The level change is taken up within the building design, with a constructed sub floor containing utility rooms.

Engineering detail has been submitted as the cut and fill is on land with a gradient exceeding 15%. Detail of retaining walls is included in the submitted documents.

4.7.2.7 Clause 3.2.7 Demolition

No demolition is proposed as part of this application.

4.7.2.8 Clause 3.2.8 Development Near Electrical Easements

The development is not within or adjacent to an electrical easement.

4.7.2.9 Clause 3.2.9 Erosion and Sediment Control

Runoff from the new manufactured home will be directed to the water tank to be installed on the western side. Overflow should be directed to the existing gully, which traverses the site, is piped under Miles Franklin Drive and discharges to Jounama Creek.

The fill area at the front (south) of the dwelling will be battered in accordance with the engineer's specifications. Fibrous planting will be installed to stabilise the slope and soften the visual impact of the batter.

The retaining wall will be drained as outlined in the engineer's specifications and will not direct water to adjoining properties.

4.7.2.10 Clause 3.2.10 Flooding

The site is not mapped as being flood prone.

4.7.2.11 Clause 3.2.11 Heritage

The site is not identified as having Aboriginal or non-Aboriginal heritage significance.

4.7.2.12 Clause 3.2.12 Landscaping

Landscaping of the area surrounding the new manufactured home is proposed to cover exposed ground. Planting details are yet to be finalised.

No trees are proposed for removal.

4.7.2.13 Clause 3.2.13 On-site Wastewater management

As the site is not serviced by the Talbingo reticulated sewerage system therefore an on site sewage management system is required. A new septic system will be installed, in accordance with the ASCT report Effluent Disposal System Septic Design, submitted with this application. The new system will comply with all required buffers as outlined in the DCP.

4.7.2.14 Clause 3.2.14 Provision of Services**Sewerage**

The site is not connected to the council sewer system as outlined above. All works will be undertaken in accordance with AS3500.2.2003 Sanitary Plumbing & Drainage through the employment of licenced trades.

Water Supply

Water will be supplied from new water tanks to be installed in proximity to the new dwelling.

Electricity

New development will connect to the existing power supply.

Telecommunications

New development will connect to the existing telecommunications network.

4.7.2.15 Clause 3.2.15 Retaining Walls

Retaining walls are required for this development and have been designed by a qualified structural engineer. Drainage is designed into the base of the walls to ensure minimal impact on adjoining properties.

As illustrated on the plans, retaining walls will be constructed with reinforced concrete within permanent PVC formwork and with granular backfill. Subsoil drainage is to be installed at the rear base.

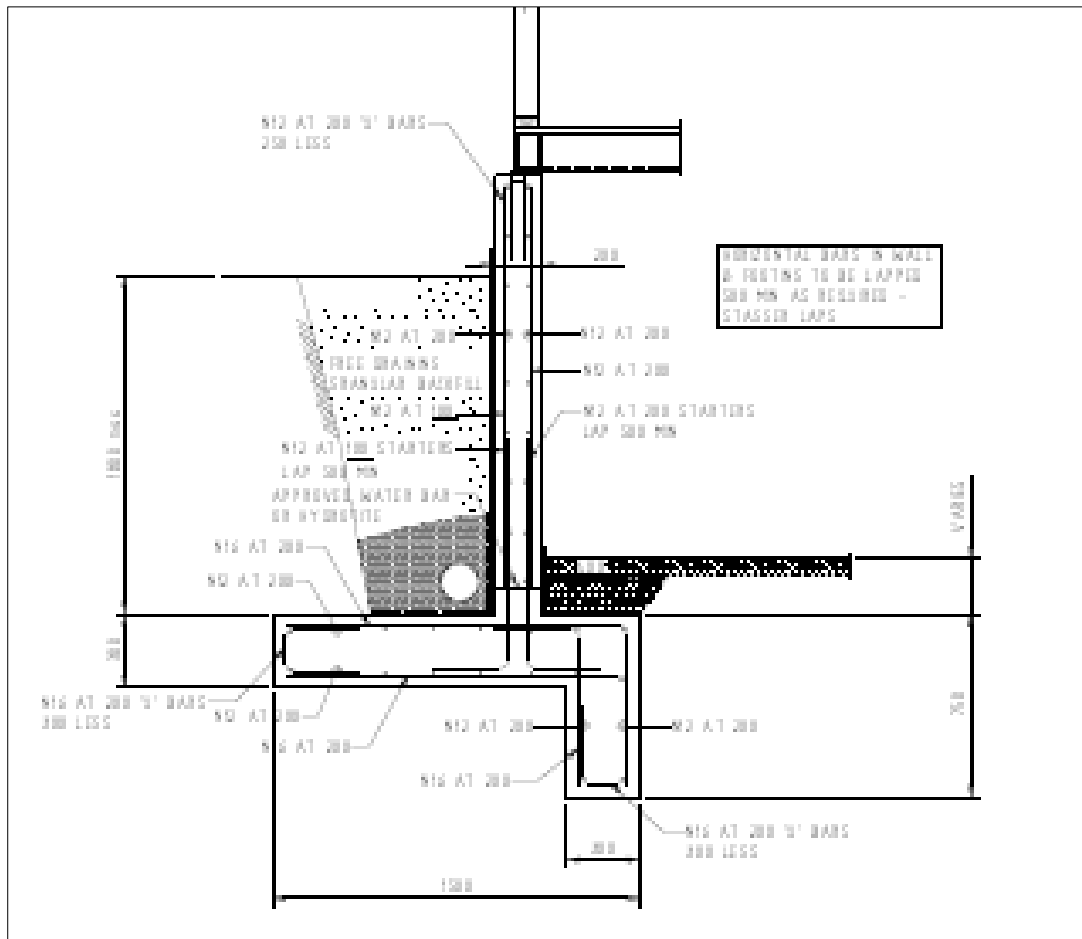


Figure 4 Extract from structural engineer plans showing retaining wall construction details

4.7.2.16 Clause 3.2.16 Safer by Design

The development is not of a scale that would require a crime risk assessment. The new home will have a view over the subject lot, providing passive surveillance. The new site layout will provide for territorial reinforcement through the driveways and pathways directing vehicular and pedestrian traffic through the site to the home.

4.7.2.17 Clause 3.2.17 Stormwater/Roof Water Management

Stormwater will drain to the proposed water tanks, with overflow directed through the site to the onsite dam.

4.7.3 Part 4 Residential Development

4.7.3.1 *BASIX*

Manufactured homes are not BASIX affected development.

4.7.4 Second hand and Relocatable Buildings

The proposed development is for a manufactured home that would potentially be relocatable. The structure is new and complies with all specifications set out in the Local Government Regulations. Materials and external appearance is high quality, as evidenced in the submitted plans.

4.7.5 Dwelling Houses in Large Lot Residential, Rural and Environmental Management Zones

The proposed development is not a dwelling house, as it is not a building, under the definitions within the regulations. The manufactured home complies with the requirements under the Local Government Regulation specifications.

4.7.5.1 *Access*

The existing internal access will be retained and extended to the installation site. It will be a minimum of 4m wide, all weather design to permit 2 wheel drive vehicles to utilise.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

5.1 TRANSPORT, ACCESS AND PARKING

The proposed development has legal and practical access to a public road and is not expected to have an adverse impact on traffic numbers in the vicinity. There is no formal structure for car parking proposed however the access road will lead to the new dwelling and a flat hardstand area will be provided for parking of occupants' vehicles. This is consistent with rural dwellings generally.

5.2 NOISE

The manufactured home is intended for use as a dwelling. It is not expected to increase noise in the vicinity. The 2 dwellings have approximately 150m separation.

5.3 WASTE

The proponent is responsible for the removal of waste from the existing dwelling and this arrangement will continue.

The appropriate disposal of material from the installation of the manufactured home is the responsibility of the contractor. Waste will be disposed of in accordance with council and environmental policy, both of which will be detailed in the conditions of consent.

5.4 FIRE SAFETY

The premises have been designed to comply with relevant fire safety standards.

5.5 SERVICES

The existing site is adequately serviced and all services will be extended to the dwelling site, with a new septic system for the dwelling.

5.6 SITE DESIGN AND INTERNAL DESIGN

The design retains the existing layout, with an extension to the internal driveway up to the proposed dwelling site. Front setbacks will be maintained as existing. The location of the 2 dwellings allows for privacy between the dwellings and retains the existing streetscape. The large size of the lot ensures there is adequate private open space available to the residents.

5.7 ODOUR

The new manufactured home is not expected to impact on odour in the area.

5.8 SOCIAL IMPACT

The proposed development would have a positive impact on social issues, creating a secondary dwelling that is available for rental housing. An online search indicates there are no houses for rent in Talbingo at the time of writing.

5.9 PHYSICAL AND CHEMICAL IMPACTS

The proposal is not likely to impact on soil quality or land stability. Although the site is identified as being at risk from landslip, the cut and fill has been designed to reduce and manage any risks and has been certified by a structural engineer.

The activity is not likely to affect any waterbody, watercourse, wetland or natural drainage system.

The demolition and installation phases may involve the emission of dust, noise or vibration in the proximity of the site however these will be short term and temporary and regulated under the conditions of consent. These impacts are not expected to occur following occupation.

5.10 BIOLOGICAL IMPACTS

The proposal does not require the clearing of vegetation. There is mature vegetation immediately close to the installation site.

5.11 ENVIRONMENTAL HAZARDS

The subject site is not identified as being flood prone. The site is identified as being bushfire prone.

Development is expected to satisfy the provisions of *Planning for Bush Fire Protection 2019* (PBP), as the relevant policy for building in bushfire prone areas. Under this guideline, the development would not be classed as “special fire protection purpose development”, and would be classified “residential infill development”.

Chapter 7 of PBP outlines the requirements for “residential infill development”. This states that in order to comply with PBP the development must:

- satisfy the aim and objectives of PBP outlined in Chapter 1;
- consider any issues listed for the specific purpose for the development set out in this chapter;
- and propose an appropriate combination of bushfire protection measures (BPMs).

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

Proposals for infill development are to:

- *provide a defensible space to enable unimpeded access for firefighting around the building;*
- *provide better bush fire outcomes on a redevelopment site than currently exists, commensurate with the scale of works proposed;*
- *design and construct buildings commensurate with the bush fire risk;*
- *provide access, services and landscaping to aid firefighting operations;*
- *not impose an increased bush fire management and maintenance responsibility on adjoining land owners;*
- *and increase the level of bush fire protection to existing dwellings based on the scale of the proposed work and level of bush fire risk.*

A bushfire assessment was commissioned and is attached to this application. The report concludes that, with the existing water supply and the establishment of APZs around the development, the BAL level could be BAL-19 and the development would be consistent with the PBP Guideline. The bushfire report recommended that all landscaping in the area that is identified as an APZ should be managed in accordance with Appendix 4 of the PBP 2019. We expect that this requirement would be a condition of any consent.

Given the above, we consider that the development will satisfy the aims and objectives of the PBP.

5.12 HERITAGE

The subject site is not identified as having heritage significance.

5.13 CUMULATIVE IMPACTS

The proposed development is for the installation of a manufactured home as a new principal dwelling on a semi -rural property, with retention of the existing dwelling as a secondary dwelling. It is considered that the cumulative impacts of similar development would not be detrimental to the rural area.

6 CONCLUSION

The proposal has been considered under the provisions of Section 4.15 of the EP&A Act and is considered acceptable and worthy of approval for the following reasons:

- ❖ The proposal is in keeping with surrounding development.
- ❖ The proposed development has been designed in accordance with the provisions of the TLEP 2012 and SVDCP.
- ❖ The proposal will have minimal detrimental impact on surrounding amenity.
- ❖ The proposal is in the public interest.

Having considered all the relevant considerations under Section 4.15 of the EP&A Act 1979, we conclude that the proposal represents a positive outcome that would result in no negative environmental impacts. The proposed development should therefore be recommended for approval.