

18TH December, 2024

STATEMENT OF ENVIRONMENTAL EFFECTS

URBAN RESIDENTIAL SUBDIVISION



LOT A DP156188 & LOT 13 SECTION 14 DP759004
123 FITZROY STREET, TUMUT

GRAY SURVEYORS
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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Gordon Webb, Director of Jaloha Pty Ltd (the client), to form part of a Development Application (DA) for an urban subdivision at 123 Fitzroy Street, Tumut. The site is currently utilised for residential purposes.

This SEE accompanies a DA for the proposed development and includes the matters referred to in Section 4.15 of the Environmental Planning & Assessment Act 1979 and the matters required to be considered by Council.



Figure 1: Development Site (<https://maps.six.nsw.gov.au>) ●

2. Development Site Locality & Description

The development site is located on the eastern side of the Fitzroy Street, approximately one kilometre south east to Tumut CBD. The site is adjoined by residential development. Upon the site is a single dwelling and associated ancillary structures.

As shown in Figure 1, the site is consistent in shape with the surrounding allotments and is approximately 3100 square metres in total. The site has frontage to Fitzroy Street and is bound by residential dwellings to the north, south, & west. A community recreation area is located to the east of the site.

The site has a gentle fall to the east (two metres fall from the NW corner to the NE corner) and is not categorised as being bushfire prone or flood prone land according to Snowy Valleys Council records.



Figure 2: 123 Fitzroy Street, Tumut – Lot A DP156188 & Lot 13 Section 14 DP759004

3. Proposed Development

Our client proposes a five-lot residential subdivision. The proposed use will be residential as per the current use and previous use of the site. As per the Plan of Proposed Subdivision, proposed lot 1 will contain the existing dwelling and ancillary structures. Proposed lots 2, 3, 4 & 5 will be vacant land. All lots are the minimum lot size, 600 square metres, or greater.

All services are in close proximity to the site and will require small extensions to serve all proposed lots.

As this proposal is infill development, proposed lots 2, 3, 4 & 5 will require access via a battle-axe handle. Each proposed lot will have frontage to Fitzroy Street to ensure electrical services can be provided as per Essential Energy current policies.

At present, any lot requiring electricity connection must have frontage to a public road as per the requirements of Essential Energy. To ensure electrical connection complies to the current requirements and due to the limited road frontage to the subject land available to the rear lots, the proposed layout has been carefully drafted so that each proposed lot has its own road frontage for the purpose of separate connections. Easements over private lands are no longer acceptable to new installation/connection of electrical infrastructure.

To be able to subdivide this land to its full potential, access will be gained via reciprocal right of way easement(s) over the proposed access corridor that shall provide access to each proposed lot. The access will meet the requirements of urban access standards, being two wheel drive all weather access driveway, having an overall width of 6 metres, with 7.8 metres of the proposed access from the kerb and guttering within Fitzroy Street to the frontage of the property.

The proposed easements as per the Plan of Proposed Subdivision shall protect the interests of access and services to each of the lots, similar to that of common property in a strata development, or that of a neighbourhood property lot within a community title development.

This proposal is to provide a Fee Simple ownership of titles that is not complicated by a body corporate or a neighbourhood scheme, both would likely warrant the proposal to produce less than desirable products to the sales market and subsequently reducing the return on this development.

4. Planning Provisions

TUMUT LOCAL ENVIRONMENTAL PLAN 2012

The subject site is zoned R2 Low Density Residential under the provisions of the Tumut Local Environmental Plan 2012 as illustrated in Figure 3 below.

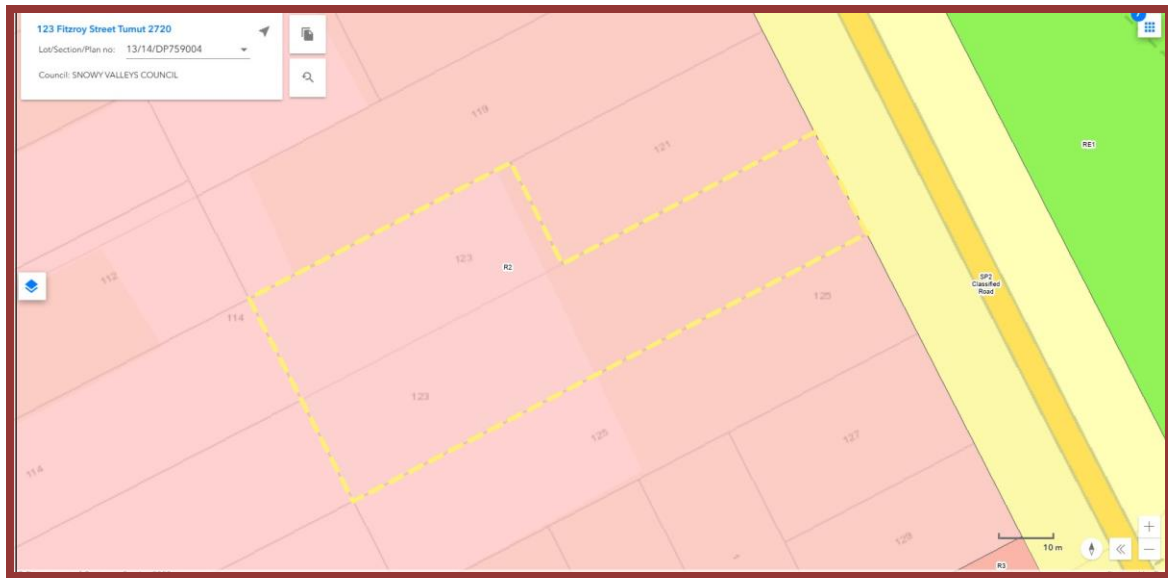


Figure 3: Zoning Map (<https://www.planningportal.nsw.gov.au/spatialviewer>)

Under the provisions of the Tumut LEP 2012, the proposed subdivision would fall under ‘any other development not specified in item 2 and 4’. We define the proposed development as ‘residential accommodation’ as per Tumut LEP 2012 dictionary as per extract below;

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers’ dwellings,
- (j) secondary dwellings,

(k) semi-detached dwellings,

(l) seniors housing,

(m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Residential subdivision is permitted in the R3 Medium Density Residential zone, with consent, under Tumut LEP 2012. An extract of the land use table for the R2 zone is provided below.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Centre-based child care facilities; Dwelling houses; Group homes; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Roads; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Camping grounds; Caravan parks; Commercial premises; Correctional centres; Eco-tourist facilities; Freight transport facilities; Heavy industrial storage establishments; Industries; Local distribution premises; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Rural industries; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle repair stations; Waste or resource management facilities

As shown previously in Figure 3, the vast majority of the surrounding area is also zoned R2 Low Density Residential. The objectives of the R2 Low Density Residential zone are outlined in the table below.

Table 1: Objectives of R3 Medium Density Residential

Zone Objectives	Comments
To provide for the housing needs of the community within a medium density residential environment.	This proposal creates further additional residential allotments by utilizing infill development.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	n/a

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

PART 2: Permitted or Prohibited Development			
	Clause	Comments	Applicable
2.4	Unzoned Land	Not applicable	n/a
2.5	Additional Particular uses for particular land	Not applicable	n/a
2.6	Subdivision – consent requirements	This proposal is permissible with development consent	yes
2.7	Demolition requires development consent	Not applicable	n/a
2.8	Temporary use of land	Not applicable	n/a
PART 3: Exempt and complying development			
	Clause	Comments	Applicable
3.1	Exempt development	Not applicable	n/a
3.2	Complying development	Not applicable	n/a
3.3	Environmentally sensitive areas excluded	Not applicable	n/a
PART 4: Principal development standards			
	Clause	Comments	Applicable
4.1	Minimum subdivision lot size	All proposed lots are above or equal to the minimum lot size of 600 square metres for R2 Low density residential land zoning	yes
4.1AA	Minimum subdivision lots size for community title schemes	Not applicable	n/a
4.2	Rural Subdivision	Not applicable	n/a
4.2A	Exceptions to minimum lot sizes for certain rural subdivision	Not applicable	n/a
4.2B	Erection of dwelling houses or secondary dwellings on land in certain rural and residential zones	Not applicable	n/a
4.2C	Boundary adjustments of land in certain zones	Not applicable	n/a
4.6	Exceptions to development standards	Not applicable	n/a
PART 5: Miscellaneous provisions			
	Clause	Comments	Applicable
5.1	Relevant acquisition authority	Not applicable	n/a
5.2	Classification and reclassification of public land	Not applicable	n/a
5.3	Development near zone boundaries	Not applicable	n/a
5.4	Controls relating to miscellaneous permissible uses	Not applicable	n/a

5.8	Conversion of fire alarms	Not applicable	n/a
5.10	Heritage conservation	Not applicable	n/a

PART 5: Miscellaneous provisions

	Clause	Comments	Applicable
5.11	Bushfire hazard reduction	Not applicable	n/a
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable	n/a
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Not applicable	n/a
5.18	Intensive livestock agriculture	Not applicable	n/a
5.19	Pond-based, tank-based and oyster aquaculture	Not applicable	n/a
5.20	Standards that cannot be used to refuse consent – playing and performing music	Not applicable	n/a
5.21	Flood planning	Not applicable	n/a

PART 6: Additional local provisions

	Clause	Comments	Applicable
6.1	Earthworks	Civil works will be required to provide necessary infrastructure to all proposed lots.	yes
6.3	Terrestrial biodiversity	Not applicable	n/a
6.4	Groundwater vulnerability	Not applicable	n/a
6.5	Riparian lands and watercourses	Not applicable	n/a
6.6	Wetlands	Not applicable	n/a
6.7	Salinity	Not applicable	n/a
6.8	Landslide risk	Not applicable	n/a
6.9	Airspace operations	Not applicable	n/a
6.10	Development in areas subject to aircraft noise	Not applicable	n/a
6.11	Essential Services	Supply of water & electricity, vehicle access, disposal of sewage and stormwater are available or will be made available to all proposed lots.	yes
6.12	Exceptions to minimum subdivisions lot sizes for certain land	Not applicable	n/a

5. Snowy Valleys Council Development Control Plan 2024

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

Table 3: Compliance with specific controls

	Clause	Comments	Applicable
3.2.1	Vehicle Access Standards	Existing vehicle access to proposed lot 1 will continue to be utilized. adjacent to proposed new boundary, will be continued to be utilised. Proposed lots2, 3, 4 & 5 will require access to be gained from Fitzroy Street via battle-axe handles with reciprocal right of access for each lot. No new internal roads are proposed. The existing and proposed access meets site distance requirements.	yes
3.2.3	Car Parking	Sufficient space is available to accommodate onsite car parking	yes
3.2.12	Landscaping	Proposed lot 1 will retain the existing vegetation covering the site. All other proposed lots will be vacant land. Landscaping will be required upon construction of a dwelling.	yes
3.2.13	On-site Wastewater Management	Each proposed lot will be connected to Council's reticulated sewerage system.	yes
3.2.14	Provision of Services	<p>Sewerage – onsite waste water system is in existence for Lot 13 Section 14 DP759004 which will continue to serve proposed lot 1. An extension of this infrastructure will be required to serve proposed lots 2, 3, 4 & 5.</p> <p>Water Supply- The existing water supply connected to proposed lot 1 will continue to be utilized. Additional water service connections will be required for proposed lots 2, 3, 4 & 5.</p> <p>Electricity – electrical infrastructure is connected to proposed lot 1. All other proposed lots will require an extension of the existing service or the preparation and registration of a Section 88B Instrument under the Conveyancing Act 1919 to provide any potential purchaser that the land is not connected to the grid and an alternative power source will be required.</p> <p>Telecommunications – telecommunication infrastructure is located in very close proximity to the site with connection already in existence to proposed lot 1.</p>	yes
3.2.16	Safer by Design	The proposed development does not present an increased crime risk to the community.	yes
3.2.17	Stormwater/roof Water Management	Stormwater, roof water & rainwater tank overflow will be directed to Council's road drainage system. See Table 5 for additional comments.	yes
4.5.2	Building Setbacks – General	No buildings are being proposed, however the proposed subdivision layout provides for acceptable	yes

		setbacks to be achieved.	
4.5.5	Fencing	Any fencing of any new boundary shall comply with the DCP, with fencing in front of the building line to be no higher than 1200mm, and all other fencing to be no more than 1800mm.	yes
4.5.10	Services	Each proposed lot shall connect to the relevant essential services and make provisions for future connections of gas and/or telecommunications.	yes
4.5.11	Stormwater Management	Refer to section 3.2.17 above.	yes
9.1	Subdivision Objectives	This proposal meets the objectives of the LEP and the DCP; in considering the environment, social and economic opportunities of the site, promotes a sustainable design to best utilise the land, and provides all the essential services to all lots.	yes
9.4.1	General Infill Residential Controls	This subdivision layout best utilises the land, taking in consideration of 'good neighbour' design approach and the built environment that surrounds the subject land, taking in consideration and benefit of surrounding public open spaces.	yes
9.4.2	Lot sizes and Frontage	<p>Proposed lot sizes comply with the relevant minimum lot size of 600 square metres. As the site is relatively flat, future earthworks will be minimal. In this instance, a battle axe handle configuration is required to achieve access to proposed lots 2, 3, 4 & 5.</p> <p>The proposed lot design creates individual lots with sufficient area to accommodate the siting and construction of a dwelling and ancillary buildings as required. As many modern dwellings incorporate a garage under the same roofline, ample space and ease of access is to each lot is provided within the proposal.</p> <p>As this is infill development, and access is required via a battle axe handle, all proposed lots have a minimum rectangular building area of 250 square metres with a minimum width of twelve metres.</p> <p>The dimensions of each of the proposed lots is adequate, with good solar access to each lot. Each lot has the provision to create a building area over 250m² (eg Lot 2 – 12x25m = 300m², but more likely will be proposed and built to best utilise the site.)</p> <p>All available/relevant services will be provided to each proposed lot. A reciprocal easement for access and services is proposed over the battle axe handle to ensure legal provisions for each proposed lot. The total access handle width will be six metres and have a sealed surface having a maximum width of 5m where required and less where not required.</p> <p>This type of development promotes the best efficient use of land that provides additional housing needs in close proximity to Tumut's CBD.</p>	yes



Figure 4: Location of Existing Sewer/Wastewater Lines (Tumut Shire Council 2008)

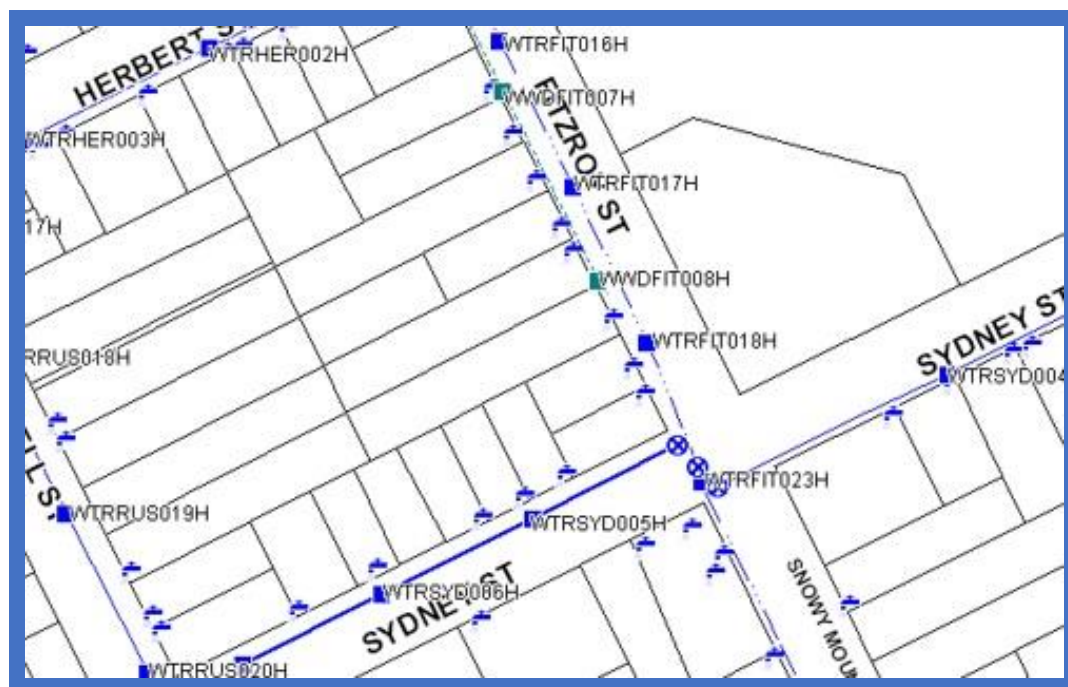


Figure 5: Location of water Lines (Tumut Shire Council 2008)

6. Other Relevant Section 4.15 Matters For Consideration

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

Table 4: Other relevant matters

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

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	n/a.
State Environmental Planning Policy (Planning Systems) 2021	n/a
State Environmental Planning Policy (Primary Production) 2021	n/a
State Environmental Planning Policy (Resilience & hazards) 2021	n/a
State Environmental Planning Policy (Resources & Energy) 2021	n/a
State Environmental Planning Policy (Transport & Infrastructure) 2021	n/a

7. Other Likely Impacts Of The Development

The other likely impacts of the development are considered below.

Table 5: Likely impacts of the development

Primary matter	Comments	Impact
CONTEXT AND SETTING	The development is consistent with the expectations for development in the area. It is not anticipated to have any adverse impact on the setting and surrounding properties.	acceptable
STREETSCAPE	The development will not detrimentally affect the existing streetscape.	acceptable
TRAFFIC, ACCES AND PARKING	Traffic will not be altered within this proposal. Access and off street parking will be available to all proposed lots and will not impact the availability in existence.	acceptable
PUBLIC DOMAIN	The development will have minimal impact on the public domain.	acceptable
UTILITIES	The proposed development will have minimal impact on the current utilities.	acceptable
HERITAGE	The proposal is not subject to any heritage provisions.	Not Applicable
OTHER LAND RESOURCES	The development will have no impact on other land resources.	Not Applicable
WATER QUALITY AND STORMWATER	The development is not anticipated to impact on water quality or increase storm water to unmanageable levels. May need each lot to install a small detention water tank at the time of future building applications to manage additional stormwater runoff caused by impervious areas changed due to additional development. May need to add a covenant upon the vacant land titles to ensure that this requirement is fulfilled.	Acceptable
SOILS, SOIL EROSION	The development will have no impact on soils or soil erosion.	Not Applicable
AIR AND MICROCLIMATE	The development is not anticipated to have any adverse impacts on air quality or microclimate.	Not Applicable
FLORA AND FAUNA	The development is not anticipated to have any adverse impacts on flora or fauna.	Not Applicable
WASTE	The development shall generate general construction waste which shall be periodically removed using a skip bins and/or a trailer during construction.	Acceptable
NOISE AND VIBRATION	Minimal vibration and noise will be generated during the civil works construction phase of the proposed development.	yes
NATURAL HAZARDS	The site is not subject to natural hazards.	Not Applicable
TECHNOLOGICAL HAZARDS	The development is unlikely to create any technological hazards.	Not Applicable
SAFETY, SECURITY AND CRIME	No adverse safety and security impacts are anticipated as a result	Not Applicable

PREVENTION	of the development.	
SOCIO-ECONOMIC IMPACT IN THE LOCALITY	Minimal, short term economic benefits are expected as a result of expenditure and employment of local contractors for any works required.	Acceptable
OVERLOOKING AND OVERSHADOWING	Not relevant for this proposal.	Not Applicable
LANDSCAPING	Established trees and native vegetation are located on the site.	Acceptable
CONSTRUCTION	Not relevant for this proposal.	Not Applicable
PRIVATE OPEN SPACE	All proposed lots have the ability for private open space.	Acceptable
CUMULATIVE IMPACTS	The cumulative impact of the development is considered low.	Acceptable
DISABLED ACCESS	Not relevant for this proposal.	Not Applicable
SIGNAGE	Not relevant for this proposal.	Not Applicable
SETBACKS AND BUILDING ENVELOPES	All buildings and likely sitings of any future proposed buildings shall comply with section 4.5 of the DCP, one residential dwelling per lot.	Acceptable

8. Conclusion

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

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

- The proposal is permissible under the provisions of the Tumut Local Environment Plan 2012 and meets the objectives of the applicable zone;
- The proposal is not in conflict with controls of the Snowy Valleys Development Control Plan 2024;
- The proposal will not have any significant adverse environmental impacts, natural or man-made.
- The proposal will not have any significant adverse impacts on the neighbourhood.

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