

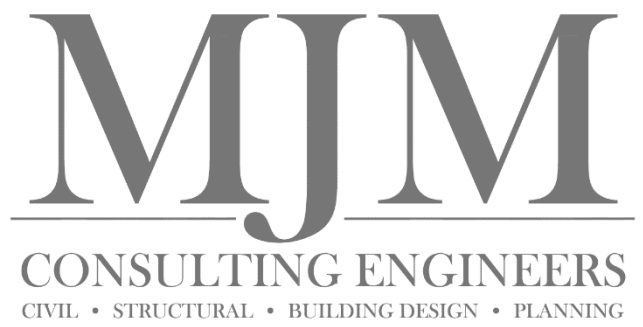
## Proposed subdivision

80 Boundary Street, Tumut NSW 2720

Lot 11 DP1246291

# Statement of Environmental Effects

Prepared for L. & R. Withers Superfund



**Project**

Proposed subdivision

80 Boundary Street, Tumut NSW 2720

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## CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>4</b>
1.1	OVERVIEW .....	4
1.2	SCOPE OF STATEMENT OF ENVIRONMENTAL EFFECTS .....	5
<b>2</b>	<b>SITE DESCRIPTION .....</b>	<b>5</b>
2.1	DEVELOPMENT SITE.....	5
2.2	NATURAL HAZARDS.....	6
2.2.1	BUSHFIRE.....	6
2.2.2	FLOODING.....	7
<b>3</b>	<b>PROPOSED DEVELOPMENT .....</b>	<b>7</b>
<b>4</b>	<b>STATUTORY PLANNING FRAMEWORK .....</b>	<b>7</b>
4.1	PERMISSIBILITY AND PLANNING APPROVAL PATHWAY .....	7
4.2	SECTION 1.7 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 .....	7
4.3	OTHER LEGISLATION AND POLICY .....	8
4.3.1	LOCAL ENVIRONMENTAL PLAN .....	8
4.3.2	STATE ENVIRONMENTAL PLANNING POLICY.....	13
4.3.3	DEVELOPMENT CONTROL PLANS.....	14
<b>5</b>	<b>IMPACT ASSESSMENT.....</b>	<b>16</b>
5.1	CONTEXT AND SETTING.....	16
5.2	HERITAGE.....	16
5.3	WATER.....	17
5.4	FLORA AND FAUNA .....	17
5.5	UTILITIES .....	17
5.6	AIR QUALITY .....	17
5.7	NOISE & VIBRATION.....	17
5.8	ACCESS, TRAFFIC AND TRANSPORT .....	18
5.9	WASTE .....	18
5.10	HAZARDS.....	18
5.11	SOCIAL AND ECONOMIC IMPACTS .....	19
<b>6</b>	<b>SITE SUITABILITY.....</b>	<b>19</b>
<b>7</b>	<b>THE PUBLIC INTEREST .....</b>	<b>19</b>
<b>8</b>	<b>CONCLUSION .....</b>	<b>19</b>
<b>9</b>	<b>LIST OF APPENDICES.....</b>	<b>20</b>
	APPENDIX 1. AHIMS RESULTS EXTRACT .....	

## TABLES

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TABLE 1 PROPOSED LOTS.....	7
TABLE 2 SECTION 7.2 (1) OF THE BC ACT.....	8
TABLE 3 LEP CLAUSES RELEVANT TO THE DEVELOPMENT.....	8
TABLE 4 CONSISTENCY OF THE DEVELOPMENT WITH R5 ZONE OBJECTIVES .....	9
TABLE 5 CONSISTENCY OF THE DEVELOPMENT WITH RU1 ZONE OBJECTIVES .....	9
TABLE 6 SNOWY VALLEYS COUNCIL DCP 2024 CONTROLS RELEVANT TO THE PROPOSAL .....	14

## FIGURES

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FIGURE 1 AERIAL IMAGE OF THE DEVELOPMENT LOCALITY (SOURCE: NSW PLANNING PORTAL SPATIAL VIEWER).....	4
FIGURE 2 AERIAL IMAGE OF THE DEVELOPMENT SITE (SOURCE: NSW PLANNING PORTAL SPATIAL VIEWER) .....	4
FIGURE 3 ZONING MAP OF SITE (SOURCE: NSW PLANNING PORTAL SPATIAL VIEWER) .....	5
FIGURE 4 SITE CONTOURS (SOURCE: SIXMAPS) .....	6
FIGURE 5 BUSHFIRE PRONE LAND MAP OF SITE (SOURCE: NSW PLANNING PORTAL SPATIAL VIEWER) .....	6
FIGURE 6 GROUNDWATER VULNERABILITY MAP OF SITE (SOURCE: NSW PLANNING PORTAL SPATIAL VIEWER).....	12
FIGURE 7 LANDSLIDE RISK MAP OF SITE (SOURCE: NSW PLANNING PORTAL SPATIAL VIEWER) .....	13

## 1 INTRODUCTION

### 1.1 OVERVIEW

This Statement of Environmental Effects (SEE) has been prepared on behalf of L & R Withers Superfund (the client) to form part of a Development Application seeking consent for a six (6) lot subdivision of 80 Boundary Street, Tumut (the site). The subject site is vacant and contains scattered trees and groundcover vegetation. The site is located on the western outskirts of the Tumut township – refer **Figure 1** and **Figure 2**.



Figure 1 Aerial image of the development locality (Source: NSW Planning Portal Spatial Viewer)



Figure 2 Aerial image of the development site (Source: NSW Planning Portal Spatial Viewer)



## 1.2 SCOPE OF STATEMENT OF ENVIRONMENTAL EFFECTS

This Statement of Environmental Effects includes the matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) and the matters required to be considered by Council.

The purpose of this SEE is to:

- Describe the land to which the DA relates and the character of the surrounding area;
- Describe the proposed development;
- Define the statutory planning framework within which the DA is to be assessed and determined; and
- Assess the proposal against the relevant heads of consideration as defined by Section 4.15 of the *Environmental Planning & Assessment Act 1979*.

## 2 SITE DESCRIPTION

### 2.1 DEVELOPMENT SITE

The site is known as 80 Boundary Street, Tumut and is legally described as Lot 11 DP1246291. It is irregular in shape with primary frontage of approximately 400m to Boundary Street to the east and secondary frontage of approximately 20m to Rifle Range Road to the west. It is vacant and contains scattered trees and groundcover vegetation and is zoned a combination of R5 Large Lot Residential, RU1 Primary Production and E4 General Industrial – refer **Figure 3**.

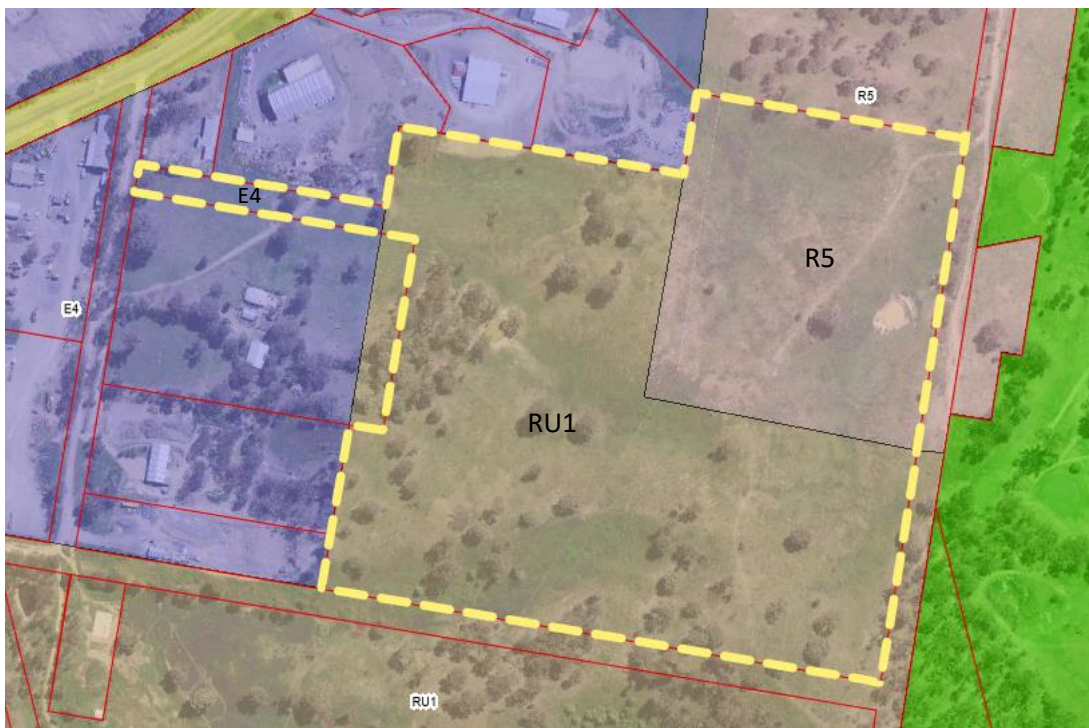


Figure 3 Zoning map of site (Source: NSW Planning Portal Spatial Viewer)

The site adjoins a combination of R5 Large Lot Residential and E4 General Industrial zoned allotments along the northern boundary, and exclusively E4 General Industrial zoned lots along the western boundary. The southern boundary adjoins RU1 Primary Production zoned land while the eastern boundary adjoins Boundary Street, with a combination of R5 Large Lot Residential and RE1 Public Recreation zoned land located further east of the site with the RE1 land containing the Tumut Golf Club. Properties adjoining the northern and western boundaries are developed for uses permitted within the applicable zones.

The site is encumbered by both overhead and underground electrical infrastructure and associated easements

for electricity transmission lines as identified in the accompanying plans.

The site slopes to the north and northwest – refer **Figure 4**.

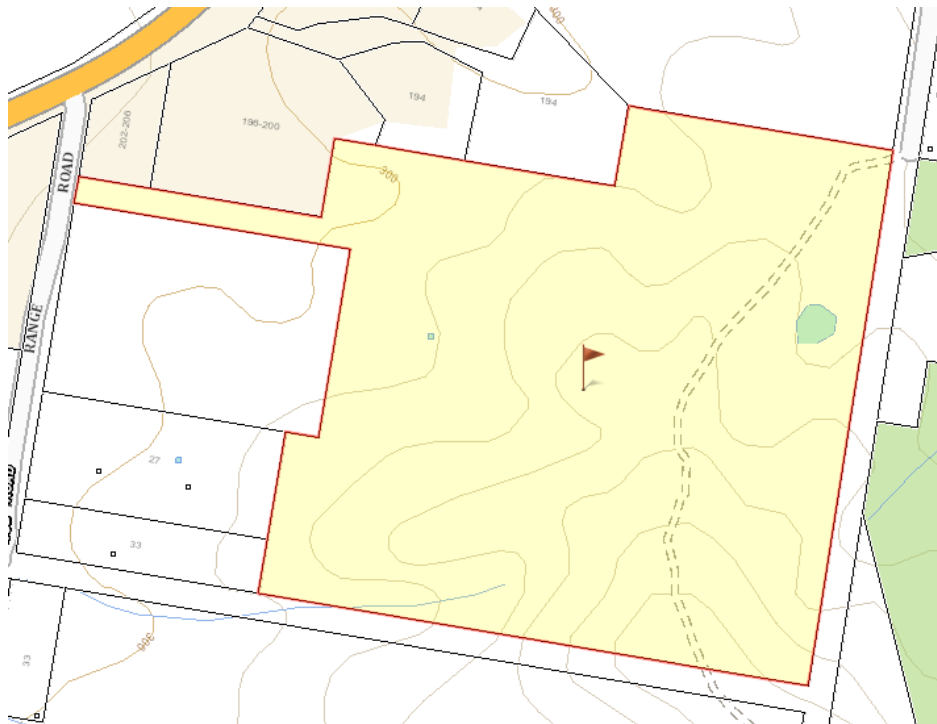


Figure 4 Site contours (Source: SixMaps)

## 2.2 NATURAL HAZARDS

### 2.2.1 BUSHFIRE

Part of the site is identified as bushfire prone land, specifically *Category 1 Vegetation* and *Vegetation Buffer* – refer **Figure 5**. The bushfire hazard of the site in relation to the proposal is considered in detail in **Section 5.10** of this report.



Figure 5 Bushfire Prone Land map of site (Source: NSW Planning Portal Spatial Viewer)

### 2.2.2 FLOODING

The site is not identified as flood prone land according to available public records.

## 3 PROPOSED DEVELOPMENT

The development proposes subdivision of the site into six (6) allotments as identified in **Table 1**.

*Table 1 Proposed lots*

LOT NUMBER	ZONING	APPROXIMATE AREA	ACCESS
1	R5 Large Lot Residential	1.1Ha	Boundary Street
2	R5 Large Lot Residential	1.1Ha	Boundary Street
3	R5 Large Lot Residential	1.1Ha	Boundary Street
4	R5 Large Lot Residential and RU1 Primary Production	2.5Ha	Boundary Street
5	RU1 Primary Production	3.9Ha	Boundary Street
6	RU1 Primary Production and E4 General Industrial	5.4Ha	Rifle Range Road

Lots 1, 2 and 3 will be zoned R5 Large Lot Residential in their entirety and will therefore each be created with a dwelling entitlement. Lot 4 will be zoned a combination of R5 Large Lot Residential and RU1 Primary Production with the R5 zoned portion having an area of approximately 1.1Ha, more than the minimum lot size specified for the zone and will therefore have a dwelling entitlement. Lot 5 will be zoned a combination of RU1 Primary Production and E4 General Industrial and will be capable of supporting activities permitted within the applicable zones however due to its size it will not have a dwelling entitlement. Lot 6 will be zoned RU1 Primary Production in its entirety and will be capable of supporting activities permitted within the zone however due to its size will not have a dwelling entitlement.

Works will be undertaken within the existing 20m wide Boundary Street road reserve to provide access to the lots having frontage to this road, including sealing of a 6m wide carriage way and 0.5m shoulder either side of this. Proposed Lot 6 will be accessed from the Rifle Range Road frontage, a sealed public road.

All lots will be serviced by essential infrastructure and utilities including electricity, potable water supply and sewer mains connections as shown in the accompanying plans. All lots will have access to NBN Fixed Wireless telecommunications and stormwater will be managed within the boundaries of each allotment as drainage infrastructure is not located within the vicinity of the site. The lots will not be serviced by reticulated gas.

## 4 STATUTORY PLANNING FRAMEWORK

### 4.1 PERMISSIBILITY AND PLANNING APPROVAL PATHWAY

The Tumut Local Environmental Plan 2012 (LEP) applies to the site. Clause 2.6 of the LEP states that land to which the LEP applies may be subdivided with development consent. The accompanying DA seeks consent for the subdivision.

### 4.2 SECTION 1.7 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 1.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states that the EP&A Act has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC



Act relates to biodiversity assessment and approvals under the EP&A Act. Section 7.2(1) of the BC Act notes three triggers for development or activities to be considered as “likely to significantly affect threatened species”. Section 7.7(2) of the BC Act states that if a development is likely to significantly affect threatened species, the application for development consent is required to be accompanied by a biodiversity development assessment report (BDAR).

The proposed development is considered against the three triggers of Section 7.2(1) of the BC Act in **Table 2**.

Table 2 Section 7.2 (1) of the BC Act

DEVELOPMENT THAT IS LIKELY TO SIGNIFICANTLY AFFECT THREATENED SPECIES:	COMMENTS
<i>(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or</i>	The site is not identified as having any biodiversity sensitivities and tree removal is not proposed to facilitate the subdivision. The development is therefore considered unlikely to significantly affect threatened species or ecological communities, or their habitats.
<i>(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or</i>	The development does not propose removal of trees and as such the development will not exceed the biodiversity offsets scheme threshold.
<i>(c) it is carried out in a declared area of outstanding biodiversity value.</i>	The site is not mapped as containing high biodiversity value.

Given the considerations in **Table 2**, a BDAR is not required to accompany the proposal.

### 4.3 OTHER LEGISLATION AND POLICY

The EP&A Act facilitates the application of subordinate legislation and policy including Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP)), Local Environmental Plans (LEP), and Development Control Plans (DCP).

In relation to the proposed development, the relevant legislation and policy includes:

- Tumut Local Environmental Plan 2012 (LEP);
- State Environmental Planning Policy (Resilience and Hazards) 2021 (the Hazards SEPP); and
- Snowy Valleys Council Development Control Plan 2024 (DCP).

The requirements of these are discussed in the following sections of this report.

#### 4.3.1 LOCAL ENVIRONMENTAL PLAN

The Tumut Local Environmental Plan 2012 (LEP) is the relevant Local Environmental Plan applying to the land. The relevant LEP clauses applicable to the development are considered in **Table 3**.

Table 3 LEP clauses relevant to the development

PART 2: PERMITTED OR PROHIBITED DEVELOPMENT		
	CLAUSE	COMMENTS
2.3	<i>Zone objectives and Land Use Table</i>	The site is zoned a combination of R5 Large Lot Residential, RU1 Primary Production and E4 General Industrial. Subdivision is permitted, with consent, of any land to which this LEP applies - refer clause 2.6 of the LEP. The

	<p>proposed subdivision of the site will facilitate further development of the R5 zoned portion of the property for residential accommodation land uses permitted within the zone, while the RU1 lots will facilitate further development permitted within the RU1 zone, noting that due to their size they will not have dwelling entitlements.</p> <p>The development is consistent with the objectives of both the R5 and RU1 zone as identified in <b>Table 4</b> and <b>Table 5</b>. The objectives of the E4 zone have not been considered as the portion of the site zoned E4 is only of a size to facilitate access to proposed Lot 6 and therefore its size constrains development within this portion for uses permitted in the zone.</p>
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Table 4 Consistency of the development with R5 zone objectives

ZONE OBJECTIVES	COMMENTS
<i>To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</i>	The proposal is consistent with this objective as it will create four lots suitable for future residential development without detrimental impacts on environmentally sensitive locations and scenic quality.
<i>To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</i>	The proposal is consistent with this objective as it will facilitate creation of four lots within the R5 zone with frontage to an existing public road reserve which is completely proper and orderly for the location and planning policy constraints of the site.
<i>To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</i>	The proposal is consistent with this objective as it will result in the creation of only four additional lots within the R5 zone and therefore will not unreasonably increase the demand for public services or public facilities within the LGA.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	The proposal is consistent with this objective as although the adjoining land is zoned a combination of R5 Large Lot Residential, E4 General Industrial and RU1 Primary Production, the proposed lots will be over 1Ha in size which will allow adequate setbacks to be established within the boundaries of the lots to provide reasonable separation to avoid conflicts with existing and future industrial and primary production undertakings on neighbouring properties.

Table 5 Consistency of the development with RU1 zone objectives


ZONE OBJECTIVES	COMMENTS
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	This objective is not relevant to the proposal.
<i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	The proposal is consistent with this objective as it will result in the creation of two lots capable of supporting a number of compatible primary industry uses thereby providing opportunities for diversity within primary industry enterprises and systems.

<i>To minimise the fragmentation and alienation of resource lands.</i>		The proposal is consistent with this objective as it will not result in the fragmentation or alienation of resource lands.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones</i>		The proposal is consistent with this objective as the proposed RU1 lots will not be of a size to support intensive agricultural uses and therefore are unlikely to result in conflicts between this and adjoining zones.
<i>To protect, enhance and conserve the natural environment, including native vegetation, wetlands and wildlife habitat.</i>		The proposal is consistent with this objective as it will not result in detrimental impacts on native vegetation or wildlife habitats as clearing of trees has been avoided in the design. The site is not located near a wetland.
<i>To ensure development prevents or mitigates land degradation.</i>		The proposal is consistent with this objective as it has been designed to prevent land degradation by minimising construction works to those only necessary for servicing of the lots.
<i>To protect significant scenic landscapes.</i>		The proposal is consistent with this objective as it will not result in detrimental impacts on scenic landscapes.

CLAUSE		COMMENTS
2.6	<i>Subdivision – consent requirements</i>	Land to which this plan applies may be subdivided with development consent. This application seeks consent for the proposed subdivision.
4.1	<i>Minimum subdivision lot size</i>	<p>The site is zoned a combination of R5 Large Lot Residential, RU1 Primary Production and E4 General Industrial with each of these zones having a separate minimum lot size (MLS).</p> <p>The R5 zoned portion of the site has a MLS of 1Ha. Lots 1, 2 and 3 which will be zoned exclusively R5 have a minimum area of 1Ha as shown in the accompanying plans. The R5 zoned portion of Lot 4 has an area of approximately 1.1Ha which also meets the MLS requirements for the R5 zone.</p> <p>The RU1 zoned portion of the site has a MLS of 150Ha. The RU1 zoned portion of Lot 4, Lot 5 and Lot 6 have areas well below the specified minimum lot size however are further considered under <i>Clause 4.2 Rural Subdivision</i> further on in this report.</p> <p>The E4 zoned portion of the site has a MLS of 750m<sup>2</sup>. Lot 6 will have an area of approximately 5.4Ha with the E4 portion forming approximately 3,600m<sup>2</sup> which is well above the MLS specified for the E4 zone.</p>
4.2	<i>Rural subdivision</i>	<p>This clause relates to lots created within the RU1 zoned portion of the site. Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size so long as it will not contain an existing dwelling, and a dwelling cannot be erected on the lot in future.</p> <p>Lot 4 will be zoned a combination of R5 and RU1 and is proposed to be created under Clause 4.1 above as the R5 portion of the lot will meet the MLS requirements for that zone.</p> <p>Lots 5 and 6 are proposed to be created using this clause as they will have a size less than the MLS for the RU1 zone of 150Ha, being approximately 3.9Ha and 5.4Ha respectively. These lots will not contain an existing dwelling and it</p>

		is noted that a dwelling cannot be constructed on either of these lots in future.
5.16	<i>Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</i>	<p>This clause applies to the site due to its R5 Large Lot Residential and RU1 Primary Production zoning. In the case of this proposal, the objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural and residential zones concerned.</p> <p>The land within the vicinity of the site is utilised for a combination of large lot residential development and general industrial undertakings. Surrounding land is reasonably developed and as such significant intensification of existing uses which would cause conflict with the proposal is unlikely. Adjoining R5 land is developed for residential purposes and conflicts are not evident between this and existing adjoining E4 uses therefore conflicts between the proposed R5 lots and existing E4 land is unlikely.</p> <p>The RU1 lots proposed by this application will adjoin R5 lots, also proposed by this application, and existing E4 lots. Uses permitted within the RU1 zone are unlikely to conflict with uses currently being undertaken within the adjoining E4 zone as rural and industrial uses are relatively consistent.</p> <p>Conflicts between R5 lots and RU1 lots created by this proposal are unlikely. Physical constraints, including land and soil capability, limit intensive use of the RU1 lots and as such agricultural development of these which may cause conflict with the proposed R5 lots is unlikely. Further to this, any such uses will require development consent at which time Council can consider conflicts should they be apparent.</p> <p>In summary, the development is not considered to be incompatible with the predominant land uses within the vicinity, nor are existing surrounding uses considered to be incompatible with the proposal.</p>
6.1	<i>Earthworks</i>	<p>Earthworks will be undertaken as part of the proposal for infrastructure and utility construction, and as such consent is sought via this application.</p> <p>The earthworks are unlikely to disrupt or have any detrimental effect on existing drainage patterns and soil stability in the locality, nor will they detrimentally affect the likely future use or redevelopment of the land.</p> <p>Fill is not anticipated to be required however should it be needed, it will be utilised from excavation areas on the site, or procured from an appropriate source to ensure it is free from contamination or waste material. Material excavated on the site is not anticipated to be of poor quality however if poor quality material is encountered during works, this will be contained and removed from the site to an appropriately licensed waste facility as required by applicable legislation, standards and policies.</p> <p>The earthworks will not affect existing and likely amenity of adjoining properties as works will only be carried out during approved construction hours.</p> <p>Relics are unlikely to be disturbed by the works however should items be encountered, works will cease and the appropriate notification and reporting will be undertaken.</p>

		<p>The earthworks will not be undertaken within proximity to any watercourse, drinking water catchment or environmentally sensitive area and as such adverse impacts are unlikely.</p> <p>Appropriate soil and erosion control measures will be established prior to works being undertaken on the site and will be inspected and maintained during works to ensure potential detrimental impacts of the development are minimised.</p>
6.4	Groundwater vulnerability	<p>The entire site is identified as "Groundwater Vulnerability" on the 'Groundwater Vulnerability' map – refer <b>Figure 6</b>.</p>
 <p><i>Figure 6 Groundwater vulnerability map of site (Source: NSW Planning Portal Spatial Viewer)</i></p>		
		<p>Groundwater contamination is unlikely as sewer disposal is proposed to Council's reticulated sewer system. The R5 lots will be serviced by Council kerbside domestic waste collection once further developed for residential dwelling purposes in future.</p> <p>Adverse impacts on groundwater dependent ecosystems and cumulative impacts on groundwater are not anticipated. There are no known groundwater extraction points for either a potable water supply or stock water supply which would be affected by the proposal.</p>
6.8	Landslide risk	<p>The RU1 portion of the site is identified as 'Landslide risk land' on the Landslide Risk Map – refer <b>Figure 7</b>.</p>



		 <p><i>Figure 7 Landslide Risk Map of site (Source: NSW Planning Portal Spatial Viewer)</i></p>
		<p>Minimal works will be undertaken within the vicinity of the area of the site mapped as landslide risk and will be limited to essential infrastructure and utility provision. The lots capable of dwelling development in future are not within a portion of the site mapped in <b>Figure 7</b> and the development is therefore considered to be compatible with the landslide risk of the site.</p>
6.11	<i>Essential services</i>	<p>All services that are essential for the subdivision are available within the vicinity of the site and able to be provided as part of the development including reticulated water and electricity. Works will be undertaken as part of the development to extend and connect to nearby sewage infrastructure. Due to the size of the lots drainage will be managed on each new lot as part of future development. All lots will have suitable vehicular access from a public road.</p>

#### 4.3.2 STATE ENVIRONMENTAL PLANNING POLICY

##### 4.3.2.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

###### Chapter 4 Remediation of land

Council must not consent to the carrying out of any development on land unless it has considered, amongst other things, whether the land is contaminated. If the land is contaminated, it must be satisfied that the land is suitable in its contaminated state or will be made suitable after remediation.

The site is not within an investigation area however has been utilised for activities identified in Table 1 of the contaminated land planning guidelines, being agricultural / horticultural activities. These activities have however been limited to small scale grazing of livestock (llamas) for groundcover vegetation management.

The REROCC Contaminated Land Management Policy requires a preliminary investigation to be submitted with a Development Application. Given the limited agricultural use of the site a desktop assessment is considered to be appropriate in this instance. It is considered that contamination resulting from the small scale grazing of llamas is unlikely. Further investigation is considered unnecessary and the site is considered to be suitable for the proposed development.

### 4.3.3 DEVELOPMENT CONTROL PLANS

#### 4.3.3.1 SNOWY VALLEYS COUNCIL DEVELOPMENT CONTROL PLAN 2024

The Snowy Valleys Council Development Control Plan 2024 (DCP) applies to the site. Relevant matters identified within the DCP have been considered in **Table 6**.

Table 6 Snowy Valleys Council DCP 2024 controls relevant to the proposal

3.0 REQUIREMENTS APPLYING TO ALL TYPES OF DEVELOPMENT				
3.2 DEVELOPMENT CONTROLS				
CONTROLS	CONSISTENT	INCONSISTENT	N/A	COMMENTS
<i>3.2.1 Vehicle Access Standards</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All lots have frontage to a public road and are able to be developed with safe access including adequate sight distance in each direction.
<i>3.2.2 Bushfire</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is mapped as bushfire prone land and as such the development must comply with the relevant NSW Rural Fire Service (RFS) Planning for Bushfire Protection Guidelines and AS3959. The bushfire hazard of the site in relation to the development is considered in <b>Section 5.10</b> of this report.
<i>3.2.3 Car Parking</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The lots are of sufficient size to support off-street parking requirements of future development.
<i>3.2.4 Construction Over Council Land and Services</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is noted that approval must be obtained from Council, prior to the commencement of any construction, works, activities on public land, including roads, easements, stormwater connections, water mains and connections, sewerage mains and connections, Council car parks, footpaths, driveways or nature strips.
<i>3.2.5 Contaminated Land</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council's policy has been considered previously in <b>Section 4.3.2.1</b> of this report.
<i>3.2.6 Cut and Fill</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cut and fill is not proposed above what will be required to facilitate infrastructure and utility provision.
<i>3.2.7 Demolition</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Demolition works do not form part of the proposal.
<i>3.2.8 Development Near Electrical Easements</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is noted that all activities within and immediately adjacent to electricity easements and infrastructure require approval from the relevant utility providers. It is understood that the application will be referred to the applicable utility provider for consideration and comment with development consent conditions imposed if appropriate.
<i>3.2.9 Erosion and Sediment Control</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate erosion and sediment controls will be implemented prior to construction and maintained throughout works to ensure continued performance in accordance with all applicable policies, legislation and standards including 'The Blue Book' as applicable.
<i>3.2.10 Flooding</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not identified as flood prone land according to publicly available information.
<i>3.2.11 Heritage</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable.
<i>3.2.12 Landscaping</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscaping is not included in the proposal nor is it

				required.
<i>3.2.13 On-site Wastewater Management</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All lots will be provided with a connection to Council's reticulated sewer network.
<i>3.2.14 Provision of Services</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>3.2.14.1 Sewerage All lots will be provided with a connection to Council's reticulated sewer network.</p> <p>3.2.14.2 Water supply All lots will be provided with a connection to Council's reticulated water supply network however depending on the location of future dwellings on these lots, a static water supply may be required for each R5 lot as part of future dwelling development. This will be assessed in a Bushfire Assessment Report at the time of application of dwellings on each new lot in future.</p> <p>3.2.14.3 Electricity All lots will be provided with a connection to electrical infrastructure.</p> <p>3.2.14.4 Telecommunications The lots will have access to the NBN Fixed Wireless Network.</p>
<i>3.2.15 Retaining Walls</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Retaining walls are not proposed.
<i>3.2.16 Safer By Design</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is not a type which would either increase the likelihood of crime in the area or reduce safety and therefore no further assessment in this regard is considered to be required.
<i>3.2.17 Stormwater/ roof water management</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed lots will be of sufficient size for stormwater to be managed within the boundaries of each. Post-development flows will remain equal to or less than pre-development flows from the site.
<b>9.0 SUBDIVISION</b>				
<b>9.7 LARGE LOT RESIDENTIAL SUBDIVISIONS</b>				
CONTROLS	CONSISTENT	INCONSISTENT	N/A	COMMENTS
<i>9.7.1 General Considerations</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The lots to be created within the R5 zone will be serviced by reticulated water and connected to Council's sewer system as detailed in previous sections of this report and in accompanying development plans.</p> <p>Boundary Street will be upgraded to ensure suitable vehicle access is available to all lots with frontage to this road, with the roadway complying with RFS requirements for roadways within bushfire prone areas.</p> <p>Electricity infrastructure is located within the vicinity of the site and will be augmented as necessary to connect to the lots. Telecommunications services are able to be provided via the NBN Fixed Wireless network.</p> <p>Compatibility with existing and potential nearby land uses has been considered in previous sections of this</p>

				report and conflicts are considered unlikely.
<i>9.7.2 Battle-axe Blocks</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No Battle-axe lots are proposed within the R5 zone.
<i>9.7.3 Lot Design</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Each proposed lot within the R5 zone has a minimum frontage of 40m. No corner lots are proposed.
<i>9.7.4 Services</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater will be managed within the lots and electricity infrastructure is located within the vicinity of the site and will service each new R5 lot. The site is located within the NBN Fixed Wireless service area and each lot can be serviced with this infrastructure. The lots are of sufficient size for drainage to be managed and disposed of within each lot. Information obtained from Council indicates that drainage infrastructure is not located within the vicinity of the site. Reticulated potable water and sewer will be connected to each lot as detailed in previous sections of this report. Easements to benefit Snowy Valleys Council will be provided over all water and/or sewer services located within private land.
<i>9.7.5 Site Area Requirements</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As detailed in <b>Section 4.3.1</b> , all R5 lots meet the minimum lot size requirements of the LEP. Due to the relatively small area of R5 zoning, a range and mix of lot sizes is not able to be provided.

## 5 IMPACT ASSESSMENT

### 5.1 CONTEXT AND SETTING

The site is located within the western extent of the Tumut township. The site adjoins both R5 Large Lot Residential and E4 General Industrial zoned allotments along the northern boundary, and E4 lots along the western boundary. The southern boundary adjoins RU1 Primary Production zoned land while the eastern boundary adjoins Boundary Street, with a combination of R5 Large Lot Residential and RE1 Public Recreation zoned land located further east of the site, with the RE1 land containing the Tumut Golf Club. Properties adjoining the northern and western boundaries are developed for uses permitted within the applicable zoning.

The proposal is considered compatible with the context and setting as it proposes the creation of R5 Large Lot Residential zoned lots of similar size to those within the vicinity. The proposed RU1 Primary Production zoned lots are considered to be compatible with the context and setting as physical constraints will limit intensive use and therefore future development of these lots is unlikely to be incompatible with the area.

### 5.2 HERITAGE

The site is not mapped as containing or adjoining a heritage item under the LEP nor is it located within a heritage conservation area. The nearest heritage item is located over 800m east of the site at 200 Wynyard Street, within the built-up Tumut township and therefore the development will have no adverse impact on this or other heritage items.

A Due Diligence assessment was undertaken in accordance with the Due Diligence Code of Practice for the

Protection of Aboriginal Objects in NSW. Step 1 of the Due Diligence process relates to whether the activity will disturb the ground surface. Due to the nature of the proposal the site will be disturbed during subdivision construction works including provision of utilities and infrastructure. Step 2a requires for a search of the AHIMS database to be undertaken and for any other sources of information of which we are aware to be considered. An AHIMS search was undertaken on 20 February 2025 which concluded that there are no known Aboriginal places or sites recorded within the property boundary or within a 200m radius of the site – refer **Appendix 1**.

Step 2B advises that regardless of the outcome of an AHIMS search, it still needs to be considered whether aboriginal objects are likely to be in the area of the proposed activity when considering specified landscape features. The works will be concentrated within the Boundary Street road reserve to ensure utility connection and public road construction to provide access to the lots. The Boundary Street road reserve includes a formed dirt track which would be defined as 'disturbed land'. The Code of Practice defines disturbed land as *"having been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable"*. As such, the Code advises it is reasonable to conclude that there are no known Aboriginal objects or low probability of objects occurring in the area of the proposed development works and as such the development can proceed with caution.

### **5.3 WATER**

The site is not identified as being flood prone according to available public records.

All lots will be provided with suitable connections to sewer infrastructure and stormwater drainage will be managed on site within the boundaries of each lot therefore detrimental impacts on water resources by the development or by future residential development of the R5 lots is unlikely.

### **5.4 FLORA AND FAUNA**

The proposal will not remove any trees and works will be limited to that necessary for essential infrastructure and utility provision only. The works are not anticipated to result in detrimental impacts on the habitat of any threatened species, population or ecological community, or any regionally significant species of plant, animal or habitat.

### **5.5 UTILITIES**

As described previously in this report, all essential utilities and infrastructure, including electricity, potable water, sewer, and fixed wireless NBN, are located within the vicinity of the site and each proposed new lot is able to be serviced as required.

### **5.6 AIR QUALITY**

Air quality and odour impacts will not be generated by the proposal. Further to this, there are no known odour or air quality impacts within the area which will impact on the proposed development.

There is the potential for dust generation during construction due to earthworks associated with utility and infrastructure provision however this will be managed by responsible dust suppression measures as necessary.

### **5.7 NOISE & VIBRATION**

Existing noise levels within the site and surrounds are compatible with future residential use of the R5 lots and the semi-rural location. Noise and vibration impacts will be limited to construction activities and will be mitigated through implementation of appropriate measures including restricting works to be undertaken



during approved construction hours only; ensuring plant and equipment is well maintained to avoid excessive noise; minimising reversing of vehicles that are fitted with reversing beepers; and ensuring machinery is switched off when not in use.

Noise and vibration impacts will be limited to the construction phase of the development only. Once the lots are created there will be no additional noise or vibration impacts above what would be expected within the semi-rural location.

## **5.8 ACCESS, TRAFFIC AND TRANSPORT**

Access to the majority of new lots will be provided via the existing Boundary Street road reserve which will be upgraded as required to appropriate standards. It is noted that proposed Lot 6 will be accessed from Rifle Range Road, an existing sealed public road.

The development itself will not result in an increase in traffic in the surrounding road network however it will facilitate further residential development of the R5 lots in future, and further primary production compatible use of the RU1 lots which will increase traffic movements on the surrounding road network.

It is noted that the site is located within the western fringe of the Tumut township and is appropriately zoned for large lot residential subdivision and subsequent residential development of new R5 allotments. It is therefore considered that the additional traffic load created by the proposal will be minor due to the scale of the development and that any potential impacts were considered by Council in the zoning of the land and determination of the appropriate minimum lot size. Any additional traffic impact assessment is not considered to be required.

Additional traffic generated by the two proposed RU1 lots is likely to be minimal as the lots will only be of a size and capability to support small scale primary production uses. It is also noted that the traffic from these lots will be dispersed between Rifle Range Road and Boundary Street rather than concentrated within one roadway and as such any additional traffic is likely to have minimal impact on the surrounding road network.

Boundary Street intersects with Fairway Drive West to the north, approximately 400m east of the Snowy Mountains Highway, a state road which provides connectivity to surrounding areas, while Rifle Range Road directly intersects with the Snowy Mountains Highway, approximately 60m north of the proposed access to Lot 6.

It is therefore considered that due to the scale of the development and proximity to main roads the proposal will not result in detrimental impacts on traffic and transport in the locality or wider area.

## **5.9 WASTE**

Works will be required in relation to road construction and provision of utility and infrastructure connections to the lots. Any waste generated by these works will be managed and disposed of in accordance with Council requirements, as well as with any other applicable policies, standards and legislation.

The proposed R5 lots will be provided with Council kerbside domestic waste collection services in future upon dwelling development on each.

## **5.10 HAZARDS**

The site is identified as bushfire prone land and as such a Bushfire Hazard Assessment has been completed by Harris Environmental Consulting which accompanies this report as a separate cover attachment. The assessment identifies how the proposal meets the acceptable solutions of Planning for Bushfire 2019, noting a performance solution is proposed in relation to access given Boundary Street will be a cul-de-sac with an approximate length of 560m.

The site is not identified as flood prone land according to available public records.

The site, nor any sites within the vicinity, are identified as being contaminated or potentially contaminated land as identified in previous sections of this report.

### **5.11 SOCIAL AND ECONOMIC IMPACTS**

Social impacts are defined by the NSW Government Social Impact Assessment Guideline as consequences that people experience when a new project brings change. The proposed development will have positive social impacts in that it will result in the creation of large residential allotments which will provide future housing opportunities to existing and future residents of the township. It will also create two primary production zoned lots which will facilitate small scale compatible uses within proximity to the Tumut township.

Positive short term economic impacts are anticipated due to expenditure and employment of local contractors for infrastructure construction and servicing activities. Positive long term economic impacts are anticipated due to facilitation of an increased population within the LGA and additional small scale primary production undertakings and therefore an increase in expenditure within the local area by people living and working within the locality.

## **6 SITE SUITABILITY**

The site is considered to be suitable for the proposed development as it is appropriately zoned and is within the vicinity of similar zoned land and compatible development. It also has access to all necessary utilities and infrastructure to support lot creation and future permissible uses.

## **7 THE PUBLIC INTEREST**

The proposed development is considered to be in the public interest as it will result in the creation of additional lots within the locality capable of supporting a combination of residential accommodation development and small scale primary production uses compatible with the location and existing surrounding land uses.

## **8 CONCLUSION**

This SEE report has been prepared to support a development application for a six (6) lot subdivision of 80 Boundary Street, Tumut. The site is considered to be suitable for the proposed development and the development is considered to be in the public interest. Further to this, the proposal is considered to be permissible as:

- It is compliant with relevant provisions under the LEP;
- It is compliant with all relevant controls in the DCP;
- The proposal will result in the creation of additional large residential allotments within the locality capable of supporting residential accommodation development in future at a time of limited housing availability locally, regionally and nationally;
- The proposal will result in the creation of primary production lots capable of supporting small scale compatible development in a location suitable to such land uses; and
- The proposal is not anticipated to result in any significant adverse environmental impacts on the site or in the areas surrounding the site.

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

## **9 LIST OF APPENDICES**

### **APPENDIX 1. AHIMS RESULTS EXTRACT**

## APPENDIX 1. AHIMS RESULTS EXTRACT



### AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : 230352.1

Client Service ID : 977047

MJM Consulting Engineers  
Level 1, 37 Johnston Street  
Wagga Wagga New South Wales 2650  
Attention: Jenna Amos  
Email: jenna.amos@mjm-solutions.com

Date: 20 February 2025

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 11, DP:DP1246291, Section :- with a Buffer of 200 meters, conducted by Jenna Amos on 20 February 2025.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *