

## ATTACHMENT - SECTION 79C(1) TABLE – Matters For Consideration

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This application has been assessed under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Application No 105-2015**

### ***Environmental Planning and Assessment Act 1979***

#### ***Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats***

The subject site has been identified as containing Box Gum Woodland Endangered Ecological community, and four vulnerable fauna species being:

- Scarlet Robin *Petroica boodang*
- Flame Robin *P. phoenica*
- Diamond Firetail *Stagonopleura guttata*
- Pink Tail Worm Lizard *Aprasia parapulchella*

Section 94A of the *Threatened Species Conservation Act 1995* stipulates that the Minister for Primary Industries with the concurrence of the Minister for Planning may prepare assessment guidelines to assist in the assessment of impact to threatened species. The following assessment is based on the *Threatened Species Assessment Guidelines* and the contents of section 5A of the *Environmental Planning and Assessment Act 1979*.

#### ***5A Significant effect on threatened species, populations or ecological communities, or their habitats***

(1) *For the purposes of this Act and, in particular, in the administration of sections 78A, 79B, 79C, 111 and 112, the following must be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats:*

- (a) *each of the factors listed in subsection (2),*
- (b) *any assessment guidelines.*

As mentioned above, the *Threatened Species Assessment Guidelines* have been taken into account and relied upon to assist in the assessment of the application.

(2) *The following factors must be taken into account in making a determination under this section:*

- (a) *in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

Four vulnerable species were identified as a result of studies undertaken on the site. Capital Ecology have prepared a summary of impacts on the identified vulnerable species. An Assessment of significance has been provided for the three identified vulnerable bird species.

Species Name	Status		Habitat Values Present	Potential for Adverse Impact on Threatened Species or Population <sup>1</sup> Does the proposed development have the potential to:			Is Impact Assessment Required? <sup>2</sup>
	EPBC Act	TSC Act		Cause the loss or disturbance of limiting foraging or breeding resources?	Fragment limiting habitat?	Adversely affect stages of the lifecycle of the species?	
Reptiles							
<i>Aprasia parapulchella</i> Pink-tailed Worm-lizard	V	V	Based on the rock characteristics, the composition and condition of the groundcover vegetation and the results of the completed targeted survey, the portion of the study area considered likely to currently support this species is that shown in Figure 4. This patch of confirmed habitat is located entirely within the proposed Biodiversity Conservation Area and thus it will be conserved and not impacted by the proposed development.	No	No	No	No
<i>Petroica boodang</i> Scarlet Robin	-	V1	The study area provides winter foraging habitat for the species. The eastern less modified portion of the study area may also provide potential breeding habitat, however the species was not observed to remain within the study area into spring-summer indicating that the species breeds elsewhere.	Yes	No	No	Yes Refer to Section 7.2.2.1
<i>Petroica phoenicea</i> Flame Robin	-	V1	The study area provides winter foraging habitat for this species. The study area does not provide potential breeding habitat for the species.	Yes	No	No	Yes Refer to Section 7.2.2.1
<i>Stagonopleura guttata</i> Diamond Firetail	-	V1	The more densely treed patches in the eastern portion of the study area provide confirmed breeding habitat for this species. These patches and the surrounding open land provides foraging habitat.	Yes	No	Yes	Yes Refer to Section 7.2.2.1

## Pink Tailed Worm Lizard

An inspection of the site was undertaken with representatives from Council, Office of Environment and Heritage and the applicant present. At that inspection it was determined that there was evidence to suggest that pink tailed worm lizard habitat may exist on the site. The applicant has subsequently conducted detailed survey of the site and has identified 7 individuals. All individuals were identified within the nominated conservation area forming Lot 1 of the proposed Community Title subdivision. No further development or work is proposed within the area identified as Pink-tailed worm lizard habitat, it is considered unlikely therefore that the proposed development will result in any significant adverse impact to the current population of pink tailed worm lizard on the subject site. A species impact statement is not considered to be necessary in this instance. The Office of Environment and Heritage concurs with this position.

## Scarlet Robin, Flame Robin and Diamond Firetail

An Assessment of Significance has been prepared by Capital Ecology for each of the identified vulnerable bird species. A copy of the applicant's assessment can be found in *Appendix 6* of the Flora and Fauna Assessment Report.

The best quality habitat of each of the identified vulnerable bird species is primarily contained within the nominated conservation area forming Lot 1 of the proposed Community Title subdivision. The proposed development may result in limited clearing of some of the foraging habitat of the identified bird species. It is noted that a vegetation management plan has been proposed which prohibits the removal of trees on private lots and proposes the planting of additional trees within the conservation management area. The majority of the high quality habitat and potential breeding areas for all identified species occur within the conservation management area.

It is considered unlikely that the proposed development will have a significant impact on the extent of available foraging or breeding area for the identified species. Low scale removal of foraging area is considered to be suitably mitigated through habitat improvements proposed within the conservation management area and through measures proposed in the vegetation management plan to manage vegetation within individual allotments. It is considered that species impact statements are not required in this instance. The Office of Environment and Heritage concurs with this position.

*(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*

No endangered populations were identified as a result of studies of the subject site.

*(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*

*(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*

*(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*

To assist in the interpretation of the above clause, the assessment guideline provides the following definitions:

**Local occurrence:** *the ecological community that occurs within the study area. However the local occurrence may include adjacent areas if the ecological community on the study area forms part of a larger contiguous area of that ecological community and the movement of individuals and exchange of genetic material across the boundary of the study area can be clearly demonstrated.*

**Risk of extinction:** *similar to the meaning set out in factor (a), this is the likelihood that the local occurrence of the ecological community will become extinct either in the short-term or in the long-term as a result of direct or indirect impacts on the ecological community, and includes changes to ecological function.*

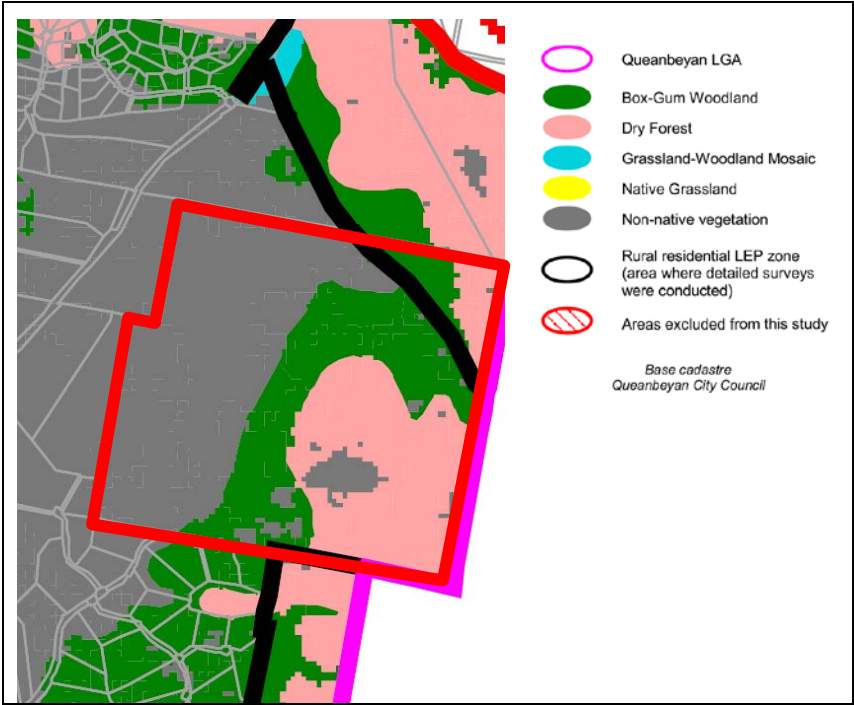
**Composition:** *both the plant and animal species present, and the physical structure of the ecological community. Note that while many ecological communities are identified primarily by their vascular plant composition, an ecological community consists of all plants and animals as defined under the TSC and FM Acts that occur in that ecological community.*

Based on the above definitions the local occurrence of the EEC could in simple terms be defined as the extent of the study area. The definition indicates that where it can be clearly demonstrated that the study area forms part of a larger and contiguous ecological community where there is movement of individuals and genetic material across boundaries that the local occurrence may include adjoining areas.

The Queanbeyan Biodiversity Study which informs the terrestrial biodiversity map within the LEP identifies an area of box gum woodland on the subject site as well as additional areas of box gum woodland which adjoin the subject site. Detailed studies were undertaken only to the south of the site within the Little Burra Subdivision. Whilst the study results suggest that there is a continuation of the box gum woodland south into Little Burra and a portion to the north of the site as well, no specific mention is made in regards to the movements of individuals or exchange of genetic materials across the borders of the study area and the adjoining sites.

The studies produced for the purpose of the subject application do not make specific reference to the links between the subject site and adjoining sites.

It is considered appropriate in this instance to define the ‘local occurrence’ of the EEC as the extent of the study area included in the Capital Ecology report as insufficient evidence has been provided to demonstrate a clear link between the subject site and adjoining sites in relation to exchange of genetic material or movement of individuals between sites.



Extract from Queanbeyan Biodiversity Study

The proposed development will have some impact on the local occurrence of the EEC. Nominated building envelopes have been located away from existing trees, some clearing of ground cover will be required in order to site the proposed road, future dwellings and accesses to the individual lots. It is assumed that any area within the proposed building envelopes has potential to be cleared and will be impacted in its entirety.

Fifteen of the proposed lots include a building envelope which is either wholly or partially within the area identified as lower quality box-gum woodland. On these lots the proposed building envelopes have been restricted to the minimum 2000m<sup>2</sup>. Twenty lots require access to traverse through area identified as lower quality box-gum woodland.

### ***Measures to Avoid Impact***

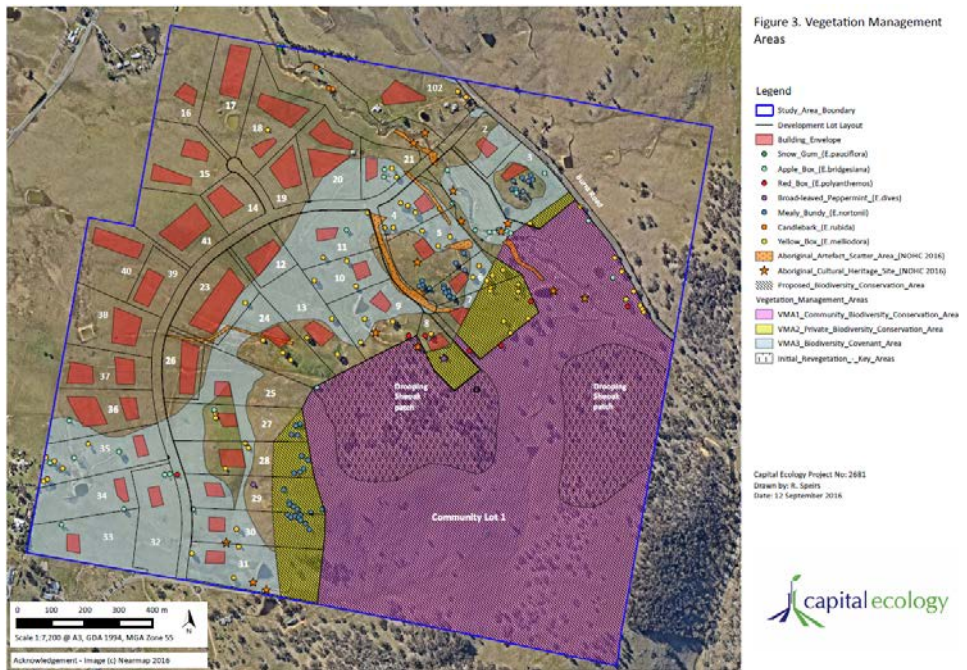
The design of the subdivision and topography and natural features of the site are such that avoiding all impact is not possible and would render the site unsuitable for development. However several measures have been employed to avoid impact where possible, particularly to established trees on the site.

- Building envelopes have been located clear of existing trees
- Alignment of Road 1 has been designed to take best advantage of the topography of the site and limit clearing of ground cover within identified box gum woodland.

### ***Measures to Mitigate Impact***

The design of the subdivision means that impact cannot be entirely avoided. The applicant has devised a number of measures to mitigate impacts where avoidance is not possible including:

- Minimising building envelopes within the area identified as box-gum woodland to minimise the area of impact.
  - Keeping building envelopes outside of areas identified as high quality box-gum woodland which meets the definitions contained within the Environment Protection and Biodiversity Conservation Act.
  - Preserving all high quality Box-Gum Woodland within the area of the site south of Burra Road within the proposed conservation area. It is noted that some portions of the conservation area is within proposed private allotments.
  - Preparation of a vegetation management plan which will form part of the proposed community management statement. The proposed vegetation management plan specifies different management strategies to be applied to the TSC box-gum woodland and conservation area. The contents of the plan are still under review and will be subject to further amendments prior to issue of any construction certificate for the subdivision.
- Measures include:
- Restricting the removal of trees on sites within the identified box-gum woodland,
  - Restricting the clearing of ground cover to only those areas within the building envelope and proposed access.
  - Restricting new planting on those affected sites to a prescribed list of appropriate species.
  - Proposed additional plantings within the proposed conservation area.



The above diagram indicates the extent of the proposed vegetation management plan. The plan identifies three vegetation management areas being the area of high quality vegetation in the community lot, the areas of high quality vegetation within private allotments and the areas of lower quality vegetation within private allotments.

It is noted that the approach of implementing a conservation management plan or vegetation management plan for sites containing conservation value has been successfully used within the Little Burra Estate, directly adjoining the subject site to the south. Little Burra contains areas of box gum woodland and as can be seen above much of that woodland is contained within private allotments. A Section 88B instrument for the subdivision imposes restrictions on users of lots within the identified conservation management area for the subdivision and includes measures similar to those described within the proposed vegetation management plan for the subject site.

A review of aerial photographs of the Little Burra subdivision demonstrates that the approach has been successful in that very little evidence of tree removal is evident across the site and the lots affected by the restriction do not appear to have undergone any significant modifications to grassed areas.





*Little Burra - January 2010 – Red areas indicate vegetation subject to the conservation management plan.*



*Little Burra – February 2016 – Red areas indicate vegetation subject to the conservation management plan.*

The measures proposed in the vegetation management for the subject site are more onerous than those in force in Little Burra as it will include areas of identified box-gum woodland which are not specifically included in the proposed conservation management area. In addition, the vegetation

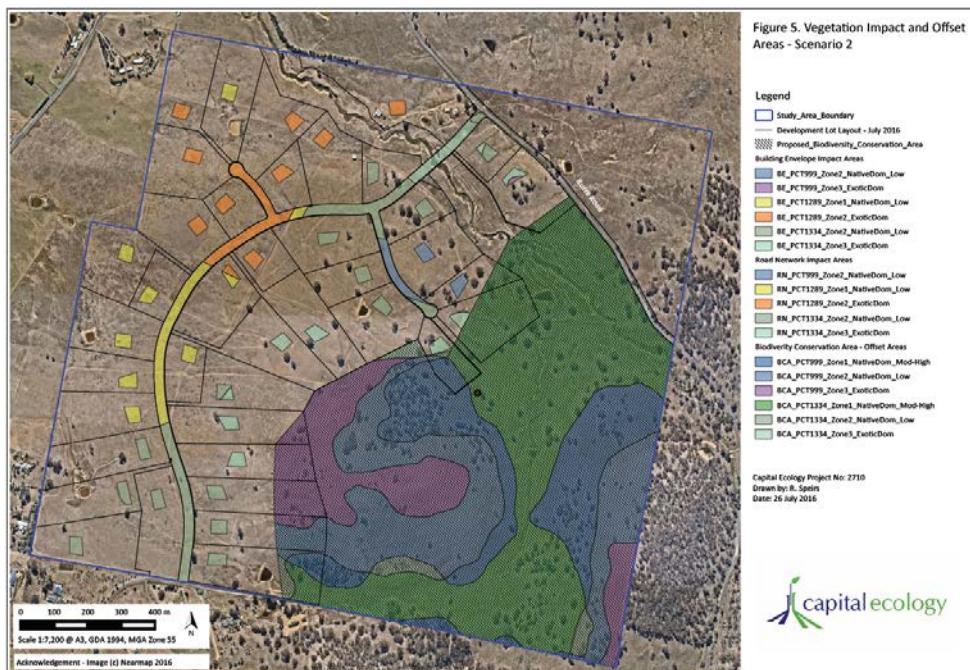
management plan extends to the protection of ground cover outside of the proposed building envelopes and access tracks.

### Measure to Offset Impact

In addition to the avoidance and mitigation measures described above, the application includes the creation of a large conservation area. The majority of the conservation area is proposed to be contained within Lot 1 of the Community Title subdivision, the remainder of the conservation area is contained within private lots and is proposed to be managed in accordance with the proposed vegetation management plan.

At the request of the Office of Environment and Heritage, the applicant was requested to provide an assessment of the application against the biobanking metric to determine the quality and extent of the box gum woodland and the adequacy of the proposed offset area. The biobanking metric was chosen as it represents current best practice in determining the value of vegetation and offset requirements.

The applicant has provided an assessment of the site using the biobanking metric. The results of that assessment indicated that vegetation had been correctly classified and that the offset contained within the conservation area was sufficient to offset the impact of the proposed building envelopes and access.





It is considered that whilst the application is likely to impact on the EEC, the measures proposed to avoid, mitigate and offset that impact are such that the proposed development is unlikely to put the local occurrence of the EEC at risk of extinction or result in modification to the EEC that would result in the risk of extinction.

The development is considered to satisfy the requirements of this clause.

*(d) in relation to the habitat of a threatened species, population or ecological community:*

*(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*

The proposed development will result in some change to the habitat of the birds species previously mentioned. The proposal will result in the removal of some ground cover for the preparation of building envelopes and access tracks. The vegetation management plan requires all trees to be retained within the nominated vegetation management areas. Additional changes are recommended to the vegetation management plan to prohibit the clearing or removal of native vegetation from within vegetation management area 3 as described on the below plan. In addition it is recommended that the vegetation management area be extended to all lots containing yellow box trees.

The extent of the removal of foraging habitat is considered to be relatively minor within the context of the site and unlikely to result in significant adverse impact to the identified threatened fauna species. The Office of Environment and Heritage concur with this position. It is considered the proposed development satisfies the requirements of this clause.

*(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*

The extent of clearing required is considered unlikely to result in significant fragmentation or isolation of habitat areas for any of the identified threatened species. The retention of the trees on the subject site retains the connection between the subject site and adjoining sites. Ground clearing is restricted to building envelopes and accesses. The layout of the site is such that the location of building envelopes and required access tracks is unlikely to result in the required clearing isolating sections of the site, links between habitat areas will largely be maintained. The Office of Environment and Heritage concur with this position. It is considered that the proposed development satisfies the requirements of this clause.

*(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*

The flora and fauna report submitted with the application indicates that the habitat proposed to be removed or modified is not of critical importance to the species identified on the site and unlikely to have any significant long term impact on the survival of identified species. The Office of Environment and Heritage concur with this position. It is considered that the proposed development satisfies the requirements of this clause.

*(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*

No critical habitat was identified within the study area. It is considered that the proposed development satisfies the requirements of this clause.

*(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*

There are currently no approved recovery plans or threat abatement plans applicable to the subject site.

*(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

The applicant has identified a number of key threatening processes applicable to the subject site as detailed in the table below:

Key Threatening Process	Impact from Proposed Development Positive/Neutral/Negative
Aggressive exclusion of birds by Noisy Miners <i>Manorina melanocephala</i>	<p><b>Neutral to Positive</b></p> <p>The study area is currently open agricultural land and the Noisy Miner is conspicuously present throughout.</p> <p>In addition to removing stock to allow regeneration of the native shrubstorey and midstorey, the proposed development will include native shrub and tree planting within the proposed Biodiversity Conservation Area. The objective of these measures is to enhance the habitat value for woodland birds. Increasing the density of the shrubstorey and midstorey may in time lead to a decrease in Noisy Miner presence.</p>
Clearing of native vegetation	<p><b>Neutral to Positive</b></p> <p>The proposed clearance of vegetation is limited to clearance or groundcover for building envelopes, roads, driveways and the installation of underground services. All remnant trees within the subdivision footprint are to be retained.</p> <p>As detailed in the VMP, substantial habitat enhancement planting will occur in the Biodiversity Conservation Area. In addition, planting of only indigenous shrubs and trees within lots will provide shrubstorey and midstorey habitat where these elements are currently absent. These measures are expected to result in a net increase in native vegetation within the study area.</p>
Removal of dead wood and dead trees	<p><b>Neutral</b></p> <p>All remnant trees within the subdivision footprint, alive or dead, are to be retained. The majority of the downed trees and logs within the study area are located in the proposed Biodiversity Conservation Area and will be retained.</p>
Competition and grazing by the feral European Rabbit <i>Oryctolagus cuniculus</i>	<p><b>Positive</b></p> <p>As detailed in Section 5.7 of the F&amp;FA, the study area currently contains numerous large rabbit warrens and these rabbits are causing considerable degradation through overgrazing and erosion.</p> <p>The proposed development will include the implementation of a comprehensive rabbit control program.</p>
Invasion of native plant communities by exotic perennial grasses	<p><b>Positive</b></p> <p>As described in Section 5.6 of the F&amp;FA, the study area currently contains infestations of Serrated Tussock and African Love Grass. The proposed development will include effective control of these weeds which is otherwise unlikely to occur.</p>
Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants	<p><b>Neutral</b></p> <p>As detailed in the VMP and enforced by the CMS, only indigenous species may be planted within the proposed Biodiversity Conservation Area and adjoining areas subject to the provisions of the VMP. These</p>

	controls will greatly reduce the potential for unwanted garden plants to invade the high biodiversity value portions of the study area.
Predation by the feral cat <i>Felis catus</i>	<p><b>Neutral</b></p> <p>Feral cats are known to occur throughout the locality and would no doubt roam within the study area. The proposed subdivision is unlikely to substantially impact upon feral cat numbers in the locality. Notwithstanding this, responsible ownership of domestic cats is noted as a requirement in the CMS.</p>
Predation, habitat degradation, competition and disease transmission by feral pigs <i>Sus scrofa</i>	<p><b>Neutral to Positive</b></p> <p>The presence of feral pigs was observed only from the small patches of rooting along the drainage lines in the eastern portion of the study area. Such infestation levels are consistent with those across similar agricultural land in the Googong-Burra locality (R. Speirs pers. obs.).</p> <p>The proposed development is unlikely to increase feral pig presence within the study area. Moreover, the increase in human presence and surveillance within the study area may discourage feral pigs.</p>

Council generally concurs with the statements made by the applicant. It is considered that the proposed development seeks to appropriately manage and mitigate key threatening processes applicable to the proposed development, particularly in relation to processes involving the removal of native vegetation. In addition the application seeks to improve areas of the site which are currently being degraded by ongoing key threatening processes including the impacts of feral animals such as rabbits, cats and feral pigs.

It is considered that the identified key threatening processes are proposed to be suitably managed and mitigated.

The proposed development is considered to satisfy the requirements of Section 5A of the Environmental Planning and Assessment Act 1979. The measures proposed to avoid, mitigate and offset the impact of the proposed development are considered to be acceptable in this instance and subject to appropriate conditions.

#### ***Advice from OEH and ongoing management***

The Office of Environment and Heritage (OEH) were invited to assist Council in assessing Section 5A of the Act.

OEH raised concerns over the quality of the initial flora and fauna assessment report submitted with the application. The concern was primarily that the area of box gum woodland had not been properly identified and mapped and that appropriate fauna surveys had not been undertaken.

The position of the OEH was that any impact within the box gum woodland was inappropriate and needed to be either avoided or offset. This stance did not provide variance in relation to the quality or extent of the vegetation.

In response to the OEH's concern the applicant engaged Capital Ecology to review and extend upon the survey and assessment work which had been done on the site. The surveys were conducted in accordance with guidelines and advice from OEH. The result was a report which gave a detailed assessment of the areas of box gum woodland according to their definition in both the Environmental Protection and Biodiversity Conservation Act and the Threatened Species Act. It is noted that the definition contained in the Threatened Species Act is considerably broader than that in the EPBC Act and does not contain any quantifiable parameters such as quality, diversity or extent, therefore a larger area of the site was identified as box-gum woodland in accordance with the TSC Act definition.

The amended reporting included a vegetation management plan and draft community management statement.

In response to the amended report OEH expressed their concern in regards to the appropriate management of the box gum woodland and particularly to areas of the conservation area contained within private lots. It was requested that the data collected by the applicant be assessed in light of the BioBanking metric as this is considered by OEH to be the most appropriate method. It was considered that the metric may result in the reclassification of some of the area identified as 'low quality' to be of higher quality, which in turn may result in a requirement to further avoid those areas.

The applicant undertook a BioBanking assessment and produced a BioBanking credit report in relation to the proposed conservation area. The BioBanking assessment did not result in any significant change to the classification of vegetation. The BioBanking Credit report indicated that the area of the site contained within the conservation management area is sufficient to offset the impact of the proposed building envelopes and Road. It is noted that the calculation did not include the access tracks to building envelopes. This is likely because at this stage of the development the location of those tracks has not been determined. However, the offset requirement in comparison to the offset provided is such that the development would be able to accommodate change as a result of including the access track.

OEH have raised concern that the offset calculations did not account for any future asset protection zones and the 'lifestyles' of future residents. Whilst these concerns are acknowledged, at this stage it is extremely difficult to account for asset protection zones as there is no way to determine the exact location of any dwelling within the nominated building envelope. OEH's concern over lifestyles is acknowledged and has been discussed on several occasions during the course of the application. OEH's position is that lifestyle choices of occupants including matters such as choice of pets, means that the whole of the lot is 'impacted' and the whole of the lot must therefore be offset.

This is not Council's position. For the purpose of determining the quantifiable impact of the development, the clearing required for building envelopes and access has been the primary consideration of Council. In this regard the information provided by the applicant satisfies Council's requirements for identifying the area of impact and therefore the required offset. It is noted that the proposed vegetation management plan contains restrictions on the keeping of animals on lots within the identified vegetation management areas, this includes restricting grazing and hoofed animals. It is considered that this will assist in addressing the OEH's concern in this regard.

OEH's preference is for a BioBanking agreement to be in place, with a preference for the conservation area to be contained in one lot with a dwelling entitlement and for the owner of that lot to enter into a BioBanking agreement. The benefit of this arrangement would be that funding would be available for the ongoing maintenance of the area.



Council understands and appreciates the OEH's position. However, there is currently no legislative recourse for Council to require the applicant to enter into a BioBanking agreement over the subject land. The applicant has expressed that they do not intend to enter into a BioBanking agreement and Council cannot refuse the application on this ground.

The benefit of the proposed arrangement is that the majority of the environmentally sensitive land is contained within a community lot. The financial burden for caring for the lot is spread across all the landowners in the development. The community lot is able to be accessed by residents in the development as well as people outside the development for recreational purposes. Whilst the land is accessible by residents it is valued by residents and more likely to be cared for into the future. If the land were to be in the ownership of one person it would likely not be accessible and the burden of caring for that land would be on the one owner. It is considered that the interests of the land are best served through making the land a community asset.

At the time of writing a review of environmental legislation is underway in NSW, with the Biodiversity Conservation Bill due to be put before parliament in the near future. The act proposed by the Bill will replace several pieces of legislation including the Native Vegetation Act, parts of the National Parks and Wildlife Act, the Threatened Species Conservation Act and the National Conservation Trust Act. The planned reforms also include significant amendments to the Local Land Services Act.

The proposed changes mean that in the future it will be possible, indeed mandatory in some instances, for Council to require applicants to enter into agreements similar to the current BioBanking agreements. At this time, there is no mandatory requirement.

The proposed changes to the Local Land Services Act are of significance to the application. Owing to the uncertainty surrounding the timing of the proposed changes it has been recommended that Council do not pursue a requirement for conservation property vegetation plans for the site as it is uncertain what the effect of the legislative change will have on any existing or proposed conservation PVP's. Therefore an alternative solution has been sought to best manage and protect the sensitive areas of the subject site.

The suggested approach is the development of a Vegetation Management Plan which will in turn form part of the Community Management Statement for the community title subdivision. Lots which are subject to the requirements of the vegetation management plan will be identified in the community management statement and lot disclosure plan such that purchasers will be aware of the requirement from purchase. Council may wish to strengthen this by imposing a condition on development applications for new dwellings requiring compliance with the vegetation management plan.

The vegetation management plan sets restrictions on the occupants of sites identified within the plan and also sets management actions and targets for rehabilitation of the conservation management area.

The vegetation management plan is currently in draft form and it is considered that further changes should be made to the plan including extending vegetation management area 3 to cover all lots containing yellow box trees. The terms of the vegetation management plan can continued to be discussed and refined prior to a construction certificate being issued for the subdivision. In this regard it is considered that a condition of consent be included that prior to issue of a construction certificate that a satisfactory vegetation management plan is to be prepared and endorsed by Council. In this way, the details of the plan can continue to be developed until Council is satisfied with the content.

The responsibility for compliance with the vegetation management plan will in the first instance rest with the community association. One of OEH's concerns is with being able to gather funds to undertake the work required. It will be the responsibility of the community association to determine and levy the fees necessary to undertake required work and ongoing maintenance of community property, this includes the entire of the community lot. Community association fees are an ongoing part of a community title development and will continue to be collected throughout the life of the development. Initial compliance is the responsibility of the community association. Council's experience with community associations is that they generally carry out compliance functions effectively with little requirement for Council involvement.

Should conditions of consent be imposed on dwelling applications requiring compliance with the vegetation management plan this would give Council an avenue for compliance against individual property owners.

It is considered that the proposed protection and ongoing management of the identified EEC is acceptable in this instance and likely to result in the satisfactory ongoing management of the site.

### **Local Land Services**

Approval for a clearing Property Vegetation Plan (PVP) is required under the Local Land Services Act 2013. The applicant has made application to Local Land Services for a clearing PVP which will address clearing required for the proposed roads. The PVP is unable to be determined until late spring as Local Land Services need to investigate the site in spring to properly assess certain flora species. A recommendation has been made in the accompanying staff report that the application be supported and delegated to the Director, Environment, Planning and Development pending approval of the PVP in line with the current plans. Should the PVP require amendments to the current lot layout or road design, amended plans will be brought back to Council for approval.

## ***State Environmental Planning Policies***

The proposed development has been assessed in accordance with the requirements of the relevant State Environmental Planning Policies (SEPPs) including any draft SEPPs and a summary is provided in the following table:





<b>SEPP COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<b><i>State Environmental Planning Policy No 55 - Remediation of Land</i></b>	
<p>SEPP 55 requires Council to consider whether the subject site is subject to contamination and how that may impact on the proposed development.</p> <p>A Preliminary Site Investigation (PSI) (Phase 1) and Detailed Site Investigation (DSI) (Phase 2) have been carried out on the site. The Preliminary Site Investigation identified 44 areas of potential Environmental Concern which were further investigated as part of the Detailed Site Investigation (DSI). The vast majority of identified Areas of Environmental Concern are located within the site surrounding the existing dwelling. It is noted that no change is proposed to the existing dwelling or its curtilage.</p> <p>The DSI concluded that the site was generally suitable for the intended residential land use. Further recommendations of the report include:</p> <ul style="list-style-type: none"> <li>• Removal and validation of the shower sheep dip (AEC8)</li> </ul> <p>Recommendations were made in relation to the removal of the existing septic tank and septic overflow tank and for demolition of the existing farm house. It is noted that these recommendations were made based on a previous plan which involved demolition of the farm house. The proposal has since changed to retain the farm house and its curtilage including the shearing shed in the house paddock. Therefore the recommendations in regards to septic and the demolition of the dwelling are no longer current to the subject application.</p> <p>It is considered that the site has been suitably investigated and is suitable for the intended land use.</p>	Yes
<b><i>State Environmental Planning Policy (Infrastructure) 2007</i></b>	
<p>This Policy provides a planning regime the provision of services and infrastructure in NSW, outlines requirements for consent authorities to consult with relevant public authorities during the assessment of Development Applications, and outlines provisions for various types of exempt and complying development.</p> <p>Clause 45 of the SEPP concerns determination of development application within proximity to electricity infrastructure. The subject site contains an electricity easement for transmission lines. In accordance with clause 45(2) of the SEPP the application was notified to TransGrid, changes have been made to the lot layout in order to</p>	Yes

SEPP COMMENTS	COMPLIE S (Yes/No)																												
<p>provide a suitable clearance around the TransGrid tower. TransGrid are now satisfied with the proposed lot layout. A note has been included in the draft conditions to alert the applicant to future approval requirements from TransGrid.</p> <p>Of potential relevance to the subject application are the provisions relating to traffic generating development which are defined in Schedule 3 - Traffic generating development to be referred to the Roads and Maritime Services (RMS). However, the proposed subdivision of land does not trigger the minimum thresholds for traffic generating development as it is not proposing 200 or more allotments and does not have access to a classified road or to road that connects to classified road (within 90m).</p> <p>There are no other clauses in the Policy relevant to the subject application.</p>																													
<b>State Environmental Planning Policy No.44 – Koala Habitat Protection</b>																													
<p>This policy aims to encourage the conservation and management of koala habitat.</p> <p>The SEPP applies to land within the former Yarralumla Shire and therefore applies to the subject site.</p> <p>The following sections of the SEPP apply to the proposed development</p> <p><b>7 Step 1—Is the land potential koala habitat?</b></p> <p><i>(1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.</i></p> <p>Potential Koala habitat is defined in the SEPP as follows:</p> <p><b>potential koala habitat</b> means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.</p> <table border="1" data-bbox="90 1050 861 1374"> <thead> <tr> <th>Species listed in schedule 2</th><th>Species identified on the subject site</th></tr> </thead> <tbody> <tr><td>• Forest red gum</td><td>• Italian Cyprus</td></tr> <tr><td>• Tallowwood</td><td>• Apple Box</td></tr> <tr><td>• Grey Gum</td><td>• Broad-leaved peppermint</td></tr> <tr><td>• Ribbon or manna gum</td><td>• Yellow Box</td></tr> <tr><td>• River Red Gum</td><td>• Long-leave Bundy</td></tr> <tr><td>• Broad leaved scribbly gum</td><td>• Red Box</td></tr> <tr><td>• White box</td><td>• Candlebark</td></tr> <tr><td>• Bimble Box</td><td>• Radiata Pine</td></tr> <tr><td>• Swamp Mahogany</td><td>• Lombardy Poplar</td></tr> <tr><td></td><td>• Common pear</td></tr> <tr><td></td><td>• Pin Oak</td></tr> <tr><td></td><td>• Babylon Willow</td></tr> <tr><td></td><td>• Chinese elm</td></tr> </tbody> </table>	Species listed in schedule 2	Species identified on the subject site	• Forest red gum	• Italian Cyprus	• Tallowwood	• Apple Box	• Grey Gum	• Broad-leaved peppermint	• Ribbon or manna gum	• Yellow Box	• River Red Gum	• Long-leave Bundy	• Broad leaved scribbly gum	• Red Box	• White box	• Candlebark	• Bimble Box	• Radiata Pine	• Swamp Mahogany	• Lombardy Poplar		• Common pear		• Pin Oak		• Babylon Willow		• Chinese elm	<p>Yes</p>
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SEPP COMMENTS	COMPLIES (Yes/No)
<p><i>(2) A council may satisfy itself as to whether or not land is a potential koala habitat only on information obtained by it, or by the applicant, from a person who is qualified and experienced in tree identification.</i></p> <p>A detailed tree survey has been undertaken on the subject site and identified the tree species outlined above.</p> <p><i>(3) If the council is satisfied:</i>  <i>(a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application.</i></p> <p>Council is satisfied that the subject site does not contain potential Koala habitat.</p>	
<b>State Environmental Planning Policy (Rural Lands) 2008</b>	
<p>This policy sets out principles for the development of rural lands to ensure orderly and economic development.</p> <p>The principles relevant to subdivision of rural land are as follows:</p> <p><b>8 Rural Subdivision Principles</b>  <i>The Rural Subdivision Principles are as follows:</i></p> <ul style="list-style-type: none"> <li><i>(a) the minimisation of rural land fragmentation,</i></li> <li><i>(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,</i></li> <li><i>(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,</i></li> <li><i>(d) the consideration of the natural and physical constraints and opportunities of land,</i></li> <li><i>(e) ensuring that planning for dwelling opportunities takes account of those constraints.</i></li> </ul> <p>It is considered that the proposed development is consistent with the above principles. Whilst the subdivision will fragment a current rural farm holding, the land has been zoned for many years for rural residential subdivision and development. The proposed subdivision does take into consideration the natural and physical constraints and utilise the community title management and building envelopes to ensure constrained areas are protected and suitable areas are identified for dwellings.</p>	Yes



SEPP COMMENTS	COMPLIE S (Yes/No)
<p><b>10 Matters to be considered in determining development applications for rural subdivisions or rural dwellings</b></p> <p><i>(1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.</i></p> <p>The subject site is located within the E4 zone which for the purposes of the SEPP is considered to be an environment protection zone, therefore the SEPP applies to the proposed development.</p> <p><i>(2) A consent authority must take into account the matters specified in subclause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:</i></p> <p><i>(a) subdivision of land proposed to be used for the purposes of a dwelling,</i>  <i>(b) erection of a dwelling.</i></p> <p>Noted. An assessment against subclause 3 is provided below.</p> <p><i>(3) The following matters are to be taken into account:</i></p> <p><i>(a) the existing uses and approved uses of land in the vicinity of the development,</i></p>	

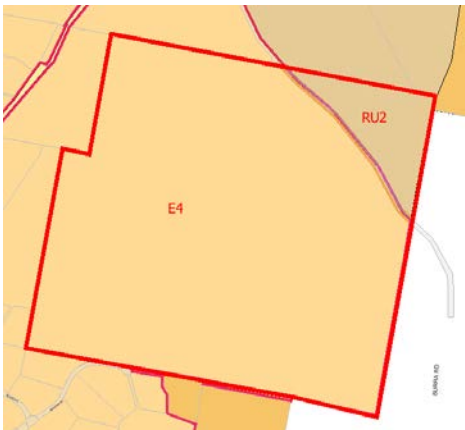
SEPP COMMENTS		COMPLIE S (Yes/No)
<div></div> <div><div> Subject Site</div><div> Steep vegetated/light grazing</div><div> Rural Residential</div><div> Grazing</div></div> <p>The subject site is bounded by a number of land uses. To the south and west the site adjoins rural residential development including the Little Burra Estate. Tot the south east the site adjoins areas of steep, densely vegetated rural land and some grazing land. The portion of the site on the northern side of Burra Road is currently used for sheep grazing and is surrounding by similar grazing land.</p> <p>The proposed residential subdivision will be located directly adjacent to existing rural residential subdivisions to the north, west and south. It is considered that the proposed development is compatible with the surrounding land uses.</p>		

SEPP COMMENTS	COMPLIES (Yes/No)
<p><i>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</i></p> <p>As can be seen from the figure above, the subject site is surrounded in fairly equal measure by rural residential land and rural grazing land.</p> <p>The portion of the site south of Burra Road is zoned to permit rural residential subdivision and development. The proposed development will form an extension of the existing rural residential land uses surrounding the site south of Burra Road and will provide for connectivity between the existing Little Burra estate and Burra Road. It is considered that for the portion of the site south of Burra Road the proposed rural residential land use is the preferred land use. The portion of the site north of Burra Road is currently used as agricultural grazing land and is zoned accordingly. This use of this portion of the site is proposed to remain unchanged which is considered to be the preferred use of that portion of the site.</p> <p><i>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</i></p> <p>The proposed development is considered to be compatible with surrounding land uses and consistent with the pattern of development in the locality.</p> <p>It is considered that the proposed development has satisfied the requirements of the SEPP</p>	

## Local Environmental Plans

The proposed development has been assessed in accordance with the relevant requirements of the *Queanbeyan Local Environmental Plan 2012* and no relevant draft LEPs apply to the land. A summary is provided as follows:


QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<b>Part 1 Preliminary</b>	
<b>Clause 1.2 Aims of Plan</b>	
<p>The relevant aims of the plan are as follows:</p> <p>(a) <i>to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles,</i></p> <p>(b) <i>to provide for a diversity of housing throughout Queanbeyan,</i></p> <p>(d) <i>to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek,</i></p> <p>(f) <i>to maintain the unique identity and country character of Queanbeyan,</i></p> <p>The proposed development is considered to be generally consistent with the aims of the QLEP. The development is considered to be an orderly and economic development of the subject site which has taken into careful consideration the principles of ecologically sustainable development.</p> <p>The development contributes to the provision of a diversity of housing options by contributing to the stock of rural residential lots which have proven to be popular within the area and which contribute to the established and desired character of Queanbeyan.</p> <p>Careful consideration has been given to the natural elements of the site and it is considered that the outcome is a subdivision design which is sensitive to the environmental constraints of the site.</p>	Yes
<b>Clause 1.4 Definitions</b>	
The proposed development is defined as subdivision of land. Refer to section 2.6 of this report.	
<b>Clause 1.9A Suspension of Covenants, Agreements and Instruments</b>	
<p>There are no agreements, covenants or other similar instrument that restrict the carrying out of the proposed development.</p> <p>The easement for electricity transmission across the north western corner of the site has been previously addressed in this report.</p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS		COMPLIES (Yes/No)
<b>Part 2 Permitted or Prohibited Development</b>		
<b>Clause 2.1 Land Use Zones</b>		
<p>The subject site comprises two portions of land on either side of Burra Road.</p> <p>The triangular portion to the north of Burra Road is zoned RU2 – Rural Landscape.</p> <p>The portion to the south of Burra Road is zoned E4 – Environmental Living</p> 		
<b>Clause 2.3 Zone Objectives and Land Use Tables</b>		
<p>The objectives of the two zones are as follows</p> <p><b>RU2 – Rural Landscape</b></p> <ul style="list-style-type: none"> <li>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> <li>• To maintain the rural landscape character of the land.</li> <li>• To provide for a range of compatible land uses, including extensive agriculture.</li> </ul> <p>The portion of the site zoned RU2 is currently used as grazing land. There is no proposed change to the RU2 zoned land. The land will be created as a separate Torrens Title lot and will remain as agricultural grazing land. It is considered that the proposed development is consistent with the objectives of the zone.</p> <p><b>E4 – Environmental Living</b></p> <ul style="list-style-type: none"> <li>• To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</li> </ul>		Yes




QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<ul style="list-style-type: none"> <li>• To ensure that residential development does not have an adverse effect on those values.</li> <li>• To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimise the impact of urban development, particularly on the edge of the urban area.</li> <li>• To ensure that rural residential development provides for integrated rural residential communities in its design.</li> </ul> <p>It is considered that the proposed development is consistent with the objectives of the E4 zone. The development suitably addresses the ecological and aesthetic values of the site and contributes to the established rural residential character of the locality.</p>	
<b>Clause 2.6 Subdivision – Consent requirements</b>	
This clause states that the subdivision of land requires development consent. The proposed development is for subdivision of the subject site to create 3 Torrens Title Allotments and 41 Community Title Allotments including 1 x Community Lot and 40 x Development Lots.	Yes
<b>Clause 2.7 Demolition requires development consent</b>	
The application does not propose the demolition of any existing structures at this stage.	N/A
<b>Part 4 Principal Development Standards</b>	
<b>Clause 4.1 Minimum subdivision lot size;</b> <b>Clause 4.1AA Minimum Lot size for Community Title Schemes;</b> <b>Clause 4.1C Subdivision using average lot sizes; and</b> <b>Clause 4.2 Rural subdivision</b>	
<p>For the proposed development it is appropriate to consider Clauses 4.1, 4.1AA and 4.1C and 4.2 together.</p> <p>Clause 4.1 provides for a minimum lot size for the subdivision of land as identified on the Minimum Lot Size Map. Clause 4.1AA applies to certain land use zones (including R1 – General Residential). It ensures that land subdivided under the <i>Community Land Development Act 1989</i> (other than Community Association property) must comply with the Minimum Lot Size Map. Clause 4.1C provides alternative subdivision controls for land identified as Lot Averaging and on the Lot Averaging Map. Clause 4.2 relates to subdivision of Rural land.</p> <p><b>Clause 4.1 – Minimum subdivision lot size</b></p> <p>The objectives of <i>Clause 4.1 – minimum subdivision lot size</i>, are as follows:</p> <ol style="list-style-type: none"> <li>To ensure subdivision is sensitive to land, heritage and environmental characteristics (including water quality, native flora and fauna and places or items of Aboriginal and European heritage value);</li> <li>To ensure subdivision does not adversely impact on the functions and safety of main roads;</li> </ol>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>c) <i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a building and associated works to minimise and avoid the threat of natural hazard (including bush fire, soil instability and flooding) and to protect significant vegetation and prominent or significant landscape qualities;</i></p> <p>d) <i>To ensure new lots have an adequate water supply and can be provided with an effective means of disposal of domestic waste and adequately serviced; and</i></p> <p>e) <i>To create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise the likely adverse impact on the amenity of adjoining developments.</i></p> <p>The proposal has been assessed against the objectives of Clause 4.1 as being satisfactory. Due regard has been given to the environmental constraints on the land, lot sizes and dimensions are appropriate for siting of structures, lots can be adequately serviced, and the proposal is compatible with the desired future character of the locality</p> <p>The E4 zoned portion of the site has a minimum lot size requirement of 6 hectares, however Clause 4.1C provides for alternative lot sizes for land within the 'lot averaging area' in which the subject site is identified.</p> <p><b>Clause 4.1AA – Minimum subdivision lot size for community title schemes</b></p> <p>The objectives of Clause 4.1AA are as follows:</p> <p>a) <i>To ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements,</i></p> <p>b) <i>To achieve lot sizes that meet community and economic needs, while ensuring that environmental and social values are safeguarded.</i></p> <p>The proposal has been assessed against the objectives of Clause 4.1 AA as being generally satisfactory. As per Clause 4.1 above, due consideration has been given to environmental constraints on the land and the proposed lot sizes and dimensions are considered to be appropriate in this instance.</p> <p><b>Clause 4.1C – Subdivision Using Average Lot Sizes</b></p> <p>The objectives of this clause are to facilitate alternative subdivision controls that:</p> <p>(a) <i>facilitate a subdivision design that takes into consideration the values and constraints on the land and achieves the best environmental outcomes possible, and</i></p> <p>(b) <i>limit the subdivision of land in certain circumstances where the lots created are proposed to be used for residential accommodation.</i></p>	

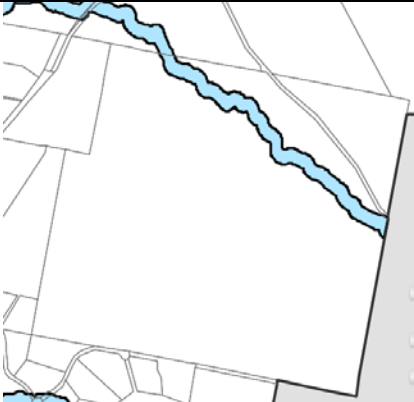
QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)																																							
<p>The E4 zoned portion of the subject site is identified within the 'Lot Averaging Map' and is not identified as being a resulting lot.</p> <div></div> <p>Clause 4.1C(4) is applicable to the subject site and states</p> <p>(4) <i>Despite clause 4.1, development consent may be granted for the subdivision of land to which this clause applies, under the Community Land Development Act 1989, if:</i></p> <ul style="list-style-type: none"><li>(a) <i>the land being subdivided has an area of at least 16 hectares, and</i></li><li>(b) <i>none of the lots created will have an area of less than 2 hectares, and</i></li><li>(c) <i>the average area of all lots created will be at least 6 hectares.</i></li></ul> <p>The E4 portion of the subject site has a total area of 255.25 hectares. The site includes one Torrens Title allotment for the existing dwelling with an area of 6.162 Hectares which complies with the minimum lot size. The remainder of the site therefore has an area of 249.09 Hectares. The remaining lot sizes for the community and development lots are as follows:</p> <table><tr><th>Lot Number</th><th>Known As</th><th>Area (ha)</th></tr><tr><td>Community</td><td>AP</td><td>103.754</td></tr><tr><td>2</td><td>AM</td><td>2.000</td></tr><tr><td>3</td><td>AN</td><td>4.026</td></tr><tr><td>5</td><td>O</td><td>2.306</td></tr><tr><td>6</td><td>AF</td><td>4.019</td></tr><tr><td>7</td><td>AG</td><td>2.023</td></tr><tr><td>8</td><td>AH</td><td>4.041</td></tr><tr><td>9</td><td>AI</td><td>2.005</td></tr><tr><td>10</td><td>AJ</td><td>4.051</td></tr><tr><td>11</td><td>AK</td><td>2.431</td></tr><tr><td>12</td><td>P</td><td>4.002</td></tr><tr><td>13</td><td>P</td><td>4.322</td></tr></table>	Lot Number	Known As	Area (ha)	Community	AP	103.754	2	AM	2.000	3	AN	4.026	5	O	2.306	6	AF	4.019	7	AG	2.023	8	AH	4.041	9	AI	2.005	10	AJ	4.051	11	AK	2.431	12	P	4.002	13	P	4.322	
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QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS				COMPLIES (Yes/No)
	14	R	2.009	
	15	K	2.034	
	16	AB	4.055	
	17	AC	4.133	
	18	AD	4.352	
	19	AE	4.010	
	20	L	2.039	
	21	M	4.000	
	22	N	2.011	
	24	S	4.046	
	25	T	4.587	
	26	V	4.047	
	27	U	2.157	
	28	W	4.322	
	29	X	4.030	
	30	Y	4.019	
	31	Z	4.014	
	32	AA	5.326	
	33	A	4.059	
	34	B	4.277	
	35	C	3.535	
	36	D	4.218	
	37	E	4.010	
	38	F	3.064	
	39	G	4.006	
	40	H	2.054	
	41	I	4.001	
	42	J	4.041	
	AVERAGE		6.0359	
<p>The proposed development meets the lot averaging requirements, achieving an average lot size over 6 hectares.</p> <p><b>Clause 4.2 Rural subdivision</b></p> <p>Clause 4.2 relates to subdivision in rural zones. The objective of the zone is</p> <p><i>to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.</i></p> <p>The clause allows for land in the RU2 zone to be subdivided for the purpose of primary production to create a lot less than the minimum lot size but only if there is no existing dwelling situated on the lot.</p> <p>The RU2 zoned portion of the site does not contain any existing dwelling and is proposed to remain in use for primary production. It is considered that the proposed development satisfies the objectives and controls of this clause.</p>				

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS		COMPLIES (Yes/No)
<b>Part 5    Miscellaneous Provisions</b>		
<b>Clause 5.9    Preservation of trees or vegetation</b>		
<p>This clause requires that development consent is obtained for the removal of trees and/or vegetation as prescribed in the Queanbeyan Development Control Plan (QDCP) 2012.</p> <p>A tree report has been submitted with the application which identifies all trees on site. The subject application does not propose the removal of any trees.</p> <p>The future removal of any vegetation which may be required for siting dwellings will be assessed when an application requiring the removal is made.</p>	Yes	
<b>Clause 5.10    Heritage conservation</b>		
<p>The subject site is not a heritage listed item, is not within a heritage conservation area and is not adjacent to either a heritage item or heritage conservation area.</p> <p>The development identifies a ruins site for an original homestead which is proposed to be retained in a portion of the community lot which is considered to be acceptable.</p>	Yes	
<b>Clause 5.11    Bush fire hazard reduction</b>		
No bushfire hazard reduction works are proposed.	N/A	
<b>Part 7    Additional Local Provisions</b>		
<b>Clause 7.1    Earthworks</b>		
<p>Some minor earthworks are proposed to proposed lot x in order to ensure access can be provided to the site in accordance with the requirements of the development control plan. The proposed earthworks are minor in nature and will not result in any significant adverse impact to drainage of the site. The area is not located within any identified area of archaeological interest and it is considered unlikely that the earthworks would therefore disturb any relics.</p> <p>The proposed earthworks are considered to be acceptable in this instance.</p>	Yes	
<b>Clause 7.2    Flood Planning</b>		
<p>The subject site is not identified as being within the flood planning area on the Flood Planning Map. A Flood study has been prepared for the site and is discussed in detail later in this report.</p>	Yes	
<b>Clause 7.3    Terrestrial biodiversity</b>		
<p>(1) The objective of this clause is to maintain terrestrial biodiversity by:</p> <p>(a) protecting native fauna and flora, and</p> <p>(b) protecting the ecological processes necessary for their continued existence, and</p>	Yes	

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</i></p> <p>It is considered that the proposed development is consistent with the objectives of the clause. The development has been designed taking into consideration the natural features of the site including sensitive flora and fauna.</p> <p><i>(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.</i></p> <p>A portion of the subject site is identified as 'Biodiversity' on the terrestrial biodiversity map</p>  <p><i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:</i></p> <p><i>(a) whether the development is likely to have:</i></p> <ul style="list-style-type: none"> <li><i>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></li> <li><i>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></li> <li><i>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></li> </ul>	

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</i></p> <p>Refer to Section 5A Assessment.</p> <p><i>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>Refer to Section 5A assessment for details of proposed measures to avoid, mitigate and offset the impacts of the proposed development which are considered to be acceptable in this instance.</p> <p><i>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</i></p> <p><i>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</i></p> <p><i>(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or</i></p> <p><i>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</i></p> <p>Refer to Section 5A assessment for detailed assessment. The proposed development will result in some impact to the Box-Gum Woodland EEC. Measures have been taken to avoid impact where possible and where not possible to mitigate and offset that impact. The measures proposed are considered to be acceptable and are detailed in the section 5A assessment of this report.</p>	
<b>Clause 7.4 Riparian land and watercourses</b>	
The subject site is identified as containing a water course (Church Creek) on the Riparian Land and Watercourse Map.	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
 <p>The objectives of this clause are:</p> <p><i>... to protect and maintain the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) water quality within watercourses,</i></li> <li><i>(b) the stability of the bed and banks of watercourses,</i></li> <li><i>(c) aquatic and riparian habitats,</i></li> <li><i>(d) ecological processes within watercourses and riparian areas.</i></li> </ul> <p><i>(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:</i></p> <ul style="list-style-type: none"> <li><i>(a) whether or not the development is likely to have any adverse impact on the following:</i> <ul style="list-style-type: none"> <li><i>(i) the water quality and flows within the watercourse,</i></li> <li><i>(ii) aquatic and riparian species, habitats and ecosystems of the watercourse,</i></li> <li><i>(iii) the stability of the bed and banks of the watercourse,</i></li> <li><i>(iv) the free passage of fish and other aquatic organisms within or along the watercourse,</i></li> <li><i>(v) any future rehabilitation of the watercourse and riparian areas, and</i></li> </ul> </li> <li><i>(b) whether or not the development is likely to increase water extraction from the watercourse, and</i></li> <li><i>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></li> </ul>	



QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>The application has been referred to the Office of Water as an integrated referral body. The Office of Water have issued general terms of approval including a number of conditions to be included in any consent.</p> <p>The proposed development, which includes sediment and erosion control works within the creek, is considered to result in a net improvement to the health and stability of the creek. It is considered that the proposed development is acceptable in this instance and can be suitably conditioned to mitigate any potential impact.</p>	
<b>Clause 7.6      Airspace operations</b>	
The subject site is not located within the obstacle limitation surface.	N/A
<b>Clause 7.9      Essential services</b>	
<p><i>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:</i></p> <p><i>(a) the supply of water,</i></p> <p>The proposed development provides a non-potable water supply for use by all dwellings in accordance with the requirements of the DCP. The volume of the non-potable water supply is considered to be acceptable. Potable water supply will be provided to individual allotments at the time of lodgement of dwelling applications.</p> <p><i>(b) the supply of electricity,</i></p> <p>Electricity is able to be supplied to all proposed allotments. Conditions will be included on any consent requiring evidence from the provider prior to the subdivision certificate being released.</p> <p><i>(c) the disposal and management of sewage,</i></p> <p>All proposed allotments will utilise septic systems as mains sewerage is not available to the subject site. The applicant has identified areas on each allotment which may be suitable to the location of a septic system. Detailed investigations will be undertaken at subdivision construction certificate stage.</p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p>Stormwater drainage will be managed on individual sites</p> <p><i>(e) suitable vehicular access.</i></p> <p>All lots are able to be accessed from a public road. Details of individual accesses to lots will be considered with applications for dwellings.</p>	Yes

## ***Development Control Plan***

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The Queanbeyan Development Control Plan (DCP) 2012 applies to the development and a summary of the relevant provisions is provided in the following table.

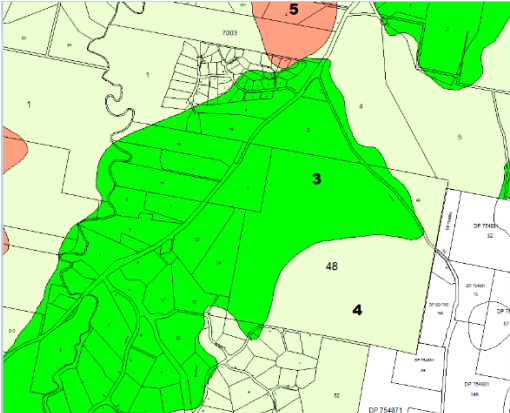
<b>QUEANBEYAN DCP 2012 COMMENTS</b>		<b>COMPLIES (Yes/No)</b>
<b>Part 1 About This Development Control Plan</b>		
<b>1.8 Public Notification Of A Development Application</b> The development application was notified to adjoining owners and advertised and three submissions were received. Refer to the community consultation section of the Staff Report for consideration of the relevant issues raised in the submissions.		Yes
<b>Part 2 All Zones</b>		
<b>2.3 Environmental Management</b> The subject site is within the fortnightly rural collection area for waste collection. Future dwellings will have access to waste collection services. The proposed road network has been designed to permit waste collection vehicles to collect from the kerb. Bins will be stored on individual allotments. It is considered that the proposed development complies with the requirements of this section.		Yes
<b>2.4 Contaminated Land Management</b> Refer to SEPP 55 Comments previously in this report.		Yes
<b>2.5 Flood Management</b> The subject site is not identified within the 'Flood Planning Map' within the QLEP 2012, however the site is subject to flooding from Church Creek which runs through the northern portion of the site and also some low level flooding from overland flow to the southern portion of the site near Binowee Drive.  A flood study was prepared by Southern Region Land Engineering detailing the extent of flooding from Church creek.  Indicative building envelopes have been located outside of the 1:100 year flood affected area.  To the south, the depth and flow rate of any overland flow flooding is such that a vehicle could safely traverse the area. Council is satisfied that access to all lots will not be adversely impacted in a flooding event.  Refer to engineering comments for additional detail.		Yes

QUEANBEYAN DCP 2012 COMMENTS		COMPLIES (Yes/No)						
2.7	<b>Soil, Water and Vegetation Management Plan (SWVM Plans)</b> A detailed SWVM plan will be required prior to construction certificate. A condition of consent has been included detailing this requirement.	Yes						
2.8	<b>Guidelines for Bushfire Prone Areas</b> The application has been referred to RFS as an integrated development.  The RFS have reviewed the plans and issued their general terms of approval.  Conditions relating to the development include the creation of a 10m inner protection zone around the existing dwelling to remain on the site. The GTA include the requirement for the creation of a number of easements <ul style="list-style-type: none"><li>Easement over road 2 culminating in a cul-de-sac. Easement to require continual maintenance within the first 50m of each lot to ensure a grassland hazard does not eventuate adjacent to the road.</li><li>Easement over access handles to battleaxe allotments to ensure the full width of the access handle is continually maintained to ensure a grassland hazard does not eventuate within the access handle.</li></ul>	Yes						
2.9	<b>Safe Design</b> The application has been referred to NSW Police for comment in relation to CPTED principles. The comments received are discussed below: <table><tr><th>NSW Police Comment</th><th>Response</th></tr><tr><td><b>Surveillance</b> Due to the nature of rural settings, natural surveillance is limited because of the space and nature between housing. For this reason, landscaping, lighting and signage strategies are important to help reduce the risk of the area being targeted for crime.</td><td>Noted</td></tr><tr><td><b>Landscaping</b> A safety convention is to have 3-5m of cleared space on either side of pathways and hiking routes. Thereafter, vegetation is stepped back in height to maximise sightlines. It is important that a landscaping maintenance policy be established for this area to ensure trees planted along the road ways and pathways, including the proposed hiking areas, are well maintained and cleared to reduce concealment opportunities and maximize surveillance opportunities. Trees planted along road ways should be regularly maintained to ensure they are not interfering with lighting usage in the area.</td><td>Noted: May be included as a note in the consent document.  Maintenance of the community lot is the responsibility of the community association. Draft provisions in the Community management statement have been provided and are considered to be acceptable in this instance.  Maintenance of trees within the road reserve are the responsibility of Council and will be incorporated into Councils existing maintenance schedule.</td></tr></table>	NSW Police Comment	Response	<b>Surveillance</b> Due to the nature of rural settings, natural surveillance is limited because of the space and nature between housing. For this reason, landscaping, lighting and signage strategies are important to help reduce the risk of the area being targeted for crime.	Noted	<b>Landscaping</b> A safety convention is to have 3-5m of cleared space on either side of pathways and hiking routes. Thereafter, vegetation is stepped back in height to maximise sightlines. It is important that a landscaping maintenance policy be established for this area to ensure trees planted along the road ways and pathways, including the proposed hiking areas, are well maintained and cleared to reduce concealment opportunities and maximize surveillance opportunities. Trees planted along road ways should be regularly maintained to ensure they are not interfering with lighting usage in the area.	Noted: May be included as a note in the consent document.  Maintenance of the community lot is the responsibility of the community association. Draft provisions in the Community management statement have been provided and are considered to be acceptable in this instance.  Maintenance of trees within the road reserve are the responsibility of Council and will be incorporated into Councils existing maintenance schedule.	
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QUEANBEYAN DCP 2012 COMMENTS		COMPLIES (Yes/No)
<p><b>Lighting</b> A lighting maintenance policy needs to be established for the development It is recommended that lighting be considered at entries to battle-axe blocks and the access route to the Community Lot through pathway between lots U and V.</p>	<p>Noted Lighting to the entries of battleaxe blocks is proposed to be the responsibility of owners.</p> <p>The hiking trail to the community lot is not proposed to be lit.</p>	
<p><b>Territorial Re-enforcement</b> There is no information to indicate signage which might be used in and around the development. Confusion resulting from vague entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. Entries should be legible and inviting. Effective signage and directions will provide guidance to visitors. It is important that pathways leading to community lots, hiking tracks and driveway access to battle-axe blocks are well sign posted.</p>	<p>The application includes an entry feature on Burra Road incorporating an identification sign to assist in identifying the development. It is considered that the development satisfies the requirements in this regard.</p>	
<p><b>Environmental Maintenance</b> A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within a 48 hour period. Any damage to signage, fencing and other communal structures should be repaired as soon as practical.</p>	<p>Management of graffiti to common property is the responsibility of the community association. It can be included as a note on the consent that graffiti management should be incorporated into the community management statement.</p>	
<p><b>Space and Activity Management.</b> Access to the community lot should be made clear and easily accessible for all residents and visitors to the area to help increase patronage and thus reduce avoidance behaviours of the area and fear of crime.</p>	<p>Noted: Can be conditioned that directional signage be installed at the entries to the community land.</p>	
<p><b>Access Control</b> Gating to battle-axe blocks and hiking/communal areas may be considered to reduce unwanted vehicle access to these areas.</p>	<p>Gating is not considered to be necessary at this time.</p>	
<p><b>2.11 Height of Buildings</b> Refer to LEP assessment (Clause 4.3).</p>		N/A
<p><b>2.13 Preservation of Trees and Vegetation</b> The proposed development does not involve the removal of any vegetation. Some minor pruning of one tree is proposed.</p>		Yes

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
Any further tree removal will be assessed on a case by case basis once dwelling applications are received.	
<b>Part 6 Rural and Environmental Zones</b>	
<p>The relevant objectives of Part 6 of the DCP are as follows:</p> <p>1) <i>Ensure that development maintains the rural character of the locality and minimises disturbance to the landscape and the environment generally.</i></p> <p>The proposed development results in a series of large lots which will contribute to maintaining the rural character of the landscape. The development has been carefully designed to minimise environmental impacts and disturbance to the existing landscape.</p> <p>2) <i>Ensure land use is ecologically sustainable, taking into account the environmental capabilities of the land and based on best management practices.</i></p> <p><i>The proposed development of the land is considered to be ecologically sustainable. The proposal retains a large portion of land to be managed and rehabilitated as well as introducing a vegetation management framework to ensure the ongoing protection, maintenance and rehabilitation of important ecological features of the site.</i></p> <p>3) <i>Ensure that development does not create or exacerbate soil erosion.</i></p> <p>The proposed development includes measures to manage sediment and erosion control including erosion management and rehabilitation work in the Church Creek corridor.</p> <p>4) <i>Ensure that the wider community does not bear the cost of servicing rural residential development.</i></p> <p>The proposed development will be subject to Section 94 contributions to contribute to services. The development will have its own independent water supply and on-site sewerage management. It is considered the proposed development is consistent with the objective.</p> <p>5) <i>Ensure agricultural production is not jeopardised by the intensification of development in the rural areas.</i></p> <p>The subject site is currently used as agricultural land for sheep grazing. The site maintains a relatively small number of sheep. The site is directly adjoined by a rural residential development to the south west and Burra Road to the north east. The portion of land to the south east is currently not grazed, steep and heavily vegetated. The subject site as an agricultural parcel is somewhat isolated. It is considered that the proposed development is unlikely to jeopardise the viability of any surrounding agricultural land.</p>	Yes



QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>The portion of land on the north side of Burra Road is proposed to remain as <i>agricultural</i> land and will continue to be grazed.</p> <p>6) <i>Encourage a flexible approach to subdivision of land where appropriate to ensure that large lot productive holdings are not unnecessarily fragmented.</i></p> <p>As describe above, the proposed development will not fragment any large agricultural holding.</p> <p>7) <i>Ensure that dwelling house lots are suitably located so as to have minimum impact on agriculture in the locality and are not clustered to the extent that they form rural residential communities in inappropriate locations.</i></p> <p>The site is <i>appropriately</i> located adjacent to a similar rural residential development at Little Burra and does not result in adverse fragmentation of larger tracts of agricultural land.</p> <p>8) <i>Ensure that allotments created in subdivisions have a suitable building envelope taking into consideration the potential for surface and ground water pollution and the risk of damage by bushfires or flooding.</i></p> <p>All <i>allotments</i> have been provided with a suitable building envelope appropriately located on each allotment in accordance with the requirements of this DCP.</p> <p>9) <i>Ensure that all allotments created by subdivision have coinciding legal and physical access to a road maintained by Council.</i></p> <p>All allotments will have access to a public road. The application includes the creation of three roads including a road which connects from Burra Road through to Binowee Drive in the Little Burra Estate. Two smaller cul-de-sacs are provided connecting to Road 1. All lots with the exception of lot 34 connect to a new road. Lot 34 is proposed to take access from Binowee Drive.</p> <p>10) <i>Minimise the creation of vehicular access points to major roads.</i></p> <p>The <i>original</i> application included a lot proposed to take access from Burra Road. The lot was found to be of high environmental value and access was difficult. As such the lot has been removed from the application. All lots are now accessed from either the proposed new roads or Binowee Drive. This includes the lot containing the existing farm house which will have a new driveway accessed from proposed Road 1.</p> <p>11) <i>Ensure that development is based on catchment management principles and does not have an unsustainable impact on surface and groundwater resources.</i></p> <p>The <i>proposed</i> development has been referred to Office of Water. The Office of Water assessment incorporated an assessment of the impact of the development on</p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>Church Creek and its catchment. General terms of approval have been issued for the development subject to conditions which will be included in any consent.</p> <p>12) <i>Preserve prime agricultural land for long term sustainable production.</i></p> <p>The subject site is not considered to be prime agricultural land. The site on which the <i>residential</i> subdivision is proposed is an isolated agricultural parcel which does not form part of a larger agricultural site. Data from Department of Primary Industries from 2007 identifies the site as having agricultural land classifications of 3 and 4 which are not the prime and highly valued arable land classifications of 1 and 2.</p> <p><i>Agricultural land classification No 3 is land suited to cropping but not continuous cultivation. Production risks are managed through: a pasture phase, conservation tillage and/or fallowing. Constraints to sustained levels of production are moderate.</i></p> <p><i>Agricultural land classification No 4 is land suited to grazing but not cultivation. Agriculture is based on native pastures and/or improved pastures established using minimum tillage techniques. Overall level of production is comparatively low due to major environmental constraints.</i></p>  <p>Figure – extract from DPI Agricultural land GIS data 2007</p> <p>It is <i>considered</i> that the proposed development is unlikely to impact on the long term viability of any nearby agricultural land.</p> <p><b>6.2 Subdivision</b></p> <p>There are specific objectives relating to subdivision for erecting dwellings, agricultural purposes and farm adjustment. The relevant objective for this rural residential subdivision proposal is as follows:</p> <p>a) <i>Erect a dwelling house – where the principal purpose is to provide for the erection of a dwelling house. Dwelling house lots should be located on the land with lower</i></p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>agricultural potential where this does not conflict with the need to protect important areas of native vegetation. They should be located so as to have minimum impact on agriculture in the locality and should not be clustered to the extent that they form rural residential communities in inappropriate locations.</i></p> <p>This objective largely echoes the objectives above. As previously discussed, the subject site is an isolated agricultural allotment adjacent to an existing rural residential subdivision. The location of the subdivision is considered to be appropriate in this instance.</p> <p>The proposed development is considered to be consistent with the above objectives. The development is primarily to create lots for future dwellings houses. All building envelopes are able to be located such that they do not result in significant adverse impact in regard to important areas of native vegetation.</p> <p>The agricultural lot created on the northern side of Burra Road formalises an existing situation and does not include any ancillary dwelling use.</p> <p><b>Additional requirements for subdivision</b></p> <p><i>a) Mature native trees are to be protected, especially Yellow Box (Eucalyptus melliodora) which provided habitat for the Regent Honeyeater.</i></p> <p>The lot layout has been designed to ensure that building envelopes and access avoid existing trees on the site. A vegetation management plan has been proposed which will ensure the protection of established trees and allows for replanting and rehabilitation works in the community lot.</p> <p><i>b) Council may require fencing of selected clumps of native trees to allow for regeneration.</i></p> <p>Fencing on individual dwelling lots is not considered to be necessary. Fencing of the community lot is encouraged.</p> <p><i>c) Subdivisions proposals must allow for the protection of woodland and forested area and appropriate vegetated corridors.</i></p> <p>Protection measures include the protection of high quality boxgum woodland predominantly within the community lot. Some high quality box gum woodland is locate within <i>residential</i> allotments. Where this is the case building envelopes are located outside of the conservation area and lots will be subject to strict vegetation management controls within the vegetation management plan which will be contained within the community management statement.</p> <p>Controls will <i>apply</i> to all areas of identified box gum woodland and will prevent the removal of trees and ground cover. It is anticipated that this will over time result in a net improvement to the health and diversity of the EEC.</p>	



QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>d) <i>Development within areas of significant vegetation communities, (particularly natural grasslands, secondary grassland or grassy woodlands), identified in the environmental review is to be restricted to light grazing (preferably with no winter/spring grazing) or restricted to low impact recreation. Buildings or roads should not be constructed within areas supporting other vegetation communities identified as significant in the environmental review (eg. wetlands and riparian environments, or native pastures). A key factor in the assessment of significance is whether the vegetation communities are of high or low ecological quality as assessed in the review.</i></p> <p>Refer to <i>threatened</i> species assessment in the LEP section of this report.</p>	
<p><b>6.2.1 – Roads</b> Refer to engineering assessment</p>	Yes
<p><b>6.2.2 – On site effluent disposal</b></p> <p>An initial site assessment for on site effluent disposal has been undertaken and is one of the studies which has informed the location and size of the proposed building envelopes. All building envelopes meet the minimum requirements. Council's Development Engineers have raised some concern that lots with minimum building envelopes may have difficulty in locating effluent disposal areas. The preliminary report indicates that all lots should be capable of accommodating suitable effluent disposal arrangements. It is proposed to impose a condition prior to CC that a detailed assessment of individual lots be prepared. Ordinarily this information would be required prior to subdivision certificate, it is hoped that by requiring this information prior to CC that should the detailed investigation determine any lots which specifically cannot accommodate effluent disposal within the building envelopes that a modification to the DA consent can be sought prior to the issue of a construction certificate should changes to the lot layout be required.</p>	Yes
<p><b>6.2.3 – Management of Flora and Fauna</b></p> <p>Detailed flora and fauna studies have been undertaken of the subject site. Please refer to the threatened species assessment contained in the LEP section of this report for further detail.</p>	Yes
<p><b>6.2.4 – Aboriginal Heritage</b></p> <p>A detailed Aboriginal Cultural Heritage Study has been prepared and assessed by the Office of Environment and Heritage who are generally satisfied with the content of the report. General Terms of Approval have been issued for Aboriginal Cultural Heritage matters subject to conditions. Aboriginal Heritage Impact Permits will be required for some of the work proposed.</p>	Yes
<p><b>6.2.4 – Bushfire Management</b></p>	Yes

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>A bushfire assessment has been prepared for the subject site. The application has been assessed by the Rural Fire Service and General Terms of Approval issued. It is considered that bushfire management has been suitably addressed.</p> <p>Required clearing for the location of roads and road reserves is being assessed by Local Land Services in regards to impact on the EEC. The applicant is aware that should a clearing PVP require changes to the lot layout or road alignment that a modification to any DA consent will be required.</p>	
<p><b>6.2.5 – Areas Visible from Arterial Roads</b></p> <p>The Statement of Environmental Effects submitted with the application indicates that a visual analysis was undertaken as part of the design process however a separate document to this effect has not been supplied.</p> <p>The nearest lots to Old Cooma Road are located a minimum 280m from the road reserve.</p>  <p><i>Approximate location of boundary as viewed from Old Cooma Road</i></p>  <p><i>Approximate extent of building envelopes on Mt Pleasant</i></p> <p>The majority of building envelopes are located on flatter portions of the site. The above images indicate the approximate location of the boundary of the site at nearest point to Old Cooma Road and the approximate extent of building envelopes on Mt Pleasant itself.</p> <p>The LEP does not specify a maximum building height for the subject site. However, the DCP specifies a maximum height of 9m from natural ground level. Whilst some building envelopes may be visible on the steeper sections at the foot of Mt Pleasant, it</p>	<p>Yes</p>

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>is unlikely that at a maximum height of 9m that any dwelling will be intrude into the skyline as viewed from Old Cooma Road.</p>	
<p><b>Section 6.3 – Design Principles for Subdivision</b></p> <p><b>Objectives</b> The objectives for this section are as follows:</p> <p>1) <i>Subdivision design and density should reflect the land capability taking into account natural constraints of the site and hazards.</i></p> <p>2) <i>Subdivision design is consistent with enhances the character of the locality.</i></p> <p>The proposed development is considered to be consistent with the above objectives. The proposed subdivision is has considered the natural constraints of the site and is considered to be an appropriate development within the capability of the land.</p> <p><b>Natural Environment</b></p> <p>The subdivision layout has been carefully considered against the natural constraints of the site. As has been discussed previously in this report, the site is home to a number of threatened bird species as well as Box Gum woodland endangered ecological community. The impact of the proposed development has been discussed in detail previously in this report. In summary, it is considered that the proposed development has taken appropriate measures to avoid, mitigate and offset the impacts of the development. Building envelopes, access points and roads have been located to minimise impact. A vegetation management plan has been developed to address ongoing management of the site both within the community allotment and box gum woodland on private allotments.</p> <p>The development is considered unlikely to result in significant adverse impact to any of the identified threatened bird species on the site and remediation work will ensure a net benefit to the site. A population of pink tail worm lizard have been identified and are appropriately protected within the community lot.</p> <p>It is considered that the proposed development has satisfied requirements in regards to minimising impact on the natural environment.</p> <p><b>Historic Relics and Places</b></p> <p>Areas of Aboriginal heritage have been identified throughout the site. Artefact sites within private allotments are proposed to be salvaged subject to an Aboriginal Heritage Impact Permit. The application has been assessed by the Office of Environment and Heritage who have issued their general terms of approval for the development and consider that an AHIP will be able to be issued subject to conditions.</p> <p>The heritage survey of the site also identified some ruins belonging to a previous dwelling on the site. The remains are proposed to be retained within a portion of the community lot.</p>	<p>Yes</p>

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>Visual Impact</b></p> <p>The majority of lots and building envelopes are located within the lower lying portions of the site. Some sites include steeper land within the conservation area, however building envelopes are located closer to proposed road 1, limiting their visual impact. Steeper portions of Mt Pleasant are to remain undeveloped and located within the community lot.</p> <p>The site is setback from Old Cooma Road and adjoins the Little Burra estate. It is considered that the proposed development is appropriately sited in relation to the physical topography of the site and is unlikely to result in significant adverse visual impact.</p> <p><b>Lot Design</b></p> <ul style="list-style-type: none"> <li>• The proposed subdivision achieves an average lot size of 6ha (Refer to LEP assessment for details)</li> <li>• Lots with a size of less than 4ha represent a total of 27.668 ha or 10.8% of the total area of the site which complies with the requirements of this section.</li> <li>• All lots of less than 4ha do not directly adjoin any other lot of less than 4ha.</li> <li>• Each lot of less than 4ha has direct access to a proposed public road.</li> <li>• Lot shapes generally respond to the topography of the site. Long narrow allotments have been avoided with all lots meeting the minimum width requirement of 100m.</li> <li>• Battle-axe allotments have been minimised representing 7 of the proposed 41 residential allotments. All access handles are between 115-153m.</li> <li>• All access handles are less than 15m wide.</li> <li>• Wedge shaped allotments have been minimised representing 4 of the proposed 41 residential allotments. All have a road frontage of a minimum 15m and achieve a minimum width of 100m within 100m of the front property boundary.</li> </ul> <p><b>Building Envelopes</b></p> <ul style="list-style-type: none"> <li>• Each lot contains a building envelope of a minimum size of 2000m<sup>2</sup>. Building envelopes have a maximum grade of 15% and have been sited to minimise or avoid environmental impacts and in locations most suitable to effluent disposal. Building envelopes achieve the minimum required setbacks.</li> <li>• Indicative access locations have been provided. All lots are capable of achieving access to a public road with a maximum grade of 15-20% Lot x requires a small amount of excavation in order to achieve grade to a small section of the access which is considered to be acceptable.</li> </ul> <p><b>Erosion and Sedimentation</b></p> <p>All proposed building envelopes are located in portions of the allotments with a maximum grade of 15% in accordance with building envelope controls. This will assist in minimising requirements for cut and fill and therefore minimising impacts from erosion and sedimentation.</p> <p>Erosion and sediment control works are proposed within Church Creek to stabilise and rehabilitate the creek banks.</p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>Extension of Surrounding Developments</b>          Whilst not strictly an extension of the Little Burra Estate, the proposed development will link to Little Burra and represents a logical and efficient extension of rural residential land in the locality. The development will include a road which links Burra Road to the Little Burra Estate at Binowee Drive, integrating the two development sites.</p> <p><b>Design of Effluent Disposal System</b>          A preliminary effluent disposal report has been prepared which identifies the areas of land suitable for on-site effluent disposal. A detailed report will be required for each lot prior to issue of the construction certificate for the subdivision.</p> <p><b>Non-Potable Water Supply</b>          The development proposes a reticulated non-potable water supply to service all new residential lots. The supply will be fed from a communal bore located within the community parcel. The applicant has indicated that the bore will be capable of providing a minimum 0.75 mega litres per a year at a rate of 0.5 litres per second.</p> <p>The lot containing the existing farmhouse has its own bore, it is proposed to maintain that arrangement. The new bore will service the remaining new residential lots.</p> <p>Each lot will be supplied with a minimum 30,000L non-potable tank which may be plumbed to the toilets of future dwellings. The tanks will be fed from the common bore. 20,000L will be retained for fire-fighting purposes, with the remaining 10,000L available for internal and external non-potable water use.</p> <p>The proposed bore will be fitted with a 100,000L tank. The applicants estimate the daily water requirement to service the lots to be 41,000L per day, requiring the bore to operate for approximately 5.7 hours per day to maintain supply to the allotments.</p> <p>Water will be reticulated to the new allotments via a 75mm diameter pipeline which the applicants assert will achieve the required flow rate.</p> <p>Five allotments are further supplemented with dams with are proposed to be adjusted to obtain harvestable water rights.</p> <p><b>Potable Water Supply</b>          Each lot will be serviced by a 90,000L potable water tank. Application for these tanks will be made with individual dwelling applications.</p> <p><b>Provision of Services</b>          The application has been assessed by Council's Development Engineers who are satisfied with the provision of services to the proposed allotments. Services were initially proposed to be contained within the road reserve, however as these are not Council assets they have been relocated to be within the private allotments.</p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>Each lot will be serviced with a reticulated non-potable water supply, underground electricity and telephone lines. Lot 'an' is proposed to be serviced with electricity via a new substation proposed at the boundary.</p> <p><b>Fencing</b> It will be conditioned that fencing be provided in accordance with the requirements of the DCP. Detail of fencing to be provided prior to CC.</p> <p><b>Electricity</b> As per discussion above, the application proposes underground power to be supplied to new lots. The infrastructure for which will be contained within the road reserves.</p>	

### ***Additional Planning Considerations***

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b><i>The Likely Impacts of the Development</i></b>	
<i>Context and Setting</i> – The subject site is located adjacent to existing rural residential subdivisions. The proposed development is considered to be consistent with the established and desired character of the locality and will contribute positively to the locality.	Yes
<i>Access, Transport and Traffic</i> – The site is proposed to be access via a new road connecting the subject site to Burra Road in the north and Binowee Drive in the south. Two additional roads are proposed internal to the site to service the proposed lots. The access arrangements have been reviewed by Council's Development Engineers and are considered to be acceptable in this instance.	Yes
<i>Public Domain</i> – The proposed development is unlikely to result in any adverse impact to the public domain.	Yes
<i>Utilities</i> – The site is able to be serviced with a reticulated non-potable water supply via a proposed bore and storage tanks. Electricity and telecommunications services are proposed underground within the proposed road reserve. On-site effluent disposal will be required for all rural residential lots.	Yes
<i>Heritage</i> – There are no listed heritage sites on the subject site. Matters of Aboriginal Cultural Heritage have been addressed by the Office of Environment and Heritage who have issued general terms of approval. The application identifies the site of an historic dwelling on the site which may be further investigate for heritage listing consideration in the future.	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Other Land Resources</i> – The proposed development is unlikely to adversely impact on productive agricultural land. The site is an isolated agricultural parcel and does not form part of any larger agricultural holding	Yes
<i>Water</i> – The proposed development includes restoration work to Church Creek. The development is considered likely to result in a net improvement to the health and stability of the creek.  The application has been referred to the Office of Water who have not raised any concern in relation to the proposed bore or to the modification of existing dams subject to conditions contained in the GTA's.	Yes
<i>Soils</i> – The proposed development is considered unlikely to result in any adverse impact to soils in the immediate locality.	Yes
<i>Air and Microclimate</i> - The construction stage of the proposed development will likely cause the emission of some dust. This can be addressed via the imposition of standard site management conditions.	Yes
<i>Flora and Fauna</i> – Flora and Fauna impacts have been assessed in the Section 5A assessment of this report.	Yes
<i>Waste</i> - The imposition of standard conditions will manage the disposal of waste generated during the construction of the development. Domestic waste services will be available to future dwellings with a fortnightly Council collection service.	Yes
<i>Energy</i> – Energy assessments of individual dwellings will be assessed under future applications.	Yes
<i>Noise and Vibration</i> – The proposed development is considered unlikely to result in the generation of adverse noise or vibration.	Yes
<i>Natural Hazards</i> – Portions of the site are identified as being bushfire prone. The application has been referred to the NSW Rural Fire Service who are satisfied with the application and have issued General Terms of Approval. Flooding impacts from the creek have also been addressed.	Yes
<i>Technological Hazards</i> – A detailed site investigation has been prepared for the site – refer to SEPP 55 Assessment	Yes
<i>Safety, Security and Crime Prevention</i> – Refer to DCP assessment and NSW Police Comments.	Yes
<i>Social Impact in the Locality</i> - The proposed development is not expected to pose any negative social impacts to the locality.	Yes
	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Economic Impact in the Locality</i> - The proposed development is not expected to pose any negative economic impacts to the locality. There will be local economic benefits through employment opportunities during construction.	
<i>Site Design and Internal Design</i> – The proposed design is considered to be generally responsive to the constraints of the site.	Yes
<i>Construction</i> - The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and their occupants and the environment by way of noise, erosion and the like. These conditions are standard Council conditions of development consent.	Yes
<p><i>Cumulative Impacts</i> - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. There is the potential for the cumulative impacts relating to the clearing required for the road, building envelopes and the bushfire maintenance easement. The impact of the clearing for roads and building envelopes has been assessed as part of the flora and fauna assessment and under Part 5A of the Act and is considered acceptable. The potential for clearing for the bushfire maintenance easement which is requires 50m on either side of the road and within the battle axe handles. This clearing is for grassland fire and as such will not affect tree species.</p> <p>It is considered that with adherence to recommended conditions of consent that the proposal will not give rise to any adverse cumulative impacts. This includes ensuring that the proposed vegetation management plan is refined and included in the community management statement.</p>	Yes
<b><i>The Suitability of the Site for the Development</i></b>	
<i>Does the proposal fit in the locality?</i> – The proposed development is considered to be consistent with the established and desired character in the locality. The development creates a link between Burra Road in the north and the Little Burra Estate in the south and will fit well within the context of the locality.	Yes
<i>Are the site attributes conducive to development?</i> – The site attributes are considered to be generally conducive to the proposed development. Environmental constraints have been discussed in detail previously in this report. The areas of high biodiversity value that require protection have been contained within the community lot and the subdivision will also be subject to a Vegetation Management Plan. Suitable building envelopes have been identified for each lot that account for the topography, biodiversity, flooding and capability of the land.	Yes
<b><i>Have any submissions been made in accordance with the Act or the Regulations?</i></b>	



MATTERS FOR CONSIDERATION			COMPLIES (Yes/No)
<i>Public Submissions</i> – Three submissions were received during the notification process and have been addressed in detail in the accompanying Council report.			Yes
<i>Submissions from Public Authorities</i> – The application has been referred to the following public authorities for integrated development approval.			Yes
<b>Integrated Referral</b>	<b>Act</b>	<b>GTA's</b>	
NSW Rural Fire Service	Rural Fires Act 1997	GTA's issued Section 100B authorisation	
Office of Water	Water Management Act 2000	GTA's issued Water management work within Church Creek Ground water supply	
NSW Fisheries	Fisheries Management Act 1994	GTA's issued Consent to carry out work to dams and bridge across Church Creek	
Office of Environment and Heritage	National Parks and Wildlife Act 1974	GTA's Issued Aboriginal Heritage Impact Permit	
The GTAs will be included in any consent issued for the proposed subdivision.			
The application was also referred to the RMS and NSW Police Service and their comments have been considered in this assessment.			
<b><i>The Public Interest</i></b>			
The proposed development does not conflict with the public interest and can be adequately protected.			Yes
<b><i>Government and Community Interests</i></b>			
The proposed development does not conflict with any Government or Community interests.			Yes
<b><i>Section 94 Development Contributions</i></b>			
<i>Section 94 Contributions</i>			Yes
<b>Lots</b>	<b>Equivalent Tenaments (ETs)</b>		
Total lots – 42	42		
Credit for existing dwelling	-1		
Minus community lot and rural lot	-2		
<b>TOTAL</b>	<b>39 ETs</b>		
Section 94 contributions based on above calculations: \$667,771.30 (calculated 15.9.16)			
<i>Section 64 Contributions</i> Refer to Engineers comments.			