

## 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 304-2016**

### *Environmental Planning and Assessment Act 1979*

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

- (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,*
  - (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,*
  - (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,*
  - (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*
    - (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*
    - (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,*
  - (e) *whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*
  - (f) *whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
  - (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.*

Parts of Greenleigh have been identified as containing native dry forest vegetation and moderate to high fauna habitats. The area in which 5 Barnett Close is located was investigated in the Queanbeyan Biodiversity Study 2008. Koala habitats such as the Scribbly Gum tree can be found in dry forest and have been identified in the Greenleigh area to an extent. There haven't been any Endangered Ecological

Communities identified on the site. Some tree canopy thinning will be required as part of this application as the site is bushfire prone land. The trees cleared will include natives; however, in this instance is deemed acceptable. Due to the bushfire threat to the property. Without any bushfire threat the new works would not require any tree clearing. The proposed development is not likely to have a significant effect on any threatened species, populations or communities, or their habitats.

**Section 79BA – Consultation and development consent – Certain bushfire prone land**

- (1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:*
- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
  - (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The site is identified as bushfire prone land and was referred to the Rural Fire Service for comment. The RFS determined that the site was classed as Bushfire Attack Level 29 and the following requirements needed to be imposed:

1. *The following vegetation clearing is required:*
  - North: 16 metres*
  - East: 16 metres*
  - South: 49 metres*
  - West: 49 metres*
2. *New construction shall comply with Sections 3 and 6 (BAL29) AS3959-2009 'Construction of buildings on bushfire prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.*
3. *Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for bushfire protection 2006'.*

Council's Building Surveyor has assessed the proposal and has determined that it meets the requirements of the RFS given that standard bushfire conditions are imposed.

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

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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>	
Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are no records of the site being previously used for any potentially contaminating purposes.	Yes
<b><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></b>	
Under this policy, a BASIX certificate must be obtained, and this certificate must be consistent with the plans submitted. A BASIX Certificate was submitted that includes measures that will achieve the required energy and water efficiency targets. The information provided within the submitted certificate and the plans are consistent, therefore, compliance with this SEPP has been achieved.	Yes
<b><i>State Environmental Planning Policy (Infrastructure) 2007</i></b>	
The provisions of this Policy have been considered in the assessment of the application. The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road. The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. No development is proposed within 5m of an overhead powerline and no ground penetrating work is proposed within 2m of any underground electricity services.	Yes

## **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 to the proposed development are as follows:</p> <ul style="list-style-type: none"> <li>a) <i>to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;</i></li> <li>b) <i>to provide for a diversity of housing throughout Queanbeyan;</i></li> <li>c) <i>to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community;</i></li> <li>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></li> <li>e) <i>to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra; and</i></li> <li>f) <i>to maintain the unique identity and country character of Queanbeyan.</i></li> </ul> <p>The proposed development is considered to be generally consistent with the relevant aims of the QLEP 2012. Specifically as it maintains the natural environment of the site through the design and material of the proposed extension.</p>	Yes
<b>Clause 1.4 Definitions</b>	
<p>The proposed development is a dwelling addition and alteration and is included in the definition of a <b>dwelling house</b> [which] means a building containing only one dwelling.</p> <p>The studio has not been defined as a secondary dwelling as it does not have its own laundry. Kitchen-like elements were removed from the original design of the studio to ensure it will not be used as a secondary dwelling. A condition of consent will also be imposed stating that the studio will not be used as a secondary dwelling</p>	Yes – Condition

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS		COMPLIES (Yes/No)
<b>Clause 1.9A    <i>Suspension of Covenants, Agreements and Instruments</i></b>		
<p>No covenants or agreements restricting the development have been identified. A Section 88B Instrument burdens the lot; specifically, items firstly and fifthly. Firstly refers to pumping of water onto adjoining land which does not affect this proposal.</p> <p>Fifthly contains restrictions on design and specifically that developments must have a 10 metre setback and clearing can only occur within 7 metres of the dwelling house. Council is the authority for this restriction. The proposed carport has a 5 metre setback which does not meet the requirements of this restriction, but is supported in this case. Refer to Part 6 of this report for further assessment.</p>		Yes with supported variation
<b>Part 2    <i>Permitted or Prohibited Development</i></b>		
<b>Clause 2.1    <i>Land Use Zones</i></b>		
<p>The subject site is zoned E4 Environmental Living. A dwelling house and ancillary development is permitted with consent in this zone.</p>		Yes
<b>Clause 2.3    <i>Zone Objectives and Land Use Tables</i></b>		
<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> <li>• <i>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</i></li> <li>• <i>To ensure that residential development does not have an adverse effect on those values.</i></li> <li>• <i>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.</i></li> <li>• <i>To ensure that rural residential development provides for integrated rural residential communities in its design.</i></li> </ul> <p>It is considered that the proposed development generally satisfies the objectives of the zone; specifically, as the proposal is maintaining the ecological values by minimal vegetation thinning and the design of the proposal is sympathetic to the bushland character of Greenleigh.</p>		Yes
<b>Clause 2.7    <i>Demolition requires development consent</i></b>		
<p>The proposal does involve minor demolition to the existing dwelling and under this Clause demolition requires development consent.</p>		Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS		COMPLIES (Yes/No)
<b>Part 4 Principal Development Standards</b>		
<b>Clause 4.3 Height of buildings</b>		
The maximum building height permitted on the subject site is 8.5 metres. The proposed maximum height is 3.1 metres.		Yes
<b>Part 5 Miscellaneous Provisions</b>		
<b>Clause 5.9 Preservation of trees or vegetation</b>		
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. Some tree canopy thinning will be required as part of this application as the site is bushfire prone land. The trees thinned will include natives and non-natives; however, in this instance is deemed acceptable. This is due to the bushfire threat to the property and some clearing is needed for bushfire safety. Without any bushfire threat the new works would not require any tree clearing.		Yes
<b>Clause 5.10 Heritage conservation</b>		
The proposed development will have a negligible impact in relation to heritage. The site is not heritage listed, is not adjacent to a heritage item and is not located within a Heritage Conservation Area.		NA
<b>Clause 5.11 Bush fire hazard reduction</b>		
The subject site will not involve bush fire hazard reduction works.		NA
<b>Part 7 Additional Local Provisions</b>		
<b>Clause 7.1 Earthworks</b>		
Minor earthworks associated with the development are proposed and form part of this application. The proposed earthworks will not have a detrimental impact on drainage patterns and soil stability or the existing and likely amenity of adjoining properties. The development application will be condition to mitigate the potential impact of soil erosion and the like during construction.		Yes
<b>Clause 7.2 Flood Planning</b>		
The site is not identified as being within the 'flood planning area'.		NA
<b>Clause 7.3 Terrestrial biodiversity</b>		
Before determining a development application for development on land to which this clause applies, the consent authority must consider: (a) whether the development is likely to have:		Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>(i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p>(ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</p> <p>(iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p>(iv) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Parts of Greenleigh have been identified as containing native dry forest vegetation and moderate to high fauna habitats. The area in which 5 Barnett Close is located was investigated in the Queanbeyan Biodiversity Study 2008. Koala habitats such as the Scribbly Gum tree can be found in dry forest and have been identified in the Greenleigh area to an extent. There haven't been any Endangered Ecological Communities identified on the site. Some tree canopy thinning will be required as part of this application as the site is bushfire prone land. The trees cleared will include natives; however, in this instance is deemed acceptable. Due to the bushfire threat to the property. Without any bushfire threat the new works would not require any tree clearing. The proposed development is not likely to have a significant effect on any threatened species, populations or communities, or their habitats.</p>	
<b>Clause 7.4 Riparian land and watercourses</b>	
This clause is not considered relevant to the proposed development as the site is not identified as "Watercourse" on the Riparian Land and Watercourses Map".	NA
<b>Clause 7.5 Scenic protection</b>	
<p>This clause is relevant to the proposed development as the site is not identified as "Scenic Protection Area" on the Scenic Protection Map. Subclause (3) of this clause is required to be assessed before the application is determined.</p> <p>(3) Development consent must not be granted to any development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development on the natural and visual environment of the land, and</p> <p>(b) the development will incorporate conservation and rehabilitation measures to preserve the scenic qualities of the land.</p> <p>The proposed development will have minimal impact on the natural and visual environment of the land through the positioning and design of the structures.</p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>Scale</b> The dwelling additions will marginally add to the existing scale of the development, will maintain the single storey nature of the existing dwelling and conform to its design. The studio and carport will not diminish the established woodland character of the site.</p> <p><b>Colour</b> The proposed studio will be red brick to match the existing dwelling house and maintain the roofing of the existing carport. These colours are in accordance with the Scenic Protection Colour Chart, which ensure the development blends with the natural environment. The colours are shown on the plans and will form a condition of consent. The new carport will combine natural elements such as timber and stone and use the same roofing as the existing dwelling.</p> <p><b>Positioning</b> The existing dwelling house is established around the midpoint of the site and the additions are proposed to the side of the existing dwelling house. The studio is being erected by converting an existing carport which is already attached to the existing dwelling and will therefore not be a dominant structure that distracts from the natural environment of the area. The carport is minor in size. It is relatively close to the side boundary; however, it has an open style, uses natural materials and is surrounded by native trees providing screening.</p> <p>As assessed above, the built form will have minimal impact on the scenic qualities of the land and will therefore not require conservation and rehabilitation measures to be incorporated.</p>	
<b>Clause 7.6      <i>Airspace operations</i></b>	
The proposed development will not penetrate the AHD 720 Obstacle Limitations Surface Map for the Canberra Airport as the site has an AHD of 640. Therefore the application was not required to be referred to the relevant Commonwealth body for comment.	NA
<b>Clause 7.7      <i>Development in areas subject to aircraft noise</i></b>	
This clause is not considered relevant to the proposed development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater.	NA
<b>Clause 7.8      <i>Active street frontages</i></b>	
This clause is not considered relevant to the proposed development as the site is not identified as "Active street frontage" on the Active Street Frontages Map".	NA
<b>Clause 7.9      <i>Essential services</i></b>	
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	Yes



QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>development are available or that adequate arrangements have been made to make them available when required:</p> <ul style="list-style-type: none"> <li>(a) <i>the supply of water,</i></li> <li>(b) <i>the supply of electricity,</i></li> <li>(c) <i>the disposal and management of sewage,</i></li> <li>(d) <i>stormwater drainage or on-site conservation,</i></li> <li>(e) <i>suitable vehicular access.</i></li> </ul> <p>Council's Development Engineer has assessed the proposed development and confirmed that adequate services are available to the proposed development. The existing driveway can be utilised for vehicle access.</p>	
<b>Clause 7.10    Development near Cooma Road Quarry</b>	
<p>This clause is not considered relevant to the proposed development as the site is not identified as "Buffer Area" on the Quarry Buffer Area Map".</p>	NA
<b>Clause 7.11    Development near HMAS Harman</b>	
<p>This clause is not considered relevant to the proposed development as the site is not located within 2 kilometres of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.</p>	NA

## ***Development Control Plan***

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

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<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 one submission was received. The submission was from the adjoining neighbour and was in support of the application.	Yes
<b>Part 2 All Zones</b>	
<b>2.2 Car Parking</b> A total of two car parking spaces have been provided in accordance with the requirements of section 2.2.  The application has been referred to Councils Development Engineer who has found the parking arrangements including access and manoeuvring areas to be satisfactory in this instance.	Yes
<b>2.3 Environmental Management</b> A BASIX certificate has been submitted and the relevant commitments shown on the submitted plans. The proposed development will not result in any significant environmental impacts and is not located within the vicinity of arterial roads, entertainment venues or the like.	Yes
<b>2.4 Contaminated Land Management</b> Refer to SEPP 55 assessment.	Yes
<b>2.5 Flood Management</b> The subject site is not within a flood prone area.	NA
<b>2.6 Landscaping</b> A landscaping plan was not required to be submitted with the application.	
<b>2.7 Soil, Water and Vegetation Management Plan (SWVM Plans)</b> Standard conditions relating to site management and sediment and erosion control will be imposed should development consent be granted.	Yes – Standard Conditions

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>2.8 Guidelines for Bushfire Prone Areas</b> The site is identified as bushfire prone land and was referred to the Rural Fire Service for comment. Refer to Section 79BA at this beginning of this report.</p>	Yes - Conditions
<p><b>2.9 Safe Design</b> The proposed development generally satisfies the relevant provisions of this clause. The existing dwelling is located to the rear of the site and is concealed by heavy amounts of vegetation. With the proposal some clearing will need to be undertaken due to the bushfire constraints on the site which will enhance the visual opportunities to the site. The studio and carport have been designed to maintain the observation opportunities.</p>	Yes
<p><b>2.11 Height of Buildings</b> Refer to LEP assessment (Clause 4.3).</p>	Yes
<p><b>2.13 Preservation of Trees and Vegetation</b> Some tree canopy thinning will be required as part of this application as the site is bushfire prone land. The trees thinned will include natives and non-natives; however, in this instance is deemed acceptable. This is due to the bushfire threat to the property and some clearing is needed for bushfire safety. Without any bushfire threat the new works would not require any tree clearing.</p>	Yes
<b>Part 5 Local Area Provisions</b>	
<p><b>5.3 Greenleigh Estate</b></p> <p><b>Objective</b> 1) <i>To preserve this bushland area and to preserve its value by allowing only development which will:</i></p> <ul style="list-style-type: none"> <li><i>Not give rise to harmful erosion or siltation of the Queanbeyan River;</i></li> <li><i>Not give rise to garish colours, building bulk and high reflectivity; and</i></li> <li><i>Retain the single dwelling bushland character of the area.</i></li> </ul> <p>The proposal generally satisfies this objective.</p>	Yes
<p><b>Controls</b> a) <b>Tree Cover</b> i) <i>Development on a site should be located so as to retain as many trees on the site as practicable. Where a site would be prominently visible, if not for the extent of existing tree cover, careful consideration will be given to the siting of any buildings on-site and the</i></p>	Yes

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>resultant visibility of buildings once trees have been removed.</i></p> <p>ii) <i>Where an application for building work involves removal of further trees and ground clearance of significance to the site and the general area, that application will not be favoured.</i></p> <p>The proposal will include canopy thinning of some vegetation; however, does not include tree removal. The existing dwelling, proposed studio and carport will not be prominently visible due to the location on the site and the high amount of vegetation that provides screening. The clearing is required for bushfire safety and would not be required if the site was not bushfire prone.</p> <p>iii) <i>Ancillary development to the dwelling-house such as swimming pools and tennis courts shall not interfere with existing vegetation within the 10m boundary setback area.</i></p> <p>There will not be any canopy thinning or tree removal of native vegetation within the 10 metre side setback. There will be a non-native shrub removed to site the carport.</p> <p>iv) <i>The clearance of trees and shrubs is restricted to the area of the dwelling-house and driveway. See clause 2.13 Preservation of Trees and Vegetation of this DCP for further controls.</i></p> <p>The proposed carport and studio do not require the removal of any native vegetation in order to construct them. However, some canopy thinning is required as the site has a Bushfire Attack Level of 29. The clearing is required to ensure the safety of the residents if a fire were to occur and is acceptable in this instance. The distances of clearing are mentioned in Part 2 Clause 2.8 earlier in this report.</p>	
<p><b>b) Land Use</b></p> <p>i) <i>All proposed development should be aimed to retain the bushland character of Greenleigh Estate.</i></p> <p>ii) <i>Outside the allowable areas of clearance and area of driveway the remainder of the site is to be generally conserved and maintained in its original condition.</i></p> <p>The proposed carport and studio are located in an existing cleared area. As there is no removal of vegetation and the built form has been appropriately designed these controls are satisfied.</p>	Yes

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>c) <i>Built Form and Ancillary Development</i></b></p> <p><i>i) Development shall be of a high design quality and buildings should relate to the natural environmental qualities of the site.</i></p> <p>The proposal will include the use of natural materials to blend into the existing bushland character. The proposed materials used include red brick, stone features and timber.</p>	Yes
<p><i>ii) All new building/development shall be sited and designed so as to minimise overlooking into neighbours habitable rooms and recreation areas to protect privacy.</i></p> <p>The proposed carport will have a side setback of 5 metres from the adjoining property at 3 Barnett Close; however, this is a non-habitable structure and low activity area and is unlikely to cause privacy impacts. The proposed studio will be located approximately 13 metres away from the adjoining property. By use of the planning principle of Meriton Vs Sydney City Council this means that direct overlooking is not likely as this is over the minimum distance of 9 metres. There is one window proposed on this side however, it is offset and not directly facing the adjoining property. The adjoining property also has a large amount of natural vegetation which will act as screening between the two properties.</p>	Yes
<p><i>iii) All buildings and ancillary outbuildings shall have a minimum side and rear boundary setback of 10m.</i></p> <p>The carport has a proposed side setback of 5 metres which does not meet this control; The applicant has requested Council approve the variation for the following reasons:</p> <p>Applicant's justification:  <i>Due to the shape and slope of the site and the fact that there is an easement running through the back of the block the proposed location is best for the carport. With this location the driveway will not be altered. Informal parking is currently used in the front setback and by having the carport in the proposed location the parked cars will actually be further away from the neighbours. The design of the carport has been done as to blend in with the bushland character and of a high standard. The proposed studio is going to be used as a space for the applicant's elderly family member. The placement of the carport near the studio will mean that the family member will be able to access the studio without having to go upstairs and will be much quicker than going through the existing dwelling.</i></p>	No – Variation to side setback requirements

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
Refer to the Staff report for the Assessing Officer's Assessment of this variation.	
<p>iv) <i>All external surfaces of all built form are to be dark in tone and non-reflective in nature.</i></p> <p>The proposed materials for the carport are timber with stone features. The studio is proposed to match the existing dwelling by using red bricks.</p>	Yes
<p>v) <i>Built form is not to be visually obtrusive as viewed from within and outside of the area.</i></p> <p>The studio is unlikely to be visually obtrusive as it is proposed in the same location as an existing carport. Enclosing this carport will not create a dominant structure. The proposed carport is open style and will not be viewed from the street or surrounding areas. This is due to the heavy vegetation on site and the proposed location of the carport.</p>	Yes
<p>vi) <i>The depth of cut and fill is to be limited to 1.5m. Applicants should seek to utilise split-level designs, or incorporate pier and beam construction on steep slopes.</i></p> <p>vii) <i>Maximum slope of cut and fill batters is 1 in 4 (25%) and planted with grasses and shrubs. Batters in excess of this slope will require extra control strategies such as mulching, additional plantings and rock-facing.</i></p> <p>viii) <i>Catch drains and/or agricultural drains are to be provided on the top side of all batters to protect them from erosion.</i></p> <p>The location of the studio and carport is already level. Earthwork's proposed are minimal and under 1.5 metres,</p>	Yes
<p>ix) <i>Clothes drying areas are to be screened from view from outside the property.</i></p> <p>There are no clothes drying areas proposed.</p> <p>x) <i>Driveways are to be limited in area to that which is practicable in as far as immediate access to a garage/carport and the appropriate turnaround areas.</i></p> <p>The driveway is existing and will be utilised for the proposed carport.</p> <p>xi) <i>No lot or boundary of a lot shall be cleared for the purpose of fencing unless the clearing is a minimum</i></p>	yes

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>xii) width only to allow for the physical location and construction of the fence (maximum 1m). Fencing is to be rural in nature i.e. post and wire. Barbed wire or chain-mesh fencing will not be permitted.</p> <p>New fencing is not proposed as part of this development.</p>	
<b>Part 6 Rural and Environmental Zones</b>	
<p><b>6.4 Development and building</b></p> <p><b>Objective</b></p> <p>1) <i>Development shall ensure relevant environmental standards are met.</i></p> <p>The proposal generally satisfies this objective.</p> <p><b>Relevant Controls</b></p> <p>g) <b><i>Bushfire Fire Hazard</i></b> – All development on Bushfire Prone Land must satisfy the aim and objectives of Planning for Bush Fire Protection 2006. Applicants must demonstrate to the Rural Fire Service and Council that the proposal satisfies the broad aim and objectives of Planning for Bush Fire Prone Land, specific objectives for the development type and the performance criteria for the various bushfire protection measures. Applicants are advised to consult the following publication; “NSW Rural Fire Service, Planning for Bush Fire Protection, A Guide for Councils, Planners, Fire Authorities and Developers 2006” (the documents can be obtained from the Rural Fire Service’s webpage: <a href="http://www.rfs.nsw.gov.au">www.rfs.nsw.gov.au</a> )</p> <p>The site is identified as bushfire prone land and was referred to the Rural Fire Service for comment. The RFS determined that the site was classed as BAL 29 and the following requirements needed to be imposed. Refer to the section 79BA assessment at the beginning of this report.</p>	<p>Yes - Condition</p>

## ***Additional Planning Considerations***

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b><i>Environmental Planning and Assessment Act Regulation 2000</i></b>	
<p><i>The provisions of any matters prescribed by the Regulations, which apply to the land to which the development application relates, must be considered.</i></p> <p><b>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures):</b> N/A</p> <p><b>Clause 93 - Fire Safety Considerations (change of use of an existing building):</b> N/A</p> <p><b>Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building):</b> N/A</p>	NA
<b><i>The Likely Impacts of the Development</i></b>	
<p><i>Context and Setting</i> - The proposal is located in an established residential area which contains a variety of dwelling houses. The proposal is keeping in context with the predominantly bushland character of the locality.</p>	Yes
<p><i>Access, Transport and Traffic</i> - The proposal's impacts in relation to access, transport and traffic is considered to be acceptable. Please refer to section 2 of this report for further detail.</p>	Yes
<p><i>Public Domain</i> - The proposal will not have an effect on the public domain.</p>	Yes
<p><i>Utilities</i> - The site has existing sewer, water electricity and telecommunications services.</p>	Yes
<p><i>Heritage</i> - The proposed development will have no impact in relation to heritage. The site is not heritage listed, is not adjacent to a heritage item and is not located within a Heritage Conservation Area.</p>	Yes
<p><i>Other Land Resources</i> - The proposed development will not adversely impact on valuable land resources for productive agriculture land and mineral and extractive resources.</p>	Yes
<p><i>Water</i> - The existing dwelling is connected to the town's water supply and stormwater drainage is existing.</p>	Yes
<p><i>Flora and Fauna</i> - There will be canopy clearing of vegetation for bushfire purposes. It is unlikely that there will be impacts to flora and fauna as a result of the proposed development. Please refer to Clause 7.3 of this report for a detailed assessment.</p>	Yes



MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Waste</i> - The imposition of standard conditions will manage the disposal of waste generated during the construction of the development. Domestic waste collection services are available and suitable for the on-going waste generated by the development.	Yes
<i>Energy</i> – A BASIX Certificate has been issued for the proposed studio and meets energy standards.	Yes
<i>Noise and Vibration</i> - The imposition of standard conditions will mitigate any noise and vibration during the construction of the development.	Yes
<i>Natural Hazards</i> – The site is bushfire prone land. Please refer to Section 79BA in this report for a detailed assessment of this.	Yes
<i>Technological Hazards</i> - There are no known technological hazards affecting the site.	Yes
<i>Safety, Security and Crime Prevention</i> - The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design.	Yes
<i>Social Impact in the Locality</i> – The proposal will not create negative social impacts.	Yes
<i>Economic Impact in the Locality</i> - Minimal economic impacts from the development are anticipated.	Yes
<i>Site Design and Internal Design</i> - The proposed development is considered to be generally well designed in an environmentally sensitive manner.	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
<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. It is considered that the proposal will not give rise to any adverse cumulative impacts.	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 compatible with the bushland character of the locality. There are no physical constraints, heritage, agricultural or mineral and extractive resource constraints, and the proposed development will not give rise to unmanageable transport demands. All services are available.	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Are the site attributes conducive to development?</i> – The site has been previously developed with a dwelling and tennis court.	Yes
<b><i>Have any submissions been made in accordance with the Act or the Regulations?</i></b>	
<i>Public Submissions</i> – There was one public submission in support of the application.	Yes
<i>Submissions from Public Authorities</i> - The proposed development was forwarded to the Rural Fire Service for comment in regard to bushfire. After conducting an assessment the RFS have identified the development as having a BAL 29. Refer to details of the RFS recommendations earlier in this Report.	Yes
<b><i>The Public Interest</i></b>	
The proposed development is considered to be in the public interest.	Yes
<b><i>Government and Community Interests</i></b>	
It is considered that government and community interests will not be adversely affected by the proposed development.	Yes
<b><i>Section 94 and 64 Development Contributions</i></b>	
<i>Section 94 and 64 Contributions</i> Contribution fees are not applicable to this development.	NA