

# QPRC



## **Planning and Strategy Committee of the Whole**

**10 May 2017**

**UNDER SEPARATE COVER  
ATTACHMENTS**

Item 4.1

Item 4.2



**QUEANBEYAN-PALERANG REGIONAL COUNCIL  
PLANNING AND STRATEGY COMMITTEE OF THE WHOLE**

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

ITEM 4.1                      DEVELOPMENT APPLICATION 2016.203 - 8360 MONARO  
HWY, ROYALLA - 6 LOT SUBDIVISION

ATTACHMENT 1            DA.2016.203 - 8360 MONARO HWY, ROYALLA - 6 LOT  
SUBDIVISION -SECTION 79C MATTERS FOR  
CONSIDERATION

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

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**Development Application 2016-203 – Six lot subdivision and road at 8360 Monaro Highway, Royalla.**

**ATTACHMENT – SECTION 5A and SECTION 79C(1) TABLE – Matters For Consideration**

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The application has been assessed under Section 5A EP&A Act 1979 – Significant effect on threatened species, populations or ecological communities, or their habitats of the *Environmental Planning & Assessment Act 1979*.

Three ecological studies and assessments have been undertaken over the site and locality:

- *Geoff Butler & Associates* prepared a Flora and Fauna Assessment in 2008
- *Ecological Australia* prepared an updated Flora and Fauna Assessment of the site 31 August 2016
- A further Flora & Fauna Survey Assessment prepared by *Biosis* was submitted on 19 April 2017. Their assessment reviewed both the *Ecological Australia* and *Geoff Butler & Associates* assessments and conclusions together with their own assessments.
- *Ecological Australia* also reviewed the following material:
  - NSW BioNet, Atlas of NSW Wildlife database search (20km and IBRA subregion), assessed 7 July 2016
  - EPBC Protected Matters Search tool (20km), accessed 7 July 2016 (Environment Australia 2016)
  - Geoff Butler & Associates (2008) report into environmental matters across the broader property during previous considerations
  - NSW Vegetation Information System (VIS –C) analysis of likely vegetation communities, accessed 13 July 2016 (OEH 2016b)
  - Vegetation mapping for the Monaro Region (Walter & Schelling 20014)

Pursuant to 5A (2) of the Act the following matters must be taken into consideration by Council in deciding whether there is likely to be significant effect from the development on any 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*

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- (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),*
  - (i) *whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
  - (ii) *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 ecologist, *Ecological Australia* has undertaken a number of Assessments of Significance as per the considerations above under the following legislation namely:

NSW Threatened Species Conservation Act 1995

Flora

- a) Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South Eastern Corner and NSW South Western Slopes Bioregions.  
*Conclusion: The condition of this remnant is very strongly compromised by the lack of canopy and the intensive history of grazing. The impact to a derived grassland form of the community is unlikely to significantly impact the EEC.*
- b) White Yellow Box – Blakely’s Red Gum Woodland (NSW TSC listing)  
*Conclusion: An area of derived native grassland form of the Box-Gum Grassy Woodland is affected by the subdivision. It was recommended further survey/assessment be carried out.*
- c) Swainsona recta (endangered), Small Purple Pea, Mountain Swainson-pea  
*Conclusion: It was recommended that further survey/assessment be carried out.*
- d) Swainsona sericea (Vulnerable) Silky Swainson-pea  
*Conclusion: It was recommended that further survey/assessment be carried out.*

Fauna

- e) Hieraaetus morphnoides (Vulnerable) Little Eagle  
*Conclusion: The proposal is unlikely to constitute a significant impact on Little Eagle given that the subdivision would constitute a minor disturbance given the amount of foraging habitat within the small lot subdivision area (16.27ha of foraging habitat only); the subdivision would not disturb any canopy trees; large areas of suitable foraging habitat are present within the surrounding landscape and the proposal would not isolate any fragment any currently connecting areas of habitat in terms of use by this highly mobile species. Based on this it is unlikely the subdivision would constitute a significant impact on the Little Eagle.*
- f) Suta flagellum (Vulnerable) Little Whip Snake  
*Conclusion: The impact of the subdivision on the Little Whip Snake, as determined by the 7-part test, is not considered to be significant.*

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- g) *Stagonopleura guttata* (Vulnerable) Diamond Firetail  
*Conclusion: The impact of this proposal on the Diamond Firetail as determined through the above 7- part test, is not considered to be significant.*

In addition consideration of endangered flora and fauna species identified under Commonwealth legislation was assessed by the *Ecological Australia* as follows:

Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Flora

- h) White Box-Yellow Box-Blakely's Red Gum Woodland and Derived Native Grasslands  
i) *Swainsona recta*  
j) *Leucochrysum albicans* var. *tricolor* (Endangered) Hoary Sunray.

Fauna

- k) *Ardea ibis* (Cattle Egret)

A further Flora and Fauna Assessment was prepared by **Biosis** (ecologists) dated 19 April 2017. The report advised:

The *Ecological* flora and fauna conclusions in their assessment were inconsistent with the preliminary ecological assessments undertaken by *Geoff Butler and Associates* 2008. Further inconsistency relates to the addition of a northern tributary traversing the study area which does not feature in the NSW Land & Property Information, Hydro Line dataset (LPI 2012) in the *Ecological Australia* report which on site was found to be located approximately 100m from the nearest drainage line.

The objective of the further ecological report was to identify the vegetation communities occurring within the study area and address inconsistencies between the flora and fauna assessments by *Geoff Butler and Associates and Ecological Australia*.

The revised study identified five vegetation communities:

- Box Gum Woodland- Derived Grassland (EPBC Act and TSC Act)
- Box Gum Woodland (TSC Act)
- Tablelands Dry Shrubby Box Forest
- Native Pasture
- Exotic Pasture

A constraints analysis of the study area was prepared showing the location of low, medium and high constraints to development. The report recommends a number of measures to minimise or mitigate impacts associated with the proposal. These mitigation measures can be incorporated within the conditions of consent for compliance by the applicants when carrying out subdivision works.

The *Biosis* report concludes no flora, fauna species or endangered populations listed under the TSC Act, EPBC Act or Fisheries Management Act (FM Act) were recorded during their investigations. The report identified the following ecological values within the study area:



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- Box Gum Woodlands – Derived Grassland CEEC (EPBC Act)
- Box Gum Woodlands EEC (TSC Act)
- Moderate quality habitat for Small purple- pea
- Moderate quality foraging habitat for little eagle and moderate quality foraging for, dispersal and limited nesting habitat for 8 bird species listed under the TSC Act
- Two unnamed ephemeral tributaries
- Fauna habitat features including:
  - Five hollow bearing trees
  - Numerous granitic boulders and rocky outcrops.

The potential impacts to Box Gum Woodland – Derived Grassland (EPBC Act and TSC Act) and removal and modification of Box Gum Woodland (TSC Act) were assessed. The assessment concluded the potential removal or modification of these communities will not affect their continued existence in the locality. **The ecologists advises the entire patch of (2.42ha) of Box Gum Woodland – Derived Grassland (EPBC Act and TSC Act) will be fenced off and managed in an unmarked environmental exclusion zone to ensure it protection.** Fencing of this area will form part of the recommended conditions.

The report further advises native vegetation designated for potential removal or modification does not form an EEC and requires no further assessment. **The ecologist however recommends 5 hollow hollow bearing trees should be retained to conserve potential breeding habitat for non - threatened avifauna in addition to arboreal and aerial mammals within the locality.** These trees have been identified on the ecologists plan.

The assessment of the application has revealed that the proposed works will not involve the removal of any hollow trees on site. A condition is recommended that none of the five (5) existing hollow trees are to be retained and protected during site works.

The potential indirect impacts to the Small Purple-pea moderate quality habitat and potential removal and/or modification to Little Eagle and Threatened Woodland bird habitat, required further assessment under Part 5A EP&A Act 1979. An assessment of significance was prepared for each of these species, and a SIC for Small Purple-pea, concluded that no adverse impacts to these species will result from the proposal (Appendix 5 & 6 of the report).

The proposed building envelopes shown on the subdivision plan reflect the recommendations of the flora and fauna assessments and recommendations.

Having regard to the provisions of Section 5A of the EP&A Act 1979 the ecologist (*Biosis*) assessments conclude there will no significant effect from the development on any threatened species, populations or ecological communities, or their habitats.

The ecologist (*Biosis*) further concludes the subdivision and associated works is unlikely to have a significant impact on the threatened species listed under the EPBC Act and referral to the Australian Government Department of Environment and Energy is not required.

The Box Gum Woodland – Derived Grassland area including rocky outcrops will be protected with fencing within proposed Lot 5.

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No further ecological assessments or a Species Impact Statement for the proposal are therefore required.

This application has also 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 DA.2016.203**.

***State Environmental Planning Policies***

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The following State Environmental Planning Policies (SEPPs) apply to the development:

**State Environmental Planning Policy No 55 – Remediation of Land**

The policy requires Council to consider the following:

7. Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

*Comment:* The landowner has advised that to his knowledge owning the property for 30 years there has never been a sheep dip or any other potential contamination activities carried out on the site. Based on this information and Council records no remediation works are required under the SEPP.

**State Environmental Planning Policy (Rural Lands) 2008**

The matters in clause 10 are similar to Council's general controls that are considered in the assessment below. It is considered there will be no land use conflicts with adjoining land as a result of the proposal. Refer to the following provisions and comments.

**7. Rural Planning Principles**

The Rural Planning Principles are as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

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- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

*Comment:* The development satisfies the rural planning principles as it maintains opportunities for continued rural use of the property (the residue lot), it recognises the importance of rural lands and agriculture in the area and region, it protects environmental resources identified on the land and adjoining and considers impacts on infrastructure to serve the development.

**8. Rural Subdivision Principles**

The Rural Subdivision Principles are as follows:

- (a) the minimisation of rural land fragmentation,
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,
- (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,
- (d) the consideration of the natural and physical constraints and opportunities of land,
- (e) ensuring that planning for dwelling opportunities takes account of those constraints.

*Comment:* The proposal minimises rural land fragmentation. The majority of the original rural holding will remain intact to enable continued use for farming/grazing activities. The subdivision takes into account the physical constraints and opportunities over the property and future housing sites. There are not expected to be any conflicts between future housing on the lots and adjoining and nearby rural and rural residential lifestyle properties. The lot sizes are considered appropriate for rural lifestyle living.

**10. Matters to be considered in determining development applications for rural subdivisions or rural dwellings**

- (1) This clause applies to land in a rural zone, a rural residential zone or an environment protection zone.
- (2) A consent authority must take into account the matters specified in sub clause (3) when considering whether to grant consent to development on land to which this clause applies for any of the following purposes:
  - (a) subdivision of land proposed to be used for the purposes of a dwelling,
  - (b) erection of a dwelling.
- (3) The following matters are to be taken into account:
  - (a) the existing uses and approved uses of land in the vicinity of the development,
  - (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,
  - (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
  - (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,

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Matters for Consideration (Continued)**

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- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

*Comment:* The development is not expected to have any significant impact on rural land uses in the vicinity. The proposed smaller lots are not considered incompatible with other rural occupations in the locality.

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**State Environmental Planning Policy (Infrastructure) 2007.**

Electricity Transmission or distribution

Clause 45 applies to a development application that involves penetration of the ground within 2m of an electricity distribution pole or adjacent to a substation or within 5m of an exposed overhead electricity power line. Where these thresholds are met, a written notice must be provided to the electricity supply authority for comments about potential safety risks. The applicant will be required to consult with the Electricity Authority regarding supply of electricity to the site.

*Comment:*

Waiting on Essential Energy comments. Any conditions recommended will be imposed.

Rail corridors

The land adjoins the Bombala to Goulburn rail line.

85 Development immediately adjacent to rail corridors

(1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:

- (a) is likely to have an adverse effect on rail safety, or
- (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- (c) involves the use of a crane in air space above any rail corridor.

*Comment:* The rail line is currently not used. The development is unlikely to have any impact on the rail safety and will not involve any crane in air space above the rail corridor.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and
- (b) take into consideration:
  - (i.) any response to the notice that is received within 21 days after the notice is given, and
  - (ii.) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

*Comment:* The property adjoins a railway line. The adjoining railway line is no longer in use although may be used at some time in the future. The proposed building envelopes on proposed Lots 1&2 are setback 25m or more from the rail line to ensure minimal impact on any future use of the rail.

Waiting on John Holland comments. Any conditions recommended will be imposed.

Road and traffic

Clauses 100-101 relate to development adjoining or with frontage to a classified road. The site adjoins the Monaro Highway being a classified road. No access is proposed from the highway to serve the proposed subdivision.

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Matters for Consideration (Continued)**

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100 Development on proposed classified road

- (1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of the chief executive officer of RMS:
  - (a) subdivision that results in the creation of an additional lot with dwelling entitlements,
  - (b) development with a capital investment value greater than \$150,000,
  - (c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.
- (2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:
  - (a) give written notice of the application to the chief executive officer of RMS within 7 days after the application is made, and
  - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.
- (3) In deciding whether to grant concurrence to proposed development under this clause, the chief executive officer of RMS must take the following matters into consideration:
  - (a) the need to carry out development for the purposes of a classified road or a proposed classified road,
  - (b) the imminence of acquisition of the land by RMS,
  - (c) the likely additional cost to RMS resulting from the carrying out of the proposed development.
- (4) The consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.
- (5) The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of RMS if:
  - (a) the consent authority has given the chief executive officer notice of the development application, and
  - (b) 21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant the concurrence.

*Comment:* NSW Transport - Roads and Maritime Services were consulted regarding the development. Refer to their comments below.

101 Development with frontage to classified road

- (1) The objectives of this clause are:
  - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
  - (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
    - (i) the design of the vehicular access to the land, or
    - (ii) the emission of smoke or dust from the development, or
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

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- (a) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

*Comment:* NSW Transport - Roads and Maritime Services advised they have no objection to the development provided a Restriction on Use is made that prohibits access to the land from the Monaro Highway. A condition of consent is recommended in this regard.

*The following SEPPs have been considered and do not apply to the development*

State Environmental Planning Policy No 1—Development Standards  
 State Environmental Planning Policy No 21—Caravan Parks  
 State Environmental Planning Policy No 30—Intensive Agriculture  
 State Environmental Planning Policy No 33—Hazardous and Offensive Development  
 State Environmental Planning Policy No 36—Manufactured Home Estates  
 State Environmental Planning Policy No 44—Koala Habitat Protection  
 State Environmental Planning Policy No 50—Canal Estate Development  
 State Environmental Planning Policy No 62—Sustainable Aquaculture  
 State Environmental Planning Policy No. 64 - Advertising Signage  
 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development  
 State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)  
 State Environmental Planning Policy (Affordable Rental Housing) 2009  
 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004  
 State Environmental Planning Policy (Integration and Repeals) 2016  
 State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007  
 State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007  
 State Environmental Planning Policy (State and Regional Development) 2011  
 State Environmental Planning Policy (State Significant Precincts) 2005  
 State Environmental Planning Policy (Urban Renewal) 2010  
 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

There are no draft SEPPs applying to the land or to the proposal.

**Local Environmental Plans**

The proposed development has been assessed in accordance with the relevant requirements of the *Palerang Local Environmental Plan 2014* with no relevant draft LEPs apply to the land. A summary is provided as follows:

<b>PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<b>Part 1 Preliminary</b>	
<b>Clause 1.2 Aims of Plan</b>	
(2) <i>The particular aims of this Plan are as follows:</i> (a) <i>to protect and improve the economic, environmental, social and cultural</i>	Yes

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Matters for Consideration (Continued)**

<b>PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<p><i>resources and prospects of the Palerang community,</i></p> <ul style="list-style-type: none"> <li><i>(b) to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</i></li> <li><i>(c) to retain, protect and encourage sustainable primary industry and commerce,</i></li> <li><i>(d) to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,</i></li> <li><i>(e) to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</i></li> <li><i>(f) to identify, protect and provide areas used for community health and recreational activities,</i></li> <li><i>(g) to ensure that innovative environmental design is encouraged in residential development.</i></li> </ul> <p><i>Comment:</i> The development is considered to be consistent with the aims of the PLEP 2014. The proposal will not unreasonably increase the demand for public services or facilities. Section 94 contributions will need to be paid by the applicant towards increased demand on local infrastructure. The design and siting of the development protects and encourages sustainable primary industry on the residue lot. The development will not compromise any environmental, economic, social or cultural prospects of the community. The development is supported by environmental studies to ensure the appropriate use of resources and minimal environmental impact occurs. The subdivision design does not adversely impact on watercourses, water quality, biodiversity and habitat corridors. There are no known threats or serious or irreversible environmental impacts likely to occur, the health, diversity and productivity of the environment will be maintained for future generations and the subdivision is designed to protect biological diversity and the ecological integrity of the site.</p>	
<b>Clause 1.4 Definitions</b>	
<p>The development is a subdivision as defined under 4B Environmental Planning &amp; Assessment Act 1979. The development also involves subdivision &amp; roadworks.</p> <p>For the purposes of Section 4B of the Act, subdivision of land means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation and use. The application is for the purposes of a subdivision into 6 lots.</p> <p>A road is defined under the PLEP 2014 as:</p> <p><i>road</i> means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.</p>	<p>Yes</p>



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PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<b>Part 2 Permitted or Prohibited Development</b>	
<b>Clause 2.1 Land Use Zones</b>	
The site is zoned RU1 Primary Production and E4 Environmental Living	Yes
<b>Clause 2.3 Zone Objectives and Land Use Tables</b>	
<p>The objectives of the RU1 Primary Production zone are as follows:</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 encourage diversity in primary industry enterprises and systems appropriate for the area.</li> <li>• To minimise the fragmentation and alienation of resource lands.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To minimise the impact of any development on the natural environment.</li> <li>• To ensure that development does not unreasonably increase the demand for public services or facilities.</li> </ul> <p><i>Comment:</i> That part of the development being Lot 6 having an area of 152ha is considered to be consistent with the above objectives. Primary industry production will be maintained; it minimises fragmentation of rural land; it minimises conflict between rural land uses; it minimises impact on the natural environment and it does not unreasonably increase the demand for public services and facilities.</p> <p>The objectives of the E4 Environmental Living zone are as follows:</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> <li>• To ensure that residential development does not have an adverse effect on those values.</li> <li>• To encourage development that is visually compatible with the landscape.</li> <li>• To minimise the impact of any development on the natural environment.</li> <li>• To ensure that development does not unreasonably increase the demand for public services or facilities.</li> <li>• To minimise conflict between land uses within the zone and land uses within adjoining zones.</li> </ul> <p><i>Comment:</i> That part of the development being Lots 1-5 satisfies the E4 zone objectives as it provides for low impact residential development in an area of ecological and aesthetic value; the development does not have an adverse impact on these values and it minimises the impact on the natural environment. The majority of the land holding the residue lot (152ha) will remain in its present state and condition.</p>	Yes

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision  
Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C  
Matters for Consideration (Continued)**

<b>PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<p><i>The objectives of Zone E2 Environmental Conservation are as follows: Objectives of zone</i></p> <ul style="list-style-type: none"> <li>• <i>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</i></li> <li>• <i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i></li> <li>• <i>To minimise the impact of any development on the natural environment.</i></li> <li>• <i>To encourage rehabilitation and regeneration of ecosystems.</i></li> <li>• <i>To provide for a very limited range of ecologically sustainable development and land use activities that provide for small scale and low impact recreation and amenities</i></li> </ul> <p><i>Comment: Part of the proposed road will be sited within an area of Operational land which is zoned E2. The road will not impact on any high ecological values or have any adverse impact on those values and it minimises the impact on the natural environment.</i></p> <p>The development is permissible with Councils consent in zone RU1 and E2.</p>	
<b>Clause 2.6 Subdivision - Consent requirements</b>	
<p>The land may only be subdivided with consent. The development application seeks Councils consent.</p>	Yes
<b>Part 4 Principal development Standards</b>	
<b>Clause 4.1 Minimum subdivision lot size</b>	
<p>Clause 4.1 Minimum subdivision lot size The minimum lot size shown on the <u>Lot Size Map</u> is 6ha in the E4 zone and 80ha for RU1 zone. The objectives of this clause is to minimise any likely impact of subdivision and development on the neighbouring properties, to ensure that lot sizes are appropriate having regard to the objectives of the plan and relevant zone and that the lot sizes and dimensions allow dwellings to be sited to protect significant natural or cultural features. The subdivision design, lot sizes and their siting satisfy the clause objectives.</p> <p>Clause 4.1B Lot averaging subdivision of land in Zone E4 Clause 4.1B (1) objective states:</p> <ul style="list-style-type: none"> <li>• To enable appropriate subdivision design having regard to topographical constraints, agriculture productivity, biodiversity values and environmental impacts.</li> <li>• Clause applies to Zone E4 Environmental Living</li> </ul> <p>Despite Clause 4.1 development consent may be granted to subdivide land if:</p> <ul style="list-style-type: none"> <li>• If the averaging of lots created by the subdivision will not be less than the minimum size shown on the <u>Lot Size Map</u></li> <li>• None of the lots created will be less than 2 ha</li> </ul>	Yes

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p><i>Comment:</i> The minimum lot size shown on the <u>Lot Size Map</u> is 6ha. The proposed subdivision proposes 5 lots averaging 6ha with the minimum lot size being 3.501ha. The residue lot has an area of 152ha. The minimum required being 80ha. The subdivision therefore complies with the clause provisions. The lot cannot be further subdivided however.</p> <p>Clause 4.2A Erection of dwelling houses in certain rural and environmental protection zones. Subclause (3) enables with consent the erection of a dwelling house on the proposed lots 1-6 should approval be granted ie will satisfy the minimum lot shown on the <u>Lot Size Map and is a lot created under 4.1B</u></p>	
<b>Part 5 Miscellaneous Provisions</b>	
<b>Clause 5.2 Classification and reclassification of public land</b>	
<p>The proposed road shown over Councils public reserve is identified within this clause. Part of Lot 29, DP 1015516 is identified as Operational Land under the Local Government Act 1995. Refer to more details in the Council report.</p>	
<b>Clause 5.9 Preservation of Trees or Vegetation</b>	
<p>The objective of clause 5.9 is to preserve the amenity of the area, including biodiversity values through the preservation of trees and other vegetation.</p> <p>The ecological consultant advises the presence of five (5) vegetation communities within the small lot development site. The area was identified by the ecologist as generally compromising a modified environment resulting from previous disturbances, associated with grazing, cropping, road and power line installation.</p> <p>The proposed subdivision road has been sited to avoid removal of scattered and hollow trees over the site and adjoining public reserve land. Some smaller vegetation however may be removed for road and drainage works. Any tree removal will not be significant.</p> <p>Additionally the proposed building envelopes have been chosen to minimise removal of woodland trees or native pasture. The biodiversity values of the land will generally be retained through the retention of trees with the subdivision design.</p> <p>A number of native vegetation communities are located on the slopes of the residue Lot 6. These areas will not be impacted by small lots, roads or building envelopes.</p> <p>It is considered that any removal of vegetation will be limited and not have a detrimental impact on the horticultural, heritage or biodiversity values of the site.</p> <p>The Box Gum Woodland and rock outcrops area over Lot 5 will be fenced to protect this area. The area should also be deleted from the identified building envelope within</p>	<p>Yes</p>

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>the lot. A recommended condition will be imposed in this regard.</p> <p><i>Clause 5.9AA Trees or vegetation not prescribed by development control plan</i> Minimal vegetation is proposed to be removed as a result of the development. Some grassland vegetation will be removed. This grassland comprises both native and introduced grass species in an area previously used for grazing and some cropping.</p> <p>Refer to comments on flora and fauna under Clause 6.3 Terrestrial Biodiversity below.</p>	
<b>Clause 5.10 Heritage Conservation – Aboriginal and European</b>	
<p>The site is not affected by any heritage item or known Aboriginal objects. Should any Aboriginal sites or relics be uncovered during construction works all work must cease and NSW Office of Environment &amp; Heritage immediately notified. A condition of consent will apply in this regard.</p>	Yes
<b>Part 6 Additional Local Provisions</b>	
<b>Clause 6.1 Earthworks</b>	
<p>The objective of this clause is to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land.</p> <p>6.1 Earthworks</p> <p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p><i>Comment: The proposed earthworks involved with the road and associated works is not expected to have a detrimental impact on the environment, neighbouring uses, or any known cultural or heritage items.</i></p> <p>(2) Development consent is required for earthworks unless:</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.</p> <p><i>Comment: The earthworks are not exempt development</i></p> <p>(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</p> <p>(i.) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p><i>Comment: A Soil and Water Management Plan will be required to be submitted by way of condition with any approval granted. The applicant will be required to carry out mitigation measures as specified in the plan.</i></p> <p>(ii.) the effect of the development on the likely future use or redevelopment of the land,</p> <p><i>Comment: The earthworks and associated works is not expected to adversely impact</i></p>	Yes <b>Conditioned</b>

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Matters for Consideration (Continued)**

<b>PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<p><i>on the future use of the land for small lot holdings or agriculture production.</i></p> <p>(iii.) the quality of the fill or the soil to be excavated, or both, <i>Comment: The soil to be excavated or any fill material imported will require need to satisfy civil engineering requirements in the road construction. Any fill material imported will need to be certified as clean uncontaminated fill.</i></p> <p>(iv.) the effect of the development on the existing and likely amenity of adjoining properties, <i>Comment: The earthworks is not expected to give rise to any adverse impact on any adjoining properties. Soil and sedimentation works will ensure downstream water quality is maintained.</i></p> <p>(v.) the source of any fill material and the destination of any excavated material, <i>Comment: A condition will apply to consent issued requiring only clean uncontaminated fill enter the property and from an approved excavation site.</i></p> <p>(vi.) the likelihood of disturbing relics, <i>Comment: A condition will apply that work cease and NSW Office of Environment and Heritage be immediately advised should any relics be uncovered.</i></p> <p>(vii.) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, <i>Comment: The land is not identified in any drinking water catchment under the PLEP 2014.</i></p> <p>(viii.) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <i>Comment: The consent to be conditioned as outlined above.</i></p> <p>Provided appropriate conditions are imposed on the consent the proposed earthworks are not considered to result in any significant adverse impacts on the environment and surrounding neighbour occupations.</p>	
<b>Clause 6.2 Flood planning</b>	
<p>The objectives of this clause are as follows:</p> <p>(a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. <i>Comment:</i> The site is not identified on the <u>Flood Planning Map</u> of the PLEP2014. Localised flooding from storm events along existing watercourses is likely to occur however this will not impact on the proposed lots and their building envelopes. The building envelopes have been chosen to avoid local drainage systems as well as provide environmentally sound options for siting future dwellings and structures.</p>	Yes
<b>Claus 6.3 Terrestrial biodiversity</b>	
<p>The subdivision site is identified as within a biodiversity area as identified under the PLEP 2014.</p> <p>The ecological consultant advises the presence of five (5) vegetation communities within the small lot development site. The area was identified by the ecologist as</p>	Yes <b>Conditioned</b>

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>generally compromising a modified environment resulting from previous disturbances, associated with grazing, cropping, road and power line installation. A significant area of the small lot study area consists of secondary grasslands with a high proportion of exotic component present in areas on the flats and foot slopes.</p> <p>An artificial wetland surrounds the dam in the southern end of the property, but downstream of this also has natural wetland characteristics with a dominance of native tussock sedge. The ecologist advises the community is too degraded to consider as part of a listed community. About 2.87ha of this wetland and saturated grassland community are present in the study area. The building envelopes are positioned to avoid this wetland area.</p> <p>The vegetation upslope of the smaller lot subdivision area comprises <i>White Box, Yellow Box, Blakelys Red Gum Woodland Critically Endangered Ecological Community (CEEC) or of Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions</i> Endangered Ecological Community(ECC)listed under NSW legislation.</p> <p>The potential impacts to Box Gum Woodland – Derived Grassland (EPBC Act and TSC Act) and removal and modification of Box Gum Woodland (TSC Act) were assessed. The assessment concluded the potential removal or modification of these communities will not affect their continued existence in the locality. <b>The ecologists advises the entire patch of (2.42ha) of Box Gum Woodland – Derived Grassland(EPBC Act and TSC Act) will be fenced off and managed in an unmarked environmental exclusion zone to ensure it protection.</b> Fencing of this area will form part of the recommended conditions.</p> <p>The report further advises native vegetation designated for potential removal or modification does not form an EEC and requires no further assessment. <b>The ecologist however recommends the 5 hollow bearing trees should be retained to conserve potential breeding habitat for non - threatened avifauna in addition to arboreal and aerial mammals within the locality.</b> As advised above these hollow trees will not require removal during road and site works and will be located outside the building envelopes. Protection of these trees will form part of the recommended conditions.</p> <p>The potential indirect impacts to the Small Purple-pea moderate quality habitat and potential removal and/or modification to Little Eagle and Threatened woodland bird habitat, required further assessment under Part 5A EP&amp;A Act 1979. An assessment of significance was prepared for each of these species, and a SIC for Small Purple-pea, concluded that no adverse impacts to these species will result from the proposal (Appendix 5 &amp; 6 of the report).</p> <p>Clause 6.3 Terrestrial biodiversity            (1) The objective of this clause is to maintain terrestrial biodiversity by:                (a) protecting native fauna and flora, and                (b) protecting the ecological processes necessary for their continued</p>	

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>existence, and</p> <p>(c) encouraging the conservation and recovery of native fauna and flora and their habitats.</p> <p><i>Comment:</i></p> <p>(2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:</p> <p>(a) whether the development is likely to have:</p> <p>(i.) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</p> <p><i>Comment: The ecologist report concludes there will be no adverse impact on the condition, ecological value and significance of the fauna and flora on the land. Mitigation measures to protect the vegetation are recommended and will form part of the conditions of consent should approval be granted.</i></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><i>Comment: The ecologist concludes the siting of the building envelopes are positioned on the lots to avoid removal of any significant vegetation</i></p> <p>(iii.) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</p> <p><i>Comment: The ecologist is satisfied that the biodiversity structure, function and composition of the land will not be diminished by the development with recommended mitigation measures which form part of the recommended conditions of consent.</i></p> <p>(iv.) any adverse impact on the habitat elements providing connectivity on the land, and</p> <p><i>Comment: No adverse impacts are expected.</i></p> <p>(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p><i>Comment: Refer to the ecologist report conclusions and recommended mitigation measures outlined above.</i></p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <p>(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p><i>Comment: The development is designed and sited to avoid or minimise any adverse environmental impacts</i></p> <p>(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</p> <p><i>Comment: All potential environmental impacts have been avoided or minimised as much as possible. Mitigation measures are recommended under Table 4 Ecological Values, Impacts and Recommendations of The Biosis report. These measures will form part of the recommended conditions to Council that the applicant will need to adhere to.</i></p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p> <p><i>Comment: The environmental impacts have been minimised in the subdivision design</i></p>	

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<i>and through recommended conditions.</i>	
<b>Clause 6.4 Drinking water catchments</b>	
The subdivision site is not located within an identified drinking water catchment under the PLEP 2014.	Yes
<b>Clause 6.5 Riparian land and watercourses</b>	
<p>The land is not identified within land identified as riparian land or watercourses identified under the PLEP 2014. The local drainage systems on the land have been avoided in siting of the building envelopes.</p> <p>The unnamed tributaries identified on Councils mapping system over the site are located more than 40m from the proposed road and do not require referral to DPI-Water for a Controlled Activity Permit under the Water Management act 2000..</p>	Yes
<b>Clause 6.6 Salinity</b>	
The land is not identified as affected by salinity constraints identified under the PLEP 2014.	Yes
<b>Clause 6.7 Highly erodible soils</b>	
Part of the land is identified as subject to highly erodible soils over the residue Lot 6. These areas do not impact on the smaller lots to be created or on any future dwelling site on proposed Lot 6.	Yes
<b>Clause 6.7A Slopes over 18 degrees</b>	
Part of the land is identified as having slopes over 18 degrees over the residue Lot 6. These slopes do not impact on the proposed smaller lots or any future dwelling site on Lot 6.	Yes
<b>Clause 6.8 Airspace operations</b>	
The development will not involve penetration of the Limitation or Operations Surface (LOS) to impact on the ongoing operations of the Canberra Airport.	Yes
<b>Clause 6.9 Development in areas subject to aircraft noise</b>	
The land is not located near the Canberra airport and its identified flight paths The clause provisions only apply to development near the Canberra Airport and where it is in an ANEF contour of 20 or greater and where the development is likely to be adversely affected by aircraft noise. The clause provisions do not apply to the development.	Yes
<b>Clause 6.10 Development in areas near national parks and nature reserves</b>	
The land is not located near any national park or nature reserve. The clause provisions therefore do not apply.	Yes
<b>Clause 6.11 Essential services</b>	



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PALERANG LOCAL ENVIRONMENTAL PLAN 2014 COMMENTS	COMPLIES (Yes/No)
<p>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:</p> <ul style="list-style-type: none"> <li>a) the supply of water,</li> <li>b) the supply of electricity,</li> <li>c) the disposal and management of sewage,</li> <li>d) stormwater drainage or on-site conservation,</li> <li>e) suitable vehicular access.</li> </ul> <p>An assessment has been made of the proposed development and adequate services being electricity supply, telecommunications and vehicle access are available or can be made available to the proposed development. A consultant's report on on-site effluent disposal prepared by Fraish Consulting, Civil and Structural Engineers. The report identifies effluent disposal areas on each proposed lot. These areas coincide with the proposed building envelopes shown for each lot which is a requirement under PDCP 2015.</p> <p>The report concludes the NSW Health accredited systems for irrigation of effluent are suitable on the lots ie irrigation of effluent treated to a secondary standard defined in AS1547:2000 as BODS less than 20mg/L and TSS less than 30mg/l. For surface irrigation disinfection must achieve a thermo- tolerant coliform median value 10/100ml, and where applicable total chlorine concentration greater than .5mmg/l after a 30min disinfection time. If effluent is not disinfected, as for wet composting closet systems, effluent has to be disposed of subsurface.</p> <p>All of the building envelopes of Lots 1-5 are in excess of 4000m2 which will enable the erection of dwellings and ancillary buildings as well as siting of onsite effluent disposal areas.</p> <p>The recommended conditions of consent will require that effluent disposal areas be sited at least 40m from the on- site drainage depressions to comply with relevant health and environmental standards.</p> <p>Internal access to each lot has been addressed by Councils Development Engineer and conditioned.</p>	<p>Yes <b>Conditioned</b></p>

***Development Control Plan***

The Palerang Development Control Plan (DCP) 2015 applies to the development and a summary of the relevant provisions is provided in the following table.

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<b>Part A Preliminary Information</b>	

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<b>PALERANG DCP 2015 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<p>Part A of the DCP outlines the legislative requirements and purpose of the DCP. The purposes of the DCP are similar to the aims of the PLEP 2014, which was addressed above.</p> <p>(2) The particular aims of this Plan are as follows:</p> <ul style="list-style-type: none"> <li>(a) to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</li> <li>(b) to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</li> <li>(c) to retain, protect and encourage sustainable primary industry and commerce,</li> <li>(d) to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,</li> <li>(e) to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</li> <li>(f) to identify, protect and provide areas used for community health and recreational activities,</li> <li>(g) to ensure that innovative environmental design is encouraged in residential development.</li> </ul> <p><i>Comment:</i> The development design protects as much as possible environmental and cultural resources of Palerang; the development does not unreasonably increase the demand for public services or public facilities; it retains the bulk of the land for continued primary industry; it generally ensures orderly and appropriate use of resources through the application of ecological sustainable development principles and it retains and protects watercourses, water quality and habitat corridors through satisfactory siting of road, proposed lots and building envelopes.</p>	Yes
<b>Part B General Provisions</b>	
<p><b>B1 Site Analysis</b> B1 outlines the requirements for the lodgement of a development application and to ensure the site attributes and constraints are carefully considered in the site planning and assessment process. The development has been accompanied with adequate information to enable Council to undertake a satisfactory assessment of the application.</p>	Yes
<p><b>B2 Accessible Design</b> Does not apply to the development</p>	Yes
<p><b>B3 Flora, Fauna, Soil and Watercourses</b> B3 are similar to the provisions within the PLEP 2014 referred to above. As identified above the development does not contain any identified riparian areas. The local drainage systems will be unaffected by the proposed road and the proposed building envelopes avoid these drainage areas. A Soil and Water Management Plan will be required to be prepared and implemented by the applicant. Refer to previous comments on flora and fauna.</p>	Yes <b>Conditioned</b>

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PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<p><b>B4 Bushfire Prone Land</b></p> <p>The development site is identified as Category 1 and 2 bushfire hazard under the PLEP 2014.</p> <p>The development is integrated development (section 91 Environmental Planning &amp; Assessment Act 1979) requiring an approval from NSW Rural Fire Service under section 100B Rural Fires Act 1997. The application has been accompanied by a consultant's bush fire report.</p> <p>The NSW Rural Service issued a bush fire safety authority on 10 March 2017 subject to the following conditions:</p> <ol style="list-style-type: none"> <li>The development proposal is to comply with the subdivision layout identified on the drawing prepared by Fraish Consulting numbered C100 Rev C sheet1, dated 31 October 2016.</li> </ol> <p><b>Water and Utilities</b></p> <p>The intent of measures is to provide adequate service of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this the following conditions shall apply:</p> <ol style="list-style-type: none"> <li>Water, electricity and gas are to comply with section 4.1.3 of "Planning for Bush Fire Protection 2006"</li> </ol> <p><b>Access</b></p> <p>The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:</p> <ol style="list-style-type: none"> <li>Public access shall comply with section 4.1.3(1) of "Planning for Bush Fire Protection 2006".</li> </ol> <p>The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall, apply:</p> <ol style="list-style-type: none"> <li>Internal roads shall comply with section 4.2.7 of "Planning for Bush Fire Protection 2006"</li> </ol> <p>The above requirements will form part of the recommended conditions of consent.</p>	<p>Yes <b>Conditioned</b></p>
<p><b>B5 Crime Prevention through Environmental Design</b></p> <p>This section outlines the relevant requirements for safe design. The development meets the relevant objectives as discussed below.</p> <p><b>Objective</b></p> <ol style="list-style-type: none"> <li>To ensure the incorporation of crime prevention strategies in new development</li> <li>To promote active, pedestrian and cyclist orientated environments where developments are designed to integrate into the public domain</li> <li>To maximise opportunities for natural surveillance of public spaces, buildings,</li> </ol>	<p>Yes</p>

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PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<p><i>site entrances and internal spaces</i></p> <p><i>Comment:</i> The subdivision design ensures public and private areas are clearly defined, future building entries associated with the proposed lots and building envelopes will be clearly visible and identifiable from the road and the future siting of dwellings will enable residents to observe vehicles approaching. Future erection of dwellings will provide a sense of community within the subdivision that should assist in deterring any potential criminal activities.</p>	
<p><b>B6 Development on Ridges and Prominent Hills and within 200m of a Classified Road</b></p> <p>The small lot subdivision, future dwelling and road works are located on the lower lying parts of the property to minimise visual impact from the Monaro Highway and surrounding higher elevated areas. Any future siting of a dwelling on the residue Lot 6 will need to be sited on the lower slopes to minimise visual impact.</p>	
<p><b>B7 Engineering Requirements</b></p> <p>An assessment was undertaken by Council's Development Engineer, comments are provided in the Planning Report to Council. Recommended engineering conditions form part of the attached recommended conditions of consent.</p>	Yes <b>Conditioned</b>
<p><b>B8 Erosion and Sediment Controls</b></p> <p>Conditions are recommended to ensure a Soil and Water Management Plan is prepared in accordance with B8 and installed as shown in the plan prior to construction works commencing. The measures will be required to be maintained as long as necessary after works are completed to ensure satisfactory rehabilitation.</p>	Yes <b>Conditioned</b>
<p><b>B9 Flood Planning</b></p> <p>The development is not affected by the Flood Planning Map. Localised flooding is likely within the local watercourses however it is not a constraint to the development. The building envelopes are located outside any potential areas likely to experience any short term localised flooding.</p>	Yes
<p><b>B10 Heritage – Aboriginal and European</b></p> <p>The applicant submitted a Cultural Heritage Report for the site prepared by Alister Bowen dated June 2016.</p> <p>The report identifies three European sites namely sheep holding yards, a horse stable and corrugated iron shed. The stable and shed are not of a period old enough to be called "historical" or "relics" (ie produced before approximately 1960). They are not of local or State historical significance.</p> <p>The sheep yards are severely dilapidated and could not be considered of local or State historical heritage significance.</p> <p>The consultant advises during the field survey, no Aboriginal cultural heritage sites or areas of potential archaeological deposit were identified.</p>	Yes <b>Conditioned</b>

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision  
Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C  
Matters for Consideration (Continued)**

<b>PALERANG DCP 2015 COMMENTS</b>	<b>COMPLIES (Yes/No)</b>
<p>The consultant advises an intensive visual inspection for Aboriginal objects was made with no results. The consultant advises should any Aboriginal relic or site be found during construction works all work will need to cease and the NSW Office of Environment and Heritage (OEH) notified. This requirement will be a recommended condition of consent.</p> <p>There are no heritage items listed under the PLEP 2014 in the vicinity of the subdivision site that will be impacted by the development.</p>	
<p><b>B11 Social and Economic Impact Assessment</b> The development is of a size, scale and type that does not justify the preparation of a social and economic impact assessment.</p>	Yes
<p><b>B12 Landscaping</b> Landscaping works are not required for the development.</p>	Yes
<p><b>B13 On- Site System of Sewage Management</b> Refer to previous comments above.</p>	Yes <b>Conditioned</b>
<p><b>B14 Potentially contaminated land</b> The applicants Cultural Heritage Report refers to old sheep yards, stable and shed on the land. The landowner has advised to his knowledge there is no former sheep dip sites located on the land or any other potential contaminating activities carried out on the land.</p>	Yes
<p><b>B15 Waste Management</b> B15 outlines the relevant provisions relating to waste management generated by a new development. Conditions are considered to be appropriate to address the waste that is likely to be generated by the development, throughout the construction period and the ongoing operations.</p>	Yes <b>Conditioned</b>
<p><b>B16 Greywater use</b> Not applicable to the subdivision</p>	Yes
<p><b>B17 Rainwater tanks</b> Not applicable to the subdivision</p>	Yes
<p><b>B18 Solid fuel heaters</b> Not applicable to the subdivision</p>	Yes
<b>Part C Site Specific Provisions</b>	
<p><b>C1 Subdivision</b> This section applies to</p> <ul style="list-style-type: none"> <li>• RU1 Primary Production zone, and</li> <li>• E4 Environmental Living</li> </ul> <p><u>C1.1 Subdivision RU1 Primary Production.</u></p>	Yes <b>Conditions.</b> <b>The effluent disposal areas within each building</b>

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<p>The submitted subdivision design is responsive to the natural environmental constraints. The building envelopes present opportunities that maximises energy efficiency for future siting of dwellings. The subdivision layout is sympathetic to the character of existing environmental living, subdivision, road layouts and lot design adjoining and in the Royalla estate area in general. The subdivision is designed having regard to the established hierarchical network of roads in Royalla estate.</p> <p><i>Building envelopes.</i></p> <p>The proposed building envelopes reflect the findings of the environmental assessments undertaken over the land. The building envelopes are in excess of 4000m2 (Lots 1,2, 3, 4 &amp; 5). Lots 1-5 all comprise slopes less than 15% to satisfy the DCP.</p> <p>The building envelope setbacks comply with Table 12. ie more than 50m from the road and 25m to the side and rear setbacks. The building envelopes are sited away from the drainage lines.</p> <p>The Box Gum Woodland – Derived Grassland and rock outcrop area will need fencing by the applicant and taken out of the building envelope for proposed Lot 5.</p> <p>Potable water and stormwater requirements will be addressed at DA stage for future dwellings. The on - site sewerage systems will be subject to compliance with the on-site sewage management report prepared by Fraish Consulting Civil and structural Engineers. Future effluent disposal areas will need to be at least 40m from the on site drainage lines.</p> <p>The applicant will be responsible for supply of electricity and telecommunications to the boundary of the additional lots. Written evidence from the electricity supply body that electricity infrastructure is satisfactory will be required prior to release of the subdivision certificate.</p> <p>The subdivision design provides for protection and management of natural resources, heritage and landscape character.</p> <p>The building envelopes are located to provide rural views and will not to impact on significant views and vistas.</p> <p><u>Clause 1.3.1 Specific RU1 Primary Production requirements:</u></p> <p>The development does not conflict with the objectives of this clause. The development retains the function and character of the existing rural area, it encourages continued use of agricultural lands, the subdivision responds to the topographical and site constraints and residue Lot 6 has appropriate areas for the siting and construction of a future dwelling and regard to solar orientation. The proposed subdivision maintains the rural character, the subdivision retains the residue lot for primary production. Future entry to the property will be via the proposed road off Booth Road and not the Monaro Highway.</p> <p><u>Clause 1.3.2 E3 Environmental Management</u></p> <p>The subdivision protects cultural and aesthetic values of the land, retains the</p>	<p><b>envelope will need to be sited a minimum 40m from any nearby drainage line. The Box Gum Woodland – Derived Grassland will need to be fenced and deleted from within the building envelope for proposed Lot 5.</b></p>

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

PALERANG DCP 2015 COMMENTS	COMPLIES (Yes/No)
<p>character of the existing landscape and responds to the topography and site constraints. The lots have satisfactory areas and dimensions for siting of building envelopes and construction of future dwellings without adversely impact on the biodiversity values of the land.</p> <p>The lots maintain a lot average size identified on the <u>Lot Averaging Map</u>. Each lot will have at least 8ha.</p> <p>The lots are designed to be free of major environmental and servicing constraints; it does not fragment significant woodland tree species over the property and the building envelopes are sited on areas that will cause minimal disruption to existing rural occupations</p> <p>The subdivision responds to the environmental studies undertaken for the development, it does not involve fragmentation of significant environmental areas, the design follows natural features where appropriate and the lots are located that enables the primary residue lot (152ha) to continue with primary production namely grazing.</p> <p><u>Clause C1.3.3 E4 Environmental Living</u> The subdivision design is based on the <u>Lot Averaging Map</u> – the lots average 6ha and the minimum lot size is more than 2ha.</p> <p><b>C30 Gates and Fencing</b> The objectives of this clause are to ensure stock proof fencing is provided in non urban land use zones. All road frontages in RU1 and E4 zones and the Box Gum Woodland –Derived Grassland area are to be fenced and gated in accordance with the provisions of Cl 30.1 of PDCP 2015. A standard condition will apply in this regard.</p>	
<b>Part E Notification of Development Application</b>	
<p><b>Public Notification Of A Development Application</b> The development application was notified from 15 November 2016 to 1 December 2016. A total of five (5) submissions were received. Refer to the community consultation section of the Staff Report for consideration of the relevant issues raised in the submissions.</p>	Yes

***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>	
<i>The provisions of any matters prescribed by the Regulations, which apply to the</i>	Yes

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<p><i>land to which the development application relates, must be considered.</i></p> <p><i>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures).</i>  <i>Clause 93 - Fire Safety Considerations (change of use of an existing building).</i>  <i>Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building).</i></p> <p>These provisions do not apply to the subdivision.</p>	
<p><b><i>The Likely Impacts of the Development</i></b></p>	
<p><i>Context and Setting</i> – The proposed subdivision is suitably located within the context and setting of the existing Royalla rural estate. It adjoins existing environmental living properties/occupations and compliments the existing semi-rural character of the locality. The access road via Booth Road is a suitable access and encroaches over minimal former public reserve land. The road will maintain a pedestrian access to the public reserve for Booth Road residents.</p>	Yes
<p><i>Access, Transport and Traffic</i> – Access, transport and traffic was commented on by Council’s Development Engineer. Conditions of consent have been recommended for roads and associated works.</p>	Yes. <b>Conditioned</b>
<p><i>Public Domain</i> – The development is not expected to adversely impact on the public domain. The proposed road will encroach over a very small of the area of the reserve land being 5.11ha in area. The land is now classified as Operational land and is no longer public reserve land. The road will provide continued access to the reserve.</p>	Yes
<p><i>Utilities</i> – The development will be connected to essential utilities.</p>	Yes. <b>Conditioned</b>
<p><i>Heritage</i> – There are no heritage issues associated with the development.</p>	Yes
<p><i>Other Land Resources</i> - The proposed development will not adversely impact on any valuable land resources for productive agriculture land and any known mineral and extractive resources.</p>	Yes
<p><i>Water</i> – The development will not adversely impact on water supply catchments.</p>	Yes
<p><i>Soils</i> - The proposed development is considered unlikely to result in any adverse impact to soils in the immediate locality. The highly erodible soils are identified on the residue lot which will not to be disturbed.</p>	Yes
<p><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.</p>	Yes
<p><i>Flora and Fauna</i> - There will be no significant impacts to flora and fauna as a</p>	Yes. <b>Conditioned</b>



**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
result of the proposed development. Some mitigation measures will need to be implemented by the applicant during construction. Refer to previous comments above.	
<i>Waste</i> - The imposition of standard conditions will manage the disposal of waste generated during the construction of the development.	Yes. <b>Conditioned</b>
<i>Noise and Vibration</i> – Construction of the development will be required to be undertaken at appropriate times throughout the day. However, the proposed use of the site does not present any likely detrimental impacts from noise and vibration on to adjoining properties. A standard condition will limit hours of operation for works.	Yes. <b>Conditioned</b>
<i>Natural Hazards</i> – As identified above, the development design is considered to be appropriate having considered natural hazards of bush fires, steep slopes and high erosion.	Yes
<i>Technological Hazards</i> - There are no known technological hazards affecting the site.	Yes
<i>Safety, Security and Crime Prevention</i> – As identified above the development is considered to be appropriate having regard to these matters.	Yes
<i>Social and Economic Impact in the Locality</i> - The proposed development is not expected to pose any negative social or economic impacts to the locality. The lots are similar in scale/size with adjoining and surrounding lots in the locality and allow for continued enjoyment of the existing local amenity currently enjoyed by existing residents. The scale of the development complements existing surrounding development that can take advantage of existing services and infrastructure located within the locality. The applicant will need to meet section 94 contribution charges towards the provision of these services and infrastructure.	Yes. <b>Conditioned</b>
<i>Site Design and Internal Design</i> – The subdivision layout, associated with the proposed development is similar in character with adjoining and surrounding environmental living lifestyle lots. The subdivision layout and building envelopes are designed and positioned so as to minimise impacts having regard to the environmental constraints over the land.	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 impacts, dust and the like. These conditions are standard Council conditions of development consent.	Yes. <b>Conditioned</b>
<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 with adherence to recommended conditions of consent that the proposal will not give rise to any	Yes

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C Matters for Consideration (Continued)**

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
adverse significant cumulative impacts.	
<b><i>The Suitability of the Site for the Development</i></b>	
<i>Does the proposal fit in the locality?</i> - The proposed development fits the current and future desired character of the locality. The development is of a low density development scale and similar in character to the adjoining environmental/rural lifestyle lots and occupations. Refer also to comment on the zone objectives.	Yes
<i>Are the site attributes conducive to development?</i> – The site physical attributes relating to slopes, topography, flora and fauna, access, bushfires and current land use are considered suitable for the development. The proposed lots and building envelopes have proper regard to these physical constraints.	Yes
<b><i>Have any submissions been made in accordance with the Act or the Regulations?</i></b>	
<i>Public Submissions - Public Submissions</i> – Five (5) written submissions were received during the period of public notification and have been addressed in the separate Council report.	Yes
<p><i>Submissions from Public Authorities</i> – NSW Rural Fire Service and NSW Transport Roads and Maritime Services were consulted as required pursuant to Section 91 Environmental Planning &amp; Assessment Act 1979 being integrated development.</p> <p>NSW Rural fire Services issued a conditional deemed bush fire safety authority as required under section 100B of the Rural Fires Act 1997.</p> <p>NSW Transport Roads and Maritime Services advised they have no objection to the subdivision subject a condition being imposed on the consent that no future vehicle access be permitted from the Monaro Highway.</p> <p>Essential Energy – Awaiting comments. Any recommended conditions will be imposed.</p> <p>John Holland Rail - Awaiting comments. Any recommended conditions will be imposed.</p>	Yes. <b>Conditioned</b>
<b><i>The Public Interest</i></b>	
Having regard to the relevant planning provisions outlined in this report the proposed development is considered to be designed in an acceptable manner and is not expected to conflict with the public interest. Many of the conditions are designed to minimise environmental impacts over the land and to protect the local community amenity.	Yes

**4.1 Development Application 2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision  
Attachment 1 - DA.2016.203 - 8360 Monaro Hwy, Royalla - 6 Lot Subdivision -Section 79C  
Matters for Consideration (Continued)**

<b>MATTERS FOR CONSIDERATION</b>	<b>COMPLIES (Yes/No)</b>
<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. All agency comments concerning the development have been considered and conditions imposed where relevant.	Yes
<b><i>Section 94 Development Contributions</i></b>	
<b><i>Section 94 Contributions</i></b> As discussed in the planning report, additional section 94 contributions are required and specified in the recommended conditions of consent.	Yes. <b>Conditioned</b>



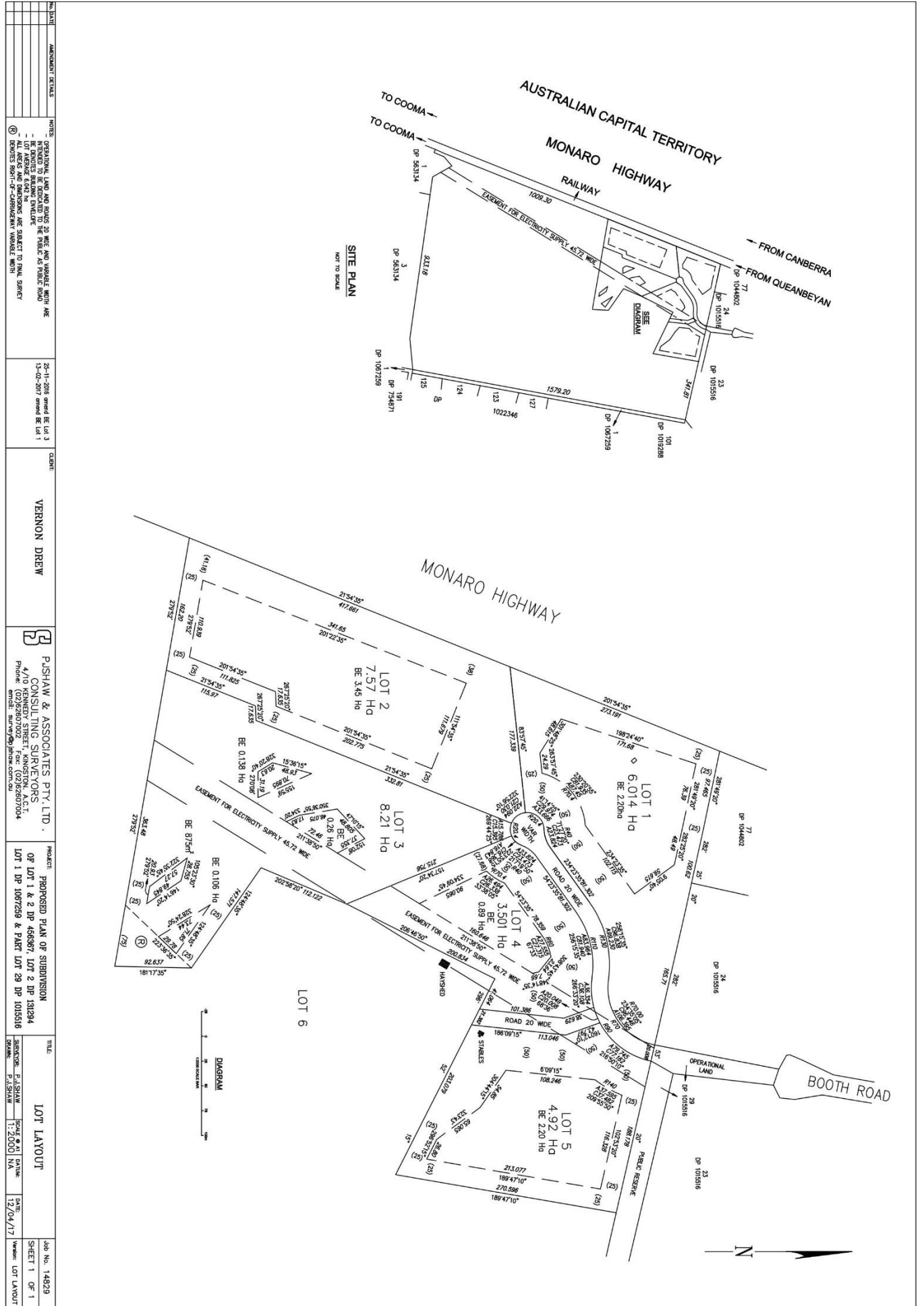
# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

ITEM 4.1                      DEVELOPMENT APPLICATION 2016.203 - 8360 MONARO  
HWY, ROYALLA - 6 LOT SUBDIVISION

ATTACHMENT 2            DA.2016.203 - 8360 MONARO HWY, ROYALLA - 6 LOT  
SUBDIVISION - PLAN OF SUBDIVISION



**NOTES:**  
 OPERATIONAL LAND AND ROADS TO THE EAST AND WEST ARE INTENDED TO BE DEDICATED TO THE PUBLIC AS PUBLIC ROAD BY LOCAL GOVERNMENT.  
 ALL AREAS AND DIMENSIONS ARE SUBJECT TO FINAL SURVEY.  
 DIMENSIONS SHOWN ARE APPROXIMATE DIMENSIONS.

25-11-2016 amended BE Lot 3  
 13-02-2017 amended BE Lot 1

**CLIENT:**  
 VERNON DREW

**P.J. SHAW & ASSOCIATES PTY. LTD.**  
 4/10 KENNEDY STREET, BANKSIA ACT  
 Phone: (02) 92407005 Fax: (02) 92407004  
 email: surveys@pjshaw.com.au

**PRODUCT:**  
 PROPOSED PLAN OF SUBDIVISION  
 OF LOT 1 & 2 DP 465987 LOT 2 DP 131284  
 LOT 1 DP 1087259 & PART LOT 2 DP 1015516

**TITLE:**  
 LOT LAYOUT

**SCALE:**  
 1:2000  
**DATE:**  
 12/04/17  
**JOB No.:**  
 14829  
**SHEET 1 OF 1**  
 Version: LOT LAYOUT

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

- |              |   |
|--------------|---|
| ITEM 4.1     | DEVELOPMENT APPLICATION 2016.203 - 8360 MONARO HWY, ROYALLA - 6 LOT SUBDIVISION |
| ATTACHMENT 3 | DA.2016.203 - 8360 MONARO HWY, ROYALLA - 6 LOT SUBDIVISION - RMS COMMENTS       |

Our Ref: STH16/00181  
Contact: Melissa Steep 4221 2771  
Your Ref: DA.2016.203



28 November 2016

Haydon Murdoch  
Queanbeyan – Palerang Regional Council  
records@palerang.nsw.gov.au  
council@qcc.nsw.gov.au

**DEVELOPMENT APPLICATION DA.2016.203 – LOT 1 DP 456367, LOT 2 DP 256367 & LOT 2 DP 131294, 8360 MONARO HIGHWAY, ROYALLA, SIX LOT SUBDIVISION**

Dear Haydon,

Roads and Maritime Services (RMS) refers to your letter dated 14 November 2016 regarding the subject development application.

RMS has reviewed the provided information and notes that the proposed subdivision is to be accessed via an extension of Booth Road, a local road.

RMS does not object to the development application in principle.

RMS advises that the proposed plan of subdivision to be lodged at the Land and Property Management Authority, should include a "Restriction on User" via an 88B Instrument, on all lots adjoining the Monaro Highway (proposed Lots 1 & 2 and residual Lot 6) to restrict access.

If you have any questions please contact Melissa Steep on 4221 2771.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'K Westlake'.

Kendrick Westlake  
Manager Land Use  
Southern Region

**Roads & Maritime Services**

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Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmservices.nsw.gov.au](http://www.rmservices.nsw.gov.au) |

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

ITEM 4.1                      DEVELOPMENT APPLICATION 2016.203 - 8360 MONARO  
HWY, ROYALLA - 6 LOT SUBDIVISION

ATTACHMENT 4            DA.2016.203 - 8360 MONARO HWY, ROYALLA - 6 LOT  
SUBDIVISION - RFS COMMENTS

All communications to be addressed to:

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Telephone: 1300 NSW RFS  
e-mail: [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

Headquarters  
Locked Bag 17  
Granville NSW 2142

Facsimile: 8741 5433



The General Manager  
Palerang Council  
PO Box 348  
BUNGENDORE NSW 2621

Your Ref: DA.2016.203  
Our Ref: D17/339  
DA17020105874 SD

**ATTENTION:** Haydon Murdoch

10 March 2017

Dear Sir / Madam

### **Integrated Development for 8360 Monaro Highway Royalla 2620**

I refer to your letter dated 25 January 2017 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Fraish Consulting numbered C100 Rev C sheet 1, dated 31 October 2016.

### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

4. Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

**General Advice – consent authority to note**

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Stephen Dwight on 1300 NSW RFS.

Yours sincerely



Amanda Moylan  
**Team Leader Development Assessment & Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.



# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

- |              |   |
|--------------|---|
| ITEM 4.1     | DEVELOPMENT APPLICATION 2016.203 - 8360 MONARO HWY, ROYALLA - 6 LOT SUBDIVISION |
| ATTACHMENT 5 | DA.2016.203 - 8360 MONARO HIGHWAY - SUBMISSIONS - REDACTED                      |

**From:** [REDACTED]  
**To:** [Records](#)  
**Subject:** submission - DA. 2016.203  
**Date:** Thursday, 24 November 2016 11:09:21 PM  
**Attachments:** [image001.gif](#)

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Attention Haydon Murdoch

Dear Sir,

DA. 2016.203  
Six Lot Subdivision  
8360 Monaro Highway Royalla

As an adjoining land owner and a member of the Royalla Landcare Group I wish to make the following submission regarding the above DA. While I do not object to the proposed subdivision I do have concerns about the content of the DA application and the need for conditions to be placed on the approval of the DA. The following are my concerns:

1. Fencing of the proposed subdivision site.

The fencing on the proposed subdivision site especially the north and east sides of proposed lot 6 is in poor condition and appears to not have been maintained for some time. One section of fence on the eastern side is flat on the ground for many meters. Goats and sheep coming from the proposed development site often roamed the adjacent public reserve land and entered lots adjacent to the reserve land. The goats and sheep have damaged and destroyed many of the trees recently planted by Landcare and by me on our lot.

The fencing drawing in the DA application does not show any new or upgraded fencing on the north and east of lot 6. This shortcoming must be rectified before the DA is approved by the following:

- The property boundary lines on the existing block of land be fenced in accordance with standard shown in detail on the fencing drawing included with the DA application and the DA approval condition should require ongoing maintenance of the boundary fencing.
- The current owner of the land be required to replace or compensate for the tree planting that has been damaged or destroyed on adjacent land by sheep and goats coming from this block as a condition of the DA approval.

2. There is no indication that any weed control has been carried out on the existing block. Significant areas of weed, St Johns Wort in particular, are evident on the block. Because there has been no weed control on the block Weeds are spreading to the adjacent public reserve land and adjacent lots. This situation must be rectified before the DA is approved by the following:

- Eradication of the weeds on the existing block must be carried out and this eradication must extend to the adjacent public land and adjacent lots where the weeds have spread to before DA is approved.
- Keeping the lots to be developed including lot 6 free of weeds must be a condition of the DA approval.

3. Heritage Elements.

The cultural heritage report by Bowen Heritage Management appears to ignore the significance of the early road formation crossing lots 1 and 2 which is part of the early Monaro Highway and part of the early track from Queanbeyan to the Michelago Plain referred to on page 15 of the report. The report also refers to this 'track' being part of a natural passage way that formed a significant Aboriginal access route leading directly to the beginning section of the Monaro Highway straight past the site. If this is the case should this formation through the site be given some significance? The flora and fauna study by Ecological Australia refers to the easement and includes a photo of the formation. Surely this formation/route needs to be acknowledged in some form as a possible pre-European and post European settlement element of significance and be recorded, mapped and/or preserved in some form.

I also have concern about the lack of information regarding possible subdivision of Lot 6. It appears unusual to have a road, Road 2, leading to a single lot. If further subdivision is planned for this lot surely there should be a master plan included with the DA application.

There is no mention in the DA application of the need for Section 94 contributions. Will this subdivision not be required to pay Section 94 contributions for community facilities and amenities like all other Royalla lots have had to in the past?

Thank you for providing the opportunity to make a submission on this DA application.

Kind regards





Palerang Council



## **DA.2016.203**

### **Request for subdivision objection**

Dear sir/madam

Whilst this submission is an objection to the proposed subdivision adjoining my property, I actually support the subdivision.

I also wish to subdivide my property and have sought preliminary assessment of such a proposal. Council has listed one impediment to my application, as being the resultant block size would be too small.

This is where the objection comes in. Some years back council approached both the applicant and myself to see who was interested in acquiring an area between the two properties that was marked as a 'road' on the map. I duly submitted my interest and later found out that the land had been awarded to the applicant. I think this decision should be the subject of an external enquiry in the first instance and before this application is considered further to determine if any impropriety occurred. Had the 'road' been allocated in some other proportion, I may now have enough land to overcome that impediment in my request for subdivision.

Another issue requiring action is the state of the adjoining fence. The current fence allows feral sheep, goats and pigs along with rabbits and hares to easily pass through. This causes serious environmental damage to my property. Stipulating quality animal fencing as part of the subdivision would overcome this problem.

Yours sincerely







25 November 2016

Your ref: DA.2016.203

QPRC  
PO Box 348  
Bungendore NSW 2621

**RESPONSE TO DEVELOPMENT APPLICATION 2016.203**

Thank you for opportunity to respond to the DA.2016.203

Based on the information provided I am requesting additional information on the following points.

1. What is the purpose of Lot 6? It has been advertised in local media as a residual lot. What does this mean?
2. What benefit to our community will these new blocks bring?
3. The proposed development is visible from the Monaro Highway what plans are in place to prevent the development being a distraction to motorist? Will there be advanced screening in place, similar to the Swainsona Reserve in Stage 1.
4. How will the swamp area be addressed and developed? Namely Lot 1 and part of Lot 4
5. How will the excessive run off of water from Lot 6 be managed? Will any diversion work have an ecological impact?
6. Has a study been conducted on the impact of this development to the local wildlife?
7. Why have survey pegs been placed in the middle of Lot 29 DP1015516 and 5 meters along the boundary of 54 Booth Road Royalla? Does Council plan to take part of land owned by 54 Booth Road to make way for the road extension?
8. Will the entrances (gates and fencing) to each lot be consistent with what is in Royalla already?

Based on the information provide I am objecting to the development application on the following points:

1. The residual Lot 6 could potentially allow for future expansion of the 1 and 2 DP 456367, Lot 2 DP 131294 and Lot 1 DP 1067259.

2. Object to Lot 4 as it breaches the LEP 2014 Part 4 4.1B Lot averaging subdivisions of land in Zone E4
  - (3) *Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies, other than under the [Community Land Development Act 1989](#), if:*
  - *the average size of all the lots created by the subdivision will not be less than the minimum size shown on the [Lot Size Map](#) in relation to that land,*

Going by the Lot Size Map (LSZ\_002) the blocks are in E4 which states the minimum block sizes is 6ha (AA2) , therefore Lot 4 breaches the LEP at 3.5ha and so does Lot 5 at 5.3ha. As of this date Lot 4 and 5 are under offer.

3. The Land owner previously applied to ACT Government to use the existing driveway at 8360 Monaro Highway. The rejection was based on a development of 30+ houses. I request the developer to reapproach ACT Government and have it reassess based on 5 houses. For 20 years the land owner has had safe access to the above mentioned lots via his front entrance at 8360 Monaro Highway Royalla NSW 2620.
4. The increase of traffic entering and leaving Royalla will only cause further traffic indents. To date there have been 8 report vehicle accidents either at the entrance of Royalla. The rural infilling is impacting on road users.
5. There is no financial benefit to Royalla from this development. The development creates unreasonable demands on the minimal resources and amenities afforded to Royalla.
6. The development is in the flight path and with the increase of aircraft due to the upgrade to international status this will cause issue to any new landowners. There already issues voiced on social media about the noise from aircraft above Royalla.
7. The original developers of Royalla Estate and in conjunction with the then Yarrowlumla Shire Council did not design or identify Booth Road for extension as they did on plans submitted and approved for extension of Settlers Road into Stage 4 and Royalla Drive into Stage 5. The road layout, design and construction did not allow for any further extension of Booth Road, any plans to extend should be forfeited and the Developer to revisit upgrading the existing entrance at 8360 Monaro Highway.
8. The DA cannot be viewed as a whole as Council has not provided the residents with any information on right of way. I cannot make an informed opinion on the DA without Council provide me with information on how it proposed to connect the development to Booth Road.

Further to my objections to the DA, I also object to the extension of Booth Road to service this development. I request the new QPRC Administrator to review the reclassification process and meet with the residents of Booth Road.

The process used by the former Palerang Councillors was unethical and misleading. The council used their position to fast track the reclassification to financially benefit the landowner. This can be proven by a report released by Palerang Council after the gazettal of the LEP and conversation held during public meetings.

I also request the Administrator to review the independent consultant's report. The former councillor's and current staff choose to ignore recommendations from the consultant.

I look forward to having an opportunity to discuss this matter.

Regards



Sent: Friday, 25 November 2016 12:00 AM

To: Tim Overall <Tim.Overall@qprc.nsw.gov.au><mailto:Tim.Overall@qprc.nsw.gov.au>>

Subject: Booth Rd Royalla Proposed DA 2016-203

Hello Mt Overall

I am writing to you in response to a recent DA notice (DA 2016-203 ) from council regarding a proposed for a subdivision at the end of Booth rd Royalla

I do not want to write a long " war and peace " email on the history of this DA.

But In brief the residents have been battling Palerang council for several years re this subdivision and rezoning of reserve land.

We attend numerous meeting , lots of emails, letters , one on one discussions with Palerang councillors , sent in submissions to council and provided independent consultants reports but all to no prevail.

In brief this DA has been a long journey.

Mr Vern Drew (ex Palerang councillor ) the owner of land has been perusing council to provide road access to subdivide some his land , as he was unable to gain approval for road access from the Monaro Hwy.

Finally under the guise of new amended LEP, Palerang council reclassified a small strip of reserve land at the end of Booth Rd to be rezoned operational land which would allow road access so that Mr Drew he could subdivide some of his land.

Interesting no other reserve land in the amended LEP was rezoned operational land.

The argument from the Palerang Mayor was that it was councils obligation to ensure efficient use of land to benefit all residents of Palerang, and that was why council supported the rezoning , Interesting that council did not apply the same argument to any other reserve land.

One of the concerns we have based on argument above where is the value and return to council and wider community.

The current proposed development is for 6 lots each with an average value of \$540,000'

Loss of reserve land for no payment.

Major road works for Booth rd ( currently single lane rd ) and creation of a new road extension which we assume is funded by council.

At this stage only return to council 6 times rates ( aprox \$18000 per year).

Considering that one the major factors for the council amalgamation of Queanbeyan and Palerang was improve its financial position not sure what the benefit to council and the community is , we do see a good a financial outcome for Mr Drew.

As I said above there is a lot of history attached to this current DA and would appreciate a chance for some residents ( there is only 6 families in the street) to meet with you either in your office or at Booth Rd or at least can you review this DA on our behalf.

The residents will again provide submission against the DA.

Thank you for reading my email and lack forward to your response

Regards



2 December 2016

The General Manager  
Queanbeyan-Palerang Regional Council  
PO Box 348  
Bungendore NSW 2621

By email: [records@palerang.nsw.gov.au](mailto:records@palerang.nsw.gov.au)

Dear Sir,

**RE: SUBMISSION IN RESPONSE TO THE PUBLIC EXHIBITION OF  
DEVELOPMENT APPLICATION DA.2016.203  
8360 MONARO HIGHWAY, ROYALLA**

█ has been commissioned by █, owners of No. █ to review the abovementioned development application (DA) and to make a submission to Queanbeyan-Palerang Regional Council (Council) as appropriate.

Based on our review of the notification letter sent to our Client and the limited information available from Council's website, we are of the opinion that the DA cannot be approved in its current form as the proposed lots do not have a legal right of access to a public road.

Council's notification letter to our Client dated 8 November 2016 and Council's online DA tracking facility indicate that the DA relates to 8360 Monaro Highway, legally described as Lots 1 and 2 in DP 456367 and Lot 2 in DP 131294.

Based on the Proposed Plan of Subdivision, all six of the proposed lots are intended to have road access over the Council-owned public reserve to the north, legally described as Lot 29 DP 1015516. However, this lot does not form part of the DA, no works within the public reserve are included in the DA and to our knowledge, there is no right-of-carriageway (ROW) over Lot 29 benefitting the land subject to the DA.

Accordingly, the proposed lots do not have a legal right of access to a public road, does not satisfy s79C of the EP&A Act or subclause 6.11(e) of Palerang LEP 2014 (i.e. "suitable vehicular access") and therefore, cannot be approved in its current form.

At a minimum, the DA requires a ROW over the Council-owned public reserve and physical works to form a road within the reserve, both of which require the consent of Council as owner of the land. To our knowledge, there is no ROW over the land and land owner's consent for Lot 29 has not been provided as part of the DA.

Alternatively, Council would be required to form a Public Road through the reserve via the *Roads Act 1993*, which to our knowledge has not occurred.



[REDACTED]

[REDACTED]

Should Council provide owner's consent for access over the public reserve and formalising of this access via a ROW or a Public Road, and should the DA be amended to include physical works within the public reserve, the DA should be renotified and then assessed by an independent planning consultant as Council would have a conflict of interest as a land owner of part of the land subject to that amended DA.

Alternatively, the DA could be amended to provide for an alternate road access (i.e. not over Lot 29) with the requisite construction details and environmental assessments for the alignment of that alternate road.

We kindly request that we be notified of any amended details or any further developments relating to this DA.

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]

**PARTNER**

[REDACTED]

Reviewed:

[REDACTED]

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

- |              |   |
|--------------|---|
| ITEM 4.1     | DEVELOPMENT APPLICATION 2016.203 - 8360 MONARO HWY, ROYALLA - 6 LOT SUBDIVISION |
| ATTACHMENT 6 | DA.2016.203 - 8360 MONARO HWY - ROYALLA - DRAFT CONDITIONS OF CONSENT           |

## **SCHEDULE OF CONDITIONS**

### **Development Consent DA.2016.203**

#### **Approved development and plans**

1.1 The development referred to in the application is to be carried out in accordance with the approved plans and documents including the following:

- Plan of subdivision for 6 lots and designated building envelopes prepared by PJ Shaw Pty Ltd. Consulting Surveyors dated 20 April 2017.
- Statement of Environmental Effects prepared by Fraish Consulting, Civil and Structural Engineers dated October 2016
- Cultural Heritage Report for the site, Archaeological Cultural Heritage Assessment prepared by Alister Bowen June 2016
- Bushfire Protection Assessment for the site prepared by ecological Australia dated 5 October 2016.
- Flora and Fauna Assessments Ecological Australia dated 31 August 2016 and Biosis Flora and Fauna report dated 13 April 2017.
- Site and Soil Assessment for On Site Effluent Disposal prepared by Fraish Civil and Structural Engineers at Lots 1&2, DP 456367 and Lot 2 DP 131294 undated.

except as modified by any of the following conditions of consent.

1.2 Consent for the subdivision is granted pursuant to Clause 4.1 subclause (1) to (3) [proposed Lot 6] and Clause 4.1B subclauses(1) to (3) [proposed Lots 1 to 5] pursuant to the Palerang Local Environmental Plan 2014.

*Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.*

#### **Building Envelopes & Restrictions**

2.1 Proposed envelopes on Lots 1, 2, 3, 4 and 5 must have minimum side and rear setbacks of 25m and 50m setback to the proposed roads.

2.2 The Box Gum Woodland- Derived Grassland and rock outcrop area identified on plan referred to in *Figure 1 Ecological Values of the Study Area* in the Biosis, Flora and Fauna Report dated 19 April 2017 is to be deleted from within the building envelope in proposed Lot 5.

2.3 Pursuant to 88B of the Conveyancing Act 1919 restrictions as to use shall be created to achieve the following purposes:

- Prohibiting construction of buildings outside identified building envelopes shown on plan drawn by P J Shaw and Associates Consulting Surveyors received 20 April 2017.
- Effluent disposal areas are to be located within each building envelope and sited at least 40m from any adjoining drainage system.



- Compliance with the recommendations of the Site and Soil assessment for On Site Effluent Disposal Lots 1&2 DP 456367 & Lot 2 DP 131294 prepared by Fraish Civil & Structural Engineers received by Council 19 April 2017.
- Compliance with the recommendations of the Bushfire Protection Assessment for the site prepared by ecological Australia dated 5 October 2016 together with the requirements of NSW Rural Fire Service dated 10 March 2017.
- Compliance with the following recommendations of the Flora and Fauna Assessment by Biosis:
  - Protection in perpetuity and the management of the fenced patch of (2.42ha) of Box Gum Woodland – Derived Grassland (Refer to Condition 15.1).

Queanbeyan -Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required restrictions.

*Reason: To ensure compliance with the Palerang Development Control Plan 2015.*

#### **Plans to be kept on site**

3. Keep a copy of all stamped approved plans, specifications and documents on site while work is being undertaken.

*Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.*

#### **Site identification**

4. The site where building work, subdivision work, or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;
  - the development application number,
  - name, address and telephone number of the principal certifying authority,
  - name of the principal contractor (if any) and 24 hour contact telephone number, and
  - a statement that “unauthorised entry to the work site is prohibited”.

*Reason: The site is managed in a safe manner.*

#### **Aboriginal objects**

5. The development is to proceed with caution. If any Aboriginal objects are found, works should stop and NSW Office of Environment & Heritage (OEH) notified. If human remains are found work is to stop, the site is to be secured and the NSW Police and NSW Office of Environment & Heritage are to be notified.

*Reason: To ensure objects discovered during construction are protected and notified in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.*

## Waste Management

6. All waste materials generated on-site during construction are to be stored in enclosed containers and deposited in an approved landfill at regular periods.

*Reason: To ensure adequate waste management practices are in place during the construction phase.*

## Power supply

### 7. *Waiting on electricity authority requirements*

*Reason: To ensure adequate power supply is available to any dwelling.*

## Construction Activities

8. Construction work shall only be undertaken between the hours of 7 am and 6 pm Mondays to Fridays and between the hours of 7.00 am and 2.00 pm Saturdays. No construction work shall take place on Sundays or Public Holidays unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

*Reason: To ensure that noise impacts do not result from construction work.*

## Rural Addressing

9. In accordance with *Clause 60(c)* of the *Surveying and Spatial Information Regulation* a schedule of recorded street/rural addresses on Plan Form 6A shall be submitted to Council prior to the release of the Subdivision Certificate.

**Advice:** Convey with Queanbeyan-Palerang Regional Council to determine the street numbering/rural addressing for newly created allotments in accordance with Council's requirements.

*Reason: To ensure compliance with the Surveying and Spatial Information Regulation.*

## Subdivision certificate

10. The Subdivision Certificate will not be released until all relevant conditions of consent have been complied with including payment by the applicant of an agreed market value cost of the road over part Lot 29 DP 1015516. Lodge a subdivision certificate application with Queanbeyan-Palerang Regional Council on the appropriate form. The subdivision certificate application is to be accompanied by the correct application fee and written evidence that all conditions of consent have been complied with.

Lodge the original of the subdivision plan and two copies with the subdivision certificate application. The subdivision plan must be suitable for registration with the NSW Land and Property Information Division.

Lodge any s.88B instruments required by these conditions of consent with the subdivision certificate application. The final allotment boundaries and building envelopes are to be determined at the time of survey and shown on the subdivision plan to Queanbeyan-Palerang Regional Council's satisfaction.

*Reason: To enable registration of the subdivision. To allow for minor variations to the subdivision layout that may result from the survey. To provide sufficient signed copies of the subdivision plan for Council, the applicant and the NSW Land and Property Information.*

### NSW Rural fire Service Requirements

11. The NSW Rural Service issued a bush fire safety authority on 10 March 2017 subject to the following conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Fraish Consulting numbered C100 Rev C sheet 1, dated 31 October 2016.

### Water and Utilities

The intent of measures is to provide adequate service of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of "Planning for Bush Fire Protection 2006"

### Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public access shall comply with section 4.1.3(1) of "Planning for Bush Fire Protection 2006".

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall, apply:

4. Internal roads shall comply with section 4.2.7 of "Planning for Bush Fire Protection 2006"

*Reason: To satisfy the bushfire authority issued by NSW Rural Fire Service.*

### Public road

12.1 The proposed road/s is/are to be dedicated to Queanbeyan-Palerang Regional Council as a public road.

12.2 If it is determined by survey that the public road encroaches on the land which is to be subdivided, the affected land is to be dedicated as public road.

*Reason: To ensure compliance with the Roads Act 1993 and the Conveyancing Act 1919.*

12.3 Align proposed road boundaries so that legal and physical access to the allotments will coincide.

*Reason: To ensure that roads have appropriate legal status.*

12.4 Prior to making application for the construction certificate provide a name for the new road for Queanbeyan-Palerang Regional Council approval.

12.5 The approved road name is to be shown on the plan of subdivision. The applicant is to contribute the full cost for the supply and erection of a sign prior to the issue of a subdivision certificate.

*Reason: To ensure compliance with the provisions of the Local Government Act 1993.*

12.6 All unused Crown road reserves are to be closed and consolidated into the subject land at no cost to Queanbeyan-Palerang Regional Council.

*Reason: To restrict access to newly created lots to an approved road network.*

### **Vegetation and Habitat Protection**

13.1 The entire patch of (2.42ha) of Box Gum Woodland – Derived Grassland (EPBC Act and TSC Act) identified in the Biosis Flora and Fauna Assessment Report, Figure 1 is to be fenced off and managed in an unmarked environmental exclusion zone to ensure its protection in perpetuity. The fencing is to be completed in accordance with Councils fencing standards specified under the Palerang Development Control Plan 2015 prior to the release of the Subdivision Certificate.

Reason: To protect significant Box Gum Woodland - Grassland

13.2 The five (5) hollow bearing trees identified in the Biosis, Flora and Fauna Report, Figure 1, dated 19 April 2017 are to be preserved and protected on site to conserve potential breeding habitat for non - threatened avifauna in addition to arboreal and aerial mammals within the locality.

Reason: To protect potential habitat and habitat trees.

### **Importation of Fill Material**

14. Any fill material imported onto the site must be free of contaminants and be from an approved extraction source. Details in writing (certification) must be provided to Council of compliance with these requirements prior to commencement of construction works.

*Reason: To ensure only clean uncontaminated fill material from an approved source is*

### **Public Liability Insurance.**

15. Immediately on the issue of the Construction Certificate for civil works through to the proposed road dedication (by plan registration) over Lot 29 DP 1015516 the applicant is to ensure they and their contractors are indemnified from public liability claims to the amount of \$20,000,000. The applicant is to ensure that written evidence of the indemnity insurance being in place by themselves and their contractors is provided to Council prior to any construction works over Councils land.

*Reason: To protect Councils interest as the land owner until dedication of the road.*

## **ENGINEERING CONDITIONS**

## Design requirements

### Design standard:

Civil works are to be designed and constructed to Aus-Spec #1 Development Specification Series as amended by Council, which includes Council's Specification for the Construction of Private Access Roads and Entrances, Austroads Road Design Guides (including RTA supplements) and relevant Australian Standards. Design work is to be done by appropriately accredited engineering designers.

Engineering drawings are to include a note that "All work is to be constructed in accordance with AUS-SPEC#1 Development Specification Series as amended by Palerang Council, and the terms of the Development Consent."

*Reason: To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.*

### Design drawings – civil works

Provide engineering design drawings, and supporting information, to standards in AUS-SPEC #1 as amended by Palerang Council, for all civil works for approval by the principal certifying authority prior to issue of any construction certificate.

#### **Advice: If Queanbeyan - Palerang Regional Council is nominated principal certifying authority, engineering drawings shall:**

- Be prepared by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
  - Be signed by a suitably qualified civil engineer or registered surveyor as set out in AUS-SPEC#1 Development Specification Series Clause DQS.06(1).
  - Include a note that "All work to be constructed in accordance with AUS-SPEC#1 Development Specification Series, as amended by Palerang Council, and the terms of the Development Consent".
  - Show consent requirements such as construction hours.
  - Include, as a minimum where relevant:
    - A site plan showing relevant locations and details of all existing infrastructure/services and details of proposed construction works.
    - A site plan showing the access road centreline, vegetation to be removed and drainage structures. Permanent and ephemeral streams shall be shown where they cross the road centreline.
    - Road Plan and Long. Sections – illustrating road geometry and control lines and extending a minimum of 50m beyond the development's frontage;
    - Typical and Road Cross Sections including locations of underground services (including subsoil drains) and illustrating typical street furniture and tree reservations within the verges.
    - Hydraulics Plans and Long. Sections – including existing services appropriately annotated with critical invert levels at points of connection and property ties. Conflict points are to be shown and details of separations provided.
- New works are preferred to be colour coded line types such as:
- ❖ Sewer – Red
  - ❖ Water – Blue
  - ❖ Stormwater – Green
  - ❖ Electricity – Magenta
  - ❖ Telecommunications – Orange
  - ❖ Gas – Yellow
  - ❖ Common Trench and Conduit Plans.

- Stormwater Long. Sections – illustrating invert levels, surface levels, any services conflicts and hydraulic grade line and be numbered to link it to the hydraulics plan view drawing;
- Traffic Control Devices – illustrating new pavement markings and signs and/or removal/eradication of existing lines and signs.
- Streetscape landscaping plan.
- A SWMP including drawings and supporting report, as appropriate.

Drawings are to be provided in A3 sheets in (2 copies) and AutoCAD file. Design drawings, and supporting information to AUS-SPEC #1 standards as amended by Council are required for all proposed engineering works. These drawings shall include proposed lot boundaries and road widening where needed, and are to be approved by the appointed Certifier before a construction certificate will be issued.

*Reason: To ensure that works are designed to cater for the demands generated by the development in accordance with Council's standards.*

### Public Road Reserves

The proposed roads within Crown or Council Road Reserves are to be dedicated to Queanbeyan - Palerang Regional Council as a public road.

If it is determined by survey that the public road encroaches on the land which is to be subdivided, the affected land is to be dedicated as public road. Alternatively, the road may be realigned to the road reserve and the disused roadway restored as far as practicable, to that pre-existing the road works. Align proposed road boundaries so that legal and physical access coincide.

*Reason: To ensure that roads have appropriate legal status.*

### Ongoing Maintenance of Road 2:

A notation shall be placed on the Subdivision 88B instrument that states Road 2 is an un-maintained Council Road and that all ongoing maintenance of Road 2 shall be the responsibility of the property owner of Lot 6.

*Reason: To ensure that the future maintenance of Road 2 does not become the responsibility of Council.*

### Rural Roads:

Design the external road and drainage structures between the end of the existing Booth Road and the end of the proposed Road 1 to the standard of a Type RS1 as specified in Palerang Council Development Control Plan 2015 (PDCCP).

*Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.*

The existing Booth Road carriageway is to be widened to the standard of a road Type RS1 as specified in Palerang Council Development Control Plan 2015 (PDCCP).

*Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.*

The existing cul-de-sac at the end of Booth Road is to be removed and revegetated. Road 1 shall be designed such that it continues on a straight alignment from Booth Road (as conditioned above) without the need for any roundabout configuration. The existing accesses at this location are to be designed such that they join Booth Road at a perpendicular angle (or as close as possible) in accordance with the Standard Drawing SD-PAL-101, as specified in Palerang Council Development Control Plan 2015 (PDCCP).

*Reason: To ensure that the roads created are of a standard to safely cater for the traffic generated by the development.*

### Pavement design

The applicant is to provide Council with a detailed pavement design which conforms to AUSTRROADS Pavement Design Manual, including results of subgrade CBR tests. The pavement design must be approved by Council, prior to placement of pavement materials.

*Reason: To ensure that roads are designed to cater for the traffic generated by the development.*

### Road Signage and Traffic Control Devices

Design roads and intersections with road signage and traffic control devices to Austroads (and RMS supplements) and RMS requirements. Submit traffic control details to the principal certifying authority prior to issue of a construction certificate.

*Reason: To ensure that roads have appropriate signage and traffic control devices.*

### Rural Access/Entrance

Property access to the public road (existing or proposed), shall be located to provide safe intersection sight distance as determined by reference to Austroads "Guide to Road Design Part 4A Unsignalised and Signalised Intersections", including RTA Supplements.

Design the access to each of the proposed lots, to the standard of a sealed Pavement Type A as illustrated in Standard Drawing PAL-SD-101.dwg, Palerang Council Development Control Plan 2015. An access and gated entrance shall also be provided to the Council Reserve on the northern side of the proposed Lot 5. The access shall be designed in accordance with the Standard Drawing PAL-SD-101.

*Reason: To provide safe entry and exit to lots from the road.*

A "Restriction to User" shall be placed on the Subdivision 88B instrument stating that Lots 1 and 2 are not able to access the Monaro Highway for egress to and from their properties.

*Reason: To satisfy the requirements of the NSW Roads and Maritime Services in relation to providing safe entry and exit to lots from the road.*

### Internal Roadways (Rural):

Design the internal road and drainage structures between the new property access and the building envelope on each of the proposed allotments, to the standard of a **Type RP1 Road** as specified in Palerang Council Development Control Plan 2015. See Table 4 for a summary of the standards required. Any drainage structures required for these internal roads are to be designed to cater for a minimum 1 in 2 Year ARI rainfall event.

When designing these roads give particular attention to erosion and sediment control in drains and at culverts. Base course gravel where unsealed is to be erosion-resistant and conform to the specification for unsealed road pavements. Detailed construction drawings are not required for this class of road, however road location(s), longitudinal grades and stream crossings are to be shown as a minimum.

Bitumen seal the pavement of a Type RP 1, 2, 3 road 14/7 double / double, where grades of erosion-resistant gravels exceed 15%, or within 50 metres of the near edge of any existing building envelopes / dwelling facades on adjacent properties.

The internal road/s to be constructed are to comply and must be maintained in perpetuity to provide the performance criteria and acceptable solutions as set out in Rural Fire Service NSW document, Planning for Bushfire Protection, December 2006, Clause 4.1.3 Access [2], particularly in respect of minimum carriageway pavement width (4 metres), passing bays, minimum vertical clearance of 4 metres to overhanging obstructions, minimum curve radii and maximum gradients.



*Reason: Roads created allow for environmental protection and requirements for bushfire planning.*

### **Stormwater Design**

All stormwater design is to comply with the requirements Palerang Council Development Control Plan 2015. Provide detailed design and drawings of the proposed stormwater drainage systems with supporting calculations, which shall be undertaken by a Hydraulics Engineer or other suitably qualified person experienced in hydrologic and hydraulic design. The design must be approved by Council (as PCA), prior to the issue of a construction certificate for these works.

For public road and recreation reserves, Class 4 reinforced concrete spigot and socket rubber ring jointed (RRJ) pipes shall be specified for pipe sizes from Ø375mm to Ø900mm. Smaller pipes in other locations must be approved RRJ pipes of RCP, uPVC or FRC materials.

Details shall be provided (prepared by a Hydraulics Engineer or other suitably qualified person experienced in hydrologic and hydraulic design) that confirm that the concentration of flows from the proposed culvert located directly upstream of the dwelling located at 54 Booth Road will not have a detrimental impact on the property nor flood the adjacent dwelling or structures. If this is not able to be satisfied, the culvert shall be relocated to a more suitable location and/or stormwater flows diverted elsewhere.

*Reason: Stormwater disposal does not impact on the building, verge or neighbouring properties.*

### **Fencing Road & Stock Grids**

All public roads boundaries, the boundaries shown on the DA Submission Drawing titled "*Fencing Plan*" – Drawing No. C265, prepared by FRAISH Consulting, and the northern most boundary of Lot 5 shall be fenced in accordance with *Clause C30.1 RU1 Primary Production, E3 Environmental Management and E4 Environmental Living land use zones* of the *Palerang Development Control 2015*.

The entrance gates to each of the new allotments shall be consistent with those of the surrounding Royalla area. The end of Road 2 (at the property boundary) shall be fenced and provided with the same gated entrance as the other property accesses in the development.

*Reason: To ensure that all property boundaries are appropriately fenced and are consistent with the surrounding development area.*

### **Utilities**

Satisfactory arrangements shall be made with relevant service authorities or their agents for the supply of electricity and telephone services to each proposed lots.

Provide a drawing showing utility locations as part of the construction certificate application. The common/shared trench shall be located 1.0m offset from the road reserve boundary.

At locations where utilities cross other services, such as stormwater mains, sewers or water mains, each service is to be shown on a detail or cross section demonstrating sufficient clearances between each pipeline, cable, etc.

*Reason: To provide adequate utility servicing to the development.*

### Approved development and drawings

- The development referred to in the application is to be carried out in accordance with the Construction Certificate approved drawings except as modified by any conditions of consent.
- Reason: Subdivision works are undertaken in accordance with development conditions of consent and Council standards.*

### Drawings to be Kept on Site

- Keep a copy of all stamped approved drawings, specifications and documents on site while work is being undertaken.
- Reason: Relevant documentation is available for perusal on site by a council officer, for compliance check.*

### Pre-construction requirements

#### Construction certificate – Subdivision Works

- Obtain a civil works construction certificate from Queanbeyan - Palerang Regional Council before undertaking any subdivision works.
- Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.*

### Security Deposit – for Construction Certificate applications

- Pay the following Security Deposit/s, Security Deposit for damage to Public Assets (payable on lodgement of construction certificate),

Construction Activity	GST Applicable	Fee 2016/17 \$
as per E1.43 of the current Fees and Charges Pricing Policy		
Rural areas - developments involving delivery of construction materials or machine excavation	No	500.00

When paying security deposit please quote account code **GLBondRdWks** or for the inspection fee **GLDevinspect**.

Deposit may be released on acceptance of all works within a public road reserve, following an acceptable inspection by a Queanbeyan - Palerang Regional Council Officer and issue of a Subdivision Certificate/Occupation or Completion Certificate.

*Reason: To cover Queanbeyan - Palerang Regional Council's costs of repair of any damage that is not properly rectified by the applicant.*

### Superintendent of Works

Appoint a Superintendent of Works, prior to commencing subdivision civil construction works. The Superintendent of Works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AusSpec#1. The Superintendent of Works must undertake sufficient day to day inspections, provide supervision of the works and all materials used, to be able to provide a Certification Report to Council for all subdivision works, following practical completion and prior to issue of Subdivision Certificate.

*Reason: To ensure works are undertaken in compliance with the Development Consent and Council standards.*

### Principal certifying authority – Subdivision Works

Appoint Council as Principal Certifying Authority to inspect subdivision works as required and certify the works on completion.

Advice: To engage Queanbeyan - Palerang Regional Council as the nominated principal certifying authority, complete the attached quote and arrange for payment of the relevant fees when lodging the “**Notice to Commence Building or Subdivision Work and Appointment of a Principal Certifying Authority**”.

*Reason: To ensure compliance with Section 81A(4) of the Environmental Planning and Assessment Act 1979.*

### Section 138 consent (s.138)

The Contractor **MUST** obtain consent under section 138 of the Roads Act 1993 from Queanbeyan - Palerang Regional Council before any work is undertaken within public road reserves. A Security Bond as identified in the Security Deposit section (below), is to be lodged with the s.138 Application.

Contractors or others proposing to carry out works on a public road shall be experienced and pre-qualified to Council’s accreditation requirements.

*Reason: To ensure that works carried out comply with the Roads Act.*

### Security Deposit - Section 138 Works

Pay the following Security Bond, with the s.138 Application and prior to works commencement:

<b>Section 138 Works being undertaken within a public road reserve</b>	<b>GST Applicable</b>	<b>Fee 2016/17 \$</b>
Rural areas	No	1000.00

### Erosion Control

A Soil and Water Management Plan (SWMP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to any works commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication Managing Urban Stormwater -Soils and Construction (4th Edition 2004- "Blue Book"). A SWMP should be prepared and site-managed by a Certified Professional in Erosion and Sediment Control (CPESC). The SWMP shall include both drawings and commentary which clearly sets out the installation, maintenance requirements and inspection schedules for all control measures.

The SWMP should provide for at least 3 work stages, e.g., bulk earthworks, construction phase of all works elements and a final control stage at works completion.

*Reason: To minimise environmental impact associated with any works & to prevent soil erosion/water pollution.*

### Trees and Vegetation

No trees or existing vegetation shall be removed, or earthworks commenced, within 40 m of any watercourse or 20 m of any land having a slope greater than 1 in 5 without prior consent from Queanbeyan - Palerang Regional Council.

No trees over 3 m in height, fallen or dead trees, shrubs or vegetative cover on the property, or on crown or public road reserves, shall be removed or disturbed without prior consent from Queanbeyan - Palerang Regional Council.

*Reason: To ensure compliance with Department of Infrastructure Planning and Natural Resources and Council's roadside vegetation management policy.*

### Construction Management

A Construction Management Plan (CMP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control construction activities and temporary traffic management in accordance with Roads and Maritime Services requirements.

*Reason: To minimise risk to road users and to ensure public safety.*

## **Civil works construction requirements**

### **Damage to any Infrastructure:**

Any infrastructure (public or private) that is damaged during construction within the road reserve is the responsibility of the applicant to correct and repair or replace as necessary, to bring the damaged infrastructure back to the condition or better, existing prior to any damage. The Applicant/Contractor is to determine the locations of all services, prior to works commencement.

*Reason: To ensure existing infrastructure is protected.*

### **Construction of Engineering Works**

All civil works relating to the Civil Construction Certificate and/or the Section 138 works are to be completed in accordance with all Development Approval Conditions of Consent, and Construction Certificate approved drawings and specifications, prior to the release of plan of subdivision.

*Reason: To ensure the development is serviced to Council's standards.*

### **Construction Standard and Contractors**

Civil works are to be constructed to Aus-Spec #1 Part B2 Development Specification Series, Construction as amended by Council, Austroads Road Design Guides (including RTA supplements), Water Services Association of Australia Sewer and Water Codes (WSA-02 & WSA-03), and relevant Australian Standards and/or as amended by these conditions of Consent.

Construction work is to be carried out by contractors who are experienced in civil construction works to Council's approval, have quality management systems in place and hold business insurance policies covering workers compensation, and public liability. Additional insurance may be required under Section 138 of the Roads Act to work on a public road.

*Reason: To ensure the development is undertaken to comply with Council's standards.*

### **Site Revegetation**

Rehabilitation grass mix is to be applied to all disturbed surfaces as soon as practicable at the completion of each component of work. The mix is to be applied at the recommended rate of dispersal. Do not use species that are listed under the Noxious Weeds Act 1993.

*Reason: Prevent soil erosion, water pollution and the discharge of sediment on surrounding land.*

### **Dust Suppression**

Undertake measures as appropriate, and/or respond to any Council direction to provide dust suppression on roads leading to, adjacent to and within the worksite in the event that weather conditions and construction traffic are giving rise to abnormal generation of dust.

*Reason: To ensure that local residents and activities are not disadvantaged by dust during construction.*

### **Rural Public Road – Booth Road and Road 1**

- . Roads shall be constructed to the specifications as set out in AusSPEC # 1 Technical Specifications for Subdivisions –Part B2, as amended by Palerang Council. The layout is to be generally as proposed on Dwg. No. C006 – REV B (31-10-16).
- . The verge area between the sealed pavement and the property boundary shall be adjusted, as necessary, by cut or fill to comply with verge tracks as per PDCCP and left in a neat and evenly graded condition after being topsoiled and seeded with appropriate dry land grass mix.
- . Liaise with Council and pay fees as set out in Council's Schedule of Fees and Charges for adjustments to any road, water supply, sewer or stormwater infrastructure, which may be required to meet designed finished surface levels to match new construction.

*Reason: To ensure that road and pedestrian facilities meet the requirements of the traffic generated by the development and meets current accessibility requirements.*

### **Roadwork – Connection to Neighbouring Street Construction**

- . Construct as necessary all elements of the external road and the proposed Road, to provide for a seamless and integrated connection of both roads.

*Reason: To ensure that the road networks are properly interlinked.*

### **Property Access to Road**

- . Construct/upgrade as necessary the entrances to the proposed allotments, to the standard of a Pavement Type A as specified in Palerang Council Development Control Plan 2015. An access and gated entrance shall also be provided to the Council Reserve on the northern side of the proposed Lot 5. The access shall be designed in accordance with the Standard Drawing PAL-SD-101.

Where required to manage table drains flows, cross drainage culvert pipes at each access shall be minimum diameter of 375mm, set back 6m from the edge of the through lane, length to suit the site (minimum of 7.32m), and fitted with standard concrete headwalls and aprons. Permanent erosion protection and re-vegetation shall be provided upstream and downstream of the culvert and in adjacent table drains and batters as required to control erosion. Guide posts shall be provided at culvert pipes and on the road shoulder each side of the access. The adjacent road reserve and table drains, diverted as necessary and shaped both sides to 1:4 batters, shall be left in a clean and tidy condition after topsoiling and re-vegetation.

- . *Reason: Safe entry and exit to lots from the road.*

### **Traffic Control Devices**

- . Install appropriate traffic control devices for all streets as required, in accordance with AS1742 and RMS Supplements, as approved by the Construction Certificate.

*Reason: To provide a safe and legible street network and suitable driver instruction within the street network.*

### **Redundant Gateways / Secondary Access / Secondary Crossovers**

Close and fence off redundant gateways and existing unauthorized access or entry points to the public road. Remove any embankment material, fill in any cuttings, remove pavement or pipes located within the road reserve and restore the site to a natural state.

*Reason: Only one access to each lot allowed.*

### **Internal Roadways (Rural):**

Construct/upgrade as necessary the internal road and drainage structures between the new property access and the building envelope on each of the proposed allotments, to the standard of a **Type RP1 Road** as specified in Palerang Council Development Control Plan 2015. See Table 4 for a summary of the standards required. Any drainage structures required for these internal roads are to be designed and constructed to cater for a minimum 1 in 2 Year ARI rainfall event.

When constructing these roads give particular attention to erosion and sediment control in drains and at culverts. Base course gravel where unsealed is to be erosion-resistant and conform to the specification for unsealed road pavements. Detailed construction drawings are not required for this class of road, however road location(s), longitudinal grades and stream crossings are to be shown as a minimum.

Bitumen seal the pavement of a Type RP 1, 2, 3 road 14/7 double / double, where grades of erosion-resistant gravels exceed 15%, or within 50 metres of the near edge of any existing building envelopes / dwelling facades on adjacent properties.

The internal road/s to be constructed are to comply and must be maintained in perpetuity to provide the performance criteria and acceptable solutions as set out in Rural Fire Service NSW document, Planning for Bushfire Protection, December 2006, Clause 4.1.3 Access [2], particularly in respect of minimum carriageway pavement width (4 metres), passing bays, minimum vertical clearance of 4 metres to overhanging obstructions, minimum curve radii and maximum gradients.

*Reason: Roads created allow for environmental protection and requirements for bushfire planning.*

### **Fencing Road & Stock Grids**

All public roads boundaries, the boundaries shown on the DA Submission Drawing titled "Fencing Plan" – Drawing No. C265 and the northern most boundary of Lot 5 shall be fenced in accordance with *Clause C30.1 RU1 Primary Production, E3 Environmental Management and E4 Environmental Living land use zones of the Palerang Development Control 2015.*

The entrance gates to each of the new allotments shall be consistent with those of the surrounding Royalla area. The end of Road 2 (at the property boundary) shall be fenced and provided with the same gated entrance as the other property accesses in the development.

*Reason: To ensure that all property boundaries are appropriately fenced and are consistent with the surrounding development area.*

### **Prevent Stormwater Discharge to Public Road**

Provide permanent drainage measures as appropriate (such as cross drainage pipes, swales and level spreaders) on internal roads and in the vicinity of each property access, to divert stormwater away from driveways and control stormwater and sediments flowing onto the public road via the driveway.

*Reason: Gravel and silt is not washed from the property to the road surface and road table drains.*

### **Stormwater**

Class 4 Spigot and socket rubber ring jointed pipes shall be used for all stormwater drainage pipe within road or drainage reserves.

*Reason: Stormwater drainage pipe will withstand all traffic loading imposed by the development..*

### **Stormwater Quality**

Construct an approved gross pollutant trap (GPT) within the stormwater drainage network as approved by the construction certificate and to the manufacturer's recommendations.

*Reason: To ensure that runoff from the site is appropriately treated.*

### **Utilities**

Where appropriate, services shall be co-located in shared utility trenches. Shared utility trenches shall be designed in accordance with utility provider and Council requirements.

Satisfactory arrangements shall be made with relevant service authorities or their agents for the supply of underground electricity, telephone and gas services to each proposed lot. Written documentation from each service provider, stating that satisfactory supply arrangements have been made for each lot, is to be provided prior to issue of a Subdivision Certificate.

*Reason: To provide adequate utility servicing to the development and reduce the impact by utilities.*



### Streetscape/Landscaping

Undertake streetscape plantings as approved by the construction certificate and the PDCP Part B12.

*Reason: To ensure that landscaping does not lead to future maintenance and service provision problems.*

### Inspection and Test Plans:

The Project Quality Plan shall include inspection and test plans detailing witness points covering at least the following aspects of the works. Witness points (as appropriate), shall be signed off by the **Superintendent of Works** or other qualified person nominated to do so in the Project Quality Plan and submitted to the PCA.

Typical witness points are:

- installation of erosion and sediment control devices
- preservation measures installed for trees and vegetation
- site clearing, filling or regrading works
- culvert location and installation including preparation of base, bedding and backfill
- stormwater infrastructure
- earthworks, formation and subgrade preparation, prior to placement of sub-base pavement
- sub-base prior to kerb and gutter construction
- pre-pour inspection of any concrete works
- pavement construction and preparation prior to bitumen sealing
- bitumen sealing/asphalt works
- fencing, signs, guideposts and markings installation
- final inspection of completed works

**Advice:** When Queanbeyan - Palerang Regional Council is nominated as principal certifying authority for the works, include as a minimum the following hold points, when relevant, for inspection and release by the principal certifying authority in addition to the Superintendent of Works inspections:

- Soil and Water Management Plan (SWMP) controls in place
- water main construction, including thrust blocks prior to concrete placement
- sewer construction, including sewer ties
- culvert/drainage line location and bedding
- subgrade preparation prior to placement of pavement materials
- sub-base prior to kerb and gutter construction
- pre-pour inspection of any concrete works within the road reserve
- pavement and construction prior to bitumen sealing/asphalt works
- final inspection of completed works

**Advice:** Release of the above hold points prior to commencement of the next stage of the works will require that the work be acceptable on the basis of visual inspection by the Principal Certifying Authority and satisfactory test results supplied by the applicant's Superintendent of Works. Successful and completed inspections are mandatory prior to issue of subdivision certificate.

*Reason: To ensure that the works are carried in accordance with quality assurance principles.*

### **Certification of completed works**

At the completion of works the Superintendent of Works shall present to Queanbeyan - Palerang Regional Council a Certification Report for civil works and is to include copies of any approvals outlined in this development consent and report on the current status of environmental restoration and revegetation. All project plans, inspection test plans, and results are to be included in the report. The Superintendent of Works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in AusSpec#1. Each drawing to be certified by the Superintendent of Works or other authorized person.

*Reason: To ensure compliance of the works with the terms of the development consent and quality control requirements.*

### **Works as - executed Drawings:**

Provide one A3 copy, one electronic PDF copy and one electronic copy in AutoCAD format (dwg/dxf (MGA) to GDA94 UTM Zone 55), of all works as-executed drawings to Queanbeyan - Palerang Regional Council, clearly recording any variations from the approved designs. The works as-executed drawings are to be prepared in accordance with the requirements set out in Aus-Spec #1 as amended by Council.

Utilities are to be shown as colour coded and differing line types:

- ❖ Sewer – Red
- ❖ Water – Blue
- ❖ Stormwater – Green
- ❖ Electricity – Magenta
- ❖ Telecommunications – Orange
- ❖ Gas – Yellow

*Reason: To verify all infrastructure has been constructed to standard and as approved by the Construction Certificate. To provide an infrastructure record for future technical reference.*

### **Defects Liability Bonds**

#### **Defects Liability Roads (only if works undertaken in the public road reserve)**

A defects liability period of 6 months will apply from the date of practical completion of all subdivision works on public roads (including, but not limited to, pavement, entrances, stormwater drainage, re-vegetation and effective erosion control). The date of practical completion shall commence from the date when all the following conditions have been met, if applicable:

- All subdivision works have been accepted by Queanbeyan - Palerang Regional Council as being at Practical Completion stage;
- The subdivision certificate has been endorsed by Queanbeyan - Palerang Regional Council;
- Roads are physically open to the public;
- Road reserves have been transferred to Council;
- Or, as otherwise identified in writing by Queanbeyan - Palerang Regional Council.

Lodge a \$10,403.00 bond with Queanbeyan - Palerang Regional Council for the works to provide for repair of defective or inadequate work. When paying this bond please quote account code GLBondRdWks.

Lodge a bond with Queanbeyan - Palerang Regional Council at the current adopted rate per kilometre of road/street for the works to provide for repair of defective or inadequate work.

When paying this bond please quote account code **GLBondRdWks**.

*Note: Rate shown is applicable for the current financial year and subject to change as per Council's adopted Fees & Charges schedule at the beginning of each financial year.*

*Reason: To cover Queanbeyan - Palerang Regional Council's costs of repair any defects that are not repaired by the applicant.*

### Defects liability Hydraulics

A defects liability period of 6 months will apply from the certified date of practical completion of all works relating to water supply, sewerage or stormwater works.

The date of practical completion shall commence from the date when all the following conditions have been met:

- All subdivision works have been accepted by Queanbeyan - Palerang Regional Council as being at Practical Completion stage;
- The subdivision certificate has been endorsed by Queanbeyan - Palerang Regional Council;
- Positive Test Certifications of all hydraulics works have been received by Council ;
- Or, as otherwise identified in writing by Queanbeyan - Palerang Regional Council.

The applicant shall lodge with Council a bond valued at **15% of the relevant values in the Bill of Quantities in the Contract** (or as otherwise agreed by Council), to provide for repair of defective or inadequate work. The applicant is to provide an extract of the works quotation to demonstrate the calculation of the bond.

When paying this bond quote account code **GLBondRdWks**.

*Reason: To cover Queanbeyan - Palerang Regional Council's costs of repair any defects that are not repaired by the applicant.*

### Contributions

#### Section 94 Contributions – Roads (YSC)

61. Pay Queanbeyan - Palerang Regional Council \$20,525.00 towards the upgrade of roads leading to the development, in accordance with *Yarrowlumla Section 94 Plan No. 2*. The amount payable is subject to annual amendment on 1 July in accordance with the NSW Roads and Traffic Authority's Road Cost Index (Country Operations Roads). This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Contributions are required to be paid prior to issue of subdivision certificate.

*Reason: Appropriate upgrade of the roads affected by the increase in traffic resulting from this development.*

### Section 94 Contributions – Community Facilities

62. Pay Queanbeyan - Palerang Regional Council \$5,010.00 towards the provision of community facilities, in accordance with *Yarrowlumla 94 Plan No.3*. The amount payable is subject to annual amendment on 1 July in keeping with the Consumer Price Index. This Contributions Plan may be inspected at Council's administrative offices (10 Majara Street, Bungendore and 144 Wallace Street, Braidwood) during normal office hours.

Contributions are required to be paid prior to issue of subdivision certificate.

*Reason: Appropriate provision of community facilities for the population resulting from this development.*

# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Planning and Strategy Committee of the Whole Meeting Attachment**

**10 MAY 2017**

**ITEM 4.2                    DEVELOPMENT APPLICATION 128-2016 - STAGE 3 OF  
NORTHERN ENTRY ROAD PROVIDING ACCESS TO  
SOUTH TRALEE URBAN RELEASE AREA**

**ATTACHMENT 1        DA128-2016 - STAGE 3 NORTHERN ENTRY ROAD - 79C  
MATTERS FOR CONSIDERATION**

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

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 128-2016**.

**Subject site**

The proposed Northern Entry Road (NER) and associated works is located within the Poplars Estate land located between Jerrabomberra Creek and Tomsitt Drive. The road design and construction also involves intersection works with Tomsitt Drive.

The NER will extend from Tomsitt Drive to South Tralee in the south. It will extend over future urban release areas referred to as South Jerrabomberra.

South Jerrabomberra lies between Jerrabomberra residential area to the east and the Australian Capital Territory (ACT) including the Hume Industrial estate to the west.

The road is located over one lot being Lot 6, DP 719108 being part of the Poplars Estate and also within the Tomsitt Drive road reserve under Council's control. This land is predominantly rural land used for occasional grazing which has been pasture improved over many years. It is undeveloped and comprises some native grass and scattered mature trees and shrubs. Limited grazing will continue to take place over the land until it is developed for urban purposes. Stockproof fencing of the road will permit continued grazing. There will be no formal crossing for stock across the new road when it is fenced, although provision for stock movements will be made available via the bridge underpass on the northern side of Jerrabomberra Creek.

The topography is generally low lying around Jerrabomberra Creek and rises in elevation towards Tomsitt Drive.

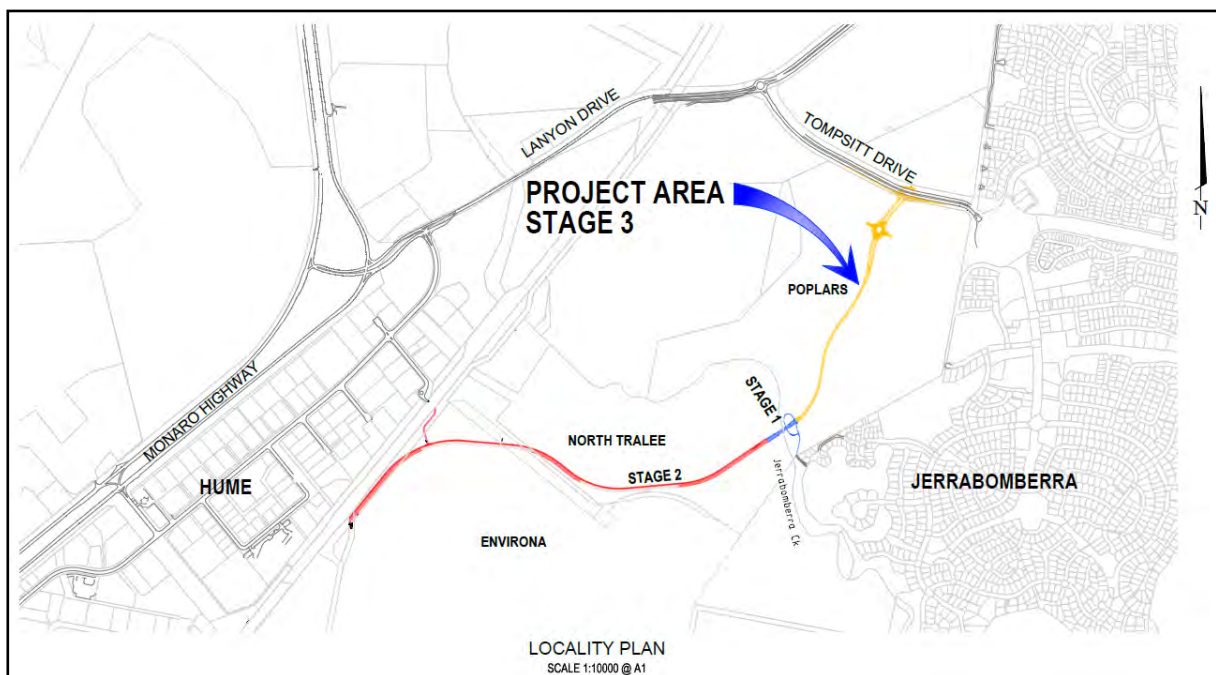


Figure 1: Subject site

### ***Relevant Site History***

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Development Application No 175-2013 was considered and approved by Council on 22 October 2014. It was nominated by the applicants as a staged development application in accordance with the section 83B Environmental Planning and Assessment Act, 1979.

The staged development application allowed for an overall concept or masterplan to be approved for the development and then subsequent detailed development applications (DAs) lodged for each stage or component of the project. In this case, the concept is the alignment of the route for the NER road with further applications being lodged for three construction stages listed below.

DA 175-2013 was an Integrated staged development for the construction of a road to link Tomsitt Drive to Territory Parade near the urban release area of South Tralee. The DA approval allowed for a two lane road of approximately 3200m in length. It included a bridge over Jerrabomberra Creek, a noise mound, drainage work, street lighting and associated footpaths and cycle paths.

The proposed road is to be constructed from a new intersection with Tomsitt Drive south towards South Tralee with a termination of the road at the intersection with the southern end of Territory Parade.

A total of four development applications have now been lodged for approval and completion of the construction of the road as follows:

*DA 1 – Concept for the entire road including bridge – DA 175-2013.*

This application was approved by council on 22 October 2014 including that the acoustic mound increase from 1.5m to 2m height.

*DA 2 – Stage 1 DA117-2014*

Construction from 40m either side of the Jerrabomberra Creek and bridge together with associated works. Approved by Council on 9 December 2016.

*DA 3 – Stage 2 DA393-2014*

Construction of the road from the southern side of the bridge to the southern point which intersects with Territory Parade. Approved by Council on 9 December 2016.

*DA 4 – Stage 3 DA128-2016*

Construction of the road from the northern side of the bridge to the intersection with Tomsitt Drive being the subject of this application.

### ***Proposed Development***

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This development proposal involves the construction of Stage 3 of the Northern Entry Road. The Stage 3 roadworks extend from the Jerrabomberra Creek crossing (Stage 1) to the north edge of the Poplars Estate, connecting to the existing Tomsitt Drive which will involve signalised road intersection construction works.

The development also involves subdivision of the land into three (3) lots together with the dedication of the proposed road corridor as public road.

The proposed development has been assessed in accordance with the requirements of the following relevant planning instruments with summary provided as follows:

**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:

SEPP COMMENTS	COMPLIES (Yes/No)
<b>State Environmental Planning Policy No 55 -Remediation of Land</b>	
<p>Under Clause 7 of this policy Council is required to assess whether any likely previous land use contaminating activities have been carried out over the land and whether any land remediation measures are required. Furthermore before determining any application that involves a change of use on land on which potentially contaminating activities, such as agricultural, may have occurred, Council must consider a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>Remediation of land (SEPP55) establishes a state wide planning approach to the remediation of contaminated land. SEPP55 requires Council to consider whether the land is contaminated , and in the case of contaminated land, whether it would be suitable either before or after remediation for the purposes of the proposed development.</p> <p>A contamination investigation was carried out by SMEC along the route of the NER in August 2013. The report identified a number of potential areas of environmental concern (AEC). The report identified AEC2 (former sheep yards) as being affected by Stage 3 of the NER alignment requiring further investigation.</p> <p>The investigation included the excavation of five test pits and associated soil sampling. Soil samples were analysed for Contaminants of Potential Concern (CoPC) and the analytical results were compared to the assessment criteria applicable to land use as a road reserve. All analytical results were below the LOR ( Laboratory Limit of Reporting) and/or the adopted assessment criteria. As no CoPC were identified above the adopted assessment criteria there are no complete pollutant linkages within the CSM (Conceptual Site Model). Therefore the site is no longer considered as an AEC. SMEC Consultants therefore based on these results considers the site suitable for the proposed land use as a road reserve and no further environmental investigation is recommended. The SMEC report Summary and Conclusion advises that the road alignment encroaches on the former sheep yards. This being the case no further investigation and remediation works for the subdivision appears warranted.</p> <p>A further AEC: ACM (asbestos containing material) fragments within soil, is also located in close proximity to the road. The applicant advises this site has been evaluated and a remediation strategy proposed under a separate scope of works.</p>	<p>Yes</p>
<b>State Environmental Planning Policy (Infrastructure) 2007</b>	
<p>The NER including the section of road for which consent is now sought will intersect with Tompsitt Drive, and has the potential to involve significant traffic movements. Referral to RMS under Clause 100 and Schedule 3 of the Policy Council is not required.</p> <p>However consultation with RMS was required for the proposed signalised</p>	<p>Yes</p>



SEPP COMMENTS	COMPLIES (Yes/No)
intersection of the road with Tompsitt Drive.	
<b>State Environmental Planning Policy (Rural Lands) 2008</b>	
<p>The relevant aims of the policy are summarised as follows:</p> <ul style="list-style-type: none"> <li>To facilitate the orderly and economic use and development of rural lands; and</li> <li>To implement measures to reduce land use conflicts</li> </ul> <p>The development does not conflict with state significant agriculture lands and does not give rise to rural land use conflicts.</p>	Yes
<b>State Environmental Planning Policy (State and Regional Development) 2011</b>	
The development is not affected by this policy.	Yes
<b>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</b>	
The development is not exempt development under the policy.	Yes

### **Regional Environmental Plans**

None relevant.

### **Local Environmental Plans**

The proposed development has been assessed in accordance with the relevant requirements of the *Queanbeyan Local Environmental Plan 2013 (Poplars)* and the *Queanbeyan Local Environmental Plan 2012*. No relevant draft LEPs apply to the land. A summary is provided as follows:

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2013 (POPLARS) 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> <p>(a) to rezone certain land at The Poplars to achieve economically, environmentally and socially sustainable urban development that complements and provides a range of facilities for the benefit of the adjoining Jerrabomberra community,</p> <p>(b) to facilitate the orderly growth of the Poplars urban release area in a staged manner that promotes a high level of amenity for workers and the timely provision of physical and social infrastructure through appropriate phasing of the development of land,</p> <p>(c) to identify, protect and manage environmentally and culturally sensitive areas within Poplars, including but not limited to waterways and riparian corridors, habitat corridors, native vegetation and associated buffers, and heritage items,</p> <p>(d) to provide appropriate employment and community land use opportunities consistent with the environmental capacity of the land,</p> <p>(e) to provide appropriate controls for future development to minimise any adverse impact on the adjoining Jerrabomberra community.</p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2013 (POPLARS) COMMENTS	COMPLIES (Yes/No)
The proposed road and subdivision is consistent with the aims of the plan listed in Clause 1.2. It will promote economic, environmental and social sustainable development of the Poplars site. It will facilitate the orderly development of Poplars land and the provision of infrastructure. The development satisfactorily manages environmental, ecological and culturally sensitive areas. It enables access to employment areas zoned and ear marked for development at Poplars and South Tralee.	
<b>Clause 1.4 Definitions</b>	
The proposed development is defined as a 'road', meaning a public road or a private road within the meaning of the Roads Act 1993.	Yes
<b>Part 2 Permitted or Prohibited Development</b>	
<b>Clauses:</b>	
<b>2.1 Land Use Zones</b>	
<b>2.2 Zoning of land to which Plan applies</b>	
<b>2.4 Unzoned Land</b>	
The subject site is zoned <i>RE2- Private Recreation</i> and <i>B7 - Business park</i> .  A road and subdivision is permitted in each zone with Councils consent.  The proposed temporary access tracks and associated works are of a temporary nature and would be considered as ancillary to the main purpose of the DA. Approval for these works will form part of any consent issued.	Yes
<b>Clause 2.6 Subdivision</b>	
The proposed subdivision requires consent of Council  The concept approval for the Northern Entry Road (DA175-2013) did not include any subdivision of this land. As such the proposed subdivision is not in accordance with the concept approval.  Under <i>Section 80(4)(b)</i> of the <i>Environmental Planning and Assessment Act 1979</i> , development consent can be granted for development except for an "aspect of the development", in this instance the subdivision.	No
<b>Table 4 - Zone Objectives.</b>	
<i>Zone RE2 Private recreation.</i> The development of a road and subdivision is consistent with the RE2 zone objectives. It will enable land to be used for future open space or recreational purposes, it protects and enhances the natural environment for recreational purposes and will preserve the existing amenity of existing urban development in the neighbourhood.  <i>Zone B7 Business Park</i> The proposed development will facilitate a range of office and light industrial uses and enables other land uses that provide facilities or services for the day to day needs of workers. The development is designed to respond to the site constraints and adjoining residential land.	Yes
<b>Part 3 Exempt and complying development</b>	
There is exempt or complying development involved with the proposed development.	Yes
<b>Part 4 Principal Development Standards</b>	
<b>Clause 4.1 Minimum subdivision lot size</b>	
Lot sizes are not to be less than the minimum lot size shown on the Lot Size Map.  Lots 1 and 2 are of a significant size and are designed to be sensitive to land, heritage and the environmental characteristics of the site. The subdivision design does not affect the function and safety of any main road, they have suitable areas	No

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2013 (POPLARS) COMMENTS	COMPLIES (Yes/No)
<p>/dimensions and are compatible with the future desired character of the locality. Lots 1 and 2 satisfy the minimum 4,000m<sup>2</sup> lot size.</p> <p>Lot 3 is approximately 2,500m<sup>2</sup> and does not satisfy the minimum 4,000m<sup>2</sup> lot size.</p> <p>The concept approval for the Northern Entry Road (DA175-2013) did not include any subdivision of this land. As such the proposed subdivision is not in accordance with the concept approval and is not recommended for approval as part of the development consent.</p>	
<b>Part 5 Miscellaneous Provisions</b>	
<b>Clause 5.9 Preservation of trees or vegetation</b>	
<p>This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan.</p> <p>No species or kinds of trees have been identified for preservation in the area under the South Jerrabomberra DCP.</p>	Yes
<b>Clause 5.10 Heritage conservation</b>	
<p>Refer to previous Aboriginal and European cultural heritage comments in main report to Council.</p> <p>The proposal does not involve any impact on any item listed in Schedule 5 of the Poplars LEP or impact on any Aboriginal cultural or European historic sites identified in the Navin Officer Heritage Consultant's report.</p>	Yes
<b>Part 6 Additional Local Provisions</b>	
<b>Clause 6.1 Earthworks</b>	
<p>Earthworks will occur over the route of Stage 3 NER.</p> <p>The objective of this clause is to ensure the earthworks required for the development will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features surrounding the land.</p> <p>The clause requires consent for earthworks. Before granting consent to the earthworks Council must consider the following:</p> <p>(a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i></p> <p>(b) <i>the effect of the development on the likely future use or redevelopment of the land,</i></p> <p>(c) <i>the quality of the fill or the soil to be excavated, or both,</i></p> <p>(d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i></p> <p>(e) <i>the source of any fill material and the destination of any excavated material,</i></p> <p>(f) <i>the likelihood of disturbing relics,</i></p> <p>(g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i></p> <p>(h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>The following comments are made in respect of these matters:</p> <ul style="list-style-type: none"> <li>• Drainage and soil stability matters have been addressed by the Geotechnical Engineer Consultant report.</li> </ul>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2013 (POPLARS) COMMENTS	COMPLIES (Yes/No)
<ul style="list-style-type: none"> <li>• Earthworks required for the new road will result in an acceptable impact.</li> <li>• The soil quality to be excavated is satisfactory for the road works.</li> <li>• The visual assessment previously undertaken for the entire length of the NER concluded the works will be visually satisfactory through landscape and rehabilitation works.</li> <li>• No Aboriginal relics will be disturbed and Jerrabomberra Creek will be unaffected through installation of appropriately designed pollution preventative drainage works.</li> <li>• Rehabilitation works will minimise or mitigate the environmental impacts of the new road and a condition of consent will apply regarding the bringing in of fill material from outside the site.</li> </ul>	
<b>Clause 6.2 Riparian land and watercourses</b>	
<p>The clause requires Council to ensure that water quality and flows are maintained, aquatic and riparian species and habitats will be unaffected and stability of beds and banks will be maintained.</p> <p>The new road does not encroach over any area shown on the Riparian Lands and Watercourses Map (along Jerrabomberra Creek) referred to in this clause.</p> <p>The siting and management of the road has been designed to avoid any significant adverse environmental impacts on Jerrabomberra Creek including drainage discharge during and after construction.</p> <p>Any future subdivision of the land will need to address dedication of the 40m wide riparian zone along Jerrabomberra Creek as public reserve.</p>	Yes.
<b>Clause 6.3 Airspace Operations</b>	
<p>The proposed development does not penetrate the Limitation or Operations Surface for the Canberra airport. Referral to the relevant Commonwealth body is therefore not required.</p>	Yes
<b>Clause 6.4 Development in Area Subject to Aircraft Noise</b>	
<p>The land which Stage 3 NER is proposed is located within the ANEF Contour or greater. The works will not hinder or have any adverse Impacts on the ongoing, safe and efficient operation of the airport.</p>	Yes
<b>Clause 6.5 Development Control Plan.</b>	
<p>The South Jerrabomberra DCP applies to the site. Refer to the comments provided below.</p>	Yes
<b>Clause 6.6 Essential Services</b>	
<p>The road will be served with reticulated electricity supply for the proposed lighting system.</p> <p>A utility services corridor will be provided within the road reserve area to accommodate the Water and Sewer services for the future South Jerrabomberra Development. The water, sewer and electrical services associated with the future development road will be part of a separate application to Council.</p>	Yes
<b>Clause 7.7 Land adjoining Hume industrial area</b>	
<p>The land in which Stage 3 NER is located is in close proximity to but does not adjoin the Hume Industrial area.</p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>Part of Stage 3 NER is located within the Tompsitt Drive road reserve. This land is zoned SP – Infrastructure under the Queanbeyan local Environmental Plan 2012</p>	

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> <p>(a) to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;</p> <p>(b) to provide for a diversity of housing throughout Queanbeyan;</p> <p>(c) 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;</p> <p>(d) 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;</p> <p>(e) to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra; and</p> <p>(f) to maintain the unique identity and country character of Queanbeyan.</p> <p>The development will facilitate the orderly and economic use and development of land in Queanbeyan. It encourages the economic and business development needs of the community</p> <p>The development protects Queanbeyan's natural, cultural and built heritage including native grasslands and Jerrabomberra Creek and it maintains the unique identity and country character of Queanbeyan.</p>	Yes
<b>Clause 1.4 Definitions</b>	
The proposed development is defined as a 'road', meaning a public road or a private road within the meaning of the Roads Act 1993.	Yes
<b>Part 2 Permitted or Prohibited Development</b>	
<b>Clauses:</b>	
<b>2.1 Land Use Zones</b>	
<b>2.2 Zoning of land to which Plan applies</b>	
The land the intersection with the NER and Tomsitt Drive is sited on is zoned SP2 Infrastructure.	Yes
<b>Clause 2.3 Zone Objectives and Land Use Tables</b>	
<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> <li>• To provide for infrastructure and related uses.</li> <li>• To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul> <p>The road intersection works provide for infrastructure and related uses.</p> <p>Roads are permitted in the SP2 zone with Council consent.</p>	Yes
<b>Clause 2.7 Demolition requires development consent</b>	
The proposal does not involve demolition of an existing structure.	Yes
<b>Part 3 Exempt and Complying development</b>	
No exempt and complying development is proposed for the Stage 3 road works that are located within Tomsitt Drive.	Yes
<b>Part 4 Principal Development Standards</b>	
There are no development standards relevant under this part.	Yes
<b>Part 5 Miscellaneous Provisions</b>	

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<b>Clause 5.1 Relevant acquisition authority</b>	
The land is not known to be the subject of any acquisition.	Yes
<b>Clause 5.9 Preservation of trees &amp; Clause 5.9AA Trees not prescribed by DCP</b>	
Removal of vegetation will be minimised within the road verge and replaced with suitable native species.	Yes
<b>Clause 5.10 Heritage conservation</b>	
The road does not impact on any known Aboriginal or European cultural heritage sites within the road reserve affected by the works.	Yes
There are no listed heritage items or heritage conservation areas identified under Schedule 5 of the QLEP 2012 located within the road reserve area or adjoining land to be developed.	
<b>Part 6 Urban Release areas</b>	
<b>Clause 6.1 Arrangements for designated State and Territory public infrastructure</b>	
The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State and Territory public infrastructure before subdivision of land in an urban release area. The proposed Stage 3 NER works will facilitate provision of infrastructure required for the future land releases at South Jerrabomberra.	Yes
<b>Clause 6.2 Public utility infrastructure</b>	
Future infrastructure (utility services) provision are incorporated within the design of the new road.	Yes.
<b>Clause 6.3 Development Control Plan</b>	
See assessment against the Queanbeyan DCP elsewhere in this 79C report.	Yes.
<b>Part 7 Additional Local Provisions</b>	
<b>Clause 7.1 Earthworks</b>	
All earthworks associated with the road works within the Tompsitt Drive road reserve will incorporate adequate protective measures to mitigate against soil and erosion impacts. The visual impact will be improved through landscape and rehabilitation works.	Yes
<b>Clause 7.2 Flood Planning</b>	
The proposed road works are unaffected by flooding.	Yes.
<b>Clause 7.3 Terrestrial biodiversity</b>	
The proposed road works are not identified on the <i>LEP Terrestrial Biodiversity Map</i> .	Yes
Some disturbance of existing vegetation is proposed with regards to the road intersection construction, and a range of supplementary tree and shrub species are proposed to replace any loss of existing verge trees.	
<b>Clause 7.4 Riparian land and watercourses</b>	
The road works are not located within the <i>Riparian Land and Watercourses Map</i> identified in the LEP or located within 40m of a waterway.	Yes
<b>Clause 7.5 Scenic protection</b>	
The SP2 zoned land is not identified on the <i>Scenic Protection Map</i> under the LEP.	Yes
<b>Clause 7.6 Airspace operations</b>	
The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore the application was not required to be referred to the relevant Commonwealth body for comment.	Yes
<b>Clause 7.7 Development in areas subject to aircraft noise</b>	

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
The SP2 zoned land is located within the ANEF contour of 20 or greater. The proposed works are not considered to be sensitive to aircraft noise.	Yes
<b>Clause 7.9 Essential services</b>	
<p>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:</p> <p>(a) the supply of water,                      (b) the supply of electricity,                      (c) the disposal and management of sewage,                      (d) stormwater drainage or on-site conservation,                      (e) suitable vehicular access.</p> <p>Council's Development Engineer has assessed the proposed development and confirmed that adequate services have been made available for the road construction.</p> <p>Adequate services have not been made available for the proposed 3 Lot subdivision.</p>	No
<b>Clause 7.10 Development near Cooma Road Quarry</b>	
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".	Yes
<b>Clause 7.11 Development near HMAS Harman</b>	
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.	Yes

The proposed development has been assessed against the relevant provisions of the South Jerrabomberra Development Control Plan and Queanbeyan Development Control Plan and a summary is provided as follows:

SOUTH JERRABOMBERRA DCP COMMENTS		
Section	Controls	Compliance / Conditions
<b>Part 1 &amp; 2 – Preliminary and Context</b>		
1.5	<p><b>Aims and Purpose of the DCP</b>                      The development facilitates infrastructure works permitted under the Poplars LEP. The development achieves the objectives of the land zones under the LEP.</p> <p>The proposal satisfies the aims of the plan by facilitating future urban development, achieving a high level of amenity for people living and working in South Jerrabomberra and providing walkable and cycle friendly neighbourhoods.</p>	<p>The development complies with all relevant provisions of the DCP (unless otherwise indicated).</p> <p>Conditions of consent will be imposed where identified in the report.</p>
<b>Part 3 – Masterplan</b>		
All	<p>The proposal is located along the route of the NER (including bridge) identified on the Master Plan.</p> <p>It provides for mitigation measures against potential vehicle noise, embellishing buffers/mounds through landscaping and promotes interconnectivity through safe and legible pedestrian paths, cycle ways</p>	As above

	and roadways.  The roadway will facilitate orderly and efficient urban development of South Jerrabomberra. It involves Stage 3 works to enable the timely provision of infrastructure of essential road works to serve the locality.	
<b>Part 4 – Subdivision Controls</b>		
4.1	<b>Introduction</b> The road is designed for future neighbourhood creation and safety.  The proposed future subdivision design reflects the land capability, natural constraints and hazards of the land. This road is designed to allow for the future division of the land.	As above
4.2	<b>Lot Size and Design</b> The size of the proposed lots 1 and 2 sizes satisfy the Lot Size Maps identified in the LEP.  The size of the proposed lot 3 does not satisfy these requirements, nor does it reflect the servicing capacity of the area due to its size and location between the path link to Jerrabomberra and Jerrabomberra Creek itself.	No
<b>Part 5 – Roads and Public Places</b>		
5.1	<b>Introduction</b> The development through its design respects the natural landscape, environment, water and drainage features of the site.	The development complies with all relevant provisions of the DCP (unless otherwise indicated).  Conditions of consent will be imposed where identified in the report.
5.2	<b>Street Network</b> The development conforms to the overall street network proposed for future urban development of the site.	As above
5.3	<b>Local Sub Arterial Roads</b> The road provides for convenient and safe distribution of traffic. The design and construction standards satisfy Council and RMS requirements.	As above
5.9	<b>Public Open Spaces and Landscaping</b> The development will provide attractive walking and cycleway links and open spaces safe for use.	As above
5.14	<b>Landscaping in Public Places</b> Attractive native and exotic landscape plantings are proposed along the route of the road to satisfy the requirements of this clause.	As above
<b>Part 6 – Dwellings and Secondary Dwellings</b>		
All	This part does not apply.	As above
<b>Part 7 – Small Lot, Multi Dwelling Housing and residential Flat Buildings</b>		
All	This part does not apply.	As above
<b>Part 8 – Environmental Management</b>		
8.2	<b>Soils and Salinity</b> Adequate mitigation measures are proposed by the applicant to minimise the effects of soil erosion, sedimentation and water pollution. Additionally recommended conditions of consent will reinforce these measures.	As above
8.3	<b>Cut and Fill</b> The new road requires cut and fill works to be undertaken.	As above



	The engineering design plans submitted by the applicant endeavour to minimise the impacts of cut and fill works through appropriate road design together with rehabilitation and landscape works. Refer to previous comments in the main report.	
8.13	<b>Tree Retention and Biodiversity</b> The development will result in loss of some native vegetation. The applicant proposes to replace these native species and undertake additional plantings and embellish the landscape form, habitat and biodiversity of this locality.	As above
8.17	<b>Construction Waste</b> The DCP requires a Waste Management Plan (WMP) to be submitted. Council will require a condition requiring a detailed WMP to be approved prior to works commencing.	As above
8.18	<b>Landfill and Earthworks</b> The applicant's submission addresses both landfill and earthworks. Council conditions will be imposed regarding these matters. These conditions will include rehabilitation and landscape works and requirements for importing any fill to the site.	As above
<b>Part 9 – Signage</b>		
All	Road signage (regulatory, advisory and directional) will need to comply with Council and Roads and Maritime Services specifications.	As above
<b>Part 10 – Neighbourhood Plans and Principles</b>		
All	The road and subdivision will support the Poplars Staging Plan, (Appendix 2). It will also facilitate the future desired land use and character of the site.  The road promotes safety and security. It will create an environment which people will feel safe to walk and will reduce opportunities for crime. It will optimise future use of public spaces.	As above
<b>Part 11 – Business Park and Employment Lands Controls</b>		
All	The road and subdivision will facilitate the development of the Poplars business and enterprise precinct to accommodate a wide range of employment opportunities.	As above

QUEANBEYAN DCP 2012 COMMENTS		
Section	Controls	Compliance / Conditions
<b>ALL PARTS</b>		
All	<p>The development (part of the road intersection works located over Tomsitt Drive road reserve) has been considered against the relevant provisions of DCP 2012. There is no conflict with the DCP provisions in respect of the purposes and objectives of the plan.</p> <p>The development over Tomsitt Drive will satisfy the relevant provisions of the DCP in regards to:</p> <ul style="list-style-type: none"> <li>• Environmental management</li> <li>• Contaminated land management</li> <li>• Landscaping</li> <li>• Soil, water &amp; vegetation management plans</li> <li>• Safe design</li> <li>• Airspace operations and airport noise</li> <li>• Soil, water and vegetation management</li> </ul>	The development complies with all relevant provisions of the DCP.

	<ul style="list-style-type: none"> <li>Heritage and conservation and preservation of trees and vegetation.</li> </ul> <p>These matters have been addressed in the applicants Statement of Environmental Effects.</p> <p>Refer also to previous comments in this report and recommended conditions regarding these issues.</p>	
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### ***Additional Planning Considerations***

The following additional planning matters apply to the development:

<b>MATTERS FOR CONSIDERATION</b>
<p><b><i>Context and Setting –</i></b> Uses immediately adjacent to Stage 3 NER includes mostly vacant rural land used for agricultural purposes. The land includes undulating rural lands, generally cleared of vegetation other than scattered mature trees. This land is zoned for a future business/ employment release area.</p> <p>To the east of the bridge is the established urban area of Jerrabomberra. The area closest to the road and bridge is centred around Bayside Court near Jerrabomberra Lake. Land to the south of the bridge (Stage 2 of the NER) is proposed as a future employment/urban area.</p> <p>The area is gently undulating and mostly devoid of vegetation. Land to the west of the road is also vacant undulating rural land.</p> <p>The development is not in conflict with the sites context and setting.</p>
<p><b><i>Access, Transport and Traffic –</i></b> The road will connect the Poplars urban precinct with South Tralee precinct. The road design meets the latest AUSTRROADS publications (Guide to Road Design).</p> <p>The required traffic considerations required as part of the previous concept approval (DA 175- 2013) have been fully addressed as part of this DA and the previous Stage 1 and 2 Development Applications (DA117-2014 and 393-2014 respectively).</p>
<p><b><i>Public Domain –</i></b> The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space.</p>
<p><b><i>Utilities –</i></b> The road will be connected to electricity supply for lighting and stormwater drainage will be installed to relevant engineering standards.</p> <p>The road corridor has provision to accommodate all future utility services required for the South Jerrabomberra area. These utility services are not required for this development and will be installed under subsequent approval.</p>
<p><b><i>Heritage –</i></b> No heritage items listed in Schedule 5 of the South Tralee LEP are affected by the development. No Aboriginal or European Cultural sites will be affected by the development.</p>
<p><b><i>Other land resources –</i></b> The development will not impact on any significant agricultural or known extractive rock or mineral resource areas.</p> <p>The creek riparian area and protection of the waterway system has been addressed in previous DA approval for the Concept Staged DA and Stage 1 approval.</p>

### **MATTERS FOR CONSIDERATION**

#### **Water, Soils, Air and Microclimate –**

Adequate mitigation measures are proposed in the design and location of the development to minimise the impact on water, soils, air and microclimate.

A Construction Management Plan (CMP) including a Soil and Water Management Plan (SWMP) will need to be submitted to Council for approval prior to construction. See also previous comments on these matters.

#### **Flora and Fauna –**

Flora and fauna impacts will be minimal and acceptable as previously advised.

#### **Waste –**

A Waste Management Plan will need to be submitted by the applicant for Councils approval prior to construction commencing.

#### **Energy –**

Energy efficient lighting of the road will be installed.

#### **Noise and Vibration –**

These matters will need addressing during construction phase.

A CMP will need preparing by the applicant and approved by Council prior to construction works taking place.

#### **Natural Hazards –**

The land is subject to bushfire hazard. Bushfire will not be a constraint to the development other than mitigating against potential grass fire hazards.

#### **Technological Hazards –**

No known technological hazards affecting the road site and access track.

#### **Safety, Security and Crime Prevention –**

A Crime Prevention Through Environmental Design (CPTED) assessment has been undertaken for the road design by the applicant's consultants with the Concept DA NER. NSW Police have undertaken a Safer by Design Evaluation of the development and advise the proposal is a low-crime risk.

The development is not expected to create new opportunities for crime to occur. The new road increases observation of the whole of the locality by creating more opportunities for people to be present in the area

Landscaping is designed so as not to interfere with casual surveillance across the site with plantings of low grasses and native trees that offer little opportunity for people to hide and pedestrian pathways are designed to only have low groundcover vegetation and high canopy trees along them.

The road corridor will be lit by 250 watt high pressure sodium street lighting lumiere mounted on 12m high column and 4.4m outreach arm. Lighting has been designed in accordance with AS/NZS 1158 – Road Lighting meeting Councils requirements for road and shared paths.

There will be no structures creating opportunities to hide.

#### **Social and Economic Impact in the Locality –**

Significant benefits both economic and social for the region will be derived from the construction of Stage 3 NER. It will service not only South Tralee but also future access to most other release areas in South Jerrabomberra.

The road and bridge will allow both vehicle and pedestrian as well as cyclists movements toward South Tralee, connecting surrounding employment areas, commercial centres, community facilities, transport nodes and at a later stage recreation areas including Lake Jerrabomberra.

**MATTERS FOR CONSIDERATION**

**Site Design and Internal Design –**

The road location and design achieves acceptable environmental and social impacts on the site and locality.

**Construction and Cumulative Impacts–**

The works are appropriately designed and will be conditioned to ensure cumulative impacts are minimised and acceptable.

**The Suitability of the Site for the Development**

**Does the proposal fit in the locality? –**

For reasons previously outlined in the report the site is considered suitable for the location and construction of the road, subject to compliance with the applicant's submission and Councils conditions of consent (including government agency approval requirements).

The proposed subdivision is not considered suitable as it is not consistent with the previous concept approval DA175- 2013, which did not include any subdivision of the existing Lot 6 DP 719108.

**Are the site attributes conducive to development? –**

The site attributes are conducive to the development. Refer to previous comments in the report and the applicants submissions accompanying their DA.

**Have any submissions been made in accordance with the Act or the Regulations?**

**Public Submissions –**

No written submissions were received during the exhibition period of the development.

**Submissions from Public Authorities –**

The NSW Police and the NSW Roads and Maritime have provided their concurrence and conditions relevant to the proposed development.

The proposed development is either consistent with these requirements and/or is able to be conditioned such that compliance with their requirement is able to be achieved.

**The Public Interest**

Having regard to the public interest approval of the development is considered appropriate subject to relevant conditions attached to the approval.

The alignment and design of the roadway, combined with the proposed environmental protection measures should collectively ensure that the development will not result in any adverse impacts on adjoining public and private property.

The development is also appropriately located having regard to the wider public interest which will provide for essential infrastructure to facilitate the future development and employment opportunities of the surrounding urban precincts. The road will become the principal means of vehicular and pedestrian access for South Jerrabomberra including the proposed South Tralee urban release area in addition to the future Poplars, North Tralee and Environs future employment precincts.

Excluding the proposed three lot subdivision, the Stage 3 of the NER works are generally consistent with the approved Staged (Concept) DA175-2013 for the NER particularly the location, alignment, design and noise mitigation measures. The DA provides for long term widening and/or upgrading of the road. The road will also accommodate and carry essential services including sewer and water reticulation services.

**Development Contributions**

**MATTERS FOR CONSIDERATION**

**Section 94 Contributions**

The Queanbeyan S94 Contribution Plan applies to the subject land however non-residential development is generally excluded from the plan and the road will be dedicated to Council upon completion. As such no separate S94 Contributions are to be levied.

**Section 64 Contributions**

As there are no new lots proposed to be created, Section 64 contributions are not applicable to this development.



# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

- ITEM 4.2                      DEVELOPMENT APPLICATION 128-2016 - STAGE 3 OF  
NORTHERN ENTRY ROAD PROVIDING ACCESS TO  
SOUTH TRALEE URBAN RELEASE AREA
- ATTACHMENT 2              DA128-2016 - STAGE 3 NORTHERN ENTRY ROAD -  
GENERAL ARRANGEMENT CIVIL DRAWINGS - AS  
AMENDED BY COUNCIL

# SOUTH TRALEE

## NORTHERN ENTRY ROAD - STAGE 3



### DEVELOPMENT APPLICATION / CONSTRUCTION CERTIFICATE

MARCH 2017



FOR



SOUTH TRALEE  
 NORTHERN ENTRY ROAD - STAGE 3

JOB No: C13169  
 DRAWING REVISION  
 C13169-3000+



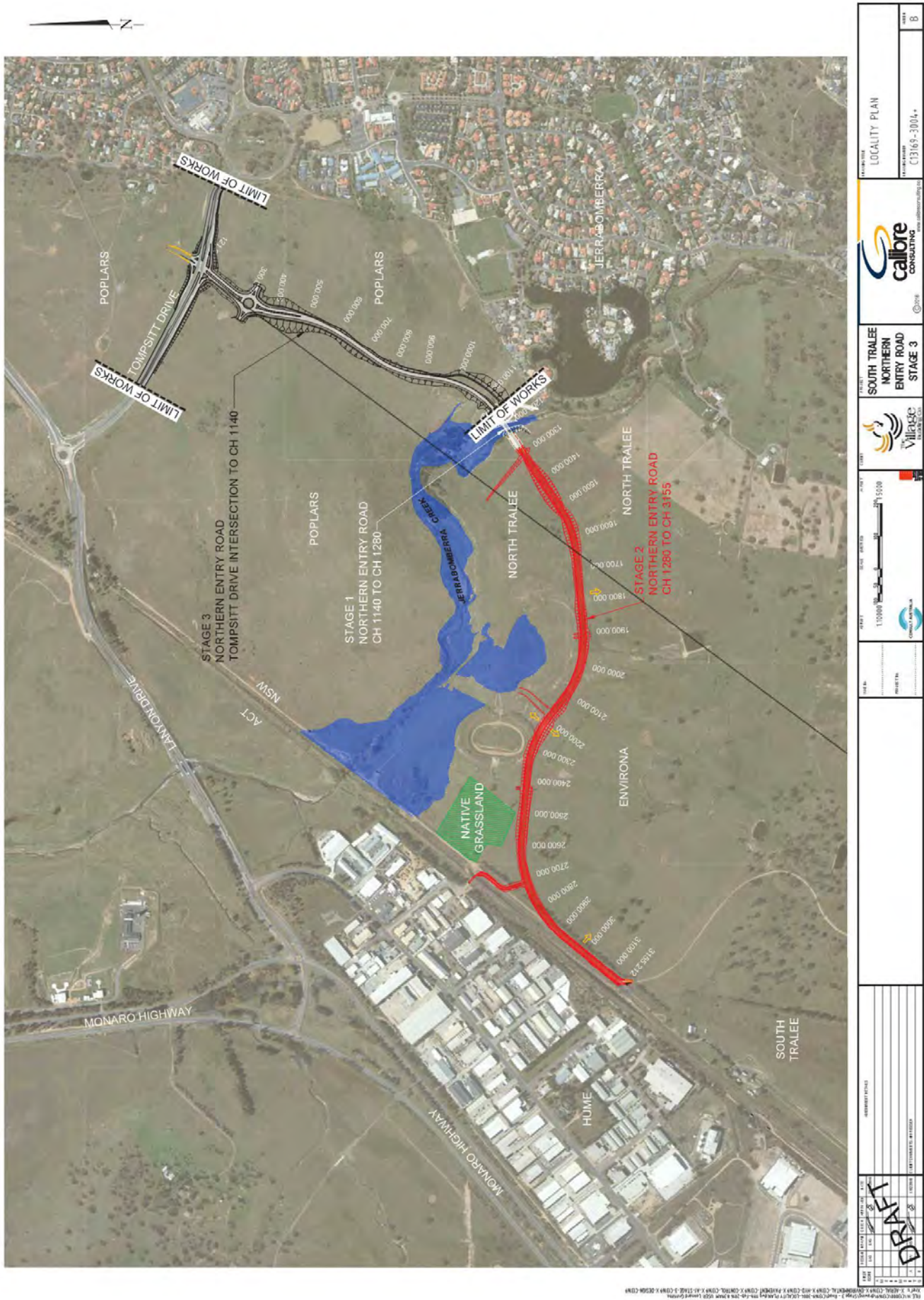
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LOCALITY PLAN  
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C13169-3000+

THE VILLAGE BUILDING CO. (Pty) Ltd. 1/10/17



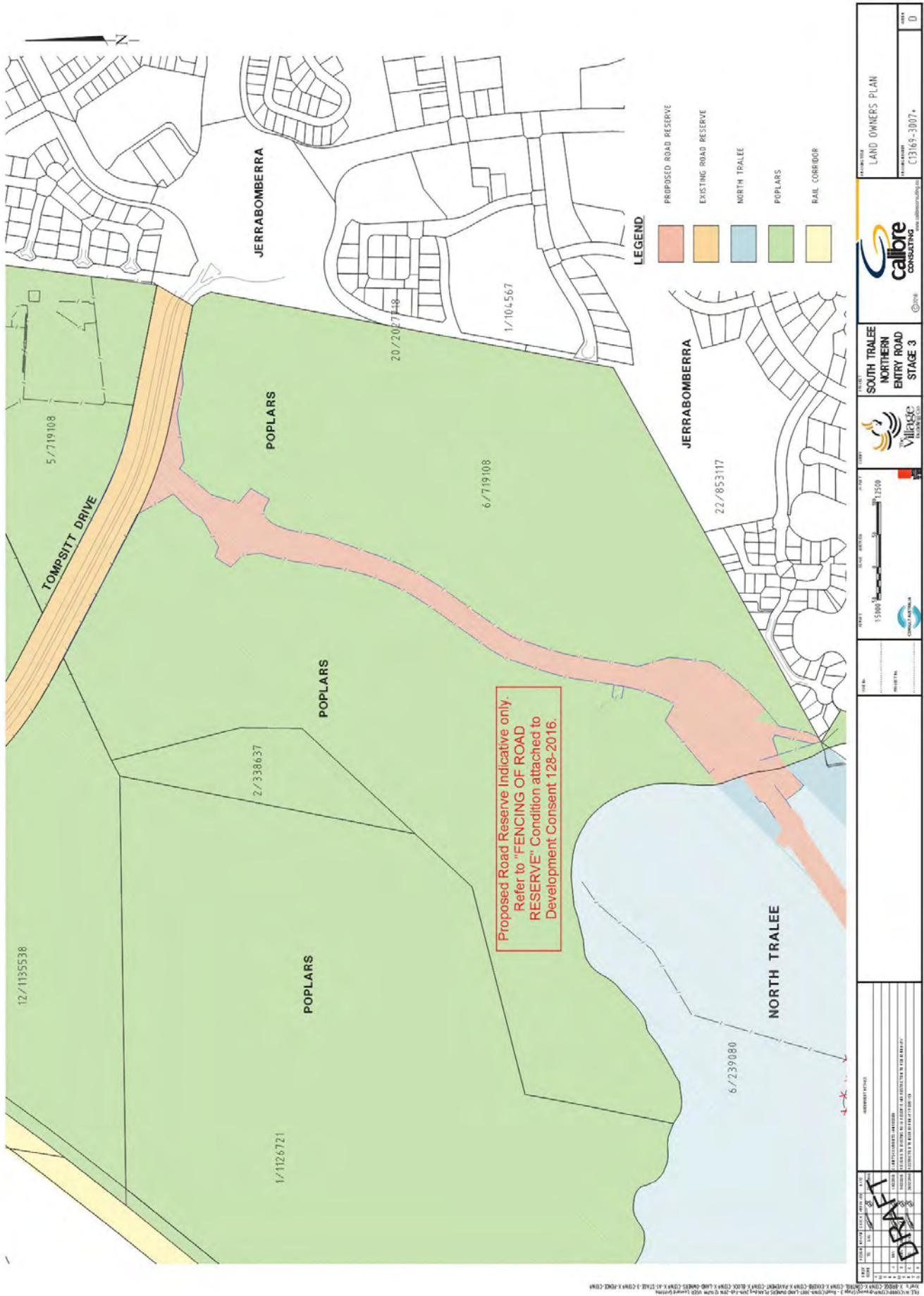


		LOCALITY PLAN PROJECT NUMBER: C13168-3004+
		SOUTH TRALEE NORTHERN ENTRY ROAD STAGE 3
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PROJECT INFORMATION PROJECT: SOUTH TRALEE NORTHERN ENTRY ROAD STAGE 3 DRAWING: CIVIL DRAWING - GENERAL ARRANGEMENT DATE: 10/05/2017 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]		





PROJECT: SOUTH TRALEE NORTHERN ENTRY ROAD STAGE 3		GENERAL ARRANGEMENT	
DRAWING NO: C13169-3005		SHEET: 8	
DATE:		REVISION:	
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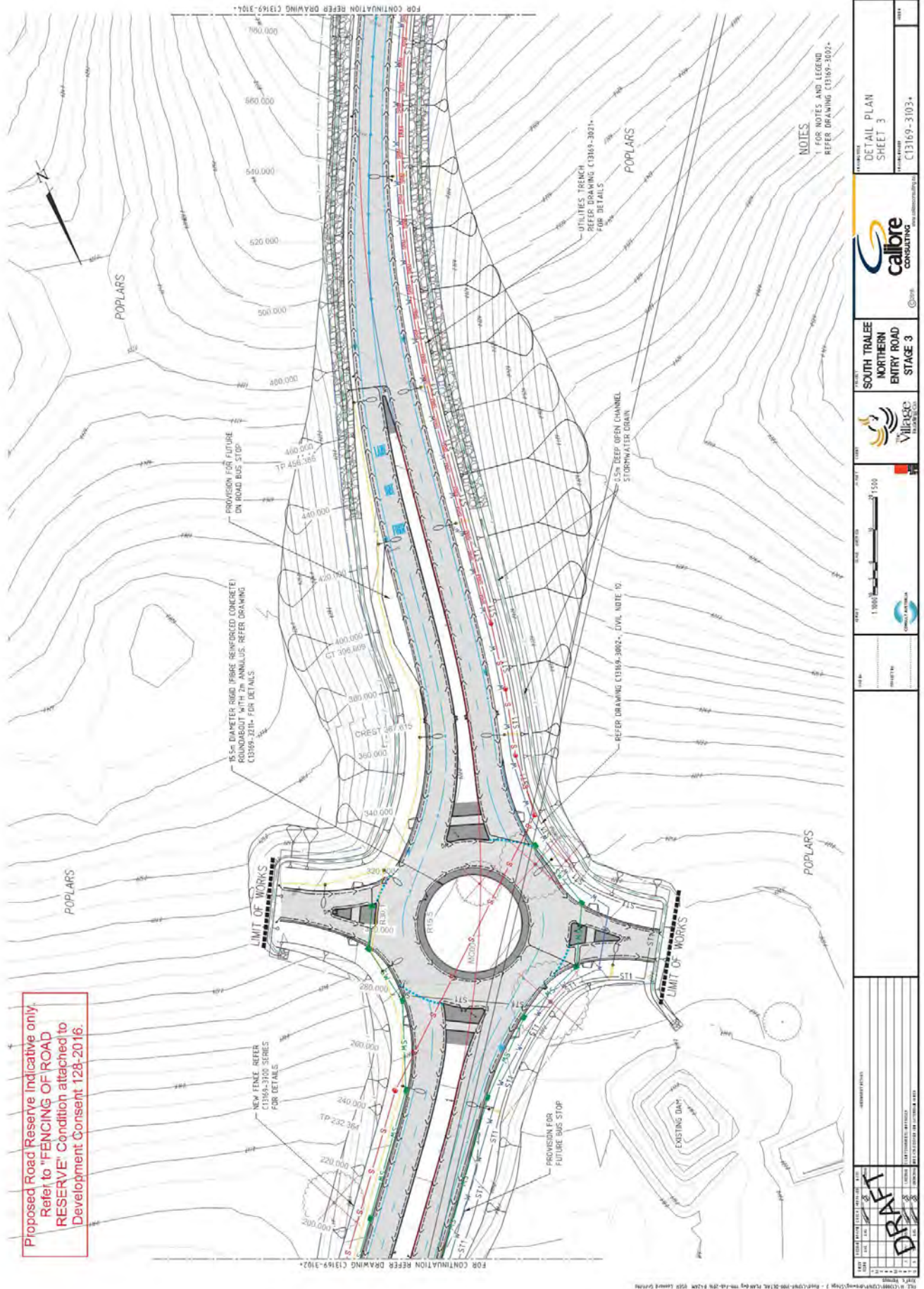




NOTES  
 1. FOR NOTES AND LEGEND REFER DRAWING C13169-3002.

SOUTH TRALEE NORTHERN ENTRY ROAD STAGE 3		PROJECT NO: 1550		DRAWING NO: C13169-3102		SHEET NO: E	
DETAIL PLAN SHEET 2		PROJECT NO: 1550		DRAWING NO: C13169-3102		SHEET NO: E	



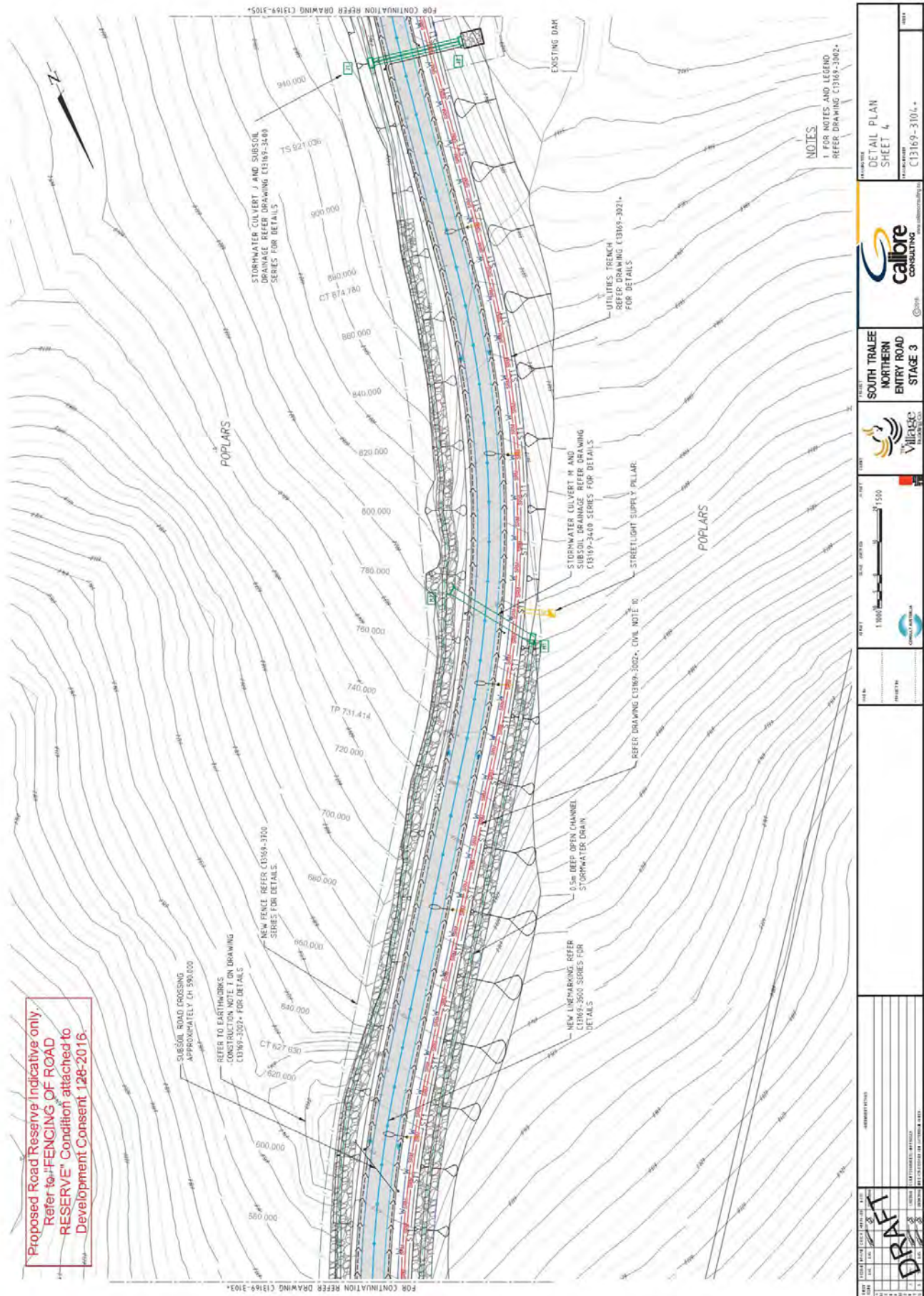


Proposed Road Reserve Indicative only.  
 Refer to "FENCING OF ROAD RESERVE" Condition attached to Development Consent 128-2016.

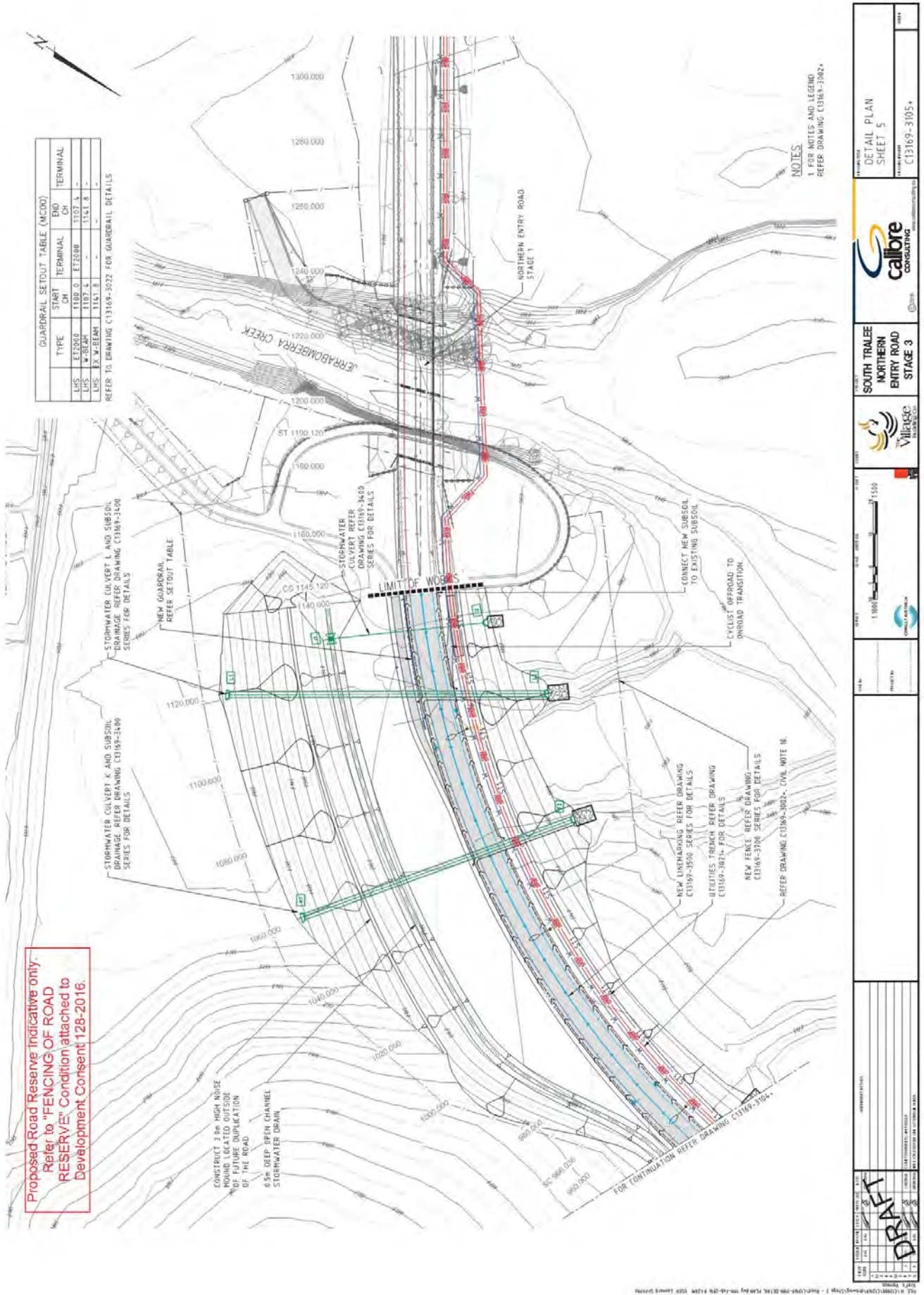
NOTES:  
 1 FOR NOTES AND LEGEND REFER DRAWING C13169-3002+

	
SOUTH TRALEE NORTHERN ENTRY ROAD STAGE 3	
	
1:500 SCALE	
	
PROJECT NO: C13169-3103+	
SHEET NO: 3	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
DATE: [Date]	











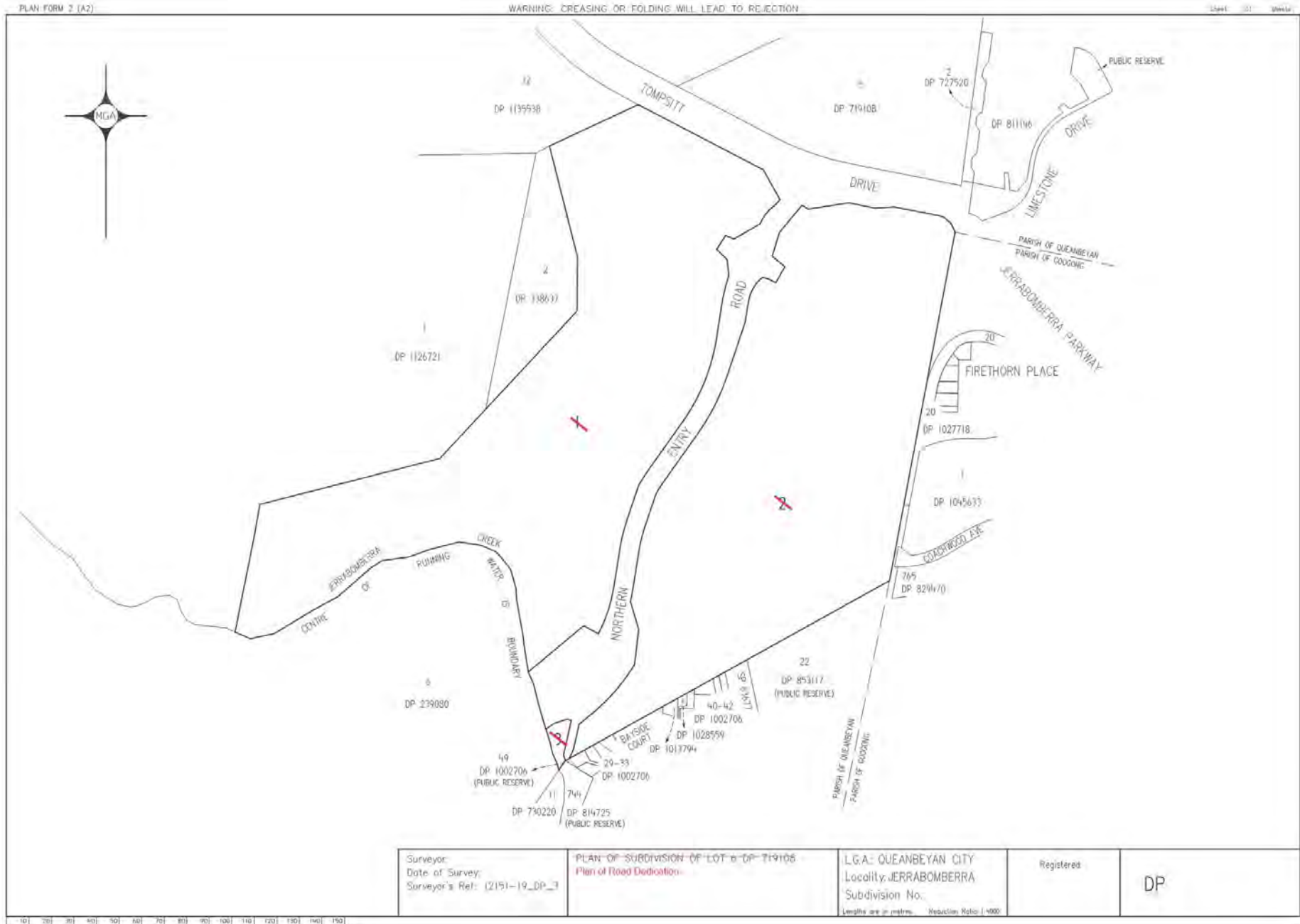
# QUEANBEYAN-PALERANG REGIONAL COUNCIL

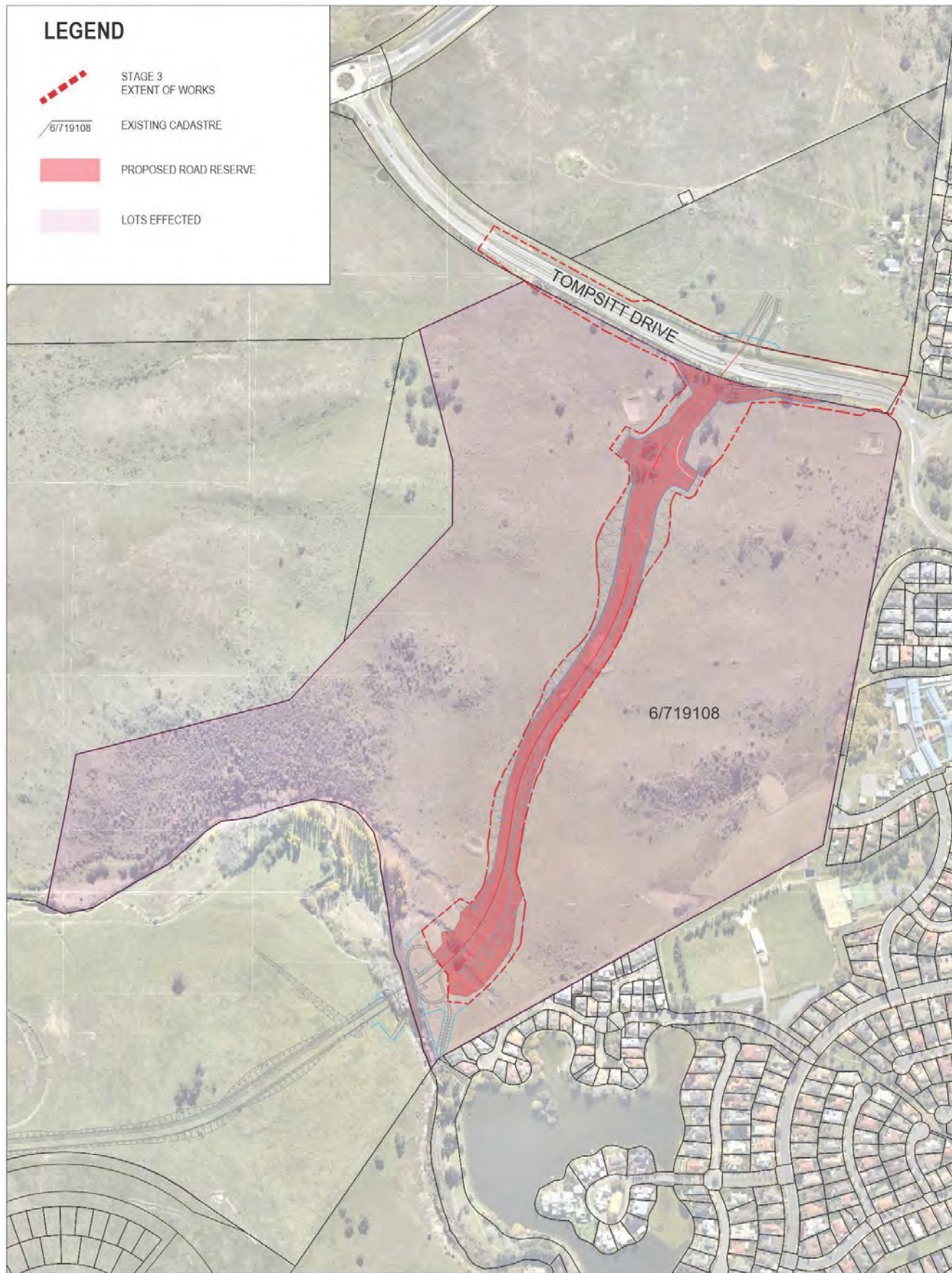
## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

- ITEM 4.2                      DEVELOPMENT APPLICATION 128-2016 - STAGE 3 OF  
NORTHERN ENTRY ROAD PROVIDING ACCESS TO  
SOUTH TRALEE URBAN RELEASE AREA
- ATTACHMENT 3              DA128-2016 - STAGE 3 NORTHERN ENTRY ROAD -  
PROPOSED PLAN OF SUBDIVISION - AS AMENDED BY  
COUNCIL

4.2 Development Application 128-2016 - Stage 3 of Northern Entry Road Providing Access To South Tralee Urban Release Area  
 Attachment 3 - DA128-2016 - Stage 3 Northern Entry Road - Proposed Plan of Subdivision - As amended by Council (Continued)





South Tralee Northern Entry Road Stage 3  
 Proposed Road Design & Existing Lots  
 18/04/2016  
**257819.04-001\_A**  
 1:5000@A3 0 50 100 150 200 250



# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

- ITEM 4.2                      DEVELOPMENT APPLICATION 128-2016 - STAGE 3 OF  
NORTHERN ENTRY ROAD PROVIDING ACCESS TO  
SOUTH TRALEE URBAN RELEASE AREA
- ATTACHMENT 4              DA128-2016 - STAGE 3 NORTHERN ENTRY ROAD -  
DRAFT CONDITIONS

## **PRIOR TO COMMENCEMENT**

### **1. SUBMIT A CONSTRUCTION MANAGEMENT PLAN**

**Prior to work commencing a Construction Management Plan for the management of construction quality, soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the works must be submitted to and endorsed by Council.**

**The plan must:**

- a) describe the proposed construction works and construction program;**
- b) set standards and performance criteria to be met by the construction works;**
- c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria;**
- d) identify procedures to receive, register, report and respond to complaints;**
- e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plan;**
- f) include sediment and erosion control mitigation methods;**
- g) include a site access plan that outlines:
  - i. how vehicle movements in and out of the site are to be managed;**
  - ii. the location of the proposed site compound;**
  - iii. vehicle parking arrangements, stockpile locations; and**
  - iv. how all access/haul routes are to be remediated at the completion of the works;****
- h) details proposed dust management measures;**
- i) include waste management practices for building materials and storage;**
- j) detail noise pollution controls and acoustic limits;**
- k) detail the measures proposed to manage the import and export of soil;**
- l) include a detailed Soil and Water Management Plan complying with the NSW Government (Blue Book) Managing Urban Stormwater: Soils and Construction Guidelines shall be prepared; and**
- m) include Inspection and Test Plans that are in accordance with Council's *South Jerrabomberra Design and Construction Specifications (Version 1, dated March 2015)*.**

**REASON: To ensure that satisfactory measures are in place to provide for the management of the construction works. (57.01)**

2. SUPERVISION OF CONSTRUCTION WORKS

**The applicant must engage the services of a suitably qualified Superintendent to supervise the construction of the road in accordance with Council's *CQS – Contract Quality System Requirements Specification*. Details of the nominated superintendent shall be forwarded to Council for review and endorsement by Council prior to works commencing.**

REASON: To ensure that the construction of the works will be supervised by a suitably qualified superintendent (57.01)

3. ERECT A SIGN FOR ANY DEVELOPMENT WORKS

**A sign must be erected and maintained in a prominent position on any site on which construction work is being carried out that:**

- a) Shows the name, address and telephone number of the Principal Contractor for the work.
- b) Shows the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours.
- c) States that unauthorised entry to the work site is prohibited.

REASON: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000. (57.08)

4. PROVIDE WORKERS TOILET FACILITIES

**Adequate toilet facilities for workers must be provided at or in the vicinity of the work site.**

REASON: To provide suitable and hygienic toilet facilities for use by people visiting or working on the site. (57.09)

5. SUBMIT TRAFFIC MANAGEMENT PLAN – TOMPSITT DRIVE

**Prior to any works commencing within the road reserve of Tompsitt Drive a Traffic Management Plan must be submitted to, and endorsed by Council (and the RMS where applicable) under the provisions of Section 138 of the Roads Act 1993.**

**A separate Traffic Management Plan shall be submitted (and endorsed) for each activity that has a defined change in scope and/or requires a significant change in the already endorsed Traffic Management measures.**

REASON: To ensure that adequate arrangements are made for traffic and pedestrian safety during the construction works. (57.13)



## **SITE MANAGEMENT DURING DEMOLITION AND CONSTRUCTION**

### 6. BUSHFIRE CONTROLS

**The applicant is to ensure the surrounding grasslands within the development site are managed and maintained during the bushfire danger period from 1 October to 31 March each year.**

REASON: To minimise the potential effect from grass fires during the bushfire danger period. **(58.01)**

### 7. PROVIDE WASTE STORAGE AREAS

**Waste storage areas must be placed on the site for the storage of waste materials. All wastes must be disposed of to a licensed landfill facility.**

REASON: To prevent pollution of surrounding areas. **(58.02)**

### 8. INSTALL EROSION AND SEDIMENT CONTROLS

**All Erosion and sediment controls measures outlined in the Soil and Water Management Plan (as endorsed as part of the Construction Management Plan) must be installed on the site and maintained for the entirety of the construction period in accordance with the NSW Government (Blue Book) *Managing Urban Stormwater: Soils and Construction Guidelines*.**

REASON: To prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land. **(58.03)**

### 9. HOURS OF OPERATION FOR WORKS

**All works associated with the construction of this development must be carried out between the following hours:**

<b>Weekdays:</b>	<b>7.00am to 6.00pm</b>
<b>Saturdays:</b>	<b>8.00am to 4.00pm</b>
<b>Sundays and Public Holidays:</b>	<b>NIL</b>

REASON: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality. **(58.04)**

### 10. WORK ON ADJOINING LAND IS LIMITED

**The road reserve and other adjoining lands must not be used for storage of materials or disturbed by construction activities except approved under this consent.**

REASON: To minimise interference with the road reserve and its accessibility by pedestrians and road users. **(58.05)**



11. REPAIR DAMAGED PUBLIC PROPERTY

**All damage caused to public property during the establishment of the development must be repaired or reinstated prior to the road being operational.**

REASON: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition. **(58.06)**

12. WORKS SITES TO BE FENCED

**Hoarding or security fencing must be erected between the development site and public places before commencement of any construction work.**

REASON: To ensure that an effective barrier is provided to preserve the safety of people and property in public places. **(58.07)**

13. TEMPORARY VEHICLE ACCESS

**Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.**

**Where ever possible vehicular access in and out of the site shall be made via Arnott Street and Alderson Place. Vehicular access to and from the site via Tomsitt Drive is to be kept to an operational minimum.**

**Temporary vehicle access via Tomsitt Drive is not to take place until an appropriate S138 Certificate has been issued by Council (and/or the RMS where applicable).**

REASON: To minimise transfer of soil from the site onto the road pavement and to ensure traffic arrangements to and from the site meet Councils requirements. **(58.08)**

## GENERAL CONDITIONS

### 14. DISCREPANCIES BETWEEN APPROVED DOCUMENTATION

**Should there be any discrepancies between the approved drawings or any conditions of this approval, the following shall apply:**

- **The Civil Drawings take precedence over the Landscape drawings; and**
- **The conditions of this approval take precedence over the Civil Drawings.**

REASON: To minimise confusion during construction as a result of inconsistent documentation. **(59.01)**

### 15. IN ACCORDANCE WITH THE APPROVED PLANS

**The development must be carried out generally in accordance with all of the documents accompanying the development application and with the plans bearing the Council approval stamp, and any amended plans approved under subsequent modification(s) to the development consent, except where varied by notations made in red ink by Council or conditions of approval.**

**In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.**

REASON: To ensure the development is completed in accordance with the approved plans and the development consent. **(59.02)**

## BUILDING

### 16. ALL WORKS TO BE CONFINED TO THE SITE

**All construction activities including construction compounds associated with the development must:**

- a) Be carried out entirely within the allotment boundaries unless otherwise approved by Council.**
- b) Be kept clear of stormwater, sewer manholes and service easements on the site.**

REASON: To ensure that all activity associated with the development does not pose a hazard to life or property and that the effectiveness of public services is not impaired. **(60.05)**

## CARPARKING AND ACCESS

### 17. VEHICLE PARKING

**All vehicles accessing the site must use the temporary access routes and vehicle parking areas within the construction site perimeter.**

REASON: To prevent impact on environmental constraints at the site.. **(66.01)**

## CONSTRUCTION OF INFRASTRUCTURE

### 18. QUALITY ASSURANCE OF DESIGN

**Any set of drawings submitted to Council as an amendment to the approved plans shall be accompanied by a Design Certification Report prepared in accordance with Council's *South Jerrabomberra's Design Specification - Clause DQS.04*.**

REASON: To ensure designs meet Council's design and drafting standards. **(67.01)**

### 19. CONSTRUCTION

**The construction of the road shall be undertaken in accordance with Council's *South Jerrabomberra Development Construction Specification (Version 1, dated March 2015)*.**

REASON: To provide quality assurance of the construction. **(67.01)**

### 20. TRANSPORT ROUTES

**All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to meet the following objectives:**

- **comply with all road traffic rules;**
- **minimise noise, vibration and odour to adjacent premises; and**
- **utilise State Roads and minimise use of local roads.**

**The Applicant may consult Council prior to selecting the most suitable transport route.**

**The Applicant must ensure that all site vehicles:**

- **securely cover all loads to prevent any dust or odour emissions during transportation;**
- **exit the site in a forward direction; and**
- **do not track soil, mud or sediment onto the road.**

REASON: To ensure safe traffic management and transport of materials and machinery. **(67.01)**

21. IMPORTATION OF FILL

**All fill imported onto the site must be validated to ensure it is suitable for the proposed land use from a contamination perspective. Fill imported onto the site must also be compatible with the existing soil characteristic for site drainage purposes.**

**Council may require details of appropriate validation results to be submitted with any application for future development of the site. All imported fill should be validated by either one or both of the following methods during the works:**

- **Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material or the known past history of the site where the material is obtained; and/or**
- **Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.**

REASON: To ensure fill material meets acceptable standards.. (67.01)

22. FENCING OF ROAD RESERVE

**The proposed road reserve boundary is to be fenced utilising stock proof fencing materials.**

**The actual location of the fences and thus the future road reserve boundary will be determined on site between Council and the Superintendent during construction once the majority of the earthworks and drainage has been completed.**

REASON: To define the road reserve boundary and to control stock from entering the public road. (67.01)

23. ICON WATER REQUIREMENTS

**Any protection works associated with the protection of the 1800mm diameter water main are to be undertaken in accordance with the Icon Water's *Water Supply and Sewerage Standards (WSSS), Release 2, July 2000 and Amendments*, as per ICON Water's Certificate of Design Acceptance dated the 23rd November 2016.**

REASON: To ensure that the 1800mm diameter water main on the northern side of Tompsitt Drive is adequately protected to the satisfaction of ICON Water. (67.01)

24. COMPLIANCE WITH NSW ROADS AND MARITIME SERVICES CONDITIONS

The following NSW Roads and Maritime Services must be adhered to:

- Prior to any works commencing, the developer must enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services (RMS) for all works in the vicinity of Tomsitt Drive and its junction with the Northern Entry Road;
- The developer must upgrade the junction of Tomsitt Drive and the Northern Entry Road to be traffic signals in accordance with *Austrroads Guide to Road Design Part 4a: Unsignalised and signalised intersections*, *Austrroads Guide To Traffic Management Part 6: Intersections, Interchanges and Crossings (2007)* and the *RTA's Traffic Signal Design (2008)*;
- The developer must detail in the design documentation submitted and provide in the associated construction, the appropriate underground cabling for a future second right turn lane at the proposed Northern Entry Road leg of the intersection;
- Where required the developer must upgrade/ provide lighting in accordance with *Australian Standard AS/NZS1158*;
- Any new services or modifications to existing services associated with this development application that involve works on, over or under Tomsitt Drive (as defined the area from kerb to kerb) must be in be incorporated into, and managed under, the Works Authorisation Deed for the project.

*Note: It is the developer's responsibility to identify these works to RMS project manager,*

- The developer must mitigate any increased road traffic noise associated with the traffic signals on nearby residents (and other sensitive receivers) in accordance with the Department of Environment, Climate Change and Water's Environmental Criteria for Road Traffic Noise. It should be noted that this will require pre construction noise monitoring and may require post construction noise monitoring;
- All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS;
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. Traffic signals must be constructed by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: <http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>
- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on Tomsitt Drive. Given this, Section 138 consent under the Roads Act, 1993 must be obtained

**from the RMS prior to commencement of construction works within the road reserve (i.e. both Tomsitt Drive and the Northern Entry Road).**

REASON: To ensure that the requirements of the NSW Roads and Maritime Services are met. **(67.01)**

25. **PVC CONDUIT CROSSING FOR FUTURE WATER MAIN**

**A 450mm diameter PVC conduit shall be provided underneath the proposed Northern Entry Road to allow for the installation of a future water main to the west of the site. The conduit is to be:**

- **Located in the roundabout road corridor and extend from the limit of works (CH70) on the eastern side of the roundabout to the limit of works (CH 60) on the western side of the roundabout;**
- **Located primarily in the verge, clear of the pavement of the eastern and western legs of the roundabout;**
- **Appropriately capped off on each end to prevent backfill material entering the conduit;**
- **Installed at a depth, below any proposed pavement or select fill materials, that complies with the minimum requirements of Councils *South Jerrabomberra Development Construction Specification (Version 1, dated March 2015)*.**

REASON: To reduce the likelihood that the Northern Entry Road carriageway will need to be open trenched at a later date for the water main installation. **(67.01)**

26. **PROTECTION OF WORKS ON PUBLIC ROADS**

**Lighting, fencing and advanced warning traffic control signs must be provided for the protection of works and for the safety and convenience of the public, in accordance with Council's *South Jerrabomberra Design and Construction Specifications (Version 1, dated March 2015)*.**

**Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.**

REASON: To ensure an adequate level of public safety and convenience during construction. **(67.06)**

27. **SUBMISSION OF TRAFFIC CONTROL DEVICES PLAN**

**A Traffic Control Devices Plan (TCD) must be submitted to Council for approval by the Local Traffic Committee prior to the installation of any traffic control devices. It must include line-marking and sign-posting.**

REASON: To authorise traffic control devices. **(67.08)**

## PRIOR TO DEDICATION OF PUBLIC ROAD

### 28. WORK AS EXECUTED DRAWINGS

**Work as Executed Drawings in accordance with Council's *South Jerrabomberra Development Construction Specification C101 - General (Version 1, dated march 2015)* shall be provided to Council prior to the road dedication.**

REASON: To provide asset information to Council. **(68.01)**

### 29. APPLICATION AND FINAL SURVEY

**An application to obtain a Subdivision Certificate for the road dedication must be made to Council. This application must be accompanied by the following documentation:**

- a) **A final survey plan of subdivision and three copies;**
- b) **A letter outlining how compliance with each condition of this development consent has been achieved; and**
- c) **Engineering Construction Certificate Report in accordance Council's *South Jerrabomberra Design and Construction Specifications (Version 1, dated March 2015)*.**

REASON: To ensure works are completed in accordance with the requirements of the Council and to comply with Section 109 Environmental Planning and Assessment Act 1979. **(68.02)**

### 30. SUBMISSION FROM SERVICE AUTHORITY

**Prior to the dedication of the public road the applicant must provide written evidence from the relevant service authority or a suitably accredited person that satisfactory arrangements have been made for the supply of reticulated electricity to serve the road.**

REASON: To satisfy relevant utility authority requirements. **(68.05)**

### 31. DEFECTS LIABILITY PERIOD - BOND

**The completed works are to be maintained by the Developer at their own expense, for a period of six months after the date of the date of road dedication.**

**The Developer must:**

- a) **Lodge a cash bond with Council with regard to the defects liability period in an amount as calculated from fees set by Council's Management Plan and current at the time of issue of the road dedication; and**
- b) **Submit written authorisation that in the event of any maintenance work not being completed to the standards specified in Council's *South Jerrabomberra Design and Construction Specifications (Version 1, dated March 2015)*, Council may enter the subject land and undertake such**

**maintenance work and to deduct the cost thereof from such Bond monies held by Council and to refund the balance, if any, to the Developer.**

**During the defects liability period the Developer will be liable for any part of the works which fail to perform in the manner outlined in Council's *South Jerrabomberra Design and Construction Specifications (Version 1, dated March 2015)*, or as would reasonably be expected under the design conditions.**

REASON: To ensure works are completed in accordance with Council's requirements. **(68.06)**

32. DEDICATION OF PUBLIC ROAD TO COUNCIL

**The final road reserve (including the future duplication corridor) is to be dedicated to Council as a public road and the residual portion of the existing Lot 6 DP 104529273 is to remain as one parcel of land until the approval of a subsequent subdivision development application for this land is approved.**

**The dedication of the Northern Entry Road as public road shall not take place until a formalised turning treatment (such as a roundabout or cul-de-sac), that complies with the requirements of Councils *South Jerrabomberra Design and Construction Specifications (Version 1, dated March 2015)*, is constructed on the "South Tralee" Land (as defined by the *Queanbeyan Local Environmental Plan (South Tralee) 2012*) as part of a subsequent subdivision development application. This turning treatment shall be such that vehicular access in and out of the Northern Entry Road is able to be made in a forward direction.**

**Alternatively, for the portion of the Northern Entry Road from the Tompsitt Drive Intersection to CH340, the dedication of the public road shall not take place until at least one formalised road access is constructed from the roundabout into the "Poplars" Land (as defined by the *Queanbeyan Local Environmental Plan (Poplars) 2013*) as part of a subsequent subdivision development application on the existing Lot 6 DP 104529273.**

REASON: To ensure that Council can adequately manage and maintain the reserve and to provide legal access to future development land. **(70.04)**



**NOTE**

**STOP WORK ON ABORIGINAL HERITAGE SITES**

**In the event that any Aboriginal site, or site that appears to contain Aboriginal artefacts, is found in an area affected by clearing, work must cease immediately and the NSW Office of Environment and Heritage must be contacted.**

**REASON:** To ensure adequate procedures are in place should significant items of Aboriginal Heritage be discovered. **(81.06)**

*Note:*

*The Queanbeyan branch of the NSW Office of Environment and Heritage (Country, Culture and Heritage staff) can be contacted on telephone number 02 6229 7177.*



# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Planning and Strategy Committee of the Whole Meeting Attachment

10 MAY 2017

- |              |   |
|--------------|---|
| ITEM 4.2     | DEVELOPMENT APPLICATION 128-2016 - STAGE 3 OF<br>NORTHERN ENTRY ROAD PROVIDING ACCESS TO<br>SOUTH TRALEE URBAN RELEASE AREA |
| ATTACHMENT 5 | DA128-2016 - STAGE 3 NORTHERN ENTRY ROAD - NSW<br>GOVERNMENT AGENCY SUBMISSIONS   |

Our Ref: STH09/02494/21  
Contact: Amanda Priestley  
Your Ref: DA128-2016



31 March 2017

Hamish Scroop  
Queanbeyan Palerang Regional Council  
BY EMAIL: council@qprc.nsw.gov.au

**DEVELOPMENT APPLICATION 128-2016 – 4 WAY SIGNALISED INTERSECTION TOMPSITT DRIVE/NORTHERN ENTRY ROAD, JERRABOMBERRA**

Dear Hamish

Roads and Maritime Services (RMS) refers to the email from Calibre Consulting dated 7 March 2017 that provides additional information in relation to the above development application (DA).

RMS notes that this DA has been referred to us under Section 87 of the *Roads Act 1993*. RMS also notes that Tompsitt Drive and the proposed northern entry road are both local roads. As such, Council is the roads authority for local roads and have responsibility for their maintenance and control.

RMS has reviewed the additional information including the amended plan with reference DS2016/000000, Sheet 1, Issue A, Dated 23.2.2017, and provides the following general comments for Council's consideration:

- Basic land use information such as "vacant/residential/commercial" should still be shown on a copy of the TCS drawing;
- Two of the kerb ramps have been omitted from the south western traffic island;
- The detector schedule should be labelled "Detector Specification", not "Detector Schedule";
- The labelling of the left turn movements on all phases, in the movements diagrams are incorrect. The V8 should be V7, the V9 should be V8, the V10 should be V9 and the V11 should be V10;
- The Westbound movement on phase A of the movement diagram should be V1 not V2;
- In "Note 7", the lantern displays referred to should be "V7, V8, V9, and V10", not "V8, V9, V10, and V11"; and
- The right turn pavement arrow on access from the supermarket is not required. There are two lanes opposite this approach on the departure from the intersection and this approach only runs in one phase.

Notwithstanding the above, RMS considers that these are minor details that can be managed during the Works Authorisation Deed (WAD) process. As such, RMS will not object to the DA subject to the following comments being included in the conditions of development consent:

**Roads & Maritime Services**

Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmsservices.nsw.gov.au](http://www.rmsservices.nsw.gov.au) |

- Prior to the issuing of the Construction Certificate, the developer must enter into a Works Authorisation Deed (WAD) with Roads and Maritime Services (RMS) for all works in the vicinity of Tomsitt Drive and its junction with the Northern Entry Road;
- Prior to any construction of the subdivision serviced by the Northern Entry Road the developer must upgrade the junction of Tomsitt Drive and the Northern Entry Road to be traffic signals in accordance with Austroads Guide to Road Design Part 4a: Unsignalised and signalised intersections, Austroads Guide To Traffic Management Part 6: Intersections, Interchanges and Crossings (2007) and the RTA's Traffic Signal Design (2008);
- The developer must detail in the design documentation submitted and provide in the associated construction, the appropriate underground cabling for a future second right turn lane at the proposed Northern Entry Road leg of the intersection;
- Where required the developer must upgrade/ provide lighting in accordance with Australian Standard AS/NZS1158;
- Any new services or modifications to existing services associated with this development application that involve works on, over or under Tomsitt Drive (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. *Note: It is the developer's responsibility to identify these works to RMS project manager;*
- The developer must mitigate any increased road traffic noise associated with the traffic signals on nearby residents (and other sensitive receivers) in accordance with the Department of Environment, Climate Change and Water's Environmental Criteria for Road Traffic Noise. It should be noted that this will require pre construction noise monitoring and may require post construction noise monitoring;
- All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS;
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. Traffic signals must be constructed by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at:  
<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>
- RMS will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works on Tomsitt Drive. Given this, Section 138 consent under the Roads Act, 1993 must be obtained from the RMS prior to commencement of construction works within the road reserve (i.e. both Tomsitt Drive and the Northern Entry Road).  
*Note: It is requested that Council advise the applicant that conditions of development consent do not guarantee RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, the applicant is required to submit detailed design plans and all relevant additional information prior to commencing work on the State road network. The developer will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, the applicant should email the conditions of development consent to: [WAD.southern@rms.nsw.gov.au](mailto:WAD.southern@rms.nsw.gov.au).*

RMS highlights that in determining the application under Part 4 of the Environmental Planning and Assessment Act, 1979, it is the consent authority's responsibility to consider the environmental impacts, including noise, of any road works which are ancillary to the development, such as traffic signals. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works,

#### Roads & Maritime Services

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Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmservices.nsw.gov.au](http://www.rmservices.nsw.gov.au) |

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the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

Once the traffic signals are constructed, RMS' ongoing role will be to maintain the signals and optimise the operation of the signals with the constructed road geometry. RMS highlights that any ongoing capacity issues and/or complaints associated with the signals will be a matter for Council to deal with and/or address with Council funded upgrades. RMS will not be providing any upgrades in the future to address capacity issues.

Upon determination of this matter, it would be appreciated if Council could email a copy of the Notice of Determination to RMS via [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).

Yours faithfully



Chris Millet  
A/Network & Safety Manager  
Network Management, Southern Region

CC: Tim Shakespeare- Calibre Consulting

[Tim.Shakespeare@calibreconsulting.co](mailto:Tim.Shakespeare@calibreconsulting.co)

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**Roads & Maritime Services**

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Level 4, Southern Regional Office, 90 Crown Street, Wollongong NSW 2500 | PO Box 477 Wollongong East NSW 2520  
T 02 4221 2460 | F 02 4221 2777 | [www.rmservices.nsw.gov.au](http://www.rmservices.nsw.gov.au) |

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## NSW POLICE

### Monaro Local Area Command

6 Farrar Place,  
Queanbeyan NSW 2620  
Telephone 02 62984526  
Facsimile 02 62984549

16<sup>th</sup> May, 2016

**Mr. MJ Thompson**  
Group Manager  
Sustainability and Better Living  
257 Crawford Street,  
Queanbeyan NSW 2620

**RE: Development Application No 128-2016 Description: Northern Entry Road for South Tralee Stage 3.**

On 30<sup>th</sup> November, 2015 a Safer by Design Evaluation was conducted on the plans only for stage 2 of the Northern Entry Road, South Tralee.

In April 2001 the NSW Minister for Planning introduced Crime Prevention Guidelines to Section 79C of the Environmental Planning and Assessment Act, 1979. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. 'If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimize crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised'.

The Guidelines contain two parts. 'Part A details the need for a formal crime risk assessment (Safer by Design Evaluation) to be done in conjunction with trained police, and Part B outlines basic Crime Prevention Through Environmental Design (CPTED) principles and strategies that can be used by consent authorities to justify the modification proposals to minimize risk'. (DUAP 2001:2).

### ***Crime Prevention Through Environmental Design (CPTED)***

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:

- Maximize risk to offenders (increasing the likelihood of detection, challenge and apprehension).
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)

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- Minimise the actual and perceived benefits of crime (removing, minimizing or concealing crime attractors and rewards) and
- Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalization of inappropriate behaviour)

CPTED employs four key strategies. These are surveillance, access control, territorial re-enforcement and space/activity management.

#### **Site Description**

The proposed development is for stage 3 of the northern entry road for South Tralee, which includes a pedestrian path and landscaping plans.

As a result, this may attract people to the development, who use the area for recreational purposes, such as bike riding and walking. Similar areas, if not well maintained, are also known as areas where certain types of crime can take place, including Robbery, Malicious Damage and Sexual Assaults. This needs to be borne in mind when considering the acceptance/refusal of this particular development.

#### **Site Risk Rating**

The NSW Police Safer by Design Evaluation process is based upon Australia and New Zealand Risk Management Standard ISO 31000:2009. It is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risk. Evaluation measures include crime likelihood (statistical probability), consequence (crime outcome), distributions of reported crime (hotspot analysis), socio-economic conditions (relative disadvantage), situational hazards and crime opportunity.

After conducting this process the rating for this development has been identified as, **Low- crime risk.**

With this in mind the following Crime Prevention Through Environmental Design (CPTED) treatments should be considered for the development in order to reduce opportunities for crime.

- *Natural*
- *Organised (low)*
- *Technical/Mechanical (low)*

#### **Surveillance**

*Natural surveillance* is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. *Natural surveillance* is a by-product of well-planned, well-designed and well-used space. *Technical/mechanical Surveillance* is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels. *Technical/mechanical surveillance* is commonly used as a 'patch' to supervise isolated, higher risk locations. *Formal (or Organised) Surveillance* is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.

General Comments in Design for Surveillance:

- There are no barriers or sound banks proposed for this development.
- It is noted that landscaping will be implemented along the road way and will have limited impact on natural surveillance. Please see landscaping for more information.
- The implementation of the road way will increase use of the area, thus increase natural surveillance of the area.

Recommended Conditions of Consent:

- Nil.

Advised Conditions of Consent:

- Nil.

***Landscaping***

Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. However, landscaping can also provide concealment or entrapment areas for people involved in criminal behavior.

General Comments in Design for Landscaping:

- It is noted that planting of native eucalypt and grass species along the road way will occur. It is important that a landscape maintenance plan is established for the area.

Recommended Conditions of Consent:

- Some predatory offenders, particularly rapists, seek pockets and enclosures created by vegetation/landscaping. When selecting and maintaining vegetation, consideration should be given to the possibility of areas becoming entrapment sites in the future.
- A safety convention is to have 3 - 5 meters of cleared space on either side of pathways and bicycle routes. Thereafter, vegetation is stepped back in height to maximise sightlines. It is noted that pedestrian pathways have been designed to only have low groundcover vegetation and high canopied trees along them.
- A safety convention for vegetation is: lower tree limbs should be above average head height, and shrubs should not provide easy concealment (I.E under 70cm of height).
- The plants full height must be taken into consideration when planting. Tress that are planted too close to lighting may block some of the lighting creating uneven distributions of light and/or create dark areas that may be used for concealment opportunities.

Advised Conditions of Consent:

- Nil.



### **Lighting**

There is a proven correlation between poor lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). Good lighting can assist in increasing the usage of an area. There is no information with the plans, which were reviewed to indicate the lighting proposals for the development.

#### General Comments in Design for Lighting:

- Lighting should be designed to the Australian and New Zealand Lighting Standards.
- Australia and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting levels.

#### Recommended Conditions of Consent:

- All space, even well planned and well-designed areas need to be effectively used and maintained to maximize community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.
- The plants full height must be taken into consideration when planting. Trees that are planted too close to lighting may block some of the lighting creating uneven distributions of light and/or create dark areas that may be used for concealment opportunities.
- A lighting maintenance policy needs to be established for this area.

#### Advised Conditions of Consent:

- Nil.

### **Territorial Re-enforcement**

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it. *Territorial Re-enforcement* uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

#### General Comments in Design for Territorial Re-enforcement:

- The boundaries of the development are well defined.
- It is important that signage is used to indicate correct use of the pedestrian path ways, i.e. bicycles lanes or walking signs etc.

Recommended Conditions of Consent:

- Nil.

Advised Conditions of Consent:

- Nil.

**Conclusion**

The New South Wales Police have a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any person who does so acknowledges that:

1. It is not possible to make areas evaluated by the NSWP absolutely safe for members of the community or their property
2. It is based upon the information provided to the NSWP at the time the evaluation was made,
3. The evaluation is a confidential document and is for use by the consent authority or organizations referred to on page 1 only,
4. The contents of this evaluation are not to be copied or circulated otherwise than for the purposes of the consent authority or organization referred to on page 1.

The NSW Police hopes that by using the recommendations contained in this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.

We would like to thank you for the opportunity of inspecting the plans for this development and should you require further information on the subjects mentioned within this report feel free to contact Senior Constable Naomi Nemeč, Crime Prevention Officer, Monaro LAC, Phone 02 62984526

Yours sincerely

Naomi Nemeč  
Senior Constable  
Crime Prevention Officer  
Monaro Local Area Command