



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

**12 June 2019**

**UNDER SEPARATE COVER  
ITEM 6.5 – ATTACHMENTS 1 TO 3**



**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

12 JUNE 2019

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ITEM 6.5	DEVELOPMENT APPLICATION 449-2017 - THREE LOT TORRENS TITLE SUBDIVISION - 1866 OLD COOMA ROAD, ROYALLA
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ATTACHMENT 1	DA 449-2017 - SECTION 4.15 MATTERS FOR CONSIDERATION - 3 LOT SUBDIVISION - 1866 OLD COOMA ROAD
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## ATTACHMENT – SECTION 4.15 TABLE – Matters For Consideration

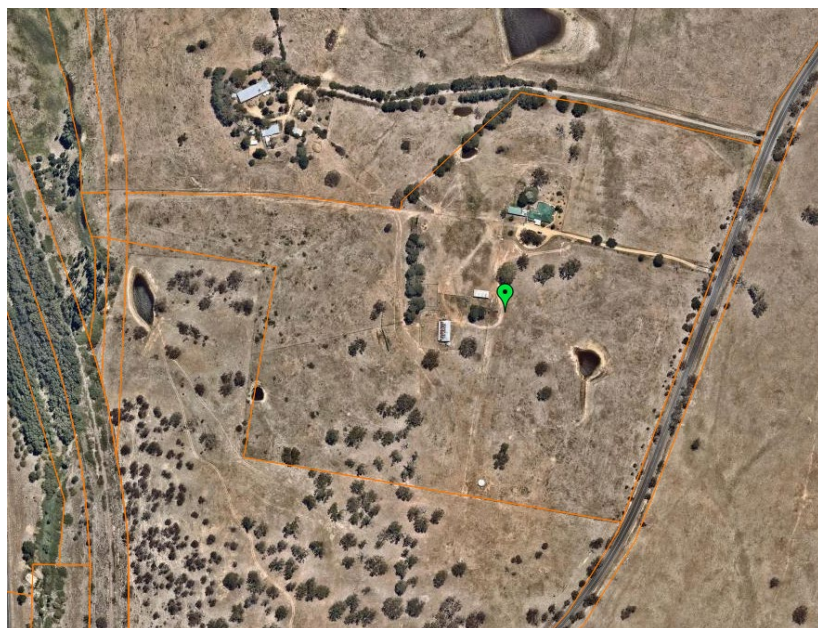
This application has been assessed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Application No 449-2017**.

The proposal is for the subdivision of an existing rural property into 3 rural residential allotments at 1866 Old Cooma Road, Royalla. The subdivision provides two new lots of which an existing dwelling exists on Lot 1 and a woolshed also converted into a dwelling house exists on proposed lot 2. A third vacant lot is then also proposed. This lot will however contain the existing stables.

The subject site comprises mostly open grassland. The existing dwelling house is known as 'Green Gables' and is listed as Heritage Item no. 1175 on the Queanbeyan Local Environment Plan 2012 (QLEP 2012). It occupies a flat area on the northern third of the property, with the land rising towards the southern portion and reaching a low summit on which the water tank sits on the property's southern boundary. There is a small dam to the northwest of the house next to the property's western boundary, while there is larger dam in the property's south-eastern portion near its frontage with the Old Cooma Road. The rear half of the property falls away westward, its rate of drop gradually increasing, with a long, narrow western extension ending on Guises Creek. The ACT border and the Monaro Highway lie just beyond.

The subject site is impacted by a number of site constraints including:

- Partially bushfire prone land making the proposal integrated development under Section 100B of the Rural Fires Act;
- Partially a Heritage Item making the proposal integrated Development under Section 90 of the National Parks and Wildlife Act 1974 requiring referral to the Office of Environment and Heritage;
- A variation of the minimum lot size under Clause 4.6 of the QLEP2012 requiring concurrence from the Department of Planning. The compliant minimum lot size is 6Ha and one of the three lots is proposed to be 5.46Ha; and,
- Due to the biodiversity value of the land a Flora and Fauna Report was required under existing Section 5A of the Environmental Planning and Assessment Act. This Section has now been repealed and Council relies on the Biodiversity Conservation Act, however the existing Section of the Act applies as the development application was lodged prior to the new legislation.



**Figure 1: Subject Site**

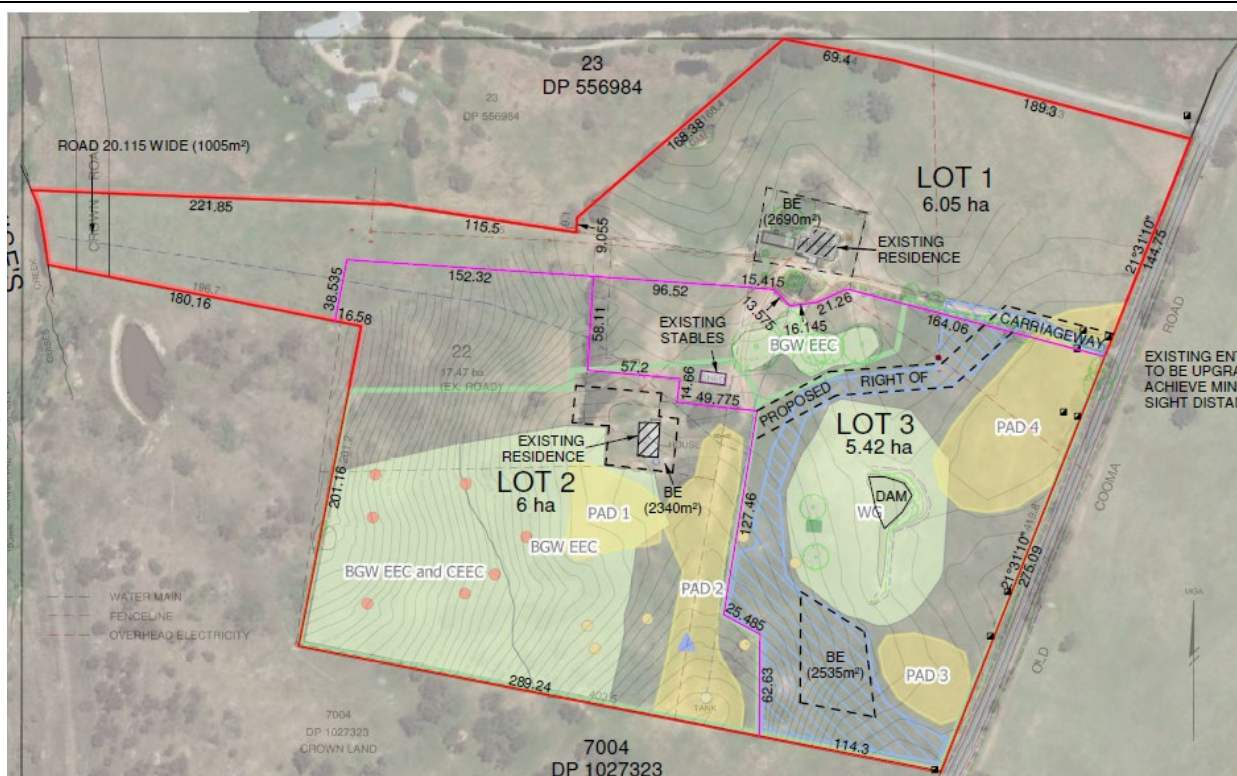


Figure 2: Proposed subdivision

### Integrated Development

The proposal is integrated development and the following approvals are required:

Fisheries Management Act 1994	No	Heritage Act 1977	No
Mine Subsidence Compensation Act 1961	No	National Parks & Wildlife Act 1974	Yes
Protection of the Environment Operations Act 1997	No	Roads Act 1993	No
Rural Fires Act 1997	Yes	Water Management Act 2000	No

### Rural Fires Act 1997

The proposed development is integrated development in accordance with Division 4.8 of the EP&A Act 1979, specifically Section 100B of the Rural Fires Act 1997.

### New South Wales Rural Fire Service

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:

- The development proposal is to comply with the subdivision layout prepared by TSD Surveying contained within the bush fire report by TSD Surveying numbered 236-SUBD-181121 dated 19 December 2018 and Ember Bushfire Consulting referenced JD.29.17, dated 7 April 2019.

### Asset protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this the following conditions shall apply:

- At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 2, to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as

outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### **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;

3. 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 property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bushfire Protection 2006' with the exception of secondary access.

### **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'.

### **National Parks & Wildlife Act 1974**

The proposed development is integrated development in accordance with Division 4.8 of the EP&A Act 1979, specifically Section 90 of the National Parks and Wildlife Act 1997.

### *Office of Environment and Heritage*

The development has been designed to avoid the recorded Aboriginal object and areas of potential archaeological deposit (PAD). As harm to Aboriginal objects is not planned to occur, an Aboriginal Heritage Impact Permit (AHIP) is not required at this stage. Subsequently, OEHL cannot issue GTA's for this project.

Council and the proponent are reminded that all Aboriginal objects are protected under the NPW Act 1974. The strict liability provisions under this Act also protect unknown Aboriginal objects regardless of their condition or significance.

Measures to ensure that the Aboriginal objects and areas of PAD that have been identified are not harmed must be adopted during construction and any ground disturbing works.

If any suspected Aboriginal objects are located during construction or any ground disturbing activity, all work in the immediate vicinity must stop and OEHL notified. The find will need to be assessed and if found to be an Aboriginal object, an AHIP will be required.

As such GTA's are not required for the subdivision of this land as advised by OEHL. A condition of consent will be added for the management and protection of unknown Aboriginal objects regardless of their condition or significance.

### **Referrals**

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#### **Internal Referrals**

#### **Engineering Comments**



### **Development Engineer's comments:**

#### **Water:**

Existing residences on proposed lots should have appropriately sized rainwater tanks for water supply. An existing water tank which is located on proposed Lot 3 is proposed to be used to supply the three lots with a non potable water supply. This will require easements over pipelines in favour of adjacent lots and a Condition to this effect will be added to the consent. It is assumed this assessment will be made by others.

#### **Sewer:**

No connection to Council Infrastructure - On site effluent disposal reports provided for the proposed lots to be assessed by others.

#### **Stormwater:**

The rear of proposed Lot 2 front Guises Creek, though the creek is some 300m away from the Building Envelope of the lot. A minor drainage line from south of the existing lot is dammed within proposed Lot 2 and continues in a northern direction across Lot 1. The site is not considered to be subject to significant water logging stormwater from existing and proposed buildings can be suitably disposed via natural drainage lines.

#### **Traffic and Parking:**

Dwellings within each lot can incorporate requirements to house vehicles. The subdivision of 1 lot to 3, increases traffic generation from the lot and Section 94 Contributions should be collected.

#### **Access:**

Access to the proposed lots is will be via the existing access to Old Cooma Road and a Right of Carriageway (ROW) across the lots. Whilst the existing access suffers from poor sight distance, stopping sight distance can generally be achieved from the access and the alignment and grade between Old Cooma Road and other areas along the frontage are considered to have less sight distance than the existing access. Thus the existing access is considered to be the most appropriate access for the subdivision.

The long section provided for the ROW indicates that one (1) culvert will be required at a sag point along the ROW and that grades are less than 10%.

#### **Flooding:**

The lot is not considered to be flood prone.

#### **Any other Engineering comments:**

All lots need to be appropriately serviced for power and communication utilities prior to subdivision certificate, to be conditioned by Planner. Electrical design submitted shows that a new post/pole and line will come off an existing line which runs across Lot 2 and Lot 1. Easements for power will need to be created over proposed and existing power lines. To be conditioned by Planner as these works do not involve Council infrastructure.

#### **Section 64 Headworks Contribution Calculations**

Section 64 Contributions are not applicable to the development.

## Health Comments

Council's Health and Building Officer had no objections to the proposal given recommended conditions are imposed.

## External Referrals

### Office of Environment and Heritage

The application as referred to NSW OEH for comment in regards to biodiversity as the proposed subdivision has the potential to have an impact on the biodiversity quality of the site. A number of issues were raised in which the applicant provided a response. Council considered the issues raised by OEH as well as the response provided by the applicant. It is considered that the proposed impacts of the subdivision are appropriate and will not have a significant adverse impact on biodiversity. Please see assessment under Section 5A of the EP&A Act 1979 as well as assessment against Part 6.2.3 of QDCP 2012 for details on vegetation removal and its impacts.

### New South Wales Rural Fire Service

The application was referred to NSW RFS for concurrence under Section 4.46 of the EP&A Act 1979 as integrated development. General Terms of Approval were issued by NSW RFS on 18 January 2019. For a detailed assessment of bushfire impacts, please see assessment against Section 4.14 of EP&A Act 1979.

### **Environmental Planning and Assessment Act 1979, Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats**

- (2) *The following factors must be taken into account in making a determination under this section:*
- (a) *in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
  - (b) *in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*
  - (c) *in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
    - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
    - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
  - (d) *in relation to the habitat of a threatened species, population or ecological community:*
    - (i) *the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
    - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
    - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*
  - (e) *whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*
  - (f) *whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
  - (g) *whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

This development application was lodged on the 21 December 2017 and therefore the Biodiversity Conservation Act 2016 does not apply to this development. Effects on biodiversity will be assessed under the repealed Section 5A of the Environmental Planning and Assessment Act 1979.

A Biodiversity assessment authored by Sam Patmore and Brooke Marshall of NGH Environment was submitted as part of this application. The report contains an assessment under Section 5A of the EP&A Act and will be assessed below.

### Data Audit

Prior to conducting field surveys, databases (EPBC Act 1999 and Atlas of NSW Wildlife Search) were reviewed to assess the likelihood of occurrence on the subject land for each threatened species and ecological community returned by the searches. The likelihood assessments were informed by the known distributions and habitat preferences of species/communities; the number, proximity and age of species/community records; and local ecological knowledge.

### Field Survey

Field surveys were undertaken by Sam Patmore and Brooke Marshall during May 2017. Field surveys included:

- Vegetation assessment;
- An assessment of potential habitat for threatened flora and fauna;
- Targeted threatened flora searches; and
- Opportunistic fauna sightings.

Targeted threatened flora species were undertaken in areas of suitable habitat at the subject site. The key threatened flora species targeted were Golden Sun Moth, Wallaby Grass, Small Purple-pea, and Silky Swainson-pea.

### Results

Non-native and native species, populations and ecological communities were observed on the site:

- Kangaroo grass;
- Spear grass;
- Wallaby grass;
- Common wheatgrass;
- Swamp dock;
- Yellow Box (EEC);
- Applebox (EEC);
- Common Everlasting *Chrysocephalum apiculatum*;
- Scaly Buttons *Leptorhynchos squamatus*;
- Narrow-leaf New Holland Daisy *Vittadinia muelleri*;
- Smooth Solenogyne *Solenogyne dominie*;
- Variable Plantain *Plantago varia*;
- Native Geranium *Geranium solanderi*;
- Many-flowered Mat-rush *Lomandra filiformis*;
- Common Bog Rush *Schoenus apogon*;
- Bundy *Eucalyptus goniocalyx* (EEC);
- Red Box Eucalyptus *polyanthemos* (EEC);
- Black Sally Eucalyptus *stellulata*;
- Monterey Pine *Pinus radicata*;
- Wedge-leaved Wattle *Acacia pravissima*;
- Bottle Brush *Callistemon sp*;
- Maple Acer sp.;
- Cypress *Cupressus sp.*;
- Ornamental Cherry *Prunus sp.*; and,
- Hawthorn *Crataegus monogyna*.

### Threatened Species Assessment Retrieved from NGH Report (Page 7)

No listed threatened species were recorded at the site. Based on the results of the database searches, a number of threatened flora species are known to occur in the local area (within 5 km of the subject site, including the

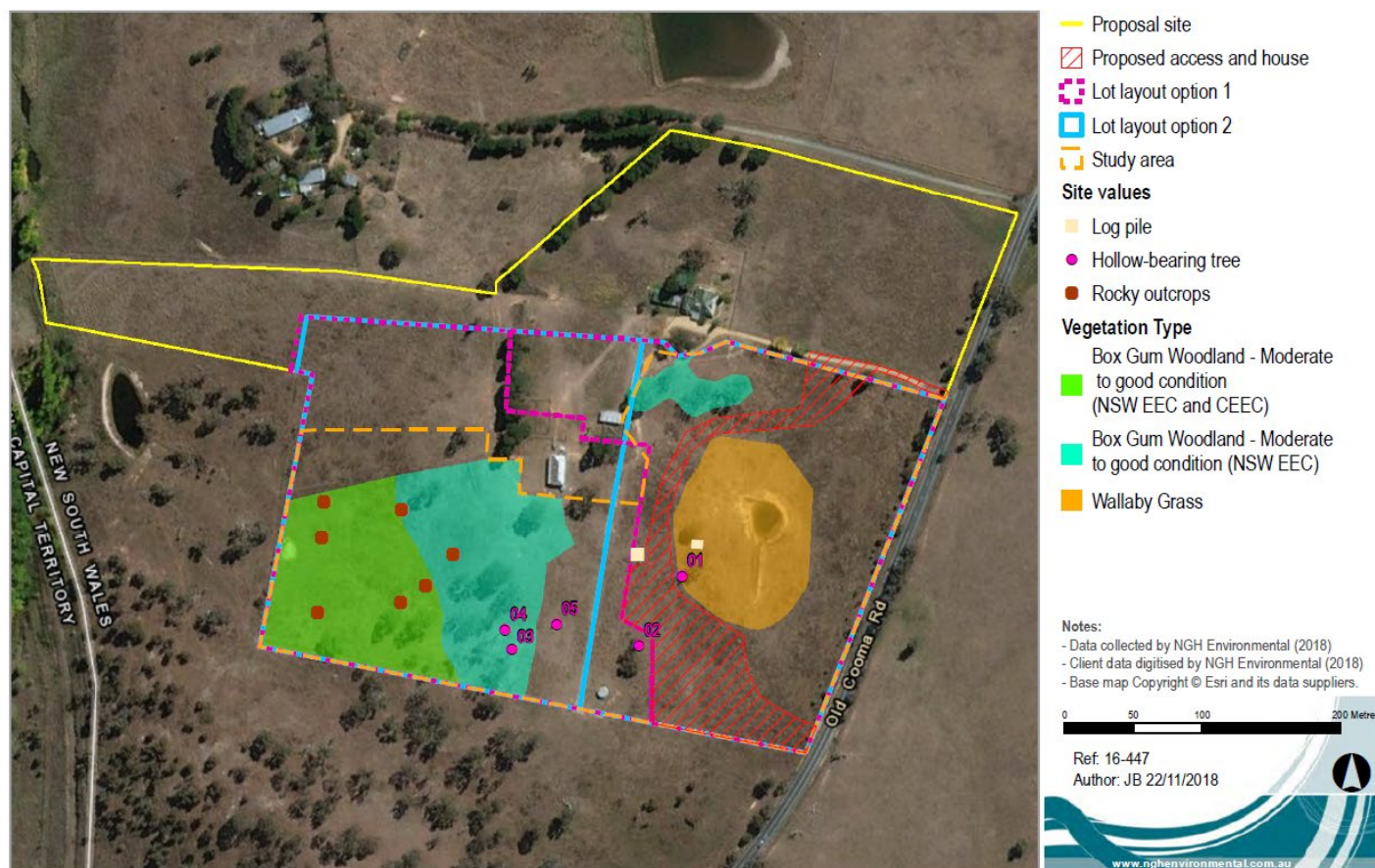
Hoary Sunray (*Leucochrysum albicans* var. *tricolor*), Small Purple-pea (*Swainsona recta*) and Silky Swainson-pea (*Swainsona sericea*)).

In particular, the Small Purple-pea and Silky Swainson-pea have both been recorded within 500 m of the site, within the railway corridor. Particular consideration was given to the potential likelihood of occurrence of these species within the site, and based on the observed habitat values, historic management regimes (including grazing and pasture improvement activities), as well as the current condition of the vegetation, including the occurrence of invasive weed species, it was considered unlikely that any of these three listed threatened flora species would be present within the site, and very unlikely that they would be present in the areas of the site where development is likely to occur. It is possible however that individuals of these species could occur within the far western portion of the site, adjacent to the railway corridor (where no development would occur).

**Table 1 - Hollow-bearing trees in the study area. Retrieved from NGH Biodiversity Assessment. Authors: Sam Patmore and Brooke Marshall. October 2018**

Tree ID	Tree Species	Hollow Size						Total no Hollows	Value
		ST	MT	LT	SL	ML	LL		
01	Dead Stag				1			1	Low
2a	<i>Eucalyptus goniocalyx</i>		1					1	Mod
2b	<i>Eucalyptus goniocalyx</i>			1		1		2	High
3	<i>Eucalyptus bridgesiana</i>	1	1					2	High
4	Stag		1		2	1	1	5	High
5	Stag			1				1	Low
<b>TOTAL</b>		<b>1</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>12</b>	

In summary, the site supports a total of about 1.9 ha of the NSW listed Box Gum Woodland and Derived Native Grassland EEC, of which about 0.8 ha also meets the Commonwealth listed Box Gum Woodland and Derived Native Grassland CEEC.



**Figure 3: Study area, survey results in relation to proposed fencing options**

### 7 Part Test of Significance

An assessment of significance under the EP&A Act 1979 is required for threatened species and ecological communities known to occur or potentially occurring within the study area. The assessment of significance was applied to all threatened species and ecological communities that occur, or were deemed to have the potential to occur, or as being likely to occur within the subject land as follows:

#### Listed Threatened EEC's

- White Box Yellow Box Blakely's Red Gum Woodland – Likely to occur
- Alpine Sphagnum Bogs and Associated Fens – May occur
- Natural Temperate Grassland of the South Eastern Highlands – Likely to occur
- Woodland and Derived Native Grassland - Likely to occur

#### Listed Threatened Species

- Regent Honeyeater– **Known to occur**
- Australasian Bittern – May occur
- Curlew Sandpiper – May occur
- Painted honeyeater – Likely to occur
- Swift parrot – Likely to occur
- Eastern Curlew, Far Eastern Curlew – May occur
- Superb Parrot - **Known to occur**
- Australian Painted Snipe – May occur

#### **Golden Sun Moth and wallaby grass**

*No pupae cases indicating the presence of Golden Sun Moth were observed onsite and no adults were observed flying. It is noted that individuals were observed flying the following day at East Jerrabomberra (Friday 26 October, 2018), suggesting the timing was suitable. Golden Sun Moth habitat is associated with Wallaby Grass *Rytidosperma spp.1*, which was widespread in the western paddock and around the farm dam in the eastern*

*paddock. While it cannot be concluded confidently that Golden Sun Moth would not occur onsite, on the basis of the surveys conducted, its occurrence is considered unlikely.*

#### **Small Purple-pea and Silky Swainson-pea**

*Regarding targeted surveys, three Silky Swainson-pea (*Swainsona sericea*) were observed at the reference site, prior to surveys in the study area. Within the study area, neither Silky Swainson-pea (*Swainsona sericea*) nor Small Purple-pea (*Swainsona recta*) were observed. It is likely that this season, these species are not flowering prolifically. It cannot be concluded confidently that they do not occur but on the basis of the surveys conducted, its occurrence is considered unlikely.*

#### **Commonwealth listed Critically Endangered Ecological Communities**

*Vegetation in the western paddock met the EPBC criteria for 'White Box --- Yellow Box --- Blakely's Red Gum grassy woodland and derived native grassland' CEEC for the following reasons:*

- 1 The lower western portion of the western paddock contained predominately native groundcover that included at least 28 non---grass native herbs and 10 important species; and,*
- 2 The upper eastern portion of the western paddock contained mature Yellow Box, Blakely's Red Gum and Apple Box trees with low diversity groundcover that either met or was close to 50% native cover threshold.*

#### **Asset Protection Zones (APZ's)**

As the subject site is identified as being bushfire prone land, the proposed subdivision requires the implementation of APZ's to achieve a Bushfire Attack Level. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 2, to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### **SECTION 4.14 Consultation and development consent – certain bushfire prone land – EP&A Act, 1979**

The proposed development is integrated development in accordance with Division 4.8 of the EP&A Act 1979, specifically Section 100B of the Rural Fires Act 1997.

#### *New South Wales Rural Fire Service*

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:

- 2. The development proposal is to comply with the subdivision layout prepared by TSD Surveying contained within the bush fire report by TSD Surveying numbered 236-SUBD-181121 dated 19 December 2018 and Ember Bushfire Consulting referenced JD.29.17, dated 7 April 2019.*

#### **Asset protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this the following conditions shall apply:

- 2. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 2, to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.*

#### **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;

- 3. 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 property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bushfire Protection 2006' with the exception of secondary access.

### 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'.

### 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 44 – Koala Habitat Protection</b>	
<p>This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:</p> <ul style="list-style-type: none"> <li>(a) <i>by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</i></li> <li>(b) <i>by encouraging the identification of areas of core koala habitat, and</i></li> <li>(c) <i>by encouraging the inclusion of areas of core koala habitat in environment protection zones.</i></li> </ul> <p>Pursuant to Clause 5 – Land to which this Policy applies, the Policy is applicable to the subject site as it is located within the former Yarrowlumla Shire, which is identified in Schedule 1 of the SEPP.</p> <p>Clause 6 – land to which this Part applies of the SEPP is applicable as the site has an area of more than 1 hectare. The proposed 3 lots have an area of 17.7ha combined. Therefore, Council is required to be satisfied whether or not the land is potential koala habitat.</p> <p><b>Clause 7 Step 1 - Is the land potential koala habitat?</b></p> <p>(1) <i>Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.</i></p> <p><b>Potential Koala habitat</b> is defined in the SEPP as <i>areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.</i></p> <p>A Biodiversity Assessment report prepared by NGH Environmental Pty Ltd dated June 2017 has been submitted with the subject application. The study area assessed in this biodiversity assessment includes the proposed lot 3 (of circa 5.46ha) occupying the south and south-eastern portions of Lot 22, as well as the proposed access driveway to service the proposed lot, commencing at the existing access driveway to Lot 22. Only the proposed driveway</p>	Yes

SEPP COMMENTS	COMPLIES (Yes/No)
<p>through the proposed lots 1 and 2 were considered in this assessment for these parts of the property as no other development would occur within these lots. The proposed subdivision would therefore not result in any known or identifiable impacts in these parts of the site.</p> <p>The site displays evidence of past clearing and pasture improvement agricultural practices. Trees have been removed across most of the study area, with only isolated or small clusters of trees left intact in a few locations. Based on the report, the site contains Eucalyptus Melliodora, Eucalyptus Bridgesiana, Eucalyptus Goniocalyx, Eucalyptus Polyanthemus and other native and non-native woody species which will be retained. The trees mentioned above are not listed as feed tree species identified in Schedule 2 of the SEPP.</p> <p>Therefore, Council can be satisfied that the land is not potential koala habitat and is not prevented, because of this Policy, from granting consent to the proposed development.</p> <p>The Biodiversity Assessment report concluded that the site has been subject to historic disturbances as a result of grazing and pasture improvement activities over many decades. No listed threatened flora species were recorded within the study area and there is considered to be low potential for any listed threatened species to occur within the site. The proposed development would not impact on any areas of the Box Gum Woodland community. No existing trees within the site are proposed to be removed under this application or as part of any future development to construct a dwelling within the proposed Lot 3. The proposed development is not expected to result in any impacts to any listed threatened fauna.</p>	
<b>State Environmental Planning Policy No 55 - Remediation of Land</b>	
<p>The Policy aims to ensure any contamination risks are mitigated and eliminated. The applicant engaged Douglas Partners who undertook a Preliminary Site Investigation who determined the site was not a risk in regards to contamination. The assessor states:</p> <p><i>Limited sources of contamination were identified on the basis of the available site information and site inspections. Based on the findings of the investigation it is therefore considered that the likelihood for gross contamination to be present on the site is low.</i></p> <p><i>Minor quantities of fuels and chemicals in the storage shed to the west of "Green Gables" were identified as a potential area of environmental concern. Given that no alterations are currently proposed to the storage shed and the distance from the storage shed to the proposed residential dwelling in the southern-most lot, it is considered that there is no complete pathway between the identified PAEC and the proposed residential dwelling within Lot 3.</i></p> <p><i>Based on the assessment findings it is considered that the site is currently suitable for the proposed development comprising the subdivision of the site into three separate lots and the proposed development of an additional residential dwelling in the southern most lot. For the purposes of the proposed development further intrusive investigation is not currently considered to be necessary, however should the shed area (or the new Lot 1, containing the shed) be redeveloped in future, further consideration of the PAEC will be necessary.</i></p>	Yes
<b>State Environmental Planning Policy No 55 - (Infrastructure) 2007</b>	
<p>The provisions of this Policy have been considered in the assessment of the application. The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road. The site is not located within or immediately adjacent to an easement for electricity</p>	Yes



SEPP COMMENTS	COMPLIES (Yes/No)
purposes or immediately adjacent to an electricity substation. No development is proposed within 5m of an overhead powerline and no ground penetrating work is proposed within 2m of any underground electricity services.	

### **Local Environmental Plans**

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

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<b>Part 1 Preliminary</b>	
<b>Clause 1.2 Aims of Plan</b>	
<p>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>It is considered that the proposed subdivision is consistent with the aims of the QLEP 2012. The proposal recognises and protects Queanbeyan's natural heritage and ecological values through the strategic placing of building envelopes and access tracks to mitigate impacts.</p>	Yes
<b>Clause 1.4 Definitions</b>	
<p>(1) For the purposes of this Act, <b>subdivision</b> of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:</p> <p>(a) by conveyance, transfer or partition, or</p> <p>(b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.</p>	Yes
<b>Clause 1.9A Suspension of Covenants, Agreements and Instruments</b>	
<p>No covenants, agreements and instruments restricting the development have been identified.</p> <p>A Section 88B Instrument will be proposed over proposed lot 1 to proposed lots 2 and 3 for a right of carriageway. Furthermore an easement for non-potable drinking water will likely be created over lot 1 to lot 2 from Guises Creek.</p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS				COMPLIES (Yes/No)												
<b>Part 2 Permitted or Prohibited Development</b>																
<b>Clause 2.1 Land Use Zones</b>																
The subject site is zoned E4 Environmental Living.				Yes												
<b>Clause 2.3 Zone Objectives and Land Use Tables</b>																
Development for the purposes of subdivision such as is proposed is permissible within E4 Environmental Living zone with consent and is not defined under QLEP 2012 but is defined under the EP & A Act 1979. The proposed subdivision will create a building entitlement for proposed Lots 2 and 3 and dwelling houses are permissible with consent in the E4 Environmental Living zone.				Yes												
<b>Clause 2.6 Subdivision – Consent requirements</b>																
<p>(1) <i>Land to which this Plan applies may be subdivided, but only with development consent.</i></p> <p><b>Notes.</b></p> <p>1 <i>If a subdivision is specified as <b>exempt development</b> in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.</i></p> <p>2 <i>Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is <b>complying development</b>.</i></p> <p>(2) <i>Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p>The proposal is not exempt or complying development and the subject site does not contain a secondary dwelling.</p>				Yes												
<b>Clause 2.7 Demolition requires development consent</b>																
Under Clause 2.7 of the QLEP 2012, the proposal does not involve demolition of an existing structure.				Yes												
<b>Part 4 Principal Development Standards</b>																
<b>Clause 4.1 Minimum subdivision lot size</b>																
<table border="1"> <thead> <tr> <th>Standard</th> <th>Controls</th> <th>Proposed</th> <th>Complies</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Minimum subdivision lot size</td> <td rowspan="3">6 ha</td> <td>Lot 1 – 6.05 ha</td> <td>Yes</td> </tr> <tr> <td>Lot 2 – 6 ha</td> <td>Yes</td> </tr> <tr> <td>Lot 3 – 5.42 ha</td> <td>No</td> </tr> </tbody> </table> <p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to ensure subdivision is sensitive to land, heritage and environmental characteristics (including water quality, native flora and fauna and places or items of Aboriginal and European heritage value).</i></p> <p>The proposed subdivision has been referred to the Office of Environment and Heritage for comment to ensure the proposed lot 3 does not adversely impact Guises Creek, biodiversity, the Aboriginal Heritage on the site and the Heritage Item. The proposed layout received support from OEH in regards to all of the above and</p>				Standard	Controls	Proposed	Complies	Minimum subdivision lot size	6 ha	Lot 1 – 6.05 ha	Yes	Lot 2 – 6 ha	Yes	Lot 3 – 5.42 ha	No	No - Variation
Standard	Controls	Proposed	Complies													
Minimum subdivision lot size	6 ha	Lot 1 – 6.05 ha	Yes													
		Lot 2 – 6 ha	Yes													
		Lot 3 – 5.42 ha	No													

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>has been deemed that it will not adversely impact the important aspects of the site which can be seen under the External Referrals section of the attached 4.15 Report. The variation is minor in nature being not less than 10% of the required minimum lot size being 6ha. The lot is proposed to be 5.42ha and concurrence by Council is therefore assumed as per Planning Circular 18-003 dated 21 February 2018.</p> <p>(b) <i>to ensure subdivision does not adversely impact on the functions and safety of main roads,</i></p> <p>Council's Development Engineer has assessed the proposal and stated the access is adequate for the development and has ensured it is not likely to adversely impact on the functions and safety of main roads. The Development Engineer stated the following:</p> <p>Access to the proposed lots is will be via the existing access to Old Cooma Road and a Right of Carriageway (ROW) across the lots. Whilst the existing access suffers from poor sight distance, stopping sight distance can generally be achieved from the access and the alignment and grade between Old Cooma Road and other areas along the frontage are considered to have less sight distance than the existing access. Thus the existing access is considered to be the most appropriate access for the subdivision.</p> <p>The long section provided for the ROW indicates that one (1) culvert will be required at a sag point along the ROW and that grades are less than 10%.</p> <p>(c) <i>to provide lots with areas and dimensions that enable the appropriate siting and construction of a building and associated works to minimise and avoid the threat of natural hazard (including bush fire, soil instability and flooding) and to protect significant vegetation and prominent or significant landscape qualities,</i></p> <p>The lots have been designed specifically to avoid damage and impacts to significant vegetation including the Yellow Box Gum Woodland on the subject site. The proposed building envelopes exclude this vital vegetation.</p> <p>The Rural Fire Service have commented on the bush fire threat as follows:</p> <p>(d) <i>to ensure new lots have an adequate water supply and can be provided with an effective means of disposal of domestic waste and adequately serviced,</i></p> <p>(e) <i>to create lots that are compatible with the existing predominant lot pattern or desired future character of the locality and to minimise the likely adverse impact on the amenity of adjoining developments.</i></p> <p>The proposed two new lots are consistent with the desired character of the area in that they provide fully serviced lots that retain the rural residential character of the area. Although lot 3 does not meet the minimum lto size requirement this variation is considered minor in nature and will not detract from the bushland landscapes of the Googong area.</p> <p>(2) <i>This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</i></p> <p>The subject site is shown on the lot size map and requires development consent.</p>	

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>(3) <i>The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p>Please refer to the assessment above.</p>	
<p><b>Clause 4.6 Exceptions to Development Standards</b></p>	
<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i></p> <p>(b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i></p> <p>(2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p> <p>(3) <i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</i></p> <p>(a) <i>that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i></p> <p>(b) <i>that there are sufficient environmental planning grounds to justify contravening the development standard.</i></p> <p>The proposed subdivision has one proposed lot that does not meet the minimum lot size of 6HA. The applicant has applied for a variation to Clause 4.1 of the QLEP2012 for the 5.42Ha variance.</p> <p><i>Applicants reasoning</i></p> <p>The lands zone and reports submitted give assurance that the environment constraints on site will remain protected. The development remains low-impact for residential living in an area with ecological values. The bushland character will be retained. It will be consistent with the objectives for development in the zone ensuing Heritage is retained.</p> <p><i>Officer's assessment and recommendation</i></p> <p>The standard in this instance has been reviewed and deemed necessary in this instance for the following reasons.</p> <p>The subdivision of the third lot that does not meet the 6Ha minimum lot size is able to avoid the Aboriginal Heritage and ecological components on site of high value. This has</p>	<p>Yes</p>

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>been confirmed by the Office of Environment and Heritage who have given their concurrence. The building envelope and access avoid all PADS and do not require tree removal.</p> <p>The site has enough area to be able to fit the required 2000m<sup>2</sup> building envelope ensuring there is enough space to construct a dwelling house in the future.</p> <p>Finally, the variation is less than 10% of the development standard. The minimum lot site of the site is 6Ha. 10% of this is 0.6 meaning than any proposed lot less than 5.4Ha would not be supported as it would be considered more than a minor variation according to the Department of Environment and Planning. The proposed size is 5.42Ha meaning it is considered a minor variation.</p> <p>As the subdivision will not adversely impact the biodiversity, watercourse, Aboriginal heritage, or the European heritage it meets the objectives of the minimum lot size Clause within this LEP and can be supported in this case.</p>	
<b>Part 5 Miscellaneous Provisions</b>	
<b>Clause 5.10 Heritage conservation</b>	
<p>The proposed development will have a minimal impact in relation to heritage. The site is not adjacent to a heritage item and is not located within a Heritage Conservation Area. It does however contain a Heritage Item being 'Green Gables' and is listed as Heritage Item no. 1175 on the Queanbeyan Local Environment Plan 2012 (QLEP 2012).</p> <p>Council referred the application to the Heritage Advisor and was also provided a report from Brendan O'Keefe. The Heritage Advisor commented as follows:</p> <p><i>The Statement of Heritage Impact by Brendan O'Keefe seems to satisfactorily address the heritage impact of the proposed subdivision.</i></p> <p><i>From the report and from my own observations of the site I consider that it is unlikely there would be any significant adverse heritage impacts arising from this proposal as a generous curtilage has been provided around both Green Gables homestead and around the Woolshed.</i></p> <p>Additionally, O'Keefe notes that the dwelling will not be disturbed as part of the subdivision and as such no impact will occur onto the heritage item.</p> <p>There are also recorded Aboriginal artefacts on site and OEH have commented as follows:</p> <p><i>The development has been designed to avoid the recorded Aboriginal object and areas of potential archaeological deposit (PAD). As harm to Aboriginal objects is not planned to occur, an Aboriginal Heritage Impact Permit (AHIP) is not required at this stage. Subsequently, OEH cannot issue GTA's for this project.</i></p> <p><i>Council and the proponent are reminded that all Aboriginal objects are protected under the NPW Act 1974. The strict liability provisions under this Act also protect unknown Aboriginal objects regardless of their condition or significance.</i></p>	<p>Yes</p>

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>Measures to ensure that the Aboriginal objects and areas of PAD that have been identified are not harmed must be adopted during construction and any ground disturbing works.</i></p> <p><i>If any suspected Aboriginal objects are located during construction or any ground disturbing activity, all work in the immediate vicinity must stop and OEH notified. The find will need to be assessed and if found to be an Aboriginal object, an AHIP will be required.</i></p> <p>As such it is highly unlikely that the development will have an impact on heritage.</p>	
<p><b>Clause 5.11 Bush fire hazard reduction</b></p>	
<p>The application <b>does not</b> involve any bush fire hazard reduction works as defined by the Rural Fires Act 1997. The site is identified as bush fire prone land and concurrence was received from NSW Rural Fire Service.</p>	<p>Yes</p>
<p><b>Part 7 Additional Local Provisions</b></p>	
<p><b>Clause 7.1 Earthworks</b></p>	
<p>Clause 7.1 of the QLEP 2012 establishes a number of matters requiring consideration for development involving earthworks. Earthworks associated with the development are proposed and form part of this application. The proposed earthworks will not have a detrimental impact on drainage patterns and soil stability or the existing and likely amenity of adjoining properties. The development application will be condition to mitigate the potential impact of soil erosion and the like during construction.</p>	<p>Yes</p>
<p><b>Clause 7.2 Flood Planning</b></p>	
<p>Clause 7.2 of the QLEP 2012 makes provision for developments within the flood planning area. The site <b>is not</b> identified as “flood planning area” on the Flood Planning Map, and <b>is not</b> at or below the flood planning level.</p>	<p>Yes</p>
<p><b>Clause 7.3 Terrestrial biodiversity</b></p>	
<p>Clause 7.3 of the QLEP 2012 makes for provision for developments that impact on terrestrial biodiversity. This clause <b>is</b> considered relevant to the proposed development as the site <b>is</b> identified as “Biodiversity” on the Terrestrial Biodiversity Map.</p> <p>(3) <i>Before determining a development application for development on land to which this clause applies, the consent authority must consider:</i></p> <p>(a) <i>whether the development is likely to have:</i></p> <ul style="list-style-type: none"> <li>(i) <i>any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and</i></li> <li>(ii) <i>any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></li> <li>(iii) <i>any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></li> <li>(iv) <i>any adverse impact on the habitat elements providing connectivity on the land, and</i></li> </ul> <p>(b) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p> <p>It is considered that the proposed development will not have an adverse impact on the condition, ecological value and significance of flora and fauna on the land, nor an adverse impact on fauna habitat. Additionally, the proposal does not inappropriately fragment, disturb or diminish the biodiversity structure, function and compositions of the land. The application was supported by a Flora and Fauna report addressing Section 5A of the EP&amp;A Act 1979.</p>	<p>Yes</p>

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Section 5A is now repealed, however, the application was lodged prior to this and therefore has been assessed against it. The report concluded that the proposed subdivision would not have an adverse impact on the terrestrial biodiversity values/significance of the site.	
<b>Clause 7.4 Riparian land and watercourses</b>	
Clause 7.4 of the QLEP 2012 makes provision for developments within riparian land and watercourses. This clause <b>is not</b> considered relevant to the proposed development as the site <b>is not</b> identified as "Watercourse" on the Riparian Land and Watercourses Map".	NA
<b>Clause 7.5 Scenic protection</b>	
Clause 7.5 of the QLEP 2012 makes provisions for developments impacting on scenic protection land. This clause <b>is not</b> relevant to the proposed development as the site <b>is not</b> identified as "Scenic Protection Area" on the Scenic Protection Map.	NA
<b>Clause 7.6 Airspace operations</b>	
Clause 7.6 of the QLEP 2012 makes provisions for developments located in areas that are affected by airspace operations and aircraft noise. The proposed development <b>will not</b> penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore the application <b>was not</b> required to be referred to the relevant Commonwealth body for comment.	NA
<b>Clause 7.7 Development in areas subject to aircraft noise</b>	
Clause 7.7 of the QLEP 2012 makes provisions for developments subject to aircraft noise. This clause <b>is not</b> considered relevant to the proposed development as the site <b>is not</b> located near the Canberra Airport or within an ANEF contour of 20 or greater.	NA
<b>Clause 7.8 Active street frontages</b>	
This clause <b>is not</b> considered relevant to the proposed development as the site <b>is not</b> identified as "Active street frontage" on the Active Street Frontages Map".	NA
<b>Clause 7.9 Essential services</b>	
<p>Clause 7.9 of the QLEP 2012 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent. Along with the supply of electricity and suitable vehicle access.</p> <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>Council's Development Engineer has assessed the proposed development and confirmed that the site <b>does</b> have suitable vehicle access and adequate services are available.</p> <p><b>Water</b></p>	

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p><u>Lot 1</u>  <b>Non potable water</b>                      Dam capacity provided by Jeff Dau, Ember Bushfire Consulting is 0.1 ML or 100,000 Litres.</p> <p><b>Potable water</b>                      The applicant has stated that Green Gables is located on Guises Creek and has drawn household water from a large spring fed “chain of ponds” for the past 100 years. There is a very large pump at the creek that pumps water to the cement reservoir tank. Please note this is not a bore, Green Gables does not have a bore. This pump also has 2 fire-fighting outlets. The cement tank is 2.9 meters high and has been measured to contain 110,000 litres of water. The water is gravity fed to the house which means that if a bush fire occurred, the electricity is the first thing turned off, Green Gables still has plenty of water for fire-fighting purposes. The tank has a suitable outlet for attachment to fire-fighting units. Water NSW allows access rights to lots that front creeks under the Water Management Act 2000.</p> <p><u>Lot 2</u>  <b>Non Potable water</b>                      Dam capacity as provided by Jeff Dau, Ember Bushfire Consulting is 0.5 ML or 500,000 litres.</p> <p><b>Potable water</b>                      The dwelling on Lot 2 will be conditioned to have a 100,000 litre rain water tank and has an existing 10,000 litre rain water tank. The existing tank is on the southern side of the dwelling.</p> <p><u>Lot 3</u>  <b>Non Potable water</b>                      Dam capacity as provided by Ember Bushfire Consultancy is 0.175 ML or 175,000 litres.</p> <p><b>Potable water.</b>                      90.000 Litre tank to be provided with DA for dwelling in the future.</p> <p><b>Electricity –</b> The existing dwelling house and ancillary structures are located on proposed Lot 1 and are connected to an existing electricity supply. There is electricity infrastructure in the immediate vicinity of proposed Lot 1 and this electricity will be made available to proposed Lots 2 and 3. Written permission must be obtained to access neighbouring lots for the construction of infrastructure to supply electricity to proposed Lot 1. This will also require that an easement favouring the asset owner is constructed in accordance with the asset owner’s requirements. A condition of consent has been imposed to reflect this. A condition of consent has been imposed requiring the applicant to submit a Notice of Arrangement (NOA) from Essential Energy stating that satisfactory supply arrangements have been made for the provision of electricity to the proposed development.</p> <p><b>Sewer</b></p> <p><b>Lot 1</b>                      A report was prepared by Gel Plumping dated 7 May 2019 stating:                      The existing system has septic tank is of concrete design with a baffle and measures around 3375litres. The absorption trench measures about 30m long and 2.5m wide. The effluent disposal/trench area is with the house block and 25m away from the house. Both septic tank and absorption trench seem to be in good working order (Stuart Eagles, 2019).</p> <p><b>Lot 2</b></p>	



QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>Proposed Lot 2 will continue to use an existing on-site septic system. An on-site effluent disposal report has been submitted by the applicant prepared by Soil and Land Conservation Consulting to support this.</p> <p><b>Lot 3</b></p> <p>On-site effluent disposal will be required to service future development on proposed Lot 3. Details of the chosen on-site effluent disposal system are required to be submitted with an application for a dwelling house on proposed Lot 3.</p> <p><b>Stormwater</b> - The rear of proposed Lot 2 front Guises Creek, though the creek is some 300m away from the Building Envelope of the lot. A minor drainage line from south of the existing lot is dammed within proposed Lot 2 and continues in a northern direction across Lot 1. The site is not considered to be subject to significant water logging stormwater from existing and proposed buildings can be suitably disposed via natural drainage lines.</p> <p><b>Access</b> - Access to the proposed lots is will be via the existing access to Old Cooma Road and a Right of Carriageway (ROW) across the lots. Whilst the existing access suffers from poor sight distance, stopping sight distance can generally be achieved from the access and the alignment and grade between Old Cooma Road and other areas along the frontage are considered to have less sight distance than the existing access. Thus the existing access is considered to be the most appropriate access for the subdivision.</p> <p>The long section provided for the ROW indicates that one (1) culvert will be required at a sag point along the ROW and that grades are less than 10%.</p>	
<b>Clause 7.10 Development near Cooma Road Quarry</b>	
This clause <b>is not</b> considered relevant to the proposed development as the site <b>is not</b> identified as "Buffer Area" on the Quarry Buffer Area Map".	NA
<b>Clause 7.11 Development near HMAS Harman</b>	
This clause <b>is not</b> considered relevant to the proposed development as the site <b>is not</b> located within 2 kilometres of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.	NA

### **Development Control Plan**

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

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<b>Part 1 About This Development Control Plan</b>	
<p><b>1.8 Public Notification Of A Development Application</b></p> <p>The development application was notified to adjoining owners and advertised and 0 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

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<b>Part 2 All Zones</b>	
<p><b>2.2 Car Parking</b> The existing car parking will remain for the dwellings on lots 1 and 2.</p>	NA
<p><b>2.3 Environmental Management</b> A BASIX certificate is not required as part of the application as no residential structures are being proposed. Future residential structures proposed on Lot 1 will require a Basix Certificate.</p>	NA
<p><b>2.4 Contaminated Land Management</b> The applicant engaged Douglas Partners who undertook a Preliminary Site Investigation who determined the site was not a risk in regards to contamination. The assessor states:</p> <p><i>Limited sources of contamination were identified on the basis of the available site information and site inspections. Based on the findings of the investigation it is therefore considered that the likelihood for gross contamination to be present on the site is low. Minor quantities of fuels and chemicals in the storage shed to the west of "Green Gables" were identified as a potential area of environmental concern. Given that no alterations are currently proposed to the storage shed and the distance from the storage shed to the proposed residential dwelling in the southern-most lot, it is considered that there is no complete pathway between the identified PAEC and the proposed residential dwelling within Lot 3.</i></p> <p><i>Based on the assessment findings it is considered that the site is currently suitable for the proposed development comprising the subdivision of the site into three separate lots and the proposed development of an additional residential dwelling in the southern most lot. For the purposes of the proposed development further intrusive investigation is not currently considered to be necessary, however should the shed area (or the new Lot 1, containing the shed) be redeveloped in future, further consideration of the PAEC will be necessary.</i></p> <p>The proposal is considered generally satisfactory with respect to State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) and therefore also with respect to DCP clause 2.4. The land is not known to have been used for potentially contaminating activities. Council's Health Officer reviewed the document and has agreed the report is acceptable in this instance.</p>	Yes
<p><b>2.5 Flood Management</b> The subject site is not within a flood prone area.</p>	NA
<p><b>2.7 Soil, Water and Vegetation Management Plan (SWVM Plans)</b> Standard conditions relating to site management will be imposed should development consent be granted.</p>	Yes
<p><b>2.8 Guidelines for Bushfire Prone Areas</b> The site is identified as bushfire prone land and was referred to NS RFS for concurrence. General Terms of Approval were issued. Any future development application may also require a referral to NSW RFS as concurrence only relates to the subdivision and road, no structures.</p>	Yes

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>2.9 Safe Design</b>                      The proposed development generally satisfies the relevant provisions of this clause.</p>	
<p><b>2.10 Subdivision</b></p> <p>2.10.3</p> <p><b>Objectives</b></p> <p>1) <i>Provide for a range of allotment sizes to suit a variety of residential development.</i></p> <p>The proposal seeks to create 3 lots. The sizes are:</p> <p>Lo 1: 6.05ha                      Lot 2: 6ha                      Lot 3: 5.42</p> <p>2) <i>Ensure that the size of an allotment is sufficient to provide a useable area for building, landscaping and access;</i></p> <p>All proposed lots have adequate spaces for a building envelope, landscape and access. All building envelopes are over 2000m<sup>2</sup> in size giving more than enough room to site the existing dwelling on lots 1 and 2 and enough room to site a new dwelling on lot 3.</p> <p>3) <i>Minimise any likely impact of subdivision and development on the amenity of neighbouring properties;</i></p> <p>There are two dwellings existing on the lot which will now formally be separated. This will not create a physical change to the landscape whatsoever. Lot 3 will have the potential for a new dwelling however the building envelope is sited a good distance away from neighbouring lots including the ones created as part of this proposal. As such it is highly unlikely that it will affect the amenity of neighbouring properties.</p> <p>4) <i>Minimise any likely impact of subdivision and development on significant topographical and natural features of an allotment; and</i></p> <p>One natural feature on the lot is Guises Creek which proposed lot 1 adjoins. The subdivision will mean less land fronts this creek. The natural contours of the land will not change as part of this proposal as existing dwellings will reside on lots 1 and 2. Lot 3 will have the potential for excavation for a future dwelling however the proposed building envelope ensures vegetation, habitat and erosion will be minimal.</p> <p>5) <i>Control the scale of development so that it is compatible with the housing characteristics of the locality.</i></p> <p>The proposal retains two existing dwellings on the site and will allow an additional dwelling entitlement on proposed lot 3. Due to the location of the building envelope and required retention of native vegetation, the desired character is unlikely to change with the addition of this lot.</p>	<p>Yes</p>

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>6) <i>Protect natural and cultural resources (e.g. native flora and fauna and places/items of Aboriginal and European heritage value) from land use or management practices which will lead to degradation or destruction.</i></p> <p>The original subdivision layout did not protect natural and cultural resources on the land and OEH did not give concurrence. As such, the applicant re-designed the subdivision to take into account resources and be respectful and sympathetic to the natural landscape. OEH has now given concurrence and not needed to issue GTA's due to the good design and layout of the proposed lots and their building envelopes.</p> <p>7) <i>Encourage the provision of useable open space which has the capacity for multi-use and is able to cater for a variety of recreational needs.</i></p> <p>The proposed building envelopes are larger than the required 2000m<sup>2</sup> in part 6 of this DCP. As such it will allow more than enough space for recreational needs in the semi-rural area of Googong.</p>	
<p><b>2.10.4 General Subdivision</b></p> <p><i>Submission Requirements for rural and environmental zones.</i></p> <p>The following matters are to be addressed when seeking development consent to subdivide land in a rural or environmental zone</p> <p>a) <i>the proposal shall be shown on a contour map of scale 1:10,000 with contour intervals not greater than five (5) metres;</i></p> <p>The scale of the survey is 1:2500 and is fine for the assessment. Contour intervals are not greater than 5 metres.</p> <p>b) <i>existing cadastral boundaries must be shown on a map and all adjoining Crown land (including Crown roads) must be identified;</i></p> <p>The existing boundaries have been shown and the adjoining crown road near Guises Creek.</p> <p>c) <i>the proposed lot boundaries, building envelopes and road centre lines shall be established on site and marked accurately. Proposed allotments shall be marked at each corner by one metre high stakes and the centres of building envelopes shall be identified by a one metre high stake with suitable highly visible tape. Road centre lines shall be marked with stakes at 100 metre intervals. This shall be done before the application is submitted;</i></p> <p>As two dwellings are existing this is not required. Once a DA is submitted for a dwelling on proposed lot 3 council will ask for this to be surveyed out at this stage.</p> <p>d) <i>An application for subdivision must be accompanied by an environmental review, which is a full description of the proposal supported by maps, plans and diagrams, as well as separate specialist reports. Refer to Part 6 of this DCP for details on these requirements. The environmental review must give a clear understanding of the development and its likely environmental impact, describe the proposal, the location, the local topography, adjacent development, adjacent land uses, lot size and layout pattern, land ownership and available services such as roads, electricity, transport,</i></p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>education facilities and emergency services. Layout of subdivisions should be based on an appreciation of the capability of the land to support the development. An environmental review shall include a map of the constraints to development, clearly indicating:</i></p> <p>a) <i>steeply sloping land, i.e. &gt;20 per cent, above which house construction is not appropriate;</i></p> <p>The submitted contour plan shows the slope of the land and has indicated building envelope locations for the bets section to site a dwelling.</p> <p>b) <i>floodplains and poorly drained land which are also unsuitable for building;</i></p> <p>The site does not contain a floodplain.</p> <p>c) <i>prominent ridgelines visible from surrounding areas;</i></p> <p>There are no prominent ridgelines from surrounding areas.</p> <p>d) <i>vegetation cover, including environmentally sensitive areas supporting significant biodiversity, native vegetation, wildlife corridors, habitat for threatened species and endangered ecological communities;</i></p> <p>The biodiversity report and the contour plan bot indicate environmentally sensitive areas supporting significant biodiversity, native vegetation, wildlife corridors, habitat for threatened species and endangered ecological communities.</p> <p>e) <i>areas that would impinge on the privacy and agricultural operations of neighbouring properties;</i></p> <p>No areas of privacy and agricultural operations of neighbouring properties have been identified in the submitted documentation.</p> <p>f) <i>sites suitable for dams or artificial wetland areas that would catch sediments and nutrients emanating from the subdivision, particularly during the construction/development stage;</i></p> <p>Dams have been identified on lots 2 and 3. Guises Creek will support lot 1.</p> <p>g) <i>any existing dwelling houses and ancillary buildings on the land and the setback distances from the proposed new lot lines.</i></p> <p>This is shown on the proposed subdivision plan.</p> <p>h) <i>agricultural capability with particular attention being given to soils, agricultural land classification (refer to Department of Agriculture maps held by Council), slopes, current land use, extent of land degradation, areas suitable for improved pasture and topography; and</i></p> <p>This was submitted as part of the SEE and site/soil documentation.</p> <p>i) <i>property boundaries, size and shape.</i></p> <p>This is indicted on the submitted site plan.</p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>j) <i>The location of any of the vegetation communities listed under the Threatened Species Conservation Act 1995 must be shown on the map.</i></p> <p>As previously mentioned this was submitted in the Biodiversity report prepared by NGH.</p> <p><i>If the subdivision is approved, a condition of consent will require the delineation of building restriction precincts (building envelopes) on the final surveyed plan of subdivision. An instrument under section 88B of the Conveyancing Act 1919 attaching to the title of the lots created and restricting building to within the precincts will be required, with Council being nominated as the authority with sole power to vary the restriction.</i></p> <p><b>2.10.6 General Design</b></p> <p><b>Objectives</b></p> <p>1) <i>Subdivision design and density reflects the land capability, natural constraints and hazard of the land and is consistent with and enhances the character of the surrounding residential development.</i></p> <p>The development was re-designed to reflect the above as mentioned previously in this report.</p> <p><b>Controls</b></p> <p>a) <i>Consent must not be granted to a subdivision of land unless Council is satisfied that the density of the allotments to be created reflects the land capability, natural constraints and hazard of the land and is consistent with and enhances the character of the surrounding residential development.</i></p> <p>The assessment has concluded that the subdivision is appropriate. The applicant has ensured natural environment is generally not impacted and has worked well with the site constraints. This has been done by creating building envelopes which do not encompass Aboriginal Heritage, significant environmental features and placement of building envelopes a good distance away from neighbouring lots.</p> <p>b) <i>Land should not be divided:</i></p> <p>i) <i>in a manner which would prevent the satisfactory future division of land, or any part thereof;</i></p> <p>The subdivision will be the last of this lot. Any proposed subdivisions in the future of this land will not be supported as the newly created lots suit the character of this area.</p> <p>ii) <i>if the proposed use is likely to lead to undue erosion of the land and land in the vicinity thereof;</i></p> <p>Lots 1 and 2 will not lead to undue erosion as dwellings already exist on these proposed lots. Erosion will be controlled on lot 3 if a dwelling is proposed in the future as part of that application.</p>	

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<p><i>iii) unless wastes produced by the proposed use of the land can be managed so as to prevent pollution of a public water supply or any surface or underground water resources;</i></p> <p>Lot 2 with an existing dwelling will now be isolated from Guises Creek reducing human interaction with that water body.</p> <p><i>iv) unless the development achieves the most efficient use of existing utility services (such as water supply and sewerage services), roads and streets. Where connection to sewer is not possible, the allotment shall be suitable for on-site effluent disposal without adverse effect on ground or surface water quality.</i></p> <p>A site and soil report was submitted with the proposal and has been assessed by Council's Health Officer. They have confirmed that the proposed effluent disposal systems existing are efficient. Any future effluent systems will be required to be placed in the proposed building envelope for lot 3.</p> <p><i>v) if the size, shape and location of, and the slope and nature of the land contained in each allotment resulting from the division is unsuitable for the purpose for which the allotment is to be used;</i></p> <p>The use of the land is environmental living mean semi-rural dwellings. The subdivision will not change this but will allow more of this development on the site.</p> <p><i>vi) where the land is likely to be inundated by floodwaters;</i></p> <p>The site is not flood prone and as such is unlikely going to be inundated with flood waters.</p> <p><i>vii) where the proposed use of the land is the same as the proposed use of other existing allotments in the vicinity, and a substantial number of allotments have not been used for that purpose; and</i></p> <p>Surrounding lots have the same use and therefore same permissible uses for future development.</p> <p><i>viii) if the division and subsequent use if likely to lead to the clearance of one or more significant trees.</i></p> <p>The building envelopes do not includes any trees.</p> <p>Overall, the subdivision has taken into account open space for recreation and landscaping, biodiversity, bushfire, access and servicing. Sections of this Clause were not addressed due to the repetitive nature of the controls. All relevant and necessary controls to the development have been assessed above and within Part 6.</p>	
<p><b>2.11 Height of Buildings</b>                      Refer to LEP assessment (Clause 4.3).</p>	NA
<p><b>2.13 Preservation of Trees and Vegetation</b></p>	Yes

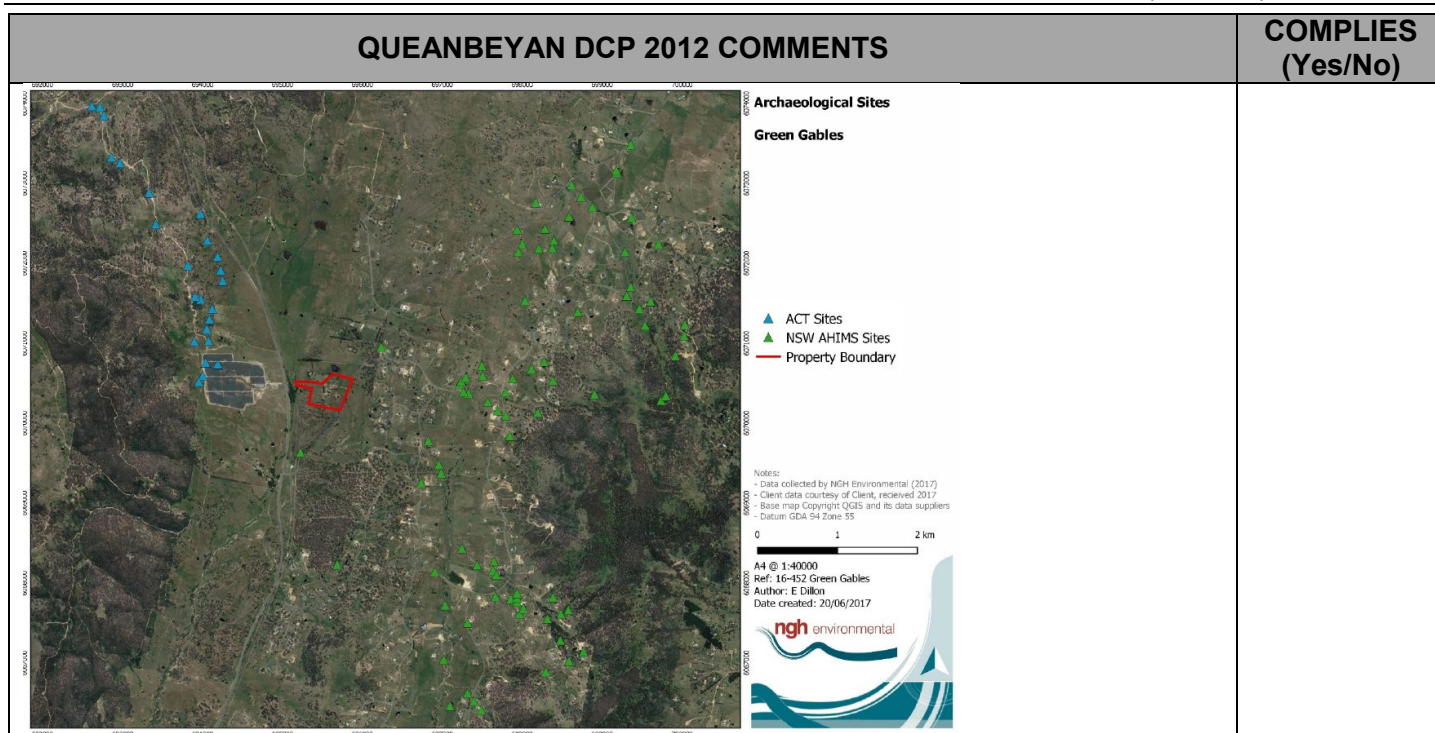
QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
Please see assessment under Section 5A of the EP&A Act 1979 earlier in this report for detailed assessment of vegetation removal.	
<b>Part 6 Rural and Environmental Zones</b>	
<p><b>6.2 Subdivision</b></p> <p><i>Subdivisions in the Rural (RU2) and Environmental Zones (E3, E4) and R5 Large Lot Residential Zones are created to:</i></p> <p>a) <i>Agricultural lots – lots created for an agricultural purpose with a dwelling house as ancillary use. These lots should be of sufficient area to allow for continued agricultural use and the subdivision should be based on the creation of productive land units. This is to be derived from an overall farm plan of the property to be subdivided.</i></p> <p>b) <i>Farm adjustments – Boundary adjustment for the purpose of selling land to an adjoining property owner which is then consolidated.</i></p> <p>The subject site is zoned E4 Environmental Living and contrary to the objectives, agricultural use would not be encouraged on the newly created lots. Part 5A in this report gives details as to the environmental conservation values of the site and agriculture often degraded native vegetation and fauna habitats. As such the applicant has designed the subdivision to avoid activities such as this and protect the natural features of the lots.</p> <p><b>Additional Requirements:</b>  <i>The following broad restrictions on development apply. Council may vary the restrictions or apply more specific restrictions after consideration of the environmental review and supporting documentation:</i></p> <p>a) <i>Mature native trees are to be protected, especially Yellow Box (Eucalyptus melliodora) which provide habitat for the Regent Honeyeater.</i></p> <p>b) <i>Council may require fencing of selected clumps of native trees to allow for regeneration.</i></p> <p>c) <i>Subdivisions proposals must allow for the protection of woodland and forested area and appropriate vegetated corridors.</i></p> <p>d) <i>Development within areas of significant vegetation communities, (particularly natural grasslands, secondary grassland or grassy woodlands), identified in the environmental review is to be restricted to light grazing (preferably with no winter/spring grazing) or restricted to low impact recreation. Buildings or roads should not be constructed within areas supporting other vegetation communities identified as significant in the environmental review (eg. wetlands and riparian environments, or native pastures). A key factor in the assessment of significance is whether the vegetation communities are of high or low ecological quality as assessed in the review.</i></p> <p>Anticipated impacts on the natural environment and vegetation have been assessed as part of this application. Please see assessment under Section 5A of the QP&amp;A Act 1979 located earlier in this report.</p> <p><b>Requirements for Jerrabomberra Creek</b></p> <p>a) <i>Physical development other than light agricultural grazing or low impact recreation is not to occur within 400m of Jerrabomberra Creek to protect riparian ecological communities, to minimise pollution of the creek and to prevent further degradation of the stream banks.</i></p> <p>b) <i>Additional riparian rights on Jerrabomberra Creek are not to be created by subdivision. A public reserve on each side of Jerrabomberra Creek extending a</i></p>	<p>Yes</p>



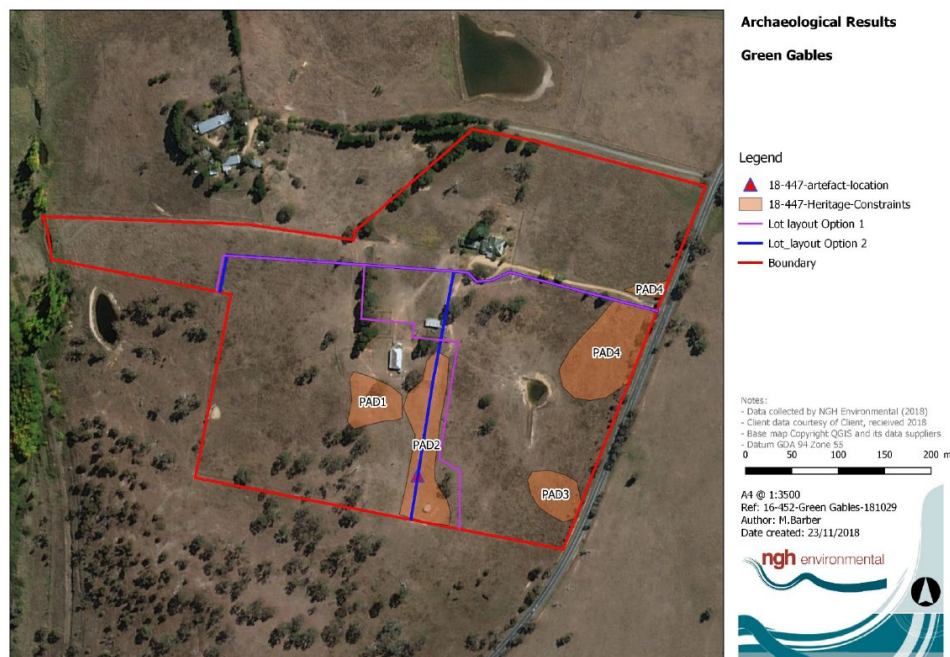
QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>minimum of 10m from the edge of the undisturbed banks to be dedicated to Council as a contribution under section 94 of the Environmental Planning and Assessment Act 1979.</i></p> <p>c) <i>The NSW Office of Environment and Heritage is to be consulted regarding development proposals on land near to or containing known populations of Swainsona recta adjoining the Canberra-Cooma railway line and shown on Figure 1.</i></p> <p>The subject site does not adjoin Jerrabomberra Creek nor does it adjoin the Canberra-Cooma railway line. OEH has still made an assessment on the proposal and giving their support.</p>	
<p><b>6.2.1 Roads</b></p> <p><i>Applicants for developments will be required to provide new and upgraded roads within subdivisions based on the number of lots served and the traffic that will be generated. Applicants will also be required to address impacts of new development on the existing road(s) leading to the development. This will involve:</i></p> <ul style="list-style-type: none"> <li><i>i. Upgrading the existing road(s) to a higher order road type when the development causes a level of extra traffic that together with the existing traffic will exceed the maximum traffic volumes allowed for the particular road type;</i></li> <li><i>ii. Paying a contribution under Council's Section 94 Plan towards upgrading of access roads leading to developments where existing roads are deficient in alignment pavement, drainage or safety aspects to cater for the new development; and</i></li> <li><i>iii. Sealing of sections of existing gravel roads where extra traffic generated will cause the need to address dust impacts adjacent to existing or proposed dwellings.</i></li> </ul> <p><b>Engineer's Comments:</b> Dwellings within each lot can incorporate requirements to house vehicles. The subdivision of 1 lot to 3, increases traffic generation from the lot and Section 94 Contributions should be collected.</p> <p>Access to the proposed lots is will be via the existing access to Old Cooma Road and a Right of Carriageway (ROW) across the lots. Whilst the existing access suffers from poor sight distance, stopping sight distance can generally be achieved from the access and the alignment and grade between Old Cooma Road and other areas along the frontage are considered to have less sight distance than the existing access. Thus the existing access is considered to be the most appropriate access for the subdivision.</p> <p>The long section provided for the ROW indicates that one (1) culvert will be required at a sag point along the ROW and that grades are less than 10%.</p>	Yes
<p><b>6.2.2 On-Site Effluent Disposal</b></p> <p><i>A site specific investigation of land capability and hydraulic/nutrient balance (undertaken by a person with qualifications satisfactory to the Council) indicating that the land has adequate capability for on-site effluent disposal without adversely affecting water quality or adjoining land through either surface or sub-surface flows is required. The report should detail geotechnical conditions, percolation rates of soils, hydraulic and nutrient balances (where treated effluent is proposed to be irrigated) and appropriate effluent disposal options for the proposed allotments. The report must be completed in accordance with the publication Environment and Health Protection Guidelines – On site Sewage management for Single Households.</i></p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>Proposed effluent disposal areas must be located away from significant native vegetation, natural springs or other waterways/bodies. The Biodiversity Study 2008 may provide initial guidance.</i></p> <p><b><u>Comments</u></b></p> <p><b>Proposed Lot 1 (existing dwelling)</b> It is considered that the existing effluent management system on proposed Lot 1 will not be affected by the proposed subdivision.</p> <p><b>Proposed Lot 2</b> An existing system is situated on this lot dated April 2010. The existing system will not be impacted by this subdivision and Council's Environmental Health Officer has reviewed this and deemed acceptable.</p> <p><b>Proposed Lot 3</b> Douglas Partners undertook an on-site effluent disposal assessment allocating suitable area for any future effluent disposal. Council's Environmental Health Officer has reviewed this and deemed acceptable. Effluent will be considered if a development application is submitted for a dwelling house in the future.</p> <p><b>6.2.3 Management of Flora and Fauna</b></p> <p><i>A suitably qualified person must prepare a preliminary flora and fauna report which determines whether the proposed development is likely to significantly affect threatened species, populations or ecological communities or their habitats. The report must be prepared in accordance with the provisions of section 5A of the Environmental Planning and Assessment Act 1979.</i> <i>For further information please see the requirements outlined by the Department of Environment and Heritage. <a href="http://www.environment.nsw.gov.au/threatenedspecies/">http://www.environment.nsw.gov.au/threatenedspecies/</a></i></p> <p><b><u>Comments</u></b></p> <p>A Flora and Fauna Report prepared by Sam Patmore and Brooke Marshall of NGH Environmental dated 23 November 2018 was submitted as part of the application. The report assesses the impacts of the proposal on flora and fauna under Section 5A of the Environmental Planning and Assessment Act 1979 as the application was lodged prior to the commencement of the Biodiversity Conservation Act. The assessment under Section 5A of the EP&amp;A Act 1979 includes the 7-part test to determine if the proposal will have a significant effect on threatened species, populations or ecological communities, or their habitats. The submitted report concludes that the proposed development will not have a significant impact on the above listed threatened species and ecological communities and a Species Impact Statement (SIS) is not required for the development.</p> <p>The application was referred to OEH for comments regarding biodiversity. A number of issues were raised in which the applicant amended the original subdivision plans. OEH gave concurrence on the new design.</p>	
	Yes

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>6.2.4 Aboriginal Heritage</b></p> <p><i>The NSW Office of Environment and Heritage (OEH) is responsible for the protection and preservation of all Aboriginal objects and places in NSW. The primary piece of legislation which protects Aboriginal cultural heritage in NSW is the National Parks and Wildlife Act 1974 (NPW Act). Under the NPW Act it is an offence to harm (destroy, deface, or damage) or desecrate an Aboriginal object or Aboriginal place, or in relation to an object, move the object from the land on which it has been situated.</i></p> <p><b><u>Comments</u></b></p> <p>An Aboriginal Cultural Heritage Due Diligence Assessment was submitted as part of the application. The report states:</p> <p><i>A search of the AHIMS database of an area approximately 10 kms east-west by 10 kms north-south, centred on the Green Gables development area, was undertaken on 12th of April 2017. The Coordinates for the search area were Lat, Long from -35.5259, 149.1037 to Lat, Long -35.4581, 149.2112 with a buffer of 50 meters. The AHIMS Client Service Number was: 276487. There were 93 Aboriginal sites recorded within this search area with no declared Aboriginal Places. It is clear from these search results that artefacts are located within the general vicinity of Green Gables, however, none of the sites are within the project area. The closest sites to Green Gables are AHIMS # 57-2-0241 a scatter of 5 artefacts, and 57-2-0326 a PAD. Neither of these sites have associated reports.</i></p> <p><i>As the proposal site is located on the border between NSW and the ACT a separate search of ACT Aboriginal places was undertaken and summarised below.</i></p> <p><i>The ACT Heritage Register records 49 sites from Tuggeranong Blocks 1247, 1415, 1416, 1539, 1547, and 1633 adjacent to the project area. These sites were recorded as part of the Royalla Solar Farm (CHMA 2012), Canberra Nature Park Fire Trails (Navin Officer Heritage Consultants 2003a) and as part of a survey of Urban and Rural Bushfire Containment Lines (Navin Officer Heritage Consultants 2003b). The sites associated with the Royalla Solar Farm are closest and most relevant to the Green Gables project. Table 2 shows the breakdown of site types and Figure 3 shows the location of archaeological sites in relation to the project area.</i></p>	



**Figure 4: AHIMS Results**



**Figure 5: PADS identified on site**

4 Potential Archaeological Deposit (PAD) were identified on the subject site in the report and are in good quality. NGH recommended the following:

1. *If all sites and PADs are avoided by adopting this layout and the other avoidance measures for driveway access and house lot placement, the proposed subdivision can proceed with caution with no further archaeological assessment.*
2. *The proposed new access track should follow the existing access driveway until past PAD 4 as shown in Figure 4.*

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>3. <i>The suggested residential building footprint could be placed the eastern slope of the land below the water tank as shown in 4.</i></p> <p>4. <i>The proposed water tank for the shearing shed residence must occur within the already disturbed footprint of the building.</i></p> <p>It is considered that the proposed development will not impact Aboriginal heritage. The proposal also required referral to OEH under the <i>National Parks and Wildlife Act 1974</i>. This is discussed earlier in this report.</p>	
<p><b>6.2.5 Bush Fire Management</b></p> <p><i>A subdivision of bushfire prone land for the creation of residential living is integrated development for the purposes of the Environmental Planning and Assessment Act 1979. For Council to determine a development application, the NSW Rural Fire Service is required to issue a Bush Fire Safety Authority.</i></p> <p><i>A Bush Fire Safety Authority request must be supplied with the Development Application. A Bush Fire Report must be prepared in accordance with the following requirements:</i></p> <ol style="list-style-type: none"> <li>1) <i>a statement that the site is bush fire prone land,</i></li> <li>2) <i>the location, extent and vegetation formation of any bushland on or within 100 metres of the site,</i></li> <li>3) <i>the slope and aspect of the site and of any bush fire prone land within 100 metres of the site, which may determine the likely path of any bush fires,</i></li> <li>4) <i>any features on or adjoining the site that may mitigate the impact of a high intensity bush fire on the proposed development,</i></li> <li>5) <i>a statement assessing the likely environmental impact of any proposed bush fire protection measures,</i></li> <li>6) <i>whether any building is capable of complying with AS 3959/2009 in relation to the construction level for bush fire protection.</i></li> </ol> <p>A Bushfire Assessment Report prepared by EMBER Bushfire Consulting was submitted as part of the application. The application was referred to New South Wales Rural Fire Service (NSW RFS) seeking General Terms of Approval in accordance with <i>Division 4.8 Integrated development</i> of the EP&amp;A Act 1979.</p> <p>General Terms of Approval were received from NSW RFS on May 2019. Please see "Referrals" section of the report for detail.</p>	
<p><b>6.3 Design Principles for Subdivision</b></p> <p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1) <i>Subdivision design and density should reflect the land capability taking into account natural constraints of the site and hazards.</i></li> <li>2) <i>Subdivision design is consistent with and enhances the character of the locality.</i></li> </ol> <p>It is considered that the proposed subdivision is consistent with these objectives. The subdivision design reflects the land capability and is designed to mitigate impacts to constraints such as biodiversity on the site. It is considered that the proposed subdivision is consistent with the character of the locality.</p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>Controls</b></p> <p>a) <b>Natural Environment</b> - Wetlands, water bodies and other sensitive habitats identified in the environmental review must be taken into account in the selection of building envelopes, access tracks and driveways, road locations and boundary fences. Development should be located as far as possible away from significant areas of native vegetation. The integrity of remnant vegetation areas and wildlife corridors must be preserved and enhanced where possible through fencing and/or supplementary planting.</p> <p>b) <b>Historic Relics and Places</b> – Areas of Aboriginal archaeological or European heritage significance must be protected and subdivisions should be designed to accommodate the preservation of heritage sites wherever possible. If an Aboriginal relic that is known to exist on land will be destroyed, defaced or damaged, consent will be required from the NSW Office of Environment and Heritage and the proposal will be integrated development.</p> <p>c) <b>Visual Impact</b> – to minimise the visual impact of the subdivision, visually prominent locations such as scenic hilltops, escarpments, and ridges should be avoided and tree cover preserved wherever possible.</p> <p>d) <b>Lot Design</b></p> <p>i. Subdivisions must be in accordance with the relevant provisions of the QLEP 2012 in regard to minimum lot sizes.</p> <p>The proposed lots does not meet minimum lot size requirements as prescribed by QLEP 2012. This justification of this has been discussed in the QLEP 2012 portion of this assessment. The layout has been designed to avoid impacts onto Aboriginal Heritage and has proposed a building envelope on lot 3 which is over 50 metres away from Old Cooma Road ensuring any dwelling proposed on this lot will not create a visual impact.</p> <p>ii. Lot boundaries should relate to land features such as creeks.</p> <p>iii. Boundaries should be located parallel or perpendicular to the slope but not diagonally across it.</p> <p>iv. Existing fences should be used for lot boundaries where this does not result in inappropriately shaped lots.</p> <p>v. Long narrow lots are to be avoided. The width of the lots shall not be less than 100m and the depth of the lot shall not exceed the width of the lot by more than 4:1.</p> <p>vi. Battle axe allotments should be kept to a minimum, but when incorporated within a subdivision the following restrictions shall apply:</p> <p>a) the maximum length of access corridor shall be 250m</p> <p>b) the maximum width of access corridor shall be 15m</p> <p>vii. Wedge shaped allotments are to be kept to a minimum, but when incorporated within a subdivision shall have a minimum road frontage of 15m and shall achieve a minimum width of 100m at a maximum distance of 100m from the subdivision road boundary.</p> <p>viii. Each proposed lot shall be provided with legal access to a public road.</p> <p><b>Building Envelopes</b> – Every lot must contain at least one building envelope free of major environmental and servicing constraints and having good solar access. The location of building envelopes should reflect the findings of the various investigations carried out in the preparation of the subdivision application including the flora and fauna and effluent disposal reports. Where possible building envelopes should be located in areas that have previously been disturbed and should be selected in the context of house sites on adjoining and nearby lots to maximise privacy and maintain the rural character of the area. Ridge tops should be avoided, as should flood plains, drainage depressions, areas with poor foundation</p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>conditions, extreme fire risk, erosion and other natural hazard areas. Building envelopes within which a house, ancillary buildings (other than animal shelters with a floor area of not more than 25m<sup>2</sup>), and the like could be located shall:</i></p> <ul style="list-style-type: none"> <li><i>i. be a minimum size of 2,000m<sup>2</sup>,</i></li> <li><i>ii. have a slope not greater than 15 percent,</i></li> <li><i>iii. take into account the constraints identified in the environmental review,</i></li> <li><i>iv. be located a minimum setback of 50m from the front boundary,</i></li> <li><i>v. be located a minimum side and rear setback of 15m for lots with an area of 2-4 hectare,</i></li> <li><i>vi. be located a minimum side and rear setback of 25m for lots with an area greater than 4ha.</i></li> <li><i>vii. be accessible by a track which does not have a grade exceeding 15 per cent (unless it is proposed to be constructed and sealed by the applicants, in which case the grade must not exceed 20 per cent), and it does not traverse terrain with a grade exceeding 20 per cent,</i></li> <li><i>viii. Properties that are not identified within a bushfire map will be required to be provided with a minimum 20m area of cleared land surrounding any building to protect against grassland bushfires.</i></li> </ul> <p>The proposed building envelopes range in size of 2690m<sup>2</sup> (Lot 1), 3100m<sup>2</sup> (Lot 2) and 2535m<sup>2</sup> (lot 3).</p> <p><b>Variations</b></p> <p>Lot 1 has a slope of 3%, a front setback of 172 metres, side of 9 metres and a rear of 445 metres. A variation to the side setback is proposed and supported in this instance due to the avoidance of the environmental and heritage constraints impacting the subject site.</p> <p>Lot 2 has a slope of 3 %, a front setback of 32.4 metres which is an additional variation. This lot is concealed from Old Cooma Road and will still have a good distance between proposed lot 3. The side setback is 25 metres and the rear 150 metres.</p> <p>Lot 3 has a slope of 8.3%, a front setback of 50 metres and a rear and side of 25 metres.</p> <p><i>The access track should avoid areas of significant vegetation and large waterways. The length of driveways and soil disturbance should be minimised. Where a major creek crossing cannot be avoided, the developer shall provide a stable crossing, to the satisfaction of Council. In the event that crossing a prescribed stream is necessary, the NSW Office of Water will have to be consulted as the development may be integrated.</i></p> <p>The road has been designed to avoid significant vegetation and does not cross a prescribed stream.</p> <p>d) <b><i>Erosion and Sedimentation</i></b> - <i>Construction on slopes in excess of 15 per cent should be avoided. Natural drainage systems should be preserved and vegetation removal during construction must be minimised. All construction debris must be contained and disturbed areas must be stabilised and revegetated. All exposed batters and table drains must be stabilised, re-planted and/or top dressed and slope stability on all earthworks must be maintained. Council will require an erosion and sediment control plan to be submitted with the development application. Farm dams proposed to be built as part of the subdivision should be constructed in the initial</i></p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>stages so that they may act as sediment retention ponds during the construction phases.</i></p> <p>The proposed building envelope has a slope of approximately 3-8% and therefore excessive erosion during the construction process is not anticipated. Standard conditions relating to erosion and sediment control will be imposed as well as when Council receives an application for a dwelling house on the site.</p> <p>e) <b>Greenway and Road Reserves</b> - Applicants should consult with the Council concerning any proposed or existing Greenway networks in the area. A Greenway may consist of a horse trail or pedestrian links etc. If applicable the subdivision design should provide links to existing Greenways on adjoining land or provide links in accordance with the proposed future development of the network. Where not required as part of the Greenway network or for other community purposes all Crown Road Reserves within the subdivision shall be closed and consolidated with the allotments being created. Greenway areas must form part of a Community Association for the purpose of public use and not limited to resident's use only.</p> <p>Not applicable as no greenways exist nor are any crown roads proposed to be used, and the slope of the proposed building envelope does not exceed 15%.</p> <p>f) <b>Extension of Surrounding Developments</b> - Logical, efficient and environmentally sensitive extensions to electricity supply networks should be planned in consultation with relevant energy authority. Roads should be extended logically from existing roads so that development will create a road hierarchy. Conflict with major arterial and distributor roads should be avoided. Extension to existing development shall facilitate social cohesion and provide for recreation facilities in consultation with Council.</p> <p>The proposed lot appears capable of being serviced with electricity from nearby power lines. Additionally, the internal access to the proposed lot is a continuation of the existing access driveway and is considered logical and appropriate in regards to bushfire access and biodiversity.</p> <p>g) <b>Design of Effluent Disposal System</b> – An effluent disposal report must be prepared by a suitably qualified consultant for the development. System selection must be consistent with the findings of the effluent report. Effluent should not be disposed on areas supporting significant native vegetation or where run-off to these areas is possible. Consideration should be given to alternative treatment systems in particularly sensitive areas. Advice should be sought from Council's Sustainability and Better Living Section.</p> <p>Please see assessment under Part 6.2.2 of QDCP 2012.</p> <p>h) <b>Non-potable Water Supply</b> - Before granting consent to the subdivision of land, Council must be satisfied that all allotments have the potential to obtain an adequate non-potable water supply. The provision of a reticulated non-potable water supply from a communal source (water storage dam or bore) represents a far more efficient use of limited surface and groundwater resources and can avoid potential groundwater contamination problems associated with the proliferation of bores in closely settled rural residential areas. The benefits of such schemes are recognised by the NSW Office of Water as well as Council. Subdivision proposals involving five or more lots must include a reticulated non-potable water supply system capable of</p>	



QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><i>providing 0.75 megalitres per annum to each lot at the rate of 0.5 litres per second, unless it is proven that the provision of such a system is not practical. For subdivisions creating less than five lots (or where it is proven that a reticulated system is not practical) each lot must have the potential for either:</i></p> <ul style="list-style-type: none"> <li><i>i. a dam with a capacity of 0.75 megalitres and a catchment area of at least 8ha, or</i></li> <li><i>ii. where an allotment cannot be provided with a practical dam site due to topographic constraints or the take-up of the harvestable rights for the parent property, a ground water supply with a flow rate of 0.5 litres per second providing a minimum annual supply of 0.75 megalitres.</i></li> </ul> <p>A licence from the NSW Office of Water will be required if the dam size exceeds the harvestable right for the allotment under the NSW Farm Dams Policy, or if a bore is proposed. Such applications will be integrated development in accordance with the provisions of the Section 4.46 of the Environmental Assessment Act 1979. The cumulative impacts of additional dams on the environmental flows in downstream creeks and rivers must be taken into account. Where bores are proposed, it will be necessary to demonstrate that there will be no adverse impacts on the groundwater resource in the area. Additionally, the applicant has indicated that rainwater tanks will be used for potable drinking water supply. Larger/more tanks can be constructed to obtain more non-potable water.</p> <ul style="list-style-type: none"> <li><i>i) <b>Provision of Services</b> – Soil and vegetation disturbance should be minimised by coordinating the placement of driveways, telecommunications, underground electricity and other infrastructure in the one area.</i></li> <li><i>j) <b>Fencing</b> – The developer shall provide a stock proof fence to all boundaries, road frontages and public open space areas to the following standard unless Council agrees to a variation prior to erection:</i> <ul style="list-style-type: none"> <li><i>i. Fence height of 1.2m.</i></li> <li><i>ii. Strainers spaced 100m to 120m depending on terrain.</i></li> <li><i>iii. Steel post at 6m centres.</i></li> <li><i>iv. Steel droppers, one at centre of span between steel posts.</i></li> <li><i>v. One 2.5mm high tensile wire on top.</i></li> <li><i>vi. One carry 2.5mm high tensile wire.</i></li> <li><i>vii. One bottom 2.5mm high tensile wire.</i></li> <li><i>viii. 8/90/30 hinged joint netting each horizontal wire tied to each post and dropper. This is not required for internal boundary fences.</i></li> <li><i>ix. One standard galvanised steel farm gate with steel mesh (minimum 3.65m) at approved entrance.</i></li> <li><i>x. A post and rail fence on the front boundary shall have a maximum height of 1.2m.</i></li> <li><i>xi. Use of a colorbond fence as a windbreak will not be supported.</i></li> </ul> </li> <li><i>k) <b>Electricity</b> – High tension power shall be provided by the developer to the boundary of all additional lots created in accordance with the requirements of relevant energy supplier, Council may require the electricity mains to be underground where visual intrusion or public safety necessitate. If the route identified requires clearing Council’s Sustainability and Better Living Division must be consulted before work commences.</i></li> </ul> <p>The applicant has advised Council that electricity is able to be made available to the new proposed lot. A condition of consent has been imposed requiring a Notice of Arrangement (NOA) to be obtained from Essential Energy and submitted to Council prior to the issue of a</p>	

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p>subdivision certificate to ensure satisfactory supply arrangements have been made for the provision of electricity to the proposed development.</p> <p><i>l) Dwelling houses – Internal connections to the dwelling house site should be underground except in cases where tree removal is not required and overhead lines do not visually detract from the landscape. The relevant energy supplier should be contacted regarding the ability to service the land in an early stage of the application.</i></p> <p>Electricity connection for a dwelling house will be assessed as part of a future development application. As stated above, a condition of consent has been imposed requiring a Notice of Arrangement (NOA) to be submitted to Council prior to the issue of a subdivision certificate.</p>	
<p><b>6.8 Water Supply Controls</b></p> <p>a) <b>Non-potable water</b> - Council considers that a suitable non-potable water supply is necessary for land management purposes. A suitable supply is one that provides a storage capacity of 0.75ML or that can deliver 0.75ML per annum at the rate of 0.5 litres per second.</p> <p>b) <b>Potable Water</b> – Minimum potable water supply storage of 90,000 litres shall be provided on site for each dwelling erected on an allotment. Above ground water tanks shall be sited,</p> <p>c) <b>Fire Fighting Resources</b> – With regards to fire fighting reserves a minimum water supply of 20,000 litres should be maintained with an accessible location to fire vehicles. This can be in the form of:</p> <ul style="list-style-type: none"> <li>i) Above or underground tanks;</li> <li>ii) Permanent dam;</li> <li>iii) Permanent creek/river; and/or</li> <li>iv) Swimming pool.</li> </ul> <p><i>Above or underground tanks used for domestic supply shall provide for the refilling of fire tankers through an access hole at least 200mm diameter. An access hole of 200mm is required for underground tanks and 65mm storz fitting is to be provided to above ground tanks.</i></p> <p>No dwelling house has been proposed as part of this application. A separate application will be required for a dwelling house on the proposed Lot 3. As part of this application, a dwelling house will require a minimum 110,000L rainwater tank for use as potable water as well as water for firefighting purposes. This tank will be conditioned to require a 200mm access hole or 65mm storz fitting. The existing lots have the following potable and non-potable access to water:</p> <p><b>Lot 1</b></p> <p>Potable: The site has existing user rights to Guises Creek. Water is drawn from a large spring fed “chain of ponds” which is pumped to a 110, 000 litre water tank.</p> <p>Non-potable: A dam is on site which holds 100, 000 litres as assessed by Jeff Dau from Ember Bushfire Consulting. Additionally, the potable water tank has two firefighting outlets.</p>	<p>Yes</p>

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<p><b>Lot 2</b> Potable: The applicant has specified a 90, 000 litre tank will be erected on site. This is not shown on the plans and as such, if approved will be imposed as a condition of consent. An existing 10, 000 litre tank exists currently for potable water needs.</p> <p>Non-potable: A 500, 00 litre capacity dam resides on site as assessed by Jeff Dau from Ember Bushfire Consulting.</p> <p><b>Lot 3</b> Non-potable: A dam with a 175, 000 litre capacity exists on site as assessed by Jeff Dau from Ember Bushfire Consulting.</p>	
<p><b>6.10 Internal Driveways</b></p> <p><b>Objectives</b></p> <p>1) <i>To ensure internal driveways comply with the Queanbeyan City Council Engineering Design Specifications and Queanbeyan City Council Construction Specifications.</i></p> <p><b>Controls</b></p> <p>a) <i>Internal driveways shall be constructed in accordance with the Queanbeyan City Council Engineering Design Specifications and the Queanbeyan City Council Engineering Construction Specifications. A maximum grade of 1 in 10 (10 per cent) applies from the intersection with the access road to the lot boundary. Development approval is required for constructed access tracks other than access tracks on holdings having an area of 80 ha or more. Approval for the internal access should be sought at the dwelling house development application stage, unless the access was approved when the lot was created. Council's Sustainability and Better Living Section should be consulted prior to any construction commencing on site.</i></p> <p>See Development Engineer's comments for details on the internal roads/driveways associated with the development.</p>	

**Additional Planning Considerations**

The following additional planning matters apply to the development:

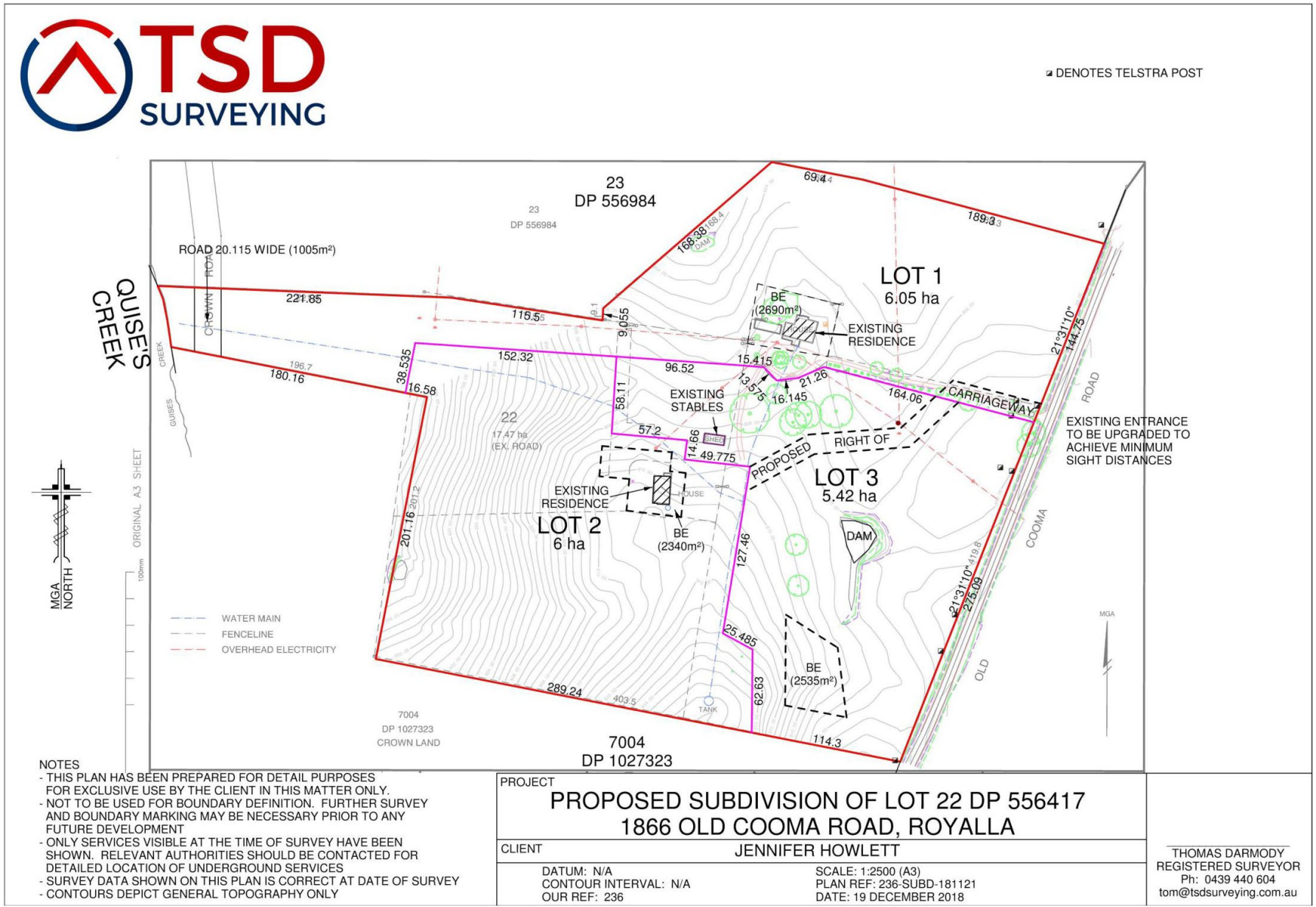
MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b><i>Environmental Planning and Assessment Act Regulation 2000</i></b>	
<p><i>The provisions of any matters prescribed by the Regulations, which apply to the land to which the development application relates, must be considered.</i></p> <p><i>Clause 92 - Australian 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>  <i>Clause 94A Fire Safety Considerations (temporary structures).</i></p>	NA

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b><i>The Likely Impacts of the Development</i></b>	
<i>Context and Setting</i> - The development will have a minimal impact on the scenic qualities and features of the landscape including views and vistas and is compatible with the established character of the locality. There will be minimal impact on adjacent properties in relation to overshadowing and privacy.	Yes
<i>Access, Transport and Traffic</i> - The proposed development's impact in relation to access, transport and traffic is considered to be acceptable. The matters relating to parking and access have been previously addressed under Part 2 of the QDCP 2012.	Yes
<i>Public Domain</i> - The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space.	Yes
<i>Utilities</i> - The site is able to be serviced with water, sewer, electricity and telecommunication services.	Yes
<i>Heritage</i> - The proposed development will have a minimal impact in relation to heritage. This has been discussed in this report.	Yes
<i>Other Land Resources</i> - The proposed development will not affect the future use or conservation of valuable land resources such as: productive agricultural land; mineral and extractive resources; and water supply catchments.	Yes
<i>Water</i> - The proposed development will have minimal impact on the conservation of water resources and the water cycle.	Yes
<i>Soils</i> - The proposed development will have minimal adverse impact on soil conservation. The soils are suitable for the development.	Yes
<i>Air and Microclimate</i> - The proposed development will have minimal impact on air quality and microclimatic conditions and will be conditions to prevent air pollution such as dust where required.	Yes
<i>Flora and Fauna</i> - The proposed development will have a minimal impact in relation to the maintenance of biodiversity in the area. A detailed assessment has been undertaken previously in this report.	Yes
<i>Waste</i> - Adequate waste facilities are available for the proposed development.	Yes
<i>Energy</i> - A BASIX certificate was not submitted with the proposal.	Yes

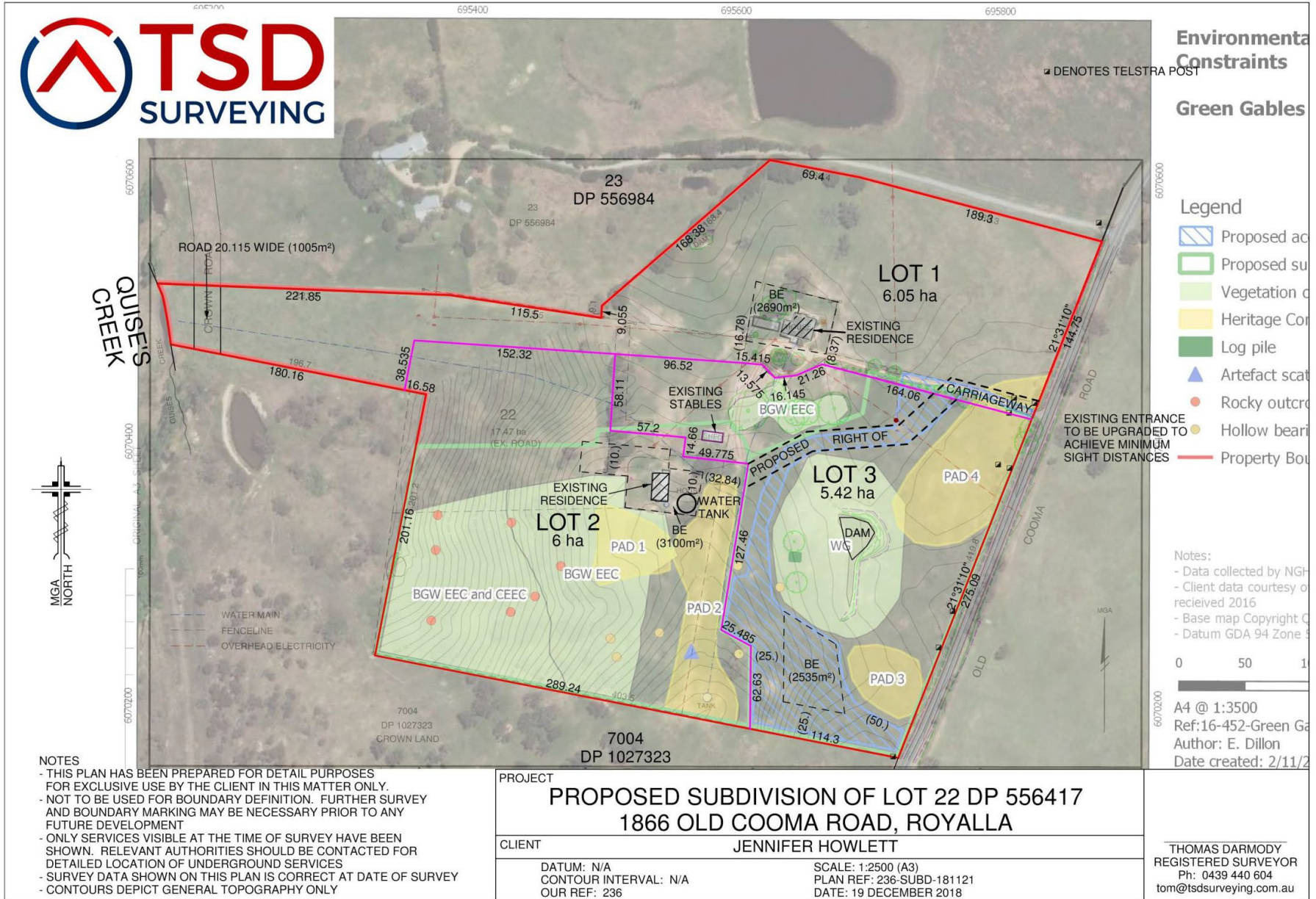
MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Noise and Vibration</i> - The proposed development is not likely to cause any adverse ongoing impact from noise or vibration.	Yes
<i>Natural Hazards</i> - Bushfire has been assessed as part of this report.	Yes
<i>Technological Hazards</i> - Airport services have been assessed as part of this report.	Yes
<i>Safety, Security and Crime Prevention</i> - The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design.	Yes
<i>Social Impact in the Locality</i> - The social impacts of the proposal are anticipated to be minimal.	Yes
<i>Economic Impact in the Locality</i> - The economic impacts of the proposal are anticipated to be minimal.	Yes
<i>Site Design and Internal Design</i> - The site design and internal design of the development has been assessed under the QDCP 2012. The proposed design is considered to be satisfactory.	Yes
<i>Construction</i> - The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and their occupants and the environment by way of noise, erosion and the like. These conditions are standard Council conditions of development consent.	Yes
<i>Cumulative Impacts</i> - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered unlikely that the proposed development will result in adverse cumulative impact.	Yes
<b><i>The Suitability of the Site for the Development</i></b>	
The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development.	Yes
<b><i>Have any submissions been made in accordance with the Act or the Regulations?</i></b>	
<i>Public Submissions</i> – No public submissions were made.	Yes
<i>Submissions from Public Authorities</i> – No submissions from public authorities were made.	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<b><i>The Public Interest</i></b>	
<p>The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.</p>	Yes
<b><i>Section 7.11 Development Contributions</i></b>	
<p><i>Section 7.11 Contributions</i>            These are applicable and have been added in the consent.</p>	Yes













## PRIOR TO COMMENCEMENT

### 1. BUILDING CONTRIBUTIONS TO BE PAID

**Prior to the lodgement of the Notice to Commence Building Work and Appointment of a Principal Certifying Authority the contributions specified in Schedule 1 of this consent must be paid to Council under the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979*, Section 64 of the *Local Government Act 1993* and Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000*.**

REASON: To provide for the funding of augmentation and provision of services and community facilities. **(57.02)**

### 2. SUBMIT NOTICE OF COMMENCEMENT OF SUBDIVISION WORK

**A Notice to Commence Subdivision Works must be submitted to Council at least two days prior to commencing any subdivision works and nominating Council as the Principal Certifying Authority for the subdivision works.**

REASON: To provide for supervision of the subdivision works. **(57.06)**

*Note: A quotation for Council to perform the duties of Principal Certifying Authority for the subdivision works will be provided upon submission of the Construction Certificate (Subdivision) to Council.*

### 3. ERECT A SIGN FOR ANY DEVELOPMENT WORKS

**A sign must be erected and maintained in a prominent position on any site on which building, subdivision or demolition work is being carried out;**

- (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work.**
- (b) Showing 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) Stating 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)**

## SITE MANAGEMENT DURING DEMOLITION AND CONSTRUCTION

### 4. PROVIDE WASTE STORAGE RECEPTACLE

**A waste receptacle must be placed on the site for the storage of waste materials.**

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

5. HOURS OF OPERATION FOR WORKS

**All works associated with the demolition and/or 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)**

6. INSTALL EROSION AND SEDIMENT CONTROLS

**Erosion and sediment controls must be installed on the site and maintained during the construction period.**

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

7. WORK ON ADJOINING LAND IS LIMITED

**The verge and other adjoining lands must not be used for storage of materials or disturbed by construction activities except for:**

- (a) Installation of a temporary, stabilised construction access across the verge.**
- (b) Installation of services.**
- (c) Construction of an approved permanent verge crossing.**

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

8. REPAIR DAMAGED PUBLIC PROPERTY

**All damage caused to public property during the establishment of the development must be repaired or reinstated prior to the issue of any Occupation Certificate.**

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

**GENERAL CONDITIONS**

9. SITE AND SOIL ASSESSMENT – LOT 1

**The development must be in accordance with the Site and Soil Assessment composed by Soil and Land Conservation Consulting dated April 2010.**

REASON: To ensure the lot remains in accordance with the Site and Soil Assessment **(59.01)**

10. BUSHIFRE REPORT

**The development must be undertaken in accordance with the Bushfire Assessment Report prepared by Ember Bushfire Consulting dated 7 April 2019.**

REASON: To ensure compliance with bushfire regulations **(59.01)**

11. 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)**

12. GENERAL TERMS OF APPROVAL

**The development must be carried out in accordance General Terms of Approval provided by NSW Rural Fire Service dated 20 May 2019 and attached in Schedule 2 of this consent.**

REASON: To comply with the Department's requirements. **(59.08)**

13. GUISES CREEK WATER RIGHTS

**Water rights are only available to lots fronting a creek under the Water Management Act 2000. Proposed lots 2 and 3 will not have rights to use this creek for water usage once the subdivision has been finalised.**

REASON: To ensure compliance with the Water Management Act 2000 **(59.01)**

14. PROVIDE BUSHFIRE WATER SUPPLY

**A minimum water supply of 20,000 litres, including from tanks, dams and swimming pools, must be provided and maintained in an accessible location to fire vehicles for fire fighting purposes for proposed lots 1 and 2.**

**For water tanks this can be achieved by a domestic draw off line terminating at a level at or above the level of 20,000 litres capacity. A suitable connection, such as a 65mm Storz outlet with a Gate or Ball valve, must be provided at the base of the tank for attachment to the local bushfire brigade units.**

REASON: To provide access to a water supply in the event of a fire. **(59.05)**

15. POTABLE WATER FOR PROPOSED LOT 2  
**Access to potable water of at least 90, 000 litres must be provided.**

REASON: To ensure the site is serviced with potable water **(59.01)**

16. ABORIGINAL HERITAGE OBJECTS  
**All Aboriginal objects are protected under the National Parks and Wildlife Act 1974. The strict liability provisions under this Act also protect unknown Aboriginal objects regardless of their condition or significance. Measures to ensure that the Aboriginal objects and areas of PAD that have been identified are not harmed must be adopted during construction and any ground disturbing works.**

**If any suspected Aboriginal objects are located during construction or any ground disturbing activity, all work in the immediate vicinity must stop and OEH notified. The find will need to be assessed and if found to be an Aboriginal object, an AHIP will be required.**

REASON: To ensure that all Aboriginal objects are protected. **(59.01)**

#### **CARPARKING AND ACCESS**

17. RURAL - INTERNAL DRIVEWAY CONSTRUCTION  
**The internal driveway and turning bay must be constructed to a minimum width of 4.0m and minimum compacted gravel thickness of 100mm.**

REASON: To ensure that adequate access is available to the building for resident's and service vehicles. **(66.07)**

#### **CONSTRUCTION OF INFRASTRUCTURE**

18. WORK IN ACCORDANCE WITH ENGINEERING SPECIFICATIONS  
**All construction and restoration work must be carried out strictly in accordance with the approved drawings and Council's *QPRC Design and Construction Specifications (Version 1)*.**

REASON: To ensure construction and restoration work is in accordance with Council's requirements. **(67.05)**

19. SEPARATE CONNECTIONS & SERVICES  
**A separate sewer connection, stormwater drainage connection, water service, electricity supply and communication service must be provided to each allotment within the subdivision at the Subdivider's expense.**

REASON: To provide access to services for each allotment. **(67.02)**

Note: *The Subdivider may, at their own expense, provide a gas connection to such allotment within the subdivision subject to its availability.*

*Note: The Subdivider is responsible for all public utilities and services in the area of work and as such must notify all relevant Authorities and bear all costs associated with any repairs and/or adjustments as those Authorities deem necessary.*

#### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE (TORRENS)**

20. APPLICATION AND FINAL SURVEY

**An application to obtain a Subdivision Certificate must be made to Council. This 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**

REASON: To ensure works are completed in accordance with the requirements of the Council and to comply with Section 6.15 of the *Environmental Planning and Assessment Act 1979*. **(68.02)**

21. STATEMENT FROM SURVEYOR

**Upon the completion of subdivision works and prior to the issue of any Subdivision Certificate a statement prepared by a registered surveyor, must be submitted to the Principal Certifying Authority stating that all water, sewer and stormwater pipelines are completely located within their easements.**

REASON: To ensure works are completed in accordance with Council's requirements. **(68.03)**

22. SUBMISSION FROM SERVICE AUTHORITY

**Prior to the issue of any Subdivision Certificate written evidence from the relevant service authority or a suitably accredited person that satisfactory arrangements have been made for the supply of reticulated electricity, telephone services, fibre-ready facilities and natural gas to each lot must be submitted to Council.**

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

*Note: Under the Telecommunication Act 1997 fibre-ready facilities for a subdivision is passive infrastructure such as underground ducting or "pit and pipe" or poles that is designed and installed close enough to all individual lots and/or premises so as to enable fibre to be readily connected.*

23. CERTIFICATION OF LOT SERVICING

**Prior to the issue of any Subdivision Certificate certification from a person licensed by the NSW Office of Fair Trading to perform works in accordance with the requirements of the *Local Government (Water, Sewerage and Drainage) Regulations 1993*, AS 3500 National Plumbing and Drainage Code and the New South Wales Code of Practice – Plumbing and Drainage that the lots are independently serviced in respect of water, sewerage and drainage**



**and that all prior connections across the proposed lots have been capped off must be submitted to Council.**

REASON: To achieve independent servicing to each lot. **(68.07)**

24. **RURAL – ADDRESSING REQUIRED**

**Prior to the release of any Subdivision Certificate the rural address number must be clearly displayed at the front entry gate to each proposed lot.**

**Any existing lots subject to this development consent which do not display a rural address number must also have one clearly displayed.**

REASON: To ensure that each property is identified by a Rural Residential Address in accordance with the relevant guidelines. **(68.09)**

25. **ELECTRICITY SUPPLY**

**Prior to the Issue of Subdivision Certificate (Torrens), a Notice of Arrangement (NOA) shall be requested from Essential Energy which states that satisfactory supply arrangements have been made for the provision of electricity to the proposed development.**

REASON: To ensure that satisfactory supply arrangements have been made and that all of the lots in the subdivision are suitably serviced. **(68.01)**

26. **RURAL – ADDRESSING REQUIRED**

**Prior to the release of any Subdivision Certificate the rural address number must be clearly displayed at the front entry gate to each proposed lot.**

**Any existing lots subject to this development consent which do not display a rural address number must also have one clearly displayed.**

REASON: To ensure that each property is identified by a Rural Residential Address in accordance with the relevant guidelines. **(68.09)**

27. **SITE AND SOIL REPORTS**

**Prior to the issue of the subdivision certificate updated Site and Soil Reports for lots 2 and 3 showing the correct subdivision layout must be supplied and endorsed by Council.**

REASON: To ensure consistency with the approved plans. **(68.01)**

**TITLE RESTRICTIONS**

28. **EASEMENTS AND RESTRICTIONS**

**Pursuant to Section 88B of the *Conveyancing Act 1919* easements and restrictions as to use shall be created to achieve the following purposes:**

- (a) Creation of a Right of Carriageway 15m wide in favour of proposed Lot 2 over proposed Lots 1 and 3;**
- (a) Creation of a Right of Carriageway 15m wide in favour of proposed Lot 3 over proposed Lot 1;**

- (b) Run water in pipes through lot 2 burdened in favour of lot 1, but only within the site of this easement;
- (c) Transmit electricity through each lot burdened, but only within the site of this easement; and,
- (d) Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant on the plan.

REASON: To ensure public utility services, access and restrictions are legalised over the land. **(70.02)**

## **PLUMBING AND DRAINAGE**

29. **PLUMBING AND DRAINAGE INSTALLATION REGULATIONS**  
**Plumbing and drainage work must be carried out in accordance with the requirements of the *Local Government (General) Regulation 2005*, the *Plumbing and Drainage Act 2011* and Regulations under that Act and with the Plumbing Code of Australia. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.**

REASON: This is a mandatory condition under the provisions of the *Local Government (General) Regulation 2005*. **(80.02)**

## SCHEDULE 1

### NOTICE OF CONTRIBUTIONS & CHARGES ASSOCIATED WITH DEVELOPMENT

<b>PROJECT ADDRESS</b>	LOT 22 DP 556417 1866 Old Cooma Road, ROYALLA NSW 2620
<b>PROJECT DESCRIPTION</b>	3 Lot Subdivision
<b>APPLICATION NO</b>	449-2017
<b>NAME OF APPLICANT</b>	Ms J B Howlett

#### Important

*The following contribution rates are those that apply at the date of issue of this consent. Rates are reviewed quarterly. Contributions will only be accepted at the rate applying at the date of payment. Council's Environment, Planning and Development section should be contacted to receive a current contribution notice of charges.*

<b>Fee Description</b>	<b>Fee Due</b>
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#### **Brownfield**

Nil

#### **Greenfield**

Nil

#### **Rural**

Rural Roads - Captains Flat	\$5,256.33
Rural - Community Facilities	\$916.66
Rural - Civic Improvements	\$4,315.42
Rural - Library Floorspace	\$716.89
Rural - Library Materials	\$231.83
Rural - Open Space	\$3,646.55
Rural - Plan Administration	\$112.37
Rural - Queanbeyan Cultural Facility	\$1,941.86
Rural Roads - New Resident Kits	\$14.19

#### **Section 64 - Water and Sewer**

Nil

<b>Total Contributions Payable</b>	<b>\$17,152.10</b>
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#### **Relevant Criteria on which these calculations were made:**

2 equivalent tenements have been credited to this development.

Date Generated: 29-May-2019

## SCHEDULE 1

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All communications to be addressed to:

Headquarters  
4 Murray Rose Ave  
Sydney Olympic Park NSW 2127

Headquarters  
Locked Bag 17  
Granville NSW 2142

Telephone: 1300 NSW RFS  
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



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The General Manager  
Queanbeyan-Palerang Regional Council  
PO Box 90  
QUEANBEYAN NSW 2620

Your Ref: 449-2017  
Our Ref: D18/351  
DA18012311498 SD

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**ATTENTION:** Kaycee Dixon-Hilder

20 May 2019

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Dear Sir / Madam

### **Integrated Development Application - 1866 Old Cooma Road Royalla 2620**

I refer to your correspondence dated 9 April 2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by TSD Surveying numbered 236-SUBD-181121, dated 19 December 2018.

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 2, to a distance of 10 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### **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:

3. 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 property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006' with the exception of secondary access.

**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'.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 8 February 2018.

Should you wish to discuss this matter please contact Stephen Dubois on 1300 NSW RFS.

Yours sincerely



Martha Dotter

**Acting Team Leader Development Assessment and Planning**

For general information on bush fire protection please visit [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)