



Planning and Strategy Committee of the Whole

10 March 2021

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEM 8.1

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

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Planning and Strategy Committee of the Whole Meeting Attachment

10 MARCH 2021

ITEM 8.1 DEVELOPMENT APPLICATION DA 322-2015 - TWO LOT
SUBDIVISION - 300 LANYON DRIVE, JERRABOMBERRA

ATTACHMENT 1 DA 322-2015 - SEC 4.15 MATTERS FOR CONSIDERATION -
TWO LOT SUBDIVISION - 300 LANYON DRIVE,
JERRABOMBERRA



DELEGATED REPORT – 322-2015

EXECUTIVE SUMMARY

The land forms part of the 'Poplars' urban land release in South Jerrabomberra. The development proposes a two-lot paper subdivision for the main purpose to create proposed Lot 2 (4.5 ha). The intent of the application is purely to allow Department of Education to gain ownership on this new lot with works occurring subsequently for the intended construction of a high school.

Proposed Lot 1 will remain as residual land for the interim with the probability of private recreation and business development in the future. Proposed Lot 2 is intended to be used as a school site for a high school. A proposed 10 metre wide easement for landscaping a footpath will be created as part of this application as approved in 128-2018.A. The footpath will be located between the proposed school site and the urban areas of Palm and Bayside Court.

A "paper subdivision" is a term used to describe land containing lots that only have recognition on paper and, in most cases, have no formed roads, drainage, reticulated water, sewer or electricity.

The application has had ongoing issues including lack of detail provided in regards to servicing and use of the lots in the future. These issues have now been resolved and the proposal is for a paper subdivision only with no works proposed as part of this application. Council is expected to and is currently servicing the lots as part of the Environa Drive construction which was approved under 128-2016.A.

The main reason for being brought before Council is due to the nature of submissions and proposed future development. It is a mechanism for the public to make comment to Councillor's/

BACKGROUND

The subject land has been used historically for farming purposes for a number of years. Site has been subject to previous development applications for a 5 lot subdivision to the northern portion of the land which includes the northern entry road.

The determination of this application had to be withheld until the determination of this application which occurred in April 2017 and subsequently modified in July 2019.

The proposed high school site is within the *South Jerrabomberra Development Control Plan* (2015) Appendix 3 approved at Council 11 February 2021. This is detailed in Figure 2 below.

The site has been subject to a number of contamination reports which is discussed in detail under the SEPP 55 assessment within this report and within the Health Officer's referral comments. The land has been used for grazing for a number of years and has historically been known to be involved with the Poplars development.

DESCRIPTION OF THE SITE AND LOCALITY

The subject site is legally described as Lot 6 DP 719108 and is commonly known as 300 Lanyon Drive. The site is located on the southern side of Tomsitt Drive and has an area of 72.019 hectares which is depicted below in Figure 1:



Figure 1: Subject Site

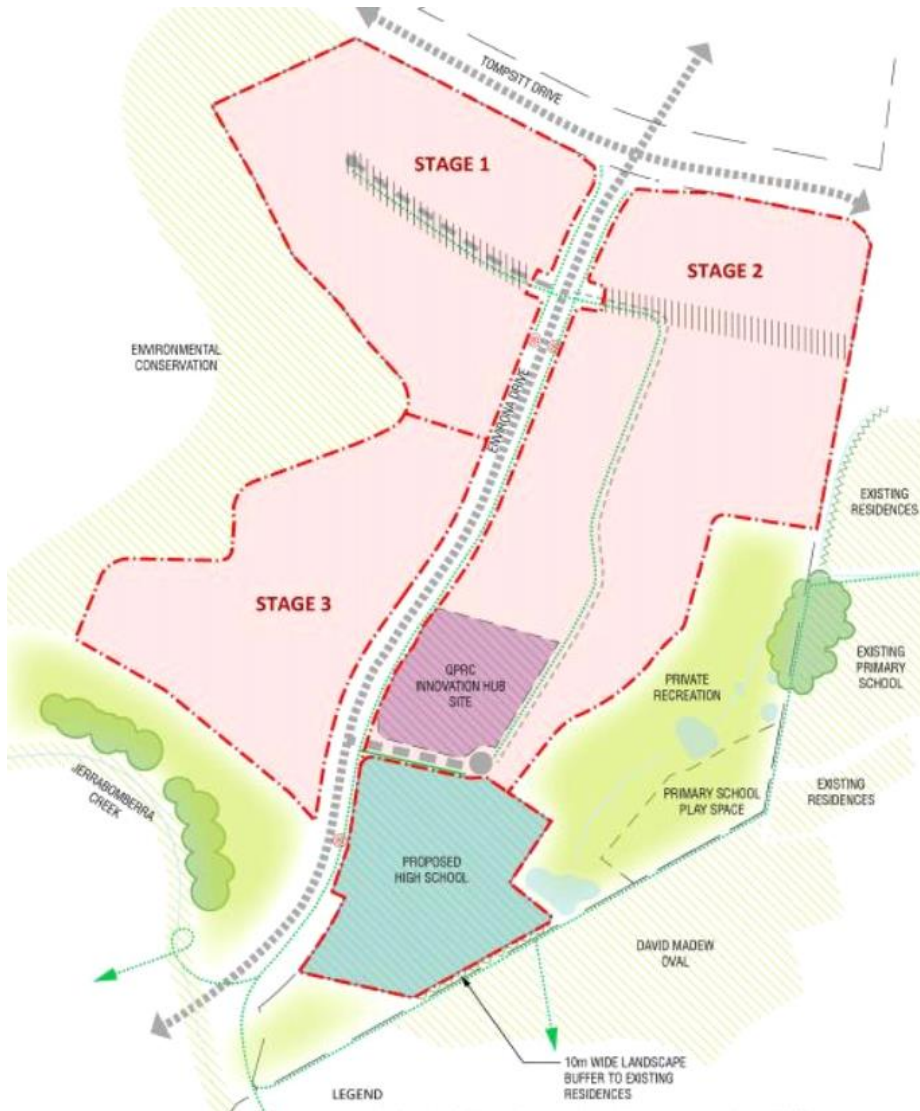


Figure 2: Extract from Appendix 3

Existing development on the site comprises of a number of dams but no physical structures are present on the site. There is a large amount of civil works occurring on the land undertaken by

developers and Council. Vehicular access is provided to the site through the currently constructed Envirova Drive accessed off of existing Tomsitt Drive.

PROPERTY BURDENS AND CONSTRAINTS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal is to subdivide current lot 6 DP 719108 into two lots. Proposed lot 1 be a residual lot for the probability of private recreation and business development in the future. Proposed lot 2 is intended to be used for a new high school. The construction of this does not form part of this application.

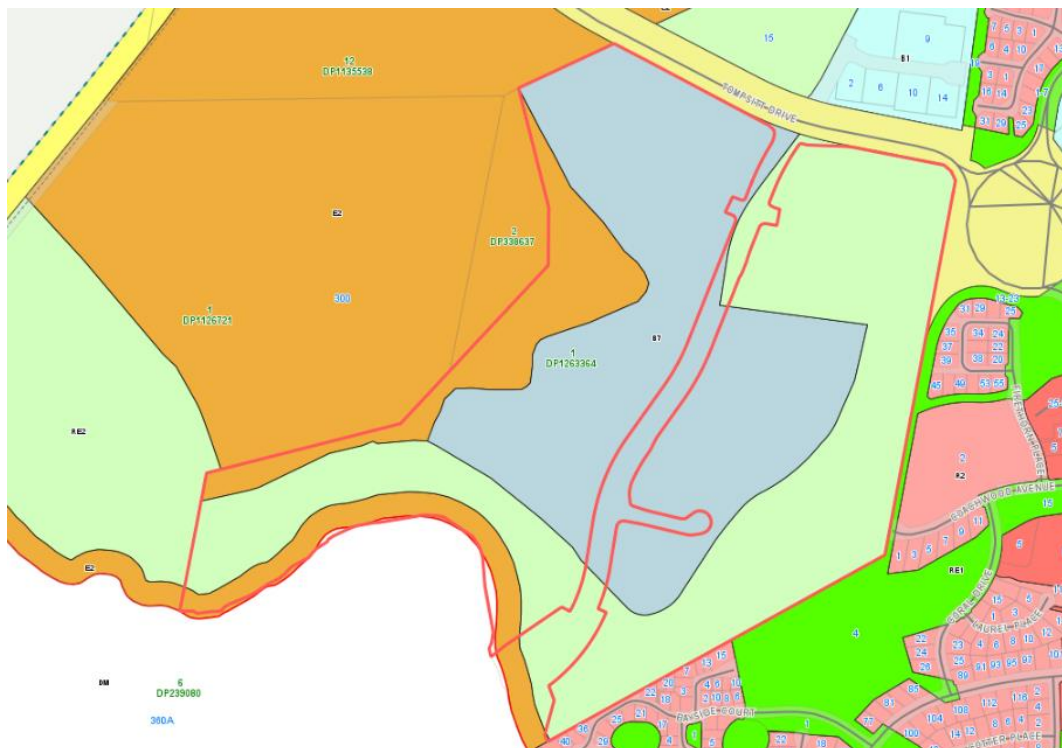


Figure 3: Subject Site Zoning Layers

Proposed Lot 1 will contain B7 Business Park, E2 Environmental Conservation and RE2 Private Recreation zoning. Proposed Lot 2 will contain B7 Business Park zoning. The proposed lot layout is depicted in Figure 3 below:

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra
Attachment 1 - DA 322-2015 - Sec 4.15 Matters for Consideration - Two Lot Subdivision - 300 Lanyon drive, Jerrabomberra
(Continued)

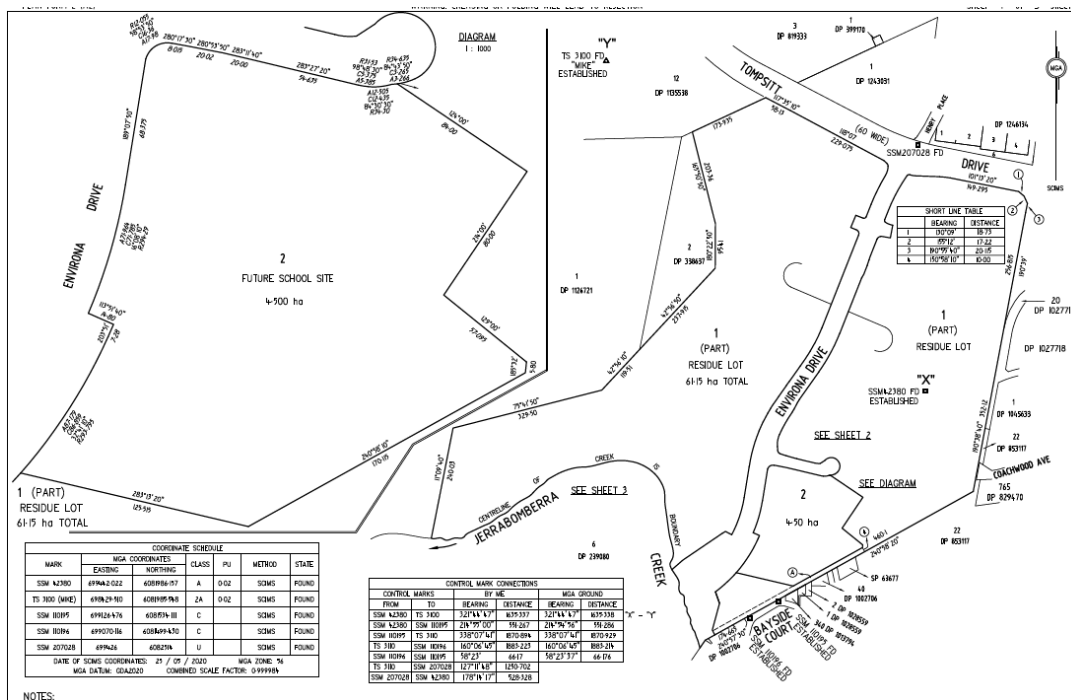


Figure 4: Proposed lot layout

CONSENT AUTHORITY

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) the proposal is considered to be local development and Council is the Consent Authority.

SECTION 4.10 DESIGNATED DEVELOPMENT – EP&A Act, 1979

The proposal is not designated development.

SECTION 4.47 INTEGRATED DEVELOPMENT – EP&A Act, 1979

The proposal is integrated development and the following approval was required:

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

Under Clause 100B of the Rural Fire Act 1997, the application is deemed an integrated development as it is defined as a development of bush fire prone land for a special fire protection purpose as it involves Jerrabomberra Public School. The New South Wales Rural Fire Service provided the following comments on the proposal:

General Terms of Approval 10 April 2018

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:

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:

1. The provision of all water, electricity and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

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

Updated General Terms of Approval 25 February 2021

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, 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.

General Conditions

1. The proposed development must comply with the general terms of approval detailed in the bush fire safety authority dated 10 April 2018 with reference DA18032912428 BB.

General Advice – Consent Authority to Note

This approval is for the subdivision of land only. Any further development applications for development within the lots may be subject to a separate application under the Environmental Planning and Assessment Act 1979 and may be required to address the relevant provisions of Planning for Bush Fire Protection 2019.

Regarding future land use within proposed Lot 2, all Special Fire Protection Purpose (SFPP) development must comply with the specifications and requirements detailed in section 6 of Planning for Bush Fire Protection 2019 (PBP). This includes but is not limited to compliance with the access provisions detailed in Table 6.8b and the APZ requirements detailed in Table A1.12.1 in Appendix 1 of PBP 2019. This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .

The recommended general terms of approval will be imposed on the consent if approval is granted.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

Council's Development Engineer has commented on the proposal as follows:

General Comments

There is no objection to the proposed subdivision provided that suitable conditions are imposed to ensure the following points are achieved:

1. The site is provided with a suitable water & sewer connection.
2. The 225mm gravity sewer main crossing the proposed lot has a 4m wide easement for access and maintenance registered over it by way of S88B instrument.
3. Any future development will be required to implement an internal stormwater drainage network compliant with AR&R2019 and Council's Design Specifications D5 & D7.
4. Future vehicle access is to be obtained from Road 03 only (with the exception of buses).

Water

The proposed school site is not yet serviced and there are no construction works associated with the subject application. However, the Northern Entry Road Stage 3 project (NER3) currently being undertaken by Council (and constructed by Woden Contractors) will install a 225mm DICL local supply water main along Environa Drive (on the near side to the proposed school site) from which the site could be serviced.

Mike Thompson advised during a development team meeting held on 10/02/21 that Council is responsible for servicing this development. Whilst it was not clear if an MOU had been entered into, it was made clear that the servicing of the lot was not required to approve this application. It will be necessary for an adequate water service size to be determined by a hydraulic consultant for the proposed school (part of a future State Significant Development Application - SSDA).

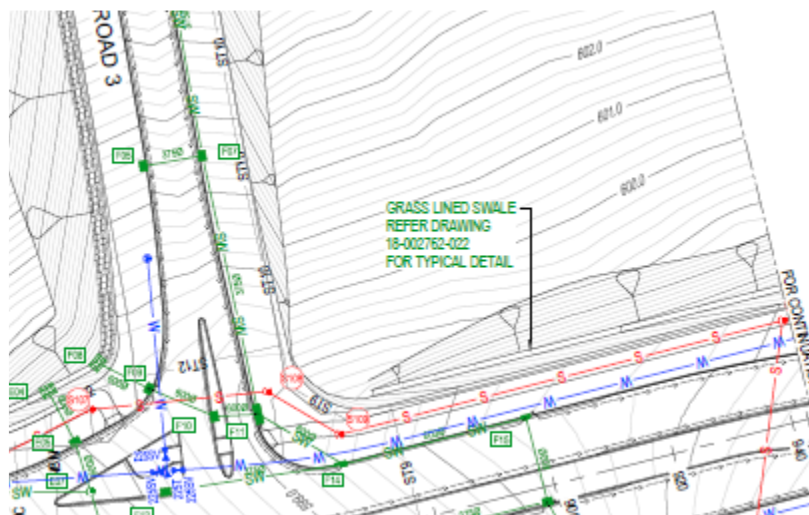


Figure 5 - 225mm DICL local supply water main to be installed along Environa Drive.

Sewer

The proposed school site is not yet serviced and there are no construction works associated with the subject application. However, the NER3 project currently being undertaken by Council (and constructed by Woden Contractors) will install a 225mm PVC local gravity sewer main along Environa Drive (on the near side to the proposed school site) and then crossing the proposed school site to connect into the sewer pump station at Bayside Court in Jerrabomberra. The creation of a four metre wide easement over the sewer line through the proposed lot should be required as a condition of this subdivision application.

Mike Thompson advised during a development team meeting held on 10/02/21 that Council is responsible for servicing this development. Whilst it was not clear if an MOU had been entered into, it was made clear that the servicing of the lot was not required to approve this application. It will be necessary for an appropriate tie location has been determined for the proposed school (part of a future SSDA).

Storm Water

The proposed school site is not yet serviced and there are no construction works associated with the subject application. Whilst there are stormwater assets being constructed as part of Council's NER3 project, there are no service connections to be provided to the proposed school site.

The proposed school site currently drains to Jerrabomberra Creek and, given the size of the proposed site and the lack of any construction associated with this application, this can continue to be the method of stormwater disposal until such time as an SSDA is lodged for the further development of the site. It is anticipated that some runoff from the proposed site will likely find its way to Jerrabomberra Creek via accessing the stormwater infrastructure being installed in the Environa Drive road reserve as part of the NER3 works.

Mike Thompson advised during a development team meeting held on 10/02/21 that Council is responsible for servicing this development. Whilst it was not clear if an MOU had been entered into, it was made clear that the servicing of the lot was not required to approve this application.

It should be noted that, any future development of the site will require the design and construction of an internal drainage network that will meet the water quality and quantity requirements of AR&R2019 and Council's Design Specifications D5 & D7. Additionally, should any direct discharge from this network to the creek be required, a controlled activity approval will need to be obtained from the NSW Office of Water.

Access and Parking

The proposed site will have frontage to two new roads being constructed as part of the NER3 works (Environa Drive & Road 3). It is noted that the design for Environa Drive includes the provision of a bus bay in anticipation of the proposed site use as a school. See Figure 2 below. However, any future vehicular access to the site will be required to be located off Road 3 as direct access from Environa Drive (arterial road) would not be permitted under Council's engineering specification for road hierarchy. The provision of a future vehicular access location can be conditioned to be from Road 3 only.

Any future SSDA for the development of a new school at this site will need to address adequate parking and access requirements based on the planned number of students, transport modal split as well as existing and future peak traffic volumes for the surrounding road network. These matters have not been considered at this stage because the application is only for the subdivision of land and the information required to make such assessments is not available at this time.

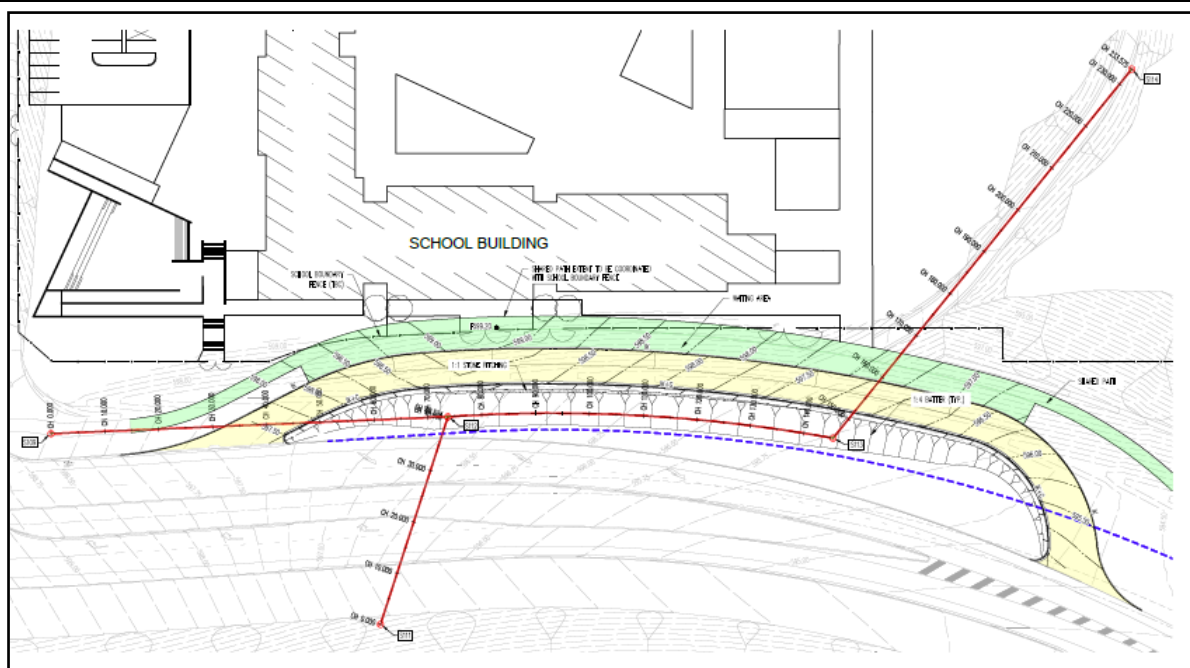


Figure 6 - Design of bus bay access off Envirova Drive by TTW which is included in the NER3 works package.

Roads

The proposed school site has two road frontages as discussed above. Envirova Drive will provide a bus bay to access the proposed site whilst Road 3 will be required to be the main access road for any other future vehicular access.

Section 64

Section 64 contributions will need to be paid for the proposed subdivision. The equivalent tenements could be determined by the light industrial rate of 15 ETs per Ha in accordance with the Water Directorate's Section 64 Determinations of Equivalent Tenements Guideline for land with unknown future use. However, given that the future use of the site is known to be a proposed high school, the rates of 0.03 ETs/person and 0.05 ETs/person for water and sewer (respectively) can be used from the same Water Directorate publication. It is likely that the school will attract around 1000 students (Jerra Public School has reached this number and is primary only). Assuming an upper limit of 1000 students this assessment method results in a smaller contribution than the per hectare rate and is considered a more rational approach to ET determination from the information available.

<u>Item</u>	<u>No of Units</u>	<u>ETs per Unit</u>	<u>ETs</u>
<u>Water (Jerra)</u>	People		
Proposed School	1000	0.03	30
Allow for existing lot/dwelling	0	0	0
<u>TOTAL</u>			30

<u>Item</u>	<u>No of Units</u>	<u>ETs per Unit</u>	<u>ETs</u>
<u>Sewer (West)</u>	People		
Proposed School	1000	0.05	50
Allow for existing lot/dwelling	0	0	0
<u>TOTAL</u>			50

Flooding

The land in question is not included in the Queanbeyan flood study. However, it borders Jerrabomberra Creek and flooding risk should be included in the design and assessment of any future SSDA for school development. However, the statement of environmental effects asserts that the proposed site has been situated above the 1% flood level. A review of the proposed plan of subdivision against a flood study of Jerrabomberra Creek conducted by Browns Consulting in January 2010 (Record number C105356), indicates that this is correct. See Figure 4 and Figure 5.

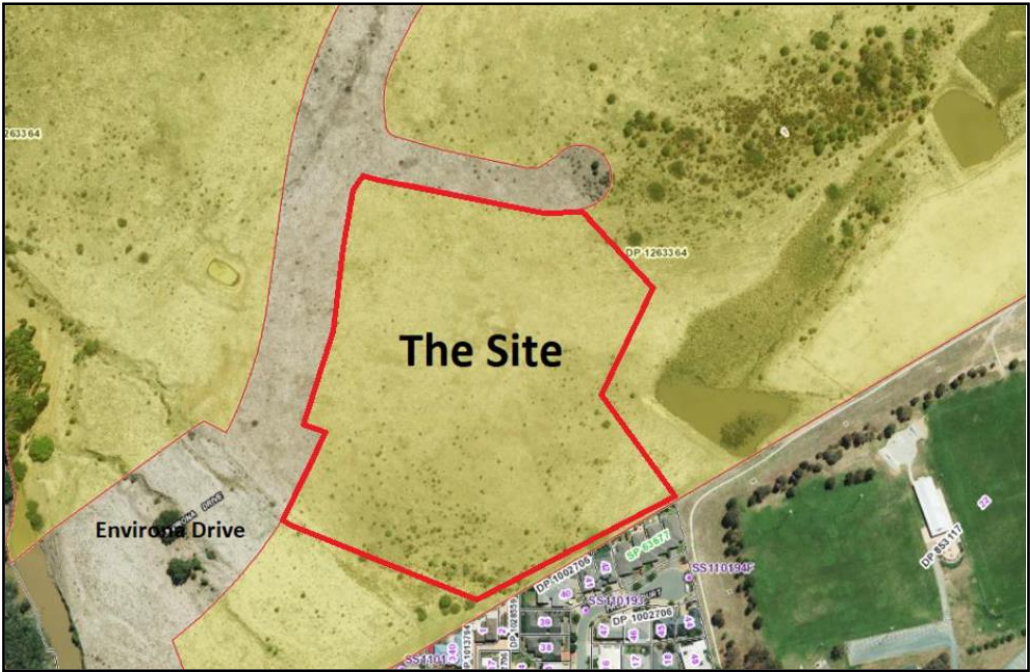


Figure 7 - Twin farm dams upstream of proposed Lot 2.

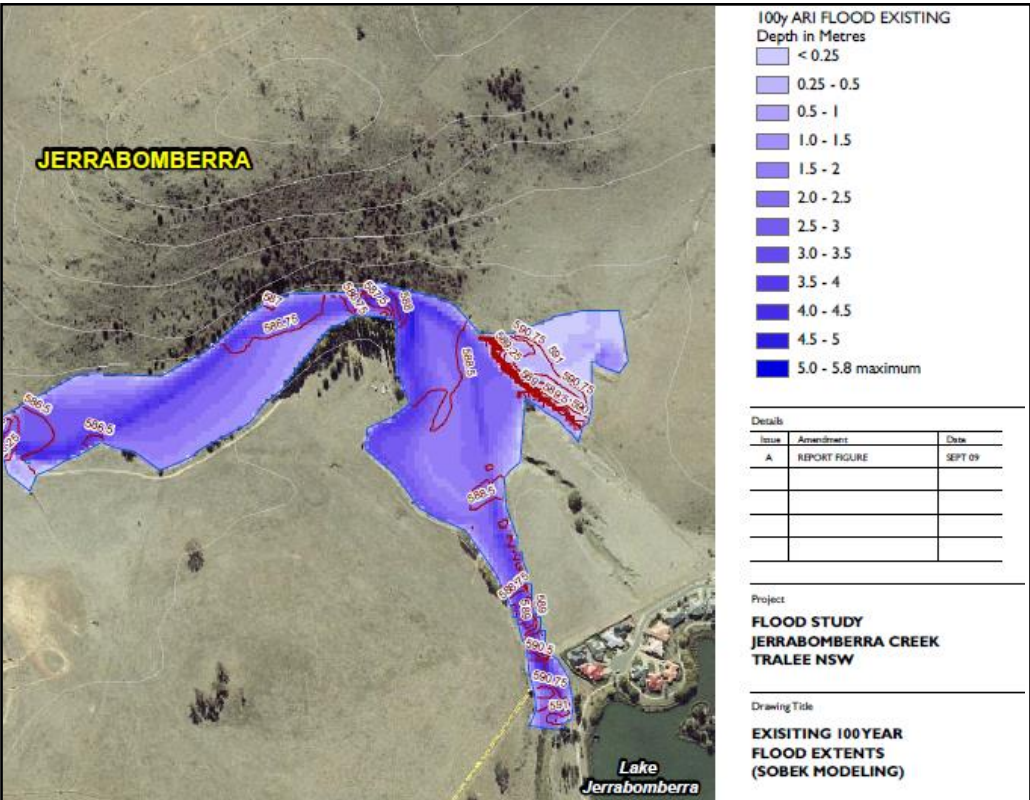


Figure 8 - Excerpt from "Flood Study and Riparian Corridor Assessment Jerrabomberra Creek by Brown Consulting" showing existing 100 year flood extents.

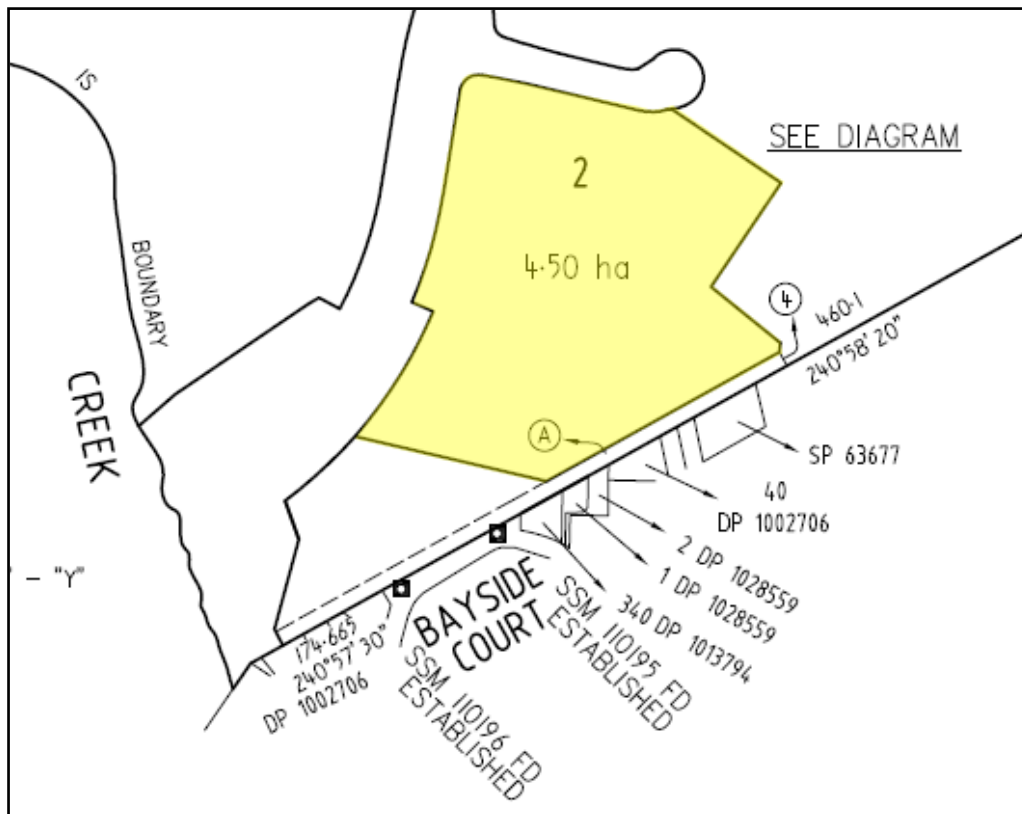


Figure 9 - Extract from proposed plan of subdivision showing spatial relation of lot 2 to Bayside Court and Jerrabomberra Creek.

Biodiversity Comments

Decision about the ecological communities and whether they constitute EEC/ CEEC is supported by vegetation integrity scores and appropriate condition thresholds from relevant Conservation Advice. This advice also supports the decision regarding potential Serious and irreversible impacts (SAIL) on either of the two critically endangered ecological communities identified in the wider study area.

Koala SEPP has been considered and agree that there's no extant population on site or nearby. Species credits for the Aprasia are fine – however it is unclear how applicable this is, given that this is pre-BC Act/ BAM, and that the proposal is for subdivision only. A couple of things to keep in mind for later development would be:

- 'harvesting' and relocating rocks for habitat augmentation for Aprasia elsewhere, and
- Landscaping using local native Box-Gum woodland/ grassland spp.

Land Information Services Comments

This subdivision included a new road so please ensure you include the normal road naming condition in this DA. We are unable to provide addressing until the road naming has been finalised.

Health Comments

Council's Health Officer provided the below comments. Contamination conditions have been imposed by the assessing officer.

Comments from Environmental Health (N Abbott) on 11 September 2018 only related to the subdivision of land. It was concluded that there was a low risk of site contamination and that further studies on the subdivided lots would be required for any future development.

Since these comments were made the development application has been varied, and the proposed use of lot 2 has been identified as a secondary school.

Because the proposed subdivided lot has been identified as a sensitive land use, preliminary assessment of the suitability of the land for a secondary school is required.

Noise

The proposed secondary school will fall within the 20-25 ANEF contours, so aircraft noise will impact the site, but not enough to prevent the development of an educational facility. There will also be noise impacts from the new Envirodrive Drive being developed, but the volume of traffic will not be enough to trigger clause 102 of the SEPP(infrastructure).

There are no significant noise impacts that limit the subdivision of the site for the proposed secondary school. A detailed investigation of noise impacts (both from and onto the school) can be submitted with the development application for the construction and use of lot 2 as a secondary school.

Contaminated Land

The following documents were submitted by the applicant in November 2020:

- **Coffey 2019** - *Additional Phase 2 Environmental Site Assessment of South Poplars, Proposed School Site, Jerrabomberra, NSW*, Coffey Services Australia Pty Ltd, 11 April 2019, doc ref. 754-CBREN227124-R01
- **Coffey 2020** - *Additional Phase 2 Environmental Site Assessment, South Poplars, Proposed Secondary School Site Extension Area, Jerrabomberra, NSW*, Coffey Services Australia Pty Ltd, 22 September 2020, doc. ref. 754-CBREN278296-R01

In 2018 Coffey conducted a review of past contaminated land assessments of the site and identified several data gaps. This report indicated South Poplars could be made suitable following removal of asbestos containing material and the implementation of a construction environmental management plan and unexpected finds protocol. These recommendations did not consider the proposed use of a portion of the site as a secondary school.

To address the suitability of the proposed school site from a contamination perspective, Coffey 2019 included detailed contaminated land assessment for this area. High density sampling of the proposed school site was carried out in accordance with EPA guidelines and assessed against the NEPM Health Investigation Level C (HIL-C) for public open spaces (including secondary schools) and 'urban residential/ public open space' environmental investigation levels (EIL). During site walkovers and sampling no visible fragments of asbestos were found in the proposed school area. Results from soil samples found that contaminants of concern were below the EIL and HIL criteria and no asbestos was detected. The conclusion made by Coffey 2019 was that the proposed secondary school site can be made suitable for the proposed use following the development and implementation of a construction environmental management plan and unexpected finds protocol.

The NSW Department of Education has proposed that an additional 1.5 Ha of land will be used for the development of the secondary school. Coffey 2020 extends on the environmental site assessment in Coffey 2019. Additional sampling of the school extension area was carried out in accordance with EPA sampling guidelines. Coffey also undertook sampling of topsoil that has been stripped from the eastern section of South Poplars that will be re-used for the construction of the secondary school. These samples were assessed against HIL-C and associated EILs, and no contaminants of concern exceeded these criteria. Coffey considers that the extension area for the proposed secondary school site, as well as stockpiled top-soil would be suitable for the intended use, subject to CEMP and unexpected finds protocol.

Environmental Health supports the subdivision of 300 Lanyon Drive with the intention of proposed lot 2 being used for a secondary school. Coffey 2020 stated that a site audit statement will be prepared, and this can be requested in the development application for the construction and use of the secondary school.

It should be noted that secondary schools are assessed against HIL-C and primary schools are assessed against HIL-A of the NEPM. If the proposed use of the site changes from secondary

students only to include primary school students an amended detailed site investigation will also be required.

A detailed site investigation has not been carried out for the residue lots. Previous investigations have found a low risk of contamination, but further assessment is required prior to development. This was previously outlined in past comments from Environmental Health.

EXTERNAL REFERRALS

Rural Fire Service

New South Wales Rural Fire Service – See integrated development section earlier in this report for comments.

John Holland Rail

As of 15 January 2012, John Holland Rail (**JHR**) has been appointed to manage the Country Regional Network (**CRN**) owned by Transport Asset Holding Entity, while Transport for NSW is the rail authority for the CRN. As such, JHR is responsible for reviewing development applications, plans and policies on lands adjacent to rail corridors to ensure potential impacts to rail operations (current and future) are considered and addressed. The DA seeks approval for a proposal to subdivide Lot 1 DP 1263364 (**Land**) (delineated in **red** below) to create two lots, one of which would be used for a school site (delineated in **blue**) in the future. It is noted that the Land is significantly distant from the non-operational Queanbeyan to Tuggeranong line (marked in **red**). Accordingly, JHR has no objections to the DA provided that Council consider the ISEPP 2007 and Development Near Rail Corridors and Busy Roads – Interim Guideline (2008) (**Guideline**) <http://www.rms.nsw.gov.au/documents/projects/guideto-infrastructure-development-near-rail-corridors-busy-roads.pdf> in its assessment of the DA.



Figure 10: John Holland Rail Figure

Crown Lands

The Department of Planning Industry & Environment - Crown Lands (the department), as adjoining landowner has reviewed the development application in accordance with the principles of Crown land management (s.1.4 Crown Lands Management Act 2016), and offers no objections to the proposed development as no impact to Crown land has been identified. Should the development be modified in any manner that impacts the adjoining Crown land, e.g. by amendment to the development proposal or draft conditions of consent, the department requests an opportunity to further review the application prior to determination.

CONSIDERATION OF THREATENED SPECIES

Council is required under Section 4.15 of the Environmental Planning and Assessment Act 1979 to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW Biodiversity Conservation Act 2016 or under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The

assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Section 7.3 of the Biodiversity Conservation Act 2016 sets out what must be considered in determining whether a proposed development will have a significant impact. Section 7.3 requires the consideration of the following:

- *any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and*
- *the application of the 'seven-part test' described in the Section.*

The site has been mapped under Council's predictive native vegetation mapping. A Biodiversity Assessment Report (BDAR) has been prepared to determine whether the proposed development would significantly affect any threatened species, population, or ecological community, or its habitat. From the assessment below the clearing is of native vegetation and considered a key threatening process. An assessment has been carried out as follows:

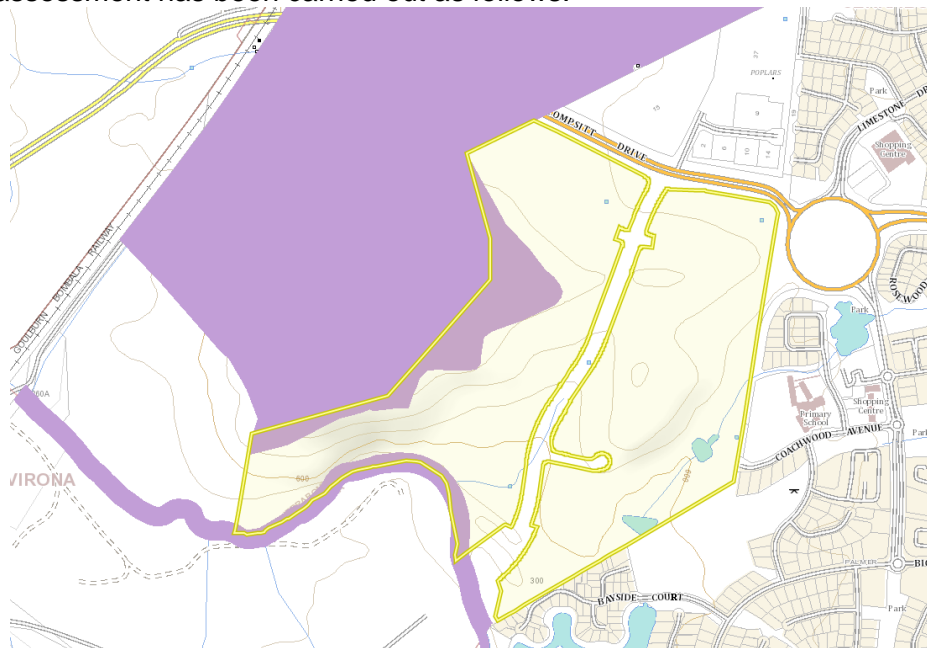


Figure 11: Biodiversity Values Map

Streamlined assessment

The minimum lot size for the proposed development site is 4000m² for part of the lot and 20 ha for the other. The potential total area of disturbance (including building site, associated structures and APZ) is stated as 4.5 ha, and falls within the 0.5ha maximum limit for the site. As such the applicant will have two options for Credit obligations:

1. *The proponent can 'identify and purchase the required 'like for like' credits in the market and then retire those credits via OEH BOAMS [Biodiversity Offsets and Agreement Management System]. For example, credits could be located by using the OEH registers or by retaining a broker to locate credits for them.'*
2. *The proponent can 'use the Offsets Payment Calculator to determine the cost of its credit obligation, and transfer this amount to the Biodiversity Conservation Fund via OEH BOAMS. The Biodiversity Conservation Trust is then responsible for identifying and securing the credit obligation.'*

When the proponent has completed these steps for all credits that the proponent is required to retire, they can proceed with their activity in accordance with their approval. The consent authority is responsible for ensuring compliance with credit obligations, and any other conditions of the consent or approval.

If the proponent chooses Option 2 to meet the credit obligations, the amount which must be paid into the Biodiversity Conservation Fund is determined at the time the proponent applies for an

invoice from the Biodiversity Conservation Trust. A risk premium is included in that calculation to account for fact that the risks and costs involved in securing the offset have effectively been transferred to the Biodiversity Conservation Trust. These risks include the statistical probability that the market credit price paid by the Biodiversity Conservation Trust to landholders is higher or lower than that predicted. The benefits associated with Option 2 include a more streamlined process and no ongoing obligations once the required amount has been paid to the Biodiversity Conservation Fund.

If the proponent chooses Option 1 to meet the credit obligations, the cost per credit purchased from the market is likely to be lower than that to pay into the Biodiversity Conservation Fund, and as such, the total monetary cost of the offset obligation is likely to be lower than Option 2. However, the disadvantages associated with Option 1 include a more complicated process and potential delays associated with sourcing credits from the BOS credit market (Capital Ecology, 2020, p. 115).

Landscape features

Site context

The BDAR describes the site as occurring in the South Eastern Highland bioregion and Murrumbateman subregion. It contains on Mitchell Landscape: Canberra Plains. The site itself does not contain and well-formed drainage lines; however, the larger development area contains two 1st order tributaries adjoining Jerrabomberra Creek to the south and one 2nd order drainage line that ends in the south-east of the larger development area. These streams are precited to only container water during substantial rainfall events. Agricultural use of the land has resulted in approximately 97% of clearing of the original woody vegetation and now contains a severe amount of Serrated Tussock. The northern portion of the site contains good quality native grasses; however, even these have been impacted by stock grazing. The east and south-east is bordered by urban area. It is determined that 40% of the site contains native vegetation whilst the rest is damaged or exotic.

Native vegetation

The Report has described the vegetation on site as highly modified because of cattle and sheep grazing. Approximately 97% of the original native vegetation has been cleared. There are some areas that retain the original vegetation cover in the form of isolated paddock trees and small scattered patches of grasses. This includes forbs predominantly in the northern boundary of the southern section and the south-western corner of the southern portion. Native vegetation includes Kangaroo Grass (PCT320) and Yellow Box grassy woodland. Of the Yellow Box (PCT1334) is assessed to determine vegetation integrity scores and the impact associated with the proposal. The report describes the vegetation as:

The majority of the vegetation in the study area is therefore largely characterised by an absent or low-density canopy of mature remnant eucalypts, an absent midstorey and shrubstorey, and a low diversity groundstorey dominated by disturbance tolerant native species or exotic grasses and weeds.

Remnant Trees

The study area contains 77 remnant trees in PCT 1334 which contains one functional hollow. The subject land for the school does not contain any remnant tress.

Patch Size

PCT320 and PCT1334 meet the definition of intact vegetation for patch sizes. Of this the patch size for these zone is 0.16 ha and no other zones meet the definition. To conclude, the integrity scores for vegetation in the subject area are as detailed below in an extract from the BDAR.

Table 16. Vegetation integrity scores.

	PCT1334 Zone 4
PCT	1334
Zone (condition class)	4
Native Canopy	No
Groundstorey	Native
Native Diversity	Low
Patch size (ha)	0
Area (ha) in the subject land	1.46
BAM plots assessed in the study area	3
Composition condition score	8.4
Structure condition score	46.8
Function condition score	1.5
Current vegetation integrity score	8.3

The report states:

PCT320 Zone 2 and PCT1334 Zone 5 do not meet the definition of BC Act 'native vegetation' as they have a groundstorey clearly dominated by exotic grasses and forbs (i.e. > 65% perennial exotic) and do not contain a cover of native trees and/or shrubs. In addition, PCT320 Zone 2 does not occur in the subject land and so will not be impacted by the proposed development. As per Chapter 5 of the BAM, PCT1334 Zone 5 does not require assessment to determine a vegetation integrity score unless it is determined to be threatened species habitat. As detailed in Table 21 and Section 2.3.4.2, PCT1334 Zone 5 is not identified as habitat for threatened species and therefore does not require assessment to determine a vegetation integrity score. As such, only PCT1334 Zone 4 is assessed to determine vegetation integrity scores and the impact associated with the proposed development. Table 16 presents the results of the BAM plot assessments and details the composition, structure, function, and resulting vegetation integrity score for PCT1334 Zone 4 (Capital Ecology, 2020, p. 51).

Threatened species

Assessment of threatened species

Capital Ecology undertook a Precited Ecosystem credit species assessment for the development area. This has been represented in Table 20 taken from their report below with the presence either assumed, confirmed or not found. Within the study 42 species were recorded during surveys however none of these have been found nesting or breeding on the subject site nor the development area.

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra
Attachment 1 - DA 322-2015 - Sec 4.15 Matters for Consideration - Two Lot Subdivision - 300 Lanyon drive, Jerrabomberra
(Continued)

Table 20. Predicted ecosystem credit species identified by the BAM as potentially occurring

Species	NSW (BC Act) listing status	National (EPBC Act) listing status	Presence
<i>Anthochaera phrygia</i> Regent Honeyeater (Foraging)	Critically Endangered	Critically Endangered	Yes – assumed
<i>Artamus cyanopterus cyanopterus</i> Dusky Woodswallow	Vulnerable	-	Yes – confirmed See Section 1.2
<i>Callocephalon fimbriatum</i> Gang-gang Cockatoo (Foraging)	Vulnerable	-	Yes – confirmed See Section 1.2
<i>Chthonicola sagittata</i> Speckled Warbler	Vulnerable	-	Yes – confirmed See Section 1.2
<i>Circus assimilis</i> Spotted Harrier	Vulnerable	-	Yes – assumed
<i>Climacteris picumnus victoriae</i> Brown Treecreeper (eastern subspecies)	Vulnerable	-	Yes – assumed
<i>Daphoenositta chrysoptera</i> Varied Sittella	Vulnerable	-	Yes – confirmed See Section 1.2
<i>Dasyurus maculatus</i> Spotted-tailed Quoll	Vulnerable	Endangered	Yes – assumed
<i>Glossopsitta pusilla</i> Little Lorikeet	Vulnerable	-	Yes – assumed
<i>Grantiella picta</i> Painted Honeyeater	Vulnerable	Vulnerable	No – habitat constraint
<i>Hieraaetus morphnoides</i> Little Eagle (Foraging)	Vulnerable	-	Yes – confirmed See Section 1.2
<i>Lophoictinia isura</i> Square-tailed Kite (Foraging)	Vulnerable	-	Yes – assumed
<i>Melanodryas cucullata cucullata</i> Hooded Robin (south-eastern form)	Vulnerable	-	Yes – assumed
<i>Miniopterus orianae oceanensis</i> Large Bent-winged Bat (Foraging)	Vulnerable	-	Yes – assumed
<i>Neophema pulchella</i> Turquoise Parrot	Vulnerable	-	Yes – assumed
<i>Petroica boodang</i> Scarlet Robin	Vulnerable	-	Yes – confirmed See Section 1.2
<i>Petroica phoenicea</i> Flame Robin	Vulnerable	-	Yes – confirmed See Section 1.2
<i>Phascolarctos cinereus</i> Koala (Foraging)	Vulnerable	Vulnerable	Yes – assumed
<i>Stagonopleura guttata</i> Diamond Firetail	Vulnerable		Yes – confirmed See Section 1.2

Assessment of fauna habitat

The Report details the habitat on site concluding that the high amount of grazing, disturbance and clearing for agricultural purposes has primarily destroyed any potential habitat for the fauna species that may have once been found in the area. However, adequate habitat was surveyed which would be suitable for the Golden Sun Moth an Endangered species with the NSW Biodiversity Conservation listing status. The species is commonly found in Natural Temperate Grasslands and grassy Box-Gum Woodland whereby the ground layer is dominated by Wallaby

Grass. These are typically low open areas and is commonly used by the female moths to attract males.

Site surveys found 188 Golden Sun Moths (23 female and 165 males). Some of these were recorded I low to moderate density across some of the study areas with an exception immediately to the north-east of Environa Drive which was much more dense. The dense area is in line with the common habitat description above. The high quality habitat is not within the development are and lies in the proposed residual lots.

Impact assessment

Avoiding and minimising impacts on biodiversity

There are two biobanking sites protecting majority of high quality flora and fauna on the subject site. The site contains low quality native vegetation for approximately 28% of the area of the land which is showing signs of pasture improvements and historic cultivation, supporting weed growth and is currently being grazed by Kangaroos. Regarding Golden Sun Moth the report states (2020, p. 80):

While the proposed development of the subject land does impact 1.46 ha of Golden Sun Moth habitat, targeted surveys only recorded one Golden Sun Moth individual across this 1.46 ha (Figure 13). This equates to 0.7 individuals recorded per hectare. In contrast, 187 Golden Sun Moth individuals were recorded across the remaining 20.95 ha of Golden Sun Moth habitat in the wider study area. This equates to 8.9 individuals recorded per hectare. As described in Section 3.4, such a measure of relative abundance is one of the more appropriate descriptors of a Golden Sun Moth population. As such, the proposed development will impact a portion of the study area that supports lower quality Golden Sun Moth habitat.

It further states:

The 'The Poplars North' and 'The Poplars South' are established as BioBanking Sites under BioBanking Agreements (Figure 14). These agreements provide a formal, legally binding, and audited conservation focussed management regime for the portions of "The Poplars" property recognised as supporting significant biodiversity values. These agreements also stipulate a wide variety of management activities that are designed to protect and enhance the significant biodiversity values that these areas support. These management activities include the following.

- *Retention of remnant native vegetation, regrowth, dead timber, and rocks;*
- *Replanting or supplementary planting where natural regeneration will not be sufficient*
- *(Poplars South BioBanking Site only);*
- *An integrated weed management plan, including weed control, monitoring, and inspection*
- *of existing and new weeds;*
- *Control of feral and overabundant native herbivores using a variety of methods (e.g.*
- *biocontrol, baiting, warren destruction, fumigation, shooting, trapping, and harbour*
- *destruction), including monitoring and inspection requirements;*
- *Vertebrate pest management (foxes and other miscellaneous feral species) using a variety of*
- *methods (baiting, den destruction, shooting, and trapping), including monitoring and*
- *inspections of existing and new vertebrate pests;*
- *A fire management plan, including prescribed ecological burns if required;*
- *Stock are not permitted to graze in any area of the Biobank Sites;*
- *Erosion control;*
- *Management of site drainage from urban stormwater catchments;*
- *Management of human disturbance, including fencing (to deter human and vehicular access)*
- *and signage, and restrictions on permitted activities;*
- *Monitoring, reporting, and record keeping requirements, including:*
 - *Site inspection and monitoring, recording ground cover, stock numbers, condition of fencing and gates, human disturbance, erosion, and waste;*

- Annual reporting, detailing the completed management actions and the results of any monitoring, inspections, or survey; and
 - Record keeping, including photographs, management actions, inspections, monitoring, and surveys.
- *Adaptive management, including a review of management plans every 4 to 6 years. This process considers the effectiveness of the matters contained in the current plan.*

When considered together, the proposed development therefore includes provision for the demarcation, ecological restoration, rehabilitation, and ongoing maintenance of the retained native vegetation and habitat across “The Poplars” property.

The proposed school site is not within a high quality biodiversity area. Appropriate conditions will be imposed on the consent, if this application is approved, to ensure required actions are taken to ensure the protection of the Golden Sun Moth and Box-Gum Woodland species on residual land and required credits/offsetting. The report explains that the land contains vegetation and threatened species habitat with an integrity score that requires offsetting for impacts on ecosystem credits. This is identified by species and ecosystem credits including:

- PCT1334 – Biodiversity risk rating of 2; and,
- Golden Sun Moth – Biodiversity risk rating of 3.

The results of this are presented in Table 23 and 24 taken from the report below.

Table 23. Ecosystem credit requirements.

PCT & Vegetation Zone	Vegetation Integrity Score	Proposed Clearance Area (ha)	Credits Required
PCT1334 Zone 4	8.3	1.46	0

Table 24. Species credit requirements.

Species	PCT & Vegetation Zone	Habitat Condition (Vegetation Integrity) Loss	Proposed Clearance Area (ha)	Credits Required
<i>Synemon plana</i> Golden Sun Moth	PCT1334 Zone 4	8.3	1.46	9

As mentioned in the beginning of this assessment the Applicant may address the above by two options which will be detailed in proposed conditions of consent. To conclude, there will be impacts from clearing of native vegetation upon assumed, surveyed and known native vegetation and fauna that inhabit the site from the overall South Jerrabomberra development. Regarding the proposed school site this is a small contribution to these impacts and has avoided known Golden Sun Moth habitat as per the recommendations in the report. Appropriate options will be imposed on the consent for either meeting credit obligations through the Biodiversity Conservation Fund or purchasing the cost per credit from the market.

SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT – CERTAIN BUSHFIRE PRONE LAND – EP&A ACT, 1979

Section 4.14 of the EP&A Act requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document ‘Planning for Bushfire Protection 2006’. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 4.14 against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

Bushfire prone land on the subject site covers the whole of the land. The subdivision was referred to RMS whose comments have been provided earlier in this report.

SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

4.15(1)(a) the provisions of:

(i) any environmental planning instrument

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are records of the site being previously used for potentially contaminating purposes under the SEPP 55 Guidelines as the land has been used for agricultural uses. Please see health comments above for a full assessment of contamination.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of this Policy have been considered in the assessment of the application. The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road. The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. No ground penetrating work is proposed within 2m of any underground electricity services.

State Environmental Planning Policy (Rural Lands) 2008

This policy aims to encourage the protection and promotion of economic activities in rural areas and to preserve any biological and natural resources in these areas. The E2 zoned land within the proposed subdivision does not currently have any proposed residential or building works on it. The application is for subdivision only and will not impact on the rural significance of the area.

State Environmental Planning Policy (Koala Habitat Protection) 2020

The State Environmental Planning Policy (Koala Habitat Protection) 2019 ('Koala Habitat Protection SEPP') replaced the SEPP 44 – Koala Habitat Protection (SEPP 44) on 1 March 2020. The associated Koala Habitat Protection Guidelines (the 'Guidelines') aim to guide consent authorities, professionals, and the community to understand and implement the requirements of the Koala Habitat Protection SEPP.

Council does not have a Koala Plan of Management and as such as per the requirements of the SEPP apply. The applicant has undertaken an assessment against the SEPP and established that the development area is not koala habitat. The assessment is provided below:

"The Poplars" property is bordered by major roads, urban development, and modified farmland. Before European occupation, the area would have been characterised by an open grassy woodland that merges with grassland lower in the landscape to the west. However, "The Poplars" property has been substantially modified by its current and past land use, which has primarily been grazing (sheep and cattle). Approximately 97% of the original woody vegetation (canopy, midstorey, and shrubstorey) has been historically cleared across the study area to promote the pastoral productivity of the land. The areas which retain some of the original canopy occur as isolated paddock trees or small, scattered patches of vegetation (Figure 6). As such, the majority of the woody vegetation is therefore characterised by an absent or low-density canopy of mature remnant eucalypts, and an absent midstorey and shrubstorey.

In addition, despite being conspicuous when present, no Koalas or signs of Koala presence were detected during the surveys conducted for this BDAR or by previous ecological surveys of "The Poplars" property (see Section 1.2). Indeed, "The Poplars" property is separated by over 6 km from the nearest Koala records, all of which occur in intact vegetation to the west (Figure 19); the intervening areas are characterised by urban development and include a substantial number of significant impediments to Koala movement (e.g. large roads, urban expanses, human disturbance).

In summary, "The Poplars" property is in an isolated peri-urban location that has largely been cleared of its natural woody vegetation. No Koalas or signs of Koala presence were detected during the surveys conducted for this BDAR or by previous ecological surveys of "The Poplars" property, and no Koalas have been recorded within 2.5 km in the past 18 years. As such, "The Poplars" property does not support Koala habitat and is therefore unlikely to constitute important or occupied Koala habitat now or in the future (Capital Ecology, 2020, p. 116-117).

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (WEST JERRABOMBERRA) 2013

An assessment of the proposal against the general aims of QLEP (West Jerrabomberra) 2013 is included below:

Cl. 1.2(2)	Aims	Complies
(a)	<i>To facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles.</i>	Yes
(b)	<i>To provide for a diversity of housing throughout Queanbeyan.</i>	Yes
(c)	<i>To provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community.</i>	Yes
(d)	<i>To recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek.</i>	Yes
(e)	<i>To protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra.</i>	Yes
(f)	<i>To maintain the unique identity and country character of Queanbeyan.</i>	Yes
(g)	<i>To facilitate the orderly growth of the urban release area in Googong in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.</i>	Yes

Comments: The proposed development is considered to be generally consistent with the relevant aims of the QLEP (West Jerrabomberra) 2013 specifically by creating lots that will assist in developing the Poplars while maintaining the environmental character of the surrounding land. The proposed lot will facilitate a new high school catering for the future education of Queanbeyan-Palerang youth whilst also providing employment opportunities for residents.

Suspension of Covenants, Agreements and Instruments

Under Clause 1.9A, no covenants, agreements and instruments restricting the development have been identified.

Permissibility

The subject site contains three zones including RE2 Private Recreation, E2 Environmental Conservation and B7 Business Park.

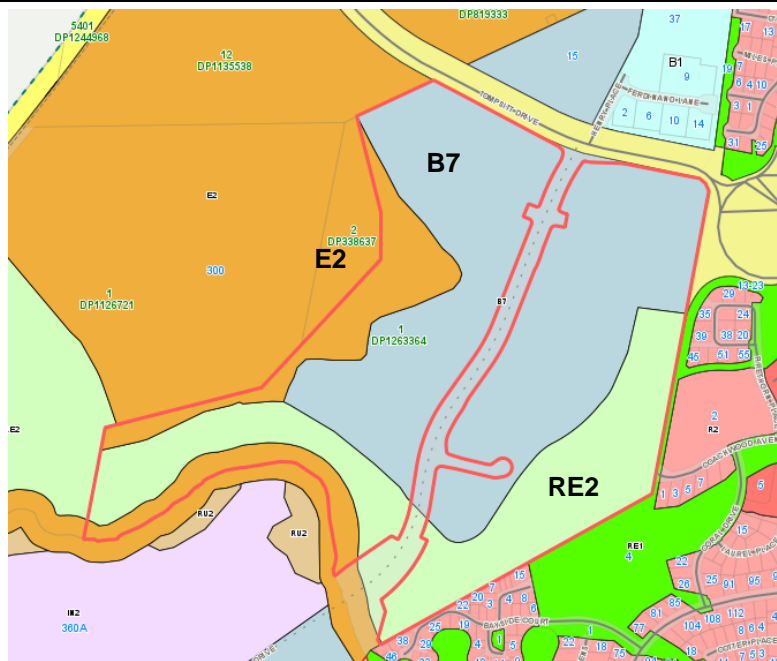


Figure 12: Land zones

The proposed lots will contain the following zones:

Lot 1	Lot 2
RE2 Private Recreation	B7 Business Park
E2 Environmental Conservation	
B7 Business Park	

Zone Objectives

An assessment of the proposal against the objectives of the E2 zone is included below:

Objectives	Complies
➤ To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.	Yes
➤ To prevent development that could destroy, damage or otherwise have an adverse effect on those values.	Yes
➤ To protect threatened species, rivers, creeks and gully ecosystems in Queanbeyan.	Yes
➤ To identify and protect escarpment areas that enhance the visual amenity of Queanbeyan and possess special aesthetic or conservational value.	Yes
➤ To protect water quality by preventing inappropriate development within catchment areas.	Yes

The proposed subdivision assumes clearing within the Biodiversity Conservation Act 2016 which has been addressed in detail within this report. Although some impacts will be created from this development they have been mitigated and addressed. The development therefore generally complies with the objectives of this zone specifically as the future high school will not be in the E2 zone.

An assessment of the proposal against the objectives of the RE2 zone is included below:

Objectives	Complies
➤ To enable land to be used for private open space or recreational purposes.	Yes
➤ To provide a range of recreational settings and activities and	Yes

<i>compatible land uses.</i>	
➤ <i>To protect and enhance the natural environment for recreational purposes.</i>	Yes
➤ <i>To preserve the amenity of the existing development in the neighbourhood.</i>	Yes

Residual lots are located over RE2 zoned land which allows recreational uses on this land. This application is for subdivision only this will be assessed as part of subsequent applications.

An assessment of the proposal against the objectives of the B7 zone is included below:

Objectives	Complies
➤ <i>To provide a range of office and light industrial uses.</i>	Yes
➤ <i>To encourage employment opportunities.</i>	Yes
➤ <i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i>	Yes
➤ <i>To provide for a well-designed business park development that appropriately responds to site constraints and adjoining residential development.</i>	Yes

Lots 2 is proposed over B7 zoned land which allows a range of office and light industrial uses on this land and as planned Educational Establishments. The future land use is appropriate and permissible in the zone. It will meet the objectives by encouraging employment opportunities, enabling facilities to meet the needs of the growing Jerrabomberra community and has responded to site constraints appropriately.

Demolition

The proposal does not involve demolition of an existing structure.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the QLEP (West Jerrabomberra) 2013 is provided below.

Minimum subdivision lot size

Cl.	Standard	Controls	Proposed	Complies
4.1	<i>Minimum subdivision lot size (Red)</i>	4000m ²	4.5 ha (Lot 2)	Yes
	<i>Minimum subdivision lot size (Purple)</i>	20ha	61.15ha (Lot 1)	Yes

Comments: The proposed lot meet the required minimum lot sizes.

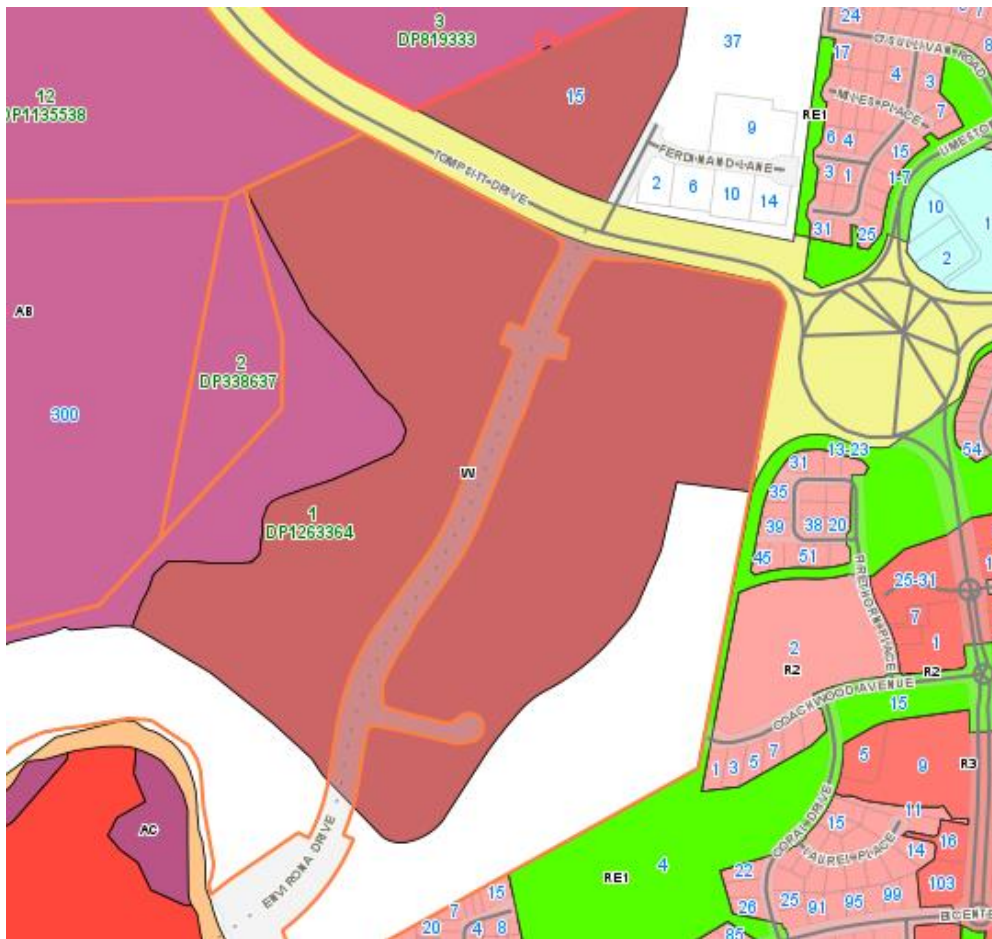


Figure 13: Minimum lot sizes

Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the QLEP (West Jerrabomberra) 2013 are addressed below as part of this assessment:

5.10 Heritage conservation

The proposed development will have a minimal impact in relation to heritage. The site is not heritage listed, is not adjacent to a heritage item and is not located within a Heritage Conservation Area.

5.11 Bush fire hazard reduction

The application **does not** involve any bush fire hazard reduction works.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the QLEP (West Jerrabomberra) 2013 are addressed below as part of this assessment:

6.2 Riparian land and watercourses

Clause 6.2 of the QLEP (West Jerrabomberra) 2013 makes provision for developments within riparian land and watercourses. This clause **is** considered relevant to the proposed development as the site is identified as "Watercourse" on the Riparian Land and Watercourses Map". As works are not proposed as part of this application referrals were not required.

6.3 Airspace operations

Clause 6.3 of the QLEP (West Jerrabomberra) 2013 makes provisions for developments located in areas that are affected by airspace operations and aircraft noise. The proposed development **will**

not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore the application **was not** required to be referred to the relevant Commonwealth body for comment.

6.4 Development in areas subject to aircraft noise

Clause 6.4 of the QLEP (West Jerrabomberra) 2013 makes provisions for developments subject to aircraft noise. This clause **is** considered relevant to the proposed development as the site **is** located near the Canberra Airport or within an ANEF contour of 20 or greater. As the application is for subdivision only and does not include any works referrals to the Canberra Airport were not required.

6.6 Essential services

Clause 6.6 of the QLEP (West Jerrabomberra) 2013 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. 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:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

Council's Development Engineer has assessed the proposed development and detailed comments on services are within the referral section of this report. Please refer to this section given Council and the Developer are currently servicing the proposed lot 2.

6.7 Land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line

The subject site does not adjoin the Hume Industrial Area and Goulburn/Bombala Railway Line.

4.15(1)(a)(ii) any draft environmental planning instruments

There are no applicable draft planning instruments that are or have been placed on public exhibition, to consider as part of this assessment.

4.15(1)(a)(iii) any development control plan

South Jerrabomberra Development Control Plan

The subject site is identified in Part 3 – The Master Plan of the SJDCP. Within the plan, the site has been identified to have Private Recreation (Green), Conservation (Orange) and Employment (Purple) uses as shown in the below Figure.

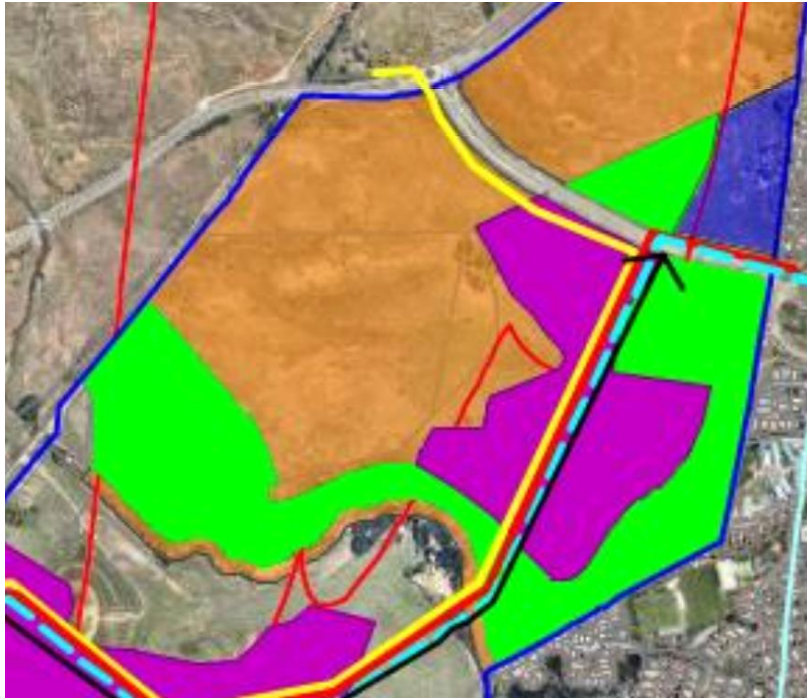


Figure 14: Planned uses

Proposed Lot 1 will remain as residual land and Lot 2 for a proposed school which is detailed in the Master Plan as previously shown in Figure 2 above.

Parts 4 and 5 – Subdivision, Roads and Public Places

This Part of the DCP applies to the subject site however is based on subdivisions with proposed land uses. The proposal is for a paper subdivision for the purposes of residual land and a potential school site. The clauses within this Part are relevant to neighbourhood designs and this subdivision does not include any neighbourhoods.

4.15(1)(a)(iiia) any planning agreement or draft planning agreement

A planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*. Detailed on Page 37 of the Agreement it states:

The proposed school site proposed to be dedicated by Village Building Company to the Minister for Planning under a Separate Planning Agreement.

The development also forms part of the State Planning Agreement and is extended to be complete by early 2023.

4.15(1)(a)(iv) matters prescribed by the regulations

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration Australian Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application. Having regard to this prescribed matters, the proposed development does not involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

4.15(1)(a)(v) any coastal zone management plan

Council is not subject to a coastal zone management plan.

4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Context and Setting

There will be a change in view to the residents within Bayside Court and Palm Court as can already be seen and experienced with the civil construction works already accruing by the developer and Council.

The construction of the school in the future will change the residents outlook from a grassed landscape to a new building. This will be a change that residents will have comment on as part of any future application for the school and is important to note in this application. The development will likely be a State Significant Development (SSD). The Government has identified certain types of development that are SSD which includes new education establishments and the process for this type of application is as follows:

Notification to the public

All applications for SSD are publicly exhibited for a minimum 28 days (longer if the exhibition overlaps with the Christmas/New Year period between 20 December and 10 January (inclusive)). During the public exhibition period for SSD applications, the Department will:

- notify surrounding residents in writing (council is consulted on the notification area, which will vary depending on the scope of the proposal) unless the application is public notification development including mining and petroleum (oil and gas) SSD applications
- place an advertisement in a State wide and local newspaper
- place electronic copies of the application and all supporting information on the Department's major projects website

Members of the public may make comment on SSD through the Departments Major Projects website, by post or by email.

Where is information on SSD kept?

All SSD applications are listed on the Department's major projects website. The application and all supporting information are available to view online. The website's tracking system identifies what stage a project is up to in the assessment process.

The Department's assessment report and the application determination (including conditions of consent or reasons for refusal) are also made available to view on that major projects website.

How is SSD Assessed and Determined?

SSD is assessed by the Department who liaises with the relevant Government Agencies. The Independent Planning Commission (the Commission) is the consent authority for SSD applications:

- that are not supported by relevant council(s), or
- where the Department has received more than 50 unique public objections, or
- that has been made by a person who has disclosed a reportable political donation in connection with the development application.

Given the nature of the submissions on this application the above is being mentioned in this application to guide the public on their mechanisms to comment on any proposed school. It is important to note this application is not for the construction of the school and is for the creation of the intended lot only. Council cannot make decisions on the construction of the school in this application due to this.

Access, Transport and Traffic

The proposed development's impact in relation to access, transport and traffic is considered to be acceptable.

Public Domain

The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space.

Utilities

The site is currently being serviced with water, sewer, electricity and telecommunication services as part of Environa Drive construction.

Heritage

The proposed development will have a minimal impact in relation to heritage given no works are occurring as part of this application.

Other land resources

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.

Water

The proposed development will have minimal impact on the conservation of water resources and the water cycle.

Soils

The proposed development will have minimal adverse impact on soil conservation. The soils are suitable for the development.

Air and microclimate

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.

Flora and Fauna (5 point test from Threatened Species Act to be completed where relevant)

The proposed development has been assessed in relation to the maintenance of biodiversity in the area.

Waste

Adequate waste facilities are available for the proposed development.

Energy

A BASIX certificate was not required with the proposal.

Noise and Vibration

The proposed development is not likely to cause any adverse ongoing impact from noise or vibration.

Natural Hazards

Bushfire has been addressed within this report.

Technological Hazards

No technological hazards are known to affect the site.

Safety, Security and Crime Prevention

The proposed development does not include a building. As such this is not relevant in this instance.

Social Impact in the Locality

Submissions raised by residents in existing residential areas have indicated there may be some social impacts with the construction of the future high school that will need to be addressed with subsequent applications for the construction of this building. Notification mechanisms have been provided in this report and will be to submitters if the application is determined as an approval.

Economic Impact in the Locality

The economic impacts of the proposal are anticipated to be minimal. Economic impacts are predicted to be more so positive in this instance given the future use of the site is for a high school. Jobs will be available to local teachers and grounds staff. Children to obtain educations at the high school preparing them for employment opportunities in the local Queanbeyan-Palerang Regional Council area further aiding in economic prosperity.

Site Design and Internal Design

The site design has raised some questions to the proximity to Bayside and Palm Court; however, this has been pre-determined in the already approved application for Environa Drive with the 10 metre wide footpath location forming part of this previous application. As part of the school design

it is important for the applicant to consider the proximity of the school and outbuildings to these existing homes and take these into consideration.

Construction

No construction is proposed.

Cumulative Impacts

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.

4.15(1)(c) the suitability of the site for the development

The subject site is relatively unconstrained and is considered to be suitable in its current state for the purposes of the proposed development.

4.15(1)(d) any submissions made in accordance with this Act or the regulations

The application was notified in accordance with Council's Community Consultation and Participation Plan and four submissions were received. One in support from Jerrabomberra Primary School and three against. The submissions were delayed by Australia Post due to COVID 19. As such the notification period was extended from 9 November 2020 to 25 November 2020 to 9 November 2020 to 10 December 2020. Additionally, some residents raised concern over the large amount of documentation to review which also contributed to the extended timeframe.

No further submissions or comments were received by the 10 December to the Assessing Officer; as such, the concerns raised during the initial period have been addressed below:

1. Late delivery of some notification letters.

The notification period was extended from 25 November 2020 – 10 December 2020 to all residents on Council's website.

2. Large amount of documentation and limited time for comment.

Notification including the timeframe and documents exhibited are done as per the Community Engagement and Participation Plan. The Plan requires Council to exhibit documents received with the development application for the community to comment. Given there was a substantial amount of documentation the timeframe was extended.

3. Documentation that is missing or is illegible.

The proposal is for a subdivision for a future development of a secondary school. No works are proposed and specific details have not been provided to Council including design and location of future development on site. Some of the documentation provided to Council was to give an indicative idea to where the school may be located; however, this was not final and will be considered as part of a future State Significant Development (SSD) application. All applications for SSD are publicly exhibited for a minimum 28 days (longer if the exhibition overlaps with the Christmas/New Year period between 20 December and 10 January (inclusive)). During the public exhibition period for SSD applications, the Department will:

- notify surrounding residents in writing (council is consulted on the notification area, which will vary depending on the scope of the proposal) unless the application is public notification development including mining and petroleum (oil and gas) SSD applications
- place an advertisement in a State wide and local newspaper
- place electronic copies of the application and all supporting information on the Department's major projects website

Members of the public may make comment on SSD through the Departments Major Projects website, by post or by email.

4. Concern on impacts including overshadowing, views, amenity, noise, visual amenity, lifestyle and property values

See response above.

5. Distance away from adjoining residential fences to the school buildings, the expected construction activity between the boundary and the buildings, the natural ground level at the boundary, the natural ground level at the building envelope/commencement of buildings and the height of the buildings above natural ground level once constructed, proposed lighting that will be erected around school, pathways and roads.

Council is not aware of details of future development on proposed lot 2. Opportunity will be available to comment on the future development once it is lodged as SSD. The process is as follows:

The development will likely be a State Significant Development (SSD). The Government has identified certain types of development that are SSD which includes new education establishments and the process for this type of application is as follows:

Notification to the public

All applications for SSD are publicly exhibited for a minimum 28 days (longer if the exhibition overlaps with the Christmas/New Year period between 20 December and 10 January (inclusive)).

During the public exhibition period for SSD applications, the Department will:

- notify surrounding residents in writing (council is consulted on the notification area, which will vary depending on the scope of the proposal) unless the application is public notification development including mining and petroleum (oil and gas) SSD applications
- place an advertisement in a State wide and local newspaper
- place electronic copies of the application and all supporting information on the Department's major projects website

Members of the public may make comment on SSD through the Departments Major Projects website, by post or by email.

Where is information on SSD kept?

All SSD applications are listed on the Department's major projects website. The application and all supporting information are available to view online. The website's tracking system identifies what stage a project is up to in the assessment process.

The Department's assessment report and the application determination (including conditions of consent or reasons for refusal) are also made available to view on that major projects website.

How is SSD Assessed and Determined?

SSD is assessed by the Department who liaises with the relevant Government Agencies. The Independent Planning Commission (the Commission) is the consent authority for SSD applications:

- that are not supported by relevant council(s), or
- where the Department has received more than 50 unique public objections, or
- that has been made by a person who has disclosed a reportable political donation in connection with the development application.

Given the nature of the submissions on this application the above is being mentioned in this application to guide the public on their mechanisms to comment on any proposed school. It is important to note this application is not for the construction of the school and is for the creation of the intended lot only. Council cannot make decisions on the construction of the school in this application due to this.

4.15(1)(e) the public interest

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.

SECTION 64 CONTRIBUTIONS

Section 64 contributions will need to be paid for the proposed subdivision. The equivalent tenements could be determined by the light industrial rate of 15 ETs per Ha in accordance with the Water Directorate's Section 64 Determinations of Equivalent Tenements Guideline for land with unknown future use. However, given that the future use of the site is known to be a proposed high school, the rates of 0.03 ETs/person and 0.05 ETs/person for water and sewer (respectively) can be used from the same Water Directorate publication. It is likely that the school will attract around 1000 students (Jerra Public School has reached this number and is primary only). Assuming an upper limit of 1000 students this assessment method results in a smaller contribution than the per hectare rate and is considered a more rational approach to ET determination from the information available.

<u>Item</u>	<u>No of Units</u>	<u>ETs per Unit</u>	<u>ETs</u>
<u>Water (Jerra)</u>	People		
Proposed School	1000	0.03	30
Allow for existing lot/dwelling	0	0	0
<u>TOTAL</u>			30

<u>Item</u>	<u>No of Units</u>	<u>ETs per Unit</u>	<u>ETs</u>
<u>Sewer (West)</u>	People		
Proposed School	1000	0.05	50
Allow for existing lot/dwelling	0	0	0
<u>TOTAL</u>			50

SECTION 7.11 CONTRIBUTIONS

Section 7.11 Contributions are not applicable to the proposed development.

CONCLUSION

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, and is considered to be satisfactory for approval, subject to the recommended conditions of consent.

**QUEANBEYAN-PALERANG REGIONAL
COUNCIL**

Planning and Strategy Committee of the Whole Meeting Attachment

10 MARCH 2021

ITEM 8.1 DEVELOPMENT APPLICATION DA 322-2015 - TWO LOT
SUBDIVISION - 300 LANYON DRIVE, JERRABOMBERRA

ATTACHMENT 2 DA 322-2015 - PLANS - TWO LOT SUBDIVISION - 300 LANYON DRIVE, JERRABOMBERRA

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 3 sheets

SHORT LINE TABLE

BEARING	DISTANCE
130°09'	18.73
195°12'	17.22
190°55'40"	20.15
150°58'10"	10.00

COORDINATE SCHEDULE

MARK	MGA COORDINATES		CLASS	PU	METHOD	STATE
	EASTING	NORTHING				
SSM 42380	699442.022	6081986.157	A	0-02	SCIMS	FOUND
TS 3100 (MIKE)	698429.510	6081985.548	ZA	0-02	SCIMS	FOUND
SSM 110195	699126.476	6081953.111	C		SCIMS	FOUND
SSM 110196	699070.116	6081949.430	C		SCIMS	FOUND
SSM 207028	699426	608214	U		SCIMS	FOUND

DATE OF SCIMS COORDINATES: 25 / 05 / 2020 MGA ZONE: 56
MGA DATUM: GDA2020 COMBINED SCALE FACTOR: 0.999984

CONTROL MARK CONNECTIONS

BY ME				MGA GROUND			
FROM	TO	BEARING	DISTANCE	BEARING	DISTANCE	BEARING	DISTANCE
SSM 42380	TS 3100	321°44'47"	1635.337	321°44'47"	1635.338		
SSM 42380	SSM 110195	214°55'00"	551.267	214°54'56"	551.286		
SSM 110195	TS 3100	338°07'41"	1870.894	338°07'41"	1870.929		
TS 3100	SSM 110196	160°06'45"	1883.223	160°06'45"	1883.214		
SSM 110196	SSM 110195	58°23'	66.17	58°23'37"	66.176		
TS 3100	SSM 207028	127°11'48"	1250.702				
SSM 207028	SSM 42380	178°14'17"	528.328				

NOTES:

ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO SURVEY, COUNCIL APPROVAL AND FINAL DESIGN

① EASEMENT FOR ACCESS VARIABLE WIDTH - 10 metres wide and 360 metres long

Surveyor: DAVID AMBROSE STONE
Date of Survey: / / 2020
Surveyor's Ref: 215276-06
2020M7100(425)

SUBDIVISION OF LOT 1 IN DP 1263364

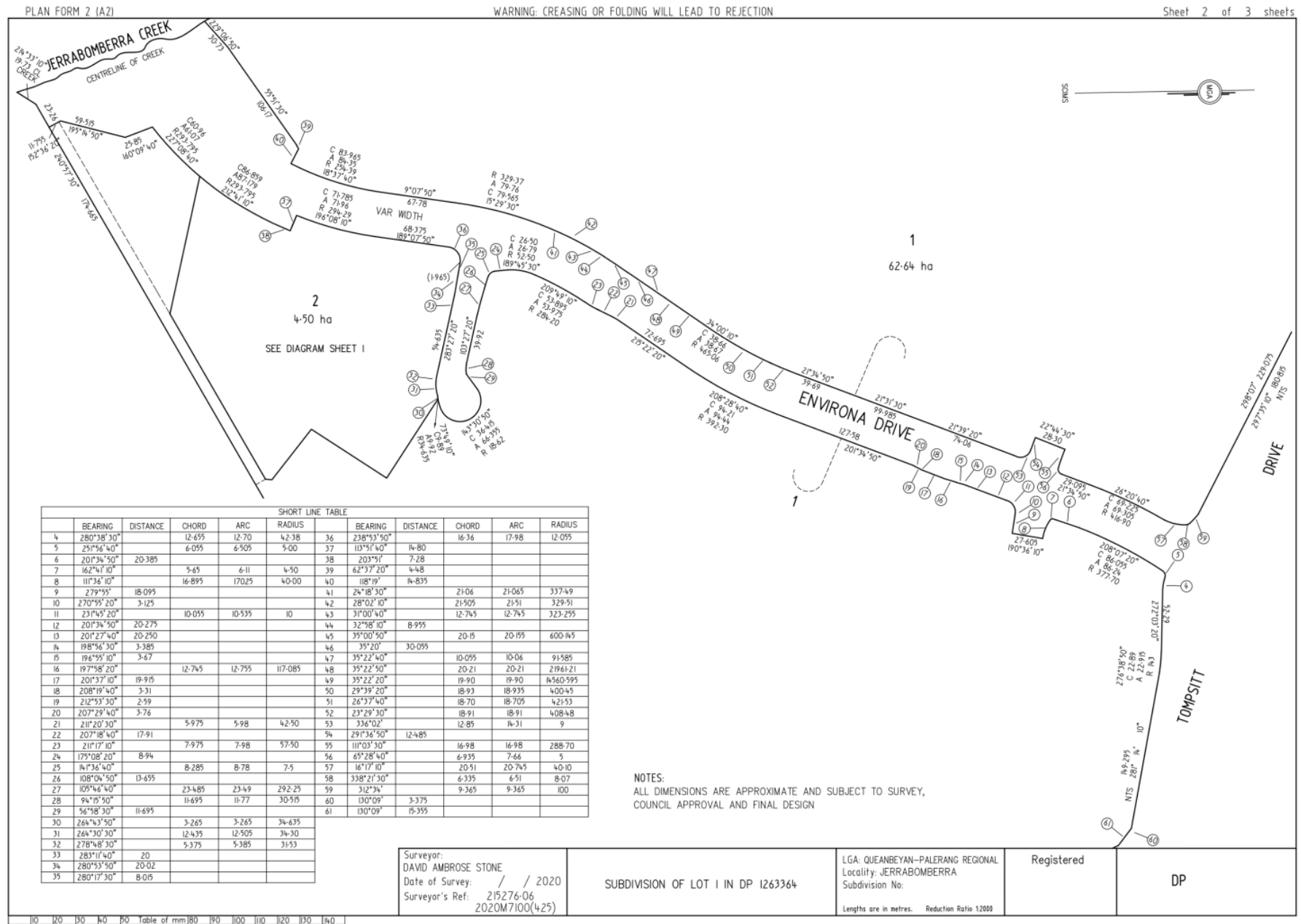
LGA: QUEANBEYAN-PALERANG REGIONAL
Locality: JERRABOMBERRA
Subdivision No:

Registered

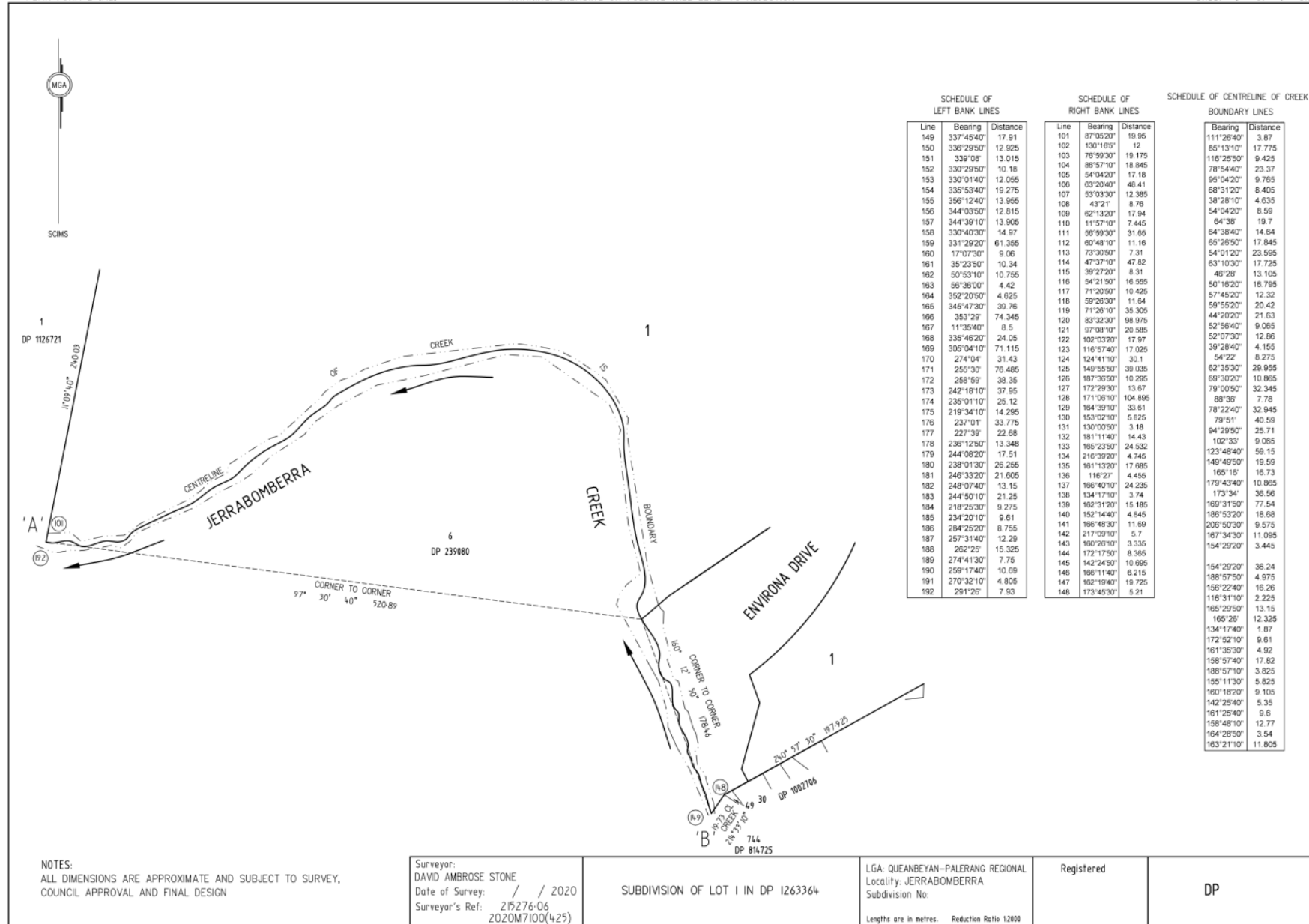
DP

Lengths are in metres. Reduction Ratio 14000

8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra
Attachment 2 - DA 322-2015 - Plans - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Continued)



8.1 Development Application DA 322-2015 - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra
Attachment 2 - DA 322-2015 - Plans - Two Lot Subdivision - 300 Lanyon Drive, Jerrabomberra (Continued)



Planning and Strategy Committee of the Whole Meeting Attachment

10 MARCH 2021

ITEM 8.1 DEVELOPMENT APPLICATION DA 322-2015 - TWO LOT
SUBDIVISION - 300 LANYON DRIVE, JERRABOMBERRA

ATTACHMENT 3 DA 322-2015 - REDACTED SUBMISSIONS - TWO LOT
TORRENS TITLE SUBDIVISION – 300 LANYON DRIVE,
JERRABOMBERRA

**300 Lanyon Drive Jerrabomberra – Two Lot Torrens Title Subdivision – Proposed
High School Site – Submissions**

For



Jerrabomberra Public School

Coachwood Avenue, Jerrabomberra NSW 2619
Postal address: PO Box 319, Jerrabomberra NSW 2619
Telephone: 02 6299 8860
Facsimile: 02 6299 8863
Email: jerra-p.school@det.nsw.edu.au
Internet: www.jerra-p.schools.nsw.edu.au

ABN: 541 7834 3227

MJ Thompson
Director
Environment, Planning and Development
QCC

RE: Development Application No: 322-2015
Applicant: Robin Pty Ltd

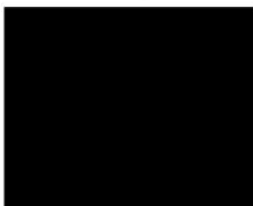
I refer to the application before Council for the parcel of land noted as LOT C (1.30 hectares) on the Poplars map as provided by Council.

As is noted in the documentation, this parcel of land is at present used by Jerrabomberra Public School as a playground extension. Due to our numbers being over 900 students on 2015, it is absolutely vital that the school retain the use of this block.

Considerable resources have been spent in fencing the block on the western and southern boundaries to ensure student safety and access to the rural block and dams adjoining the block is restricted. Without this land, the school would have very little play area. Considerable resources have also been spent in planting shade trees around the perimeter – in excess of 70 mature trees have been planted. This is both to beautify the area and provide shade.

We are therefore in support of the development application as long as this block remains designated for the use of the school so that it can be further developed to accommodate the needs of the students and community. We have plans to install two cricket nets on the block in the very near future. At present the school has use of the block under a lease agreement between the owners and the Department of Education for recreational use.


I am happy to provide further information as required.



Against

Development Application No.322-2015



 Follow up - Completed on Wednesday, 25 November 2020.
We removed extra line breaks from this message.

 Reply

 Reply All

 Forward



Wed 25/11/2020 9:05 AM

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Attention: Kaycee Dixon-Hilder

Hi Kaycee,

As the owner of [redacted] we are writing to request an extension of time to consider the important matter of the proposed Jerrabomberra High School which will have a boundary directly behind our property. Are you aware that the area along the Palm court boundary is a documented flood way (natural watercourse) and as such would not be suitable for such a development. Also we would need to see a detailed plan of buildings and other amenities that would occupy this proposed parcel of land.

Regards

[redacted]

Development Application 322-2015



10 Council Mailuser

Follow up. Completed on Wednesday, 25 November 2020.

Reply Reply All Forward ...
Tue 24/11/2020 8:20 PM

[EXTERNAL] This message originated from outside of the organisation. Please exercise caution when clicking links or attachments from external sources.

Attention Kaycee Dixon-Hilder

Hello Kaycee,

Thanks very much for seeing me today, answering my questions and providing a copy of the plan.

This proposal is of utmost concern to us as our home is one of four townhouses in [REDACTED] which is shown on the plan as right on the boundary of the proposed Jerrabomberra High School property which raises multiple issues.

Inexplicably, your letter to us dated 9 November was not received until last Tuesday 17 November which, you must agree, is insufficient time to consider an issue of such importance.

We have noted that the submissions close tomorrow (25 November) but we respectfully request you to extend the submission period in order that we may properly evaluate the many aspects of the DA.

Thanks again for your courtesy and we look forward to a favourable reply.

Kind regards,

[REDACTED]

Dear Kaycee

Thank you for your time this afternoon to answer some questions about the submission that has been made. My husband and I own a property that will be impacted adversely if the application is granted.

Our unit is one of four under a strata plan at [REDACTED] Jerrabomberra. In line with your advice, I request further time be granted for us (and others in the strata and community more broadly) so that we can assess the impact and submit an objection accordingly.

Details of concerns we have to support this request:

1. The public notification letter was dated 9 November with the notification period commencing on the same date and to expire on 25 November. I cannot be certain as to when you posted letters, but we only received our Thursday last week.
2. The submission is 533 pages long and it is completely unreasonable for individuals with no town planning or environmental experience to be able to effectively review the request and understand the impacts to our property. Common sense should prevail and the council should assess the complexity and length of the submission and give more notice to community for comment.
3. There is documentation that is missing or is illegible.
 - A) For example page 172 is illegible.
 - B) There is no clarity or consistency of the siting of the high school with respect to our boundary. Each image/drawing seems to depict something a little different.
 - C) There is hand written/drawn boundaries showing extension or future work to the school taking it right up to our boundary, but again scale and accuracy is unclear. Is this a proposed building envelope?
 - D) There are no elevations depicting visual and noise impact.
 - E) The submission appears to show a road being constructed outside our fence but no traffic plan that indicates volume of vehicles
 - F) There is no landscape buffer zone shown
 - G) There are no remedies detailed to existing home owners for visual or noise pollution

Our strata plan is made up of 4 units with common boundary walls separating each unit. As a result, each unit has most of its windows north facing, at the rear of the property. This is the orientation that takes in the views of the land upon which the developers are planning to erect the high school. The land has a natural gradient upwards away from our property and as a result we are at great risk of losing amenities such as views, sunlight, visual and noise privacy. This will impact our lifestyles and property values.

Could you please extend the consultation period for all parties and arrange for additional documentation to be provided to address the points above. This includes legible copies of documents. Specifically we would also like to know distance away from our fence to the school buildings, the expected construction activity between the boundary and the buildings, the natural ground level at the boundary, the natural ground level at the building envelope/commencement of buildings and the height of the buildings above natural ground level once constructed, proposed lighting that will be erected around school, pathways and roads.

Many thanks
[REDACTED]

Sent from my iPad

**QUEANBEYAN-PALERANG REGIONAL
COUNCIL**

Planning and Strategy Committee of the Whole Meeting Attachment

10 MARCH 2021

ITEM 8.1 DEVELOPMENT APPLICATION DA 322-2015 - TWO LOT
SUBDIVISION - 300 LANYON DRIVE, JERRABOMBERRA

ATTACHMENT 5 DA 322-2015 - DRAFT CONDITIONS OF CONSENT - TWO LOT
SUBDIVISION - 300 LANYON DRIVE, JERRABOMBERRA

DRAFT CONDITIONS OF CONSENT **322-2015**

APPROVED DEVELOPMENT AND PLANS

1. Approved Development and Plans

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

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Deposited Plan	David Ambrose Stone	2020 Ref: 215276.06 2020M7100 (425)	November 2020
Biodiversity Development Assessment Report	Capital Ecology	October 2020 Ref: 2990	November 2020
Environmental Site Assessment - 2	Coffey	September 2020 Ref: 754-CBREN278296-R01	November 2020
Environmental Site Assessment - 1	Coffey	April 2019 Ref: 754-CBREN227124-R01	November 2020

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

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

Biodiversity Conditions

2. Species Credit Retirement

Prior to issue of a Subdivision Certificate the class and number of species credits in Table 1 in Condition 4 below must be retired to offset the residual biodiversity impacts of the development.

Reason: To comply with Biodiversity Conservation Act 2016.

3. Payment of Credits

The requirement to retire credits outlined may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Reason: To comply with Biodiversity Conservation Act 2016.

4. Evidence of Retirement of credits

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the consent authority prior to issue of Subdivision Certificate.

Reason: To comply with Biodiversity Conservation Act 2016.

Table 1 Species credits required to be retired - like for like

Impacted species credit species	Number of species credits	PCT & Vegetation Zone
Synemon plana/ Golden Sun Moth	9	PCT1334 Zone 4

5. Biodiversity Management Plan

Prior to issue of Subdivision Certificate, a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority. The Biodiversity Management Plan must identify the development site as per the Biodiversity Development Assessment Report. Impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat.

Reason: To comply with Biodiversity Conservation Act 2016.

6. Biodiversity Management Plan - Mitigation Measures

The Biodiversity Management Plan must identify all measures proposed in the Biodiversity Development Assessment Report to mitigate and manage impacts on biodiversity as outlined in Table 2 below.

Reason: To comply with Biodiversity Conservation Act 2016.

Table 2 - Statement of commitments to mitigate and manage biodiversity impacts

- Retention of remnant native vegetation, regrowth, dead timber, and rocks;
- Replanting or supplementary planting where natural regeneration will not be sufficient
- (Poplars South BioBanking Site only);
- An integrated weed management plan, including weed control, monitoring, and inspection of existing and new weeds;
- Control of feral and overabundant native herbivores using a variety of methods (e.g. biocontrol, baiting, warren destruction, fumigation, shooting, trapping, and harbour destruction), including monitoring and inspection requirements;
- Vertebrate pest management (foxes and other miscellaneous feral species) using a variety of methods (baiting, den destruction, shooting, and trapping), including monitoring and inspections of existing and new vertebrate pests;
- A fire management plan, including prescribed ecological burns if required;
- Stock are not permitted to graze in any area of the Biobank Sites;
- Erosion control;
- Management of site drainage from urban stormwater catchments;
- Management of human disturbance, including fencing (to deter human and vehicular access) and signage, and restrictions on permitted activities;
- Monitoring, reporting, and record keeping requirements, including:
 - Site inspection and monitoring, recording ground cover, stock numbers, condition of fencing and gates, human disturbance, erosion, and waste;
 - Annual reporting, detailing the completed management actions and the results of any monitoring, inspections, or survey; and
 - Record keeping, including photographs, management actions, inspections, monitoring, and surveys.
- Adaptive management, including a review of management plans every 4 to 6 years. This process considers the effectiveness of the matters contained in the current plan.

7. General Terms of Approval

The development must be carried out in accordance the General Terms of Approval issued by the NSW Rural Fire Service dated 10 April 2018 and 25 February 2021 attached in Schedule 1 of this consent.

Reason: To comply with the Department of Rural Fire Service requirements.

8. Vehicular access restriction from Environa Drive

No vehicular access is to be provided to the site directly from Environa Drive other than by buses utilising the bus bay on Environa Drive.

Reason: To ensure vehicular access points are not connected to arterial roads.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

9. 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 2 of this consent must be paid to Council under the provisions of Section 94/7.11/7.12 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.

CONDITIONS TO BE SATISFIED DURING SUBDIVISION WORKS

10. Approval Documents

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

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

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

11. 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) Any s88B instruments required by these conditions of consent;
- c) A letter outlining how compliance with each condition of this development consent has been achieved; and
- d) Engineering Construction Certificate Report in accordance with specifications.

Reason: To enable registration of the subdivision and to ensure compliance with conditions of consent. To provide sufficient signed copies of the subdivision plan for Council, the applicant and the NSW Land and Property Information.

Reason: To satisfy relevant utility authority requirements.

12. Street Numbering

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

Advice: Liaise with Queanbeyan-Palerang Regional Council to determine the street numbering for newly created allotments in accordance with Council's requirements.

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

13. Covenant on the Land

Apply covenants under section 88B of the *Conveyancing Act 1919* to the new lots incorporating the restrictions listed below. Queanbeyan-Palerang Regional Council shall be nominated as the sole party with the power to vary or remove the required covenants.

- a) Creation of a four metre (4m) wide easement over Council's sewer main crossing proposed Lot 2 to benefit Queanbeyan-Palerang Regional Council;
- b) Creation of a Right of Carriageway 10 metres wide in favour of proposed Lot 2 over proposed Lot 1 to benefit Queanbeyan-Palerang Regional Council and the NSW Department of Education denoted as easement A on the Deposited Plan;
- c) Plantings on the entire site, including the 10 metres wide Right of Carriageway, are to exclude species listed on the regional weeds lists;
- d) All easements specified below and contained in the subdivision must benefit Council as well as particular lots;
 - i. easements to drain sewer,
 - ii. easements which Council may require to provide or maintain other services, and
- e) Easements for electricity supply shall be created on the final plan of subdivision in favour of Essential Energy. Such easements shall be:
 - A 7m x 4.2m wide padmount easement within the lot; and,
 - A 2m HV easement over any underground HV supply that may sit within the lot.

Reason: To ensure public utility services, access and restrictions are legalised over the land.

CONDITIONS TO BE SATISFIED PRIOR TO PRACTICAL COMPLETION OF SUBDIVISION WORKS

14. Statement from Surveyor

Upon practical completion of subdivision works 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.

15. Electricity Supply

Prior to practical completion of subdivision works, a Notice of Arrangement (NOA) shall be requested from the electricity authority which states that satisfactory supply arrangements have been made for the provision of electricity to the proposed development.

Reason: Ensures that satisfactory supply arrangements have been made and that all of the lots in the subdivision are suitably serviced.

16. Submission from Service Authority

Prior to practical completion of subdivision works 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 and natural gas to each lot must be submitted to Council.

Note: Servicing does not form part of this consent; however, is occurring as part of other approvals. Evidence of this is to be supplied with any subdivision certificate.

17. Certification of Completed Works

At practical completion of works the superintendent of works shall present to Queanbeyan-Palerang Regional Council a Certification Report for civil works and is to include copies of any approvals outlined in this development consent and report on the current status of environmental restoration and revegetation. All project plans, inspection test plans, and results are to be included in the report. The superintendent of works shall be a Civil Engineer or suitably experienced and accredited Registered Surveyor as set out in Council's Specification.

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

SCHEDULE 1

GENERAL TERMS OF APPROVAL – NEW SOUTH WALES RURAL FIRE SERVICE

General Terms of Approval 10 April 2018

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:

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:

1. The provision of all water, electricity and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

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

Updated General Terms of Approval 25 February 2021

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, 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.

General Conditions

1. The proposed development must comply with the general terms of approval detailed in the bush fire safety authority dated 10 April 2018 with reference DA18032912428 BB.

General Advice – Consent Authority to Note

This approval is for the subdivision of land only. Any further development applications for development within the lots may be subject to a separate application under the Environmental Planning and Assessment Act 1979 and may be required to address the relevant provisions of Planning for Bush Fire Protection 2019.

Regarding future land use within proposed Lot 2, all Special Fire Protection Purpose (SFPP) development must comply with the specifications and requirements detailed in section 6 of Planning for Bush Fire Protection 2019 (PBP). This includes but is not limited to compliance with the access provisions detailed in Table 6.8b and the APZ requirements detailed in Table A1.12.1 in Appendix 1 of PBP 2019. This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .