



Ordinary Meeting of Council

25 May 2022

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEM 9.1

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL**

ATTACHMENTS – 25 May 2022 Page i

Item 9.1	Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee	
	<i>Attachment 1</i>	<i>DA.2021.1153 - 4.15 Assessment Report - 360A Lanyon Drive, Tralee2</i>
	<i>Attachment 2</i>	<i>DA.2021.1153 - Plans - 360A Lanyon Drive, Tralee..... 41</i>
	<i>Attachment 3</i>	<i>DA.2021.1153 - Submissions - 360A Lanyon Drive, Tralee..... 49</i>
	<i>Attachment 4</i>	<i>DA.2021.1153 - Draft Conditions - 360A Lanyon Drive, Tralee 60</i>

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

25 MAY 2022

ITEM 9.1 DEVELOPMENT APPLICATION DA.2021.1153 - 59 LOT
TORRENS TITLE BUSINESS AND INDUSTRIAL
SUBDIVISION WITH TWO RESIDUAL LOTS - 360A
LANYON DRIVE, TRALEE

ATTACHMENT 1 DA.2021.1153 - 4.15 ASSESSMENT REPORT - 360A LANYON
DRIVE, TRALEE

EXECUTIVE SUMMARY

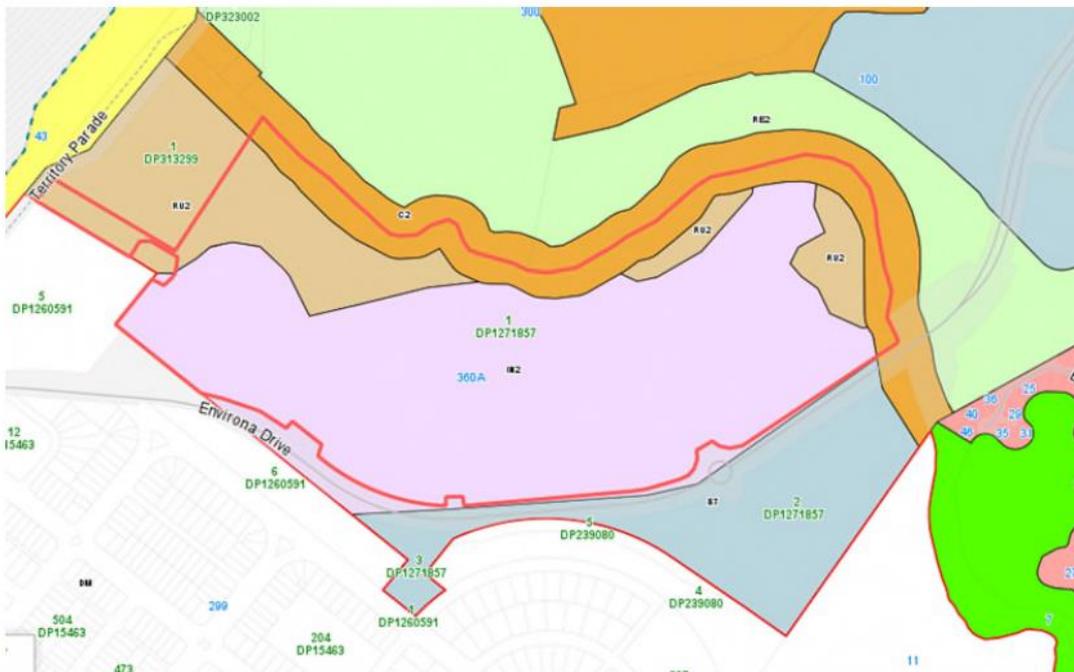
- 1.0 The proposal seeks approval for a 59 Lot Torrens Title Subdivision (for business and industrial use), two residual lots, associated roads and subdivision construction works,
- 2.0 The application was notified to adjoining owners for a period of 14 days from the 19 April 2021 to 17 May 2021 with 3 submissions received during the notification period.
- 3.0 Principal Issues – Engineering requirements, biodiversity, landscaping and visual walls.
- 4.0 The application is recommended for approval subject to the imposition of the recommended conditions of consent.

BACKGROUND

South Jerrabomberra is a new land release area within Jerrabomberra. It includes a number of localities including South Tralee, South Jerrabomberra and North Tralee. The South Jerrabomberra Structure Plan was endorsed by Council and the Department of Planning in May of 2014 with development applications being considered since this time. The urban release area is aiding in facilitating the population growth of the South East and Tablelands which is included in the State Governments Regional Plan. The proposal aims to facilitate the population growth in regard to providing employment opportunities until 2036.

The land subject to this development application DA.2021.1253 includes the land on which the Regional Sports Complex is proposed. The land comprises three zones under the *Queanbeyan Local Environmental Plan (West Jerrabomberra) (QLEP WJ) 2013* and minimum lot sizes of 80ha and 2000m².

- IN2-Light Industrial
- RU2-Rural Landscape and
- C2-Environmental Conservation



The land on which the proposed industrial subdivision relates has a minimum lot size of 2000m² and is Zoned IN2 – Light Industrial. The remaining land does not meet the minimum lot size under the *QLEP (WJ) 2013*.



The proposed subdivision would not satisfy the minimum lot size, clause 4.1 of the *QLEP(WJ) 2013* for the remaining land. In response to this, the applicant applied for a subdivision, simultaneously to this DA, to excise a lot of land for a public purpose as exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Code) 2008*. The public purpose use is for the Regional Sports Complex (17.7 ha) and part of the non-developable land along Jerrabomberra Creek (4.7 ha). The total area for public purpose is 22.4 ha.

This is relevant for two reasons:

- 1) The land on which the Regional Sports Complex sits is to be dedicated to the Council within 3 months of the registration of a subdivision (*Jerrabomberra Innovation Precinct Infrastructure Planning Agreement 2020*), until the land is registered the dedication to Council is delayed and
- 2) The land subject to the current DA is on a proposed lots but as they are not legally created, the issue of noncompliance with the minimum lot size under the *QLEP WJ* remains.

To resolve this, it is recommended that the determination of DA.2021.1153 for subdivision of land and associated works to create 59 Torrens title subdivision with two residual lots on proposed Lot 2 DP 1271857, No 360A Lanyon Drive Tralee be delegated to the CEO when the plan of subdivision is registered with NSW Land Registry Services.



Figures 1 and 2: Locality plans (IntraMaps and Nearmap)

PROPERTY BURDENS AND CONSTRAINTS

Existing easements on the land should not be affected or be affected by, the proposed development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application seeks Council approval for a 59 Lot Torrens Title Subdivision for business and industrial use and two residual lots.

The specific elements of the proposal are as follows:

- 59 Lot subdivision: 14 business lots and 45 industrial lots. The lots range in size from 2131m² to 14688m² for the business use lots and 2008m² to 7436m² for the industrial lots,
- Two residue lots: one lot to accommodate a dry system bioretention basin (on proposed Lot 10) and one lot for open space and the riparian corridor,
- Landscaping,
- 3m high solid wall for visual amenity,
- 1.8m high visual wall proposed along the rear boundaries of the lots adjoining Environa Drive.



Figure 3: General arrangement plan (Prepared by spire)



Figure 4: Locality plan indicating site and works area (Prepared by spire)



Figure 5: Lot mix plan (Prepared by spiire)

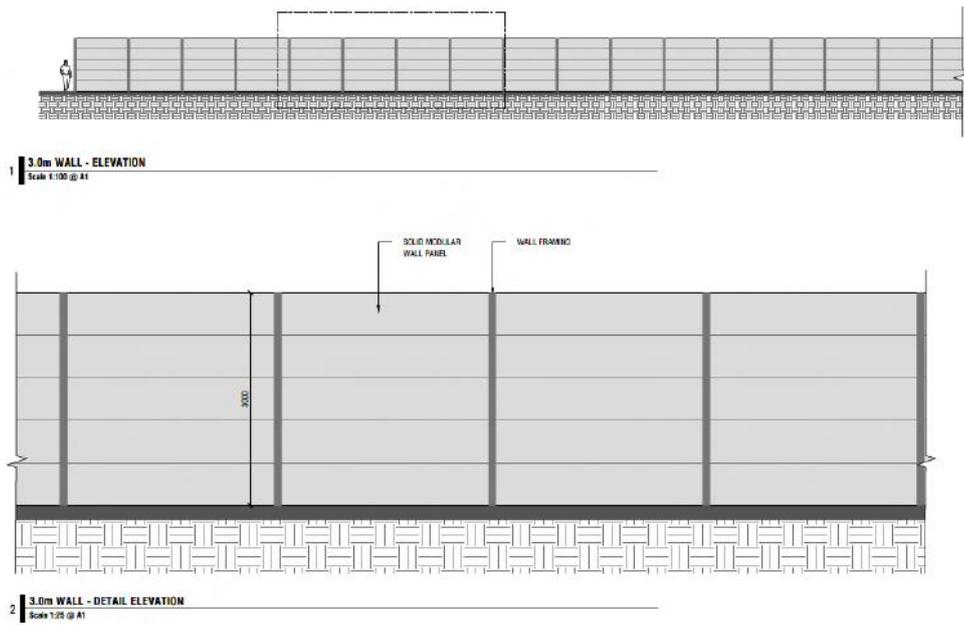


Figure 6: Detailed design of wall (Prepared by spiire)

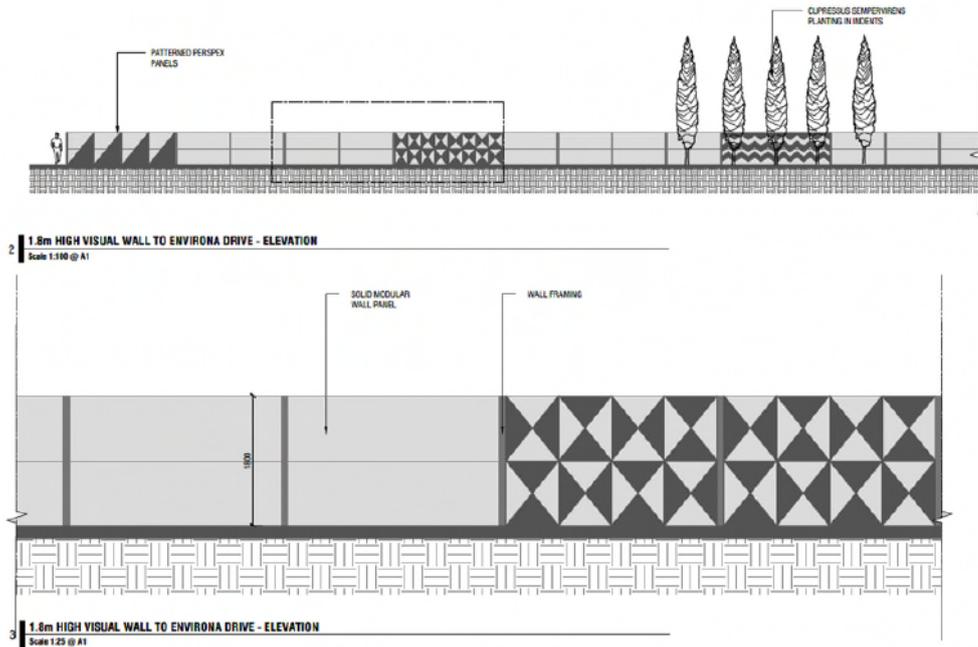


Figure 7 & 8: 1.8m visual wall proposed along the rear boundaries of the lots adjoining Envirova Drive. (Prepared by spire)

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 approvals are 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	Yes

NSW Rural Fire

The application was referred to the NSW Rural Fire Service as required under Section 100b of the Act. Correspondence was received on 10 May 2021 from the NSW Rural Fire Services issuing general terms of approval.

The conditions provided will be included within the recommended conditions of consent.

Heritage NSW

The application was referred to Heritage NSW under the National Parks & Wildlife Act 1974; correspondence was received in a letter dated 1 November 2021 advising Council “that due to test excavations carried out for site PAD1-south (57-2-0975) which extends between the current development and the adjoining proposed Queanbeyan-Palerang Regional Sports Complex.

The Department has reviewed the test excavation results and advise that 57-2-0975 is not a valid site as no Aboriginal objects were recovered. Based on the information provided,

DA.2021.1153 is therefore not considered integrated in relation to the National Parks and Wildlife Act 1974 because the archaeological investigations have not identified any Aboriginal objects within the development area."

Suggested conditions have however been provided to ensure compliance with legislation is in place to protect Aboriginal sites and objects and ensure that no additional harm is caused should ACH be encountered; these will be included within the recommended conditions of consent.

Natural Resources Access Regulator (NRAR)

The application was referred to NRAR as required under Water Management Act 2000 of the Act. Correspondence was received on 5 August 2021 issuing general terms of approval.

The conditions provided will be included within the recommended conditions of consent.

Department of Primary Industries – Fisheries (DPI)

The application was referred Department of Primary Industries – Fisheries as required under the *Fisheries Management Act 1994* as the proposed subdivision is located adjacent to the Jerrabomberra Creek. Correspondence was received in a letter dated 5 May 2021 advising Council that *"DPI supports Councils requirement for the development for a Plan of Management for the Open Space, which includes the riparian zone. We recommend that any approval issued includes a condition requiring rehabilitation and revegetation of the riparian zone with endemic native riparian vegetation along with a period of monitoring and maintenance of the works prior to any hand over of land to Council."*

DPI however advised that the requirement for approval under the *Fisheries Management Act 1994* has not been triggered as *"there are no works directly impacting on the bed or banks of Jerrabomberra creek have been identified or described in the proposal."*

REFERRALS

INTERNAL REFERRALS

Building Surveyor's Comments

Council's Building Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Engineering Comments

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

Water

The light industrial and the business park lots will be serviced with two 150mm stub connections from the 225mm REF watermain along Environa Drive once completed. The development proposes to construct new 150mm watermains along Road 001, Road 002, and Road 003 to service the individual lots.

Water reticulation within the proposed development will need to be designed and constructed in accordance with the requirements specified in QPRC's D11 Water Reticulation Design and C401 Water Reticulation Construction Specifications, and where applicable, the WSA03 Water Supply Code.

A reserve has been nominated for a stormwater treatment and detention asset in the north western corner of the estate. Overland flows in a major event will be directed to the detention basin via the road reserves. The system will need to be sized to maintain QPRC requirement of 500mm freeboard to adjacent lots during a 1% AEP event.



With the proposed sediment and bioretention basins being located within the approach route of the Canberra Airport, poses the risk of wildlife presence and increased wildlife strikes. Canberra Airport's comments on the proposed development made reference to Guideline C – Managing the Risk of Wildlife Strikes in the Vicinity of Airports. The guide suggests that action plans be created to mitigate any unacceptable increase in the risk of bird strike. Risk mitigation measures that should be considered include a requirement for a Wildlife Management Plan, changes to design where places or plants has been identified as an increasing risk of wildlife strike, establishment of appropriate habitat management, creation of bonds should obligations not be met, authority for airport operators to inspect and monitor wildlife hazards that have been identified, and consistent and effective reporting of wildlife events to Airport Authority. *The developer will be required to provide an acceptable mitigation measure as specified in the NASF's Guideline C – Managing the risk of wildlife strikes in the vicinity of airports prior to issuing of a development consent.* (Planners note: This has been addressed as a condition of consent and will be required prior to commencement of works.)

Roads

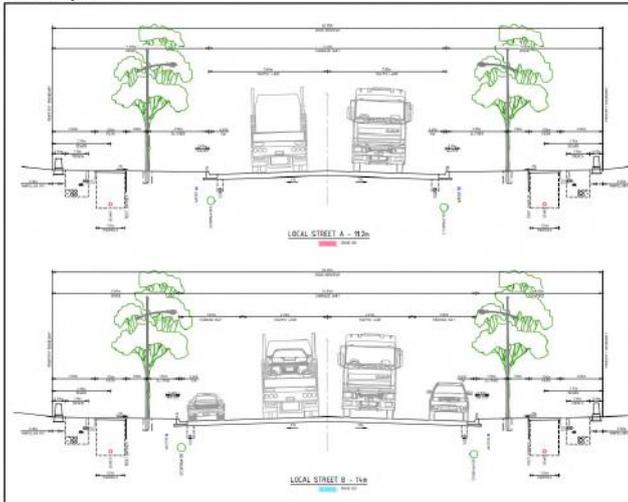
The proposed development will be accessed from the roundabout stubs that have been constructed as part of the NER2 (Environa Drive) project. All individual lots within the proposed Industrial and Business park will be accessed via the construction of three new local roads. No individual lots will have access from Environa Drive.

All local roads within the proposed development shall be designed to the standard and characteristics specified in QPRC D1 Geometric Road Design Specification.

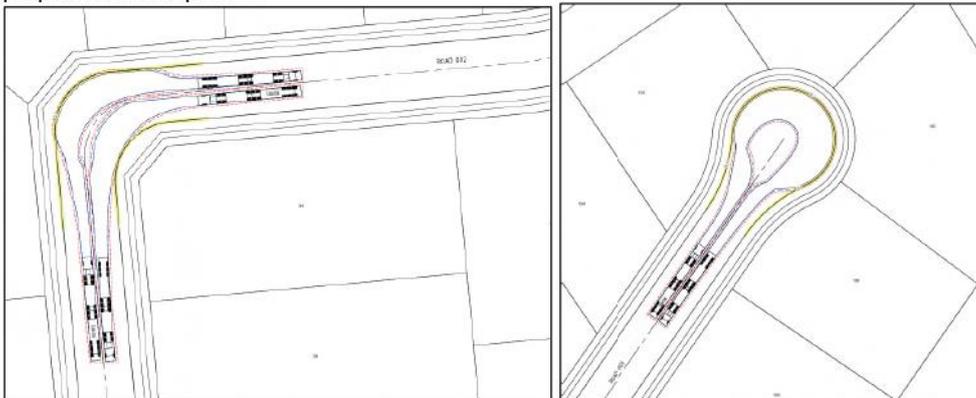


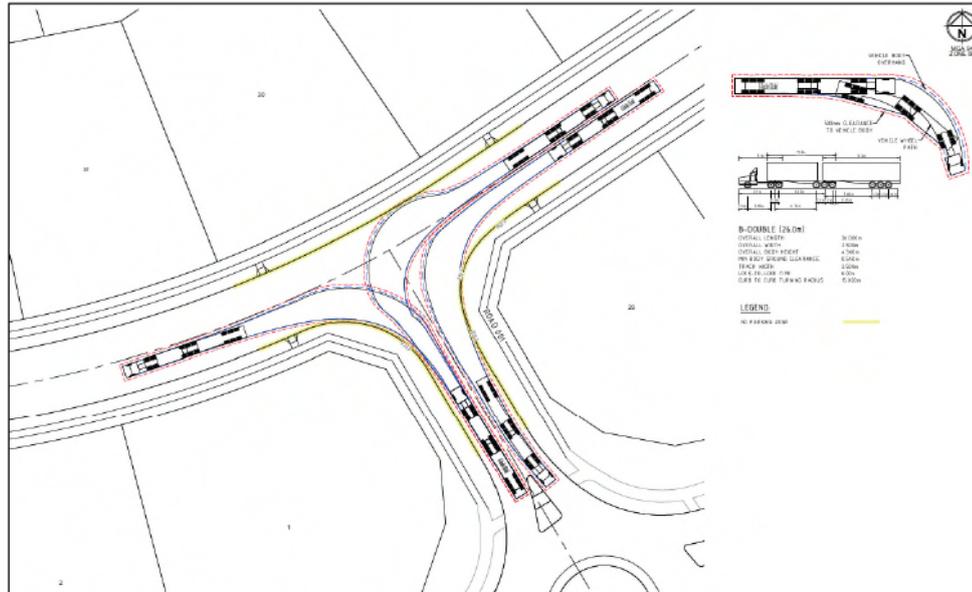
A traffic modelling report conducted by WSP based on the average volumes taken from a *Trip Generation Survey (Business and Industrial Estates) Data Report by RMS in 2012*, indicates that the proposed new internal roads would have significantly less traffic volumes than that of a Local Sub Arterial Road, and therefore recommends that the roads be designed and constructed to the standard and characteristics of a Collector Road (<3000 AADT).

A Collector Street has a minimum traffic width of 11.2m, minimum 5m verge, on-street parking, and with barrier or modified layback kerbing. The proposed roads will have a minimum 11.2m traffic width and verges with more than 5 metres. The proposed new roads show compliance with QPRC's D1 Geometric Road Design Specification and are supported by the assessor of this report.



Turning movements for the proposed development demonstrated that a 26m B-double design vehicle can turn at intersections between street without causing disruptions to vehicles travelling in the opposite direction, can pass side by side with another 26m B-Double around all corners of the site, and can navigate the cul-de-sac head in one singular movement. The turning templates also demonstrated the suitability of the roundabout on Environa Drive to the proposed development.





Parking is proposed within the carriageway as per the typical characteristics of a collector street. Formalisation of parking bays is not feasible due to the potential for larger vehicles and vehicles with trailers using the site. Appropriate signage should be installed where required to control parking.

A 1.5m wide footpath network has been allowed for on both sides of all the roads within the development. The footpath network will connect to the 2.5m shared path provided on Environa Drive.

The existing splitter islands on the legs of the roundabout on Environa Drive appear to have more than the minimum 2.5m preferred cyclist refuge.

Flooding

Not applicable. The site is not located within a flood planning area.

Waste Comments

Council's Waste Officer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Environmental Health Comments

Council's Environmental Health Officer raised no objection to the proposed development subject to imposition of the recommended conditions of consent and commented on the proposal as follows:

Comments

The application is for a subdivision and development of the business park on land at North Tralee.

Development of 59 lots comprising of:

- 14 business lots;
- 45 industrial lots;

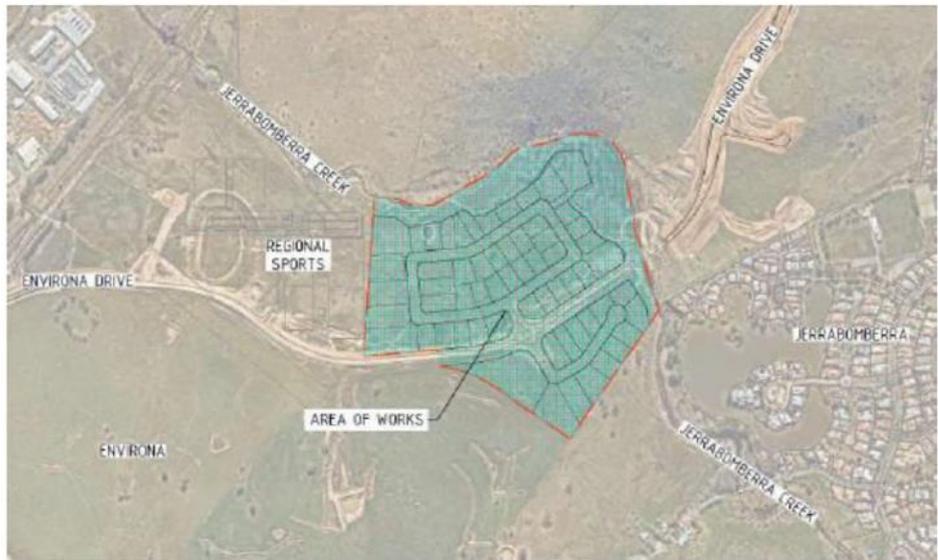
Two residue lots will be:

- one accommodating a water quality basin (lot 10);
- one accommodating open space and the riparian corridor;

There will also be associated roads and utility infrastructure, landscaping including a 3 metre high solid wall for visual amenity.

During community consultation the key issues for residents of Jerrabomberra were visual and noise impacts.

Figure 2 Site and works plan



Source: Spiire, 2021

Noise

With the change of land use in the area the background noise is expected to change, possibly significantly. Acoustic report provided by WSP states that the impact from this new area will need to be considered with each lot on a separate basis.

Onsite noise monitoring was undertaken by WSP with the following results. It is unsure however in regard to the times provided whether they were taken in AM or PM and therefore this might not be representative of the area during daytime

Table 2.1 Attended noise monitoring results (2020)

DATE / TIME	MEASURED NOISE LEVEL dBA			OBSERVATIONS
	L _{eq} , 15min	L ₉₀ , 15min	L _{max} , 15min	
10 November 6:05 – 6:20	48	39	69	Children, birds, dogs, local traffic. Aeroplanes and distant traffic on Bicentennial Drive.
10 November 6:30 – 6:45	45	37	66	
10 November 7:05 – 7:20	44	38	62	
13 November 4:15 – 4:30	48	41	73	
13 November 4:30 – 4:45	49	41	74	

The monitoring results show a very consistent daytime noise environment with L_{A90} noise levels in the order of 40dB(A).

Predicted noise levels at all receivers are predicted to potentially exceed project NTLs by up to 5dB during standard hours (daytime per NPfI) at residential properties along Bayside Circuit. Noise levels at other properties and during other time periods are likely to comply with the project NTLs.

The acoustic report provided states that there may be an exceedance in the Predicted noise levels at all receivers are predicted to potentially exceed project Noise Trigger Levels (NTLs) by up to 5dB during standard hours at residential properties along Bayside Circuit and central areas of Jerrabomberra. Noise levels at other properties and during other time periods are likely to comply with the project NTLs for buildings up to 8 m in height. No maximum noise levels for the area were provided as part of this report.

The results also show that the 41dB Project NTL is expected to be exceeded for properties to the west of David Madew Oval, generally along Bayside Circuit and towards the east through

central areas of Jerrabomberra. Properties on the western shore of Jerrabomberra Lake Island may marginally exceed this level. Noise levels in this area are not expected to exceed 45dB at any residences. Noise levels at other properties are expected to comply with the existing project NTLs.

The acoustic report does not provide any recommendations for the actual subdivision instead only providing noise management strategies to each subdivided lot. In consideration of the nature of the predicted exceedances, it is recommended that noise emissions are managed as part of the planning approval process for each allotment when more detailed information on the nature of each sites' operations and noise sources is better understood.

The report provides noise impact measures for the allotments including that "localised noise screens should be considered along the eastern boundary of sites. These should extend to the northern and southern allotment boundaries to minimise noise transmission towards Jerrabomberra". However, it also states within the conclusion that the "adoption of widespread noise mitigation measures such as property treatments or noise barriers would be an inefficient form of noise management" and no reason has been given for this apparent contradiction. A concrete screen is to be provided under the Statement of Environmental Effects (SEE) however for visual purposes only.

WSP considers that the site is suitable for the proposed development, however recommends that the following clauses be incorporated into the DCP/ Master Plan:

- An acoustic report shall accompany a development application for B7 – Business Park land uses within 400m of residential development within Jerrabomberra. The acoustic report shall evaluate potential impacts on existing homes in Jerrabomberra. Noise impact shall be assessed in accordance with both NSW legislation and guidelines.
- The acoustic report shall provide appropriate recommendations for noise mitigation treatments to achieve acceptable external and indoor sound levels within existing dwelling houses in Jerrabomberra.
- On completion of the works, an acoustic report shall be provided certifying that the recommended treatment has been completed and noise measurements shall be undertaken to confirm compliance with the noise level criteria stipulated in the report.
- Design considerations should be incorporated into any DCP for the Site in relation to the use of buildings on the eastern edge of the Site including that the block should run along the edge of the site parallel to the acoustic mound, around the sides of the property to protect the sides.

Contaminated land

Douglas Partners was engaged to undertake a contamination assessment (phase 1) of the site and areas of contamination were noted. Douglas Partners concludes that the proposed development is likely suitable at this site and recommends that a Construction Environmental Management Plan be implemented as part of works on site.

The recommendations from the Detailed Site Investigation for Contamination, Proposed Subdivision (46162.12.R.001.Rev1 – August 2018) by Douglas Partners are to be fully implemented to ensure that any contaminated land is further investigated and remediated where required. An unexpected finds protocol must also be implemented to ensure any potential asbestos containing material is appropriately and safely removed.

Table 16: Recommendations for Further Works

AEC	Description	Recommendations for further work
AEC 1	Fill Embankment	The results of the sampling of the fill embankment indicate that gross contamination was not present within the filling. DP understands the filling may be re-used on site. DP considers the filling may be suitable for on-site reuse subject to further investigation and the implementation of an unexpected finds protocol.
AEC 2	Use of hydrocarbon fuel in race track area.	No further investigation required but it would be prudent to include this area in the unexpected finds protocol.
AEC 3	Spills and leaks of fuels in pits area	
AEC 4	Hazardous building materials	A pre-demolition hazardous materials survey is recommended for buildings and former buildings in the race track area and should be undertaken by a licensed asbestos assessor. Identified hazardous building materials should be removed by a licensed asbestos removalist and validation of the removal should be completed by a licensed asbestos assessor.
AEC 5	Toilet blocks and soakaways	No further investigation required except for a hazardous building materials survey.
AEC 6	Former landfill area	The results of the sampling of the former landfill identified the presence of anthropogenic waste, including asbestos containing material. DP recommends the area is excavated and stockpiled on site prior to undertaking a waste classification assessment in order to dispose the material off-site to a suitably licensed waste disposal facility.
AEC 7	Potential sand and /or gravel extraction	No further investigation required.
AEC 8	Potential former Pesticide use	No further investigation required.

Based on the assessment undertaken to date, it is considered that the site is likely to be suitable for the proposed development, following further investigation and remediation detailed in Table 16 above.

In addition, DP recommends that a construction environmental management plan (CEMP), incorporating an unexpected finds protocol be implement during the development works at the site.

Sediment and Erosion Control

Appropriate sedimentation and erosion control must be provided to protect the creek and prevent run-off from leaving the site.

LIS Comments

Council's LIS team offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

Traffic Committee Comments

The application was referred to the Queanbeyan Local Development Committee who provided comment that the *“Queanbeyan Local Development Committee support the Traffic Impact Assessment for the development and that the proposed treatments for the key issues identified are adequate for the continued assessment of the development application.”*

EXTERNAL REFERRALS

Essential Energy

The application was referred to Essential Energy in accordance with Section 45 of the *State Environmental Planning Policy (Infrastructure) 2007*. A response was received on 30 April 2021 providing comments that *“Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.”* but have

provided general comments, these comments will be placed on the development consent as advisory notes.

Transport for NSW

The application was referred to Transport for NSW and a response was received advising Council that *"The proposal is consistent with this clause as the notification of the development was provided to Transport for NSW (TfNSW) which included consultation with John Holland Rail (JHR) who is the rail infrastructure manager of the Country Regional Network (CRN).*

TfNSW raised no concerns from the state classified road and/or a rail corridor perspective and provide no objection to the development."

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:

- (a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,
- (b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
- (c) in relation to the habitat of a threatened species or ecological community:
 - (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,
- (d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),
- (e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

The submitted (revised) Biodiversity Development Assessment Report prepared by Eco Logical Australia assessed that the development area comprised mainly exotic vegetation and one degraded

Plant Community Type (PCT) covering 0.13 ha of the development area (PCT 1330 – Yellow Box – Blakely’s Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion.).

The report states that:

Approximately 0.13 ha of PCT 1330 will be impacted by the development. PCT 1330 achieved a vegetation integrity score of 15.7. Based on the BAM Calculator, one ecosystem credit is required to be offset for the development.

The Biodiversity Assessment Method (BAM) determined that offsets are required to be secured for the following biodiversity values:

Table: Ecosystem Credits required as a result of the proposed development

PCT #	PCT Name	Vegetation Zone	Area in development footprint	Vegetation Integrity Score	Credits
Ecosystem Credits					
1330	Yellow Box – Blakely’s Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion (degraded)	1	0.13 ha	15.7	1

DPIE – Biodiversity and Conservation Division (BCD) reviewed a revised report and provided comment that:

BCD note that this report was revised based on comments provided in May 2021. BCD’s previous comments were regarding:

- *impacts to Plant Community Type (PCT) 1330 Yellow Box – Blakely’s Red Gum grassy woodland on the tablelands, South Eastern Highlands;*
- *whether this PCT constituted a Critically Endangered Ecological Community (CEEC); and*
- *whether impacts to the CEEC constitute a Serious and Irreversible Impact (SII).*

The revised BDAR addresses these comments and now includes details on a small offset obligation, and a SII assessment. BCD is satisfied that the impacts of the development are unlikely to constitute a SII.

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.

The application was referred to the NSW Rural Fire Service and general terms of approval have been received by Council on 10 May 2021.

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 (INFRASTRUCTURE) 2007

The application was referred to Essential Energy in accordance with Section 45 of the *State Environmental Planning Policy (Infrastructure) 2007*. A response was received on 30 April 2021 providing comments that “Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.” but have provided general comments, these comments will be placed on the development consent as advisory notes.

STATE ENVIRONMENTAL PLANNING POLICY NO.55 – REMEDIATION OF LAND

Referral was made to Council’s Health Officer who provided the following comments on contamination of land:

Contaminated land

Douglas Partners was engaged to undertake a contamination assessment (phase 1) of the site and areas of contamination were noted. Douglas Partners concludes that the proposed development is likely suitable at this site and recommends that a Construction Environmental Management Plan be implemented as part of works on site.

The recommendations from the Detailed Site Investigation for Contamination, Proposed Subdivision (46162.12.R.001.Rev1 – August 2018) by Douglas Partners are to be fully implemented to ensure that any contaminated land is further investigated and remediated where required. An unexpected finds protocol must also be implemented to ensure any potential asbestos containing material is appropriately and safely removed.

Table 16: Recommendations for Further Works

AEC	Description	Recommendations for further work
AEC 1	Fill Embankment	The results of the sampling of the fill embankment indicate that gross contamination was not present within the filling. DP understands the filling may be re-used on site. DP considers the filling may be suitable for on-site reuse subject to further investigation and the implementation of an unexpected finds protocol.
AEC 2	Use of hydrocarbon fuel in race track area.	No further investigation required but it would be prudent to include this area in the unexpected finds protocol.
AEC 3	Spills and leaks of fuels in pits area	
AEC 4	Hazardous building materials	A pre-demolition hazardous materials survey is recommended for buildings and former buildings in the race track area and should be undertaken by a licensed asbestos assessor. Identified hazardous building materials should be removed by a licensed asbestos removalist and validation of the removal should be completed by a licensed asbestos assessor.
AEC 5	Toilet blocks and soakaways	No further investigation required except for a hazardous building materials survey.
AEC 6	Former landfill area	The results of the sampling of the former landfill identified the presence of anthropogenic waste, including asbestos containing material. DP recommends the area is excavated and stockpiled on site prior to undertaking a waste classification assessment in order to dispose the material off-site to a suitably licensed waste disposal facility.
AEC 7	Potential sand and /or gravel extraction	No further investigation required.
AEC 8	Potential former Pesticide use	No further investigation required.

Based on the assessment undertaken to date, it is considered that the site is likely to be suitable for the proposed development, following further investigation and remediation detailed in Table 16 above.

In addition, DP recommends that a construction environmental management plan (CEMP), incorporating an unexpected finds protocol be implement during the development works at the site.

Conditions provided by Councils Health Officer will be contained within the conditions of consent.

STATE ENVIRONMENTAL PLANNING POLICY NO.44 – KOALA HABITAT PROTECTION

The submitted (revised) Biodiversity Development Assessment Report prepared by Eco Logical Australia assessed that the requirements under SEPP 44. The report stated that:

The Koala Habitat Protection SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The subject site contains Eucalyptus blakelyi, which is listed as a Koala tree species. However, the subject site is very degraded and is not considered to represent core Koala habitat and Koalas are unlikely to occur.

Only four nearby records of this species which were recorded within the past 10 years, all of which are >7 km from the study area, within large patches of forest. The trees within the study area are very isolated. Furthermore, no evidence of Koalas (e.g. scats or scratch marks) was observed during the field survey. Therefore, the subject site is considered unlikely constitute core Koala habitat, as defined in the SEPP, and impacts to the Koala as a result of this proposal are considered unlikely.

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN (QLEP) (WEST JERRABOMBERRA) 2013

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

Cl. 1.2(2)	Aims	Complies
(aa)	<i>to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	Yes
(a)	<i>to rezone certain land at West Jerrabomberra to achieve economically, environmentally and socially sustainable urban development that complements and provides a range of facilities for the benefit of the adjoining Jerrabomberra community,</i>	Yes
(b)	<i>to facilitate the orderly growth of the West Jerrabomberra urban release area in a staged manner that promotes a high level of amenity for workers and the timely provision of physical and social infrastructure through appropriate phasing of the development of land,</i>	Yes
(c)	<i>to identify, protect and manage environmentally and culturally sensitive areas within West Jerrabomberra, including but not limited to waterways and riparian corridors, habitat corridors, native vegetation and associated buffers, and heritage items,</i>	Yes
(d)	<i>to provide appropriate employment and community land use opportunities consistent with the environmental capacity of the land,</i>	Yes
(e)	<i>to provide appropriate controls for future development to minimise any adverse impact on the adjoining Jerrabomberra community.</i>	Yes

Comments: The proposal has been stated as land required to service the community for industrial and business use. It generally meets the above objectives by facilitating the orderly growth of West Jerrabomberra and providing employment land.

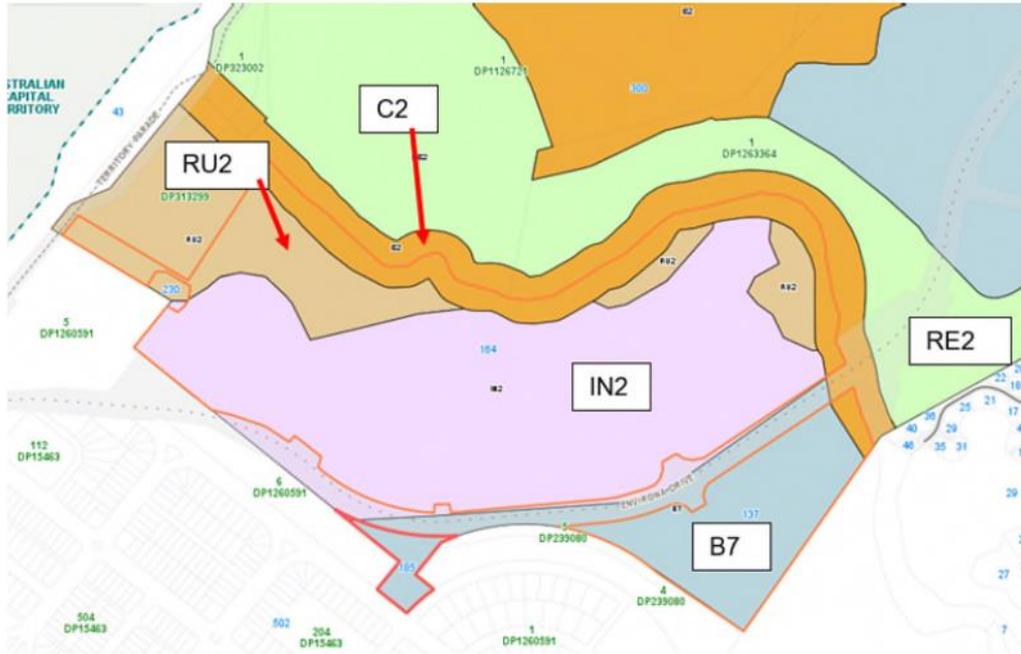
Suspension of Covenants, Agreements and Instruments

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

Permissibility

Development for the purposes of subdivision is permissible with consent under Clause 2.6 of the QLEP (WJ) 2013.

The subject site is primarily Zoned B7 Busines Park zone and IN2 Light Industrial under Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013 where the proposed lots will be located. It contains a number of other zones including RU2 Primary Production, C2 Environmental Conservation and RE2 Private Recreation. The land Zoning Map has been provided below:



Development for the purposes of a **subdivision** such as is proposed is permissible within both zones with consent and is defined under QLEP (West Jerrabomberra) 2013 as follows:

subdivision of land such as is proposed is permissible within the zone with consent and is defined under *Environmental Planning and Assessment Act 1979* as follows:

- (1) For the purposes of this Act, **subdivision** of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—
 - (a) by conveyance, transfer or partition, or
 - (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.
- (2) Without limiting subsection (1), **subdivision** of land includes the procuring of the registration in the office of the Registrar-General of—
 - (a) a plan of subdivision within the meaning of section 195 of the *Conveyancing Act 1919*, or
 - (b) a strata plan or a strata plan of subdivision within the meaning of the *Strata Schemes Development Act 2015*.

Zone Objectives

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

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

An assessment of the proposal against the objectives of the IN2 Light Industrial zone is included below:

Objectives	Complies
➤ To provide a wide range of light industrial, warehouse and related land uses.	Yes
➤ To encourage employment opportunities and to support the viability of centres.	Yes
➤ To minimise any adverse effect of industry on other land uses.	Yes
➤ To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.	Yes
➤ To support and protect industrial land for industrial uses	Yes

Comment: The proposed lots are primarily within the B7 Business Park zone and the IN2 Light Industrial zone. This is relevant given the subdivision is for the business and innovation hub of West Jerrabomberra. Respectively, the subdivision complies with the objectives of these Clauses given they will facilitate office, industrial, warehouse and other relevant use applications in the future. This in turn will encourage employment opportunities for the community whilst providing a well designed industrial and business area.

Other Zones

An assessment of the proposal against the objectives of the RU2 Primary Production zone is included below:

Objectives	Complies
➤ To encourage sustainable primary industry production by maintaining and enhancing the natural resource base	Yes
➤ To maintain the rural landscape character of the land.	Yes
➤ To provide for a range of compatible land uses, including extensive agriculture	Yes

An assessment of the proposal against the objectives of the C2 Environmental Conservation 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 and rivers, creeks and gully ecosystems within 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

An assessment of the proposal against the objectives of the RE2 Private Recreation 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 compatible land uses.	Yes
➤ To protect and enhance the natural environment for recreational purposes.	Yes
➤ To preserve the amenity of the existing development in the neighbourhood.	Yes

Comments: The subdivision will also consider the RE2, C2 and RU1 zones. Specifically, the application has been referred to several state agencies to review natural constraints on the site

including watercourses, bushfire and biodiversity. Through mitigation, offsets and the design of the subdivision, major impacts to the natural environment have been considered.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the QLEP 2012 is provided below.

Minimum subdivision lot size

The subdivision area has a minimum lot size of 2000m²; the proposed lot areas are detailed below:

Lot Number	Proposed Area	Industrial/Business	Complies
1	3306m ²	Industrial	Yes
2	2482m ²	Industrial	Yes
3	2066m ²	Industrial	Yes
4	2584m ²	Industrial	Yes
5	2401m ²	Industrial	Yes
6	7436m ²	Industrial	Yes
7	5082m ²	Industrial	Yes
8	5011m ²	Industrial	Yes
9	5003m ²	Industrial	Yes
10	7166m ²	Dry System Bioretention Basin	Yes
11	2031m ²	Industrial	Yes
12	2135m ²	Industrial	Yes
13	2065m ²	Industrial	Yes
14	2204m ²	Industrial	Yes
15	2016m ²	Industrial	Yes
16	2008m ²	Industrial	Yes
17	2012m ²	Industrial	Yes
18	2017m ²	Industrial	Yes
19	4006m ²	Industrial	Yes
20	6341m ²	Industrial	Yes
21	2018m ²	Industrial	Yes
22	2024m ²	Industrial	Yes
23	2030m ²	Industrial	Yes
24	4819m ²	Industrial	Yes
25	2026m ²	Industrial	Yes
26	2081m ²	Industrial	Yes
27	2079m ²	Industrial	Yes
28	2137m ²	Industrial	Yes
29	2409m ²	Industrial	Yes
30	2279m ²	Industrial	Yes
31	2023m ²	Industrial	Yes
32	2187m ²	Industrial	Yes
33	3098m ²	Industrial	Yes
34	2969m ²	Industrial	Yes
35	3098m ²	Industrial	Yes
36	2615m ²	Industrial	Yes
37	2474m ²	Industrial	Yes
38	2012m ²	Industrial	Yes
39	2012m ²	Industrial	Yes
40	2012m ²	Industrial	Yes
41	2022m ²	Industrial	Yes

Lot Number	Proposed Area	Industrial/Business	Complies
42	2200m ²	Industrial	Yes
43	2022m ²	Industrial	Yes
44	2012m ²	Industrial	Yes
45	2012m ²	Industrial	Yes
46	2012m ²	Industrial	Yes
101	3311m ²	Business	Yes
102	2538m ²	Business	Yes
103	2642m ²	Business	Yes
104	2159m ²	Business	Yes
105	2131m ²	Business	Yes
106	2305m ²	Business	Yes
107	3106m ²	Business	Yes
108	2554m ²	Business	Yes
109	2399m ²	Business	Yes
110	2711m ²	Business	Yes
111	3911m ²	Business	Yes
112	4239m ²	Business	Yes
113	7077m ²	Business	Yes
114	14688m ²	Business	Yes

Comment: All proposed lots are over the minimum lot size of 2000m² deeming them appropriate for business and industrial size.

Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the QLEP 2012 are addressed below as part of this assessment:

5.10 Heritage conservation

I1 Stone-faced Brick Building Assessment

The proposed development will not have an impact in relation to heritage. The site does not adjoin a heritage item and is not located within a Heritage Conservation Area. The site however does contain a local heritage item number *I1 Stone-faced Brick Building (partially) Amendment No 1 - Local Significance*. The item is not located on the development area of the proposed subdivision will not be impacted by this subdivision. Impact on the item will form part of the assessment for the adjoining Regional Sports Complex (DA.2020.1351). See figure below with the item location and proposed lot layout.



Figure 9: Location of I1 Stone-faced Brick Building (IntraMaps)

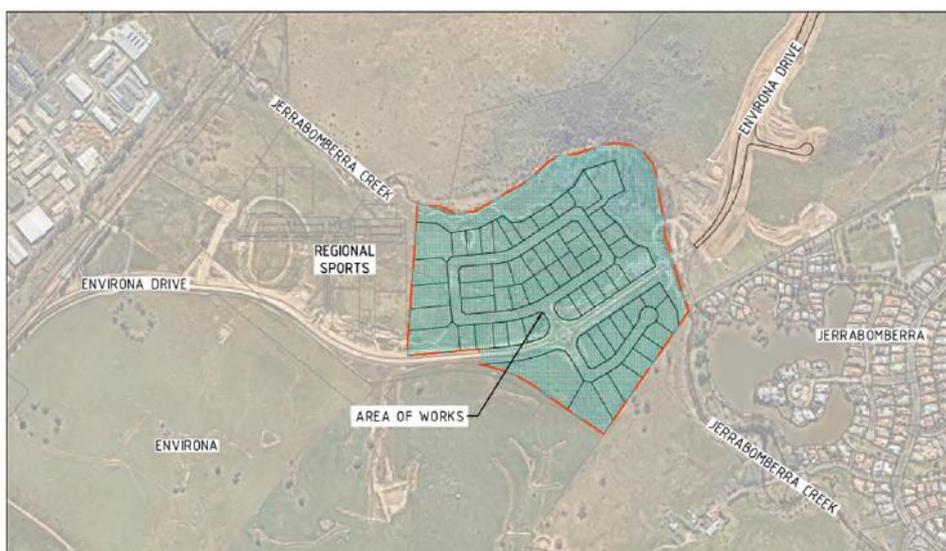


Figure 10: site and works area plan (Prepared by spire)

PAD Assessment

Subsurface archaeological investigation have been undertaken in regards to the PAD depicted in Figure 11 below. Heritage NSW had requested Council delay the determination of this application until these results have been made clear to decipher the extent of the current information known. This information was advised by Heritage NSW as PAD1-South (57-2-0975) present in the west portion of the Regional Sports Complex and the industrial lots of the Innovation Precinct. No Aboriginal artefacts were discovered during preliminary investigations; however, geological testing identified archaeological deposits may be present to a depth of 5 metres. Testing was only to a depth of 1 metre. As part of the Regional Sports Complex application, an Aboriginal Heritage Impact Permit (AHIP) is currently being assessed by Heritage NSW to undertake the 5 metre test dig which will directly impact this development. Heritage NSW has stated the results of this must be known before any further action can be taken for the Innovation Precinct.

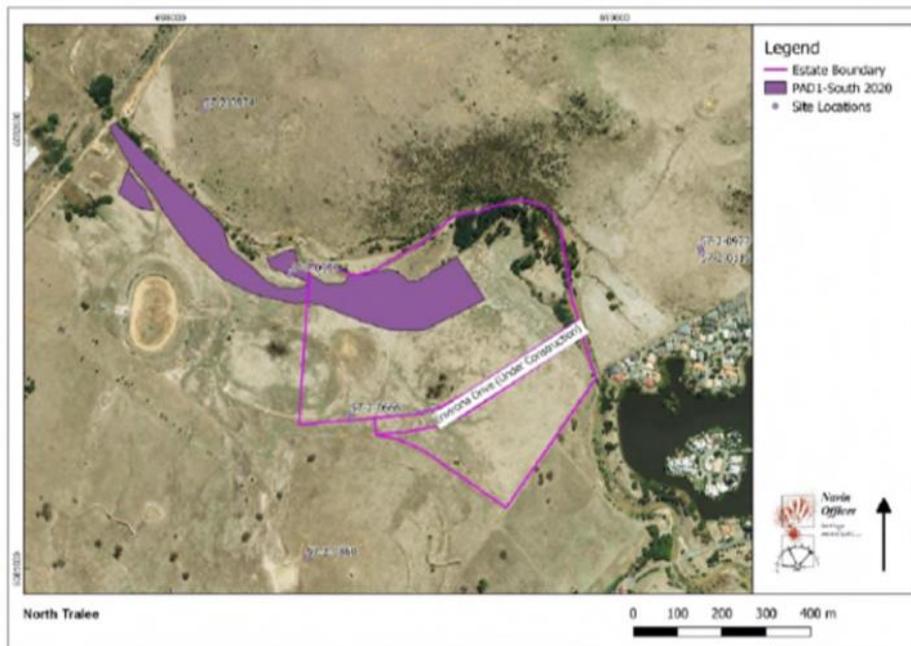


Figure 11: Plan indicating site and works area (Prepared by Navin Officer)

The outcome of the excavation at the Regional Sports Complex site (DA.2020.1351) was provide to Heritage NSW and as a result of this further Correspondence was received in a letter dated 1 November 2021 advising Council “that due to test excavations carried out for site PAD1-south (57-2-0975) which extends between the current development and the adjoining proposed Queanbeyan-Palerang Regional Sports Complex.

The Department has reviewed the test excavation results and advise that 57-2-0975 is not a valid site as no Aboriginal objects were recovered. Based on the information provided, DA.2021.1153 is therefore not considered integrated in relation to the National Parks and Wildlife Act 1974 because the archaeological investigations have not identified any Aboriginal objects within the development area.”

As noted in the referral section of the report the department provided suggested conditions which will be included within the recommended conditions of consent to ensure protection of Aboriginal sites and objects and that no additional harm is caused should ACH be encountered

Part 6: Local Provisions

The relevant provisions contained within Part 7 of the QLEP (WJ) 2013 are addressed below as part of this assessment:

6.1 Earthworks

Clause 6.1 of the QLEP (WJ) 2013 establishes a number of matters requiring consideration for development involving earthworks. The proposal is consistent with Clause 6.1 as excavation works that are required will be associated with the development. To mitigate any detrimental impact that the development may have on the site the consent will contain conditions that sediment and erosion controls are to be put in place and that disturbed surfaces are to be rehabilitated.

6.2 Riparian land and watercourses

Clause 6.2 of the QLEP (WJ) 2013 makes provision for developments within riparian land and watercourses. This clause is considered relevant to the proposed development as the site is not identified as “Watercourse” on the Riparian Land and Watercourses Map”.

Jerrabomberra Creek flows east-west along the northern boundary of the site and the creek and a number of its drainage lines fall across varying parts of the subject site which required referral of the application for Integrated Development.

Approval from Department of Primary Industries – Fisheries (DPI) was not required and Natural Resources Access Regulator (NRAR) have issued general terms of approval which will be included within the conditions of consent.

6.3 Airspace operations

Clause 6.3 of the QLEP (WJ) 2013 makes provisions for developments located in areas that are affected by airspace operations and aircraft noise. The proposed development will penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore the application was required to be referred to the relevant Commonwealth body for comment who provided the following comments:

While we understand this application is for a subdivision and associated works, we believe these comments should be included now to ensure any future building designs are cognisant of these comments.

Canberra Airport has a number of comments in relation to the National Aviation Safeguarding Framework NASF and its relation to the planning proposal for the development.

Guideline A- Measures for Managing Impacts of Aircraft Noise

- Please adhere to AS2020/2015 especially Table 3.3 in relation to building buildings that attenuate for aircraft noise. The site is directly in the flight path for the approach into Canberra Airport from the south.

Guideline C- Managing the Risk of Wildlife Strikes in the Vicinity of Airports

- Guideline C of the NASF deals with the management of the risk of collisions between wildlife and aircraft at or near airports where that risk may be increased by the presence of wildlife-attracting land uses. The commercial and Industrial use can increase birds into the area.

- The site is located within the approach route of the airport close to the Centreline.

Guideline E: Managing the Risk of Distractions to Pilots from Lighting in the Vicinity of Airports

- Due to the site being under the flight path any proposed lighting should adhere to the NASF Guideline to avoid light spill past horizontal plane. This includes construction lighting.

In consultation with the airspace protection team, at this time and with the documentation provided, we can confirm the site is under the Obstacle Limitation Surface (OLS) and does not need further assessment by Airservices.

There may be a requirement to consult with CASA in relation to any future proposed solar panels.

Comment: The issue regarding the detention pond has been raised with Council's Parks Team and given they will be in charge of the management and ongoing maintenance of the system. The team concluded a wet pond will not be accepted by Council due to ongoing issues with bird strikes. This was raised with the applicant who amended the pond to be a dry system to deter bird life.

Further comment was provided from Council's Urban Landscapes Service Manager that Urban Landscapes does not support a wet pond, only a dry system and that a short term pond can be accepted during construction only, and is required to be converted once the subdivision is complete.

Information provided by the applicant also detailed that *"The basin has been redesigned with a self-draining sediment forebay which is expected to drain over a 1-2hr period following a storm event. Water from this then passes into 2000m² bioretention (sand filter) which is designed to filter the water and run dry over 1-2hr period following a storm event."*

The consent will also contain a condition that the applicant is to provide an acceptable mitigation measure as specified in the NASF’s Guideline C – Managing the risk of wildlife strikes in the vicinity of airports prior to commencement of works.

Further assessment of future applications for buildings may also be required.

6.4 Development in areas subject to aircraft noise

Clause 6.4 of the QLEP (WJ) 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 and within an ANEF contour of 20 or greater. The proposal is however not for residential development, and therefore will not have any specific requirements relating to airport noise.

6.6 Essential services

Clause 6.6 of the QLEP (WJ) 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 confirmed that the site does have suitable vehicle access and adequate services are available.

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

Clause 6.7 of the QLEP (WJ) 2013 provides requirements for land adjoining Hume Industrial Area and Goulburn/Bombala Railway Line. The proposal is consistent with this clause as notification of the development was provided to Transport for NSW (TfNSW) which included consultation with John Holland Rail (JHR) who is the rail infrastructure manager of the Country Regional Network (CRN).

TfNSW raised no concerns from the state classified road and/or a rail corridor perspective and provide no objection to the development.

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

The draft Queanbeyan-Palerang Comprehensive Local Environmental Plan 2020 was recently on public exhibition from 1 June 2020 to 30 June 2020. The draft plan has been considered as part of this assessment and has no effect on the proposed development.

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

South Jerrabomberra Development Control Plan		COMPLIES (Yes/No)
Part 3 – The Master Plan		
Master Plan, Staging Plan, and Neighbourhood Structure Plan		Yes
The Master Plan outlines general objectives and controls for Neighbourhood		

<p>Structure Plans. These Plans provide for the orderly and sequential development of South Jerrabomberra by establishing a Staging Plan and the broad structure of each area of land within the context of the Master Plan.</p> <p>Development is to be generally in accordance with the Master Plan, Staging Plan, and relevant Neighbourhood Structure Plan.</p> <p><u>Master Plan</u></p> <p>The Master Plan identifies five key development areas of South Jerrabomberra, which include: Poplars, Environa, North Tralee, South Tralee and the area of land further south of South Tralee. The subject site to which this application relates is the Poplars land mapped as future employment lands.</p> <p>Desired Future Character</p> <ul style="list-style-type: none"> • Provide industrial and employment opportunities. <p>The proposal incorporates a variety of lots for business and industrial purposes. It has been referred to the Canberra Airport and NRAR in regards to watercourse and flight path constraints. Both agencies have provided concurrence.</p> <p><u>Staging Plan</u></p> <p>The proposed application is within Stage 2 North Tralee of the South Jerrabomberra Urban Release Area.</p> <p><u>Neighbourhood Structure Plan</u></p> <p>The proposal does not create any inconsistency with the Neighbourhood Structure Plan contained within Appendix 3 of the South Jerrabomberra Development Control Plan.</p>	
Part 4 – Subdivision	
<p>4.1 – Introduction</p> <p>Part 4 and 5 of the SJDCP set out the relevant criteria for subdivision design. A comprehensive assessment against this part is provided below. The proposed development is considered to be generally satisfactory with regard to objectives and controls of this part.</p>	Yes
<p>4.2 – Lot Size and Design</p> <p>Controls:</p> <p><i>a) The density of allotments should maintain and promote the residential character of the area for infill subdivisions.</i></p> <p>Proposed lots associated with this application are not for residential purposes.</p> <p><i>b) Lot sizes should be compatible with the character of the surrounding area and are to comply with the applicable Local Environmental Planning Instrument.</i></p> <p>The proposed lots are within the existing Master plan for North Tralee and the Poplars area. The comply with the minimum lot size of 2000m².</p>	Yes

<p><i>c) Lot sizes and lot layouts in urban release areas should take account of the environmental constraints of the area and be designed to conserve agricultural productive land (where applicable) and the retention of any significant natural features of the site.</i></p> <p>The development has been assessed by the Biodiversity team at DPIE. They have concluded the development has considered impacts upon the environment and relevant conditions will be imposed for any credits required to be purchased for damages to the environment.</p> <p><i>d) Lot sizes and lot layouts in urban release areas which increase potential residential density shall be sited in close proximity to public transport nodes and to commercial/community facilities.</i></p> <p>Not applicable.</p> <p><i>e) Lot size and lot layouts should reflect the servicing capacity of the area.</i></p> <p>The lot design and layout will not impact on the capacity to serve the area and essential services have been addressed under the LEP section. All lots comply with the minimum lot size and will be conditioned to comply with lot width dimensions.</p>	
<p>4.3 – Lot Orientation</p> <p>Lot Orientation and Dimension Objectives:</p> <p><i>1) Lot orientation, size and dimensions should enable dwellings to be generally sited either on an N-S or E-W orientation. Where other amenities such as views over open space are available or the topography prevents solar orientated design then alternative lot orientations can be considered.</i></p> <p>Not applicable.</p> <p><i>2) Allowances are to be made for different lot depths and widths, depending on orientation, which may also result in increased variety to the streetscape frontage pattern.</i></p> <p>The proposed lots provide variation in width and depth and will allow for a variety in types and sizes.</p> <p><i>3) Lot orientation and dimensions should support the provision of future dwellings having living areas with a northerly orientation as well as a private open space area with a northerly orientation that is located to the rear or side of the dwelling.</i></p> <p>Not applicable.</p> <p><i>4) E-W oriented lots should be wider to allow for a long-axis.</i></p> <p>E-W lots are generally wider than N-S lots.</p> <p><i>5) N-S orientated lots with north to the front should be wider and/or deeper.</i></p> <p>It is noted that N-S lots are slightly wider in some instances. Although wider lots would have been preferable, all lots meet lot width and lot size requirements under the LEP.</p> <p><i>6) N-S oriented lots with north to the rear can be narrower and less deep. These lots are generally well suited to two storey development and small lot housing.</i></p> <p>The subdivision layout is generally in accordance with this requirement.</p>	<p>Yes</p>

4.4 – Lot Size and Layout

Controls

a) *Minimum lot size is to be in accordance with the appropriate LEP.*

Complies. Please refer to LEP assessment.

b) *Residential lot size must be capable of accommodating a dwelling, private open space and at least one under cover car parking space.*

Not applicable.

c) *Lot size and layout are to take into account the slope of the land, any environmental constraints and any significant natural features to create a legible and permeable neighbourhood pattern.*

It is noted that the land does not have significant slope that would result in any significant impacts on the development of the land.

d) *Lots should be generally rectangular in shape and orientated to allow future dwellings to gain access off streets and where possible, public open spaces.*

Not applicable.

Table 1: Minimum Frontage

Lot Size	Minimum Frontage Dimension
130-170 m ²	4.5m
170-329m ²	6.0m
330 – 449m ²	10m
450 – 600m ²	12m
600 – 900m ²	12m
900 – 1500m ²	15m
Over 1500m ²	18m

All lots meet/exceed the required 18m with the exception of Lot 6 (at 17.395m). To ensure compliance with the controls the consent will contain a condition that the lot is required to meet the required width.

e) *No more than two battle axe shaped allotments should adjoin each other. The access corridor is that part of a battle axe shaped allotment which provides private access between the main part of the allotment and the public road.*

Council’s requirements for access corridors are as follows (refer Figure 2):

- *Maximum length: 60m*
- *Minimum width: 4.0m*
- *Minimum width of Shared Access Corridor: 6.0m*
- *No more than two allotments should be served by a shared access corridor*

The access corridor of a battle axe allotment is not included in the calculation of the minimum allotment area.

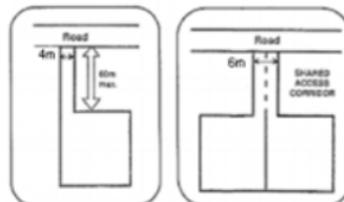


Figure 2: Access Corridors

<p><i>An 'Exceptions to minimum lot size clause' in the LEP permits a variation to the minimum lot size in order to provide opportunities for affordable medium density housing in appropriate locations. Despite the minimum lot shown on the Lot Size Map, land may be subdivided into lots of 170m² minimum if the land is located within 200m of the B4 Mixed Use zoned land.</i></p> <p><i>The proposed development applications must comprise a minimum four lots and include dwelling designs for each lot.</i></p> <p>One battle axe allotment is proposed on Lot 20 and complies with the relevant requirements listed above.</p>	
Part 5 – Roads and Public Places	
<p>5.2 – Street Network</p> <p><i>a) Streets are to be designed in accordance with the Master Plan, Council's adopted Engineering Design Specifications and any applicable legislative requirements.</i></p> <p>The proposed allotments under this application are mostly serviced by roads approved previously under DA 395-2017. The additional roads include public local roads to access the new lots and include Road 002 and Road 003. Council's Development Engineer has assessed the roads and conditioned that all local roads within the proposed development shall be designed to the standard and characteristics specified in QPRC D1 Geometric Road Design Specification.</p> <p><i>b) A development application must demonstrate that the proposed streets are appropriate for their role in the street network.</i></p> <p>The proposed roads are considered appropriate for servicing of each newly created allotment. Council's Development Engineer has not raised any objections to the proposed roads.</p> <p><i>c) Subdivisions shall be designed so that allotments along a main arterial road have access from a local or secondary road.</i></p> <p>The allotments created under this application comply with this requirement.</p> <p><i>d) All new streets are to comply with the design and engineering requirements applicable to roads and streets, crossings, footpaths, cycle ways, bus shelters and the like in Queanbeyan-Palerang Regional Council's Engineering Design Specification for South Jerrabomberra.</i></p> <p>The proposed roads are generally designed in accordance with the above mentioned specifications. Any additional requirements will form conditions of consent.</p> <p><i>e) Streets are to include a stormwater drainage facility as required. WSUD controls should be provided where and incorporated into the design at appropriate locations.</i></p> <p>Refer to the Development Engineers comments.</p> <p><i>f) Subdivisions are to be designed to provide adequate safety for pedestrians using the street verge.</i></p> <p>The roads proposed within this application are generally consistent with this requirement. Council's Development Engineer has not raised any objections to the design.</p> <p><i>g) Applications for subdivision shall be accompanied by a traffic engineering</i></p>	<p>Yes</p>

<p><i>assessment that includes traffic volumes and movements, cross-sections through typical street types demonstrating that road reserve widths can adequately accommodate electricity, gas, telecommunications, water and waste water infrastructure, street trees, footpaths, shared paths, on-street parking, road pavement widths and where appropriate on-street cycling.</i></p> <p>Traffic engineering details have been provided with the DA and assessed by the referral Development Engineer.</p>	
<p>Street Network</p> <p>5.3 – Local Sub-Arterial Road 5.4 – Collector Road 5.5 – Local Streets 5.6 – Access Street 5.7 – Edge Street – Adjacent to Major Open Space Areas</p> <p>Refer to the assessment provided by the Development Engineer in the referrals section of this report.</p>	Yes
<p>Part 8 – Environmental Management</p>	
<p>The clauses in this part that are relevant to the proposed development are listed below:</p> <ul style="list-style-type: none"> • 8.2 Soils and Salinity; • 8.3 Cut and Fill; • 8.6 Bushfire Management • 8.7 Aboriginal Heritage; • 8.8 European Archaeological Heritage; • 8.9 Development in Areas Subject to Aircraft Noise; • 8.10 Airspace Operations; • 8.13 Tree Retention and Biodiversity; • 8.14 Flora and Fauna; • 8.15 Land Contamination Management; • 8.17 Construction Waste; • 8.18 Landfill / Earthworks; and • 8.19 Additional Controls for Subdivision in a Buffer Area. <p>It must be noted that the majority of the above clauses simply reference compliance with related LEP clauses, or the controls reflect requirements contained in the LEP and SEPPs.</p>	Yes
<p>8.2 – Soils and Salinity 8.3 – Cut and Fill</p> <p>Relevant conditions of consent to control erosion and sediment and cut and fill will be placed on the consent.</p>	Yes
<p>8.6 – Bushfire Management</p> <p>The development will be required to comply with the conditions imposed by the NSW Rural Fire Service.</p>	Yes
<p>8.7 – Aboriginal Heritage</p> <p>An assessment of Aboriginal Heritage has been undertaken; see Clause 5.10 Heritage conservation of this report for full detail.</p>	Yes
<p>8.8 – European Archaeological Heritage</p>	Yes

The subject land to which the development relates does currently contain an item of European Heritage significance. This item will not be within the new subdivision but instead on the neighbouring lot being the Regional Sports Complex. This has been assessed under Clause 5.10 of the LEP.	
8.9 – Development in Areas Subject to Aircraft Noise Please refer to the LEP for assessment of Aircraft noise.	Yes
8.10 – Airspace Operations A referral to Canberra Airport was undertaken for the application and conditions will be contained in the consent. Further assessment of future applications for buildings may also be required.	Yes
8.11 – Land in the Vicinity of Proposed Arterial Roads The subdivision includes additional lots facing a proposed arterial road. 8.11 does not contain any objectives or controls.	Yes
8.12 – Land Adjoining Hume Industrial Area and Goulburn/Bombala Railway Refer to clause 6.7 of the LEP assessment.	Yes
8.13 – Tree Retention and Biodiversity 8.14 – Flora and Fauna The proposed development generally satisfies the relevant objectives and controls in these clauses. Refer to the 4.15 assessment for further detail.	Yes
8.15 – Land Contamination Management Please refer to assessment against SEPP No.55 – Remediation of Land.	Yes
8.16 – Construction Waste Construction waste management is to be managed through conditions.	Yes
8.18 – Landfill / Earthworks Please refer to the assessment under clause 6.1 of the LEP for detailed comments.	Yes
8.19 – Additional Controls for Subdivision in a Buffer Area The proposed development satisfies the relevant objectives and controls of this clause. Refer to the assessment against Part 5 of the SJDCP for further comments.	Yes

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

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

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

Subject to the conditions of consent, the proposed development is considered acceptable as it will not result in any significant impacts on the natural or built environments and will not result in any social or economic impacts on the locality.

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

The proposed development is considered to be appropriately sited as to respond to environmental constraints upon the site. As such, the subject site 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 proposal required notification under the Community Engagement and Participation Plan from 19 April 2021 to 17 May 2021, with 3 submissions received, raising the following concerns:

1. Use of the lots

Whilst some of the submissions welcomed the notion of opportunity for local employment concern was also raised as to the use of the lots.

Concern was raised that about the proximity to the residential area and that the land should be rezoned as a Business Park and light industrial development or activity removed. Further comment was also made that discussions should be carried out with the community on the types of businesses that will operate and what is permitted under the zoning.

Comment: The proposal is for subdivision of land within the existing zoning of IN2 and B7. Future development applications will be assessed under the relevant DCP and LEP requirements. Further consultation may be carried if so required under the Community Engagement and Participation Plan.

2. Landscaping and Noise Wall

The submitter put forward a request that a suitable buffer zone be provided between the development sites and existing homes and requested installation of noise abatement barriers and appropriate vegetation screening to further reduce the noise and improve the outlook onto the walking track around Lake Jerrabomberra.

That the noise and impact be addressed at subdivision stage and not left to future development of each lot and that the acoustic mound and landscaping be of high quality, not visually obtrusive and ensure adequate noise treatment that are not higher than 5dB.

Comment: A visual wall with landscaping is proposed between the B7 zoned land and the adjoining dwellings of Jerrabomberra. With established landscaping it is considered that the development will not have a significant visual impact from existing dwellings and the walking track around Lake Jerrabomberra.

The applicant has also provided detail in reference to the 3m high landscaped mound and that *“This visual treatment is not permitted by the Rural Fire Service as it would pose a significant bushfire risk to the estate and surrounding residents. A suitable alternative has been proposed that addresses the desire of screening the estate whilst mitigating bushfire risks.”.*

Councils Health Officer has provided comment on noise for the proposal and offered no objections subject to recommended conditions of consent. Noise impacts of future uses of the sites will also be required to be addressed in a Development Application.

3. Visual Wall

Concern was raised as to the visual wall to be constructed along the south eastern boundary of the site and that the plans did not indicate the exact location and that landscaping may be carried out outside of the property boundaries. Further concern was raised as to who will maintain the landscaping and that stock proof be placed along the boundary to ensure landscaping is not damaged by stock on adjoining properties.

Comment: The consent will contain a condition that all walls and retaining walls are to be located wholly within the subject lot. The applicant has also provided detail that landscaping is to be provided along the interface of the B7 lands and Jerrabomberra Creek and that no stock proof fencing is warranted along the boundary due to the introduction of the visual wall.

4. Building height

The submitter put forward a request that future buildings be limited to a height be limited to 2 storeys.

Comment: Future buildings will be required to comply with the height restriction of 12m under the Queanbeyan Local Environmental Plan (West Jerrabomberra) 2013.

5. Residue area/Pathways

The submitter put forward a request that the residue area being dedicated to Council be used for public benefit and that a pathway be put between the proposed high school and the existing primary school.

Comment: Matters concerning pathway associated with the future school cannot be addressed in this application.

6. Width of Environa Drive

Concern was raised as to the width of the road reserve for Environa Drive and that is it to be less than the minimum width already approved for the same road and recommended that it be increased to 40.3m to be consistent with the width of the northern section of the road within Poplars (Northern Entry Road).

Comment: Councils Development Engineer has provided the following comment in relation to Environa Drive:

Environa Drive has been designed and constructed in accordance with Council's Specifications and the relevant Austroads requirements. All the road furniture (streetlights, signage, and footpaths) have all been installed. The proposed industrial subdivision will also be serviced from the water, sewer and stormwater infrastructure that have also been installed within the verges on Environa Drive. With all the essential infrastructure installed and the road geometry designed to accommodate medium to heavy rigid vehicle movements, the current road width is considered to be appropriate for the users of the proposed development.

7. Allowance for Future Intersection

Concern was raised the plans do not show how the lot alignment will allow for the future duplication of Environa Drive or for the future intersections roundabout.

Comment: Councils Development Engineer has provided the following comment in relation to the intersection:

The existing intersection has been designed based on expert traffic modelling and analysis. The intersection complies with the requirements under AS2890 and Austroads with regards to dimensions and minimum kerb to kerb turning circles and swept paths, and also complies with all the modelled user classes required for this proposed development.

8. Zone Sub-station and Easement

Concern was raised over access (standard and location) to the zone substation and that the verge width area may not be wide enough.

Comment: Councils Development Engineer has provided the following comment in relation to the power supply:

I believe there were an issue with the power supply to the proposed development the time, and that it would have probably required an easement to be created for a proposed zoned substation. Since then,

Poplars Innovation Stage and other developments north of this proposed development have progressed further, and the power supply issues earlier identified addressed, and the requirements have been reduced to a substation similar to that of other large scale developments. The location of these substation/s within allotments could be determined at a later stage."

Furthermore, the consent will contain a condition that prior to the issue of a subdivision certificate for any stage of the development, the Developer must certify and warrant that the electrical energy supply network has the appropriate capacity to service the development.

9. Stormwater/Flooding

Concern was raised that a major stormwater path and that the visual wall will impact sheet flow and direct the flow along the toe of the wall.

Comment: Council's Development Engineer has assessed stormwater requirements and offered no objections subject to recommended conditions of consent.

10. Frontage to Environa Drive

Concern was raised that the application has not addressed frontage to the north and south of Environa Drive and that the rear of lots will be facing Environa Drive. The submitter put forward that landscaping and screening be included.

Comment: Amended plans have been provided indicating building envelopes on lots adjoining Environa Drive. This will ensure that future structures will be setback a minimum distance of 4m. Landscaping and a visual wall is also proposed.

11. Parking

Concern was raised that the development does not allow for sufficient car parking and that the overflow may have an impact surrounding landowners. That the narrow lots and wide driveways limit on-street parking.

Comment: Council's Development Engineer has assessed relevant parking requirements and offered no objections subject to recommended conditions of consent.

12. Bushfire report errors

The submitter provided comment that the bushfire report was missing information.

Comment: The application including the bushfire report was referred to the NSW Rural Fire Service as required under Section 100b of the Act. General terms of approval have been provided and will be included within the recommended conditions of consent.

The NSW Rural Fire Service also provided comment that the approval related to the subdivision only and that future development applications may be subject to separate assessment.

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 of the Local Government Act 1993 allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

Section 64 Contributions are applicable to the proposed development as follows:

Section 64

The ET water and sewer values for the proposed light industrial and business park consisting of 59 lots of variable size, is as shown below.

9.1 Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee
 Attachment 1 - DA.2021.1153 - 4.15 Assessment Report - 360A Lanyon Drive, Tralee (Continued)

Lot		Area s/m	Gross Ha	ET Water	ET Sewer
1	Light Industrial Lots	3306	0.3306	5.0	5.0
2		2482	0.2482	3.7	3.7
3		2066	0.2066	3.1	3.1
4		2584	0.2584	3.9	3.9
5		2401	0.2401	3.6	3.6
6		7436	0.7436	11.2	11.2
7		5082	0.5082	7.6	7.6
8		5011	0.5011	7.5	7.5
9		5003	0.5003	7.5	7.5
10	Sediment Basin/Bio-retention basin Lot	7166	0.7166	N/A	N/A
11	Light Industrial Lots	2031	0.2031	3.0	3.0
12		2135	0.2135	3.2	3.2
13		2065	0.2065	3.1	3.1
14		2204	0.2204	3.3	3.3
15		2016	0.2016	3.0	3.0
16		2008	0.2008	3.0	3.0
17		2012	0.2012	3.0	3.0
18		2017	0.2017	3.0	3.0
19		4006	0.4006	6.0	6.0
20		6341	0.6341	9.5	9.5
21		2018	0.2018	3.0	3.0
22		2024	0.2024	3.0	3.0
23		2030	0.203	3.0	3.0
24		4819	0.4819	7.2	7.2
25		2026	0.2026	3.0	3.0
26		2081	0.2081	3.1	3.1
27		2079	0.2079	3.1	3.1
28		2137	0.2137	3.2	3.2
29		2406	0.2406	3.6	3.6
30		2279	0.2279	3.4	3.4
31		2023	0.2023	3.0	3.0
32		2187	0.2187	3.3	3.3
33		3098	0.3098	4.6	4.6
34		2969	0.2969	4.5	4.5
35		3098	0.3098	4.6	4.6
36		2615	0.2615	3.9	3.9
37		2474	0.2474	3.7	3.7
38		2012	0.2012	3.0	3.0
39		2012	0.2012	3.0	3.0
40	2012	0.2012	3.0	3.0	
41	2022	0.2022	3.0	3.0	
42	2200	0.22	3.3	3.3	
43	2022	0.2022	3.0	3.0	
44	2012	0.2012	3.0	3.0	
45	2012	0.2012	3.0	3.0	
46	2012	0.2012	3.0	3.0	
101	Business Park Lots	3311	0.3311	5.0	5.0
102		2538	0.2538	3.8	3.8
103		2642	0.2642	4.0	4.0
104		2159	0.2159	3.2	3.2
105		2131	0.2131	3.2	3.2
106		2305	0.2305	3.5	3.5
107		3106	0.3106	4.7	4.7
108		2555	0.2555	3.8	3.8
109		2402	0.2402	3.6	3.6
110		2715	0.2715	4.1	4.1
111		3920	0.392	5.9	5.9
112		4247	0.4247	6.4	6.4
113		7086	0.7086	10.6	10.6
114		14692	1.4692	22.0	22.0
				268.0	268.0

The total ET's for Water is 268 -1 credit = **267 ET**
 The total ET's for sewer is 268 – 1 credit = **267 ET**.

The above values are based on approval of the total 59 allotments been approved and constructed.

SECTION 7.11 CONTRIBUTIONS

Section 7.11 of the *Environmental Planning & Assessment Act 1979* permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of, or increase the demand for public amenities and public services within the area.

Section 7.11 Contributions under the South Jerrabomberra Contribution Plan are applicable to the proposed development as follows (subject site is located within the North Tralee Catchment):

Non Residential Contribution Rates Per Hectare

South Tralee	North Poplars	South Poplars	North Tralee
\$37,343.12	\$83,931.42	\$28,674.30	\$37,560.61

The development area is 18.58ha. Total contribution equals \$697,876.13 (Subject to CPI increases since the adoption of the Plan).

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

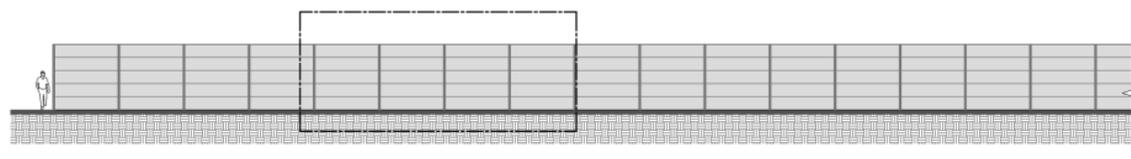
25 MAY 2022

ITEM 9.1 DEVELOPMENT APPLICATION DA.2021.1153 - 59 LOT
TORRENS TITLE BUSINESS AND INDUSTRIAL
SUBDIVISION WITH TWO RESIDUAL LOTS - 360A
LANYON DRIVE, TRALEE

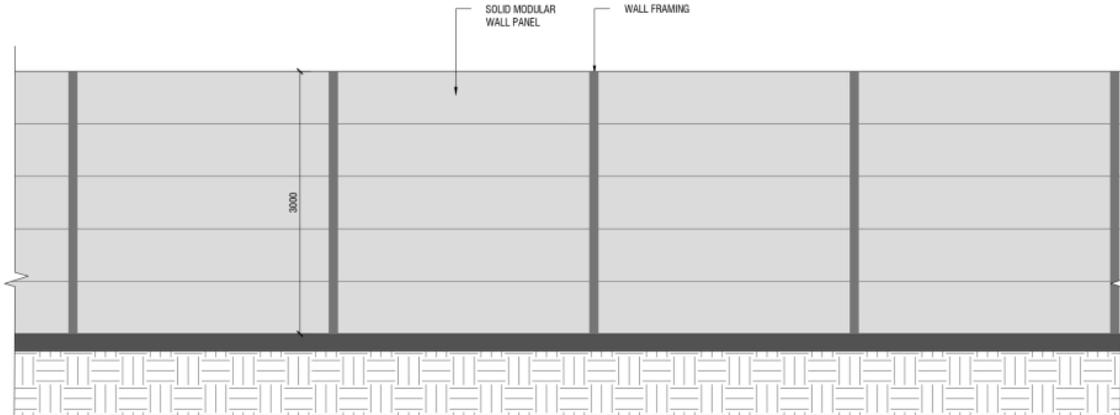
ATTACHMENT 2 DA.2021.1153 - PLANS - 360A LANYON DRIVE, TRALEE

9.1 Development Application DA.2021.1153 - 59 Lot Torrens Title Business and Industrial Subdivision with Two Residual Lots - 360A Lanyon Drive, Tralee
 Attachment 2 - DA.2021.1153 - Plans - 360A Lanyon Drive, Tralee (Continued)





1 3.0m WALL - ELEVATION
 Scale 1:100 @ A1



2 3.0m WALL - DETAIL ELEVATION
 Scale 1:25 @ A1

NOTES



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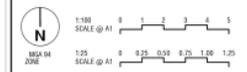
**SUITE 3, LEVEL 1, 243 NORTHBOURNE AVENUE
 CANBERRA ACT 2601**
0800 05 000 000

PRELIMINARY

REV	DESCRIPTION	APP	DATE
1	DA AND COORDINATION	PB	09/09/21

NORTH TRALEE

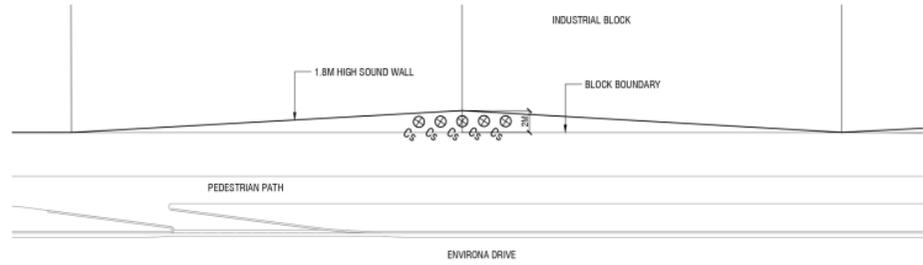
DETAILED DESIGN
 ELEVATIONS AND SECTIONS - SHEET 2
 SHEET 4 OF 4
 QUEANBEYAN-PALERANG REGIONAL COUNCIL
 VILLAGE BUILDING COMPANY



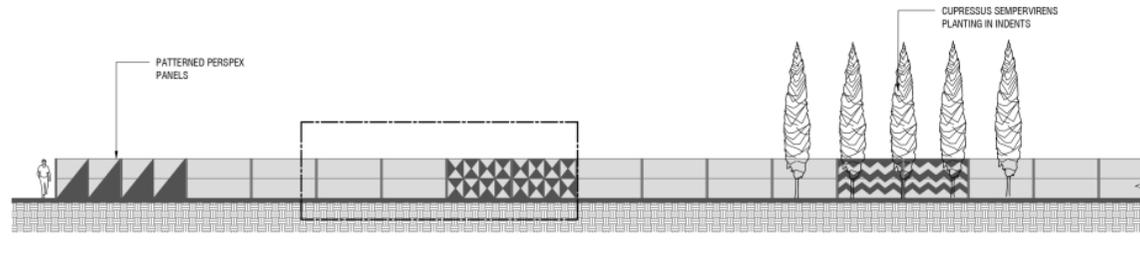
DESIGNED	DRAWN	CHECKED	APPROVED
PB	PM	SE	PB

DATE: 09/09/21 TITLE: 308147LD801 REV: 1

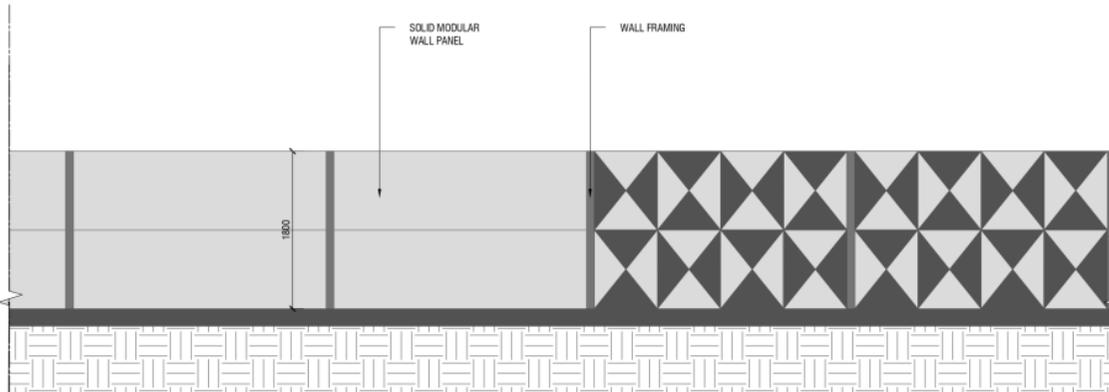
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1 1.8m HIGH VISUAL WALL TO ENVIRONA DRIVE - PLAN
 Scale 1:200 @ A1



2 1.8m HIGH VISUAL WALL TO ENVIRONA DRIVE - ELEVATION
 Scale 1:100 @ A1



3 1.8m HIGH VISUAL WALL TO ENVIRONA DRIVE - ELEVATION
 Scale 1:25 @ A1

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NOTES

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 CANBERRA ACT 2601

0800 05 000 039 000

PRELIMINARY

1	DA AND COORDINATION	PB	01/09/21
REV	DESCRIPTION	APP	DATE

NORTH TRALEE

DETAILED DESIGN
 ELEVATIONS AND SECTIONS - SHEET 1
 SHEET 3 OF 4
 QUEANBEYAN-PALERANG REGIONAL COUNCIL
 VILLAGE BUILDING COMPANY



 MGA 94
 ZONE 1298
 SCALE @ A1 0 2.5 5 7.5 10 12.5

DESIGNED	DRAWN	CHECKED	APPROVED
PB	AT	SE	PB

DATE: 01/09/21
 SHEET NO: 308147LD800
 REV: 1

01.

NORTH TRALEE LANDSCAPE MASTERPLAN

LEGEND

- - - ESTATE BOUNDARY
- PROPOSED STREET TREES
- PROPOSED RESERVE TREES
- DRYLAND GRASS
- BUFFER PLANTING (CREEK CORRIDOR)
- PROPOSED VISUAL WALL
- PROPOSED MINIMUM 1.8M HIGH VISUAL TREATMENT
- LOCATION OF FUTURE ENTRY SIGNAGE SUBJECT TO FUTURE DA
- REHABILITATED RIPARIAN VEGETATION

NOTES:
 - Refer to civil drawings for staging
 - Refer to tree assessment for existing tree locations

STREET TREE PLANTING

-  *Quercus cerris*
Turkey Oak
-  *Tilia cordata*
Linden Tree
-  *Cupressus sempervirens*
Pencil pine

OPEN SPACE TREE PLANTING (NATIVE) **

-  *Eucalyptus mannifera*
Red Spotted Gum
-  *Eucalyptus blakelyi*
Blakely's Red Gum
-  *Eucalyptus polyanthemos*
Red Box Gum
-  *Eucalyptus melliodora*
Yellow Box
-  *Casuarina cunninghamiana*
River Oak
-  *Melaleuca linariifolia*
Narrow Leaved

Trees in open space to consist of:
 1 x *Eucalyptus blakelyi*
 3 x *Eucalyptus melliodora*
 1 x *Eucalyptus polyanthemos*
 6 x *Eucalyptus mannifera*
 4 x *Casuarina cunninghamiana*
 4 x *Melaleuca linariifolia*

* Plant species have been chosen from Avisure low bird strike risk plant schedules

** Low Risk bird attractant species have been chosen and are consistent with approved ACT healthy waterways projects in the vicinity of the Airport

RAIN GARDEN PLANTING SPECIES*

- Carex appressa*
- Carex bichenoviana*
- Crassula helmsii*
- Eleocharis acuta*
- Juncus australis*
- Juncus flavidus*
- Lythrum salicaria*
- Ranunculus papulentus*

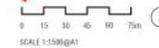
RIPARIAN PLANTING SPECIES**

- Shrubs/Grasses:
Callistemon salignus
Dodonaea viscosa *
Hakea nodosa
Melaleuca styphelioides
Melaleuca viminea
Westringia fruticosa
Westringia longifolia
Lomandra longifolia
Hyporum parvifolium
Dianella revivite
Themeda triandra
- Trees/large shrubs:
Acacia dealbata
Casuarina cunninghamiana
Eucalyptus melliodora
Melaleuca styphelioides



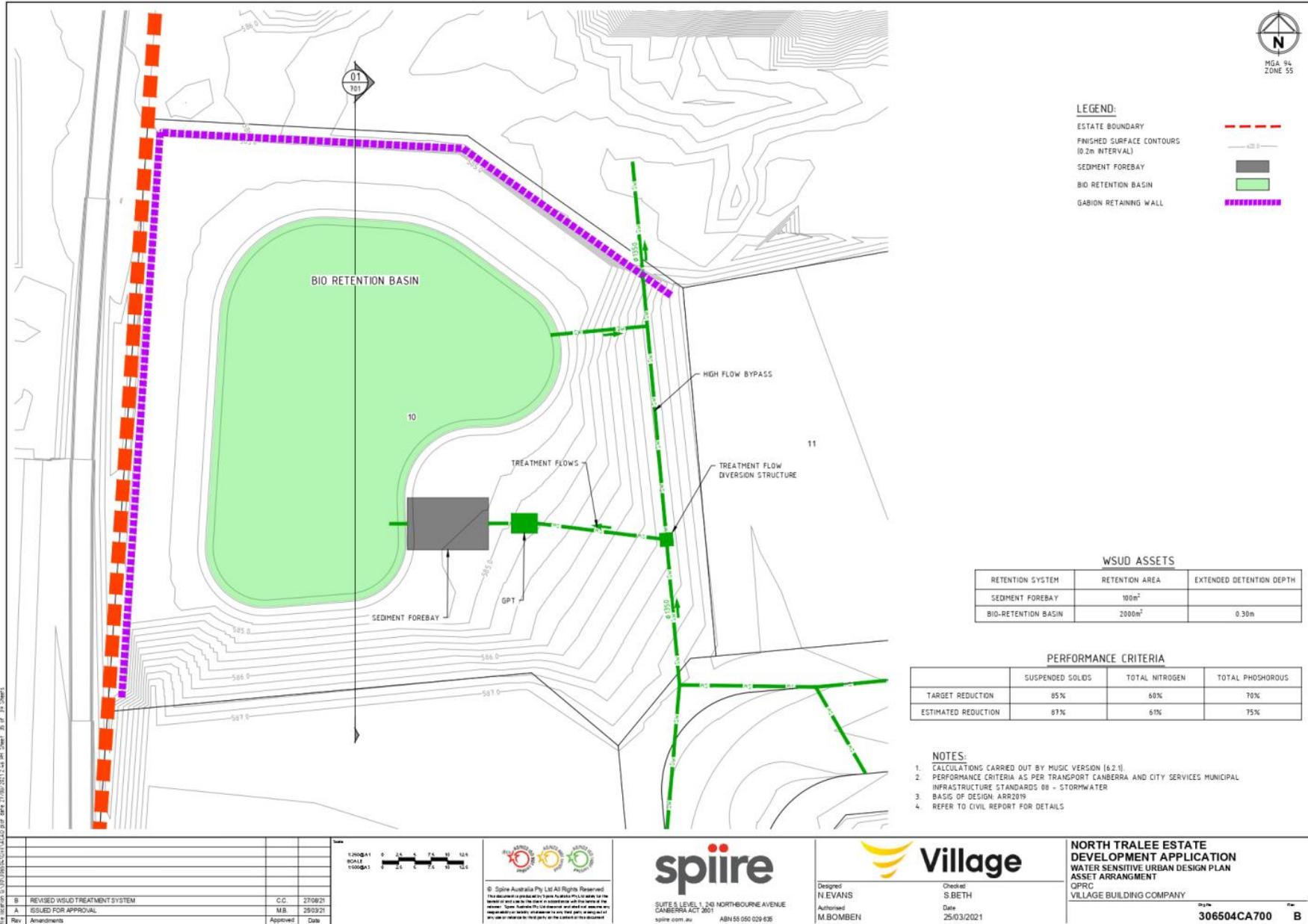
NORTH TRALEE
 VILLAGE BUILDING COMPANY

DWG NO	REV	DATE	DESIGN	DRAWN	AUTH
308147	0	14/09/2021	AT	PG	PG



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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

25 MAY 2022

ITEM 9.1 DEVELOPMENT APPLICATION DA.2021.1153 - 59 LOT
TORRENS TITLE BUSINESS AND INDUSTRIAL
SUBDIVISION WITH TWO RESIDUAL LOTS - 360A
LANYON DRIVE, TRALEE

ATTACHMENT 3 DA.2021.1153 - SUBMISSIONS - 360A LANYON DRIVE,
TRALEE

QPRC
256 Crawford St., Queanbeyan



Submission Re:
Development Application No DA.2021.1153

This submission is in response to your letter dated 16 April, 2021, in which you provided a media release by Deputy Premier John Barilaro and a map showing the location of the proposed business and industrial park on Environa Drive.

I understand the reasons for the development of the business and industrial park as outlined by Deputy Premier Barilaro and would ask that the needs, comforts and requirements of the nearby residents be addressed.

In talking with my neighbours I have found that we are in agreement when it comes to the following aspects of the development and submit these items to Council for consideration:

- 1 That the business/industrial park be for business and light industrial occupancy only, with the business park area being on the east side of Environa Drive and the light industry being on the west side of Environa Drive;
- 2 That the buildings in the business/industrial park be limited to 2 storeys in height;
- 3 That the "visibility screens" proposed by the developer be of sufficient height to screen the business/industrial park buildings from the view of those walking around Lake Jerrabomberra and be of an inoffensive colour and have interest and character in their structure;
- 4 That there be a "green belt" on the outside of the visibility screens and that green belt be landscaped with suitable shrubs/trees to provide interest and additional screening to the business/industrial park;
- 5 That the "visibility screens" and "green belt" also provide a noise abatement perimeter to the business/industrial park;
- 6 That the area of land offered to Council at the end of the business park development, on the east side of Environa Drive, be used for public benefit such as SES Building, Rural Fire Brigade building, or Men's Shed.
- 7 That there be a pathway, or network of pathways, between the proposed high school and the existing Primary School;
- 8 That any detriment to the well-being and environment of the residents of Jerrabomberra caused by the development and use of this proposed business and industrial park be prevented.

Thank you for the opportunity to make this submission.

Yours faithfully,



The [REDACTED] pleased progress is being made on development of the South Jerrabomberra precinct and the opportunity for local employment of Jerrabomberra residents in innovative and technology related jobs.

The proposed development seeks to introduce light Industries and a Business Park close to existing residential areas. As the [REDACTED] as previously highlighted in our various submissions to Council on this matter, light industrial is incompatible with the amenity of the South Jerrabomberra valley. The proposal would have light Industries (and the additional traffic this brings) within 200m of residences and a Business Park within 50m. We consider this proposal unacceptable for this area. The Jerrabomberra Valley will provide employment opportunities for future generations with a STEM school and Innovation Hub and Business Park – all next generation jobs. It is our view that the whole of West Jerrabomberra should be rezoned as a Business Park and that any form of light industrial development or activity should be removed from the planning proposal.

Residences in this area have always been surrounded by farmland. Any form of development in this area must ensure that there is a suitable buffer zone between the employment areas and people's homes. Noise abatement barriers must be installed with appropriate screening vegetation to further reduce the noise prior to any development approval. It is important that any employment land should be adequately screened by suitable vegetation that provides a soft outlook to residents and those making use of the walking track around Lake Jerrabomberra, like the barriers in the Poplars development.

The proposed DA states that the treatments for noise and visual impact will be addressed based on the operational use of the land proposed at the submission of the DA's for each lot. This is short sighted as it does not take into account the likelihood of operational use changes that may occur in the future that affect the noise and visual impact but still fit within DA controls. The [REDACTED] believes that controls need to be implemented now based on a worse possible case for noise and visual impact, where the operational use may involve heavy vehicles and machinery generating noise and negative visual aspects. The zoning allows for services such as freight transport and as such the DA must have controls that restrict the use of these services to such an extent that they do not have a noise or visual impact on Jerrabomberra residents now and any time into the future.

The Noise Planning and Assessment report has determined that residents will be subject to noise at greater than 5dB higher than established noise levels. The report refers to a previous study which states:

Construction of a 3m high acoustic mound, landscaped on the eastern site boundary (wholly within the North Tralee site to ensure its care, control and management falls to the site owners and is not a burden on QCC).

This mound and landscaping must be incorporated in controls to ensure adequate noise treatment so that residents are not subject to the levels of noise 5dB higher than the established noise levels.

The [REDACTED] believes that QPRC and the developer have a responsibility to the Jerrabomberra community to ensure that the build quality in the development area complements the existing Poplars Business Park both in aesthetic appeal and the type of businesses that operate in the area. Furthermore, as this development is the gateway to South Jerrabomberra, QPRC must have in place measures to ensure that the build is of a high quality to ensure that value of the land in South Jerrabomberra isn't devalued by what could turn into an industrial favela.

Discussion with the community needs to address the type of businesses that can operate in employment areas with clarity of the types of businesses to be permitted under the zones proposed within the Queanbeyan Local Environment Plan (QLEP) 2012 and the Queanbeyan Residential and Economic Strategy 2015-2031. An example of concern is that freight transport services are permitted with consent under Zone B7 Business Park. A freight transport business operating within 50m of residents is not acceptable.

We have no donations or gifts to councillors or council staff to declare and have no relevant business or investment interests.



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Level 22, Angel Place,
123 Pitt Street
Sydney NSW 2000

17 May 2021
Our Ref. 21-032

Chief Executive Officer
Queanbeyan Palerang Regional Council
PO Box 90
Queanbeyan NSW 2620

Lodged online via email to council@qprc.gov.au

Dear Sir,

Re: Submission on Development Application for Subdivision (DA.2021.1153)

Knight Frank Town Planning has been engaged by [REDACTED] as the [REDACTED] to prepare this submission on the Development Application lodged with Queanbeyan Palerang Regional Council for the subdivision of the North Tralee site (DA.2021.1153). On behalf of the landowners we thank Council for the opportunity to comment.

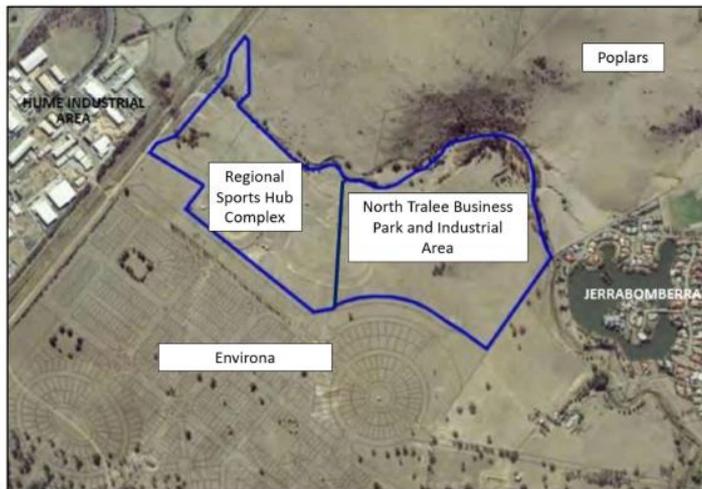


Figure 1: Context Map

In terms of the proposed subdivision and supporting documents on exhibition, we make the following comments.

Width of Environa Drive

The proposed road reserve for Environa Drive through North Tralee appears to be less than the minimum width as already approved for the same road (referred to as the Northern Entry Road) north of Jerrabomberra Creek. The approved road reserve width for the Northern Entry Road is 40.5 metres. Consistency with the adopted road reserve width is critical to ensuring the road is capable of functioning as the only access and key infrastructure corridor for South Jerrabomberra.

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By way of comparison, it is noted that the approved Northern Entry Road comprises the following (refer also to Figure 4):

- Northern verge 9.2m
- Northbound carriageway 8.8m
- Median 6m
- Southbound carriageway 8.8m
- Southern verge 7.5m
- **Total road reserve width of 40.3 metres**

The exhibited Design Report with the Development Application indicates a road reserve width of 37.8 metres, however, the width as presented in the exhibited plan of subdivision varies between 37 metres and 38.5 metres – see Figure 2. In reviewing the Design Report, there are significant inconsistencies with the width of the proposed verge. Environa Drive, as a higher class road, would have numerous services, a footpath, trees and streetlights is shown in the plans as only having a 5 metre verge – see Figure 3.

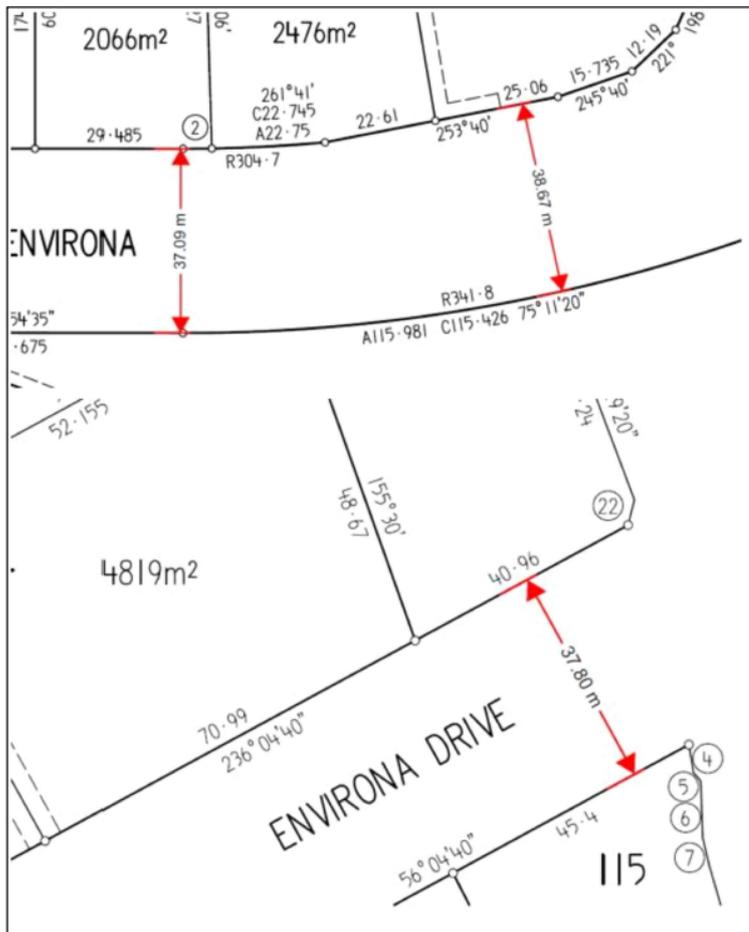


Figure 2: Extracts from exhibited Deposited Plan

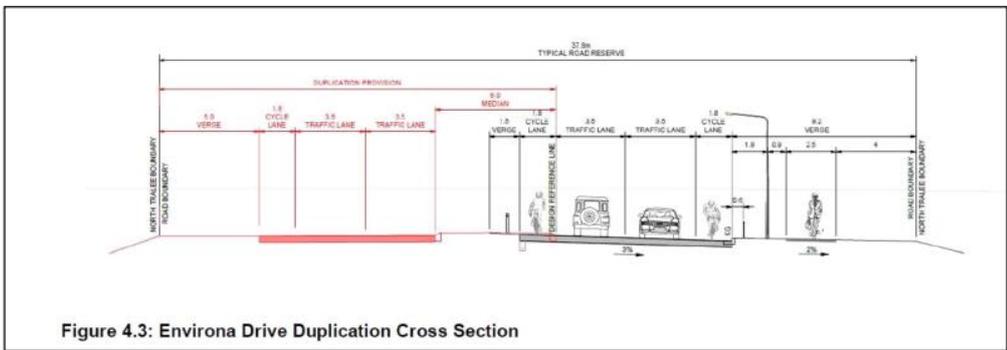


Figure 4.3: Envirova Drive Duplication Cross Section

Figure 3: Extract from exhibited Design Report

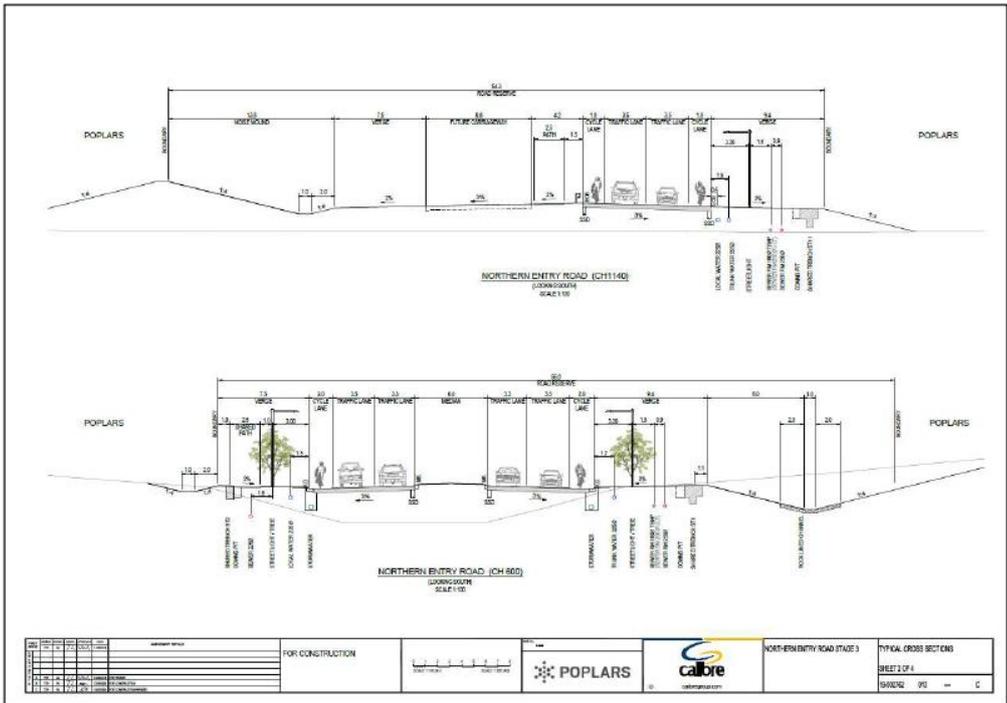


Figure 4: Latest Approved Road Cross Section – Envirova Road north

It is recommended that the width of Envirova Drive road reserve within the proposed subdivision be increased to 40.3 metres consistent with the width of the northern section of the road within Poplars (Northern Entry Road).

Allowance for Future Intersection

The exhibited plans do not accurately show how the lot alignment will sufficiently allow for the future duplication of Environa Drive. Additionally, the details are not clear on the allowance for the future intersection noting that the proposed roundabout will need to be sufficient in size to accommodate the required duplication of Environa Drive. The subdivision does not appear to provide for the size of the proposed roundabout that will be required.

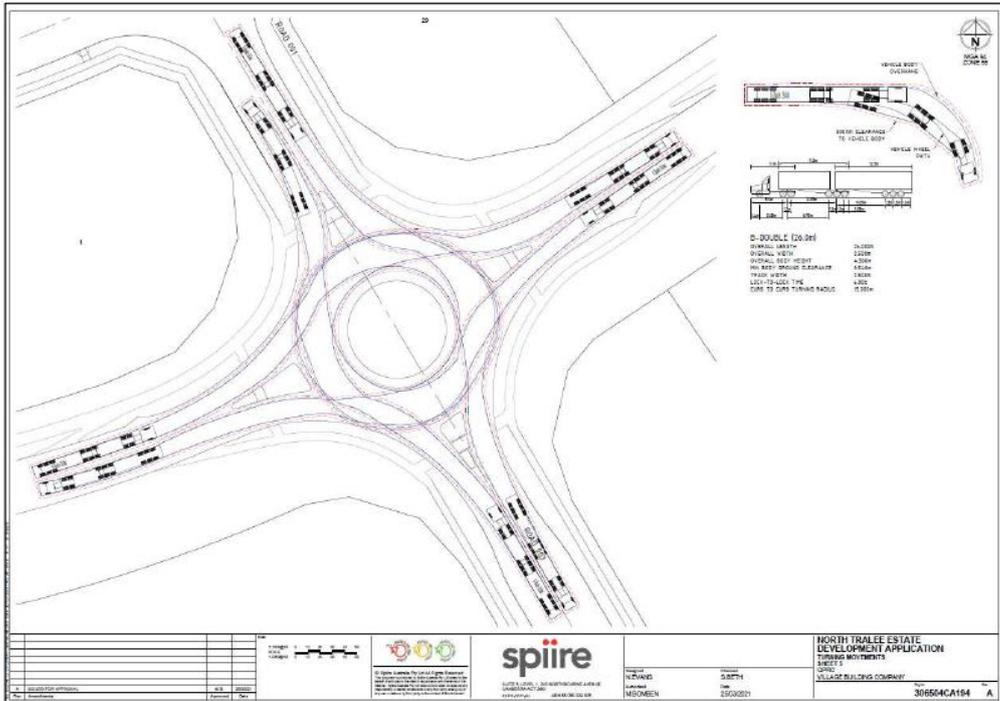


Figure 5: Latest Intersection arrangement – Environa Road

It is recommended that the size of the intersection reserve within the proposed subdivision be determined and accurately presented prior to determination.

Zone Sub-station and Easement

A zone substation is to be located on Environa immediately to the south west of the proposed subdivision. This zone substation will be a critical part of the infrastructure for the future development of South Jerrabomberra. Access through North Tralee to the zone substation is required for ongoing operation of the facility. The substation is proposed to be located behind Lot 113 of the subdivision.

The Statement of Environmental Effects states "Proposed Lot 114 has an area in excess of 14,000sqm. The lot is on Environa Drive and may be subject to further subdivision following the resolution of access to the zone substation with Essential Energy has been finalised." Our client is concerned that this does not provide sufficient clarity or certainty on the providing of the access, to what standard or where located. Specifically, we note the following:

- The verge width on Road 03 does not appear to be wide enough to allow for feeder cables from the zone sub-station.
- The SEE states that "access to the zone sub-station is currently being negotiated with Essential Energy as part of their acquisition process" and to confirm whether an electrical conduit easement through Lot 114 is acceptable.

We recommend that:

1. **The issue of access to the substation be resolved and agreed to by Essential Energy, Council and our client as the adjoining owner prior to the determination of the DA.**
2. **The proposed access should be renofited to our client prior to any determination of the DA.**
3. **The proposed access be constructed to the standard required by Essential Energy and that this be a condition of any development consent.**

Visual Wall

The proposed development includes provision for a visual wall to be constructed along the entire south eastern boundary of the subdivision site. We note the purpose of the wall is to assist in mitigating the visual impact of the proposed industrial subdivision when viewed from Enviro-na.

We note that the wall is proposed to be finished in a moss green colour with a matte finish and to be treated with native landscaping in the foreground. The plans do not however show the specific location of the wall and from the images presented it seems to be located on the lot boundary – see Figure 6. This suggests that the proposed landscaping would be located on our client’s property. This is not acceptable and on behalf of our client, we seek clarification on the following:

1. The proposed location of the landscaping in relation to the boundary.
2. Details of the proposed maintenance during establishment of the landscaping.
3. Details of the proposed stock proof fencing along the boundary with our client’s land to ensure the landscaping isn’t damaged by stock.



Figure 6: Exhibited Landscape Plan

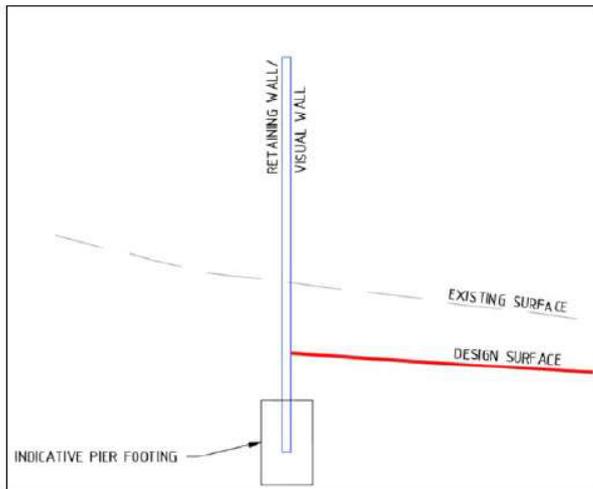


Figure 7: Exhibited Cross Section of Visual Wall – Bushfire Assessment

By reference to the exhibited cross section in Figure 7, the following concerns are also raised:

- The property boundary is not identified on the section and accordingly there is no indication of whether or not this impacts directly on our client's land.
- The cross section appears to suggest that the visual wall will be partly excavated below the existing ground level on our client's land. Accordingly, no detail are provided as to how a visual wall would impact on existing drainage patterns (overland flow).
- There is no scale on the cross section provided, and reference is made in the bushfire assessment that the height of the wall will be 3 metres. However, it is unclear whether the 3 metres referred to is the height of the wall above ground or the total height from the pier footing.
- A hard wall is not compliant under the DCP as the native vegetation transition has not been allocated sufficient space within the boundary subject to this development application.

We recommend that:

1. **Details be provided including a cross section (at scale) of the proposed boundary edge treatment to our client's land that includes the location of the wall and landscaping in relation to the property boundary.**
2. **Details of the proposed landscaping in terms of species and heights at maturity be provided**
3. **Details of any proposed maintenance and how access for maintenance be provided.**

Once the above details have been provided, then the Development Application should be renotified to our client

Stormwater Drainage and Flooding

A major stormwater flow path runs through the site originating from Environa then passing through the Business Park under Environa Drive and north to Jerrabomberra Creek. The Statement of Environmental Effects states "The site is graded so that overland flow is directed into stormwater infrastructure towards the sediment and bio retention basins and eventually discharged to Jerrabomberra Creek. For more extreme rain events above the 10% AEP, overland flow would be conveyed along proposed roads." There are also proposed easements within Lot 107

and Lot 114 of the subdivision through an overland flow path (swale) which will concentrate and convey the water through to Jerrabomberra Creek.

However, we note that the proposed visual wall will impact sheet flow south of the site (on Environa) and direct the flow along the toe of the wall.

It is recommended that the wall be sufficiently set back from the property boundary so that stormwater flow does not back up into and overflow on Environa land behind Lot 112.

Address to Environa Drive

The frontage to Environa Drive is a critical street address that has not been appropriately considered in the development application. The DCP notes that the interface between new development, rural lands, environmental conservation zones and areas of high biodiversity value should consider appropriate transitions and design solutions which minimise any adverse impacts from development on these areas. The proposed subdivision does not address the frontage of the lots north and south of Environa Drive. These lots have access/driveways from internal new roads with the rear of the lots facing Environa Drive. A landscape plan including indicative cross sections should be provided that illustrates the type of planting at maturity; the extent of any mounding and the type of screen wall proposed. By way of an initial comment, a painted timber paling fence is not considered appropriate.

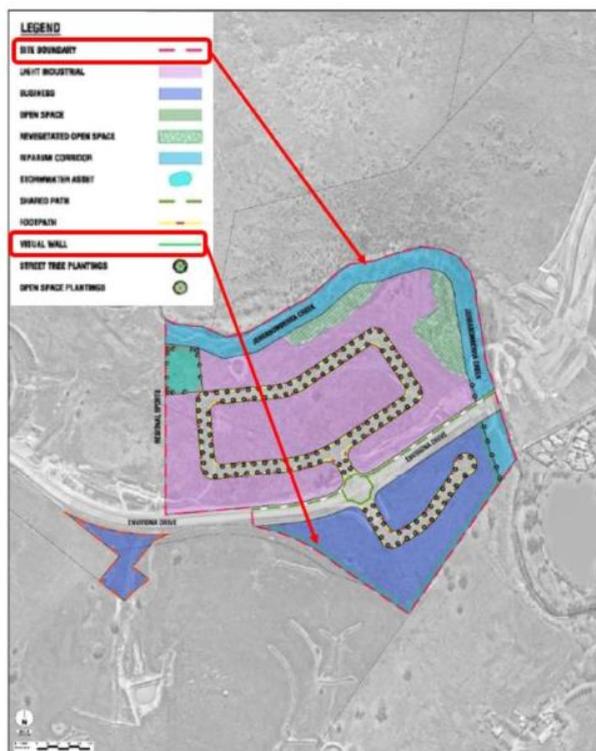


Figure 10: Adopted Neighbourhood Structure Plan for North Tralee

We recommend an appropriate design solution that provides for a high quality landscape and solid screen be prepared including indicative cross sections and that our client be renotified prior to the Development Application being determined.

Parking

The proposed development does not appear to allow for sufficient parking raising concerns that overflow parking from the subdivision may impact surrounding landowners. The deposited plan presents narrow lots and wide industrial driveways which limit the available opportunities for on-street parking.

We recommend an appropriate parking solution be provided to Council prior to the Development Application being determined.

Bushfire Protection

The site is identified to contain and be surrounded by areas declared bushfire prone by Queanbeyan Palerang Regional Council and NSW RFS. However, we note that several key maps and pages in the Bushfire Assessment Report are blank and missing information.

Any required asset protection zones need to be clearly defined and be located within the development. Surrounding landowners should be able to continue the current land management practices and not be forced to provide protection zones for the development within their properties.

We recommend a requirement be added to the conditions of approval for the development that the developer must construct and allow for all asset protection zones within the development.

Summary

On behalf of our clients, we would suggest that there are significant shortcomings in the exhibited Development Application. The exhibited documents leave many issues not resolved, many of which, could have a direct impact on our clients' land holdings.

In conclusion, and on behalf of our client, we are concerned that there are a number of design aspects not adequately resolved or detailed that have the potential to directly impact on the amenity of the surrounding lots. They are as set out in this submission and they relate to access to the substation; treatment of the visual wall and landscape screen, address to Environa Drive; the width of the Environa Drive road reserve and; stormwater overflow.

Accordingly, we strongly suggest that the Development Application as lodged is inadequate and cannot be determined until sufficient details on all the above matters are satisfactorily addressed. This includes renotifying our client once the above details have been submitted.

Thank you for the opportunity to comment.

Yours sincerely,



Knight Frank Town Planning



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

25 MAY 2022

- ITEM 9.1 DEVELOPMENT APPLICATION DA.2021.1153 - 59 LOT
TORRENS TITLE BUSINESS AND INDUSTRIAL
SUBDIVISION WITH TWO RESIDUAL LOTS - 360A
LANYON DRIVE, TRALEE
- ATTACHMENT 4 DA.2021.1153 - DRAFT CONDITIONS - 360A LANYON DRIVE,
TRALEE

CONDITIONS OF CONSENT
DA.2021.1153

APPROVED DEVELOPMENT AND PLANS

1. Further Contaminated Lands Assessment Required

Further Stage 2 assessment is required prior to any construction activities to determine the extent of contamination. The further detailed, intrusive-based investigation must be carried out to further characterise each of the identified Areas of Environmental Concern (AEC). The investigation report should include the recommendations from the Detailed Site Investigation for Contamination, Proposed Subdivision - 46162.12.R.001.Rev1 - 360A Alderson Place, Tralee (August 2018). The detailed investigation is to define the nature, extent and degree of contamination; to assess potential risk posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required.

Reason: To ensure that the area where works are being undertaken is free from significant contamination.

2. 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
General Arrangement Plan	Spiire	25/03/2021 - Rev B	17/09/2021
Building Envelope Plan	Spiire		17/09/2021
3m Wall Elevation and Detail	Spiire	09/09/2021	17/09/2021
1.8m Wall Elevation and Design	Spiire	01/09/2021	17/09/2021
Landscape Plan	Spiire	14/09/2021 - Rev 6	17/09/2021
Bio Retention Basin Asset Arrangement	Spiire	25/03/2021 - Rev B	17/09/2021
Bio Retention Basin Section	Spiire	25/03/2021 - Rev B	17/09/2021
Noise Planning and Assessment	WSP	03/03/2021- Rev 3	18/08/2021
Statement of Environmental Effects	WSP	26/03/2021	06/04/2021
Detailed Site Investigation for Contamination	Douglas Partners	August 2018	06/04/2021
Bushfire Assessment Report	Ember Bushfire Consulting	05/02/2021	06/04/2021
Biodiversity Development Assessment Report	Eco Logical Australia	08/06/2021	13/02/2021

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.

SPECIAL CONDITIONS

Biodiversity Conditions

3. Species Credit Retirement

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

Reason: To comply with Biodiversity Conservation Act 2016.

4. 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.

5. 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
Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion	1	PCT1330 Zone 1

6. Biodiversity Management Plan

Prior to issue of Subdivision Certificate, a Biodiversity Management Plan must be prepared to the satisfaction of the consent authority. 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.

7. 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.

Reason: To comply with Biodiversity Conservation Act 2016.

8. Comply with the General Terms of Approval Issued by NSW Rural Fire Service

The development must be carried out in accordance General Terms of Approval provided by Rural Fire Services dated 10 May 2021 attached in Schedule 1 of this consent.

9. Comply with the General Terms of Approval Issued by Natural Resources Access Regulator (NRAR)

The development must be carried out in accordance General Terms of Approval provided by Natural Resources Access Regulator (NRAR) dated 5 August 2021 attached in Schedule 1 of this consent.

10. Heritage NSW

If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

- Not further harm the object
- Immediately cease all work at the particular location
- Secure the area so as to avoid further harm to the Aboriginal object
- Notify Heritage NSW as soon as practical on 131 555, providing any details of the Aboriginal object and its location
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

Reason: To comply with Heritage NSW requirements for Aboriginal cultural heritage.

11. Lot frontage - Lot 6

The lot frontage on Lot 6 is to have a minimum width of 18m. Such amendments are to be reflected on the linen plans.

Reason: To ensure compliance with the frontage requirements.

12. Managing the Risk of Wildlife Strikes

Prior to commencement of works acceptable mitigation measures as specified in the NASF's Guideline C - Managing the risk of wildlife strikes in the vicinity of airports is to be provided to Council.

Reason: To minimise any potential risk of collisions between wildlife and aircraft.

13. Confirmation of satisfactory energy capacity from Essential Energy

Prior to the issue of a subdivision certificate for any stage of the development, the Developer must certify and warrant that the electrical energy supply network has the appropriate capacity to service the development.

Reason: To ensure essential services are available to all lots prior to registration.

14. Dust Management

Immediately undertake all measures as appropriate, and/or respond to any Council direction to provide dust suppression on roads leading to, adjacent to and within the site in the event that weather conditions, construction activities and associated traffic to and from the site are giving rise to abnormal generation of dust.

Reason: To ensure that local residents and activities are not disadvantaged by dust during hours of operation.

GENERAL CONDITIONS

15. Comply with the Building Code of Australia

All work is to comply with the current edition of the Building Code of Australia.

Reason: All building work is carried out in accordance with relevant construction standards.

16. Construction within Boundaries

The development including but not limited to footings, walls, roof barges and guttering must be constructed wholly within the boundary of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath or adjoining land.

Reason: Approved works are to be contained wholly within the subject site.

17. Copy to Owner

A copy of this consent is to be provided to the owner.

Reason: To ensure the owner is aware of the requirements imposed under the consent.

18. Retaining Walls

Any retaining wall greater than 1000 mm is to be designed and constructed to structural engineer's details. Prior to issue of any construction certificate provide a certified copy of the design to Queanbeyan-Palerang Regional Council.

Reason: Retaining walls are structurally strong enough to bear the loads put on them.

19. Batters

No batter is to have a gradient greater than 1:4. Batters greater than 1:4 must be retained.

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

20. Siting of retaining wall/s

Retaining walls for 'cut' sites are to be located such that the entire retaining wall, associated footings and drainage materials are located wholly within the boundary of the 'cut' allotment. The backfilled side of the retaining wall shall be no closer than 500mm to the property boundary.

Where filling is proposed or required, retaining walls are to be located such that the exposed side of the wall, any associated footings and drainage materials are located wholly within the boundary of the filled allotment. The exposed side of the retaining wall shall be no closer than 900mm to the property boundary.

Reason: To ensure that there is clarity over the ownership of retaining walls and adequate provision is made for the construction of dividing fences.

21. Visual walls

Visual walls are to be wholly contained within the property boundaries.

Reason: Approved works are to be contained wholly within the subject site.

22. Sequence of construction for retaining wall/s

Where retaining walls are required along a property boundary, they are to be constructed and inspected prior to any other construction works commencing.

Reason: To ensure that excavated or backfilled areas are adequately retained and that neighbouring properties are not impacted by the earthworks on this site.

23. Imported Fill

All fill delivered to site has to be certified Virgin Excavated Natural Material (VENM).

Reason: Only clean and non-contaminated fill is used on site.

24. Inspection of Hollow Bearing Trees

Any hollow sections of the tree should be inspected for native fauna prior to work commencing and animals removed by a suitably qualified wildlife handler, when practical and safe to do so. Any hollow sections of the tree should be removed and lowered to the ground with care to be inspected by a suitably qualified wildlife handler. Any native fauna found should be appropriately relocated under supervision of a suitably qualified wildlife handler.

Reason: the tree may have hollows that contain native fauna, including threatened species recorded as occurring in the surrounding region.

25. Unauthorised Use of Public Land

No building materials are to be stored or construction activities undertaken on public or adjoining land without prior written approval from Council.

Reason: To prevent unnecessary disturbance to public land.

26. Work on Adjoining Land Is Limited

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

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

Reason: To minimise interference with the verge and its accessibility by pedestrians.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

27. Water & Sewer Compliance Certificate - Design

Prior to the release of a Subdivision Works Certificate a certificate of compliance in accordance with the *Water Management Act 2000* must be obtained from Council.

A water and sewer compliance certificate is to be applied for in conjunction with application for Subdivision Works Certificate.

Reason: To ensure that the hydraulic design is in accordance with the relevant Design and Construction specifications.

28. Disposal of Contaminated Material

All contaminated material removed from the site must be disposed of to a licensed disposal facility or as otherwise specified in the remedial action plan. Evidence of the location, date and quantities of material disposed of must be submitted to Council prior to the issue of a Construction Certificate (Building or Subdivision).

Reason: To ensure that contaminated material removed from the site is disposed of in an environmentally safe manner.

29. Subdivision Works Certificate

The Subdivision Works Certificate and accompanying engineering design plans and Certification Report must be submitted to Council prior to the commencement of any works for a subdivision stage.

The engineering plans must comply with the requirements of Council's Design and Construction Specifications and include the following where applicable to a subdivision stage -

- a) A Certification Report in accordance with Council's DQS Quality Assurance Design Specification, Clause DQS.04.
- b) This general note - All work must be constructed in accordance with the requirements of Council's QPRC Design and Construction Specifications.
- c) Detailed Pavement design conforming to the procedures set out in Council's Design and Construction Specifications and/or relevant RMS specifications.

Reason: To provide design certification of the subdivision works.

30. Submit a Construction Management Plan

Prior to release of any Construction Certificate (Building) a Construction Management Plan for the management of soil, water, vegetation, waste, noise, vibration, dust, hazards and risk for the construction works must be submitted to, and endorsed by, Council. The plan must:

- a) describe the proposed construction works and construction program and,
- b) set standards and performance criteria to be met by the construction works and,
- c) describe the procedures to be implemented to ensure that the works comply with the standards and performance criteria and,
- d) identify procedures to receive, register, report and respond to complaints and,
- e) nominate and provide contact details for the persons responsible for implementing and monitoring compliance with the plans

Reason: To ensure that satisfactory measures are in place to provide for environmental management of the construction works.

31. Construction Environmental Management Plan

A construction environmental management plan (CEMP), incorporating an unexpected finds protocol be implement during the development works at the site.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

32. Appoint PCA (Building)

Appoint a principal certifying authority before any work is undertaken. Provide details of the appointed principal certifying authority (if not Queanbeyan-Palerang Regional Council) to Queanbeyan-Palerang Regional Council at least 2 days prior to any work being undertaken.

Reason: To provide for supervision of the subdivision works.

33. 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 7.11 of the Environmental Planning and Assessment Act 1979,

Section 64 of the Local Government Act 1993 and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.

Reason: To provide for the funding of augmentation and provision of services and community facilities.

34. Site Identification

The site where building work, subdivision work, or demolition work are proposed to be carried out shall be identified by a sign sited in a visually prominent position containing the following information;

- the development application number,
- name, address and telephone number of the principal certifying authority,
- name of the principal contractor (if any) and 24 hour contact telephone number, and
- a statement that “unauthorised entry to the work site is prohibited”.

Reason: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000.

35. Traffic Management

Prior to undertaking any works within a public road reserve or affecting the road reserve, a traffic management plan is to be submitted to and approved by Queanbeyan-Palerang Regional Council under Section 138 of the *Roads Act 1993*. Where occupancy of the road reserve is required, a Section 138 application shall accompany the Traffic Management Plan for Local Roads.

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

36. Sediment and Erosion Control Plan

A Sediment and Erosion Control Plan (S&ECP) for all site works, including road works and access, is to be approved by the principal certifying authority prior to work commencing. The plan is to cover all measures to control erosion and sediment transport in accordance with the NSW Landcom publication *Managing Urban Stormwater -Soils and Construction* (4th Edition 2004- "Blue Book").

Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

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

37. Sediment and Erosion Controls

Install and maintain sediment and erosion controls, prior to and during construction activities, in accordance with the approved Erosion and Sediment Control Plan, to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles on roads, and
- (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

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

38. Asbestos Removal and Disposal

Asbestos material found on the site must be removed and disposed of in accordance with the *Work Health and Safety Act 2011*, and the NSW WorkCover Guidelines.

Asbestos material must be disposed of to a lawful landfill site approved for that purpose by the Environmental Protection Authority of NSW or equivalent authority in the ACT. Written evidence that the material has been disposed of to the approved landfill must be submitted to the Principal Certifying Authority.

Reason: To ensure the proper disposal of asbestos material.

39. Unexpected Asbestos Finds

The development is to proceed with caution. If any suspected asbestos materials are found, items must be removed and disposed of in accordance with the *Work Health and Safety Act 2011*, and the NSW WorkCover Guidelines.

Reason: To ensure potential asbestos containing materials discovered during construction are appropriately secured and disposed of in accordance with the Work Health and Safety Act 2011, and the NSW WorkCover Guidelines.

40. Submit Notice of Commencement of Subdivision Work

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

41. Inspection and Test Plans

The Project Quality Plan shall include inspection and test plans detailing witness points covering at least the following aspects of the works. Witness points shall be signed off by the site foreman or other nominated to do so in the Project Quality Plan:

- installation of sediment and erosion control devices
- site clearing
- site regrading
- preservation measures installed for trees and vegetation
- culvert location and installation including preparation of base, bedding and backfill
- earthworks including longitudinal drainage and subgrade preparation
- pavement materials and construction
- bitumen sealing where applicable
- fencing, signs, guideposts and markings installation

Advice: If Queanbeyan-Palerang Regional Council is nominated principal certifying authority for the work include as a minimum the following hold points for inspection and release by the principal certifying authority:

- Culvert/drainage line location and bedding
- Subgrade preparation prior to placement of pavement materials
- Pavement prior to bitumen sealing
- Final inspection of completed entrance works

Release of the above hold points prior to commencement of the next stage of the works will require that the work be acceptable on the basis of visual inspection by the Principal Certifying Authority and satisfactory test results supplied by the applicant's Project Superintendent.

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

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING WORKS

42. Hours of Operation for Works

All works associated with the construction and/or demolition of this development must be carried out between the following hours unless Queanbeyan-Palerang Regional Council agrees in writing. A written application shall be made to Queanbeyan-Palerang Regional Council if a variation of hours is required.

Weekdays:	7.00am to 6.00pm
Saturdays:	8.00am to 4.00pm
Sundays and Public Holidays:	NIL

Reason: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality.

43. 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.

44. Construction Facilities

Toilet facilities are to be provided at or in the close vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.

Reason: To provide adequate facilities to the work site.

45. Unexpected Finds

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

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

46. All Works to Be Confined to the Site

All demolition, excavation, backfilling, construction and other activities associated with the development must:-

- a) Be carried out entirely within the allotment boundaries unless otherwise approved by Council.
- b) Comply with the requirements of AS 2601-2001 - The demolition of structures.
- c) If within one metre of the verge, the site must be protected by a hoarding which must be erected prior to the commencement of the demolition works.
- d) Be kept clear of stormwater, sewer manholes and service easements on the site.
- e) Any gates must be installed so they do not open onto any footpath or adjoining land.

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

47. Construction Waste Management

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

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

48. Protection of Adjoining Structures

If any excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining land, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an appropriate manner, and
- (c) must, at least seven days before excavating, give notice of intention to do so to the owner of the adjoining and furnish particulars of the excavation to the owner of the building being erected or demolished, and
- (d) satisfy the requirements of SafeWork.

The owner of the adjoining land is not to be liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Reason: Excavations relating to building work do not pose a hazard to adjoining properties.

49. Maintenance of Erosion Control Measures

All measures to control erosion and sediment transport are to be maintained during the works in accordance with the NSW Landcom publication *Managing Urban Stormwater - Soils and Construction* (4th Edition 2004- "Blue Book") and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside of the site.

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

50. Works Sites to Be Fenced

A fence must be erected between the development site and public places before commencement of any other work.

Reason: To ensure that an effective barrier is provided to preserve the safety of people and property in public places.

51. Temporary Vehicle Access

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

Reason: To minimise transfer of soil from the site onto the road pavement.

52. Compliance with Acoustic Report

All recommendations and specifications detailed in the acoustic report, Project No PS122301 North Tralee Development Noise Planning and Assessment, Spiire - WSP Level 3, 51-55 Bolton St Newcastle NSW (December 2020) must be implemented and adhered to in regard to future use.

Reason: To ensure noise levels generated from activities on the site are not excessive and do not impact on surrounding sensitive receptors. To ensure compliance with the recommendations of the acoustic report submitted prior to the issue of the development consent.

53. Car Parking to Comply With AS2890

All car parks must comply with AS2890.1 - Off-street car parking and AS2890.5 for On-street car parking.

Pavement line marking with bay dimensions to comply with AS 2890, must be shown within the car parking areas to delineate parking bays, including signage for the accessible parking bay/s.

Reason: To provide adequate off-street car parking.

54. Provide Water Service and Water Meter - Industrial/Commercial

A new main water meter and water service shall be installed by Council at no cost to the Council. The size of the meter and service shall be determined by a suitably qualified hydraulic consultant at no cost to Council.

The main meter shall be installed in an easily accessible position in the common property at the front of the site, or other accessible position approved by Council.

Reason: To ensure that the development is appropriately water metered.

Note: The water meter configuration is to be an 'In-Series water meter layout' as shown in Attachment A of Council's 'Water Meters and Water Supply Policy' - available on the Queanbeyan Palerang Regional Council website.

55. Erosion and Sediment Control

Maintain erosion and sedimentation controls for as long as necessary after completion of works to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land. The controls are to remain in place until all disturbed ground surfaces are rehabilitated/revegetated and stabilised to prevent erosion or sediment loss.

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

56. Repair damaged public property

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

Reason: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition.

57. Bushfire Protection - Landscaping

Landscaping to the site is to comply with the principles of Appendix 4 of *Planning for Bush Fire Protection 2019*.

Reason: To minimise the potential for bushfire attack.

58. Street Numbering

Prior to subdivision certificate, apply to Queanbeyan-Palerang Regional Council to determine the street number and display the approved street number in accordance with Council's requirements.

Reason: Adequate property identification for the public and for emergency services.

59. Landscaping Works Completed By an Accredited Contractor

All landscaping must be completed by a Council accredited Category 2 landscape contractor in accordance with approved landscape plan bearing the Council approval stamp.

Reason: To help ensure a high standard of landscape works.

60. Statement of Completed Landscape Works

A "Statement of Completed Landscaped Works" form signed by the landscape plan designer and the landscape contractor must be submitted to Council prior to the issue of the Subdivision Certificate.

Reason: To help ensure a high standard of landscape works.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A SUBDIVISION/STRATA CERTIFICATE

61. 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.

62. Statement from Surveyor

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

Reason: To ensure works are completed in accordance with Council's requirements.

63. Water and Sewer Compliance Certificate - Service

Prior to the release of a Subdivision Certificate, a certificate of compliance in accordance with the Water Management Act 2000 must be obtained from Council.

Reason: To ensure compliance with Section 6.14 of the Environmental Planning and Assessment Act 1979.

Note: This certificate is required regardless of any other water and sewer compliance certificate previously obtained, and regardless of whether the development involved alterations to Council's infrastructure.

64. Electricity Supply

Prior to Council issuing a subdivision certificate, 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.

65. Subdivision Works Defects Liability Period - Bond

The completed subdivision works are subject to a six months defects liability from the date of the issue of the relevant Subdivision Certificate.

The Subdivider must:

- a) Lodge a cash bond with Council with regard to the defects liability period in an amount as calculated from fees set by Council's Management Plan and current at the time of issue of the Subdivision Certificate; and
- b) Submit written authorisation that in the event of any defect not being rectified to the standards specified in Council's Design and Construction Specifications. Council may enter the subject land and undertake rectification work and deduct the cost thereof from such Bond monies held by Council and to refund the balance, if any, to the Subdivider.

During the defects liability period the Subdivider will be liable for any part of the subdivision works which fail to perform in the manner outlined in Council's Design and Construction Specifications (or as would reasonably be expected under the design conditions).

Reason: To ensure works are completed in accordance with Council's requirements.

66. Separate Connections & Services

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

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

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

Reason: To provide access to services for each allotment.

67. Inspections - Water & Sewer Authority

Inspections must be performed by the Water and Sewer Authority (Council) when works reach the following stages:

- a) immediately prior to connection of new sewer pipes to the existing sewerage system,
- b) immediately prior to connection of new water pipes to the existing water reticulation,
- c) immediately prior to the backfilling of sewer drainage trenches, and
- d) immediately after installation of any on-site stormwater management system.

Council's Environment, Planning and Development section must be given 24 hours notice of the need for these inspections.

Note: Any inspections carried out by Council do not imply Council approval or acceptance of the works, and do not relieve the Developer from the requirements to provide an Engineering Construction Certificate Report in accordance with Council's Design and Construction Specifications.

Reason: To ensure that hydraulic services are constructed in accordance with Council requirements.

68. Submission from Service Authority

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

Reason: To satisfy relevant utility authority requirements.

69. Works as Executed Plans of Dedicated Infrastructure

Provide one electronic copy (DWG or similar) and one PDF copy of works as-executed plans for any constructed infrastructure dedicated to Queanbeyan-Palerang Regional Council, showing any variations from the approved designs. The works as-executed plans are to be prepared in accordance with the requirements set out in Council's Design and Construction Specification.

Reason: To provide a record of works for future technical reference.

70. Submission of Street/Road Names

Prior to the issue of a Subdivision Certificate the proposed street names for the new/unnamed road/s must be submitted to and approved by Council and gazetted.

The approved street/road names are to be indicated on the Survey Plan of Subdivision and provided on road name plates to be installed at the road intersections.

Note: Council has a list of approved names for subdivision roads which can be obtained by contacting Council's Environment, Planning and Development section. Any other names will require a written submission to be lodged with Council detailing the origin of the name and the reasons for selection. Proposed names must also comply with the Guidelines for Road Naming prepared by the Geographical Names Board.

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

71. 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: Convey 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.

72. 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) All requisite sewerage easements;
- b) Drainage easements shall be created over all existing and proposed drainage lines including inter-allotment drainage;
- c) All easements specified below and contained in the subdivision must benefit Council as well as particular lots;
 - i. easements to drain water,
 - ii. easements to drain sewer,
 - iii. easements for water supply,
 - iv. easements which Council may require to provide or maintain other services, and
- d) Nominating Council as the name of the person/authority empowered to release, vary or modify restriction or positive covenant numbered in the plan.
- e) The erection of buildings or associated structures are restricted to the area within building

envelopes delineated on the plan of subdivision.

- f) Plantings on the site are to exclude species listed on the regional weeds lists.

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

73. Dedication to Council

All drainage reserves, roads, reservoir sites, reserves, sewerage pump station sites must be dedicated to Council and shown as such on the Subdivision Survey Plan.

Reason: To permit Council to adequately manage reserves, drainage and utility services, and to provide legal access to lots.

74. Open Space and Riparian Zone

A plan of management is to be created for the Open Space and the Riparian Zone within the residual lot. The plan of management is to include detail of vegetation and weed management, access and rehabilitation and revegetation of the riparian zone with endemic native riparian vegetation along with a period of monitoring and maintenance of the works prior to the land being dedicated to Council.

Reason: To permit Council to adequately manage reserves and open space.

75. Dedicate Public Road

The proposed roads are to be dedicated to Queanbeyan-Palerang Regional Council as a public road.

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

76. Subdivision PCA Inspections TORRENS

The applicant shall engage the services of a suitably qualified Superintendent to supervise the construction of the Subdivision in accordance with Councils CQS - Contract Quality System Requirements Specification.

Inspections and/or Hold Points (in accordance with the referenced Council's Construction Specification) shall be undertaken and released by Council (as the Principal Certifying Authority) during the construction of the Subdivision. Works shall not proceed beyond the inspection indicated until Council is satisfied that the requirements of the relevant specification have been met.

Reason: To ensure that all subdivision infrastructure is constructed in accordance with Councils Construction Specifications.

77. Certification of Completed Works

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

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

78. Work In Accordance with Engineering Specifications

All construction and restoration work must be carried out strictly in accordance with the approved drawings and Council's *Design and Construction Specifications*.

Reason: To ensure construction and restoration work is in accordance with Council's requirements.

79. Submission of Traffic Control Devices Plan

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

Reason: To authorise traffic control devices.

Schedule 1

NSW Rural Fire Service



NSW RURAL FIRE SERVICE

Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Your reference: (CNR-20711) DA.2021.1153
Our reference: DA20210420001542-Original-1

ATTENTION: Kaycee Dixon-Hilder

Date: Monday 10 May 2021

Dear Sir/Madam,

Development Application
s4.14 - Other -

Nth Tralee Business Park 360A ALDERSON PL TRALEE NSW 2620, 1//DP323002, 1//DP313299, 6//DP239080, 6//DP239080, 1//DP333443

I refer to your correspondence dated 20/04/2021 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Access - Public Roads

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

1.

Access roads shall comply with the minimum general, perimeter and non-perimeter requirements of *Planning for Bush Fire Protection* Table 5.3 and include the following additions:

- To provide fire-fighter access to the bush fire hazard north of the estate, the defensible space indicated on plan 306504-BF003 by spire shall:
 - be unobstructed by fencing, buildings and the like;
 - include construction of an all-weather road with a minimum carriageway width of 4.0 metres;
 - provide through access to the public road network.

Water and Utility Services

Intent of measures: 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.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

2.

The provision of water, electricity and gas must comply with Table 5.3c of *Planning for Bush Fire Protection 2019*.

General Advice - Consent Authority to Note

- This approval is for the subdivision of the land only. Any further development application may be subject to separate assessment to address the requirements of cl 8.3.10 of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Alan Bawden
Supervisor Development Assessment & Plan
Built & Natural Environment



Natural Resources Access Regulator (NRAR)



Natural Resources
Access Regulator

Contact: Shavaun Tasker
Phone: 0427 794 802
Email: shavaun.tasker@nrar.nsw.gov.au

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

Our ref: IDAS1135790
Our file: CNR-20711 A-24294
Your ref: DA 2021.1153

— Attention: Kaycee Dixon-Hilder

05 August 2021

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA.2021.1153
Description: 14 B7 lots and 45 IN2 lots as well as two residual lots.
Location: Environa Drive, North Tralee NSW 2620

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

-2-

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

www.industry.nsw.gov.au > [Water](#) > [Licensing & Trade](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely



Per: David Zerafa
Senior Water Regulation Officer
Water Regulatory Operations
Natural Resources Access Regulator



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1135790
Issue date of GTA: 05 August 2021
Type of Approval: Controlled Activity
Description: 14 B7 lots and 45 IN2 lots as well as two residual lots.
Location of work/activity: Environa Drive, North Tralee NSW 2620
DA Number: DA.2021.1153
LGA: Queanbeyan Palerang Regional Council
Water Sharing Plan Area: Murrumbidgee Unregulated River Water Sources 2012

The GTA issued by NRAR do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00015	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity(s) approval under the Water Management Act 2000.
Erosion and sediment controls	
GT0006-00012	The following plan(s): - erosion and sediment control plan, soil and water management plan, vegetation management plan, and storm water management plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00012	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carry out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
GT0022-00005	During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Natural Resources Access Regulator, such as: A. machinery must not enter the water course at anytime, B. there must be a minimum flow in the water course.
Plans, standards and guidelines	
GT0001-00001	A. The application for a controlled activity approval must include the document(s) listed in Schedule 1. B. The document(s) must be prepared by a suitably qualified person.
Rehabilitation and maintenance	
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the

Ground Floor, 5 O'Keefe Avenue, Nowra, NSW 2541 | PO BOX 309, Nowra, NSW 2541
nrar.enquiries@nrar.nsw.gov.au | <http://www.industry.nsw.gov.au/nrar>



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1135790
Issue date of GTA:	05 August 2021
Type of Approval:	Controlled Activity
Description:	14 B7 lots and 45 IN2 lots as well as two residual lots.
Location of work/activity:	Environa Drive, North Tralee NSW 2620
DA Number:	DA.2021.1153
LGA:	Queanbeyan Palerang Regional Council
Water Sharing Plan Area:	Murrumbidgee Unregulated River Water Sources 2012

approved plan(s).

Reporting requirements

GT0016-00003 The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA.2021.1153 as provided by Council:

- 1. Statement of Environmental Effects, drafted by Elton Consulting, dated 26 March 2021.
- 2. N Tralee Stream Letter, drafted by F Dominic Fanning, dated 17 May 2021.
- 3. North Tralee Civil Engineering Report, drafted by Spiire, dated March 2021.
- 4. North Tralee Landscape Masterplan, March 2021.
- 5. Civil Plans (sheets 1 – 39 inclusive), drafted by Spiire, dated 25/03/2021.

Advisory Notes:

Essential Energy

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. As part of the subdivision, easement/s are to be created for any existing electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au.
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with
5. respect to the subdivision layout, which will require Essential Energy's approval.
6. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.
7. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
8. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.