



Ordinary Meeting of Council

26 April 2023

**UNDER SEPARATE COVER
ATTACHMENTS**

ITEM 9.1

QUEANBEYAN-PALERANG REGIONAL COUNCIL
ORDINARY MEETING OF COUNCIL

ATTACHMENTS – 26 April 2023 Page i

Item 9.1	DA.2022.1551 - 45 Sinclair Road, Primrose Valley, application for dual occupancy	
	<i>Attachment 1</i>	<i>Assessment report - DA.2022.1551 - 45 Sinclair Road PRIMROSE VALLEY2</i>
	<i>Attachment 2</i>	<i>Plans - DA.2022.1551 - 45 Sinclair Road PRIMROSE VALLEY.....30</i>
	<i>Attachment 3</i>	<i>Submissions - DA.2022.1551 - 45 Sinclair Road, PRIMROSE VALLEY36</i>
	<i>Attachment 4</i>	<i>Draft consent conditions - DA.2022.1551 - 45 Sinclair Road, PRIMROSE VALLEY72</i>

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

26 APRIL 2023

ITEM 9.1 DA.2022.1551 - 45 SINCLAIR ROAD, PRIMROSE VALLEY,
APPLICATION FOR DUAL OCCUPANCY

ATTACHMENT 1 ASSESSMENT REPORT - DA.2022.1551 - 45 SINCLAIR ROAD
PRIMROSE VALLEY

QPRC



DELEGATED REPORT - DA.2022.1551

SUMMARY

Proposal:	Installation of a manufactured home, dual occupancy
Address:	45 Sinclair Road PRIMROSE VALLEY NSW 2621
Property description:	Lot 5 DP 1006515
Applicant:	Andrew Daviv Stiles
Owner:	Andrew Daviv Stiles & Claire Jayne Stiles
Date of lodgement:	13/10/2022
Notification period:	23/01/2023 to 08/02/2023
Submissions received:	5
Assessment officer:	Annie Shumaker
Estimated cost of works:	\$250,000
Zoning:	RU1 Primary Production
Heritage:	No
Flood affected:	No
Bushfire prone:	Yes
Recommendation of officer:	Approval subject to conditions

EXECUTIVE SUMMARY

The application proposes the installation of a manufactured home on a site which has an existing dwelling, creating a dual occupancy on the land.

The application was notified from 23 January 2023 to 8 February. One submitter requested an extension of time and was given to 17 February 2023 to respond. A total of 5 submissions were received, all objections to the proposal. The submissions primarily object to a portion of the land being used for motor bike riding and associated noise, as well as erosion and dust.

Planning matters in the submissions and as these relate to this DA have been discussed below; matters of compliance have been forwarded to and are being addressed by Council's compliance and environmental health areas.

As the application was lodged prior to the commencement of the *Queanbeyan-Palerang Regional Local Environmental Plan 2022*, the PLEP was used to assess this application.

It is recommended that the application be approved subject to conditions.

BACKGROUND

- The subject lot was created 2 December 1999 (Council file number 16/96) under Clause 12 of the *Yarrowlumla Local Environmental Plan 1993*, as administered by then Yarrowlumla Shire Council.

- Clause 12 of the YLEP allowed for the subdivision of rural land (the zoning of the land was known as Rural 1(a) at the time) under a number of circumstances. Clause 12(4) allowed for the subdivision of rural land where each lot created was no less than 8 hectares.
- A building envelope was created as part of the subdivision on the higher, north western part of the lot. It follows the shape of this part of the lot and is set back 25 metres from the boundary. (see Deposited Plan below).

The site has had multiple complaints over the past year relating to noise from the motor bike riding, earthworks, erosion and dust. Council's compliance and environmental health areas are aware of complaints.

DESCRIPTION OF THE SITE AND LOCALITY

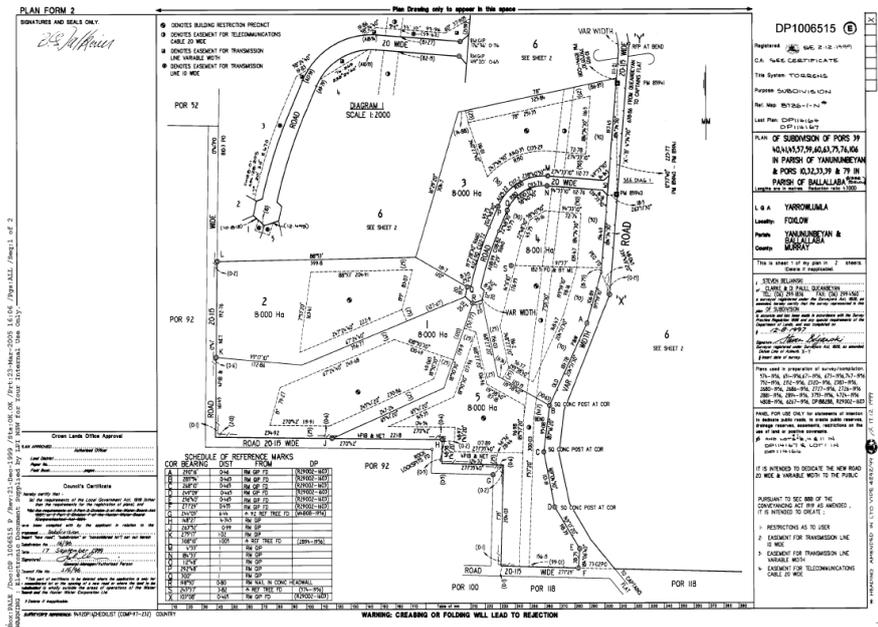
The subject site is legally described as Lot 5 DP 1006515 and is commonly known as 45 Sinclair Road Primrose Valley NSW 2621. The site:

- has an area of 8ha
- is zoned RU1 Primary Production
- is irregular in shape,
- falls steeply from 820 AHD at its north western boundary towards its eastern boundary and Captains Flat Road at approximately 790 AHD,
- adjoins the Yanununbeyan State conservation area on its western and southern boundaries.

Existing development on the site comprises a dwelling of approximately 300m2 and shed.

Vehicular access is provided to the site via an existing driveway from Sinclair Road, a small cul-de-sac off Captains Flat Road.

Existing development within the immediate locality consists of 4 other 8ha lots which, together with the subject lot, were subdivided from the remaining lot 6, which has an area of 489.5 Ha.



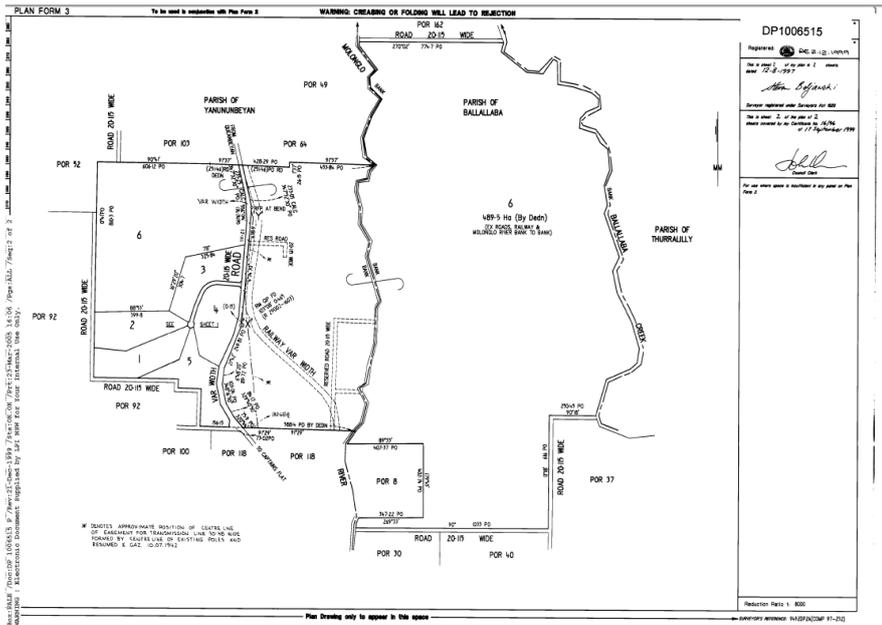


Figure 1: Deposited Plan 1006515

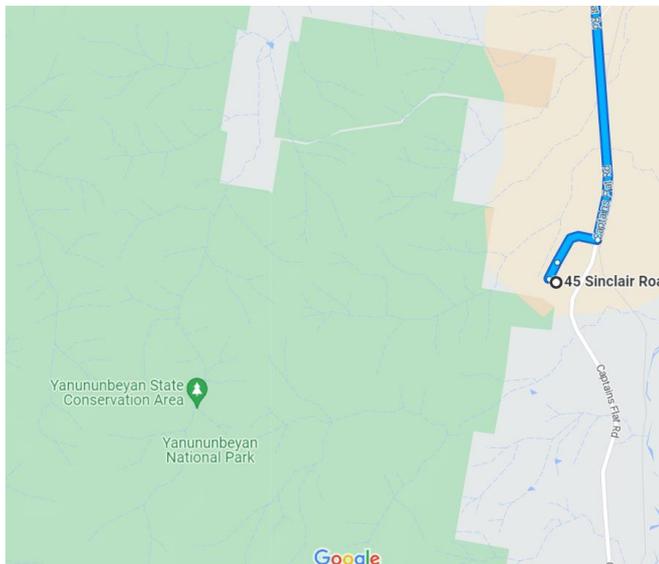


Figure 2 location plan

PROPERTY BURDENS AND CONSTRAINTS

The subject lot has a building envelope and the proposed manufacture home is sited within the building envelope.

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The specific elements of the proposal are:

- installation of 4 bedroom manufactured home of approximately 220m²
- NSW Health accredited on-site effluent management system.

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 not integrated development.

REFERRALS

INTERNAL REFERRALS

Engineering Comments

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

Sewer Available: No _____ Driveway: Existing
Water Available: No _____ Kerb and Gutter: N/A
Flood Category: No _____ Footway Width: N/A
Natural Water Course: Yes _____ Footway Grade: N/A
Drainage Easements: existing easement over property or adjoining land
 easement required over property or adjoining land
Hydraulics: attached unavailable at time of assessment irrelevant
Is Construction Certificate – Subdivision required: Yes No

Water

No council water services to the property.

Sewer

No sewer services to the property.

Storm Water

Roof water from proposed dual occupancy that is not connected to a rainwater storage tank, any overflow from any storage tank and hard stand area must be discharged into an absorption trench or through a stormwater outlet device with scour protection into an overland flow path, at least 3 metres clear of any building and the boundaries of the site.

Traffic and Parking:

No provision of parking spaces for the proposed development.

Access:

Access to the lot proposed for dual occupancy is from turning circle of Sealed Sinclair Road. The driveway entrance is incorporated with Ø375 mm RCP pipe culvert with headwalls and stone pitching for drainage purpose.

The existing driveway entrance from the edge of the turning circle is not in satisfactory condition hence a bitumen sealed entrance to be constructed for the lot proposed for dual occupancy in accordance with QPRC D13 vehicular access design specification.

The internal access and drainage structures between the entrance and the building envelope need to be upgraded to the standard of private access road with a minimum compacted pavement

thickness of 150mm and as otherwise specified in Table D1.7 of Queanbeyan-Palerang Regional Council's D1 Road Geometry Design Specification.

The headwall for pipe culvert for a drainage purpose has a crack as we can see in the photo below which has to be replaced by a new head wall and it will be conditioned as a special condition.



Figure 1: - Existing driveway entrance (Date – 27/03/2023)



Existing pipe culvert (Date – 27/03/2023)

For the purposes of this assessment, the 4 bedrooms will be used for this assessment. The existing property will need to use their current system. If this is different then the application will need to be revisited.

Under AS/NZS 1546.3: Secondary Treatment Systems for performance, design, sizing and testing criteria, a minimum wastewater daily flow of 150 litres/person is to be used in calculating the size of AWTSS.

Or using WaterNSWs Designing and Installing On-site Wastewater Systems publication:

Table 2.3 – Design wastewater loading calculations (for a dwelling)

Design wastewater loading for each potential bedroom	Reticulated / bore water	Tank water
1-2 potential bedrooms	600L/d	400L/d
3 potential bedrooms	900L/d	600L/d
4 potential bedrooms	1,200L/d	800L/d
More than 4 potential bedrooms	1,200L/d plus 150L for each additional bedroom	800L/d plus 100L/d for each additional bedroom
<i>Source: WaterNSW, 2015. Note: WaterNSW adopts a conservative approach for wastewater design calculations. Water saving fixtures should be standard in all new dwellings.</i>		

$(4 \text{ bedrooms} \times 200 \text{ L/day}) = 800 \text{ L/day}$

Four bedrooms at 800 L per day, plus zero additional rooms (200L/bedroom/day for up to 4 bedrooms then 100L for each bedroom after) = 800L per day.

Summary of Recommendations for Site

Treatment System	:	Secondary Treatment Approved System Tested and approved by NSW Health to AS1546.3-2017
Disposal Method	:	Surface Spray Irrigation 320m ²
Emerson Class	:	MEAT Class 2 Soil, dispersive - see notes
Hydraulic Load	:	4 Bedroom 8 equivalent people (120 litres) & 960 litres/day
Design Irrigation Rate Soil	:	DIR 24.5mm per week for irrigation
Hydraulic Disposal	:	320 square metres irrigation (factored for grade)
Water balance	:	Satisfactory for soil type and conditions
Nitrogen TN uptake	:	877m ² of area required including hydraulic Area available downgrade of proposed disposal area
Phosphorus TP uptake	:	882m ² of area required including hydraulic Area available downgrade of proposed disposal area

Water Balance

The law of water balance states that ***the inflows to any water system or area is equal to its outflows plus change in storage during a time interval.***

Daily amount (from bedrooms in dwelling) / application rate (from AS1547 – table M1).

Table M1 in AS1547 shows the soil texture and structure with the Design Irrigation Rate (DIR). In this case a clay loam has a design irrigation rate (DIR) of 3.5 mm/day.

The water balance can then be calculated as $800 \div 3.5 = 228.6$ mm/day

Land Application Area

The Technibuild Report (01 September 2022) gives **320m²** as the minimum area required for surface irrigation systems. However the report also states the area affected by nitrogen uptake to be **882 m²** and **phosphorus 877 m²**.

<u>Total Site Project Specifications</u>	
Daily hydraulic flow (L/day):	960
The flow estimation method chosen is by:	Person
Equivalent persons (EP):	8
Organic Load per person in kg per day	0.070
Peak hourly flow (L/hour):	240
Irrigation area in m2	320
Secondary application area in m2	320
Area affected by nutrient uptake in m2 (TP)	882
Area affected by nutrient uptake in m2 (TN)	877
<u>For Total Nutrient Disposal Area</u>	
BOD5 load to disposal area (kg/day):	0.0096
BOD5 load to disposal area (kg/pa):	3.504
Nitrogen loading (kg/ha/year):	120
Actual nitrogen load to application area (kg/year):	10.512
Phosphorus loading (kg/ha/year):	12
Actual phosphorus load to application area (kg/year):	4.204
Conservative longevity for P-storage (years) including vegetative uptake:	> 50

The irrigation area for surface and subsurface effluent irrigation should be based on the hydraulic balance for the design wastewater load and site soil characteristics, with a dedicated nutrient uptake area downslope and/or around the irrigation field, determined by the difference in area between the nutrient load (the larger of the nitrogen or phosphorus balance) and hydraulic load area - as per AS/NZS 1547:2012 and the 'Silver Book'.

Table 14: Expected Quality of Wastewater after Treatment in an AWTS

Parameter	Concentration *	Failure Indicator
Biochemical oxygen demand	<20 mg/L	>50 mg/L
Suspended solids	<30 mg/L	>50 mg/L
Total nitrogen	25 - 50 mg/L	not applicable
Total phosphorus	10 - 15 mg/L	not applicable
Faecal coliforms Non-disinfected effluent	up to 10 ⁴ cfu/100 mL	not applicable
Faecal coliforms Disinfected effluent	<30 cfu/100 mL	>100 cfu/100 mL
Dissolved oxygen	>2 mg/L	<2 mg/L

*Design figures might not be indicative of long-term operational characteristics

The Silver Book lists 25 mg/L as a nominal value and states that where possible, values specific to the site and the proposed treatment system should be used. Table 14 of the Silver Book gives the Total Nitrogen concentration of the expected quality of wastewater after treatment in an AWTS as between 25 and 50 mg/L.

The formula used to determine area requirements based on organic matter and nutrient loads is as follows:

$$A = \frac{C \times Q}{L_x}$$

Where

A	=	land area (m ²)
C	=	concentration of nutrient or BOD (mg/L)
Q	=	treated wastewater flow rate (L/d)
L _x	=	critical loading rate of nutrient or BOD (mg/m ² /d)

The critical loading rates for nitrogen (L_n) and phosphorus (L_p) are based on the ability of vegetation to use these nutrients before they pass through the root zone. For example, the L_n for perennial pasture varies between 18 and 36 mg/m²/day, while L_p varies between 2 and 4 mg/m²/day.

Vegetation	Grassed with isolated dry sclerophyll distant on site, clear in disposal site. Site to remain grassed in proposed disposal area.
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Calculations have been run using both this figure (minus 20% for denitrification as standard practice). Further clarification should be sought regarding nitrogen loading figure and suitability.

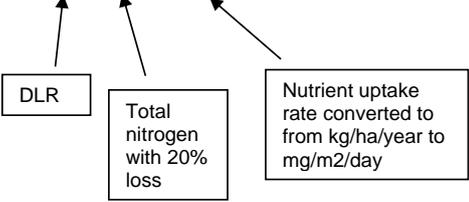
If Total Nitrogen of 25 mg/L is being provided, 20% loss from denitrification is then factored in.
 20% of 25 mg/L = 5 mg/L
 Therefore 25 - 5 = 20 mg/L
 20 mg/L nitrogen critical loading rate

Perennial pasture = 99 kg/ha/yr
 as per the nutrient uptake rates on WaterNSW's Designing and Installing On-site Wastewater Systems (2019).

99 kg/ha/yr convert that to mg/m²/day
 Kg to mg = x by 1,000,000 = 99,000,000
 Then convert Ha to m² by dividing by 10,000 = 9,900

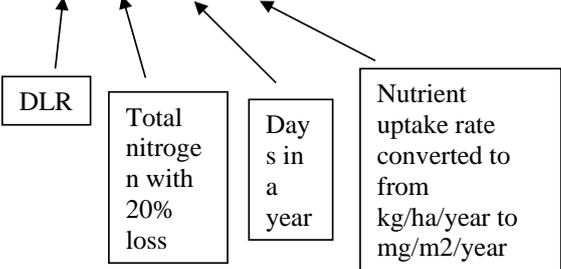
9,900 divided into the year (365 days) = 9,900/365 (days) = 27.123 mg/m²/day
 Nutrient uptake rate converted from kg/ha/year to mg/m²/day = 27.123 mg/m²/day

$$A = 800 \times 20 / 27.123 = 589.9 \text{ m}^2$$



Or without converting to days (9,900 divided not dividing into the year)

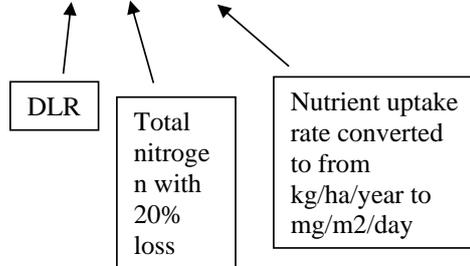
$$A = 800 \times 20 \times 365 / 9,900 = 589.89899 \text{ m}^2$$



As per Site and Soil report (system to disposal area) = 119.9 kg/ha/yr = rounded to 120 kg/ha/yr. This rate is similar to lawn – unmanaged within nutrient uptake rates on WaterNSW’s Designing and Installing On-site Wastewater Systems (2019).

120 kg/ha/yr convert that to mg/m²/day
 Kg to mg = x by 1,000,000 = 120,000,000
 Then convert Ha to m² by dividing by 10,000 = 12,000
 12,000 divided into the year (365 days) = 12,000/365 (days) = 32.88 mg/m²/day
 Nutrient uptake rate converted from kg/ha/year to mg/m²/day = 32.88 mg/m²/day

$$A = 800 \times 20 / 32.88 = 486.6 \text{ m}^2$$



Phosphorus

Total Phosphorous (TN) for treated wastewater in Silver Book = 10 - 15 mg/L
 Total Phosphorous (TN) as provided in the Site and Soil report is 12 mg/L
 Phosphorous sorption (P_{sorb}) capacity 5400 kg/ha

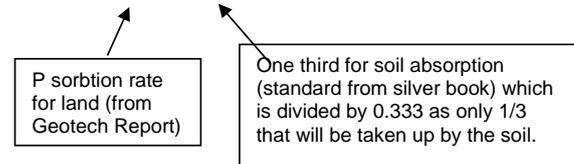
Nutrient Uptake Rates

Vegetation Type	Total Nitrogen (kg/ha/year)	Total Phosphorus (kg/ha/year)
Good quality woodland	90	25
Poor quality woodland	65	20
Lawn – fully managed (clippings removed)	240	30
Lawn – unmanaged	120	12
Improved pasture	280	24
Perennial pasture	99	11
Shrubs and some trees – fully managed	150	16
Shrubs and some trees – unmanaged	75	8

Phosphorous Critical Loading Rate (Ln) = 11 kg/ha/year (based on Nutrient Uptake Rates table for perennial pasture which is converted to = 11,000,000 mg/ha/year

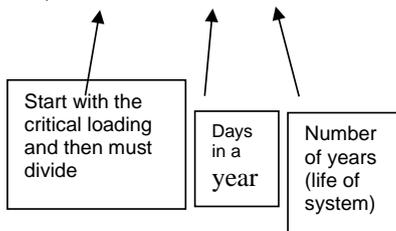
How much absorbed over 50 years without leaching?

$$P_{\text{adsorbed}} = 5400 \times 1/3 = 1800 \text{ kg/ha} = 0.18 \text{ kg/m}^2$$



How much will be taken up by vegetation over 50 years?

$$P_{\text{uptake}} = 3.014^* \times 365 \times 50 = 55,005.5 \text{ mg/m}^2 = (\text{convert mg/m}^2 \text{ to kg/m}^2) = 0.0550055 \text{ kg/m}^2(?)$$

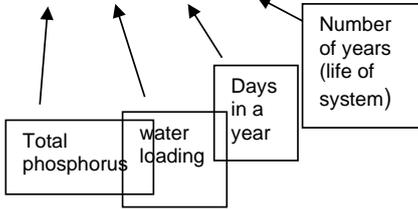


*Convert the 11 kg/ha (*perennial pasture*) to mg/ha (times by 1,000,000) = 11,000,000
 The ha to m² (divide by 10,000) = 1,100 per year
 Then divide by 365 to get per day = 3.014 mg/ha

How much phosphorous will be generated?

$$P_{\text{generated}} = \text{Total phosphorous (TP) concentration} \times \text{volume of wastewater produced in 50 years}$$

$$= 12 \times 800 \times 365 \times 50$$



= 175,200,000 mg. Answer in mg then turn into kg (times by 1,000,000) = 175.2 kg

Perennial pasture

$$A = P_{\text{gen}} / (P_{\text{uptake}} + P_{\text{sorb}})$$

$$A = 175.2 / (0.055 + 0.18)$$

$$A = 175.2 / 0.235 \text{ [P sorption capacity in upper 50 cm \& 50 year design period]}$$

$$A = 745.5 \text{ m}^2$$

Lawn - unmanaged

$$A = P_{\text{gen}} / (P_{\text{uptake}} + P_{\text{sorb}})$$

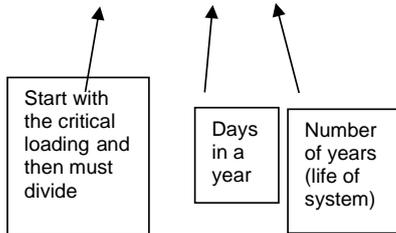
$$A = 175.2 / (0.055 + 0.18)$$

$$A = 175.2 / 0.235 \text{ [P sorption capacity in upper 50 cm \& 50 year design period]}$$

$$A = 745.5 \text{ m}^2$$

How much will be taken up by vegetation over 50 years?

$$P_{\text{uptake}} = 3.287^* \times 365 \times 50 = 59,987.75 \text{ mg/m}^2 = (\text{convert mg/m}^2 \text{ to kg/m}^2) = 0.05998775 \text{ kg/m}^2(?)$$

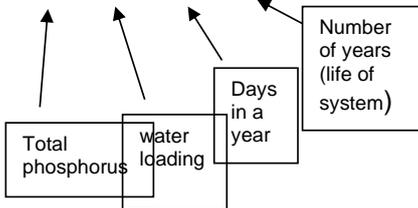


Convert the 12 kg/ha (*lawn - unmanaged*) to mg/ha (times by 1,000,000) = 12,000,000
 The ha to m² (divide by 10,000) = 1,200 per year
 Then divide by 365 to get per day = **3.287 mg/ha**

How much phosphorous will be generated?

$$P_{\text{generated}} = \text{Total phosphorous (TP) concentration} \times \text{volume of wastewater produced in 50 years}$$

$$= 12 \times 800 \times 365 \times 50$$



= 175,200,000 mg. Answer in mg then turn into kg (times by 1,000,000) = 175.2 kg

From the Report (similar to unmanaged lawn)

$$A = P_{\text{gen}} / (P_{\text{uptake}} + P_{\text{sorb}})$$

$$A = 175.2 / (0.05998775 + 0.18)$$

A = 175.2/ 0.23998775 [P sorption capacity in upper 50 cm & 50 year design period]
A = 730 m²

Therefore, based on phosphorus absorption 745.5 m² will be required to account for phosphorous absorption. This however will depend on clarification that the figures that I have used are appropriate and correct.

The existing dwelling was not calculated as this would have been approved including irrigation area sizing when the initial DA was submitted.

Further that could be requested

- Confirm if an additional system will be installed or if they are proposing to use the existing system for both houses. Size of the current system would indicate an additional system being installed however this is not clear. I have done up calculations based on a new separate system being installed.
- Within the full calculations what has been used is not clear. E.g. total nitrogen (mg/L) is stated to disposal area as 19.272 mg/L per year, however the Silver Book states the total nitrogen concentration between 25 mg/L and 50 mg/L is the output of an AWTS. What is the difference between *Septic Tank to disposal area total output per annum* and *System to disposal area total output per annum* as only an AWTS with spray irrigation is being proposed.
- Calculations appear to also have been provided for the current dwelling on-site. Will there be any changes to the current irrigation set up for this system?
- The servicing report history indicates that the current system is not provided with sprinklers for the appropriate disposal.
- The irrigation size for the area for nitrogen uptake appears to vary in the report calculations between 876.7123 m² and 1607.306 m². The nitrogen area required that I calculated was 589.9 m².
- The calculated irrigation size for the area for phosphorus uptake is 882.4622 m², however my area worked out was 745.5 m².

Comments:

The advice from Council's environmental health officer, that:

- the current Econocycle is not compliant with the last service report provided from 25/09/2022, because the irrigation line had to be repaired and that there were no sprinklers present (recommended), and
- the current system may not have a current service contract,

is noted. Further discussions with the health team resulted in advice being provided to the owner of the site separately to the development application.

The health officer has recommended conditions of consent as outlined in the Notice of Determination.

Building

No building advice was sought as the proposal is for a manufactured home. Standard conditions of consent are recommended for any approval.

EXTERNAL REFERRALS

While the development application is neither integrated nor designated, it was considered appropriate to forward to Rural Fire Service (RFS) and Essential Energy (EE) for consideration.

Rural Fire Services

On 21 March 2023, the RFS provided the following comments and recommended conditions:

General Conditions

1. The recommendations are based on the documents/plans supplied via Councils referral to the NSW RFS.

- The plan titled "Site Plan, Drawn by Technibuild Consulting, Undated"

Council is advised that where a minor amendment to the above-noted documents is proposed, Council may use

its discretion to determine whether the minor amendment warrants further assessment by the NSW RFS.

Asset Protection Zones

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. From the commencement of building works and in perpetuity, the property around the dwelling must be maintained as an inner protection area to the following distances and aspects in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- north, east, and west for a distance of 20 metres; and,
- south for a distance of 33 metres.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

3. To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. New construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

5. New fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

Access – Property Access

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

6. New property access roads must comply with the following requirements of Table 7.4a of Planning for Bush Fire Protection 2019:

- property access roads are two-wheel drive, all-weather roads;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways clearly, indicate load rating.
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- minimum 4m carriageway width;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the cross fall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Water and Utility Services

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

7. New provisions of water, electricity and gas to the dwelling must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a minimum 20,000 litre static water supply, tank, pool, dam or the like, must be provided on-site,
- an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
- 65mm Storz connection with a ball valve is fitted to the outlet,
- the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- above-ground tanks are manufactured from concrete or metal,
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- unobstructed access can be provided at all times,
- underground tanks are clearly marked,
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- all exposed water pipes external to the building are metal, including any fittings,
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- any hose and reel for firefighting connected to the pump must be 19mm internal diameter,
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - Markers must be fixed in a suitable location to be highly visible, and
 - Markers should be positioned adjacent to the most appropriate access for the water supply.

- where practicable, electrical transmission lines are underground,
- where overhead, electrical transmission lines are proposed as follows:
- lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
- no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
- connections to and from gas cylinders are metal,
- polymer-sheathed flexible gas supply lines are not used, and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

8. New landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas:
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Essential Energy

On 8 February 2023, Essential Energy provided the following advice:

We refer to the above matter and to your correspondence via the NSW ePlanning Portal seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:

1. *The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the new dwelling in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.*

Essential Energy also makes the following general comments:

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. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

3. In addition, Essential Energy's records indicate there is overhead and underground electricity infrastructure located within the property and within close proximity of the property. 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 property encroach on the electricity infrastructure.

4. 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).

5. 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/Underground Assets.

CONSIDERATION OF THREATENED SPECIES

Under Section 4.15 of the *Environmental Planning and Assessment Act 1979* Council is required to assess if the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. 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 development is proposed at a location with grassland being the dominant vegetation and will not include clearing of vegetation of trees or bushes. It is highly unlikely that it will cause any adverse impacts on any native flora or fauna, habitats or ecological corridors.

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 2019'. The entire subject site is bushfire prone. As the development is not for a subdivision of bush fire land and is not development for a special fire protection purpose, it does not require a bush fire safety authority under 100B Rural Fires Act 1997. However, a bush fire assessment is required and was provided with the development application.

The application was also referred to the RFS due to:

- verbal enquiries from a town planning consultant acting on behalf of one of the submitters about bushfire risk, and
- the proposal's vicinity to the Yanununbeyan State conservation area on its western and southern boundaries.

The response received from the RFS is outlined above and any approval will include the recommended conditions.

It is noted that the accompanying bushfire assessment report is consistent with the RFS advice and that the manufactured home is constructed to BAL 19 as recommended.

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 (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Section 4.6 of the SEPP requires the consent authority to consider whether the land is contaminated, if the land is contaminated be satisfied that it is suitable in its contaminated state (or will be suitable after remediation) for the proposed use and be satisfied that if the land requires remediation to be made suitable for the proposed use, that the land will be remediated before the land is used for that purpose. Council records do not indicate that the land is contaminated.

State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004

Transportable homes are approved under Section 68 *Local Government Act 1993* and applications to install a manufactured home, moveable dwelling or associated structure on land does not require a BASIX certificate.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

In accordance with Chapter 3 of the SEPP, provisions apply to land that is zoned RU1, RU2, or RU3, has an area of more than one (1) hectare. and is potential koala habitat. The site is well grassed with isolated native trees. No clearing is required to establish the required APZ and there is not proposal to remove vegetation.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Essential Energy has provided advice relating to overhead powerlines and any approval will recommend the conditions per EE's advice. Additionally, the supporting documentation states that the new residence will be serviced by underground power supply.

PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014

An assessment of the proposal against the general aims of PLEP 2014 is included below:

Cl.	Aims	Complies
1.2(2)		
(a)	<i>to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community,</i>	Yes
(b)	<i>to encourage development that supports the long-term economic sustainability of the local community, by ensuring that development does not unreasonably increase the demand for public services or public facilities,</i>	Yes
(c)	<i>to retain, protect and encourage sustainable primary industry and commerce,</i>	Yes
(d)	<i>to ensure the orderly, innovative and appropriate use of resources in Palerang through the effective application of the principles of ecologically sustainable development,</i>	Yes
(e)	<i>to retain and protect wetlands, watercourses and water quality and enhance biodiversity and habitat corridors by encouraging the linking of fragmented core habitat areas within Palerang,</i>	Yes
(f)	<i>to identify, protect and provide areas used for community health and recreational activities,</i>	Yes
(g)	<i>to ensure that innovative environmental design is encouraged in residential development.</i>	Yes

Comment: The proposed development is consistent with the aims of PLEP 2014.

Permissibility

The subject site is Zoned RU1 Primary Production zone and development for the purposes of a dual occupancy is permissible within the zone with consent and is defined under PLEP 2014 as follows:

"**dual occupancy (detached)**" means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Zone Objectives

An assessment of the proposal against the objectives of the RU1 Primary Production zone is included below:

Objectives	Complies
➤ To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	Yes
➤ To encourage diversity in primary industry enterprises and systems appropriate for the area.	Yes
➤ To minimise the fragmentation and alienation of resource lands.	Yes
➤ To minimise conflict between land uses within this zone and land uses within adjoining zones.	Yes
➤ To minimise the impact of any development on the natural environment.	Yes
➤ To ensure that development does not unreasonably increase the demand for public services or facilities.	Yes

Comments: The proposed development is found to be consistent with the objectives of this zone under PLEP 2014.

Part 4: Principal development standards

An assessment of the proposal against the relevant provisions contained within Part 4 of the PLEP 2014 is provided below.

Minimum lot sizes for dual occupancy

Clause 4.1D of the PLEP 2014 provides minimum lot sizes dual occupancy on rural land. The minimum lot size for RU1 Primary Production not connected to reticulated sewerage system owned and operated by Council is 2ha.

Comments Pursuant to 4.1D, the proposed manufactured home creating a dual occupancy is permissible with consent as the subject site is 8ha and therefore greater than the 2ha minimum.

Height of building

Cl.	Standard	Controls	Proposed	Complies
4.3	<i>Height of building</i>	10m	3.5m	Yes

Comments: The maximum height of the proposed development is 3.5m (roof ridge). Therefore, it is compliant with this standard.

Part 5: Miscellaneous Provisions

The relevant provisions contained within Part 5 of the PLEP 2014 are addressed below as part of this assessment:

5.10 Heritage conservation

This is not applicable as the subject site is not identified as a heritage item nor does it fall within any heritage conservation areas under PLEP 2014.

Part 6: Local Provisions

The relevant provisions contained within Part 6 of the PLEP 2014 are addressed below as part of this assessment:

6.1 Earthworks

Clause 6.1 of the PLEP 2014 establishes a number of matters requiring consideration for development involving earthworks. The proposed development involves very minimal excavation (less than 600mm) and is located more than 1 metre away from the lot boundary. To mitigate any potential soil erosion and sedimentation, conditions will be included in the consent. Any approval will be conditioned to require erosion and sediment control measures.

6.3 Terrestrial biodiversity

Clause 6.3 of the PLEP 2014 provides for protection of native flora and fauna through the protection of terrestrial biodiversity. The subject site is not identified on the Terrestrial Biodiversity Map under PLEP 2014 as containing native flora and fauna. Additionally, the development is proposed at a location with grassland and will not include clearing of vegetation of trees or bushes. It is highly unlikely that it will cause any adverse impacts on any native flora or fauna, habitats or ecological corridors.

6.11 Essential services

Clause 6.11 of the PLEP 2014 requires satisfactory arrangements to be made for water supply, stormwater drainage, solid domestic waste, sewage, and the treatment and disposal of effluent, supply of electricity and suitable vehicle access.

Refer to internal referrals for more information regarding engineering and environmental health matters.

Provision of potable water (90,000 L) as well as RFS fire fighting purposes (20,000 L) will be required and any approval will be conditioned as such.

Essential Energy has provided advice relating to overhead powerlines and any approval will recommend the conditions per EE's advice. Additionally, the supporting documentation states that the new residence will be serviced by underground power supply.

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

The application was lodged prior to the commencement of the *Queanbeyan-Palerang Regional Local Environmental Plan 2022* and the PLEP was used to assess this application.

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

PALERANG DCP 2015 COMMENTS		
Secti on	Controls	Complies
PART B – GENERAL PROVISIONS		
B3	Terrestrial Biodiversity The subject site is not identified on the Terrestrial Biodiversity Map under PLEP 2014.	Yes
B4	Bush fire Prone Land The applicant submitted a self-assessed bushfire report as part of the application; further details are outlined above. Any consent will be conditioned to require APZ management, BAL 19 building level, water tanks and appropriate access.	Yes
B7	Engineering Requirements Refer to the comments provided by Council engineers under internal referrals. With the implementation of given conditions, the proposed	Yes

	development is considered to be compliant.	
B8	Erosion and Sediment control The consent will contain a condition for erosion and sediment control to ensure that adequate measures are in place during the construction phase.	Yes
B10.2	Aboriginal Heritage The supporting documentation references an AHIMS search and that one Aboriginal site located within 200m of the lot was identified. The application states that the site is on the other side of Captain's Flat Road and that it cannot be disturbed as part of the development. Because of this AHIMS search, a further search was undertaken by council officers on 27 March 2023, applying a 1km radius. Four Aboriginal sites were found , with all four being on the other side of Captain's Flat Road and not on the subject land. A condition will be included on any consent that the development is to proceed with caution and if any Aboriginal objects are found works should stop and DECCW notified.	Yes
B13	On-site System of Sewage Management (OSSM) The proposal seeks approval for the installation of a NSW Health accredited aerated wastewater treatment system for effluent management. Refer to councils environmental officers comment under internal referrals.	Yes
B15	Waste management The consent will contain a condition for waste management to ensure that adequate measures are in place during the construction phase.	Yes
B17	Rainwater tanks Conditions will be included in the consent for a total of 90,000 litres potable and 20,000 for fire fighting.	Yes
PALERANG DCP 2015 COMMENTS		
Section	Controls	Complies
PART C2 – RESIDENTIAL DEVELOPMENT		
C2.1	Objectives and controls applicable to all land use zones and dwelling types Subject to the recommended conditions of consent, it is considered that the development is consistent with the objectives and controls of the DCP. The development is consistent with the residential character of the locality and it is considered that the proposal will not detract from the existing character of the locality.	Yes
C2.1.1	Acoustic privacy It is considered that the development will not result in any adverse impacts on the acoustic privacy of the dwelling. The development is set back a suitable distance from adjoining owners that the impacts will be minimal.	Yes
C2.1.2	Visual privacy The proposed manufactured home will be located more than 200 metres from the existing adjoining dwelling. It is considered that the development will not result in any adverse impacts on the visual privacy of the dwelling or adjoining owners.	Yes
C2.1.3	Dwelling Articulation It is considered that the development will not detract from the existing	Yes

	character of the area.	
C2.1.4	Dwelling Exteriors It is considered that the proposed development will not detract from the existing character of the locality. The consent will contain a condition that the structures are to be finished in colours and materials that have low reflectivity, minimal tone.	Yes
C2.1.6	Driveways, Entrances, Access, Parking and Utilities Refer to council engineers' comments under internal referrals.	Yes
C2.1.7	Energy and water efficiency The proposal does not require a BASIX certificate.	Yes
C2.1.9	Height The structure is single storey with a maximum height of 3.5m to the roof ridge. Therefore, it complies with the height requirements of 10m set out in the PLEP 2014.	Yes
C2.1.1 1	Overshadowing It is considered that the development will not result in any adverse overshadowing impacts on adjoining properties; the dwelling is single storey and setback a suitable distance to adjoining dwellings.	Yes
C2.1.1 2	Solar Access It is considered that the development will not result in any adverse impact on the solar access of the site or existing dwelling.	Yes
C2.1.1 3	Siting and orientation It is considered that the orientation and siting of the development will not detract from the existing characteristic pattern. The proposed manufactured home is sited within the existing building envelop. Additionally, it is recommended that any consent include a condition requiring landscaping, which complies with Appendix 4 of Planning for Bush Fire Protection 2019.	Yes
C2.1.1 4	Roof form (shape) It is considered that the roof of the dwelling will not significantly add to the bulk and scale of the building. The proposed roof pitch does not exceed the DCP allowance of 32 degrees.	Yes
C2.1.1 5	Street frontage The development does not significantly detract from any existing characteristic of the street pattern.	Yes
C2.1.1 6	Streetscape It is considered that the development does not have any significant impacts on the prevailing streetscape.	Yes
C2.5	Dwellings in RU1 Primary Production and C3 Environmental Management and C4 Environmental Living land use zones. Objectives Subject to the recommended conditions of consent, it is considered that the proposed development is consistent with the objectives and controls of the DCP. The development is consistent with the rural residential character of the locality and it is considered that the proposal will not detract from the natural environment or the existing amenity of the area.	Yes
	Setbacks	Yes

Setbacks (metres) for dwellings		RU1 Primary Production	C3 Environmental Management	C4 Environmental Living
Primary road frontage		50	50	50
Side and rear	<4ha	15	15	15
	4ha- 80 ha	25	25	25
	> 80 ha	50	50	50
Watercourse		40	40	40
National park or nature reserve		100	100	100
Forestry, extractive industry, rural industry, intensive livestock industry		400	400	400

Note: Setbacks which are part of a building envelope prevail

It should be noted that while the DCP identifies setbacks for RU1 Land for all boundaries, including those with national parks or nature reserves, building envelopes prevail. As outlined above the building envelope in the northern part of the allotment follows the boundary of the lot with a 25 metre setback and within 33 metres of the nearest boundary.

C2.5.2	Potable water supply Conditions will be included in the consent for water requirements for the subject site of 90,000 litres potable and 20,000 for fire fighting.	Yes
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4.15(1)(a)(iia) any planning agreement or draft planning agreement

No planning agreement as per section 7.4 of the *Environmental Planning and Assessment Act 1979* applies to the land.

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*.

Should this application be approved, appropriate conditions of consent are included within the recommended to ensure compliance with any relevant regulations.

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

The Aboriginal cultural heritage due diligence process was followed as part of the assessment.

The supporting documentation references an AHIMS search and that one Aboriginal site located within 200m of the lot was identified. The application states that the site is on the other side of Captain’s Flat Road and that it cannot be disturbed as part of the development.

Because of this AHIMS result, a further search was undertaken by council officers on 27 March 2023, applying a 1km radius. Four Aboriginal sites were found , with all four being on the other side of Captain’s Flat Road and not on the subject land.

A condition will be included on any consent that the development is to proceed with caution and if any Aboriginal objects are found works should stop and DECCW notified.

It is considered that the proposed development is unlikely to result in any environmental, social or economic impacts in the locality.

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

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

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

The application was notified in accordance with Council's community engagement and participation plan from 23/01/2023 to 08/02/2023 and five submissions were received.

Submission 1 – objection

- Zoning as it stands today is an error. RU1 Primary Production is designed for larger holdings being 80ha plus.
- Primary concern is privacy as placing the secondary dwelling in proposed location will overlook property
- Proposed dwelling will overshadow submitters' dwelling
- Proposal will result in increased noise as it is already occurring
- Secondary residence should be no more than 33% of gross area of primary residence
- Concerned proposed sewage disposal system will increase in airborne bacteria being pumped into the air and on extremely windy days may spray across submitter's property
- B6 of the PLEP states building envelopes are to be sited to avoid buildings being prominent in the rural landscape
- Proposed dwelling 37 metres from National Park rather than 100m
- Don't believe it is the applicant's intent to stop at one secondary dwelling
- DA refers to 2014 PLEP rather than QPRLEP 2022
- No garage for secondary dwelling
- No landscape plan for secondary dwelling
- Household waste disposal is listed using a council service while there isn't any
- Statement of Environmental Effects for DA was prepared prior to trees being removed for the motorcross track development
- Slope north of the development is greater than 5-10 degrees and run-off from the development will run across submitter's driveway
- Two shipping containers on site are visually disruptive to the rural ambience
- Primary concern is loss of privacy

Comment:

- The subject lot was created 2 December 1999 (Council file number 16/96) under Clause 12 of the *Yarrowlumla Local Environmental Plan 1993*, as administered by then Yarrowlumla Shire Council.
- Clause 12 of the YLEP 1993 allowed for the subdivision of rural land (the zoning of the land was known as Rural 1(a) at the time) under a number of circumstances. Clause 12(4) allowed for the subdivision of rural land where each lot created was no less than 8 hectares.
- A building envelope was created as part of the subdivision on the higher, north western part of the lot. It follows the shape of this part of the lot and is set back 25 metres from the boundary.
- After the approval of the subdivision in 1999, the Palarang DCP commenced in 2015. Part C2.5.1 of the DCP requires 100m setback to national parks or nature reserves for new dwellings, if no building envelope exists. It notes that setbacks as part of building envelopes prevail.
- The application is for a dual occupancy and not a secondary dwelling.
- The proposed manufactured home is from a reputable company, single storey, sited within the building envelope and approximately 200 m from the nearest neighbour. While it is not

considered to negatively impact on privacy, it would be visible to adjoining owners. To reduce visibility of the dwelling, it is recommended that any consent include a condition requiring landscaping, which complies with Appendix 4 of Planning for Bush Fire Protection 2019.

- Compliance issues not relating to the DA have been forwarded to the relevant sections within Council.

Submission 2 – objection

- DA currently being assessed gives false impression of the current land use of the 8ha
- Concerned about significant earthworks which hasn't been mentioned in the application for dual occupancy
- Has there been independent environmental advice about erosion and silt washing into nearby waterway?
- Are there measures for mitigation of dust caused by car track?

Comment:

- The development application for a manufactured home/dual occupancy is a permissible use in the RU1 Primary Production zone.
- Earthworks associated with the proposed development are minimal and less than 600m. Any approval will be conditioned to require erosion and sediment control measures to be put in place.
- Compliance issues not relating to the DA have been forwarded to the relevant sections within Council.

Submission 3 – objection

- Proposal (Installation of manufactured home/dual occupancy) will impact negatively on scenic values, rural landscape characteristics and neighbouring properties.
- Inconsistent with the Palarang LEP and DCP
- Issues raised in context with alleged unlawful development and activities being undertaken at the property, including earthmoving, excavation and fill and erection of shed.

Comment:

- The proposed manufactured dwelling is a popular single storey design from a well established and known company. It is not considered to detract from the scenic values of the landscape, nor from neighbouring properties.
- The proposal has been found to be consistent with both the Palarang LEP 2014 and Palarang DCP 2015 as outlined in the assessment above.
- Compliance issues not relating to the DA have not been assessed and have been forwarded to the relevant sections within council.

Submission 4 – objection

- Notes construction of motocross track for motor bikes, trail bikes and car racing
- Concerned about possibility of property being used by paying customers
- Under various environmental plans for the region the area has been designated as sensitive because of proximity to waterways and bushland abutting the National Park
- Respectfully asks that Council defer consideration of proposed second residence unless property has been returned to condition described in the application
- Subdivision creating subject land in early 2000s came as a surprise and no invitation to comment on it
- Assumed the subdivision included environmental protection provisions
- A number of activities incompatible with rural area and small lot size are occurring on the land without council approval
- Proposal for second house in addition to other unapproved buildings and developments are an attempt to get Council's implicit approval for whole project.

Comment:

- Compliance issues not relating to the DA have been forwarded to the relevant sections within Council.
- The development application for a manufactured home/dual occupancy is a permissible use in the RU1 zone.
- The subject lot was created 2 December 1999 (Council file number 16/96) under Clause 12 of the Yarrowlumla Local Environmental Plan 1993, as administered by then Yarrowlumla Shire Council.
- Clause 12 of the YLEP 1993 allowed for the subdivision of rural land (the zoning of the land was known as Rural 1(a) at the time) under a number of circumstances. Clause 12(4) allowed for the subdivision of rural land where each lot created was no less than 8 hectares.
- A building envelope was created as part of the subdivision on the higher, north western part of the lot. It follows the shape of this part of the lot and is set back 25 metres from the boundary.

Submission 5 – objection

- Noise from motocross and car track
- Unauthorised earthworks

Comment:

- Compliance issues not relating to the DA have been forwarded to the relevant sections within Council.

Councillor site inspection 24 March 2023

As requested by Councillors, all development applications which will be considered by Council include a Councillor site inspection. While submitters are invited to attend, the property owner reserves the right not to agree for submitters to come onto their property.

Council's Director of Development and Environment attended and advised the following:

- the proposed floor level of the home needs to be on the plan, so that it can be demonstrated that it will sit well on the site and landscape.
- It was clear that the dual occupancy is a separate issue to the other matters.

Following the site visit, the applicant clarified that the proposed finished floor level was provided on the lodged contour plan and agreed that Council's town planner could add this level to the floor plans for increased visibility.

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 application has been put to Council for determination, due to the public interest and submissions relating to the proposed development and issues not relating to this DA. Councillors undertook a site visit of the proposed location for the manufactured home, to be better informed when determining the application.

The proposed development is not considered to be contrary to the public interest and is recommended for approval, subject to conditions.

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 not applicable to the proposed development.

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 are applicable to the proposed development as follows:

Development contribution towards provision of access roads and communities calculated for 1ETare as follows: -

Development contribution to the provision of access road is calculated as total of **\$26,305** after CPI however considering state government cap price of maximum \$20,000, it is limited to **\$19,880** after deducting development contribution to the provision of community facilities in total of **\$120**

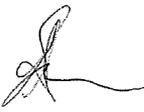
Road catchment: 4 and Road location: 4

CONCLUSION

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

CONDITIONS OF CONSENT OR REASONS FOR REFUSAL

See Notice of Determination

Signed:  _____ Date: 13 April 2023

Assessing Officer: Annie Shumaker

Determination: DA.2022.1551 be **Approved** under delegated authority pursuant to Section 4.16(1) of the *Environmental Planning and Assessment Act 1979*.

Signed: _____ Date: <insert date>

Delegated Authority: <insert name>



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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

26 APRIL 2023

ITEM 9.1 DA.2022.1551 - 45 SINCLAIR ROAD, PRIMROSE VALLEY,
APPLICATION FOR DUAL OCCUPANCY

ATTACHMENT 2 PLANS - DA.2022.1551 - 45 SINCLAIR ROAD PRIMROSE
VALLEY

BUILDING SPECIFICATION

NEW DUAL OCCUPANCY BUILDING FOR A & C STILES

No 45 LOT 5 DP 1006515 SINCLAIR ROAD
PRIMROSE VALLEY NSW 2621

BAL 19 CONSTRUCTION STANDARDS TO AS3959 & RFS AMENDMENTS

BCA 2019-SPECIFICATIONS FOR CLASS 1 AND 10 BUILDINGS, AMENDMENT 1.

NOTE: THE BUILDINGS WILL BE CONSTRUCTED IN
ACCORDANCE WITH THE RELEVANT STANDARDS
REFERRED TO BELOW, NOT ALL STANDARDS REFERENCED
BELOW WILL BE APPLICABLE.

3.1.1 EARTHWORKS

All earthworks will be carried out in accordance with Part 3.1.1 of the BCA or in accordance with details provided by a practising structural engineer.

3.1.2 DRAINAGE

All drainage works will be carried out in accordance with AS/NZS 3500.5 – Domestic installations- Stormwater Drainage or in accordance with Parts 3.1.2.3 to 3.1.2.5 of the BCA.

3.1.3 TERMITE RISK MANAGEMENT

Termite barriers will be installed to minimise the risk of termite attack to primary building elements in accordance with AS 3660.1 – Termite Management – New Building Work.

Termite barriers will be installed to minimise the risk of termite attack to primary building elements for concrete slabs on ground in accordance with Part 3.1.3.3 of the BCA. Termite barriers will be installed to minimise the risk of termite attack to primary building elements for suspended floors in accordance with Pt 3.1.3.4 of the BCA. Attachments to buildings will be installed to minimise the risk of termite attack to primary building elements in accordance with Part 3.1.3.5 of the BCA.

3.2 FOOTINGS AND SLABS

Footings and slabs will be designed and installed in accordance with AS 2870 – Residential Slabs and Footings – Construction or they will be designed by a practising structural engineer in accordance with AS 2870 – Residential Slabs and Footings – Construction.

3.3 MASONRY

Unreinforced masonry, reinforced masonry, masonry accessories and weatherproofing of masonry will be designed and installed in accordance with AS 3700 – Masonry Structures; or, AS 4773 – Masonry for Small Buildings, Parts 1 and 2.

Earthwall construction will be designed and installed in accordance with CSIRO - NBTC Bulletin 5, Earthwall construction 4th Edition 1987.

3.4.1 SUBFLOOR VENTILATION

Subfloor ventilation will be designed and installed in accordance with Part 3.4.1.2 (Acceptable construction Practice) of the BCA.

3.4.2 STEEL FRAMING

Steel framing will be designed and constructed by a practising structural engineer in accordance with one of the following manuals:

- AS4100 – Steel structures.
- AS/NZS 4600 – Cold-formed steel structures.
- NASH – Residential and low-rise steel framing – Part 1 Design criteria.

Steel framing will be designed and constructed in accordance with Parts 3.4.2.1 to 3.4.2.6 (Acceptable Construction Practice) of the BCA

3.4.3 TIMBER FRAMING

Timber framing will be designed and constructed in accordance with AS 1684.2 – Residential Timber Framed Construction – Non-Cyclonic Areas; or, Timber framing will be designed and constructed in accordance with details provided by a practising structural engineer.

Prefabricated wall frames and roof trusses will be designed and constructed in accordance with structural engineer's details supplied by the manufacturer.

3.4.4 STRUCTURAL STEEL MEMBERS

Structural Steel members will be designed and constructed in accordance with the details provided by a practising structural engineer; or, Structural steel framing will be designed and constructed in accordance with Parts 3.4.4.1 to 3.4.4.4 (Acceptable Construction Practice) of the BCA.

3.5.1 ROOF CLADDING

Roof tiles will be installed in accordance with AS 2049 – Roof Tiles & AS 2050 – Installation of Roof Tiles.

Metal sheet roofing will be installed in accordance with AS 1562.1 – Design and installation of sheet roof and wall cladding – Metal.

Corrugated fibre-reinforced cement roofing will be installed in accordance with AS/NZS 1562.2-Design and installation of Sheet Roof and Wall Cladding.

Asphalt shingles will be installed in accordance with ASTM D3018-90 – Asphalt Shingles.

A pliable membrane underlay will be installed in accordance with AS/NZS 4200 – Installation of pliable membrane underlay.

3.5.2 GUTTERS AND DOWNPIPES Gutters and downpipes will be designed and installed in accordance with Parts 3.5.2.1 to 3.5.2.5 (Acceptable Construction Practice) BCA.

3.5.3 WALL CLADDING

Metal wall cladding will be designed and constructed in accordance with AS 1562.1 – Design and installation of sheet Roof & wall cladding – Metal.

Timber weatherboard cladding will be installed in accordance with Part 3.5.3.2 (Acceptable Construction Practice) of the BCA. Openings in cladding will be flashed in accordance with Part 3.5.3.6

Fibre cement and hardboard wall cladding boards will be installed in accordance with Part 3.5.3.3 (Acceptable Construction Practice) of the BCA. Openings in cladding will be flashed in accordance with Part 3.5.3.6.

Fibre cement, hardboard and plywood sheet cladding will be installed in accordance with Part 3.5.3.4 (Acceptable Construction Practice) of the BCA. Openings in cladding will be flashed in accordance with part 3.5.3.6.

Eaves and soffit linings will be designed and installed in accordance with part 3.5.3.5 (Acceptable Construction Practice) of the BCA.

3.6 GLAZING AND WINDOWS

External windows including sliding doors with frames, adjustable louvers and window walls with one piece framing will be designed and constructed in accordance with AS 2047 – Windows in buildings – Selection and installation.

The following glazed assemblies will be designed and constructed in accordance with AS 1288 – Glass in buildings – Selection and installation:

- All glazed assemblies not in an external wall
- Hinged doors including French doors and bi-fold doors
- Revolving doors
- Fixed Louvres
- Skylights and roof lights and windows in other than the vertical plane
- Sliding doors without a frame

Windows constructed on-site and architectural one-off windows that are not design tested in to AS 2047 Second hand, reused, recycled, and replacement windows Heritage windows

3.7.1 FIRE SEPARATION

Fire separation will be designed and constructed in accordance with parts 3.7.1.1 to 3.7.1.10 (Acceptable Construction Practice) of the BCA.

3.7.2 SMOKE ALARMS

240 volt smoke alarms will be designed and constructed and interconnected in accordance with Parts 3.7.2.1 to 3.7.2.5 (Acceptable Construction Practice) of the BCA.

3.7.3 HEATING APPLIANCES

Domestic solid-fuel burning appliances shall be installed in accordance with AS/NZS 2918 – Domestic solid fuel burning appliances – Installation.

Open fireplace construction and chimney construction will be designed and constructed in accordance with parts 3.7.3.2 to 3.7.3.3 (Acceptable Construction Practice) of the BCA.

Insert fireplace and flues will be designed and constructed in accordance with parts 3.7.3.4 (Acceptable Construction Practice) of the BCA.

Free standing appliances will be designed and constructed in accordance with Parts 3.7.3.5 (Acceptable Construction Practice) of the BCA.

3.7.4 BUSHFIRE PROTECTION

The building will be constructed in accordance with AS 3959 – Construction of Buildings in Bushfire-Prone Areas and A3.7 “Additional Construction Requirements” in Planning for Bushfire Protection 2006 as nominated by the consent authority in any relevant conditions of consent.

3.8.1 WET AREAS & EXTERNAL WATERPROOFING

Wet areas will be constructed to be waterproof or water resistant in accordance with AS3740 – waterproofing of domestic wet areas.

Waterproofing for external above ground membranes will comply with AS4654 Parts 1 & 2

3.82 ROOM HEIGHTS

Ceiling heights will be constructed in accordance with Part 3.8.2 (Acceptable Construction Practice) of the BCA.

3.8.3 SANITARY COMPARTMENTS

Sanitary compartments will be constructed in accordance with part 3.8.3 (Acceptable Construction Practice) BCA.

3.8.4 LIGHTING

Lighting will be provided in accordance with part 3.8.4 (Acceptable Construction Practice) of the BCA.

3.8.5 VENTILATION

Ventilation will be provided in accordance with part 3.8.5 (Acceptable Construction Practice) of the BCA.

3.8.6 SOUND INSULATION

Sound insulation will be provided in accordance with part 3.8.6 (Acceptable Construction Practice) of the BCA.

3.9.1 STAIR CONSTRUCTION

Stairs will be constructed in accordance with Part 3.9.1.1 to 3.9.1.5 (Acceptable Construction Practice) of the BCA. Stair treads will have a slip resistance classification in accordance with Table 3.9.1.1 of the BCA.

3.9.2 BALUSTRADES & HANDRAILS

Balustrades and handrails will be constructed in accordance with Part 3.9.2.1 to 3.9.2.4 (Acceptable Construction Practice) of the BCA.

3.9.2.5 PROTECTION OF OPENABLE WINDOWS

Openable windows will be constructed and protected in accordance with Part 3.9.2.5 (Acceptable Construction Practice) of the BCA.

3.9.3 & 3.9.4 SWIMMING POOLS

Child proof barriers around the swimming pool will comply with the Swimming Pools Act 1992 (NSW) and regulations and AS 1926.1 – Swimming Pool Safety, Part 1: Safety Barriers for Swimming Pools.

Swimming pool water recirculation systems shall comply with AS 1926.3 – Water Recirculation and Filtration Systems.

Spa pool water recirculation systems shall comply with AS 1926.3 – Water Recirculation and Filtration Systems except that the specified distance between two outlets connected to a common line must not be less than 600mm.

3.10 ADDITIONAL CONSTRUCTION REQUIREMENTS

Where relevant the entire building will be designed and constructed in accordance with Part 3.10.1 (High Wind Areas) of the BCA.

Where relevant the entire building will be designed and constructed in accordance with Part 3.10.2 (Earthquake Zones) of the BCA.

Where relevant the entire building will be designed and constructed in accordance with Part 3.10.3 (Flood Hazard Areas) of the BCA.

3.12.3 INSULATION

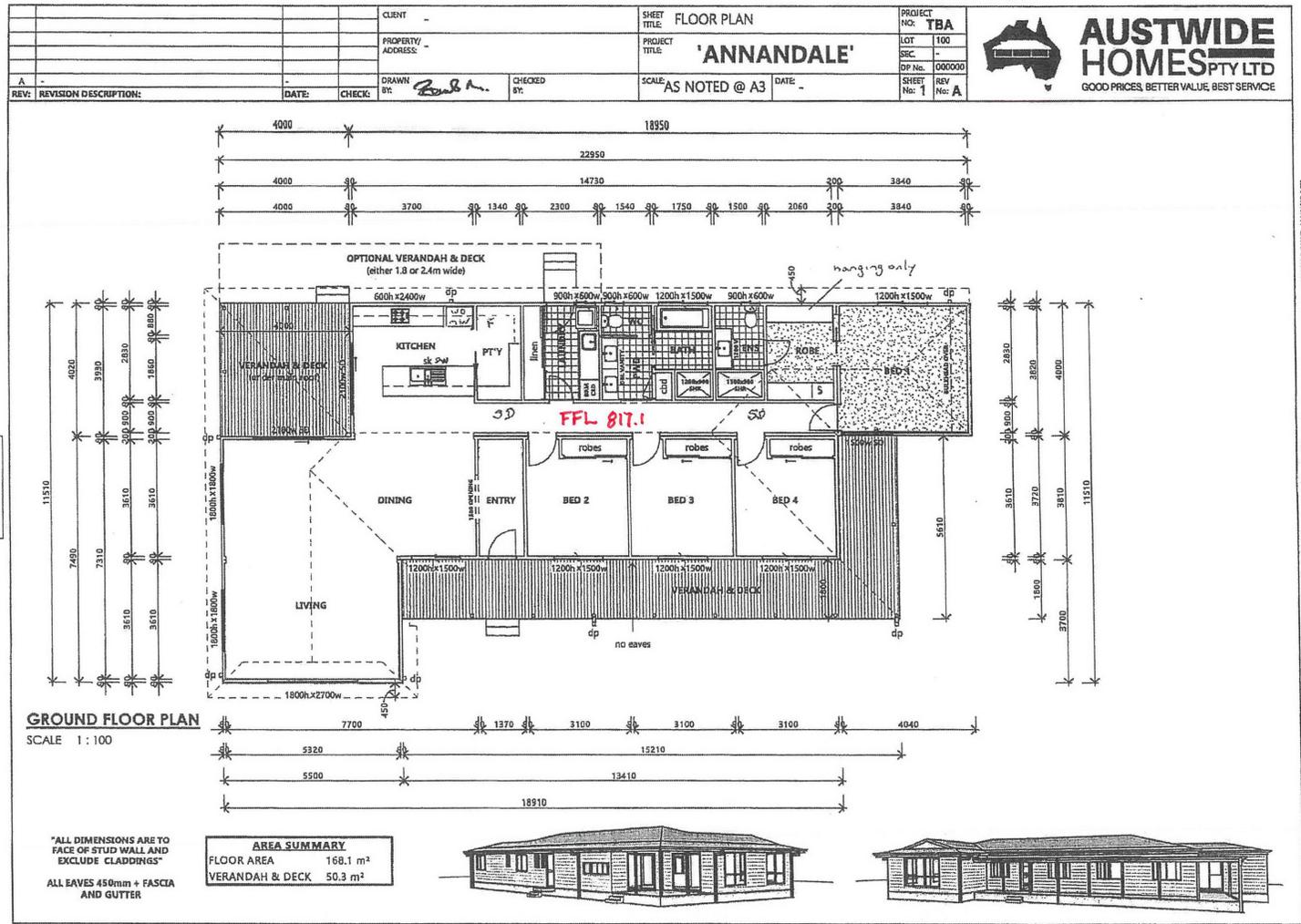
Thermal insulation will be installed in the building fabric in accordance with NSW Part 3.12.1.1 of the BCA.

3.12.3 BUILDING SEALING

The building will be sealed in accordance with NSW Part 3.12.3.1 of the BCA.

3.12.5 BUILDING SERVICES

Building services (the hot water service) will be designed and installed in accordance with NSW Part 3.12.5.1 BCA.



	CLIENT -	SHEET TITLE: ELEVATIONS	PROJECT NO: TBA	<p>AUSTWIDE HOMES PTY LTD GOOD PRICES, BETTER VALUE, BEST SERVICE</p>
	PROPERTY ADDRESS: -	PROJECT TITLE: 'ANNANDALE'	LOT: 100	
		SCALE: AS NOTED @ A3	SEC: - DP No.: 000000	
REV: REVISION DESCRIPTION:	DATE:	CHECK: -	DRAWN BY: ZSA	CHECKED BY: -
			SHEET No: 2	REV No: A

FRONT ELEVATION
SCALE 1:100

INSULATION NOTES

ROOF & CEILING
R3.5 INSULATION BATTIS + SISALATION

EXTERNAL WALLS
R2.0 INSULATION BATTIS + SISALATION

FLOOR
SILVERFLOOR INSULATION + SISALATION

SOUTH ELEVATION
SCALE 1:100

WIND CLASSIFICATION

REGION	TERRAIN	SHLD	TOPO	CLASS
A	-	-	-	-

BUSHFIRE CLASSIFICATION (BAL)

FDI	VEGETATION	DIST.	SLOPE	BAL
-	-	-	-	-

SOIL CLASSIFICATION / FOOTING DESIGN

CLASS	FOOTING SIZE
-	400Ø x (deep)

TESTED BY: -

THE ABOVE WIND AND BUSHFIRE CLASSIFICATIONS ARE TO BE CONFIRMED BY THE CERTIFYING AUTHORITY AS PART OF THE DETERMINATION PROCESS. IF UNSURE PLEASE CALL AUSTWIDE HOMES ON (02) 49217446

ALWAYS REFER TO ENGINEERS DRAWINGS FOR FINAL FOOTING DESIGN AND EXTRA REQUIREMENTS FOR EACH FOOTING TYPE

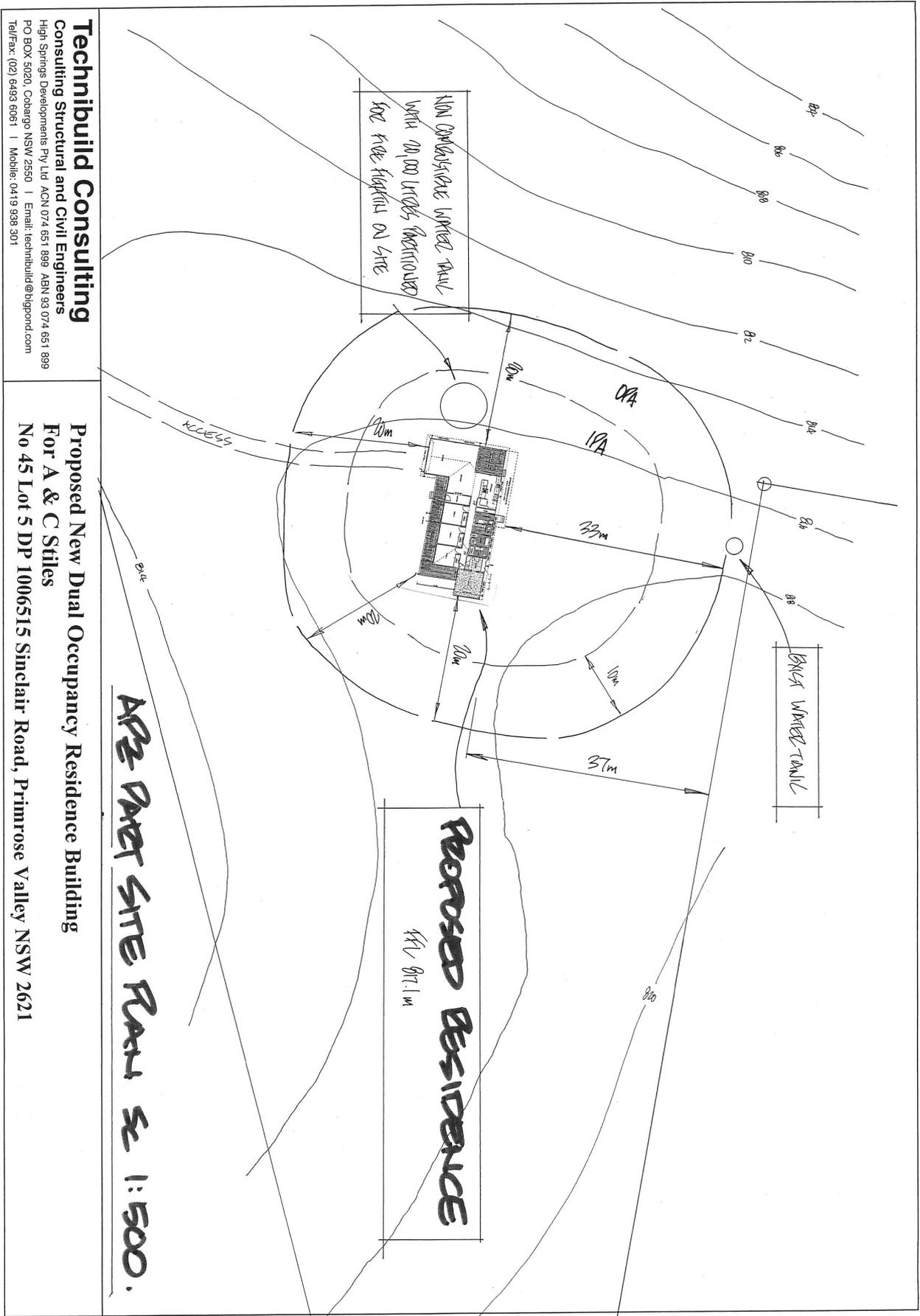
SIDE (A) ELEVATION
SCALE 1:100

SIDE (B) ELEVATION
SCALE 1:100

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PRODUCTION PLAN

DO NOT SCALE FROM THESE DRAWINGS. ALL MEASUREMENTS SHOULD BE TAKEN DIRECTLY FROM THE WARTEN DIMENSIONS ON THE PLAN. IF IN DOUBT, ALWAYS ASK.



Technibuild Consulting
 Consulting Structural and Civil Engineers
 High Springs Developments Pty Ltd ACN 074 651 899 ABN 93 074 651 899
 PO BOX 5020, Cobargo NSW 2550 | Email: technibuild@bigpond.com
 Tel/Fax: (02) 6493 6061 | Mobile: 0419 938 301

Proposed New Dual Occupancy Residence Building
 For A & C Stiles
 No 45 Lot 5 DP 1006515 Sinclair Road, Primrose Valley NSW 2621

APZ OVER SITE PLAN SCALE 1:500.

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

26 APRIL 2023

ITEM 9.1 DA.2022.1551 - 45 SINCLAIR ROAD, PRIMROSE VALLEY,
APPLICATION FOR DUAL OCCUPANCY

ATTACHMENT 3 SUBMISSIONS - DA.2022.1551 - 45 SINCLAIR ROAD,
PRIMROSE VALLEY

Submission in relation to DA.2022.1551

[REDACTED]
45 Sinclair Road Primrose Valley NSW 2621

To the Council Officers and Councilors

council@qprc.nsw.gov.au

Development Application Team

Queanbeyan Palerang Regional Council

Dear Sir/Madam

We are writing this submission in regard to the DA 2022.1551 submitted above.

We moved into the property next door at [REDACTED] Sinclair Road in 2007 and have had a mostly amicable relationship with neighbors within the cul de sac and surrounding properties since that time.

For the last 15 years the area has been peaceful and mostly respectful in attitude towards each other for the tranquility and quiet that we all moved here to enjoy.

I understand the zoning as it stands today is an error by somebody in the past according to council representatives I have spoken to over the years.

To me it appears on face value that this DA is not meant to be for smaller 8ha properties such as these in the Sinclair Road Development and the current RU1 zoning is designated as Primary Producer. RU1 is designed for far larger holdings being 80ha plus. It is in fact more likely an R2 or R4 zoning should be applied to these blocks and any DA from my investigations. This is something that I believe needs to be taken into consideration for this DA by Council.

Our Primary Concern in the case of this DA is one of PRIVACY.

By placing a secondary dwelling in the proposed location, which will completely overlook our property, it means that I and my wife's privacy will disappear. As can be seen from the attached photos the view from the proposed secondary residence will eliminate that aspect of our lifestyle, which is a very precious commodity to both of us.

Some concerns and suggestions that we have in regard to the DA and proposed secondary residence are as follows:

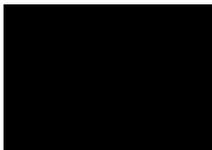
- In the DA the applicant has stated that the proposed dwelling will not overshadow our dwelling. We believe that it does indeed do this and there will be a significant impact on our privacy for the entry to our house which is entered from the rear of our dwelling and on an angle of around 30 degrees from the front of the proposed dwelling. It will be completely visible from the proposed front deck of the secondary dwelling. Being able to view all of our comings and goings.
- Similarly, in regard to the proposal resulting in no increase in noise, that has also proven to not be the case, with we assume unlicensed children driving tractors, cars and motorbikes repeatedly around the property including the back paddock directly behind our dwelling which has boundaries up to the National Park. We also have noise concerns in regards the motocross circuit which is adjacent to Captains Flat Road at the rear of the property. When conditions are not in our favor, we have clouds of dust and a constant noise that is clearly audible from our property even with the windows closed. We cannot see how the proposed dwelling will not increase the noise levels after construction purely from the recreational traffic from a large family that will ensue.
- It is our understanding that the secondary residence should be no more than 33% of the gross area of the primary residence. The proposed building is in fact similar in size to the primary residence. It is most definitely not a cottage as stated in the DA submission.
- We have concerns that the proposed sewage disposal system will mean an increase in airborne bacteria being pumped as a mist into the air. This area is extremely windy and dependent upon conditions we believe it would cause effluent to be sprayed across our property and provide a health issue for us when a south easterly wind is prevalent in the area, which is frequent. We are more comfortable with an enviro cycle below ground waste management system that the rest of us in the area have installed. I am not sure a single enviro cycle between two properties will be capable of sustainable safe disposal of effluent and would welcome council review of the proposed disposal area. We note an alternate disposal area to the east of the proposed dwelling which would allay our concerns if used as a primary disposal area.
- Under section B6 of the LEP it states that development on ridges and prominent hills and within 200m of a classified road. Building envelopes are to be sited to avoid buildings being prominent in a rural landscape. As this is the highest point within the property it will become prominent within its current location.
- Under Section C2.5.1 in Table 17 it states that a setback for a dwelling need to be 100 metres from a National Park or Nature Reserve. This DA is no more than 37 metres from the National Park that backs onto both our properties and our concern regarding the viability of survival of a bushfire incident should be assessed by Council.
- We do not believe that it is the applicant's intent to stop at one secondary dwelling. There is already a sizeable shed development with floor to ceiling glass frontage toward and overlooking Captains Flat Road, as well as the garage area of the primary residence looks to also have been turned into another bedroom to accommodate residents, albeit potentially short term. We respectfully suggest a review on site by Council may be worthwhile.
- The DA uses the 2014 LEP, when to me it looks like it should be compliant to the 2022 LEP which came into force in November 2022. I would have thought that the LEP of 2022 would take precedence in a Feb 2023 DA decision over the 2014 version.
- There is no garage facility to the proposed secondary dwelling and as the distance is quite far from the primary garage shed it can be seen the visual impact of multiple cars parked across the

property is not pleasing from our driveway or from Captains Flat Road. If there are vehicles housed at the proposed dwelling the dust from transit to and from the proposed dwelling. It would be beneficial for dust-reducing material to be used to extend the driveway to the proposed secondary dwelling.

- There is no landscape plan for the proposed dwelling. We feel that the applicant should include landscaping to preserve the secondary residence privacy as well as our own privacy for our entry points to our primary residence.
- Household waste disposal is listed as using a council service. We have never had the council provide household waste removal from Sinclair Road, which is another issue. A private contractor has been contracted to both numbers 45 and 44 being O'Sullivan Waste Services.
- It is also noted that the Statement of Environmental Effects Report was carried out by Technibuild Consulting in September 2022 prior to the construction of the onsite shed installation and motocross track development adjacent to Sinclair Road. This may potentially change the impact to environment statement as trees were removed to undertake the development.
- The slope to the north of the development is greater than the stated 5-10 degrees. I would believe that the water runoff from the proposed development will end up, as it has always done, across our driveway especially with major precipitation, which I believe will now also include the dispersal of effluent which we would prefer to be to the east of the proposed dwelling and not the west as is currently envisaged.
- There are also two shipping containers that have been brought on site by the applicant which are visually disruptive to the rural ambience.

Our deepest concerns are the behaviors exhibited to date which seem to have no consideration for any existing residents in terms of the ambience of the area, in both noise levels and the rural visual aspects. We also believe that the noise and visual appearance of the property will reduce the sale price and incumbent value of adjacent properties. We hope that this is a valid consideration for Council to review. As stated previously our primary concern is the loss of PRIVACY to our property by the proposed DA.

Kind regards



■ Sinclair Road Primrose Valley NSW 2621

From the high point of our driveway looking across to the water tank and container at the top of the ridge. The proposed dwelling is 37m below the water tank.



The view from the SE corner of our house paddock up to proposed dwelling site. The proposed sewage dispersal area is in the gully beyond our driveway between the site and our house. The area feeds directly into the gully that water drains from 45 to 44 and then on to 43 Sinclair Rd's main dam



The view from SE corner post looking
NW of house paddock across to our
deck and entry to the house.





Vehicles parked at front of primary dwelling also two others behind this garage.



Three vehicles and tractors in this area parked here at the turn point West to our garage. Note trees that were cleared to make way for shed in between vehicles.



The view down our driveway at the highest point



The incomplete shed erected behind the primary dwelling



Another vehicle under the tarpaulin next to water tank at side of primary dwelling



The view up our driveway directly to the proposed second dwelling site. Our high beams at night would shine directly into the dwelling



The close up from the end of the southern entry road at the turn west toward our garage.



Our primary entry point to our house via sliding doors to the right of the rear deck. The windows to the right are our lounge room and kitchen.

Archived: Thursday, 30 March 2023 11:57:04 AM

From: [REDACTED]

Sent: Tue, 7 Feb 2023 10:37:01

To:

Cc:

Subject: Development Application - 45 Sinclair Road, Primrose Valley.

Sensitivity: Normal

[EXTERNAL] This email originated from outside of the organisation. Please do not click links or open attachments unless you recognise the sender and know that the content is safe.

Dear [REDACTED],

We are long term residents who live within a few kilometres of Sinclair Estate. We are concerned about the significant earthworks that have taken place at 45 Sinclair Road, Primrose Valley. We have watched these earthworks taking place over the last few months as we drive past on the Captains Flat Road. The earthworks have resulted in a motocross track and car track.

We assumed that this significant work had all been approved by QPRC Planners. However it has recently been brought to our attention that a DA has been lodged for a Dual Occupancy dwelling at the address. This application does not mention the motocross track that has been installed. Instead it refers to a wonderful quiet rural property with extensive rural views. Has a DA been sought and approved for this change in land use to a motocross track and car track?

Has there been independent environmental advice about the potential erosion and silt washing into the nearby waterway? This creek/gully adjacent to the motocross track runs into the Molonglo River, downstream of the nearby Traveling Stock Reserve. We have been monitoring water quality, water bug numbers and frog populations in the Traveling Stock Reserve for over 20 years. The endangered Green and Golden Bell frog was found at this site, but sadly has not been seen there since 2011. However there are still populations further downstream. It is therefore extremely important that waterways feeding into the Molonglo River are protected. Can you please inform us of the measures taken to ensure the water quality will not be adversely affected?

Are there any plans for mitigation of dust caused by the car track, in particular? We were recently driving home and noticed a large plume of smoke ahead. We feared a fire, but as we approached we found that it was a car driving round and round a track next to the motocross track and creating a large dust cloud.

The DA currently being assessed gives a false impression of the current land use of the 8 hectares.

We look forward to your response to our concerns.

Kind regards,

[REDACTED]

-- [REDACTED]



The Chief Executive Officer
Queanbeyan Palerang Regional Council
PO BOX 714
Queanbeyan NSW 2630

By email: council@qprc.nsw.gov.au

13 February 2023

Subject: Objection to Development Application DA.2022.1551 45 Sinclair Road, Primrose Valley

Dear Sir/Madam,

Regarding the above development application, I write on behalf of my client (██████████), the property owner and resident of ██████ Sinclair Road, Primrose Valley.

Executive summary

On behalf of the abovementioned client, ██████████ has reviewed the current plans for the site's development.

The review has raised issues about the proposal's negative impact on the scenic values, the rural landscape characteristics of the locality and a detrimental effect on neighbouring properties.

The proposal, and the recent development on the application site, are in a visually prominent location. This built form is considered incompatible with the local rural landscaping and the aesthetic qualities of the adjacent National Park.

The proposal is inconsistent with several clauses of the Palerang Local Environmental Plan 2014 (PLEP 2014) and controls within the Palerang Development Control Plan 2015 (Palerang DCP 2015).

These issues are raised in context with alleged unlawful development and activities undertaken at the property since its recent purchase. This includes the earthmoving, excavation and fill to build a motocross track and the erection of a large shed. This development and related activity have significantly impacted the neighbouring property owners and the rural landscape.

A letter addressing the alleged unauthorised development can be provided separately should the Council require further information.

Application site

The application site is approximately 10km from Captains, off Captains Flat Road, within the Primrose Valley locality. It sits between Captains Flat Road and Yanununbeyan National Park.

Photos of the application site are provided in Attachment 1.

The site is irregular in shape and extends from a creek on its southern boundary, up and over a local high point and down to Sinclair Road, where it gains its access.

Figure 1 below shows the application site.

Although the minimum lot size in the locality is 80ha, the application site is 8.5ha in area.

The site is not used for primary production.

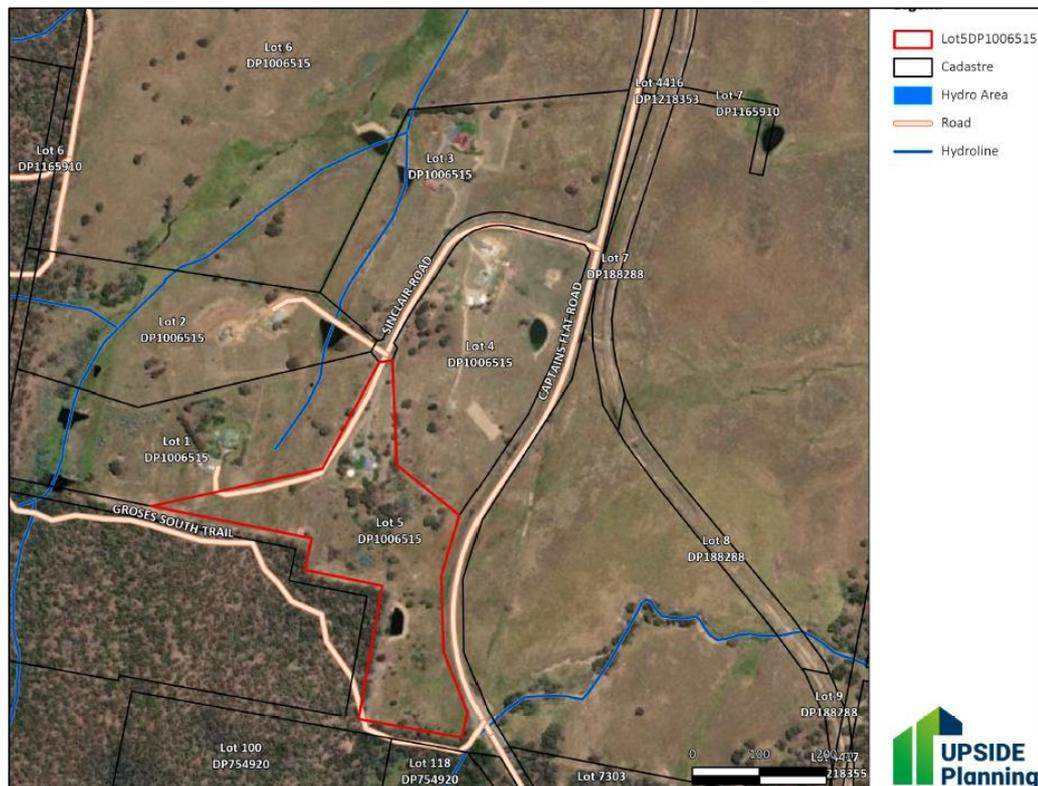


Figure 1: Application site

At the time of purchase in 2022, the application site accommodated a dwelling and a modest shed together with related infrastructure.

The site now has an additional shed, which is under construction, a motocross track and an off-

road circuit for cars.

Proposal

The proposal is for a dual occupancy in the form of a manufactured four-bedroom dwelling. It is situated on a ridgeline that extends along the lot's western portion.

The proposal would add to the existing dwelling and two sheds together with a motor cross track and circuit for cars.

Access is from a Sinclair Road.

Palerang Local Environmental Plan 2014

The proposed development was lodged under the Palerang Local Environmental Plan 2014 (PLEP 2014).

Aims of Plan

Various aims of the plan are relevant to the site and nature of the proposal; these include:

- *to protect and improve the economic, environmental, social and cultural resources and prospects of the Palerang community. “*
- *to ensure that innovative environmental design is encouraged in residential development.*

The proposal is not consistent with the relevant aims of the PLEP 2014. This is addressed below in the commentary.

Zoning

The application site is zoned RU1 'Primary Production'.

Dual occupancies are permitted with consent.

The objectives of the zone are to:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To minimise the impact of any development on the natural environment.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*

The proposal does not support the objectives of the zoning. As set out in the review below, the proposal conflicts with adjacent land uses and is an overdevelopment of an undersized, visually

prominent rural site. The site is not used for primary production.

Clause 6.1 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

It goes on to state that “*Development consent is required for earthworks unless:*

- “(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

And:

“In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both*
- (d) the effect of the development on the existing and likely amenity of adjoining properties*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.”*

Although not part of the development application, significant earthworks have been undertaken to form a motocross circuit.

Given the requirements of clause 6.1, it is evident that the construction of this circuit required a development application, in particular, is likely to have an adverse impact on the adjacent creek and the related environmentally sensitive areas which form its riparian corridor.

Clause 6.3 Terrestrial biodiversity

The objective of this clause is to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

This clause applies to land identified as Terrestrial Biodiversity. Figure 2 below shows the land identified as likely to contain ecological value.

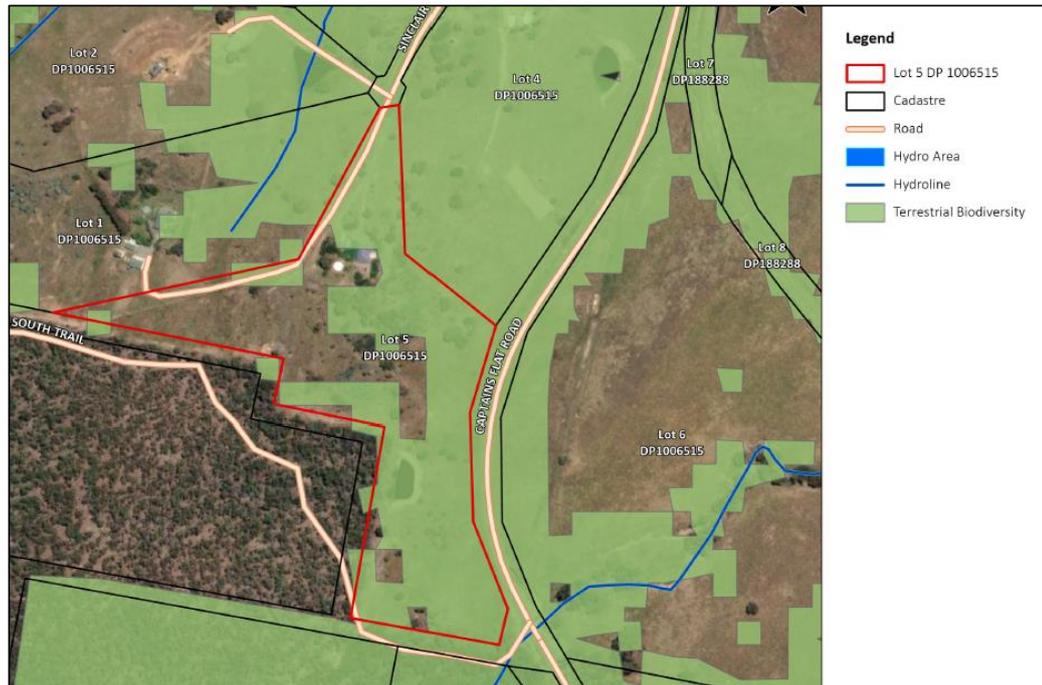


Figure 2: Terrestrial Biodiversity

Subclause (4) states that “development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.”*

It appears that the proposed dual occupancy is located outside the area mapped as containing terrestrial biodiversity. However, the proposed “spray surface irrigation disposal” and Asset Protection Zone (APZ) would interact with and potentially have an adverse impact on terrestrial biodiversity.

This raises several issues, including whether:

- the development will impact land identified as having important biodiversity value (as indicated on the Terrestrial Biodiversity map)
- the direct impacts of the development, together with other development recently undertaken without development consent, will exceed the area-clearing threshold prescribed by clause 7.2 of the Biodiversity Conservation Regulation 2017 as it relates to the size of the lot (in this case, it is 0.5ha)
- the development is likely, because of the cumulative impact from land clearing for previous development, which does not benefit from development consent, to have a significant impact - as determined by the application of clause 6.3 of the PLEP 2014
- the development is likely to have a significant impact - as determined by the application of the Test of Significance (S7.3 BC Act) arising from cumulative impact from recent

development undertaken without development consent.

Further clarification is required regarding the clearing and whether this clearing will impact areas mapped as containing terrestrial biodiversity, and whether clearing thresholds have been exceeded given the significant amount of clearing undertaken without development consent.

Clause 6.5 Riparian land and watercourses

The objective of this clause is to “*protect and maintain the following:*”

- (a) *water quality within watercourses,*
- (b) *the stability of the bed and banks of watercourses*
- (c) *aquatic and riparian habitats*
- (d) *ecological processes within watercourses and riparian areas.”*

Figure 3 below provides the PLEP 2014 Riparian land and watercourses map. It shows that the proposed dual occupancy is located outside the mapped area. Although not part of the subject development application, the recently constructed motocross circuit appears likely to impact the adjacent watercourse.

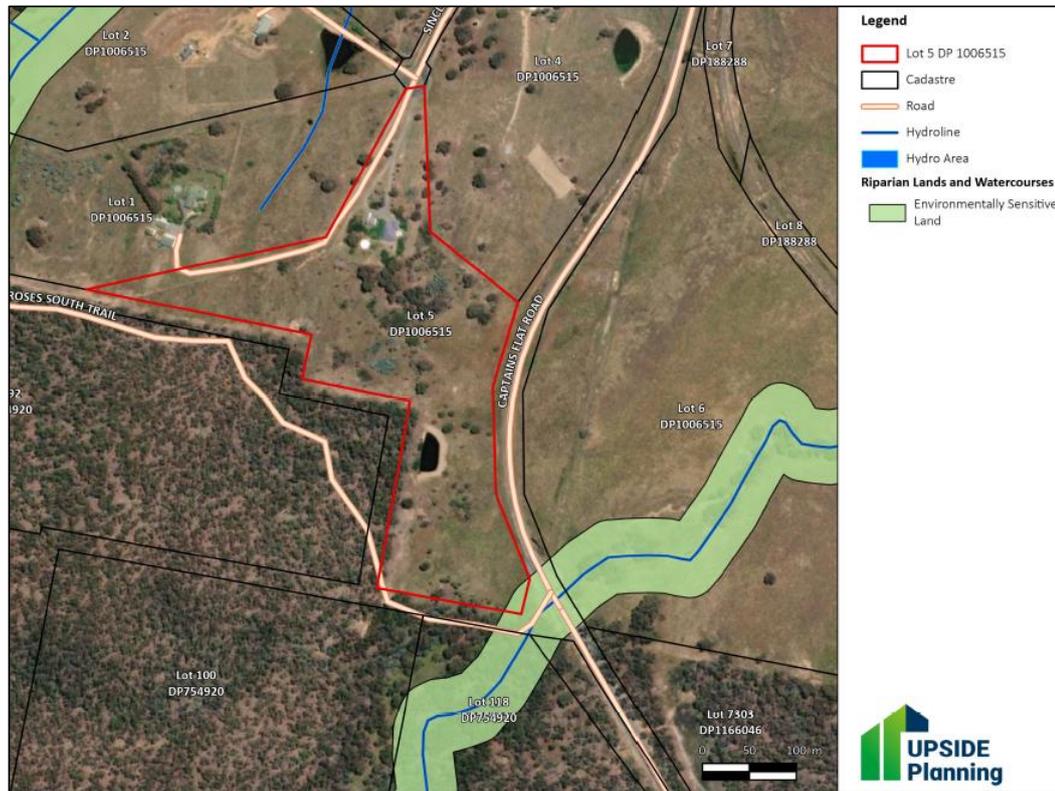


Figure 3: Riparian land and watercourses

This excavation and earthworks do not have approval.

Clause 6.10 Development in areas near national parks and nature reserves

This clause applies to land adjoining a national park or nature reserve. The application site is adjacent to the Yanununbeyan National Park.

The objective of this clause is to protect the aesthetic, conservation, recreational and scientific values of national parks and nature reserves.

It states that *“In determining whether to grant development consent to development on land to which this clause applies, the consent authority must consider the following:*

- (a) whether the development is compatible with and does not detract from the values of the national park or nature reserve*
- b) any management plans applicable to nearby areas within the national park or nature reserve*
- (c) whether the development has been designed and sited to minimise visual intrusion when viewed from vantage points within the national park or nature reserve.”*

The cumulative impact of the development of this site, given its visual prominence, detracts from the values of the national park and the adjacent walking track, the Grose Trail. The cumulative development of the site generates a “visual intrusion” to the scenic and cultural quality of the National Park. The continued development of this site is inconsistent with the clause.

Evaluation of Proposal

Visual Impact

The application site is visually prominent. In particular, from the National Park, Captains Flat Road and nearby properties.

As set out in the Palerang DCP 2015, ridges and hillsides are important visual reference points and contribute to the landscape’s character. Development on hilltops, escarpments and ridges can have a negative visual impact on rural zones and alter the character of an area.

Figure 4 below, an elevation map, illustrates the visual prominence of the site.

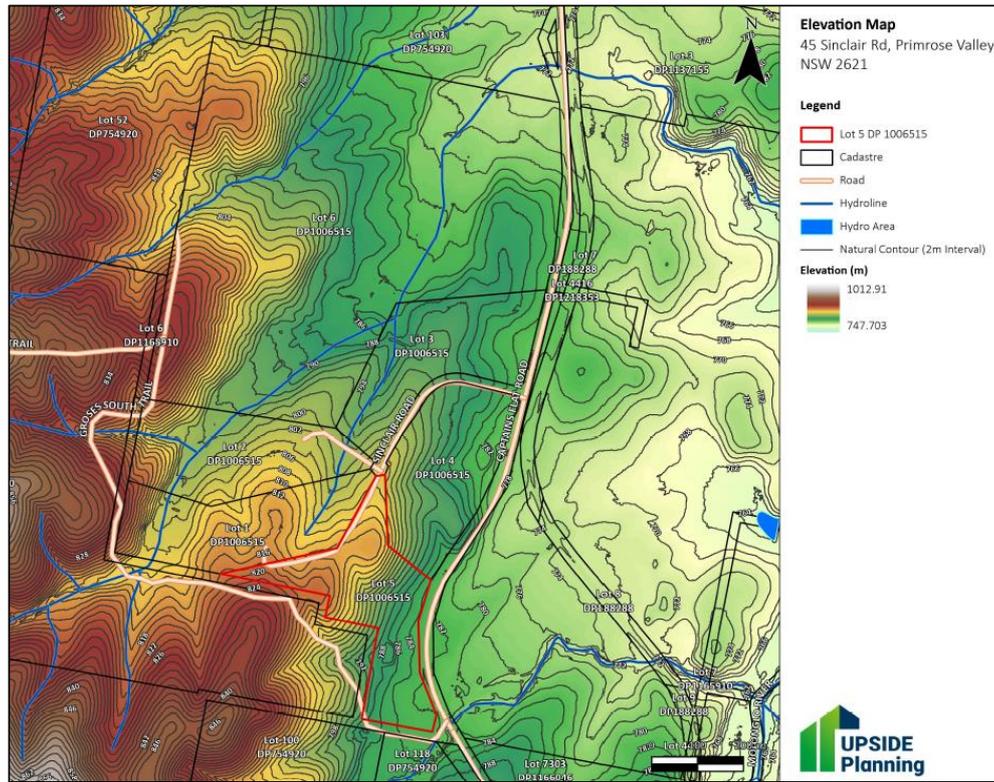


Figure 4: Elevation Map

Existing development on the application site, some of which is underway, has an adverse visual impact on the rural landscape. The proposed development would further degrade the visual quality of the locality and is an overdevelopment of the site.

Figure 5 below is a photograph of the application site from Captains Flat Road. The recent development has had an adverse impact on the locality's rural landscape, and the proposed development would compound the impact.



Figure 5: Photo of the application site from Captains Flat Road

Overlooking

The concern of overlooking is related to the elevated position of the application site.

The proposed dual occupancy would overlook the lower-lying properties to the north.

Property owners expect and generally have high levels of privacy in a rural area, both actual and perceived.

The proposed dual occupancy, placed on the ridgeline, will overlook residences to the detriment of the privacy of the occupiers.

Wastewater

The development application is not supported by a report that provides the onsite sewage management system specifications and therefore does not comply with the Palarang DCP 2015.

A site assessment also needs to be provided. Among other things, it needs to address landform, soil conditions and rainfall.

Based on the information provided, the proposal fails to comply with the Palarang DCP 2015, and adjacent landowners, who are downslope, are at risk of effluent finding its way into the local watercourse and dams. The dam on 42 Sinclair Road, which is fed by the subject watercourse, is used for primary production (apples).

Bushfire

The site is mapped as being bushfire prone. The hilltop position of development, together with the vegetation type, means that risk is more significant than it otherwise would be.

The development application is not supported by a Bushfire Assessment prepared by a suitably qualified consultant.

PBP 2019 advises that increased resident densities of existing lots that are bushfire prone may heighten the level of risk to the occupants. The presence of additional dwellings can impact the evacuation and shelter of residents during a bushfire.

It goes on to state that: *“this increase in residential density does not necessarily require a subdivision approval. However, the same principles and criteria associated with subdivisions in bush fire prone areas will apply. This includes ensuring an APZ based on a radiant heat threshold of 29kW/m² for any new dwellings, along with suitable provision for construction, access, water and landscaping.*

In this context, PBP 2019 states that: *“where there is an existing dwelling within the subject site and a second building can otherwise comply with the provisions of this document, it may be necessary to upgrade the existing dwelling to provide: ember protection; improved water availability; suitable access; and APZs.”*

No assessment has been undertaken to show that existing development complies with PBP 2019.

Given the number of residents, and the associated number of vehicles, observed on the site by neighbours and the appearance of the outbuildings, both existing and under construction, it would be prudent for the consent authority to confirm the use and purpose of these outbuildings. This risk needs to be addressed if they contain habitable floor space. It also raises the question about the permissibility of the proposal.

Conclusion

The proposed development has been considered in regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979, the PLEP 2014 and the Palerang DCP 2015.

The proposal does not support the objectives of the zone and the aims of the PLEP 2014.

As part of the evaluation undertaken, it is clear that the development application has failed to address several matters, including bushfire risk, biodiversity and wastewater.

The location of the proposed dual occupancy would adversely impact the locality's visual and cultural landscape. It would also have an adverse impact on the residents of adjacent properties.

These issues are compounded by the development of the application site since its purchase in 2022.

For the reasons outlined above, the proposal should be refused. It is not in the public interest.

The Council should investigate the alleged unauthorised development and engage with adjacent landowners.

If you have any questions or wish to discuss the matter, please do not hesitate to contact me at

[REDACTED] [u](#)

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Photo 1: View of site northwest from Captains Flat Road with building under construction on the hilltop.



Photo 2: Looking northwest from the creek and Captains Flat Road with earthworks in the foreground and National Park beyond.



Photo 3: View looking northwest from the creek and Captains Flat Road showing part of the application site and National Park beyond.



Photo 4: Looking northwest from over application with earthworks shown in the foreground.



Photo 5: Looking northwest showing a building being constructed on the hilltop.



Photo 6: Looking south to the application site from 42 Sinclair Road with National Park in the background.



Photo 7: Looking south to the application site from Sinclair Road.



Photo 7: looking south to the application site showings its relative height to surrounding properties.

14/02/2023, 11:30

Mail - Cameron Judson - Outlook

DECLARATION OF POLITICAL DONATIONS AND GIFTS FOR SUBMITTERS

Use this form to declare whether you have made a Political Donation to an elected member of Council or gift to an elected member of Council or Council staff

Has the person lodging this written submission made political donation or gift to the value of \$1,000 or greater, to an elected member of Council or staff of Queanbeyan-Palerang Regional Council?

NO
YES

Signature of Submitter: _____

Name: _____

Address: _____ SINCLAIR RD PRIMROSE VALLEY _____

Development Application Number: DA-2022-1551

Property Address: 45 SINCLAIR RD

If **yes**, you must complete and return with your submission the form entitled "Political Donations and Gifts Disclosure Statement to Council". This form is available on Council's website at www.qcc.nsw.gov.au

The Political Donations and Gifts Disclosure Statement to Council can be obtained from Council's Development and Environment Service Counter at 256 Crawford Street, Queanbeyan.

Further details are available from the NSW Government Department of Planning website at www.planning.nsw.gov.au/donations

IMPORTANT
You must complete and attach this form to your written submission to Council

https://outlook.office.com/mail/inbox/id/AAMkADQzZjg0ZWVlWRkZTEiNDIyZC1hNTNhLWZiNDZjNjczMTE2NgBGAAAAAB1mJKJAJcgStje70fqzuuf... 1/1

From: [REDACTED]
Sent: Tuesday, 7 February 2023 3:49 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Objection to DA 2022.1551 re 45 Sinclair Rd NSW 2621
Attachments: [REDACTED] [declaration.jpg](#)

[EXTERNAL] This email originated from outside of the organisation. Please do not click links or open attachments unless you recognise the sender and know that the content is safe.

Dear [REDACTED]

I refer to a letter dated 23 January 2023 sent to my home address in Canberra regarding DA 2022.1551. As I am currently overseas, a copy of the letter was forwarded to me by email by my daughter. Since objections to the DA are required by 8 February and because of the continuing slowness and unreliability of ordinary international mail, this Objection is also made by email. I have attached a scanned and signed copy of the "Declaration of Political Donations" form which was included with Council's letter.

For your information, I have included below a copy of a letter about the developments at 45 Sinclair Road which I sent recently to all members of QPRC listed on the website. You may believe that only part of it is relevant to the DA in question but I believe that the DA cannot be considered in isolation from what has been going on at 45 Sinclair Road over the last six months and I formally ask that you include the full text of my letter as part of my objection to the DA.

"To the mayor and members of the Queanbeyan and Palerang Regional Council.

Ladies and gentlemen,

I refer to the construction of a motocross track for motorbikes and trailbikes and a surrounding track for car racing on the property 45 Sinclair Road off Captains Flat Road about 10km north of Captains Flat. In the final months of 2022, heavy earthmoving machinery was used to create humps several metres high for the motocross track and then to scour out the car racing track. The development consumes an area of about 3 hectares. It is clearly visible from the Captains Flat Road and the noise created by vehicles using it is audible for miles around. I am concerned that now that Council has allowed the construction to occur the tracks will be used not just by residents of the property but by visitors and possibly by paying customers, greatly aggravating the impact.

The property is zoned rural residential and is surrounded by other properties similarly zoned as well as by some rural leases owned by the state of NSW and by a National Park. Under various environmental plans for the region, the area has been designated as sensitive because of its proximity to waterways and to bushland abutting the National Park which is populated by native flora and fauna. To the best of my knowledge, no planning approvals have been sought or granted for this development. I have made enquiries about that from officers of Council since August 2022 and have been told that various investigations in relation to environmental impacts and impact on neighbours were underway but I have not been advised of any results of such investigations.

I respectfully ask that Council

- *stop the use of these tracks unless and until proper approvals have been sought and granted*
- *seek independent environmental advice about the impact of these tracks*
- *seek independent legal advice about the permissibility of this development on a rural residential property in a sensitive area*
- *seek independent legal advice about whether neighbouring residents should be compensated for the loss of amenity to their properties and the loss of value to their properties if Council allows the development*

My personal interest in this matter is clear. My wife and I have owned a property adjacent to what is now the Sinclair Road Estate for over 25 years and leased adjacent land from the state of NSW. For a combination of work-related and family reasons we have been unable to make much use of the property ourselves but have rented it out to a number of tenants. During that time, assisted by the tenants, we have scrupulously observed environmental controls maintained by Council and take considerable offence that Council is now allowing unregulated development nearby. Our last tenant alerted us to the motocross development at 45 Sinclair Road in August 2022 and left in December 2022 warning that we should attempt to sell our property before it became uninhabitable because of the noise.

I note finally that Council has advised us recently of a development application for 45 Sinclair Road involving the erection of a second four bedroom house on the property. The application lovingly describes the reunification of an extended family on a wonderful quiet rural property with extensive rural views. There is a great deal of additional detail about the local environment and how it will be preserved by the development. No mention is made of the 3 hectare speedway and motocross track within metres of the proposed new residence. The explanation of this apparent contradiction is that the consulting engineer visited the property and prepared the report in the middle of 2022 before the earthworks for the motocross track commenced.

- *I respectfully ask that Council defer consideration of the proposed second residence at 45 Sinclair Road unless and until the property has been returned to the condition described in the application."*

Although we have owned a neighbouring property since 1996, the Sinclair Estate, consisting of five allotments of about 8ha each, came as a complete surprise to us when it appeared in the early 2000s. The local subdivision lower limit was 40ha so we assumed that someone had subdivided a single allotment. We never received an invitation to comment on the DA which should have been lodged with the council at the time. However, since the appearance of the estate, until now, we have observed only a few fortunate and considerate homeowners enjoying the environment as they pursued common rural pursuits such as riding horses and raising grazing animals. Indeed, we assumed that planning permission for the subdivision had included environmental protection provisions to ensure its use only in a manner respectful of the country setting.

Now we find, at least according to the DA, that a whole number of activities incompatible with the rural area and small allotment size might be permitted. Indeed, the owners of 45 Sinclair Road have chosen to grant themselves permission to undertake a number of activities and buildings for which they should have sought Council approval even if the activities might be permitted. They have usurped Council's prerogative to approve these activities and buildings and the opportunity for neighbouring landholders to object.

The latest proposal for a second house on the property, in addition to the other unapproved buildings and developments already in place, is clearly an attempt to get Council's implicit approval for the whole project. The references in the DA to parking spaces for many cars and motorbikes around the property and possible additional entrances to the property are clear indications of an intention to use the property for more than just residential purposes. There is already too much development on the property to be sustained by the environment and the infrastructure and Council should put a stop to it and roll it back to reasonable proportions as soon as possible.

██████████



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[REDACTED]

From: [REDACTED]
Sent: Tuesday, 7 February 2023 10:40 PM
To: [REDACTED]
Subject: Fwd: More on noise from and environmental damage at 45 Sinclair Rd

[EXTERNAL] This email originated from outside of the organisation. Please do not click links or open attachments unless you recognise the sender and know that the content is safe.

FYI

----- Forwarded Message -----

Subject: More on noise from and environmental damage at 45 Sinclair Rd
Date: Tue, 7 Feb 2023 11:38:44 +0000
From: [REDACTED]
Cr.Katrina.Willis@qprc.nsw.gov.au, Cr.Kenrick.Winchester@qprc.nsw.gov.au,
Cr.Louise.Burton@qprc.nsw.gov.au, Cr.Bryce.Wilson@qprc.nsw.gov.au,
To: Cr.Esma.Livermore@qprc.nsw.gov.au, Cr.Mareeta.Grundy@qprc.nsw.gov.au,
Cr.Steve.Taskovski@qprc.nsw.gov.au, Cr.Edwina.Webster@qprc.nsw.gov.au,
Cr.Michele.Biscotti@qprc.nsw.gov.au, Cr.John.Preston@qprc.nsw.gov.au

Councillors

Further to my email of yesterday, I have just received the account below from my former tenant. He has been my eyes and ears at [REDACTED] for the last three years while I have been detained overseas by family concerns.

He provides a compelling description of the havoc at 45 Sinclair Rd, a mudbath in winter, a dustbowl in summer and a persistent nuisance from noise all year round. The neighbour he mentions lives even further from it than he does but still suffers. My heart goes out to the immediate neighbours actually on Sinclair Road itself.

Please note that I have already suffered economic loss from [REDACTED] departure as a tenant, the best that I have ever had. I was also distressed by his predictions of the difficulty of finding another tenant or a buyer who will put up with the noise.

[REDACTED]

----- Forwarded Message -----

Subject: Camelot
Date: Mon, 6 Feb 2023 21:44:18 +0000
From: [REDACTED]
To: [REDACTED]

We rented [REDACTED] Captains Flat Road, Captains Flat, NSW, 2623 from [REDACTED] for over 8 years. We had a registered purebred Suffolk sheep stud, which was also the reason why we rented for that long period. We enjoyed the rural lifestyle, sitting outside listening to the birds at sunrise and other wildlife associated with living in a rural setting.

In our 8 years at [REDACTED] we never had any noise problems with our neighbours until last year. Everyone in the area seems to love living in the country and just keeping to themselves, living the dream.

In August 2022 I made [REDACTED] aware that the new neighbours at 45 Sinclair Road were forming a motocross and car track on the corner of their property and after we experienced a large number of weekday afternoons and weekends with obscene noise levels that seemed to amplify through the creek next to the house from the dirt bikes using the track. The noise was so loud that we could hear it over the television with all the windows closed to try and reduce the noise. [REDACTED] (Neighbour) also commented about not being able to sit outside on a Sunday afternoon anymore.

When [REDACTED] brought it to the council's attention, they asked me to complete a monthly record with 7 days of continuous noise. It was challenging to do as we had rain at least once a week that halted their track building and my record keeping. I was never able to complete the council's required record due to rain this did not mean that the neighbours were not making noise, it just meant that the rain was a deterrent. They seized every opportunity to continue the earthworks of the track and use the track for several hours at a time whenever possible.

We rented [REDACTED] to enjoy the quiet rural life and not live next to a motocross track. Why else would anyone rent 30 minutes from Queanbeyan on one of the worst-kept dangerous roads in NSW, with the road only being upgraded significantly in 2022.

This noise pollution was the deciding factor for us to move. We loved the area, the house, and our sheep but were not willing to live next to a motocross track and be confined like prisoners inside our home to try and avoid the noise. We decided that we had no alternative but to move.

I did mention to [REDACTED] that in my opinion, he will struggle to sell or potentially sell at a significantly reduced price if he decided to sell [REDACTED] due to the neighbours making it an unpleasant environment. Or if they decided to continue to rent out the property it would be difficult to get good responsible tenants who would be happy to live next to a motocross track.

[REDACTED]



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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

26 APRIL 2023

ITEM 9.1 DA.2022.1551 - 45 SINCLAIR ROAD, PRIMROSE VALLEY,
APPLICATION FOR DUAL OCCUPANCY

ATTACHMENT 4 DRAFT CONSENT CONDITIONS - DA.2022.1551 - 45 SINCLAIR
ROAD, PRIMROSE VALLEY

CONDITIONS OF CONSENT
DA.2022.1551

APPROVED DEVELOPMENT AND PLANS

1. APPROVED DEVELOPMENT AND PLANS

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

Title / Description	Prepared by	Issue/Revision & Date	Date received by Council
Building specification	Austwide homes Pty Ltd		13 October 2022
Floor Plan 'Annandale'	Austwide homes Pty Ltd	Sheet 1 Rev A	13 October 2022
Elevations Annandale'	Austwide homes Pty Ltd	Sheet 2 Rev A	13 October 2022
Site plan 1:2000	Technibuild consulting	Undated	13 October 2022
APZ part Site plan 1:500	Technibuild consulting	Undated	13 October 2022
Structural details plan	Technibuild consulting	Undated	13 October 2022
Geotechnical assessment report	Technibuild consulting	Undated	13 October 2022

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

Engineering

2. Headwall

The existing damaged head wall for the pipe culvert to be replaced with a new headwall.

Reason: To ensure the protection of the embankment and pipe culvert.

3. Transportable homes

- a. The development is to comply with Section 68 of the *Local Government Act 1993* and the *Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Reason: To ensure the development is carried out in accordance with the requirements of all relevant Acts and Regulations.

- b. The developer shall ensure that when a transportable building is being installed on site, care should be taken to ensure uniformity of foundation materials across the area of the building.

Reason: To ensure the foundation material is adequate.

- c. Shields, barriers or the like must be provided in accordance with AS3660.1-2014. Termite management - new building work and structures to protect any structural members that are

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 W: www.qprc.nsw.gov.au
 E: council@qprc.nsw.gov.au

ABN 95 933 070 982

susceptible to attack by termites.

Reason: To ensure the development is adequately protected against attack by termites.

- d. Glazing materials must be selected and installed in accordance with the relevant provisions of AS1288-2006, Glass in buildings - Selection and installation and, to the extent to which those provisions require the use of safety glass, in accordance with the relevant provisions of Part 3.6.4.5 of Volume Two of the Building Code of Australia in relation to Class 1(a) Safety glazing materials in buildings and human impact.

Reason: To ensure all glazing satisfies the requirements of the relevant Australian Standards.

- e. The roof, external walls, door frames and window frames of a manufactured home must be constructed so as to prevent rain or dampness penetrating to the inner parts of the home.

Reason: To ensure the development adequately restricts moisture penetration into the building.

- f. The following waterproofing measures are to be incorporated into all wet areas;

- The floor area of a bathroom, shower room or room containing a toilet or washing machine in a manufactured home must consist of, or be covered by, material that is impervious to water.
- The wall surface of a shower enclosure (or, in the case of a shower that is not enclosed, any wall surface within 1.5 metres of the shower fitting) must be impervious to water to a height of at least 1.8 metres above the floor.
- Any wall surface with 75 millimetres of a bath, basin or other similar bathroom appliance must be impervious to water to a height of at least 150 millimetres above the appliance
- Compliance with AS3740 - 2010, Waterproofing of wet areas within residential buildings satisfies the requirements of this clause.

Reason: To ensure the building elements are adequately protected against moisture penetrations.

- g. A manufactured home must be equipped with an automatic fire detection and alarm system that complies with the requirements of Part 3.7.5 of Volume Two of the Building Code of Australia in relation to Class 1(a) buildings within the meaning of that code.

Reason: To provide adequate warning to occupants in the event of a fire.

- h. The footing and tie down system for the relocatable home must be constructed in accordance with the engineer's certification for the home and the footings must be excavated through filled ground or foundations of unknown quality.

Prior to the pouring of any footings an inspection of the footing must be arranged with Council.

Reason: To ensure the footing are constructed in accordance with the Structural Engineer's design.

- i. The clearance beneath the home or structure must be:

At least 400 millimetres, where the building structure is susceptible to termite attack.
At least 200 millimetres, where the building elements are not susceptible to termite attack.

Note: The clearance beneath the relocatable home is to be measured from the lowest point of the underside of the home's chassis or frame.

Reason: To ensure adequate clearance is provided between the home and the finished ground level for termite inspection.

- j. Sub floor access doors are to be installed should the sub floor area be enclosed.

Reason: To ensure future inspections and maintenance is able to be completed.

- k. A compliance plate must be attached to an accessible part of the relocatable home and must specify the following;

- The name of the manufacturer of the relocatable home.
- The unique identification number for the relocatable home.
- The month and year during which the relocatable home was constructed.
- The design wind speed for the relocatable home.
- A statement to the effect that the relocatable home complies with the requirements of the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwelling) Regulations 2005.
- The name of the practising structural engineer by whom the engineer's certificate has been issued in respect of the relocatable home.

Reason: To ensure compliance with the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwelling) Regulations 2005.

- l. The holder of an approval to install a relocatable home shall ensure that a unique identification number is permanently marked on each major section of the manufactured home. This number is to be reflected on the compliance plate.

Reason: To ensure each major section of the transportable home is clearly identified.

- m. Queanbeyan-Palerang Regional Council is required to complete the following inspections throughout the construction of the transportable home;

- Footing pads prior to pouring any concrete.
- External drainage under water or air test and prior to covering.
- External plumbing under air or water test and prior to covering.
- Final prior to occupation of the building.

Reason: To ensure the construction of the development is carried out in accordance with the relevant standards and regulations.

- n. At the Final Inspection stage, Council is to be provided with the following information:

- A copy of the engineer's certificate for the relocatable home.
- Certification that termite barriers and/or termite shields have been installed as per AS3660.1 - 2014 Termite management - new building work.

- Certification that the waterproofing of the wet areas have been undertaken in accordance with Clause 61 of the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwelling) Regulations 2005.
- Certification that all internal plumbing and drainage has been installed as per the requirements of AS 3500 - 2018 Plumbing and Drainage.
- Certification that a smoke alarm has been installed as per the requirements of Part 3.7.5 of the Building Code of Australia (Volume 2).
- Certification that glazing materials comply with AS1288-2006, Glass in buildings - Selection and installation and, to the extent to which those provisions require the use of safety glass, in accordance with the relevant provisions of Part 3.6.4.5 of Volume Two of the Building Code of Australia in relation to Class 1(a) Safety glazing materials in buildings and human impact (where applicable).

Reason: To ensure compliance with the Local Government (Manufactured Home Estate, Caravan Parks, Camping Grounds and Moveable Dwelling) Regulations 2005.

- o. A certificate of completion must be issued by Council prior to occupation or use of the building.

Reason: To ensure the building is inspected by Council and deemed to be suitable for occupation.

GENERAL CONDITIONS

4. Obtain Completion Certificate

Do not occupy the manufactured home until a completion certificate has been issued by Queanbeyan-Palerang Regional Council. Provide the following to Queanbeyan-Palerang Regional Council prior to the final inspection;

- copy of the compliance certificate/compliance plate that indicates the manufactured home complies with any relevant standards, codes and specifications,
- certification from a qualified electrician that a smoke detector has been installed and is operating in compliance with the relevant sections of the Building Code of Australia in relation to a class 1(a) building,
- certification of compliance with the Bushfire conditions included in this consent,
- written evidence that all conditions of consent have been complied with.

Reason: Ensure that the manufactured dwelling is installed in compliance with relevant standards.

5. 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.

6. 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.

7. 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.

8. 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.

9. Work on Adjoining Land Is Limited

The verge and other adjoining lands must not be used for storage of materials, trade/construction vehicle parking or disturbed by construction activities with the exception of;

- 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.

10. 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.

11. Rural Fire Service Conditions

The development is to comply with all requirements outlined in the advice from the Rural Fire Service on 21 March 2023 as attached.

Reason: To ensure compliance with section 4.14 of the Environmental Planning and Assessment Act 1979.

12. Essential Energy conditions

The development is to comply with all requirements outlined in the advice from Essential Energy of 21 March 2023 as attached.

Reason: To ensure the development does not impact on electricity infrastructure and that it complies with Essential Energy's requirements.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS

13. 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.

14. Home Building Act Requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given Council written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:

- (i) The name and licence number of the principal contractor.
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- (b) In the case of work to be done by an owner-builder:
- (i) The name of the owner-builder.
 - (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Reason: This is a prescribed condition under the provisions of clause 98B of the Environmental Planning and Assessment Regulation 2000.

15. 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.

16. Sediment and Erosion Control

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 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.

17. Development Contributions to be Paid

Prior to the lodgement of the Notice to Commence Work and Appointment of a Principal Certifying Authority the contributions specified in Schedule 1 of this consent must be paid to Council under the provisions of Section 7.11 or 7.12 of the *Environmental Planning and Assessment Act 1979*.

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

CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING WORKS

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION/COMPLETION CERTIFICATE

23. Colours and Material Finishes

The building is to be finished in materials that have a low reflectivity. Colours are to incorporate the use of muted, natural colours that will blend with, rather than stand out from, the landscape for major features such as walls, roof and fencing.

Reason: The building is not visually intrusive in the landscape and does not cause glare.

24. Stormwater Management - Rural

Roof water that is not connected to a rain water storage tank, and any overflow from any storage tank, must be discharged into an absorption trench or through a stormwater outlet device with scour protection into an overland flow path, at least three (3) metres clear of any building and the boundaries

of the site.

Reason: Stormwater disposal does not impact on the building.

25. Potable Water Supply

The dwelling is to be provided with a water storage tank(s) with minimum capacity of 90 000 litres.

Reason: To ensure that a suitable water supply is available.

26. Repair Damaged Public and Private Property

All damage caused to public and private property during the construction operations and associated activities must be repaired or reinstated prior to Council accepting any Certificate of Completion.

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

27. Bushfire Protection - BAL 19

New construction shall comply with section 6 (BAL 19) Australian Standard AS3959-2018 and Appendix 1 of *Planning for Bush Fire Protection 2019*.

Reason: To ensure that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

28. Bushfire Protection - Asset Protection Zones - RURAL

At the commencement of building works and in perpetuity the property around the building shall be managed as follows as outlined within section 3.2 and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for asset protection zones*:

- North for a distance of **20** metres as an asset protection zone;
- South for a distance of **33** metres as an asset protection zone;
- East for a distance of **20** metres as an asset protection zone; and
- West for a distance of **20** metres as an asset protection zone (APZ).

Reason: To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

29. Bushfire Protection NON-RETICULATED WATER

Water, electricity and gas are to comply with the following requirements of section 3.5 of *Planning for Bush Fire Protection 2019*:

- A dedicated water supply of **20,000** litres for firefighting purposes for each occupied building excluding drenching systems, is provided in accordance with Table 5.3D of *Planning for Bush Fire Protection 2019*.
- A suitable connection for firefighting purposes is made available and located within the IPA and away from the structure. A 65mm Storz outlet with a Gate or Ball valve is provided.
- Gate or Ball valve and pipes are adequate for water flow and are metal rather than plastic.
- Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is supplied within 4 metres of the access hole.
- Above ground tanks are manufactured of concrete or metal and raised tanks have their stands protected. Plastic tanks are not used. Tanks on the hazard side of a building are provided with adequate shielding for the protection of fire fighters.
- All above ground water pipes external to the building are metal including and up to any taps. Pumps are shielded.
- Where practicable, electrical transmission lines are underground.
- Where overhead electrical transmission lines are proposed:

- lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
- no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002).
- Reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used.
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.
- If gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal.
- Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.

Reason: 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.

30. Bushfire Protection - Access

Property access roads shall comply with section 3.4.3 of *Planning for Bush Fire Protection 2019*.

Reason: To provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

31. 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 on the building.

32. Internal Road Access

Upgrade the internal access road and drainage structures between the entrance and the building envelope, to the standard of "Private Access" road with a minimum compacted pavement thickness of 150mm and as otherwise specified in Table D1.7 of Queanbeyan-Palerang Regional Council's D1 Road Geometry Design Specification.

Bitumen sealing of the Internal Road Access will be required to address dust impacts where the centreline of the road is within 50m of the near edge of a building envelope or an existing or proposed dwelling.

The access road is to comply in perpetuity with the performance criteria and acceptable solutions set out in Rural Fire Service NSW document Planning for Bushfire Protection.

Note: *Crossings of prescribed streams are to be referred to the NSW Office of Water for Controlled Activity Approval where required.*

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

CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES

33. Carry Out Sewer Work, Carry Out Water Supply Work, Carry Out Stormwater Work

All sanitary plumbing and drainage work is to be carried out in accordance with the requirements of the *Local Government (General) Regulation 2005*, *AS 3500* and the requirements of *Plumbing and Drainage Act, 2011*. No alterations or additions are permitted without approval from Council.

Reason: All plumbing and drainage functions adequately.

Council must inspect the following stages of construction and installation:

- Internal and external plumbing and drainage,
- Installation of the on-site sewage management system and disposal area,
- Final inspection of plumbing, drainage and on-site sewage management system.

The top level of the sewerage service yard gully shall be located a minimum of 150 mm below the lowest fixture level and a minimum of 75 mm above ground level. Where it is not practicable to locate the top of the yard gully 150 mm below the lowest fixture level or 75 mm above the surrounding ground level, then a reflux valve shall be fitted to the sewer drainage system so as to prevent the backflow from the sewer entering the building.

Reason: To ensure compliance with AS3500 - National Plumbing and Drainage Code and the requirements of Plumbing and Drainage Act, 2011.

A 'Notice of Work' (NoW) is to be issued to Queanbeyan-Palerang Regional Council no later than 2 business days before the work concerned is carried out.

Reason: Council is informed prior to undertaking inspections and in accordance with requirements of Plumbing and Drainage Act, 2011.

Licensees as the 'responsible person' must submit a Sewer Service Diagram(SSD) layout to Queanbeyan-Palerang Regional Council prior to or at the time of inspection.

Reason: Council records are kept up to date and requirements of Plumbing and Drainage Act, 2011.

A 'Certificate of Compliance' (CoC) is to be issued to the Queanbeyan-Palerang Regional Council and a copy to the person for whom the work is carried out on completion of the final inspection.

Reason: Council records are kept up to date and requirements of Plumbing and Drainage Act, 2011.

34 Surface Water

Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

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

35. Landscaping - Buffer

Provide a landscaped buffer which complies with Appendix 4 of the Planning for Bushfire Protection 2019. The landscape buffer is to be planted with advanced stock (2-3 years old) and incorporate native species including trees capable of achieving mature heights of at least 5 m and understorey vegetation capable of achieving heights of 1.5-2.0m.

Advice: It is recommended that Council is consulted to determine compliance with the above condition prior to the commencement of planting.

Reason: To reduce visual impact of the building..

ACTIVITY APPROVAL - SECTION 68 OF LOCAL GOVERNMENT ACT 1993

36. Local approval - on-site sewage management system

The wastewater management system is to be designed, installed and maintained in accordance with the principles of 'On-site Sewage Management for Single Households', AS/NZS 1547-2012 'On-site Domestic Wastewater Management' and the site report prepared by Technibuild Consulting dated 01 September 2022) except with the following amendments;

Reason: To ensure that the on-site effluent management system will have a neutral or beneficial effect on water quality, that it will be sustainable over the long term and will not have detrimental impacts on the health of occupants of the land.

All effluent is to be assimilated within the boundaries of the property.

No effluent management areas are to be located within 100 m of any creek, watercourse or bore whether perennial or intermittent, or within 40 m of a drainage depression.

All stormwater collected from roofs and other hard surface areas is to be diverted away from any effluent management area, with provision for energy dissipation at the outlet to prevent scouring or erosion.

Reason: To ensure that the on-site effluent management system will have a neutral or beneficial effect on water quality and that it will be sustainable over the long term.

Install surface water diversion upslope of the land application disposal area.

All wastewater (black and grey) is to be directed to the on-site sewage management system for treatment.

Fence off the effluent management area prior to any construction work commencing and maintain in fencing in perpetuity to prevent human, vehicle and stock access.

Trenches are to be no longer than 20 m and a distribution box installed to allow equal distribution between the trenches.

Reason: Compliance with AS1547-2012 On-site Domestic Wastewater Management.

37. Aerated Water Treatment System

All irrigation pipe work and fittings must comply with AS 2698 *Plastic pipes and fittings for irrigation and rural applications*, and

- standard household hose fittings must not be used,
- the irrigation system must not be capable of being connected to the mains water supply.

If the land application is by spray irrigation, the land application area should not be used for passive or active recreational purposes.

The land application area must not be used to grow vegetables or fruit for human consumption.

Within the effluent irrigation area there must be at least two warning signs that comply with AS 1319 and have:

- a green background
- 20 mm high capital lettering in black or white, and
- the words 'RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT'.

The AWTS unit shall be maintained and inspected by an approved service agent every 3 months. An application for the renewal of the approval to operate shall be made at least 3 months prior to the end of the period of the approval.

Reason: To ensure compliance with AS1547-2012 On-site Domestic Wastewater Management.

GENERAL CONDITIONS **CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION/COMPLETION** **CERTIFICATE**

38. Rural Driveway Entrance

A bitumen sealed entrance must be constructed to the lot as required in accordance with QPRC's D13 Vehicular Access Design Specification.

Longitudinal grading is to ensure ground clearance for standard passenger vehicles and in accordance with QPRC's D1 Geometric Road Design Specification.

Rural entrance construction to be carried out by a Council approved contractor.

Reason: To ensure safe entry and exit to the lot from the road.

Please Note:

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.



NSW RURAL FIRE SERVICE

Queanbeyan-Palerang Regional Council

PO Box 90

QUEANBEYAN NSW 2620 Your reference: (CNR-51015) DA.2022.1551

Our reference: DA20230314001086-Original-1

ATTENTION: Annie Shumaker Date: Tuesday 21 March 2023

Dear Sir/Madam,

Development Application

s4.14 – Infill – Single Dwelling - New Dwelling

45 SINCLAIR ROAD PRIMROSE VALLEY 2621, 5//DP1006515

I refer to your correspondence dated 15/03/2023 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:

General Conditions

1. The recommendations are based on the documents/plans supplied via Councils referral to the NSW RFS.

- The plan titled "Site Plan, Drawn by Technibuild Consulting, Undated"

Council is advised that where a minor amendment to the above-noted documents is proposed, Council may use

its discretion to determine whether the minor amendment warrants further assessment by the NSW RFS.

Asset Protection Zones

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. From the commencement of building works and in perpetuity, the property around the dwelling must be maintained as an inner protection area to the following distances and aspects in accordance with the following

requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- north, east, and west for a distance of 20 metres; and,
- south for a distance of 33 metres.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;

- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

3. To allow for emergency service personnel and residents to undertake property protection activities, a defensible space that permits unobstructed pedestrian access is to be provided around the building.

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services

personnel, residents and others assisting firefighting activities.

4. New construction must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply

with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

5. New fences and gates must comply with Section 7.6 of *Planning for Bush Fire Protection 2019*. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed

within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

Access – Property Access

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services

personnel, residents and others assisting firefighting activities.

6. New property access roads must comply with the following requirements of Table 7.4a of *Planning for Bush*

Fire Protection 2019:

- property access roads are two-wheel drive, all-weather roads;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways clearly, indicate load rating.
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- minimum 4m carriageway width;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the cross fall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Water and Utility Services

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services

personnel, residents and others assisting firefighting activities.

2

7. New provisions of water, electricity and gas to the dwelling must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:

- a minimum 20,000 litre static water supply, tank, pool, dam or the like, must be provided on-site,
- an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure

- 65mm Storz connection with a ball valve is fitted to the outlet,
- the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- above-ground tanks are manufactured from concrete or metal,
- raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- unobstructed access can be provided at all times,
- underground tanks are clearly marked,
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- all exposed water pipes external to the building are metal, including any fittings,
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- any hose and reel for firefighting connected to the pump must be 19mm internal diameter,
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - Markers must be fixed in a suitable location to be highly visible, and
 - Markers should be positioned adjacent to the most appropriate access for the water supply.
- where practicable, electrical transmission lines are underground,
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
- connections to and from gas cylinders are metal,
- polymer-sheathed flexible gas supply lines are not used, and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services

personnel, residents and others assisting firefighting activities.

8. New landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);

3

- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;

- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

For any queries regarding this correspondence, please contact Jamie Winter on 1300 NSW RFS.

Yours sincerely,

Anna Jones

Manager Planning & Environment Services

Built & Natural Environment

DRAFT

Dear Sir/Madam,

We refer to the above matter and to your correspondence via the NSW ePlanning Portal seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:

1. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the new dwelling in accordance with *NSW Service and Installation Rules*. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.

Essential Energy also makes the following general comments:

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. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is overhead and underground electricity infrastructure located within the property and within close proximity of the property. 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 property encroach on the electricity infrastructure.
4. 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).
5. 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/Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

1

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au

PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au

General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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Schedule 1

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
CONTRIBUTION TO PROVISION OF ACCESS ROADS UNDER
YARROWLUMLA SECTION 7.11 (94) PLAN No. 2**

FILE No: DA.2022.1551

APPLICANT: Andrew Stiles

OWNER: Mr Andrew Stiles and Mrs Claire Stiles

LOCATION: Lot 5 DP 1006515 – 45 Sinclair Road PRIMROSE VALLEY NSW 2621

ACTIVITY: Installation of a manufactured dual occupancy home

PLAN LOCATION: Catchment: 4 Location: 4

CONTRIBUTION:	
Base Contribution	\$11,620
TfNSW Roads Cost Index (2021/22)	+126.38%
Contribution (indexed)	\$26,305
Applicable Number of Lots/E.T.	1.0
Ledger	42146
Code	YSC P2 SUCF
Total Payment Due:	\$19,880

(Adjusted for 2022/23 using TfNSW RCI – December 2020)

Development contribution to the provision of Access Road after CPI is \$26,305 however considering State government capped price \$20,000 and deducting contribution to the provision of community facilities, the development contribution is limited to \$19,880.

(The contribution amount is subject to annual adjustment in keeping with the TfNSW (RMS) Roads Cost Index. Final adjustment was December 2020. The amount payable will be determined at the time of payment.)

Contributions are required to be paid prior to release of Occupation Certificate.

**QUEANBEYAN-PALERANG REGIONAL COUNCIL
CONTRIBUTIONS TO PROVISION OF COMMUNITY FACILITIES
UNDER
YARROWLUMLA SECTION 7.11 (94) PLAN No.3**

FILE No: **DA.2022.1551**

APPLICANT: **Andrew Stiles**

OWNER: **Mr Andrew Stiles and Mrs Claire Stiles**

LOCATION: **Lot 5 DP 1006515 – 45 Sinclair Road PRIMROSE VALLEY NSW 2621**

ACTIVITY: **Installation of a manufactured dual occupancy home**

CATCHMENT: **Captains flat**

CONTRIBUTION:

Project	Ledge r	Code	Base Contributi on	Indexatio n	Lots	Amount
Community Facilities – Captains Flat	42194	YSC P3 CFCAP	\$65	+84.75%	1	\$120

(Adjusted for 2022/23, CPI Canberra All Groups – March 2022)

(The contribution amount is subject to adjustment in keeping with the Consumer Price Index – All Groups - Canberra at the start of each financial year. The amount payable will be determined at the time of payment.)

Contributions are required to be paid prior to release of Occupation Certificate.