



# **Ordinary Meeting of Council**

**14 June 2023**

**UNDER SEPARATE COVER  
ATTACHMENTS**

**ITEM 9.3**



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

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# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**14 JUNE 2023**

ITEM 9.3                      DA.2022.1104 - CONSTRUCTION OF DWELLING HOUSE AND  
DETACHED GARAGE - 720 URILA ROAD, TINDERRY

ATTACHMENT 1      RECOMMENDED CONDITIONS OF CONSENT



**CONDITIONS OF CONSENT**  
**DA.2022.1104**

**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
Location Plan (DA01)	Design by Rabbit	21/10/21	02/03/2022
Site Plan (DA02)	Design by Rabbit	21/10/21	02/03/2022
Dwelling Floor Plan (DA03)	Design by Rabbit	21/10/21	02/03/2022
Dwelling Section (DA04)	Design by Rabbit	21/10/21	02/03/2022
Dwelling East and North Elevations (DA05)	Design by Rabbit	21/10/21	02/03/2022
Dwelling West and South Elevations (DA06)	Design by Rabbit	21/10/21	02/03/2022
Garage Floor Plan (DA07)	Design by Rabbit	21/10/21	02/03/2022
Garage Section B and West Elevation (DA08)	Design by Rabbit	21/10/21	02/03/2022
Garage South, North and East Elevations (DA09)	Design by Rabbit	21/10/21	02/03/2022
Effluent Disposal Report	ACT Geotechnical Engineers Pty Ltd	22/10/2021	19/05/2023
Jindara Hamersly MK2 Solid Fuel Heater	Jindara Heating		02/03/2022
Axis Sculpt Solid Fuel Heater	Sculpt Fireplaces		02/03/2022

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. Crown Road Design**

The Crown Road shall be designed to the standards as set out in QPRC D1 Geometric Road Design and D2 QPRC Pavement Design Specifications. Construction certificate drawings shall clearly illustrate the typical section of the carriageway within the road reserve and road reserve boundaries.

*Reason: To ensure that the Crown Road design is to the appropriate Council standards.*



### **3. Crown Road Construction**

Crown Road shall be constructed to QPRC Construction Specification series and relevant Australian Standards and/or as amended by conditions of Development Consent.

Construction work shall be carried out by approved Contractors experienced in civil construction works, have quality management systems in place, and hold business insurance policies covering workers compensation and public liability. Additional insurance may be required under Section 138 of the Roads Act 1993 to work within a public road reserve.

*Reason: To ensure that the Crown Road works are to the appropriate standard and completed in a timely matter at no cost to Council.*

### **SPECIAL CONDITIONS**

#### **4. Controlled Activity Approval**

Any activity approval for works to any waterfront land or bed/banks is required to be obtained from The Natural Resources Access Regulator (NRAR) is prior to construction.

*Reason: To ensure compliance with the Water Management Act 2000.*

#### **5. Existing Fences**

Existing fences located on the Crown Road are to be removed or relocated at a cost to the developer. Adjoining owners are to be provided with at least two weeks' notice prior to work commencing.

*Reason: To ensure no obstructions are located on Council Roads.*

#### **6. Surrender Previous Application**

Surrender Development Application BA 232/97 to Council prior to the Lodgement of a "Notice to Commence" application, in accordance with Sections 4.17(5) and 4.63 of the *Environmental Planning and Assessment Act 1979* and clause 97 of the *Environmental Planning and Assessment Regulation 2001*.

*Reason: To limit the potential for overdevelopment of the site that has not been formally assessed under Section 79C of the Environmental Planning and Assessment Act 1979.*

#### **7. Dust Management**

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

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

### **GENERAL CONDITIONS**

#### **8. Obtain Construction Certificate**

Obtain a construction certificate/subdivision works certificate from Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier before undertaking any work. Forward a copy of any construction certificate/subdivision works certificate issued by a private certifier to



Queanbeyan-Palerang Regional Council at least 2 days before undertaking any work in accordance with that construction certificate/subdivision works certificate.

*Reason: Work is undertaken in accordance this consent & relevant construction standards.*

#### **9. Obtain Occupation Certificate**

Do not occupy or use the premises until an occupation certificate has been issued by Queanbeyan-Palerang Regional Council or an appropriately accredited private certifier. Provide a copy of any occupation certificate, issued by a private certifier, to Queanbeyan-Palerang Regional Council no later than 2 days after the occupation certificate is issued.

*Reason: Ensure that the building complies with relevant standards.*

#### **10. 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.*

#### **11. Construction within Boundaries**

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

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

#### **12. 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.*

#### **13. 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.*

#### **14. 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.*

#### **15. Imported Fill**

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

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

#### **16. Inspection of Hollow Bearing Trees**

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

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



#### **17. 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.*

#### **18. 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.*

### **CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS**

#### **19. 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.*

#### **20. 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.*

#### **21. 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.*

#### **22. 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.*

### **23. 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.*

## **CONDITIONS TO BE SATISFIED DURING DEMOLITION AND/OR BUILDING WORKS**

### **24. 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.*

### **25. 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.*

### **26. 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.*

#### **27. 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.*

#### **28. All Works to Be Confined to the Site**

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

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

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

#### **29. Construction Waste Management**

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

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

#### **30. Protection of Adjoining Structures**

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

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

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

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

#### **31. Excavation and Backfilling**



All excavations and backfilling associated with the erection or demolition of a building must be executed in accordance with the requirements of SafeWork.

*Reason: To ensure excavation does not impact on adjoining property and compliance with SafeWork requirements.*

### **32. Maintenance of Erosion Control Measures**

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

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

### **33. Works Sites to Be Fenced**

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

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

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

### **34. Occupation Certificate**

The occupation certificate must not be issued until all conditions of consent have been satisfactorily complied with and all mandatory stage/required plumbing inspections undertaken. Plumbing and drainage must be inspected by Queanbeyan-Palerang Regional Council at the relevant stages of construction in accordance with the attached inspection schedule and a final plumbing certificate obtained prior to issue of any occupation certificate.

*Reason: Development is safe & appropriate for occupation and is completed in accordance with the consent.*

### **35. BASIX Commitments**

Comply with all commitments listed on the BASIX Certificate or any subsequent revisions before occupying the premises.

*Reason: To ensure compliance with the requirements of the NSW BASIX certification process.*

### **36. Colours and Material Finishes**

All structures are 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.*

### **37. 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.*



### **38. 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.*

### **39. Power Supply**

The building shall be connected to a suitable power supply.

*Reason: To allow for a power supply to be available.*

### **40. Erosion and Sediment Control**

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

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

### **41. Disturbed areas to be stabilised**

All disturbed areas must be stabilised by the application of grass seeding, turf or hydro-grass mulching or other surface treatment approved by Council prior to the issue of the final occupation/completion certificate. Do not use species that are listed under the *Noxious Weeds Act 1993*.

*Reason: Prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land and to ensure that disturbed areas are rehabilitated.*

### **42. 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.*

### **43. Bushfire Protection - Asset Protection Zones**

From the commencement of building works and in perpetuity, the property around the building must be maintained as an asset protection zone in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

- north for a distance of 54 metres as an inner protection area and a further 25 metres as an outer protection area;
- east for a distance of 47 metres as an inner protection area and a further 20 metres as an outer protection area;
- south for a distance of 47 metres as an inner protection area and a further 20 metres as an outer protection area; and,
- west for a distance of 54 metres as an inner protection area and a further 25 metres as an outer protection area.

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.

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

- tree canopy cover should be less than 30%;
- tree canopies should be separated by 2 to 5 m;
- shrubs should not form a continuous canopy towards buildings;
- shrubs should not form more than 20% of ground cover;
- grass should be kept mown to a height of less than 100 mm; and
- leaves and vegetation debris should be removed regularly.

*Reason: 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.*

#### **44. Landscaping**

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.

#### **45. Construction Standards**

New construction must comply with section 3 and section 7 (BAL 29) of the 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*.

*Reason: 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.*

#### **46. Access – Property Access**

Property access roads from Lot 22//DP815838 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;
- a minimum 4m carriageway width;
- in a forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area near the proposed dwelling in accordance with Appendix 3 of *Planning for Bush Fire Protection 2019*;
- 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.

*Reason: 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.*

#### **47. Water and Utility Services**

The provision of water must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:

- a 60,000 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,



- 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.

*Reason: 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.*

#### **48. Water and Utility Services**

A pump and hose combination must be provided to the static water supply to enable property defence. The pump and hose should comply with the following requirements:

- the pump shall be a minimum 5hp or 3kW petrol or diesel-powered pump, and is to be shielded against bush fire attack mechanisms,
- any hose and reel for firefighting connected to the pump must be a minimum 19mm internal diameter and capable of reaching all parts of the proposed dwelling.

#### **49. Rural Addressing**

Prior to occupation certificate obtain a rural address from Queanbeyan-Palerang Regional Council and display the number in accordance with Queanbeyan-Palerang Regional Council's requirements.

*Reason: To enable identification of Rural Address for lots not already numbered.*

#### **50. Tree Removal**

The felling and removal of trees shall be carried out by a person who is appropriately qualified and who holds appropriate and current insurance.

*Reason: To ensure a professional result and to provide protection to residents against liability for damage or harm to person(s) or property.*

#### **51. Internal Road Access**

Construct the internal access road and drainage structures between the Urila Road 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. Minimum trafficable width of 4m is to be maintained, extending to 6m at passing bays. Drainage pipe culverts, minimum 375mm diameter Class 4 reinforced concrete, are to be provided as required along the access road.

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.*

## **52. Legal Access**

Align proposed road boundaries so that legal and physical access to the lot will coincide. The internal access road and drainage structures between the entrance and the boundary of Lot 99 are to be located wholly within the Crown Road Reserve.

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

## **53. Work In Accordance with Engineering Specifications**

All construction and restoration work must be carried out strictly in accordance with the approved drawings and Queanbeyan-Palerang Regional Council's current Design and Construction Specifications.

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

# **CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES**

## **54. Use of Building/Structure**

Do not use the Garage (or Workshop) for commercial or industrial activities, or as a dwelling or habitable rooms.

*Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only, and to comply with the Building Code of Australia.*

## **55. 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.*

## **56. 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.*

#### **ACTIVITY APPROVAL - SECTION 68 OF LOCAL GOVERNMENT ACT 1993** **ACTIVITY APPROVAL - SECTION 68 OF LOCAL GOVERNMENT ACT 1993**

##### **57. 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 ACT Geotechnical Engineers (dated 22 October 2021) 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.*

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 20m and a distribution box installed to allow equal distribution between the trenches.

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

##### **58. Septic tank**

The septic tank is to be located at least 3 m from any building and have adequate access for desludging.

Liquid trade wastes, generated on the premises, must not be discharged into the septic tank or collection well.



The disposal area is to be constructed parallel with the contour of the land in the approximate position indicated on the plan.

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.*

#### **59. Local Approval - Solid Fuel Heater**

1. Location of the solid fuel heater must comply with the provisions of AS2918 - *Domestic Solid Fuel Burning Appliances - Installation* and the manufacturer's specifications.

*Reason: To ensure the safety of the occupants of the building.*

2. Notification of completion of installation from the installer must be given to Council at least 48 hours before firing appliance and arrangements made for access and inspection by Council.

*Reason: To ensure the appliance has been correctly installed for the safety of the occupants and for compliance with the legislation.*

3. The Solid Fuel Heater must be installed by an appropriately licenced installer and a compliance certificate provided to Council prior to the issuing of the completion certificate for the heater.

*Reason: To ensure the safety of the occupants of the building.*

#### **60. Provide Rain Excluder to Flue**

The heating appliance flue must terminate with a concentric shroud rain excluder or other approved vertical discharge cowl.

*Reason: To ensure the vertical discharge of flue gases so as to minimise smoke nuisance to neighbours, to maintain efficient operation of the appliance and to avoid the build-up of dangerous and flammable materials in the flue.*



# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**14 JUNE 2023**

ITEM 9.3                      DA.2022.1104 - CONSTRUCTION OF DWELLING HOUSE AND  
DETACHED GARAGE - 720 URILA ROAD, TINDERRY

ATTACHMENT 2    S4.15 ASSESSMENT REPORT



## **EXECUTIVE SUMMARY**

The proposal seeks approval for a three bedroom dwelling house with an attached deck and detached garage.

Access to the subject site is proposed to be taken from a Crown Road reserve from Urila Road through Lots 22 and 23 DP 815838.

The application was notified to adjoining owners from the 28 March 2022 to 13 April 2022 with 2 submissions received during the notification period.

Principal Issues relating to Planning and Engineering requirements, access and biodiversity.

The application is recommended for approval subject to the imposition of the recommended conditions of consent.

## **BACKGROUND**

The subject site is an original portion which has not been subject to a subdivision or consolidation of lots.

Approval was granted on 20 October 1997 for a dwelling, glasshouse and screenhouses (BA 232/97); there is however no information from Council records that this development substantially commenced.

## **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot 99 DP 754913 and is commonly known as 720 Urila Road, Tinderry. The site is located to the south of Urila Road with an area of 16.1874ha. The site is currently vacant and the location for the dwelling and garage has no significant slope and scattered vegetation.

Access to the site has previously been through Lots 22 and 23 DP 815838 (716 and 718 Tinderry Road) under a "gentlemen's agreement" which was used by previous owners of the site. No legal access through Lots 22 and 23 DP 815838 exists for the subject lot and the development proposes to use the unformed Crown Road.

Existing development within the locality consists of a similar nature comprising rural and rural residential development.





Figures 1 and 2: Locality plans (IntraMaps)





**Figures 3-10: Site inspection photographs**





*Figures 11-18: Crown Road site inspection photographs*

#### **PROPERTY BURDENS AND CONSTRAINTS**

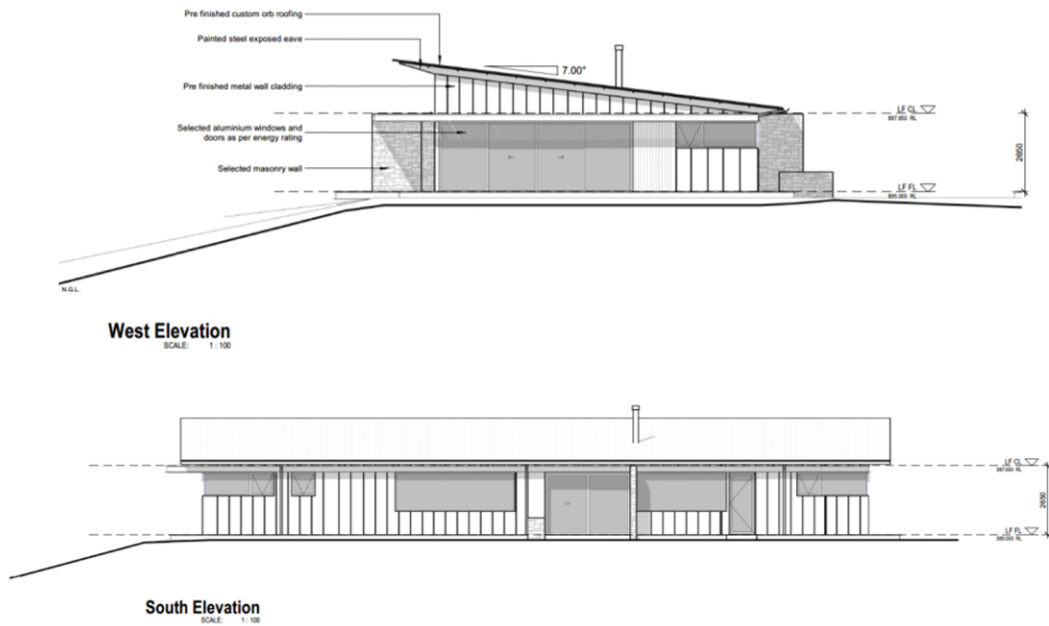
The site has no easements which could affect, or be affected by, the proposed development.



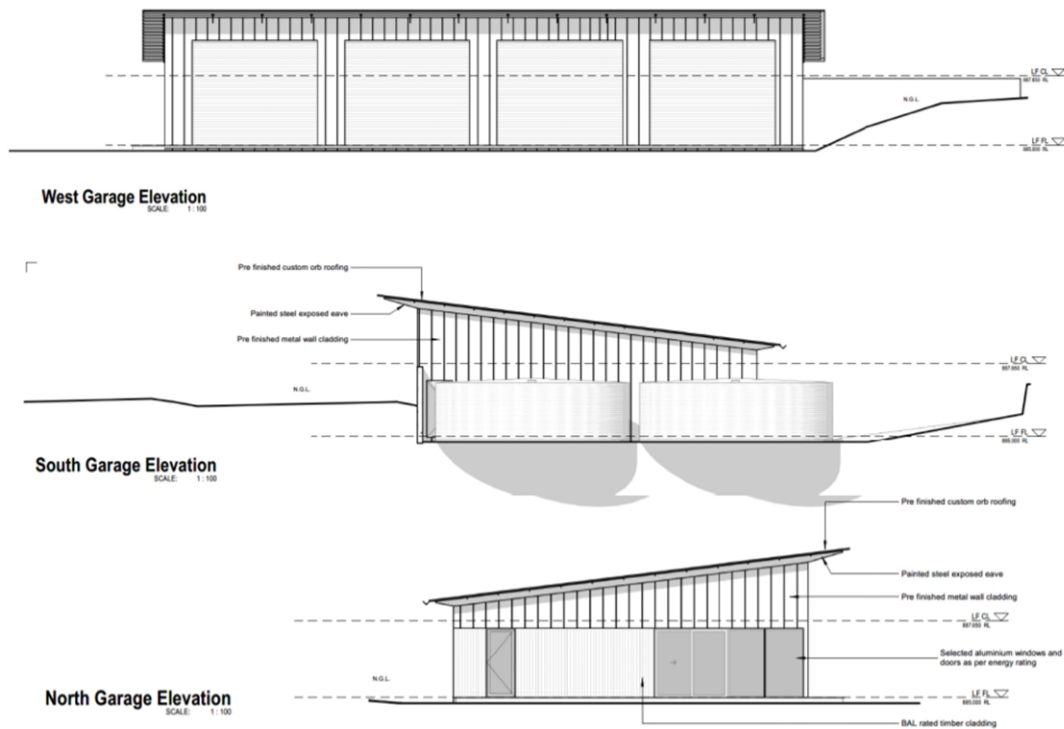




**Figures 21 and 22: East and North elevations (prepared by Design by Rabbit)**



**Figures 23 and 24: West and South elevations (prepared by Design by Rabbit)**



**Figures 25-27: Garage elevations (prepared by Design by Rabbit)**

**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:

**Water:**

Rural property to rely on tank water.

**Sewer:**

Rural property to implement on-site septic sewer management.

**Storm Water:**

Stormwater to 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.

**Traffic and Parking:**

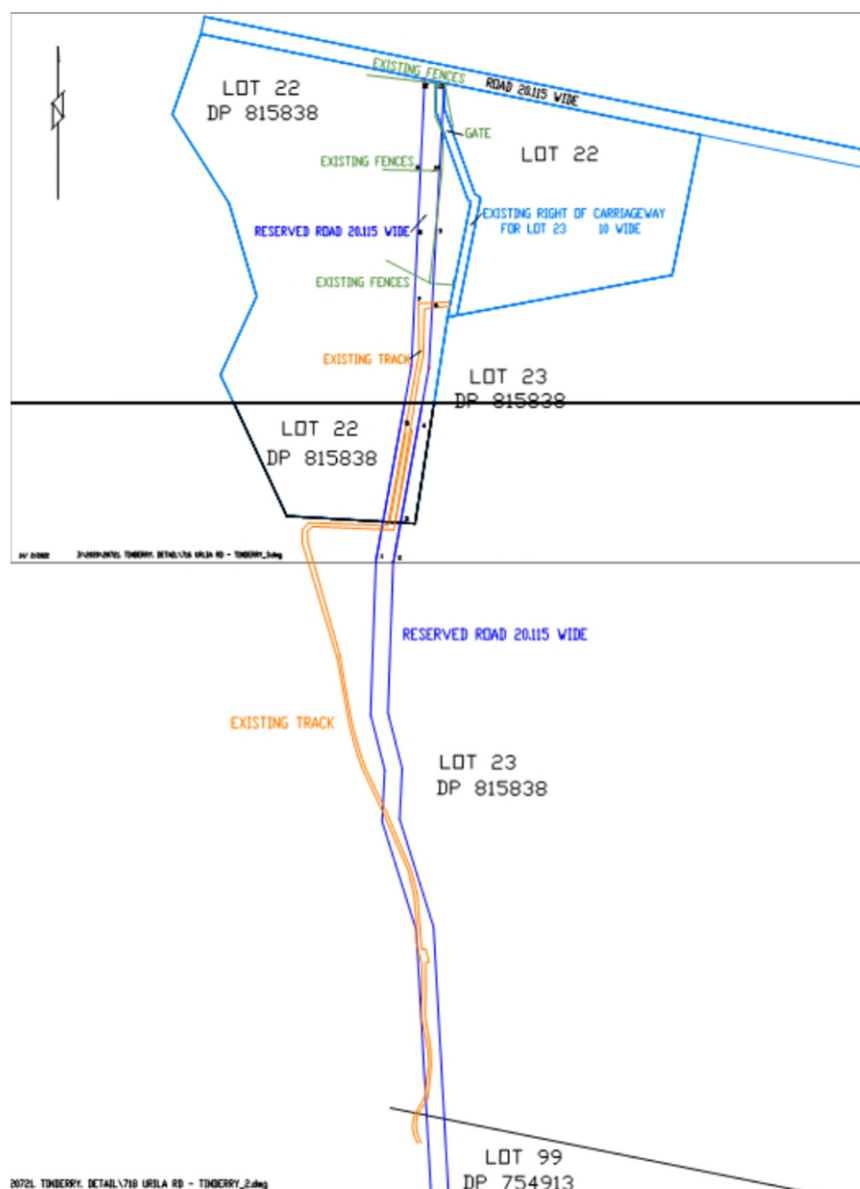
A quadruple garage is provided, with dimensions in excess of AS2890 requirements for standard vehicles.

**Access:**

The site (Lot 99) requires access through Lots 22 and 23 from Urila Road. A 20m wide crown road reserve exists from Urila Road to the southern boundary of Lot 99, providing legal (unformed) access to the Tinderry Nature Reserve. IntraMaps shows an unmaintained Council Road running parallel to the Crown reserve, to the northern portion of Lot 99, however, the applicant's surveyor has indicated that this Council Road is actually within the Crown Reserve.

There is an existing 10m wide right-of-carriageway with reasonable standard of road through Lot 22, granting access for Lot 23. At the northern boundary of Lot 23, a private road veers to the left for access to Lot 23, and an unmaintained track veers right for access to Lot 99. The submitted survey indicates that this track is within the Crown road reserve while within Lot 22. At the southern boundary of Lot 22, the track takes a sharp right towards the Creek, and then follows the creek line and loops back to the Crown reserve about mid-way through Lot 23 and into Lot 99.





**Figure 1: Initial Survey (29/1/22) of Crown Road Reserve and Existing Access. Note: access to Lot 23 dwelling not shown**

Ongoing attempts at negotiation between the applicant and the owners of Lots 22 and 23 for legal use of the existing road have failed and alternative arrangements are to be made for the owners to legally gain access to their site. Additionally, an access road located uphill from the creek-line would be preferential to mitigate potential flooding hazard.

A follow-up survey was undertaken to confirm the exact location of the Crown Corridor and the applicant has proposed to construct their access entirely within the Crown Road reserve. As mentioned, part of the existing road is within this corridor. The applicant has also provided 6Maps imagery from 2008 indicating that a road had been previously established along the Crown Corridor. The entire access will need to be upgraded/constructed to the dwelling in accordance with QPRC D1 Specification and RFS requirements. Crown Lands have offered no objection to the proposal, however require that Council accepts the transfer of the Crown Road prior to any works commencing. Under Council's Crown Road Management Policy (September 2021) Council will only accept a transfer if the road will provide access to more than two dwellings. The planning team have advised that this is the only way to move



forward with the DA and leniency on this Policy will likely be required, with Council taking on the Crown Road as an unmaintained road.

The proposed plan follows, where possible, the currently used track on the Crown Reserve corridor. The access is approx. 1239m from the road to the boundary of Lot 99 and approx. 350m within Lot 99. Civil Plans, Set 2022-59 prepared by Bromley Civil Engineering 6-2-23, have been provided for the road design. The proposed access is 4m wide, crowned in the centre with 4% crossfall and a maximum grade of 13% (7 degrees). The trafficable width extends to 6m at passing bays which have been provided roughly every 200m. Five Class 4 concrete culverts have been proposed along the access, directing surface water west toward the creek. While minimal tree removal is proposed, some clearing will likely be required to provide suitable headroom for emergency vehicles. The design is generally in accordance with Council's D1 Specification and RFS requirement.

#### **Flooding: NA**

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

For further discussion on access and the Crown Road please see Clause 6.11 of this report.

#### **Health Comments**

Council's Health Officer has commented on the proposal as follows:

*Application is for construction of a new three-bedroom dwelling and shed on a vacant rural lot. Application also includes proposal for onsite sewage management system.*

*The application was accompanied by a site and soil assessment (ACT Geotechnical Engineers, dated 22 October 2021). The report recommends that effluent treatment be by NSW Health Accredited Primary Treatment System (Septic Tank) with final disposal to absorption trenches. Site and soil conditions support this recommendation.*

*It is considered that installation of the proposed system in accordance with the requirements of the report and recommended conditions of consent will result in a sustainable wastewater treatment option. The system is likely to have a neutral or beneficial effect on water quality with no anticipated negative impacts to surrounding properties or the natural environment.*

*Recommendation is for approval subject to proposed conditions of consent*

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

#### **EXTERNAL REFERRALS**

##### **NSW Rural Fire Service**

The lot is identified as being bushfire prone land, the application was referred to the NSW Rural Fire Service. Comments have been received in a letter dated 24 April 2022 and conditions provided are to be included within the consent.

General advice was also provided to Council advising:

Consent Authority to Note The provided recommendations are on the basis of the performance solution detailed in the report prepared by Ember Bushfire Consulting (dated 7 February 2022, Ref: JD2.65.21), which was deemed suitable in addressing the proposed dwellings isolation risk.

##### **Crown Lands**

Referral was made to the Department of Planning & Environment - Crown Lands as access to the site is proposed to be taken via the Crown Road.



The department reviewed the development application in accordance with the principles of Crown land management (s.1.4 *Crown Lands Management Act 2016*) and offered no objection to the use of the Crown Road and its transfer to Council.

The department advised Council that:

- The works proposed on the Crown road exceed minor works as allowed under the Crown Lands Administration of Crown Roads Policy (IND-O-250) as such, a transfer of the road to Council will be required.
- No works are to commence on the Crown road until the road has been transferred to Council.
- Council is advised that obstructions (fences) have been identified on the road (as shown on Diagrams 2 & 3) and Crown Lands requests advice from Council on how the obstructions will be addressed in the DA.

(Diagrams 2 and 3 referenced by the department are shown below)

To ensure the Crown Road is to the appropriate Council standards conditions will be contained in the consent that the Crown Road is to be designed to the standards as set out in QPRC D1 Geometric Road Design and D2 QPRC Pavement Design Specifications and that the Crown Road be constructed to QPRC Construction Specification series and relevant Australian Standards.

The existing fences over the Crown Road will be required to be removed as obstructions cannot be located over Council Roads.

From inspection of the site and the Crown Road the existing fences appear to be in an area where adjoining landowners are keeping horses. To minimise the impact on the adjoining landowners and to enable alternate fencing arrangements to be made (i.e.: relocate fences off the Crown Road), the consent will contain a condition that the applicant is to provide a minimum of two weeks' notice prior to work commencing on the road and arrangements are to be made at a cost to the developer to relocate the fences off the Crown Road.

For further discussion on access and the Crown Road please see Clause 6.11 of this report.

Diagram 2 – Site Plan Showing Obstructions – shown by Pink Oval

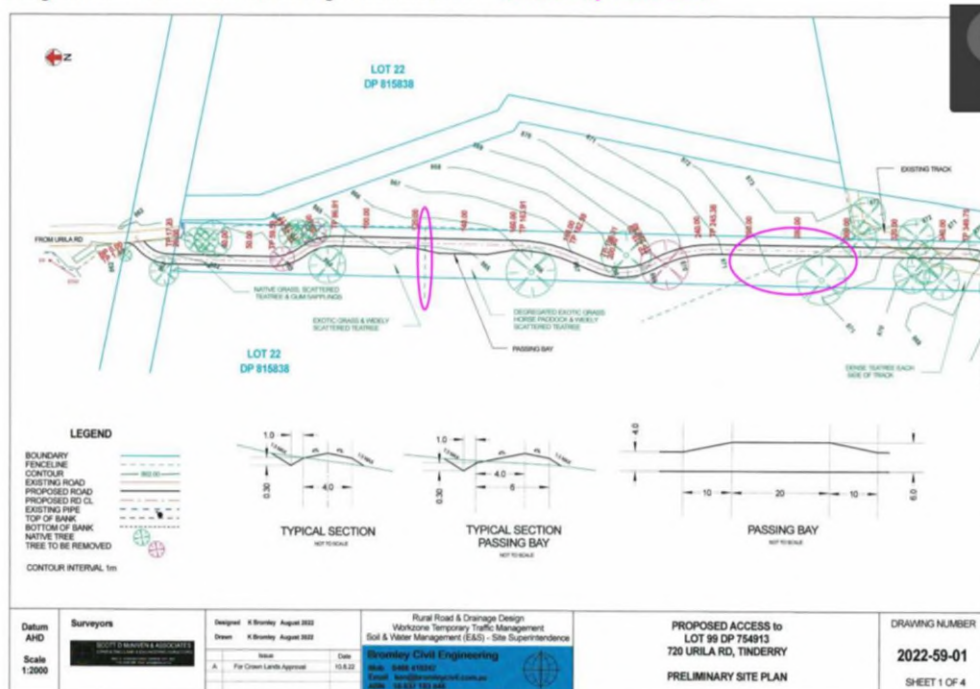
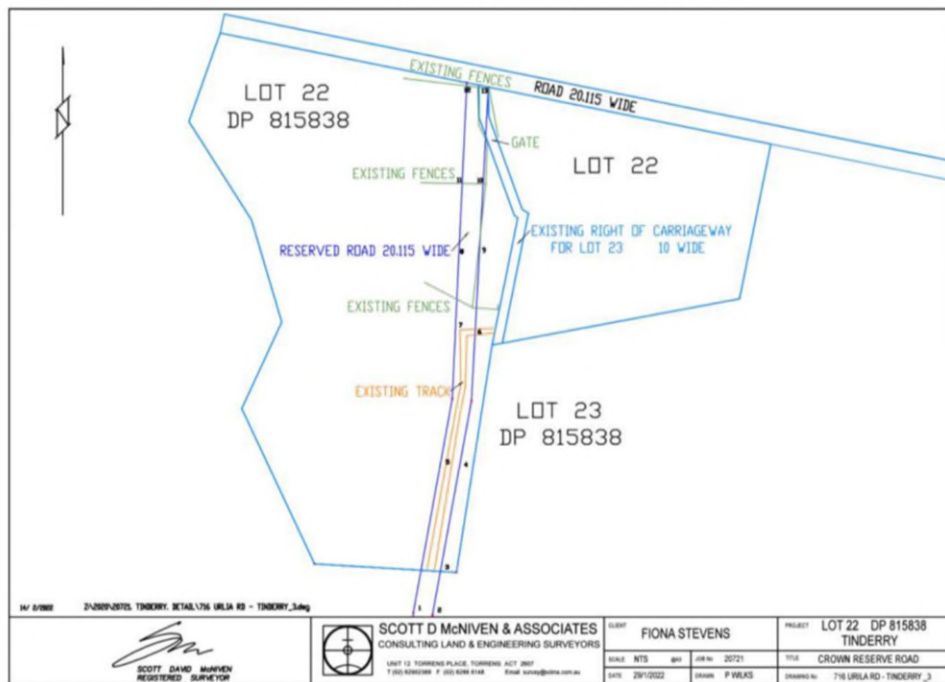




Diagram 2 – Survey Diagram Showing Numbered Pegs & Obstructions



#### CONSIDERATION OF THREATENED SPECIES

Council is required under Section 4.15 of the Environmental Planning and Assessment Act 1979 to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW Biodiversity Conservation Act 2016 or under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section. Section 7.3 of the Biodiversity Conservation Act 2016 sets out what must be considered in determining whether a proposed development will have a significant impact.

Section 7.3 requires the consideration of the following:

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

An assessment was undertaken as to determine whether the proposed development would significantly affect any threatened species, population, or ecological community, or its habitat.

The proposed development site for the dwelling and garage is to be located in an area with scattered vegetation which will require less vegetation removal and earthworks. The area is predominantly outside of the mapped terrestrial biodiversity of the site and is not located within the section of the site on the biodiversity values map (see figure 29).

The Biodiversity Values Map indicates that a portion of the Crown Road Reserve (see figure 28) is located within it. A survey of this portion of the Crown Road Reserve (located through Lot 22 DP 815838) has been conducted and found that the old growth forest is located outside of the Crown Road Reserve corridor (see figure 31).



The survey states that "When we undertook our survey work, we found that the spatial layers, showing the position of the Crown Reserved Road corridor on the Biodiversity Values Map along with Six Maps & Google maps, to be inaccurate. The actual position of Crown Reserved Road corridor on the ground sits around 30 metres further to the east."

Both the development site and Crown Road access will require native vegetation to be removed; the vegetation to be removed does not exceed the area clearing threshold for either the development site or the Crown Road access.

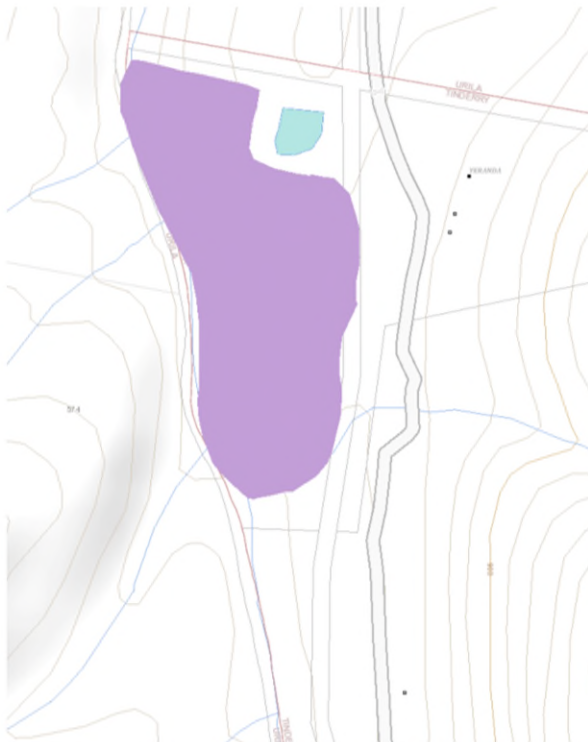
The subject site is 16.19ha in size and with the development site to be located in an area that will have the least impact on vegetation it will not exceed the clearing threshold of 1ha. The Crown Road access is proposed to be approximately 1239m from the road to the boundary and 4m wide with 6m passing bays roughly every 200m and will also not exceed the clearing threshold of 0.5ha (estimated to be 0.272ha).

The road has been designed to minimise as much vegetation removal as possible and while the initial design would have seen the removal of 4 trees the road (identified as *Australian eucalyptus rubida*, or *candle bark tree*, *shedding bark*, *Eucalyptus bridgesiana* native *Apple box*) the access road was redesigned to require the removal of only one tree (see figures 32-35).

Sections of the Crown Road have been previously used for access and as such won't require significant amounts of vegetation removal and one portion on Lot 22 DP 815838 is being used as a horse paddock.

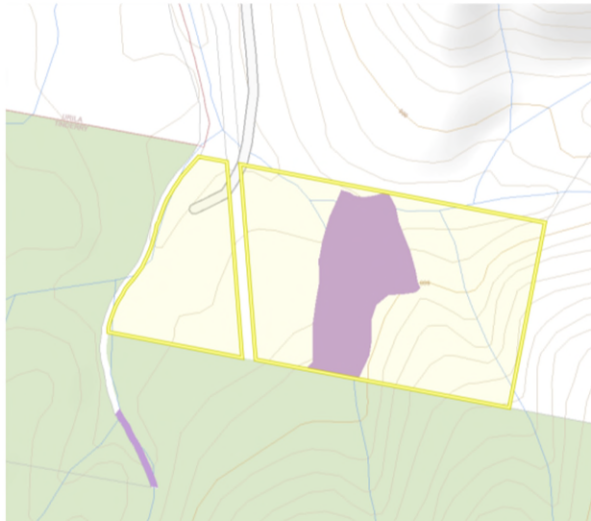
The proposed development is to be located on rural land and has been designed to minimise the impact on the environment. The development areas are not identified on the Biodiversity Values Map and will not exceed the native vegetation clearance threshold.

It is therefore considered that the given the vegetation type, scale of removal and existing vegetation that will remain it is considered that there will be a minimal impact, not significant, on the threatened species, population, ecological community and/or its habitat.

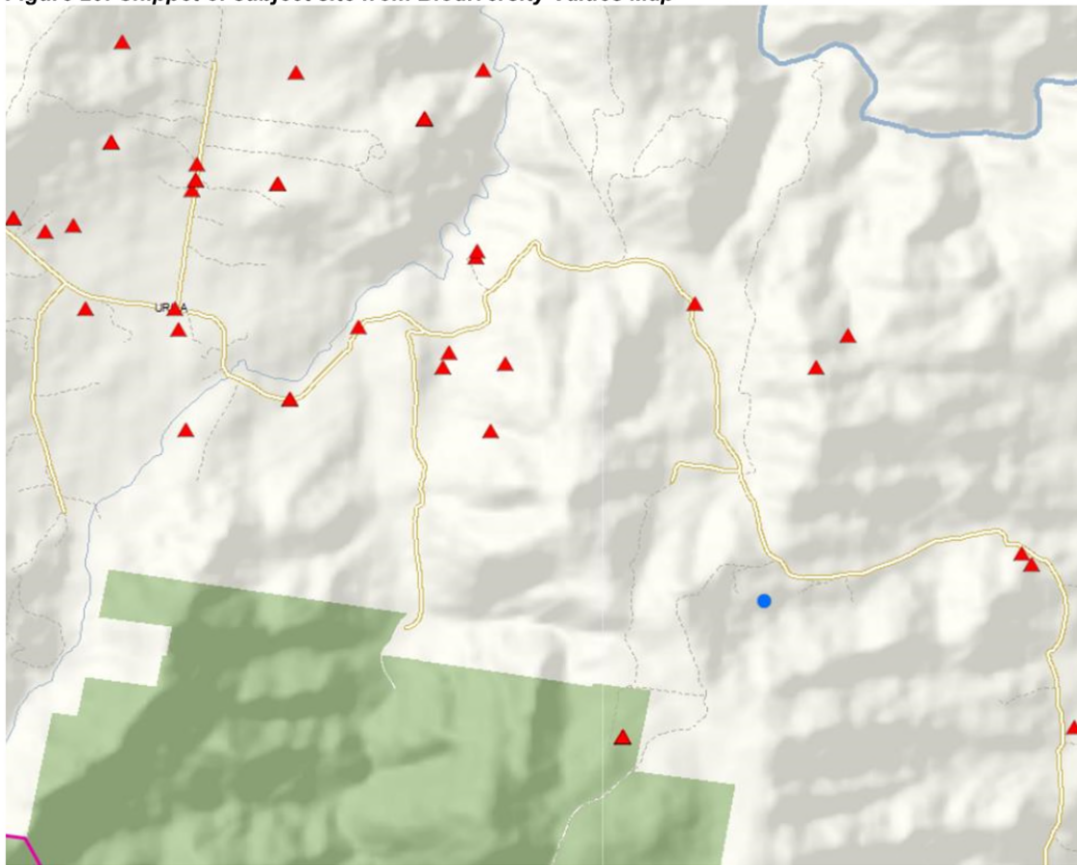


**Figure 28: Snippet of crown road section from Biodiversity Values Map**



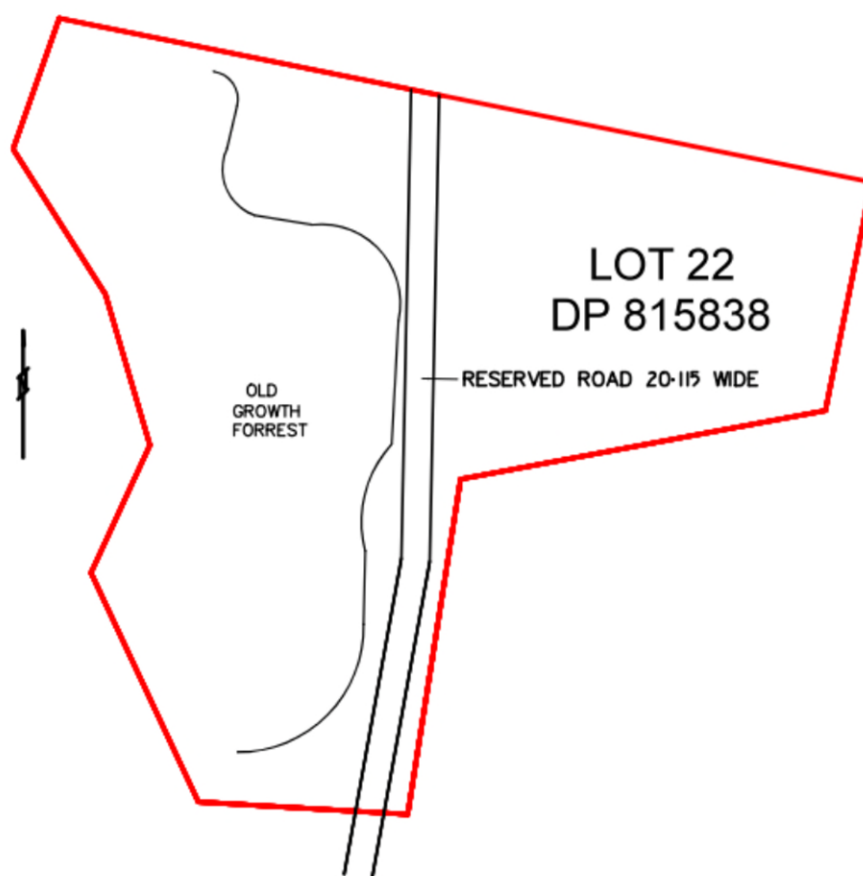


**Figure 29: Snippet of subject site from Biodiversity Values Map**



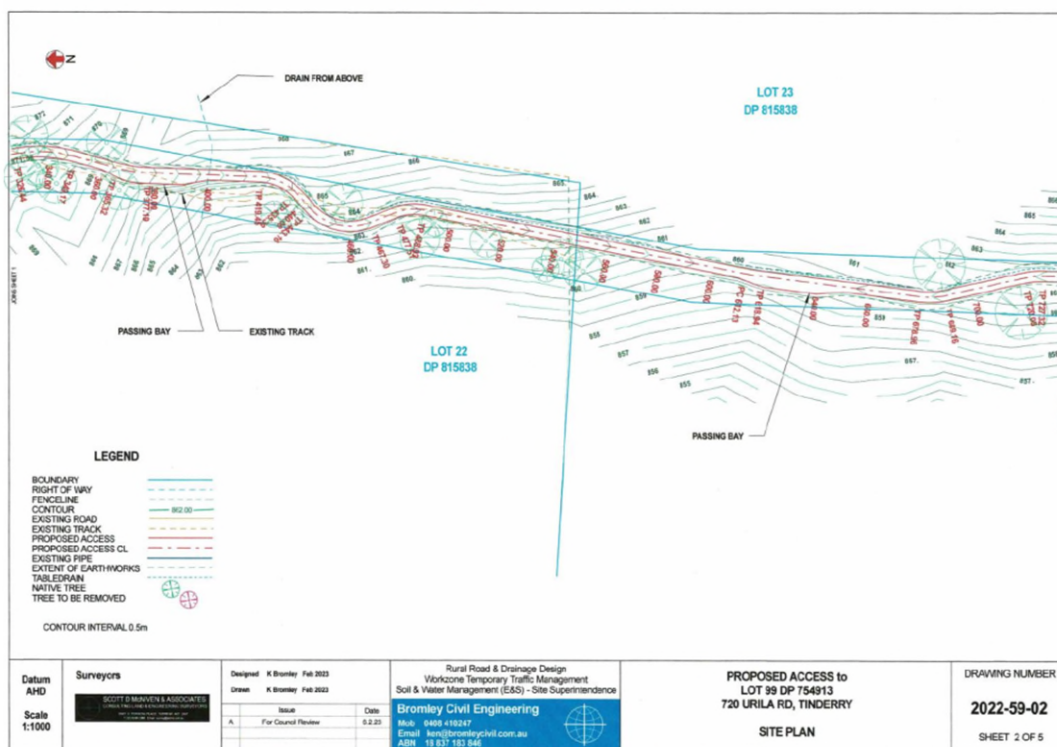
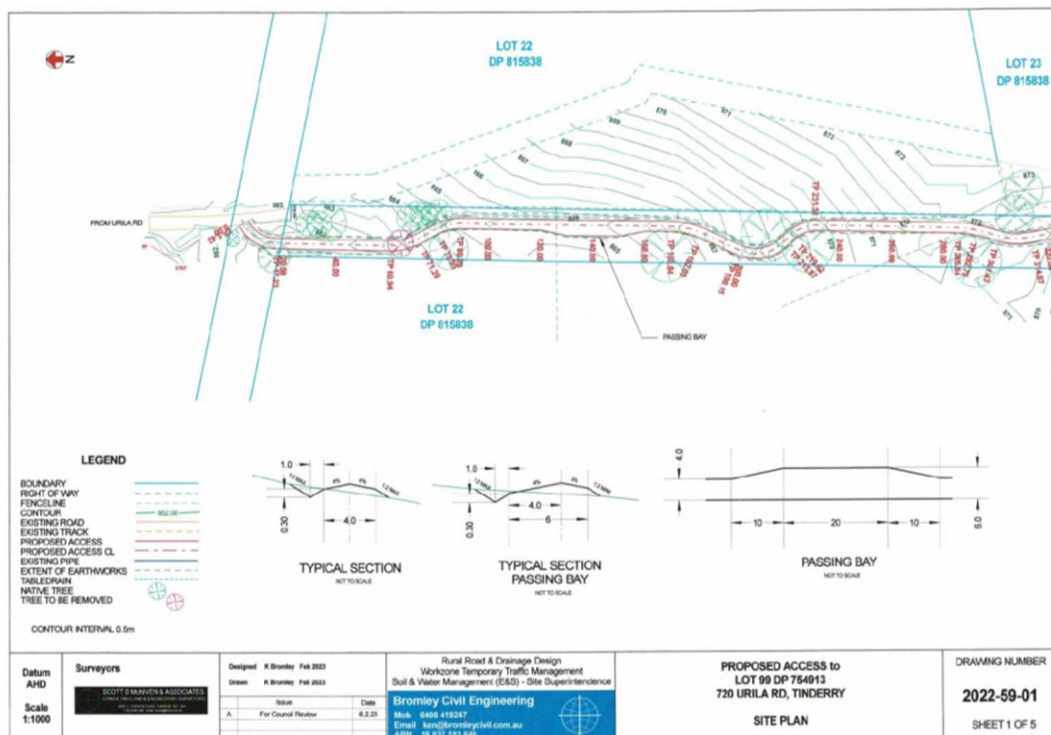
**Figure 30: Snippet from BioNet mapping of the subject site, crown road and surrounding areas showing species recorded.**



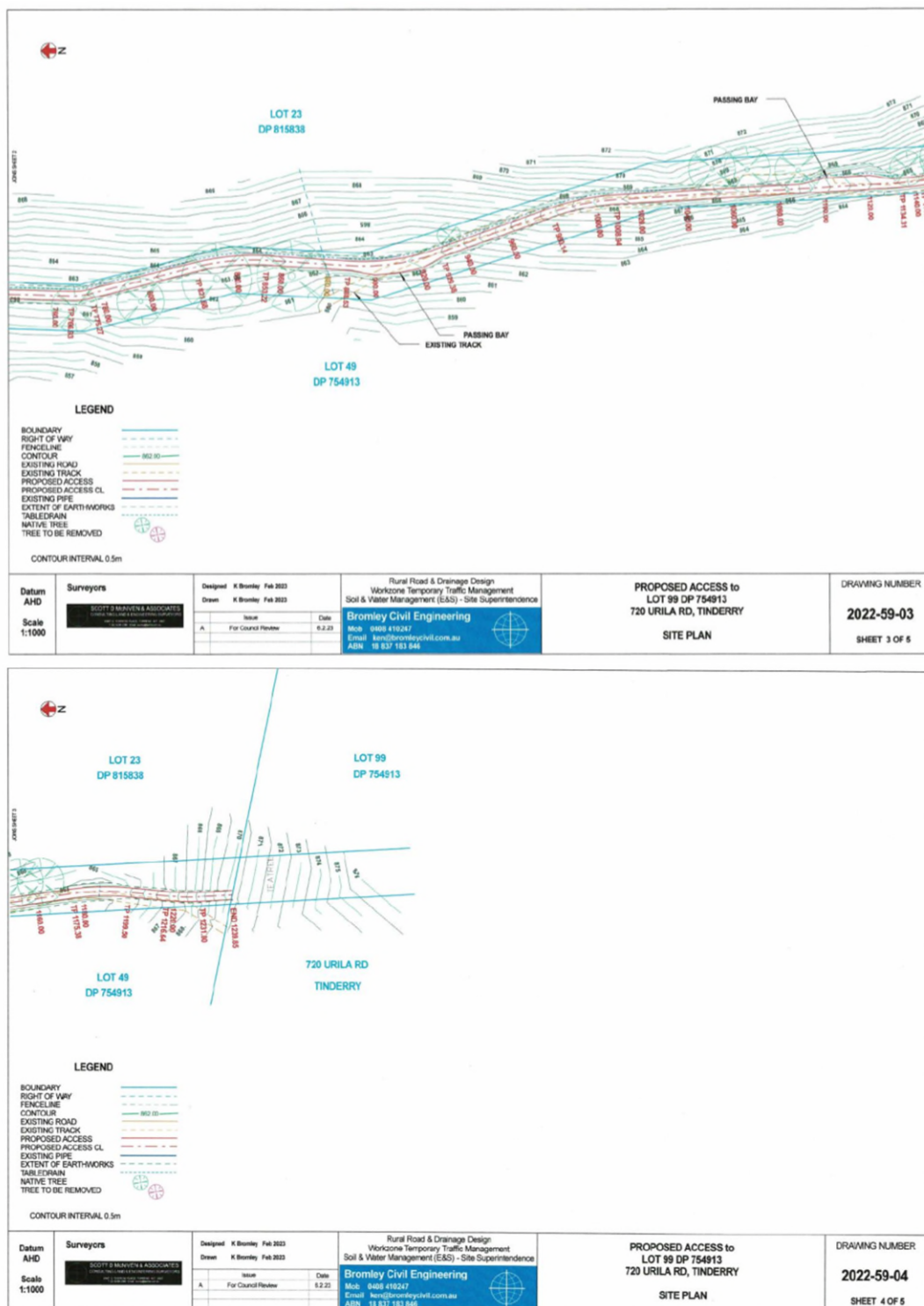


*Figure 31: Snippet from survey prepared by Scott D McNiven and Associates Pty Ltd.*











against the PBP 2006 need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

The lot is identified as being bushfire prone land, the application was referred to the NSW Rural Fire Service for comment and a response was received in a letter dated 24/04/2022. Conditions provided are to be included within the consent.

General Advice was also provided for Council to note that:

*The provided recommendations are on the basis of the performance solution detailed in the report prepared by Ember Bushfire Consulting (dated 7 February 2022, Ref: JD2.65.21), which was deemed suitable in addressing the proposed dwellings isolation risk.*

## 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 (Biodiversity and Conservation) 2021

A search of the Department of Planning and Environments BioNet mapping indicates that there have been no Koala species sightings within the within the area of the subject site or Crown Road.

##### State Environmental Planning Policy (Building Sustainability Index: Basix) 2004

A valid BASIX certificate, No 1255369S, issued on 21 February 2022, was lodged with this application. A condition requiring the development to meet the commitments of this BASIX certificate is included in the conditions of consent.

##### State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. There are no records of the site being previously used for any potentially contaminating purposes.

## PALERANG LOCAL ENVIRONMENTAL PLAN (PLEP) 2014

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

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



(g)	to ensure that innovative environmental design is encouraged in residential development.	Yes
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**Comments:** The proposal is considered to be generally consistent with the aims of the PLEP 2014.

### Permissibility

The subject site is Zoned RU1 Primary Production zone under Palerang Local Environmental Plan 2014.

Development for the purposes of a dwelling such as is proposed is permissible within the zone with consent and is defined under PLEP 2014 as follows:

“**dwelling house** means a building containing only one dwelling.”

It is also noted that a small portion of the subject lot is zoned as C1 National Parks and Nature Reserve; this area is located along the southern boundary and no development is proposed to this section of the lot.

### 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 proposal is considered to be consistent with the objectives of the Primary Production Zone as the development will not discourage sustainable primary industry production on the land and will not conflict between the land uses of the zone or land uses within adjoining zones. The development will not have a detrimental effect on the resources of the land and it is considered that it will have a significant impact on the natural environment. The development is a single dwelling and as such will not create an unreasonable increase for public services or facilities, Section 7.11 contributions have been levied to offset any increase. The development is considered compatible with the surrounding environment.

### 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.



***Erection of dwelling houses on land in certain rural, residential and environmental protection zones***

Clause 4.2A of the PLEP 2014 provides requirements for the erection of dwellings on rural land.

**Comments:** Council records indicate that the lot is an original portion that was held in separate ownership to adjoining lots in 1995. The proposed dwelling is therefore consistent with Clause 4.2A (3) as the lot is an existing holding at the relevant holding date of 13 October 1995.

Approval was also granted on 20 October 1997 for a dwelling, glasshouse and screenhouses (BA 232/97). Correspondence on file from the previous owner dated 7 April 2009 indicated that the development had substantially commenced (footings), however no response from Council could be found to determine if this was satisfactory.

To ensure the site has a single dwelling only the consent will contain a condition that the previous approval is to be surrendered.

***Height of building***

<b><i>Cl.</i></b>	<b><i>Standard</i></b>	<b><i>Controls</i></b>	<b><i>Proposed</i></b>	<b><i>Complies</i></b>
<b><i>4.3</i></b>	<b><i>Height of building</i></b>	10m	4.9m (highest point)	<b>Yes</b>

**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***

The site does not contain any heritage listed items and is not located within a Heritage Conservation Area.

The Aboriginal Cultural Heritage Due Diligence process was followed as part of the assessment. A basic AHIMS search was carried out and did not indicate any heritage sites within the vicinity of the proposed development, as such it is considered that the proposed development is unlikely to result in the disturbance of any items of aboriginal indigenous cultural heritage.

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

**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 provides requirements for earthworks. The proposal is consistent with Clause 6.1 as excavation works that are required will be associated with the development and will not require any significant cut or fill. To mitigate any detrimental impact that the development may have on the site the consent will contain conditions that sediment and erosion controls are to be put in place and that disturbed surfaces are to be rehabilitated.



### 6.3 Terrestrial biodiversity

Clause 6.3 of the PLEP 2014 makes for provision for developments that impact on terrestrial biodiversity. The development site will be located in an area with the least mapped sections of terrestrial biodiversity and is not located within the sections of the sites on the biodiversity values map (see figures 29 and 31).

Both the development site and Crown Road access will require native vegetation to be removed; the vegetation to be removed does not exceed the area clearing threshold for either the development site or the Crown Road access.

It is not anticipated that the development will have an adverse impact on the terrestrial biodiversity of the sites.

### 6.4 Drinking Water Catchments

Clause 6.4 of the PLEP 2014 makes provision for developments within a drinking water catchment. The proposal is located within the Googong Dam Catchment; a condition will be placed on the consent to ensure that effluent is disposed of in accordance with the geotechnical report submitted with the application.

### 6.5 Riparian land and watercourses

Clause 6.5 of the PLEP 2014 makes provisions for developments impacting on riparian land and watercourses. The subject site and Crown Road Reserve both have mapped riparian lands and watercourses (see figure 36); there are however no named creeks mapped directly within the subject site or Crown Road Reserve (see figure 37).

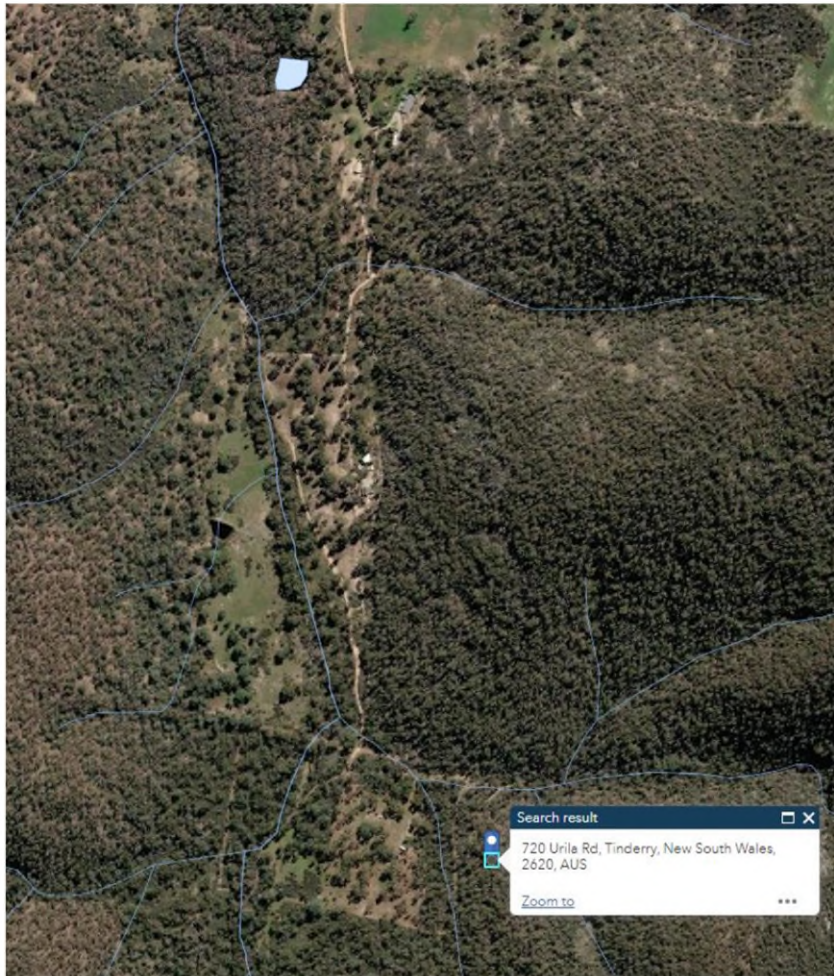
Access over streams has been addressed by Councils Development Engineer with conditions relating to this will be contained within the consent.

Furthermore, the consent will contain a condition that if any works are required to be carried out to a on waterfront land or to a bed or bank then a Controlled Activity Approval is required to be obtained from NRAR is prior to construction.



**Figure 36: Snippet of Riparian land and watercourse's location (IntraMaps)**





**Figure 37: Snippet of Water Management (General) Regulation 2018 hydroline spatial data**

## **6.6 Salinity**

Clause 6.6 of the PLEP 2014 makes provisions for developments located in areas of salinity, as shown on the Landscape Map. The subject site and Crown Road Reserve are not mapped as having elevated levels of salinity.

## **6.7 Highly erodible soils**

Clause 6.7 of the PLEP 2014 makes provisions for developments located in areas of highly erodible soils, as shown on the Landscape Map. The proposal is acceptable having regard to the matters outlined in Clause 6.7 as the dwelling and garage will not be located within the areas mapped as highly erodible soils.

## **6.7A Slopes over 18 degrees**

Clause 6.7A of the PLEP 2014 makes provisions for developments located in areas that have slope over 18 degree, as shown on the Landscape Map. The proposal is acceptable having regard to the matters outlined in Clause 6.7A as the dwelling and garage will not be located within the areas mapped as slope over 18 degree.

## **6.8 Airspace operations & 6.9 Development in areas subject to aircraft noise**

Clause 6.8 & 6.9 of the PLEP 2014 makes provisions for developments located in areas that are affected by airspace operations and aircraft noise. The subject site is not within an ANEF Contour or identified on the Canberra Airport OLS Map.



### 6.10 Development in areas near national parks and nature reserves

Clause 6.10 of the PLEP 2014 makes provisions for development in areas near national parks and nature reserves. The Tinderry Nature Reserve is located to the western side of the subject site and to the south. The proposal is acceptable having regard to the matters outlined in Clause 6.10 as the development will be setback a suitable distance to the Nature Reserve with the closest setback to the Nature Reserve a minimum of 60m from the dwelling on the western side and 35.55m from the garage to the southern side.

The proposal is for a single level storey dwelling (and garage) and all structures will be required to be finished in materials that have low reflectivity and colours are to incorporate the use of muted, natural colours that blend into the landscape to ensure that the development will not be visually intrusive or detract from views within the reserve.

### 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. Along with the supply of electricity and suitable vehicle access. The proposal is consistent with this clause as arrangements for waste disposal have been made in accordance with the geotechnical report submitted with the application and the development is to be conditioned to provide suitable vehicle access and power supply.

Previous landowners of the subject site had an agreement to use the existing access over Lot 22 DP 815838 and Lot 23 DP 815838 (716 and 718 Urila Road) there is however no Right of Carriageway that exists to benefit the subject lot.

Council has been advised that a satisfactory outcome to establish a Right of Carriageway was not able to be reached by all parties and Council is therefore required to assess the application with the proposal to use the Crown Road to access the site.

Referral was made to the Department of Planning & Environment - Crown Lands who have reviewed the development application in accordance with the principles of Crown land management (s.1.4 *Crown Lands Management Act 2016*) and offered no objection to the use of the Crown Road and its transfer to Council.

The owners of the subject site understand that the cost of works to upgrade the road will come at a high financial cost however, as no satisfactory Right of Carriageway arrangement could be met, they have taken on the understanding that they have the right to use the Crown Road as access to their site as this is the only form of legal access currently available. The owners will be required to bear all costs involved in bringing the road up to Councils standard and for any future maintenance to ensure they have suitable access to the dwelling.

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

The *Queanbeyan-Palerang Regional Local Environmental Plan 2022* formally commenced on 14 November 2022. The plan has been considered as part of this assessment and has no effect on the proposed development.

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

PALERANG DCP 2015 COMMENTS		
Section	Controls	Complies
PART B – GENERAL PROVISIONS		
<b>B4</b>	<b>B4 Bush fire Prone Land</b> The application was referred to the NSW Rural Fire Service for comment and a response was received in a letter dated 24/04/2022. Conditions provided are to be included within the consent.	Yes



<b>B7</b>	<b>Engineering Requirements</b> Councils Development Engineer has provided comment on services and access to the site; refer to Engineering referral for detail.	Yes
<b>B10.2</b>	<b>Aboriginal Heritage</b> An AHIMS search was carried out and did not indicate any heritage sites within the vicinity of the proposed development, as such it is considered that the proposed development is unlikely to result in the disturbance of any items of aboriginal indigenous cultural heritage. A condition will be contained within the consent that the development is to proceed with caution and if any Aboriginal objects are found works should stop and DECCW are to be notified.	Yes
<b>B13</b>	<b>B13 On-site System of Sewage Management (OSSM)</b> The proposal seeks approval to install a Septic System. The system will be required to be certified by NSW Health and is considered acceptable subject to conditions in consent.	Yes
<b>B14</b>	<b>Potentially contaminated land</b> The site inspection did not reveal evidence of potential contamination on the site is considered suitable for the proposed development. For further comments see the State Environmental Planning Policy (Resilience and Hazards) 2021 section of this report.	Yes
<b>B15</b>	<b>Waste management</b> The consent will contain a condition for waste management to ensure that adequate measures are in place during the construction phase.	Yes
<b>B17</b>	<b>Rainwater tanks</b> The consent will contain a condition that a minimum 90,000 water tank is to be installed to meet the minimum requirements of the DCP.	Yes
<b>B18</b>	<b>Solid fuel heaters</b> The proposal seeks approval for a Jindara Hamersley MK2 and a Sculpt Axis solid fuel heater. The consent has been conditioned that the system is to comply with the provisions of AS2918 and is considered acceptable subject to conditions in consent.	Yes
<b>B19</b>	<b>Sydney, Googong and Captains Flat drinking water catchments</b> The site is located within Googong Dam Catchment; a condition will be placed on the consent to ensure that effluent is disposed of in accordance with the geotechnical report submitted with the application.	Yes
<b>PALERANG DCP 2015 COMMENTS</b>		
<b>Section</b>	<b>Controls</b>	<b>Comment</b>
<b>PART C2 – RESIDENTIAL DEVELOPMENT</b>		
<b>C2.1</b>	<b>Objectives and controls applicable to all land use zones and dwelling types</b> 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 built and landscape environment or the existing amenity of the area.	
<b>C2.1.1</b>	<b>Acoustic privacy</b> It is considered that the development will not result in any adverse impacts on the acoustic privacy of the dwelling or adjoining owners.	
<b>C2.1.2</b>	<b>Visual privacy</b> It is considered that the development will not result in any adverse impacts on the visual privacy of the dwelling or adjoining owners.	
<b>C2.1.3</b>	<b>Dwelling Articulation</b> It is considered that the development does not detract from the existing character or streetscape.	
<b>C2.1.4</b>	<b>Dwelling Exteriors</b> It is considered that the proposed dwelling will not detract from the existing character of the locality. The consent will contain a condition that all structures are including water tank(s) are to be finished in materials that have low reflectivity and 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 and roof.	
<b>C2.1.6</b>	<b>Driveways, Entrances, Access, Parking and Utilities</b> Councils Development Engineer has provided comments and conditions for the access, traffic and car parking. For further comments see the internal referral section of this report.	
<b>C2.1.7</b>	<b>Energy and water efficiency</b> The dwelling is to comply with BASIX Certificate Number: 1255369S dated 21 February 2022.	
<b>C2.1.9</b>	<b>Height</b> The structure is single storey and complies with the height map requirements of 10m set out in the PLEP 2014.	
<b>C2.1.11</b>	<b>Overshadowing</b> It is considered that the development does not result in any adverse overshadowing impacts on adjoining properties; the structure is single storey and set back a suitable distance to all adjoining dwellings.	
<b>C2.1.12</b>	<b>Solar Access</b> It is considered that the development does not result in any adverse impact on the solar access of the site or existing dwellings.	
<b>C2.1.13</b>	<b>Siting and orientation</b> It is considered that the orientation and siting of the development will not detract from the existing characteristic pattern.	
<b>C2.1.14</b>	<b>Roof form (shape)</b>	



	It is considered that the proposed dwellings roof will not significantly add to the bulk and scale of the building. The roof pitch is proposed to be 7 degrees and will not exceed the DCP allowance of 32 degrees.																									
C2.1.15	<b>Street frontage</b> The development does not significantly detract from any existing characteristic of the street pattern.																									
C2.1.16	<b>Streetscape</b> It is considered that the development does not have any significant impacts on the prevailing streetscape.																									
C2.1.19	<b>Potable water and sewage disposal</b> The consent is also to contain a condition that a minimum 90,000 litre water tank is to be installed to meet the minimum requirements of the DCP.																									
C2.5	<b>Dwellings in RU1 Primary Production and E3 Environmental Management and E4 Environmental Living land use zones.</b> <b>Objectives</b> 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 residential character of the locality and it is considered that the proposal will not detract from the existing built and landscape environment or the existing amenity of the area.																									
C2.5.1	<b>Setbacks</b> <table><tr><th>Setbacks</th><th>Permitted</th><th>Proposed</th><th>Compliant</th></tr><tr><td>Front Boundary</td><td>50m</td><td>Exceeds 200m</td><td>Yes</td></tr><tr><td>Rear Boundary</td><td>25m</td><td>67m</td><td>Yes</td></tr><tr><td>East Side Setback to road reserve</td><td>25m</td><td>50.87m -Dwelling 50.87m – Garage</td><td>Yes</td></tr><tr><td>West Side Setback</td><td>25m</td><td>65m</td><td>Yes</td></tr><tr><td>National Park or Nature Reserve</td><td>100m</td><td>67m – Dwelling to rear boundary 60m – Dwelling to west side boundary 35.55m – Garage to rear boundary</td><td>No</td></tr></table> <p>The application seeks to vary the setbacks to the National Park/Nature Reserve as the Tinderry Nature Reserve is located to the south of the subject site (rear boundary).</p> <p>The proposed development will be set back a suitable distance from the Nature Reserve and in an area that will require less vegetation removal.</p> <p>All effluent areas and asset protection zones will be contained within the site to ensure that no vegetation within the Nature Reserve is impacted by the development.</p>	Setbacks	Permitted	Proposed	Compliant	Front Boundary	50m	Exceeds 200m	Yes	Rear Boundary	25m	67m	Yes	East Side Setback to road reserve	25m	50.87m -Dwelling 50.87m – Garage	Yes	West Side Setback	25m	65m	Yes	National Park or Nature Reserve	100m	67m – Dwelling to rear boundary 60m – Dwelling to west side boundary 35.55m – Garage to rear boundary	No	
Setbacks	Permitted	Proposed	Compliant																							
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West Side Setback	25m	65m	Yes																							
National Park or Nature Reserve	100m	67m – Dwelling to rear boundary 60m – Dwelling to west side boundary 35.55m – Garage to rear boundary	No																							



	The variation to the setback is considered acceptable and all remaining setbacks comply with the Development Control Plan.	
<b>C2.5.2</b>	<b>Potable water supply</b> The consent has been conditioned that a minimum 90,000 litre water tank is to be installed to meet the minimum requirements of the DCP.	

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

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

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

Clause 92 of the *Environmental Planning and Assessment (EP&A) Regulation 2000* requires Council to take into consideration Australian Standard AS2601–1991: *The Demolition of Structures*, in the determination of a development application.

Having regard to this prescribed matters, the proposed development does not involve the demolition of a building for the purposes of AS 2601 – 1991: *The Demolition of Structures*.

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

Council is not subject to a coastal zone management plan.

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

##### Variation to setback

The application has sought a variation to National Park or Nature Reserve setback which is proposed to be 67m from the dwelling and 35.55m from the garage.

As addressed under the relevant clause the variation is acceptable and from the submissions received no issues were raised in relation to the rear setback distance of the structures.

##### Aboriginal Cultural Heritage

The Aboriginal Cultural Heritage Due Diligence process was followed as part of the assessment. A basic AHIMS search was carried out and no recorded or declared Aboriginal sites were found in or near the subject site. There are not any other sources of information of which a person is already aware and the landscape does not contain features which are likely to indicate the presence of Aboriginal objects.

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

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

The subject site is relatively unconstrained and with construction of the Crown Road Reserve for access it is considered to be suitable for the purposes of the proposed development.

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

The proposal as notified under the Community Engagement and Participation Plan from 28 March 2022 to 13 April 2022 with 2 submissions received. The relevant issues raised are as follows:

##### **1. Access/Crown Road**



*Concern was raised that there is an existing road in place for access to the subject lot, that the width (20.115m) of a new road is excessive for one dwelling and that other roads within the area do not meet this width.*

*Further concern was raised that the proposed 20.115m wide road is too close to an existing dwelling and that it will create excessive noise and dust during construction as well as ongoing vehicle movements.*

*Questions were also raised as to who would fund and be responsible for the new road if it is an unmaintained Council Road and that it would need ongoing maintenance to meet the standard for bushfire requirements.*

**Comment:** Many of the objections raised in the submissions for the use of the Crown Road refer to it being constructed to a width of 20.115m.

Although the Crown Road Reserve is 20.115m wide the proposed access has been designed to be a width of 4m wide with 6m at passing bays which have been provided roughly every 200m.

The road will be required to be constructed to Councils standard (at no cost to Council) and will be an unmaintained road. Any future maintenance of the road will be required to be undertaken by the owners to ensure there is suitable access to the dwelling.

Mitigation measures are to be undertaken throughout the construction phase to minimise the impact on the adjoining lots.

## **2. Crown Road Policy**

*Concern was also raised that Council should be considering Crown Lands policy on improving Crown Roads.*

**Comment:** The application was referred to the Department of Planning & Environment - Crown Lands who have reviewed the development application in accordance with the principles of Crown land management (s.1.4 *Crown Lands Management Act 2016*) and offered no objection to the use of the Crown Road and its transfer to Council.

## **3. Existing Road**

*Information provided by adjoining owners to the site detail that an agreement to use the existing road was met and to maintain an additional road should not be required.*

*Concern was raised that an agreement was put in place with adjoining landowners to the subject site that the existing road could be used, and that any new road should not be required.*

**Comment:** Submitters have advised Council that an informal agreement with previous owners of the subject property was in place but that they have provided consent and signed legal documentation to establish a Right of Carriageway for the current landowners.

As it is Councils understanding that a satisfactory outcome to establish a Right of Carriageway was not able to be reached and no Right of Carriageway has not been registered; Council is therefore required to assess the application with the proposal to use the Crown Road to access the site.

## **4. Vegetation Removal/Environmental Impact**

*Concern was raised that a 20.115m wide road would require significant native vegetation removal and would have an impact on wildlife and habitat. That the trees required to be removed for the new road would be required to be removed from the adjoining lot and that their removal would also impact on the soil erosion into a creek in the area.*

*Further concern was raised that construction of the road would have an impact on the old growth forest that is on the Biodiversity Values Map.*



**Comment:** The proposed access will not be 20.115m wide and will not require the removal of native vegetation that a road this wide would require.

The road has been redesigned to minimise the impact on vegetation and mitigation measures will be required to be put in place to minimise environmental impacts and to prevent any soil erosion/water pollution.

The impact of the road and development site has been assessed including the section of the Crown Road Reserve mapped on the Biodiversity Values Map.

A survey of this section of the Crown Road Reserve (located through Lot 22 DP 815838) has been conducted and found that the old growth forest is located outside of the Crown Road Reserve corridor.

#### **5. Powerlines**

*Concern was raised that the application is not clear if overhead powerlines are required to supply electricity to the site and that the objector would not approve of any above ground power poles to extend over their property.*

**Comment:** The development proposes to use a solar system supply (including battery storage) for the dwellings power supply.

#### **6. Creek**

*Concern was raised that there is a wet weather creek that a 20.115 wide road would require a bridge or causeway and that the bushfire report is contrary to this.*

**Comment:** Although the width of the Crown Road Reserve is 20.115m the proposed access has been designed to be a width of 4m wide with 6m at passing bays which have been provided roughly every 200m.

The road also will be required to comply with the access requirements for *Planning for Bush Fire Protection 2019*.

Councils Development Engineer has provided comment that the design is generally in accordance with the Rural Fire Services requirements.

#### **7. Dam**

*Concern was raised that construction of the Crown Road would damage a dam that is located on an adjoining lot and impact on the main natural water flow including when the road is being constructed.*

**Comment:** Councils Development Engineer has provided comment that the concrete culverts have been proposed along the access directing surface water west toward the creek.

Sediment and erosion controls will be required to be put in place to ensure minimise environmental impacts and to prevent any soil erosion/water pollution.

#### **8. Impact on Agricultural Use**

*Concern was raised that the forming of the Crown Road access would have an impact on adjoining sites agricultural uses.*

**Comment:** The construction of the Crown Road which runs through two lots and is proposed to be a width of 4m with 6m passing bays provided roughly every 200m. The road once constructed will become a Council Road and the public will have the right to access.



It is therefore unlikely that the construction of the road for access to one dwelling will impact on agricultural uses of adjoining land.

## 9. Property value

*Concern was raised that the forming of the Crown Road access would have an impact on property values.*

**Comment:** The issue of economic value on properties is not a matter for consideration under the Act.

## 10. Dwelling Eligibility

*Concern was raised that subject lot does not meet the minimum lot size and is significantly smaller than the required 80ha.*

**Comment:** Councils records indicate that although the subject lot does not the minimum lot size of 80ha the site has dwelling eligibility as it was held in separate ownership from its neighbours in 1995 and is therefore an existing holding as defined under the *Palerang Local Environment Plan 2014* (which the application was lodged under).

Multiple letters from Council dating back to 2009 (Council ref: 42943) and most recently on 19 June 2020 (Council ref: PRE.2020.1014) have determined that the subject site has dwelling eligibility as it considered an existing holding.

### 4.15(1)(e) the public interest

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. The proposed development is not considered to be contrary to the public interest.

## SECTION 64 CONTRIBUTIONS

Section 64 of the Local Government Act 1993 allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

Section 64 Contributions are applicable to the proposed development.

## 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:

### 7.11 Roads:

*Developer contributions apply under Yarrawluma Council Section 94 Contribution Plans: No. 2 for Provision of Access Roads and No.3 for Provision of Community Facilities (Burra). Contributions applicable at time of assessment are summarised below – to be reviewed considering CPI increases at time of payment.*

#### YARROWLUMLA SECTION 7.11 (94) PLANS No. 2 & No.3

Project	Ledger	Code	Base Contribution	Indexation	Lots	Amount
Access Roads – Catchment 2 Location 9	42180	YSC P2 PUBUR	\$12,000.00	+126.38%	1	\$19,852.00
	42105	YSC P3 CFBUR	\$80.00	+84.75%	1	\$148.00



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Community Facilities –  
Burra

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<b>TOTAL</b>	<b>\$20,000.00</b>
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*Note: Under the state government cap, contributions are reduced to \$20 000.*

## **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 to be granted conditional consent, subject to the recommended conditions of consent.



# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

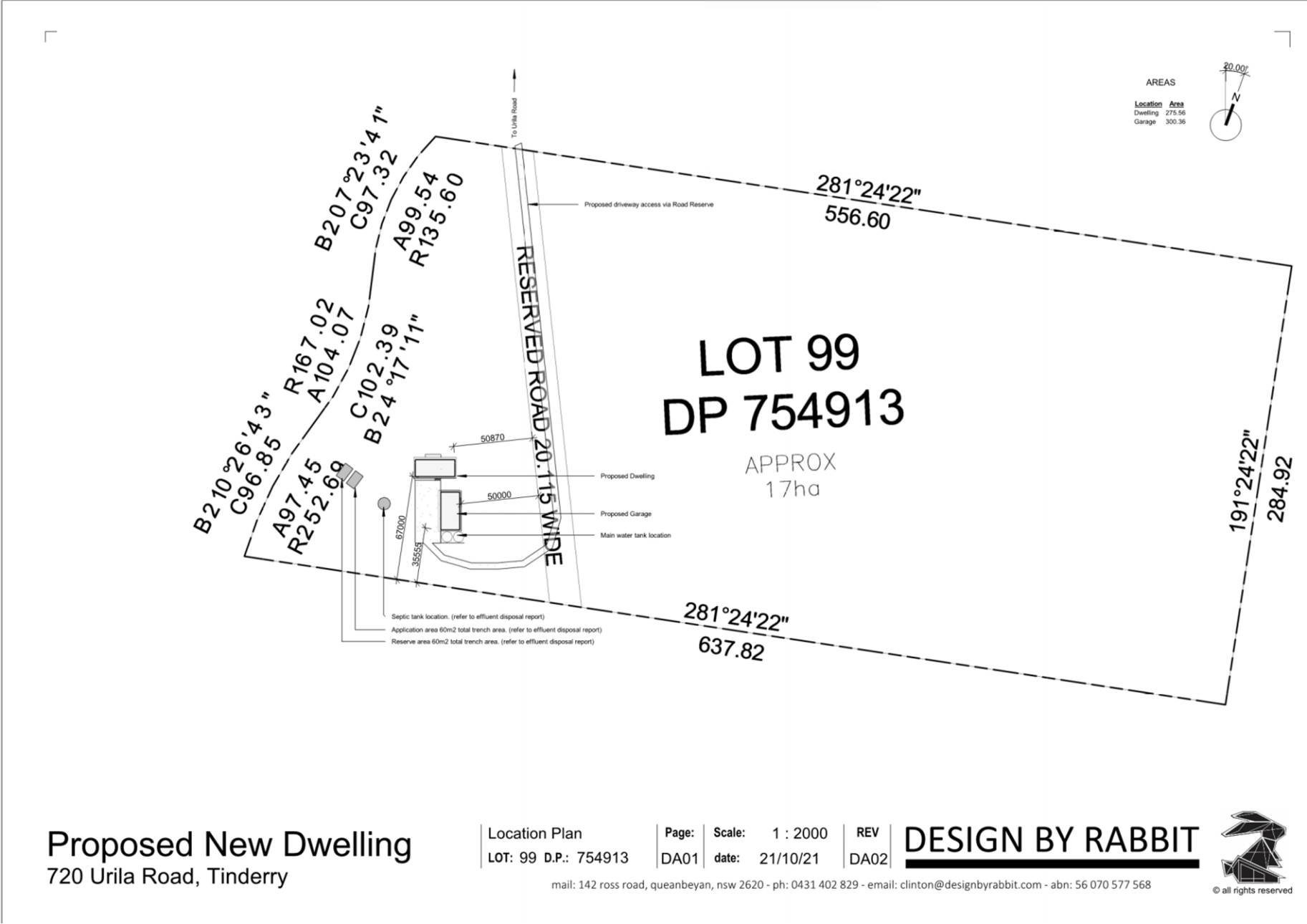
## **Council Meeting Attachment**

**14 JUNE 2023**

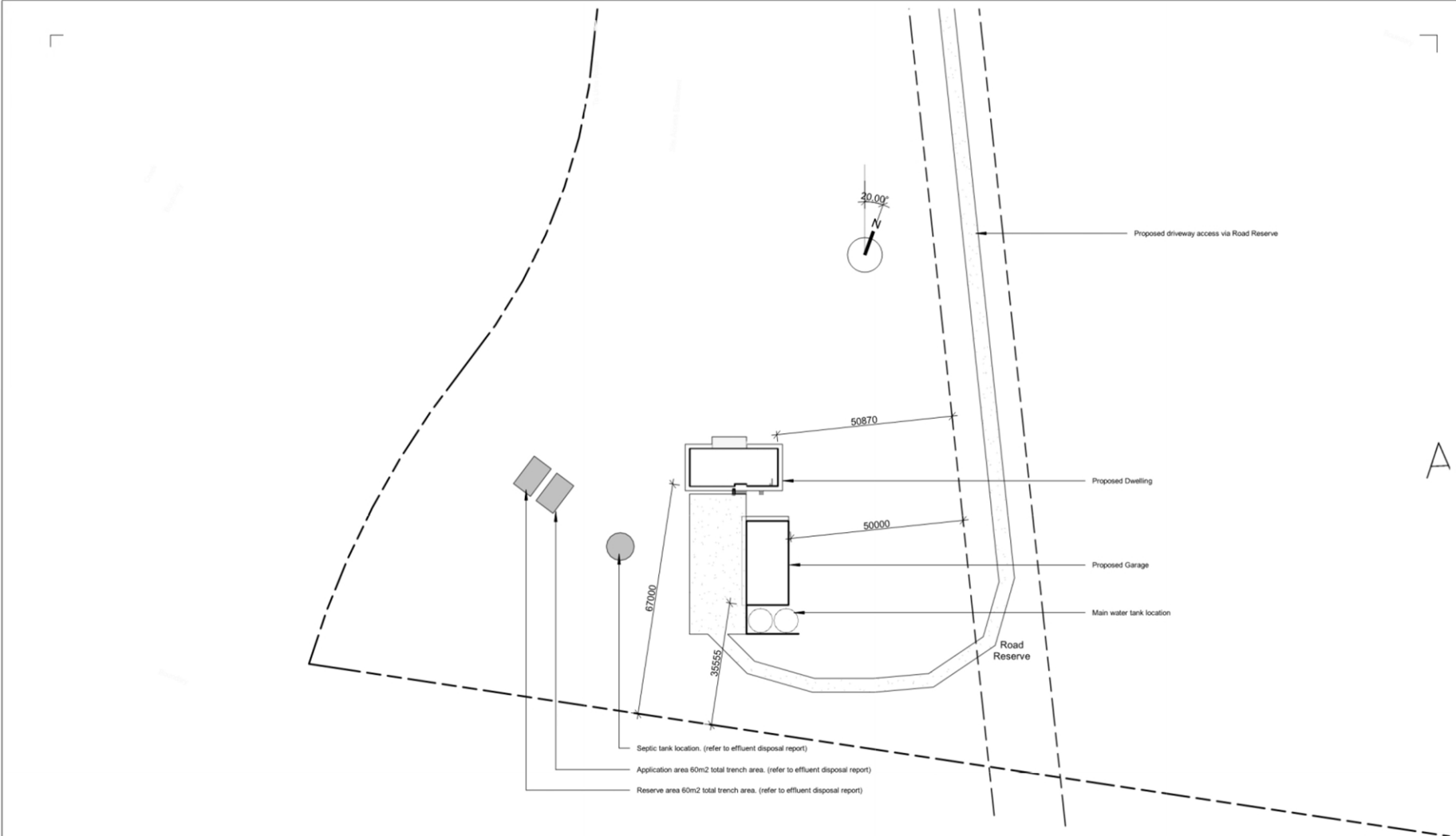
ITEM 9.3                      DA.2022.1104 - CONSTRUCTION OF DWELLING HOUSE AND  
DETACHED GARAGE - 720 URILA ROAD, TINDERRY

ATTACHMENT 3    SITE AND ARCHITECTURAL PLANS









Proposed New Dwelling  
720 Urila Road, Tinderry

Site Plan  
LOT: 99 D.P.: 754913

Page: DA02  
Scale: 1 : 1000  
date: 21/10/21

REV  
DA02

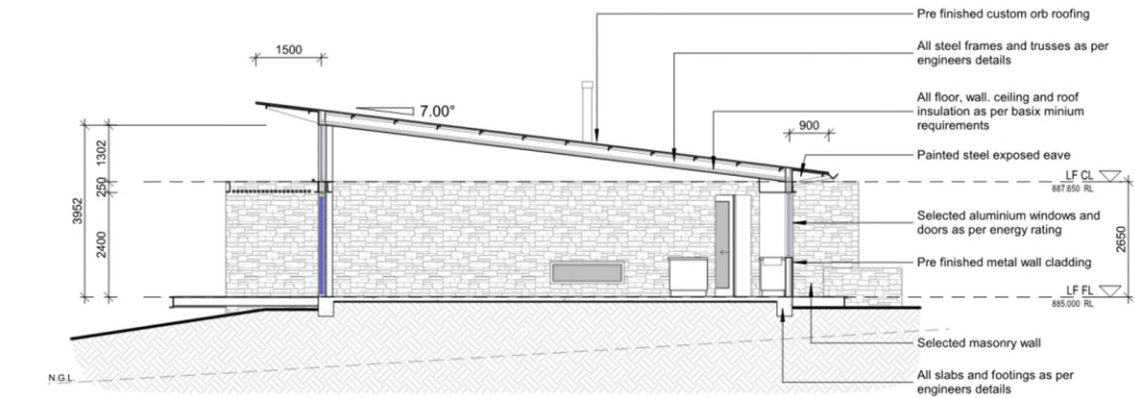
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Section A  
SCALE: 1 : 100

WINDOW SCHEDULE						
MARK	HEIGHT	WIDTH	WINDOW STYLE	GLAZING	FRAME MATERIAL	REMARKS
2	1500	3490	Fixed	Double	Aluminium	
4	900	900	Awning	Double	Aluminium	
5	900	1810	Fixed	Double	Aluminium	
6	900	2210	Fixed	Double	Aluminium	
10a	1300	1640	Hopper	Double	Aluminium	
10b	1300	6557	Fixed	Double	Aluminium	
10c	1300	1640	Hopper	Double	Aluminium	
11a	1300	1530	Hopper	Double	Aluminium	
11b	1300	3083	FIXED	Double	Aluminium	
11c	1300	1530	Hopper	Double	Aluminium	
13	900	900	Awning	Double	Aluminium	
14	900	1810	Fixed	Double	Aluminium	
15	900	1810	FIXED	Double	Aluminium	
16	900	900	Awning	Double	Aluminium	
17	900	900	Awning	Double	Aluminium	
18	1500	4605	FIXED	Double	Aluminium	
G2a	2400	2600	FIXED	Double	Aluminium	
G4	900	1200	Awning	Double	Aluminium	
G5	900	600	Awning	Double	Aluminium	
G6	900	2100	Sliding	Double	Aluminium	
G8	900	2100	Sliding	Double	Aluminium	
G9	900	2100	Sliding	Double	Aluminium	

DOOR SCHEDULE						
MARK	Count	LOCATION	HEIGHT	WIDTH	FRAME MATERIAL	COMMENTS
1	1	Entry	2400	3300	Aluminium	
3	1	Mud	2400	1000	Aluminium	
7	1	Media	2400	3000	Aluminium	
8	1	Bed 2	2400	3000	Aluminium	
9	1	Bed 3	2400	3000	Aluminium	
10	1	Lounge	2400	9850	Aluminium	
11	1	Bed 1	2400	6150	Aluminium	
12	1	Bed 2	2400	6500	Aluminium	
101	5	Varies	2340	820	Timber	
102	4	Varies	2340	820	Timber	Glass door panel
103	1	L'dry	2400	1200	Timber	
G1	4	Garage	4000	4800	Steel Track	
G2b	1	Workshop	2400	2600	Aluminium	
G3	1	Garage	2400	1000	Aluminium	
G6	1	Garage	2040	920	Steel	
G7	1	Garage	2040	920	Steel	
G101	1	Garage	2340	820	Steel Track	

Proposed New Dwelling  
720 Urila Road, Tinderry

Dwelling Sections  
LOT: 99 D.P.: 754913

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DA04 date: 21/10/21

REV  
DA01

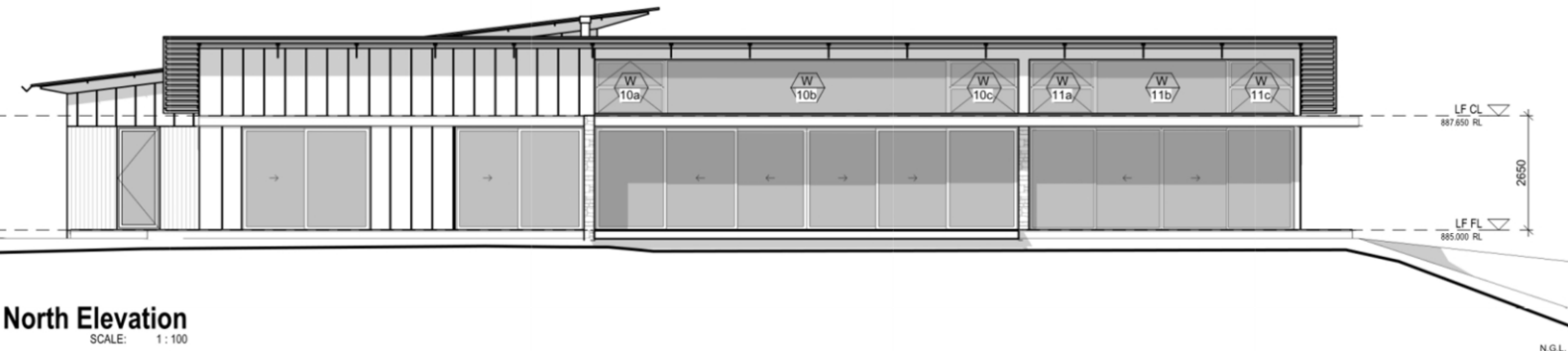
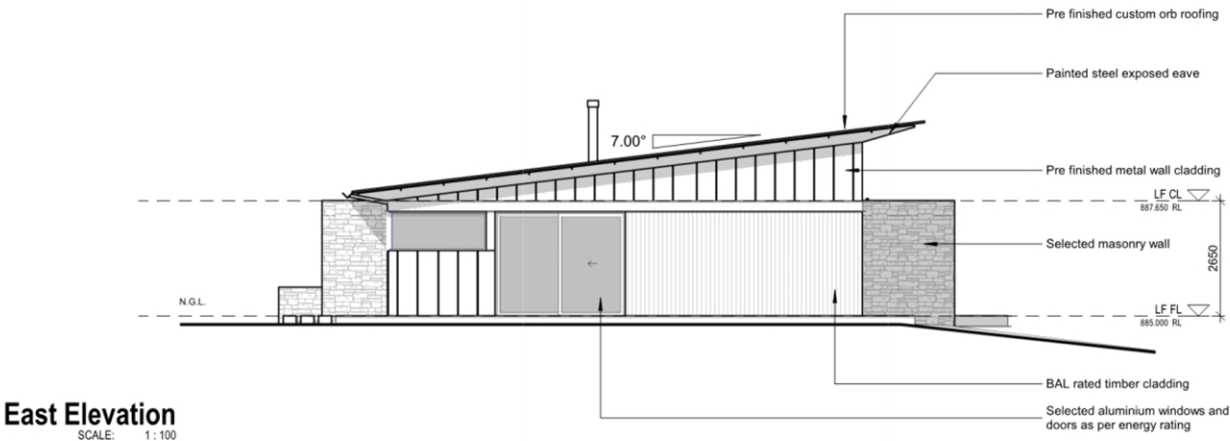
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Proposed New Dwelling  
 720 Urila Road, Tinderry

Dwelling Elevations  
 LOT: 99 D.P.: 754913

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 Scale: 1 : 100  
 date: 21/10/21

REV DA01

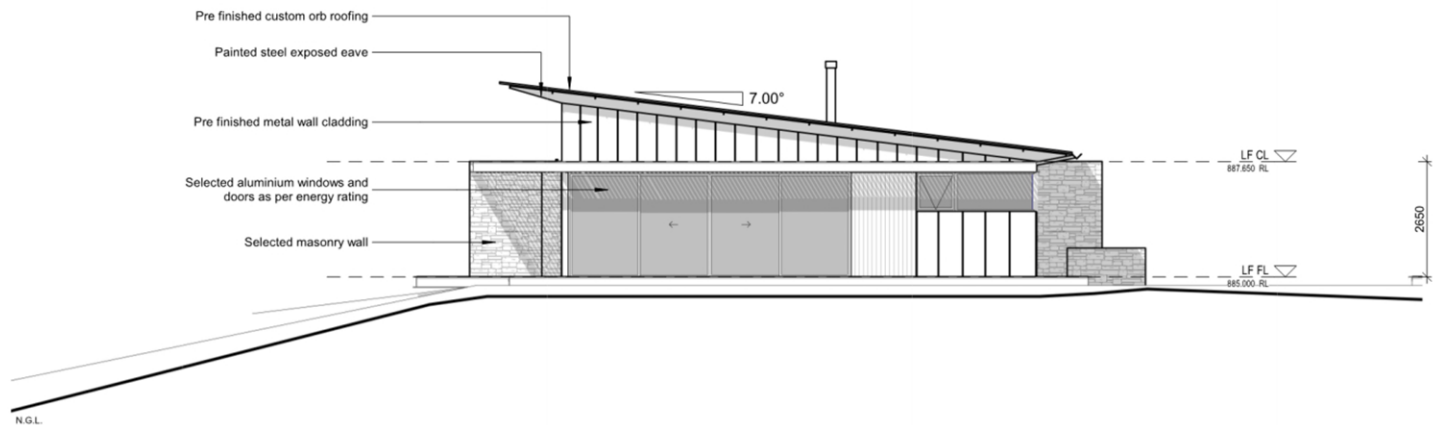
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**West Elevation**  
SCALE: 1 : 100



**South Elevation**  
SCALE: 1 : 100

**Proposed New Dwelling**  
720 Urila Road, Tinderry

Dwelling Elevations  
LOT: 99 D.P.: 754913

Page: DA06  
Scale: 1 : 100  
date: 21/10/21

REV DA01

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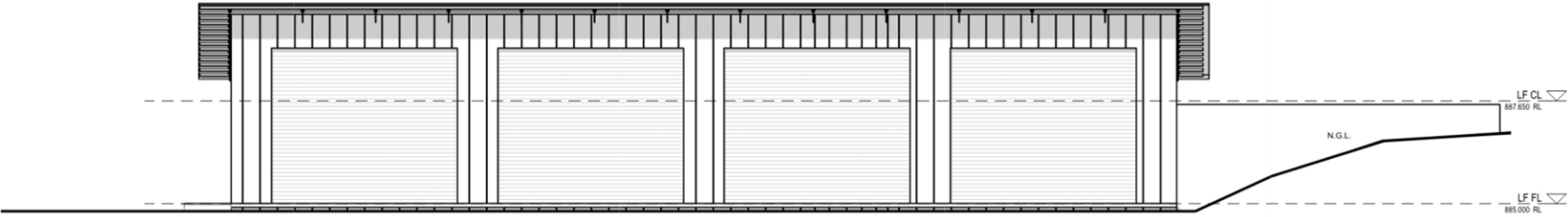
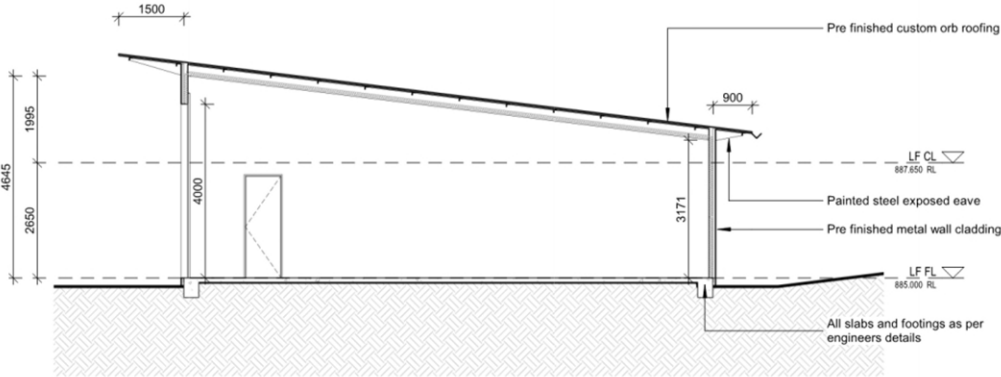
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Section B  
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West Garage Elevation  
SCALE: 1 : 100

Proposed New Dwelling  
720 Urila Road, Tinderry

Garage Section  
LOT: 99 D.P.: 754913

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DA08 date: 21/10/21

REV  
DA01

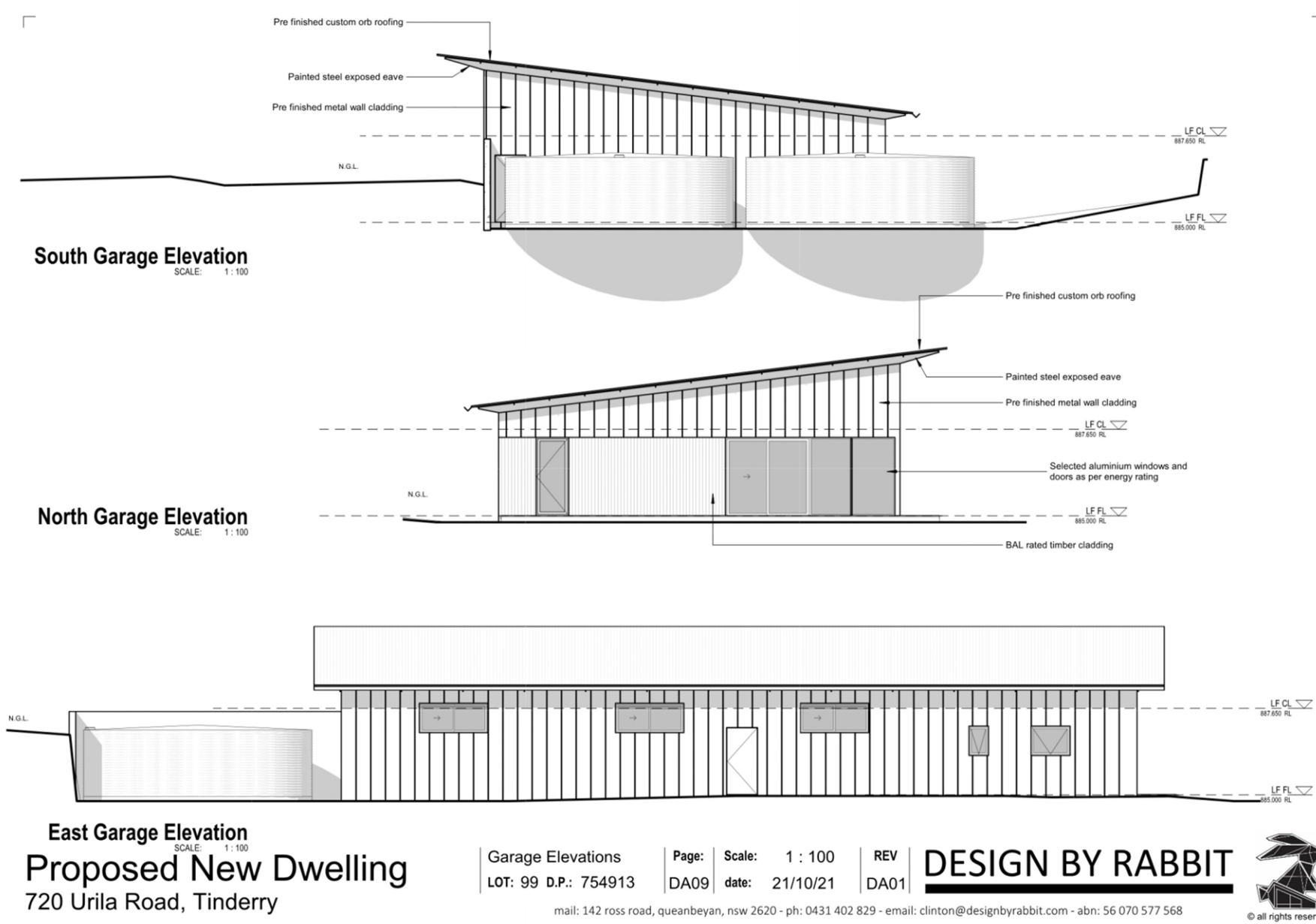
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# **QUEANBEYAN-PALERANG REGIONAL COUNCIL**

## **Council Meeting Attachment**

**14 JUNE 2023**

ITEM 9.3                      DA.2022.1104 - CONSTRUCTION OF DWELLING HOUSE AND  
DETACHED GARAGE - 720 URILA ROAD, TINDERRY

ATTACHMENT 4      SUBMISSIONS - DA.2022.1104 - 720 URILA ROAD, TINDERRY



From: [REDACTED]  
Date: 16 April 2021 at 15:49:10 AEST  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Access road - update & information required

Good afternoon [REDACTED]

We have just received through documents from our solicitor for formalising our right of carriageway. They have prepared Transfer Granting Easements (TGE) instead of an 88B as the end result is the same with much less paperwork. This was their/our surveyors recommendation to us. I have attached these for your reference.

The are 2 documents that you will be asked to sign:

- the "new" document is for the new proposed right of carriageway over the agreed route through Lots 22 & 23 [REDACTED] and [REDACTED]
- the "existing" for the existing right of carriageway through Lot 22 [REDACTED] (ie the existing road [REDACTED] that has an 88B in place benefiting Lot 23).

I have also attached the updated road map from the surveyor (with the route re-mapped as per your request) which will be attached to the TGE documents. This will be Annexure C in "new" TGE showing the 'Proposed Right of carriageway over Lots 22 & 23' and Annexure A in "existing" TGE showing the 'Right of carriageway over Lot 22' & will be added by our solicitor in the final paperwork they provide to you for signing.

Those 3 documents are for your reference at this stage.

Our solicitor has advised us -

"... your neighbours have a mortgage with the [REDACTED]. Therefore, the bank will need to produce titles with the owners' consent for registration of the transfer to proceed. We will need instructions on whether we are to liaise with the bank".

Q1 - Do you give consent for our solicitor to contact your bank directly (at our expense) for this process & if so, can you please reply giving your consent?

Our solicitor has also asked us to - "please advise whether your neighbours will be represented by a solicitor, or we can simply send the documents directly to them for signing. In any event, we will send your neighbours' or their solicitors' instructions as to the mortgages and production of their titles."

Q2 - Please confirm if our solicitor should contact you or your solicitor about the TGE & provide relevant contact details.

If you could get back to us, we will then forward your response to our solicitor to action.

Thank you

[REDACTED]



### Objection to DA.2022.1104 – 720 Urila Road, Tinderry

This document sets out our objections [REDACTED] to the construction of the Crown Road which crosses our property as it is applied for in the DA application (2022.1104). In order to understand our objections, I have included a brief background to explain why the owners of 720 have applied to construct the Crown Road as part of their development application.

#### Background Information

Our block [REDACTED] is shaped like a capital L, with the bottom of the L at the bottom of the hill, bordered by the creek. Please see attached for a map of all three properties with boundaries outlined. There is a formed road that goes across our property to our immediate neighbour's property [REDACTED] and continues on the residence on that property and (almost entirely) to the gate of 720. The previous owners of 720 had an informal agreement with the previous owners of our property [REDACTED] to use a track which runs along the Crown Road as it is mapped and parallel to the road on 720 to the end of our property (across the top of the horizontal part of the L shape). Although we have provided the new owners of 720 with a Right of Carriageway document for the currently formed road that crosses our property, they want to form a road in the area of the old track but considerably lower onto our property (about twice the distance from the eastern boundary). This would pose significant detriment to our use of our property for agricultural purposes. We have been trying to negotiate a plan for this road which would be acceptable to us and the owners of 720, however the new owners of 720 have proven extremely difficult in meeting our needs in terms of the location of the road and in providing us with details that we have requested several times.

The new owners emailed us with two Right of Carriageway documents on 16 April 2021 (Please see attached a copy of their email). The first Right of Carriageway document is for the existing road which gives them access across the width of our property to our immediate neighbour's entrance [REDACTED]. The second Right of Carriageway document referred to the plan for the extension on which their application for the right to construct the Crown Road is based. This extension is unnecessary on two fronts:

- 1) We have signed and returned to their solicitor the Right of Carriageway document that provides legal right of carriageway for the owners of 720 across our block to the entrance of [REDACTED]. Please see attached evidence of a signed copy of the RoC.
- 2) The original road access that was formed for 720 is the currently existing road, for which we have signed the Right of Carriageway document that was raised by the owners of 720. This road is marked on NSW 6maps, the QPRC planning tool map and is visible as a formed road on the terrain image on google maps.

In essence, the owners of 720 are not applying to construct the Crown Road because we don't give them access across our property. They are applying for the Crown Road because we won't give them extra access across a further portion of our property in the position they want and they have not/will not approached or discussed access from the entrance of [REDACTED] with the owner of [REDACTED].

Our objections to the construction of the Crown Road across our property will be discussed in two sections due to the nature of the objections and the siting of the Crown Road.



Objection to DA.2022.1104 – 720 Urila Road, Tinderry

**Section One – From the entrance to [REDACTED] to the entrance of [REDACTED]**

Please see the map which highlights Section One of the Crown Road in orange. This refers to the area of proposed road from the entrance to [REDACTED] to the entrance to [REDACTED]. This section of the proposed Crown Road **does not present practical access** as the owners of 720 Urila road have already been provided with a signed Right of Carriageway document (at their request) that covers this distance on the currently existing road. The currently existing road runs approximately parallel to the proposed Crown Road (highlighted in yellow on the map). It is currently traversable by two-wheeled vehicle and could easily have the upgrades required (e.g., providing a passing bay for fire vehicles etc.). The proposed construction of the Crown Road along this section of our property would result in two roads crossing our property for two separate neighbours, making the property valueless for grazing, which is the purpose that we bought the property for and in line with the RU1 zoning of the area.



Construction of the proposed Crown Road along this section would require the removal of ~20 mature trees and several immature trees which border the edge of a NSW Biodiversity identified section of old growth forest. This would have a significantly negative impact on the old growth forest, with potential damage to the forest as well as impeding the further spread of the old growth forest.

Finally, we are concerned about the negative impact the construction of this section of the Crown Road would have on our dam, which sits slightly downhill from the located site of the Crown Road. The location of the proposed road would result in damage to the main natural water flow into the dam both during construction and in perpetuity. As [REDACTED] is identified on the Southern Ranges Region Tinderry Nature Reserve Fire Operations map (2012) as a Buffer Homestead, the health of the dam is a key element to bush fire protection in the area.



Image of currently existing RoC for 720 including trees which would need to be removed to construct proposed road.



### Objection to DA.2022.1104 – 720 Urila Road, Tinderry

In conclusion, construction of the Crown Road on this section of 716 Urila road is deeply flawed and unnecessary. The owners of 720 Urila road have already been provided with a Right of Carriageway document at their request for the currently existing road that crosses this section of the property to the boundary of the next property.

The current road is traversable by two-wheel drive vehicle and could easily be upgraded with requirements such as passing bays for fire trucks without the destruction of native vegetation or paddock space. Construction of this unnecessary section of the Crown Road would result in potential environmental damage to both our dam and the identified old growth forest for no practical gain.



### Section Two – running parallel to the existing road on 718 Urila road

Please see the map which highlights Section Two of the Crown Road in purple. This section runs parallel to the existing road at the beginning of [REDACTED] and has been used by the previous and current owners of 720 Urila road as access. Please see the images of the track below.

Attachment A of the Bush Fire compliance Report submitted with the DA.2022.1104 states: 'The capacity of road surfaces and any bridges/causeways will be sufficient to carry fully loaded firefighting vehicles; bridges/causeways are not proposed.' As this section of the Crown Road crosses a wet weather creek which already has a simple causeway over it, this information is incorrect. Please see images of the current causeway. The current causeway is approximately 1.8 metres long and 2.3 metres wide. Construction of a 10m wide road across this would require either digging into the side of the hill or filling in a large section of the depression on the other side of the creek.

Image of currently existing road on [REDACTED] which runs parallel to the proposed Crown Road at the end of [REDACTED]

Section B1 of the Palerang Development Control Plan states that it requires: 'over land storm water flow paths, drainage and service ... and ... identification of any existing trees or significant vegetation, including remnant vegetation, native grasses, improved pasture, habitat corridors and habitat or threatened species.' Construction of this section of the Crown Road would require the destruction of >40 mature trees.



Photos of the creek crossing on the proposed Crown Road. Centre image of crossing, images on either side show what is on either side of the crossing. I.e., left shows hill with existing road edge [REDACTED] in the background. Right shows drop of creek on right of crossing.



Objection to DA.2022.1104 – 720 Urila Road, Tinderry

The objectives of section B3 of the Palerang Development Control Plan include the preservation of habitat corridors for native flora and fauna. Given that this section of the proposed Crown Road borders an area of identified old growth forest (as marked on the Biodiversity Values Map), it is likely to be used by native fauna as a habitat corridor. When considering this section, we ask that an environmental impact assessment be done to identify potential impacts to native animals in the area as well as the potential impact of the destruction of so many native trees.

This section of the Crown Road also includes an incline both down the length of the road and across the face of the road. As this section of the road often has a large volume of water crossing it during wet weather and construction of a road with a passing section for fire fighting vehicles would require an area almost the full width of the Crown Road, it would need to be dug out of the side of the hill and/or backfilled on the lower side to accommodate the width required. This would have significant impact on the environment along this section of the road. The effect of the volume of water that crosses this section should also be taken into account when considering the effects of erosion on this section of the road.



B7.5 of the Palerang Development Control Plan states that the objectives of rural internal access roads '...ensure access roads have a minimal environmental impact ... access roads are not to traverse areas of environmental significance such as waterlogged areas or heavily vegetated areas and avoid traversing steep slopes where possible ... the plan also should show significant features such as drainage lines, vegetation and rock outcrops in the vicinity of the access road ... the location of any cross-drainage structures such as culverts.' The proposed



construction of the Crown Road across [REDACTED] does not meet these objectives in that it does not have minimal impact on the environment and does not identify the cross-drainage of the culvert.

In conclusion, we object to either section of the proposed construction of Crown Road across [REDACTED]. We are aware that the owner of [REDACTED] does not want the owners of 720 Urila road to continue on the currently existing road all of the way to 720, however we have given the owners of 720 Right of Carriageway across an existing access road and feel that any proposed Crown Road construction is an unacceptable burden being placed on our property for the benefit/preference of [REDACTED] and 720 to our significant detriment both in the reasonable use of our property and in the value of our property. To our knowledge, the owners of 720 have made no genuine attempt to negotiate access along the currently existing road (which is mapped on QPRC mapping and exists as a functioning road almost all of the way to the entrance to 720) or even to negotiate use of the first part of the road on [REDACTED] until the end of our property. An alternative access at the beginning of [REDACTED] would have minimal environmental impact.

The owners of 720 originally tried to negotiate an access along our property from the end of the Right of Carriageway to an alternative entrance to [REDACTED]. This included a diagonal section to which we agreed on that joined the currently existing road to the current track (area of Crown Road). These negotiations failed as the owners of 720 were not prepared to construct a road even slightly further along from our eastern boundary than the currently surveyed Crown Road. We could not agree to the survey suggestions of 720 as these cut into an area

[REDACTED]



Objection to DA.2022.1104 – 720 Urila Road, Tinderry

of paddock by approximately 30 metres. Please see copies of surveys provided to us by the owners of 720.

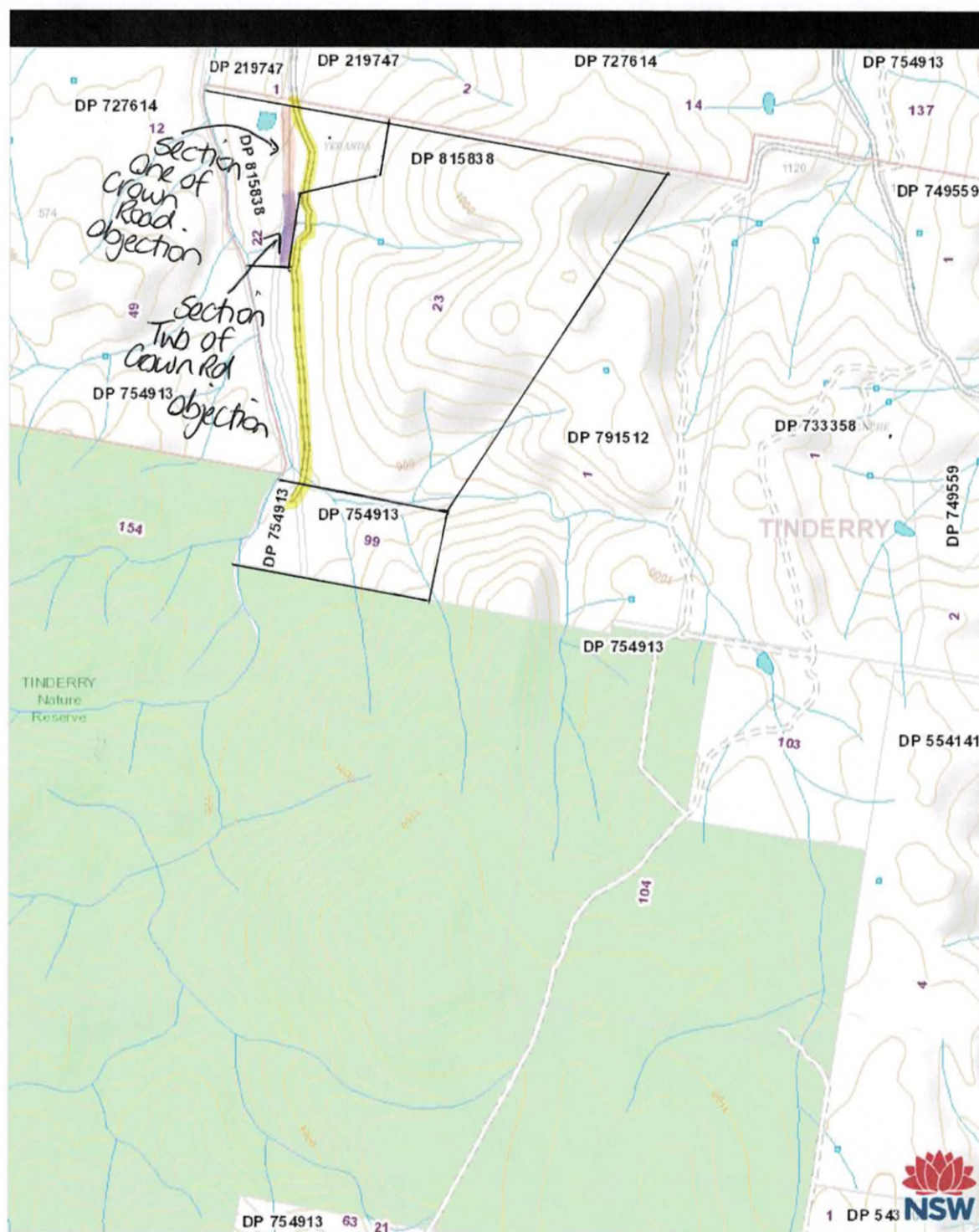
It is our belief that the owners of 720 are being unreasonable in applying to construct the Crown Road in an area where there is already practical access (section 1) and in applying to construct the Crown Road parallel to an already existing road (practical access) on our mutual neighbour's property (section 2) for which they have not made genuine attempts to negotiate access. Should **genuine** negotiation between the owners of [REDACTED] and 720 be attempted and fail, we continue to raise our grave concerns about the appropriateness of the construction of the Crown Road along section 2 (both environmental and engineering aspects) but would be prepared to allow the diagonal section which would join the existing Right of Carriageway access to section 2 of the Crown Road.

While our objection relates to the proposed construction of the Crown Road across our property, we also note that the proposed dwelling is set in an RU1 – Primary Production zone. The minimum lot size for a dwelling in this zone is 80Ha. The block for the proposed dwelling is stated as ~16.7Ha on the application. This is less than 20% of the minimum size, making the lot significantly too small.

Due to the bush fire prone zoning of the block. The Bush Fire Assessment Report in the application requires the clearing of land around the dwelling and outbuildings with an enlarged APZ, which would have significant impact on the native environment and is not in accordance with the objectives of the Palarang Development Control Plan (2015) or the PLEP (2014).

[REDACTED]





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From: [REDACTED]  
Date: 16 April 2021 at 15:49:10 AEST  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: Access road - update & information required

[REDACTED]

We have just received through documents from our solicitor for formalising our right of carriageway. They have prepared Transfer Granting Easements (TGE) instead of an 88B as the end result is the same with much less paperwork. This was their/our surveyors recommendation to us. I have attached these for your reference.

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Thank you

[REDACTED]



Form: 01TG  
Licence: 05-11-643  
Licence: Softdocs

# TRANSFER GRANTING EASEMENT

New South Wales  
Real Property Act 1900

Leave this space clear. Affix additional  
pages to the left-hand corner.

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

(A) TORRENS TITLE	Servient Tenement (land burdened) 22/815838	Dominant Tenement (land benefited) 99/754913
(B) LODGED BY	Document Collection Box Name, Address or DX, Telephone, and Customer Account Number if any Email: Reference:	CODE <b>TG</b>
(C) TRANSFEROR		
(D)	The transferor acknowledges receipt of the consideration of \$1.00 and transfers and grants -	
(E) DESCRIPTION OF EASEMENT	Right of Carriageway over the existing Right of Carriageway 10 wide created by DP815838 and upon the terms contained in Annexure 'A' out of the servient tenement and appurtenant to the dominant tenement.	
(F) ENCUMBRANCES (if applicable):		
(G) TRANSFEREE		

DATE .....

(H)

I certify I am an eligible witness and that the transferor  
signed this dealing in my presence.  
[See note\* below]

Signature of witness:

Name of witness:  
Address of witness:

I certify I am an eligible witness and that the transferee  
signed this dealing in my presence.  
[See note\* below]

Signature of witness:

Name of witness:  
Address of witness:

Certified correct for the purposes of the Real Property Act  
1900 by the transferor.

Signature of transferor:

Certified correct for the purposes of the Real Property Act  
1900 by the transferee.

Signature of transferee:

\* s/17 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.

ALL HANDWRITING MUST BE IN BLOCK CAPITALS

Page 1 of 3

2005



Annexure A to TRANSFER GRANTING EASEMENT

Parties:

Dated: ..... / ..... / .....

I certify I am an eligible witness and that the transferor  
signed this dealing in my presence.  
[See note\* below]

Signature of witness:

Name of witness:  
Address of witness:

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Signature of witness:

Name of witness:  
Address of witness:

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Page 3 of 3

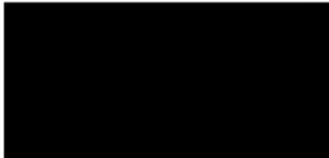
Number additional pages sequentially





18 November 2021

Our Ref: MAP:SD:20210441



By Hand



**GRANT OF RIGHT OF CARRIAGEWAY TO**  
**PROPERTY: 720 URILA ROAD, TINDERRY NSW 2620**

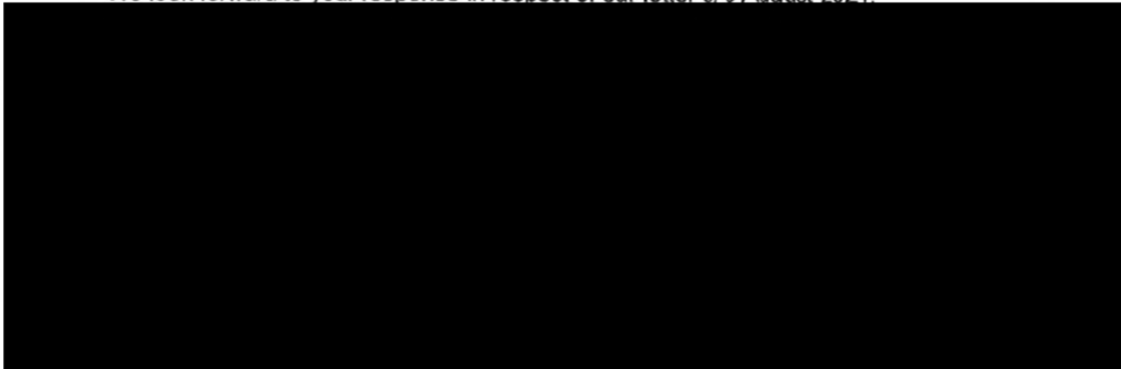
We refer to recent correspondence in relation to the above matter and in particular our letter of 11 August 2021.

We note that we provided you with our clients' signed Transfer Granting Easement form on 11 August 2021 by post in respect of the existing right of carriageway, however we are informed your office never received the document.

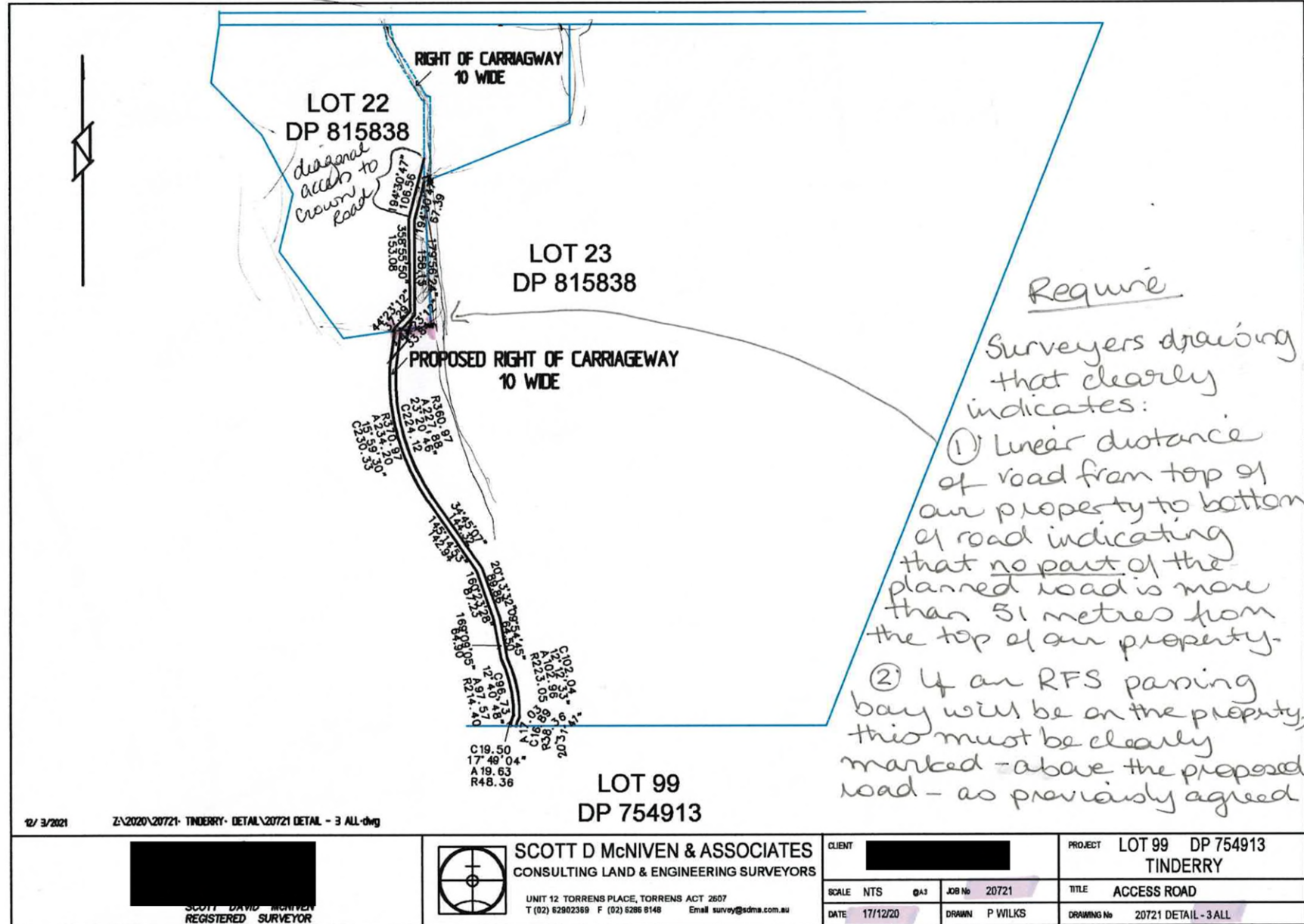
We refer to our letter of 3 August 2021 whereby our clients agreed to execute the Transfer Granting Easement Instrument in respect of the right of carriageway over the existing right of carriageway, and we sought your response in respect of the same. To date, we have not received a response to our letter.

Notwithstanding, we now **enclose** further copy of the Transfer Granting Easement Form 01TG executed by our clients.

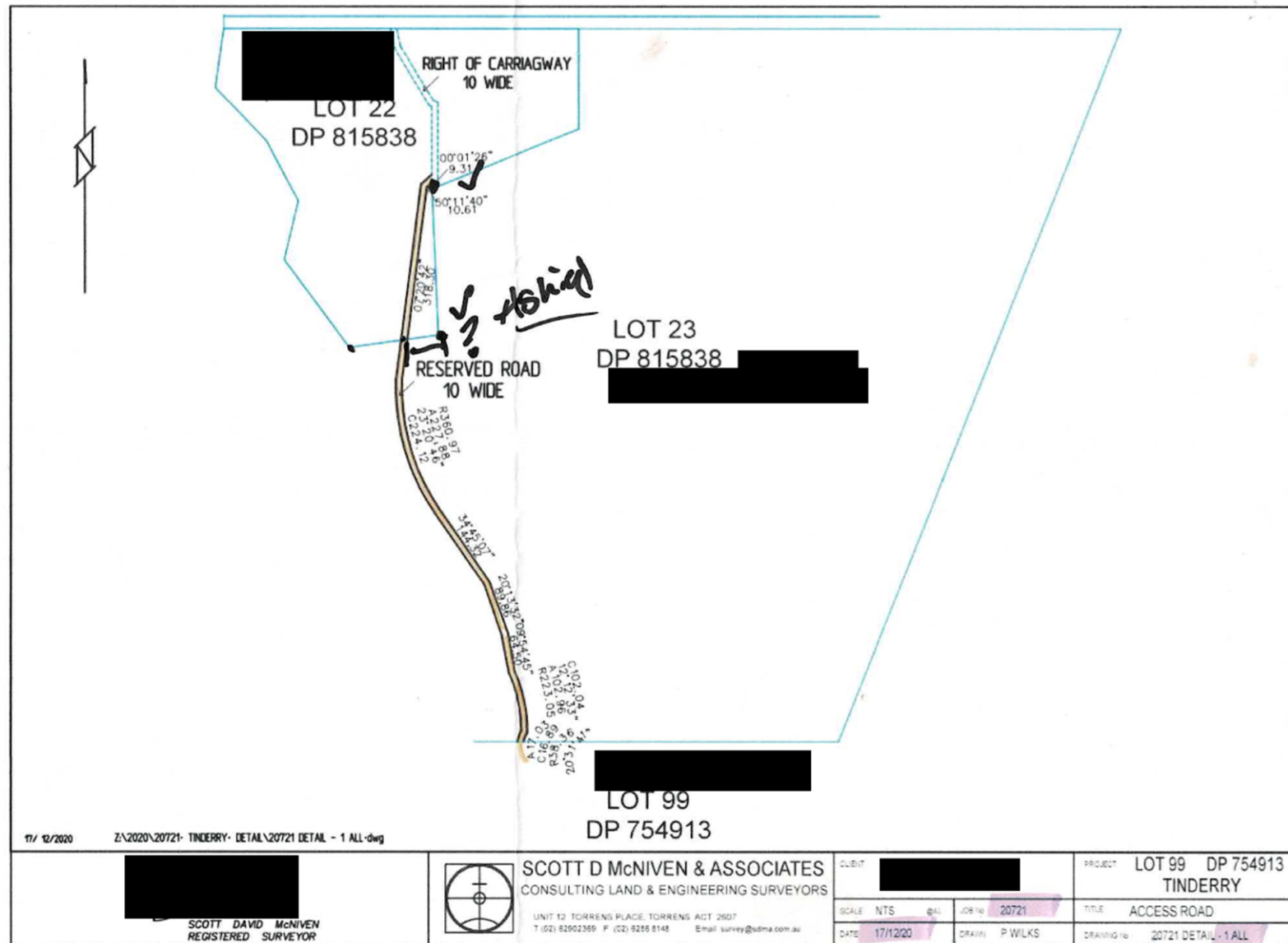
We look forward to your response in respect of our letter of 3 August 2021.














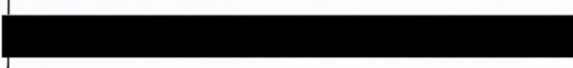
Form: 01TG  
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Licensee: Softdocs

## TRANSFER GRANTING EASEMENT

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New South Wales  
Real Property Act 1900

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DATE ..... / ..... / .....

(H)

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2005



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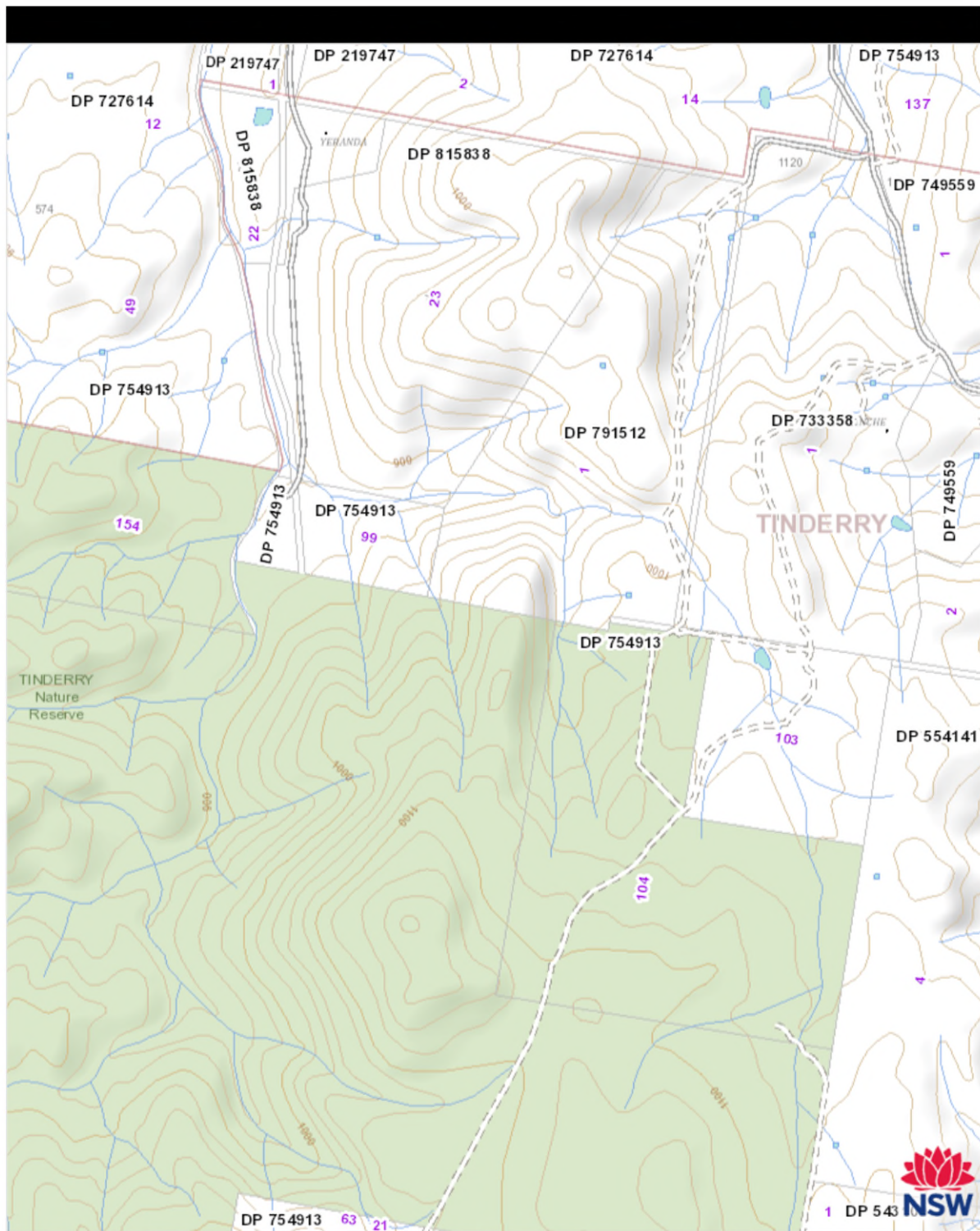
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Page 3 of 3

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Objection to the Formation of a Crown Road across [REDACTED]

The following document lays out our objections as the owners of [REDACTED] to the construction of the Crown road which crosses our property. The document will give a brief background explaining the issue then respond to the two complaints made by the owners of 720 Urila road, Tinderry NSW 2620 that were made to us when we discovered them preparing to survey our property. It will then continue to our objections. The objections fall into two loose categories - environmental and ownership - and will be organised in this way for clarity.

### Background Information

Our block [REDACTED] is shaped like a capital L, with the bottom of the L at the bottom of the hill, bordered by the creek. Please see Appendix A for a map of all three properties with boundaries outlined. There is a formed road that goes across our property to our immediate neighbour's property [REDACTED] and continues on the residence on that property and to the gate of 720. The previous owners of 720 had an informal agreement with the previous owners of our property [REDACTED] to use a track which runs along the Crown road as it is mapped and beside the road on 720 to the end of our property (across the top of the horizontal part of the L shape). Although we have provided the new owners of 720 with a Right of Carriageway document for the currently formed road that crosses our property, they want to form a road in the area of the old track but considerably lower onto our property (about twice the distance from the eastern boundary). This would pose significant detriment to our use of our property for agricultural purposes. We have been. We have been trying to negotiate a plan for this road which would be acceptable to us and the owners of 720, however the new owners of 720 have proven extremely difficult in meeting our needs in terms of the location of the road and in providing us with details that we have requested several times.

The new owners emailed us with two Right of Carriageway documents on 16 April 2021 (Please see Appendix B for a copy of their email). The first Right of Carriageway document is for the existing road which gives them access across the width of our property to our immediate neighbour's entrance [REDACTED]. The second Right of Carriageway document referred to the plan for the extension on which their application for the right to construct the Crown road is based. This extension is unnecessary on two fronts:

- 1) We have signed and returned to their solicitor the Right of Carriageway document that provides legal right of carriageway for the owners of 720 across our block to the entrance of [REDACTED]. Please see Appendix B - evidence of return of RoC and a clean copy of the RoC that was signed.
- 2) The original road access that was formed for 720 is the currently existing road, for which we have signed the Right of Carriageway document that was raised by the owners of 720. This road is marked on NSW 6maps, the QPRC planning tool map and is visible as a formed road on the terrain image on google maps. Please see Appendix A - Maps for a series of images showing this road.

In essence, the owners of 720 are not applying to construct the Crown road because we don't give them access across our property. They are applying for the Crown road because we won't give them extra access across a further portion of our property in the position they want and they have not/will not approached or discussed access from the entrance of [REDACTED] with the owner of [REDACTED].

[REDACTED]



Objection to the Formation of a Crown Road across [REDACTED]

### Complaints made by owners of 720 Urila Road

When we discovered the owners of 720 preparing to survey the Crown road across our property, they said that they had chosen this because we had delayed the process of forming the extra piece of road that they want across the bottom of our property and that they were no longer able to drive to their property because of the state of the track that they currently use. My response to these complaints is below:

**Delays:** We contend that in fact all delays have been on the part of the owners of 720 Urila road in refusing to meet our reasonable requirement that no part of the road be more than 51 metres from the eastern boundary; and in refusing to provide us with the linear measurement of the distance of their proposal from our eastern boundary; and in the detail of the placement of an RFS passing bay. We are not prepared to sign a legally binding document without the relevant information that we require. Our requests for information and the site of the road are not unreasonable or particularly difficult for the owners of 720 to provide.

Please see Appendix C for copies of the text messages between my husband and the owner of 720 Urila road, showing that we have been asking for this information since 21 December 2020 and Appendix B for a letter sent by our solicitor dated 28 July 2021 requesting this information also. Items relevant to this are highlighted down the side of the text messages in yellow and numbered. The initial detail we requested was the measurement of the road from our property boundary (1). At this point we had not been given surveyors drawings, just a google map image with the owners of 720 Urila Road's drawing. On 25 February 2021, the owner of 720 sent a text suggesting that the distance from our property boundary was 51 metres and that was lower than they anticipated. My husband replied that this was lower than the common understanding they had formed in conversation at the site, asking if the surveyors had taken into account our requests for the placement of the road (2 & 3). On March 1, we reiterated our requirements regarding the formation of a road in a text (previously discussed in conversation with the owners of 720 (4). In this request, we again stated that the road must not be formed more than 51 metres from the eastern boundary of our property and we wanted to see documentation that indicated the distance from our boundary to the lower side of the road. We asked for this detail again on 3 March (5). The owners of 720 responded on 9 March, stating that our shared neighbour [REDACTED] was not willing to move the exit from our property (7). At all times when in conversation with the owners of [REDACTED] (the shared neighbour) about this road, the owner stated that he didn't care where the road came out from our property. Please see Appendix D for a text conversation which confirmed a conversation we had with the owner of [REDACTED] during which we explained the constraints on our property and he suggested that he is happy for the exit to come out of our property at 37 metres (the mapped area of the Crown road where the old track is), showing that the comment made by the owner of 720 was untrue. On 18 March, the owners of 720 sent a text indicating that they had had their surveyors draw up another plan that had the path of the road as we had agreed (8) and that it was with their solicitor. When we received the plan. It again did not meet our requirements in that:

- It was clearly not above 51 metres (a visual estimate of the plan and onsite suggests their plan continues to approximately 63 metres from our eastern boundary)

[REDACTED]



Objection to the Formation of a Crown Road across [REDACTED]

- There was no detail included about the linear distance of the road from our boundary
- There was no detail about the location of an RFS passing bay

On 5 August we reiterated our requirements for the road from 3 March (9). The owners of 720 have had no further text communication with us since this time. They and their solicitor have not responded to the letter reiterating our requirements and requests or the letter sent with the RoC document.

Again, I reiterate my comments earlier: The owners of 720 have now had the Crown Road surveyed on our block. Based on this survey, the Crown Road runs over the old track. In fact, the previous owners of our property [REDACTED] placed fences down either side of the Crown Road in order to prove that they didn't use this space. Had the owners of 720 approached us to use this space (where the Crown Road is surveyed) to construct an extra access road, we would have been happy to provide this as formal, legal access (on the provision that the local council approved the clearing of trees in order to construct the road) so that the matter could be quickly resolved. Please see images of the survey marks for the Crown Road on this section of our property in Appendix F.

**Unable to access their property by vehicle:** Please see the videos (attachment to email or USB with hard copy), showing me driving up and down the track that we have been allowing the owners of 720 to use while we await the information requested from them as stated above. This track has significantly degraded because the owners of 720 have not maintained it. Please note, at no point have we requested that they not maintain the track – only that they cease to continue knocking down trees and tea trees on our property where they want to form the road until an agreement has been reached. This was stated in a text dated 1 March (Appendix C, highlighted in green - 1). At no point have the owners of 720 Urila road requested permission to carry out maintenance work on the track. If they are unhappy with the track, they also have the opportunity to negotiate access along the road (from the point at which we have given them the Right of Carriageway) on [REDACTED] which goes directly to 720 Urila road.

In concluding this section, I would like to make the point that at all times we have tried to negotiate a reasonable outcome with the owners of 720 Urila road, who want to alter and extend the current access they have across the end of our property. If we had been given the information we requested, including a plan of the road indicating the distance from the eastern boundary of our property to the lower (western) side of their proposed road that met our requests, we would have signed off on it in spite of the disadvantage to our property beyond the mapped Crown Road on the old track.

### Objections to Construction of the Crown Road – Environmental

This section makes reference to the 'Guideline – Administration of Crown roads' (NSW Department of Industry), specifically Part 3: Works on Crown roads.

"The department is unlikely to support applications for road works in situations where the extent of the works is greater than the scope outlined above or where the work involves one of the following:

- Crown road is more suitable for transfer to another roads authority as the proposed works require development consent under Part 4 of the EP&A Act
- The standard of road construction requires engineering design works to accommodate requirements such as natural terrain and vegetation constraints that have potential significant environmental impacts" (p.18)

[REDACTED]



Objection to the Formation of a Crown Road across [REDACTED]

The Crown Road being applied for is not constructed in any way, thus exceeding the description of 'small-scale road works' described in the 'Application process and costs' (Part 3, page 18). The application for the Crown Road is being made in order for the owners of 720 to make a Development Application to build a dwelling on their property.

#### Old Growth Forest Impact

Approximately one third of the length of the area mapped as Crown Road is entirely covered by old growth forest on the NSW Biodiversity Threshold map. Please see Appendix E for an image of the area of old growth forest impacted by the potential Crown Road and the results summary, indicating that a BDAR is required. Also in Appendix E, a copy of the decision making chart for the local council titled "Vegetation Approvals in Environmental & Rural Zones (... RU1 <40Ha).

Please also see images of the area of Crown Road as mapped over the track that the owners of 720 have been using (Appendix F). These images indicate that there is not a practical path for the Crown Road in this section without an environmental impact survey to assess the number of old growth trees that would need to be removed in order to construct a road.

#### Pipe Culverts

"The department is unlikely to support applications for road works in situations where the extent of the works is greater than the scope outlined above or where the work involves one of the following: ...

- construction of structures such as pipe culverts, concrete causeways or bridges" (p.18)

Two pipe culverts would be necessary to construct the Crown Road across [REDACTED]. The first pipe culvert would be required at the beginning of the road. Please see Appendix F for images of the pipe culvert that exists under the currently constructed road that the owners of 720 Urila Road have been given a signed copy of Right of Carriageway for.

The second pipe culvert would be significantly more complex. As can be seen on all of the maps submitted, there is a creek which runs down the mountain and across the area where the Crown Road is mapped. The creeks around the property are part of the Googong water catchment. Please see Appendix F for images of the creek where the Crown Road would cross. I have also included images of the pipe culvert for that creek which is over the currently formed track, indicating the substantial nature of the engineering requirements that would be needed for the construction of the Crown Road over this creek.

Based on the impact to the old growth forest, the impact on the other old growth trees covering the area of the current track and the need to build two pipe culverts over the entrance to our property and the creek, the environmental impact of constructing the Crown Road is too significant, particularly given that there are already constructed alternative routes (with RoC signed off by us) for the owners of 720 Urila road to cross our property.

### Objections to Construction of the Crown Road – Ownership

#### Disadvantage to the intended and actual use of the property

We purchased our property in order to keep our horses with us and be able to have more horses. In order to be able to sustain the horses, we need to have enough viable land for paddocks. Because of the location and size of the old growth forest, we have one area left to

[REDACTED]



#### Objection to the Formation of a Crown Road across [REDACTED]

be able to create paddocks and that is the end of the property where the owners of 720 are insisting that they want their road. Use of the Crown Road would have an even more significant impact on our ability to create sufficient paddock space for our horses. As this area is zoned RU1 - Rural/agricultural, we are using the land for its intended purpose but will be significantly impaired if the Crown Road were approved.

There is an 88B document covering the current road for the owners of [REDACTED]. This can't be revoked. If the Crown Road is approved in spite of us having signed a RoC document for the owners of 720 which crosses our property, the result would be two roads across our property for two separate neighbours. Because there is nothing but the Tinderry Nature Reserve with no public access to it beyond our neighbours, these roads would only be used by these two neighbours. Given that there is a viable alternative access to 720 without the Crown Road (RoC to cross our property already sent to 720s solicitor) it is unreasonable to expect [REDACTED] to carry the burden of two (almost parallel) roads for such little purpose.


The property at 720 is approximately 16Ha. In RU1 zones in Queanbeyan-Palerang, the minimum lot size for a DA approval for a dwelling is 80Ha, suggesting that with or without permission to construct the Crown Road, it is unlikely that the property will be useable for more than a weekend shack small enough not to need DA approval or grazing.

#### Conclusion

In conclusion, I would like to restate our main points:

- We have not delayed the construction of an extra section of road for the owners of 720. We have simply asked for reasonable details that they have failed to give us before signing a legally binding contract.
  - There are two environmental constraints on the area of land on which the Crown Road is mapped that are identified in the Guide - Administration of Crown Roads that suggest the Crown are unlikely to support this application.
  - Construction of the Crown Road would place an unreasonable burden on [REDACTED] in that it would significantly impede our ability to use our property for the purpose for which it was bought and for which the land is zoned.
  - Construction of the Crown Road would result in two roads crossing [REDACTED] that would in practice be private roads for two neighbours as there is no other purpose for them. This is an unreasonable burden to place on our property.
  - At no time - before or after providing the RoC document for the formed road - have we denied the owners of 720 Urila Road access to their property.
  - We [REDACTED] have already returned the signed Right of Carriageway document raised by 720 Urila Road to their solicitors. This Right of Carriageway document provides access across our property at the most logical location - on the currently formed road and to the entrance of the next property - so there is not a valid argument for the owners of 720 to require the Crown Road to cross our property. Access across [REDACTED] is a matter that the owners of 720 should have taken up with the owners of [REDACTED] if they were not happy to meet our reasonable requests regarding the extra piece of road on our property.
- [REDACTED]



Objection to the Formation of a Crown Road across 

I have also included the two plans that the owners of 720 Urila Road gave us for the extra piece of road. Please note on these diagrams:

- The two documents were provided to us several weeks apart and we were told that the surveyor needed to come out twice to prepare these plans, although both are dated 17/12/20;
- Both are identified with the same job number;
- The Drawing number is the same on both plans although one is marked "Drawing No 20721 DETAIL - 1 ALL" and the other is marked "Drawing No 20721 DETAIL - 3 ALL", suggesting that there is a '2 - ALL' that we have not been given; and,
- Both plans identify the currently constructed road that we have signed a Right of Carriageway on as "Right of Carriageway 10 wide" as was expected by the owners of 720 Urila Road from their initial contact with us and has been signed off by us.

I am happy to show all photos, videos and text messages on the devices they are stored for verification.

Please use the contact details below to contact me regarding these objections if you have any questions or would like any clarification.





Objection to the Formation of a Crown Road across [REDACTED]

## Appendix A – Maps

NSW 6Maps - showing all three properties outlined, crown road as mapped and currently existing road. Red lined section is that referred to in the RoC we have signed for 720's RoC across our block, which is also covered by an 88B for [REDACTED] access.

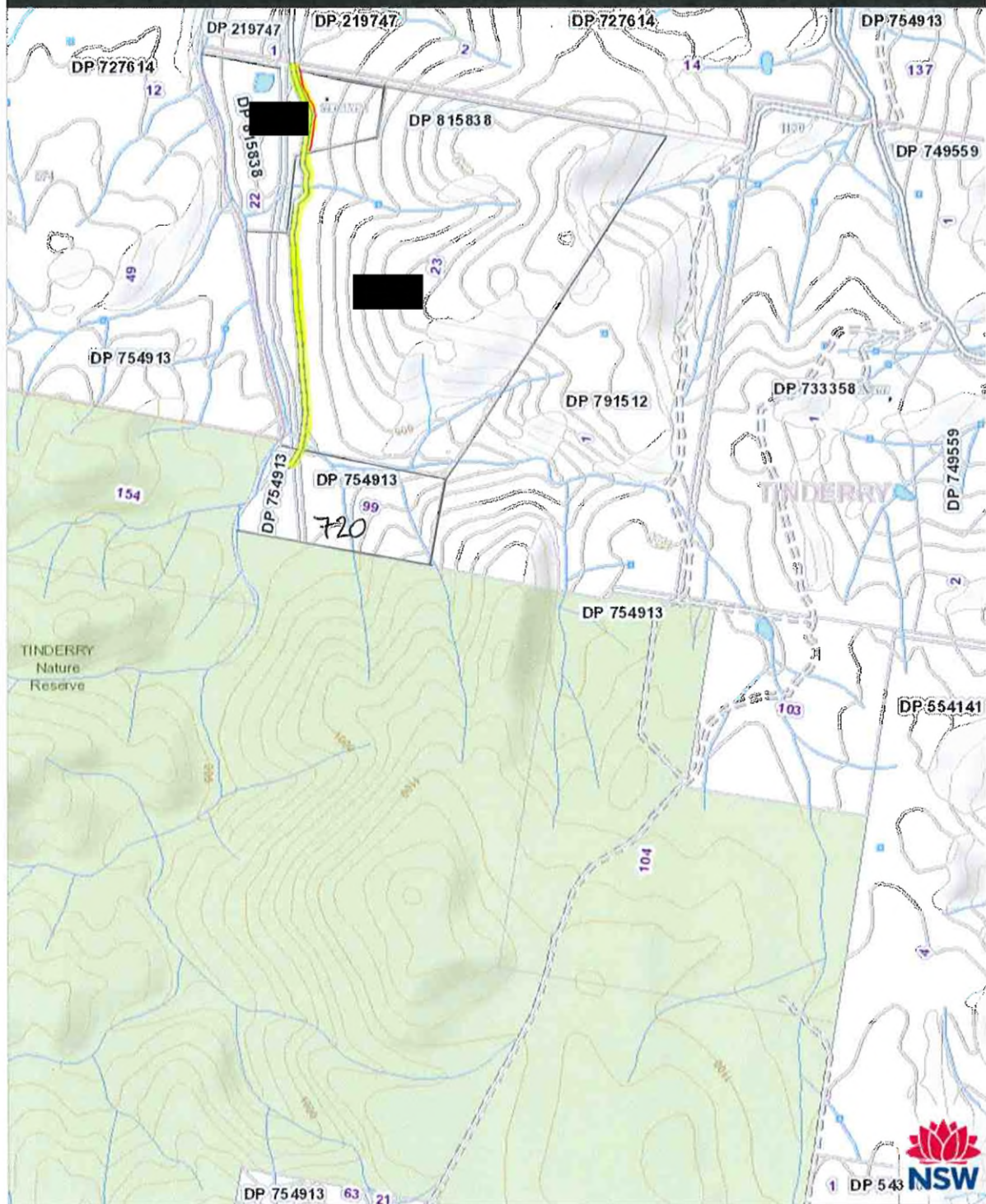
Queanbeyan land and property map with terrain view, showing all the Crown road as it is mapped over [REDACTED] and [REDACTED]

Eplanning spatial viewer showing boundaries of [REDACTED] with currently existing road over which 720 requested and received RoC. Red lined section is that referred to in the RoC we have signed for 720's RoC across our block, which is also covered by an 88B for [REDACTED] access.

[REDACTED]




NSW 6 maps showing boundaries of each property highlighted in pencil and currently existing road highlighted in yellow. RoC has been signed by us (716) in favour of 720 for the section crossing our property (red line).



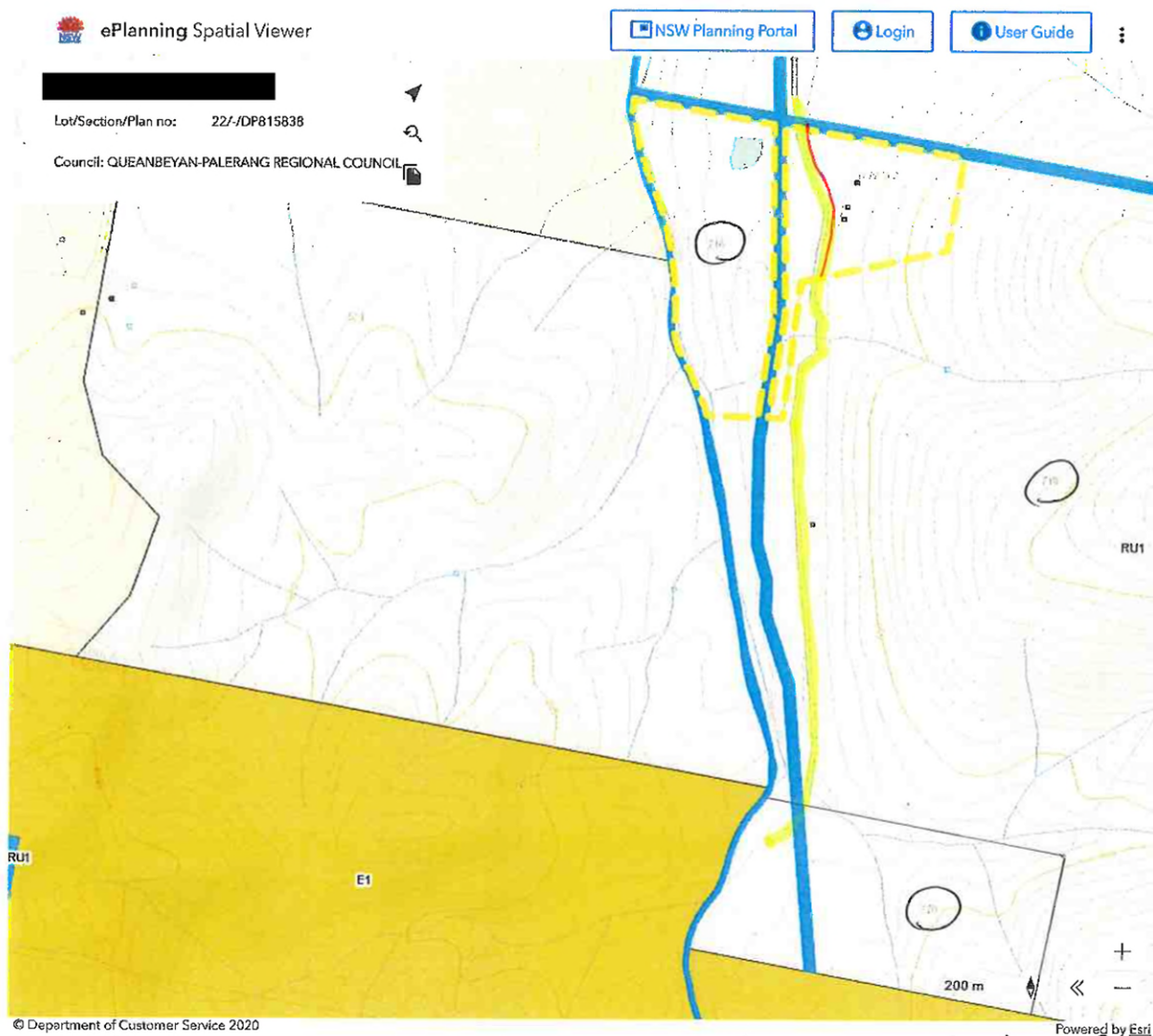
Disclaimer: This report has been generated by various sources and is provided for information purposes only. Spatial Services does not warrant or represent that the information is free from errors or omission, or that it is exhaustive. Spatial Services gives no warranty in relation to the information, especially material supplied by third parties. Spatial Services accepts no liability for loss, damage, or costs that you may incur relating to any use or reliance upon the information in this report.





<p><b>Queanbeyan Palerang Regional Council</b> 256 Crawford St Queanbeyan NSW 2620 Phone: (02) 6285 6000 <a href="http://www.qprc.nsw.gov.au">www.qprc.nsw.gov.au</a></p>		<p><small>© Queanbeyan Palerang Regional Council This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or reliability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Queanbeyan-Palerang Regional Council nor the LPI makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and declines all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. (© The State of New South Wales (Land and Property Information))</small></p>	<p><b>Projection:</b> GDA94 / MGA zone 55</p>	<p>currently existing road highlighted in yellow.</p>
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EPlanning spatial viewer showing boundaries of  
716 with currently existing Roc signed by US [redacted]  
720 for 720 (red line)



Objection to the Formation of a Crown Road across 716 Urila Road, Tinderry NSW 2620

**Appendix B – Evidence of return of RoC to travel  
across the width of our property to the entrance of  
[REDACTED] & clean copy of RoC that was signed**

Copy of letters from our solicitor to the solicitor for the owners of 720 Urila Road, Tinderry.

Including the RoC document signed.

[REDACTED]





28 July 2021

Our Ref: MAP:SD:20180089  
Your Ref:



**PROPERTY: 720 URILA ROAD, TINDERRY NSW 2620**

We act for [REDACTED] who have asked for our advice.

We refer to your client's proposal for the grant of a right of carriageway over our clients' Property.

We have been provided with a plan containing the proposed right of carriageway ("**ROC**").

In respect of the ROC we are instructed as follows:

1. Our clients require your clients to agree to replace the fencing where it has been taken down along the old track.
2. In relation to the proposed Rural Fire Service passing bay we are instructed that this should be on the eastern side of the ROC as previously agreed between the parties.
3. At the southern boundary where the ROC exits the Property, we are instructed that the linear distance of the western side of the ROC from the south eastern boundary is to be no more than 51 metres.
4. As specified the terms are to be a simple Right of Carriageway.
5. Our clients require dimensions and a plan from a surveyor that meet the above requirements.
6. Your clients are to pay our clients reasonable costs of effecting the right of carriageway, including legal costs and any mortgagee consent costs.

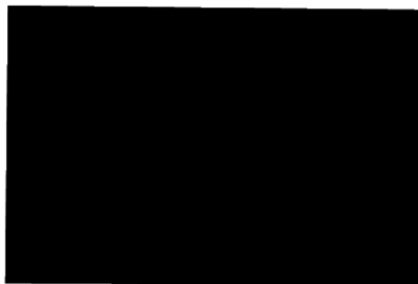
We would be pleased if you could confirm by return your clients' agreement to these.

Following your agreement, we suggest a Deed to cover these matters be prepared.



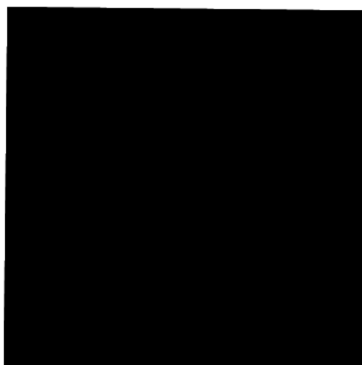


 COPY



11 August 2021

Our Ref: MAP:SD:20210441  
Your Ref:



**PROPERTY: 720 URILA ROAD, TINDERRY NSW 2620**

We refer to recent correspondence in relation to the above matter.

We **enclose** Transfer Granting Easement Form 01TG executed by our clients.







18 November 2021

Our Ref: MAP:SD:20210441



**PROPERTY: 720 URILA ROAD, TINDERRY NSW 2620**

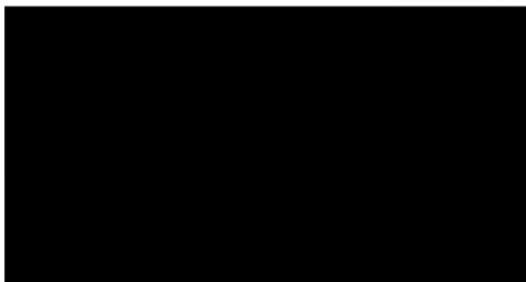
We refer to recent correspondence in relation to the above matter and in particular our letter of 11 August 2021.

We note that we provided you with our clients' signed Transfer Granting Easement form on 11 August 2021 by post in respect of the existing right of carriageway, however we are informed your office never received the document.

We refer to our letter of 3 August 2021 whereby our clients agreed to execute the Transfer Granting Easement Instrument in respect of the right of carriageway over the existing right of carriageway, and we sought your response in respect of the same. To date, we have not received a response to our letter.

Notwithstanding, we now **enclose** further copy of the Transfer Granting Easement Form 01TG executed by our clients.

We look forward to your response in respect of our letter of 3 August 2021.







18 November 2021

Our Ref: MAP:SD:20210441



**PROPERTY: 720 URILA ROAD, TINDERRY NSW 2620**

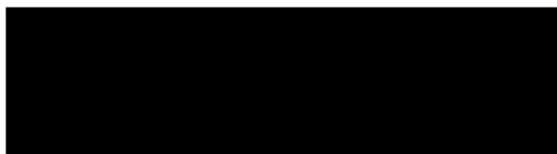
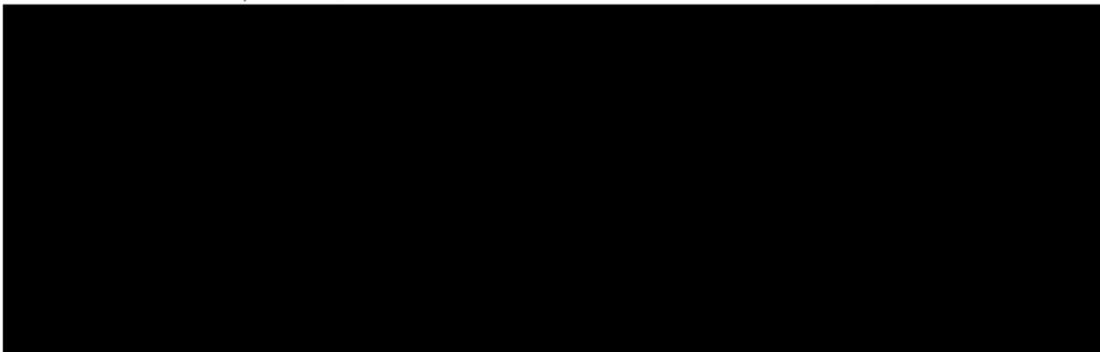
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Notwithstanding, we now **enclose** further copy of the Transfer Granting Easement Form 01TG executed by our clients.

We look forward to your response in respect of our letter of 3 August 2021.





Annexure A to TRANSFER GRANTING EASEMENT

Parties:

Dated:

I certify I am an eligible witness and that the transferor  
signed this dealing  
[See note\* below]

Signature of witness:

Name of witness:  
Address of witness:

Certified correct for the purposes of the Real Property Act  
1900 by the transferor,

Signature of transferor:

I certify I am an eligible witness and that the transferee  
signed this dealing in my presence.  
[See note\* below]

Signature of witness:

Name of witness:  
Address of witness:

Certified correct for the purposes of the Real Property Act  
1900 by the transferee,

Signature of transferee:

*\* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.*

ALL HANDWRITING MUST BE IN BLOCK CAPITALS

Page 3 of 3

Number additional pages sequentially



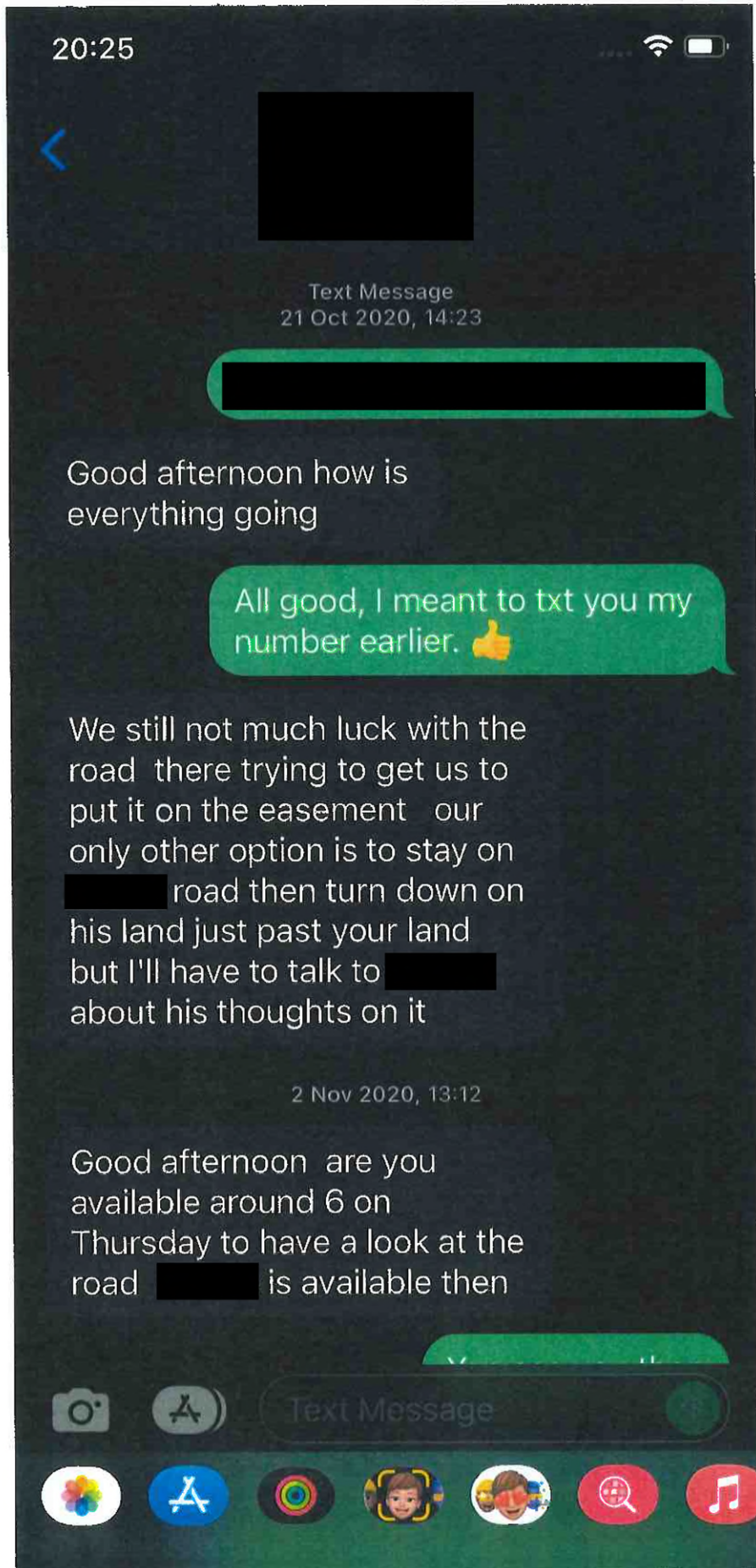
Objection to the Formation of a Crown Road across [REDACTED]

### **Appendix C - Text Messages between the owners of [REDACTED] and the owners of 720 Urila Road**

Printout of all text messages between [REDACTED]

[REDACTED] (720 Urila Road). Determining parties from the Crown Roads Authority are welcome  
to read through messages on [REDACTED] phone if needed.

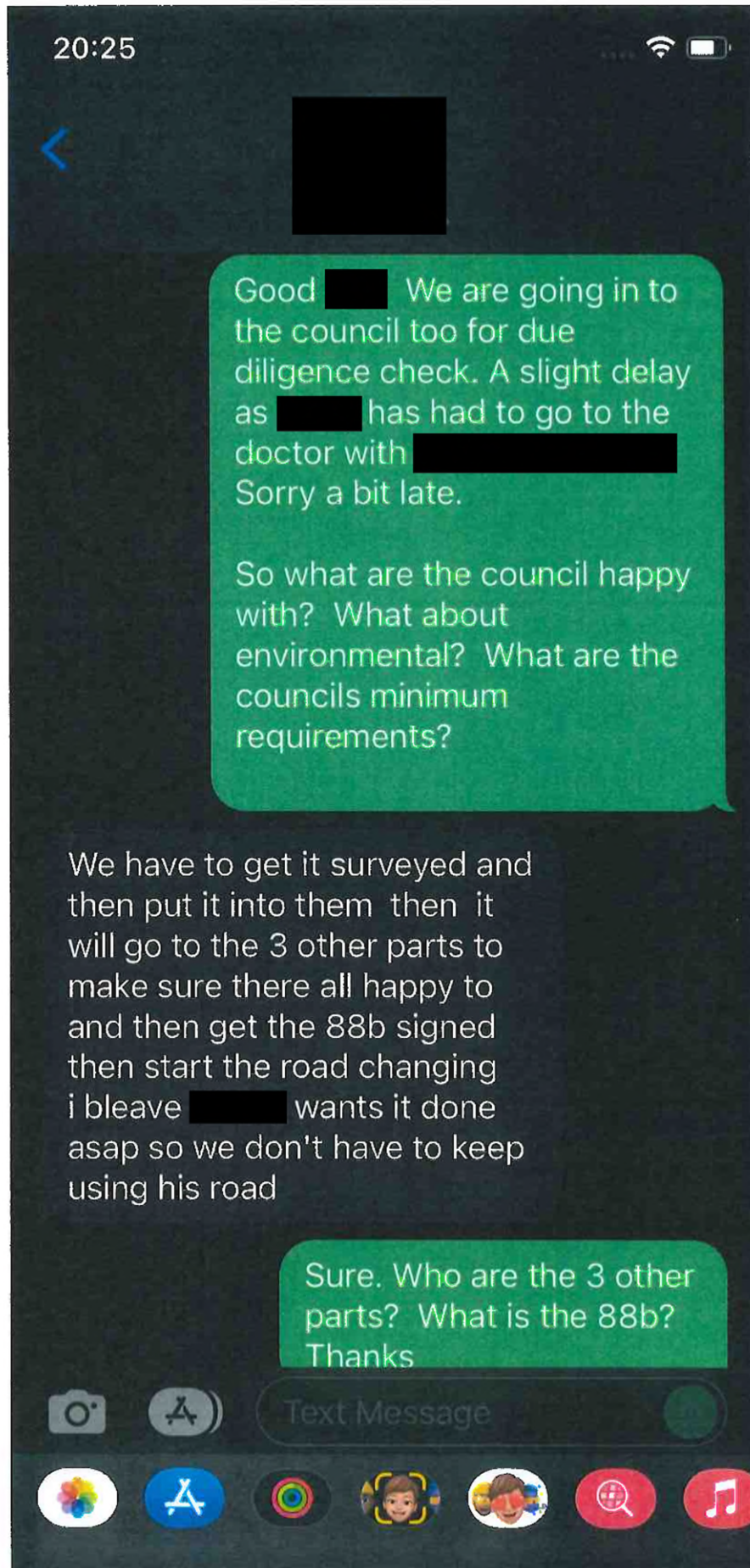




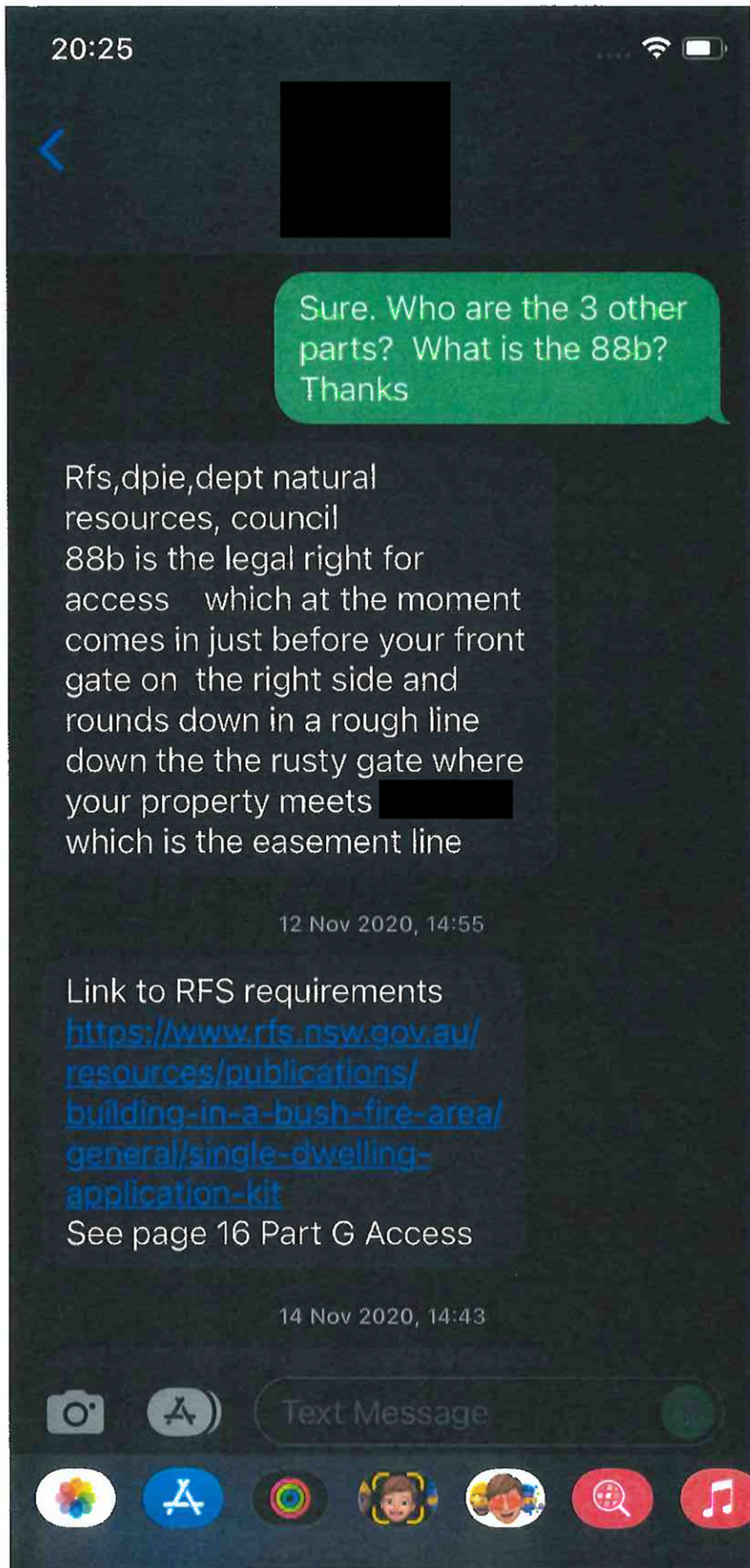




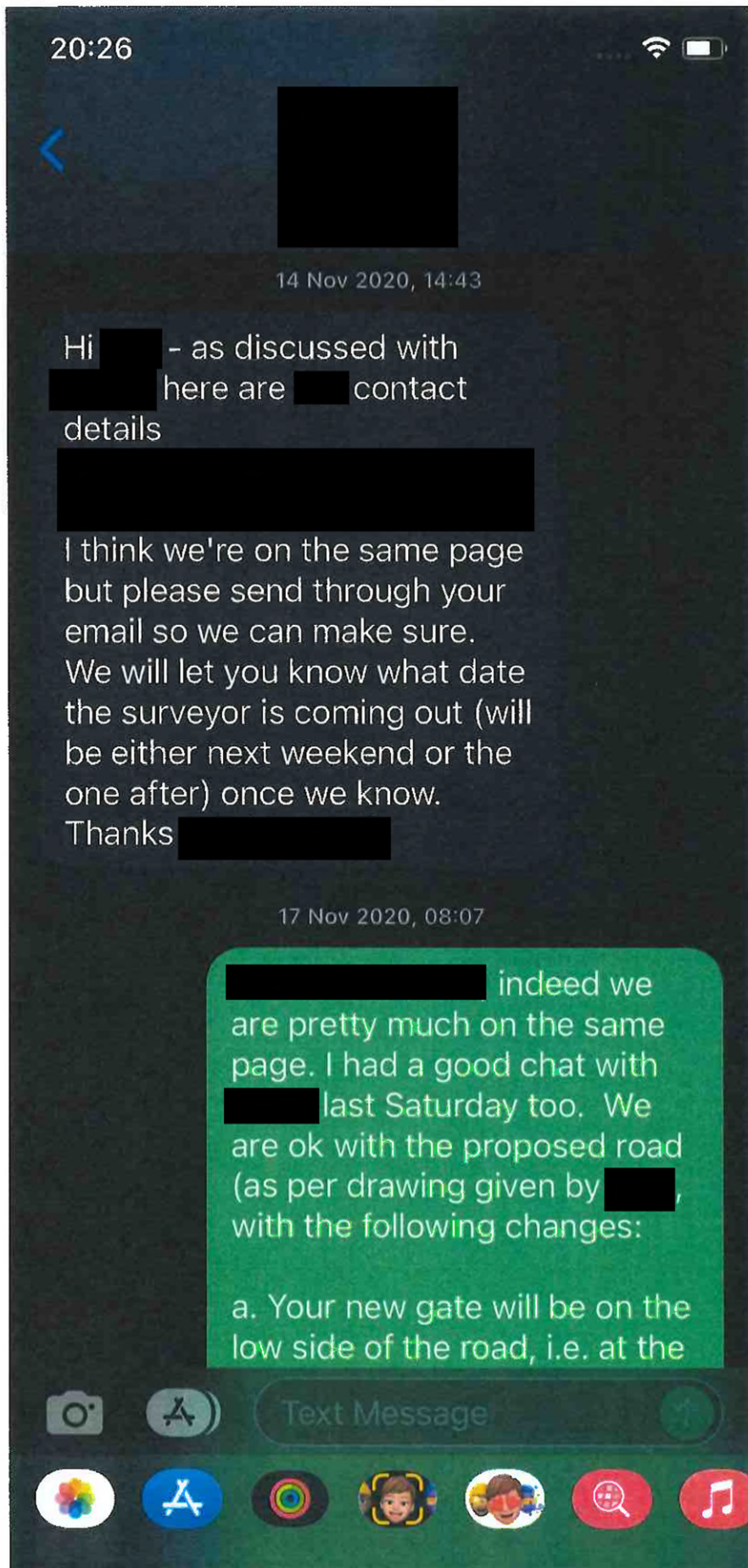




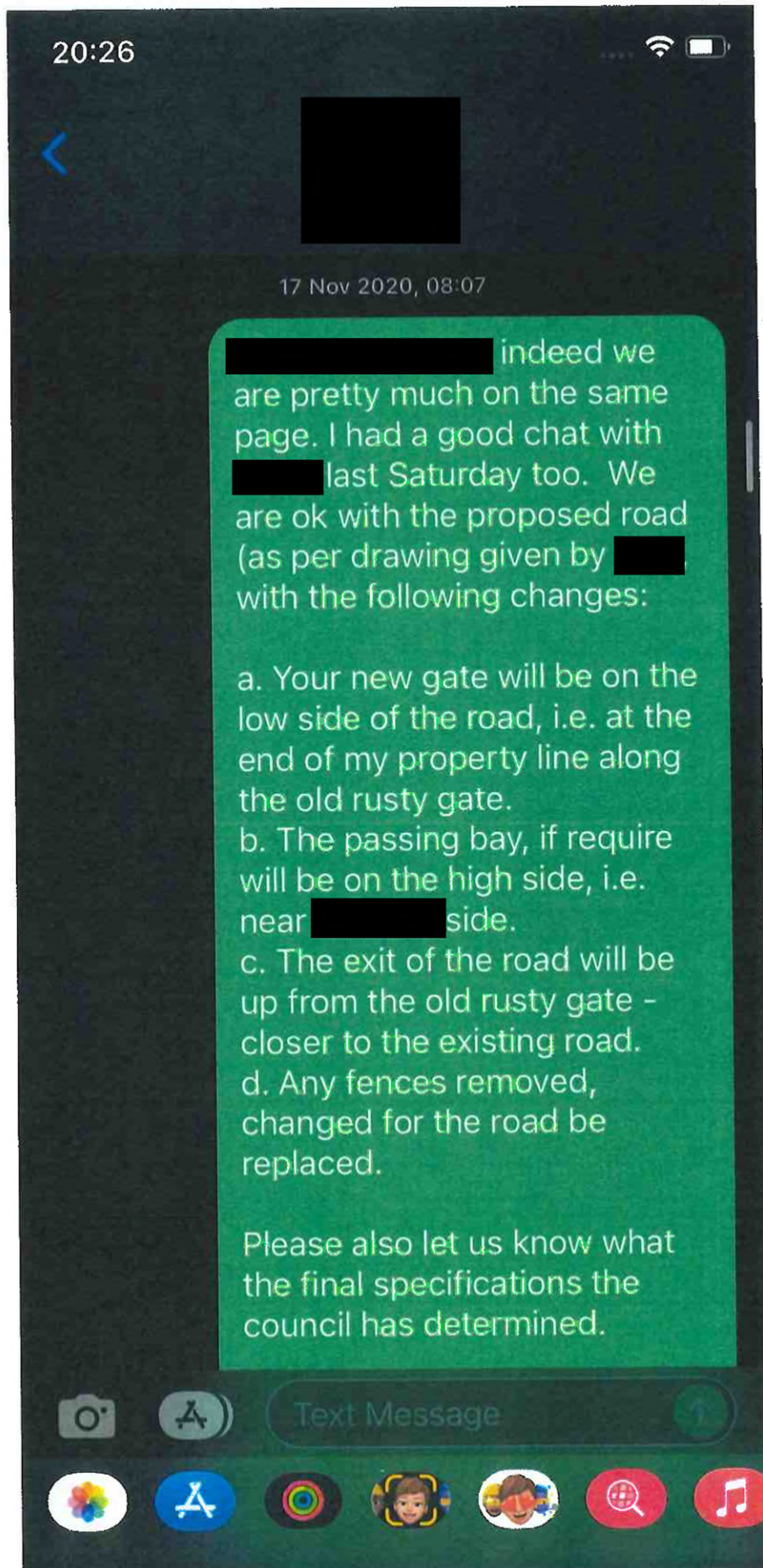




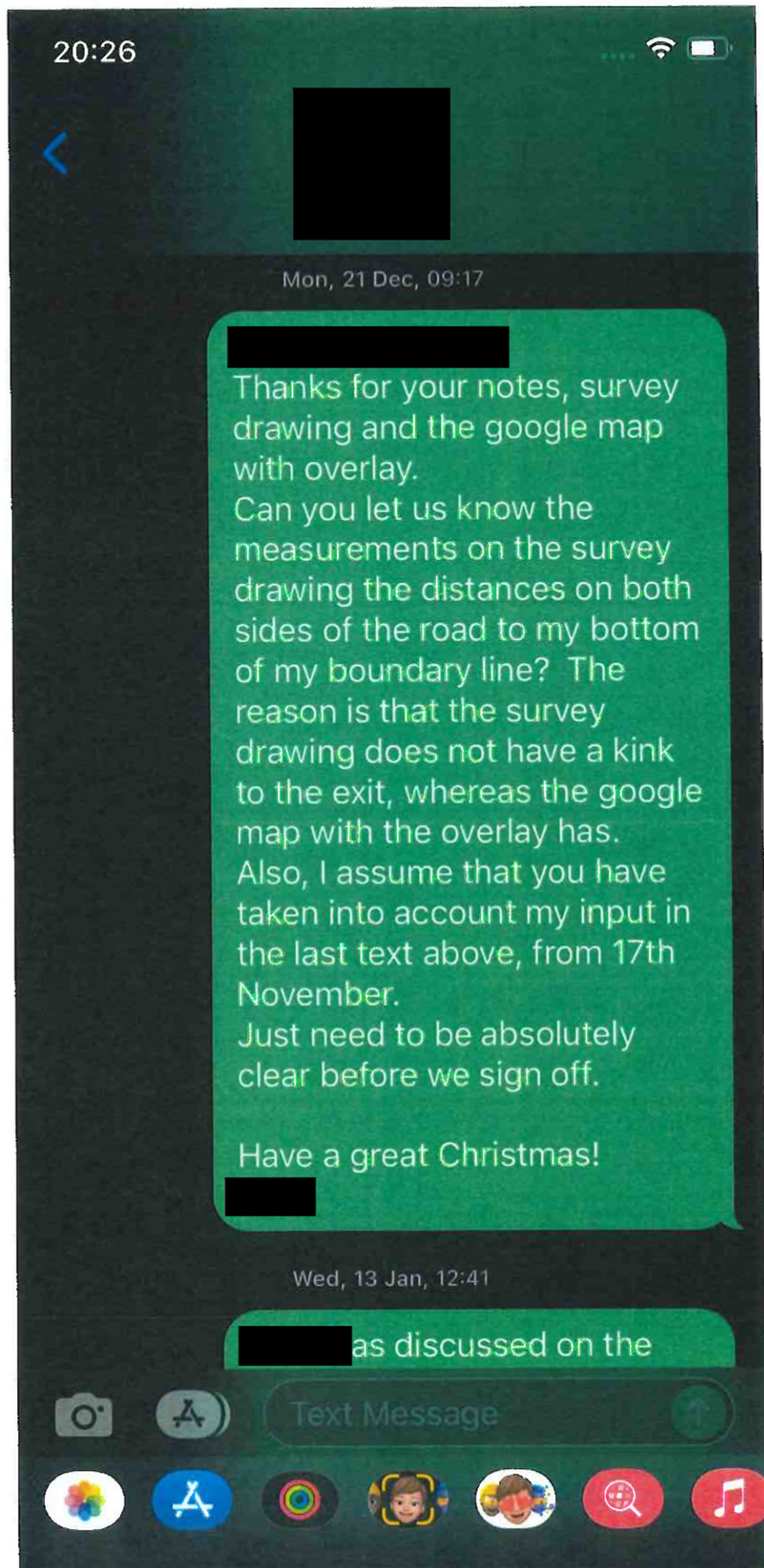




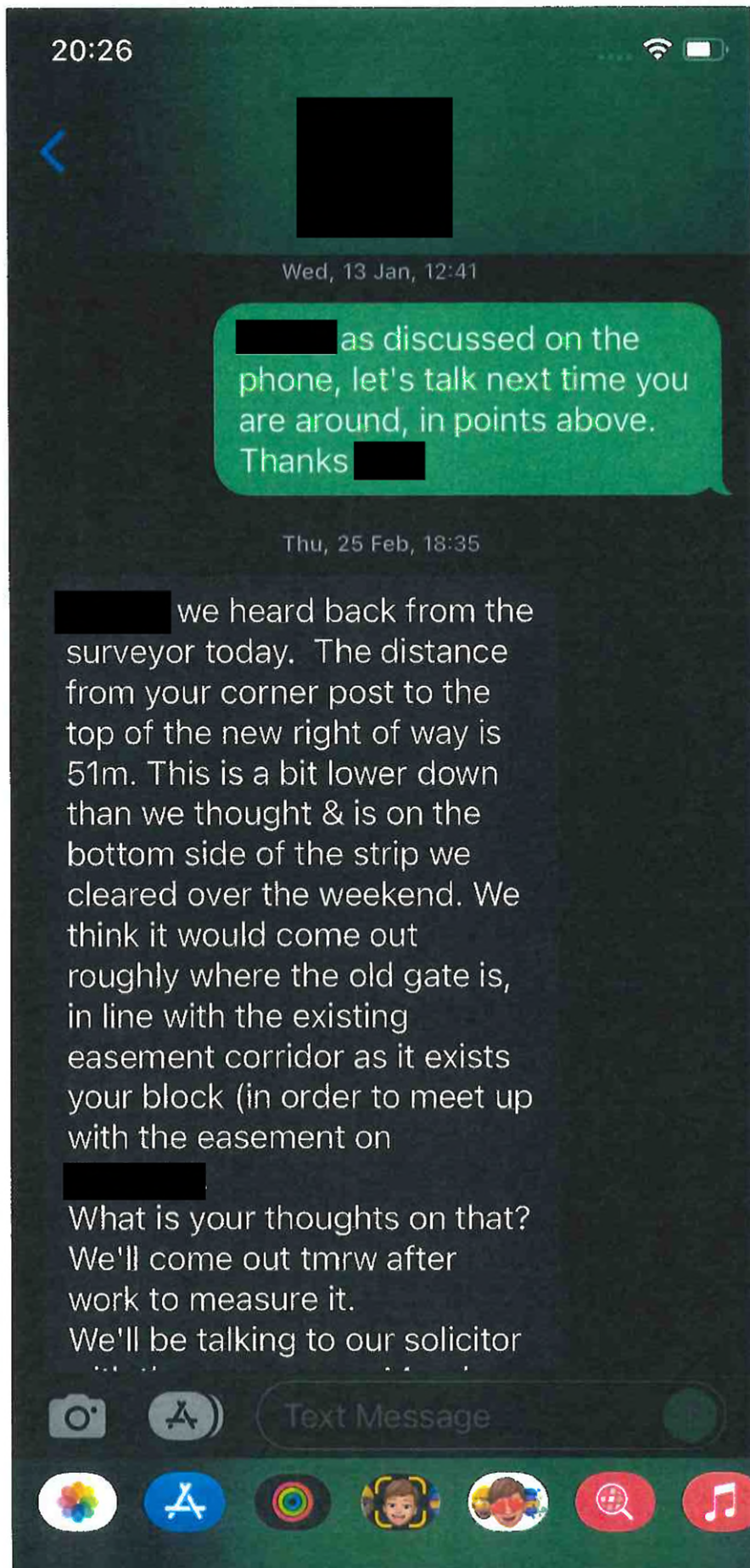




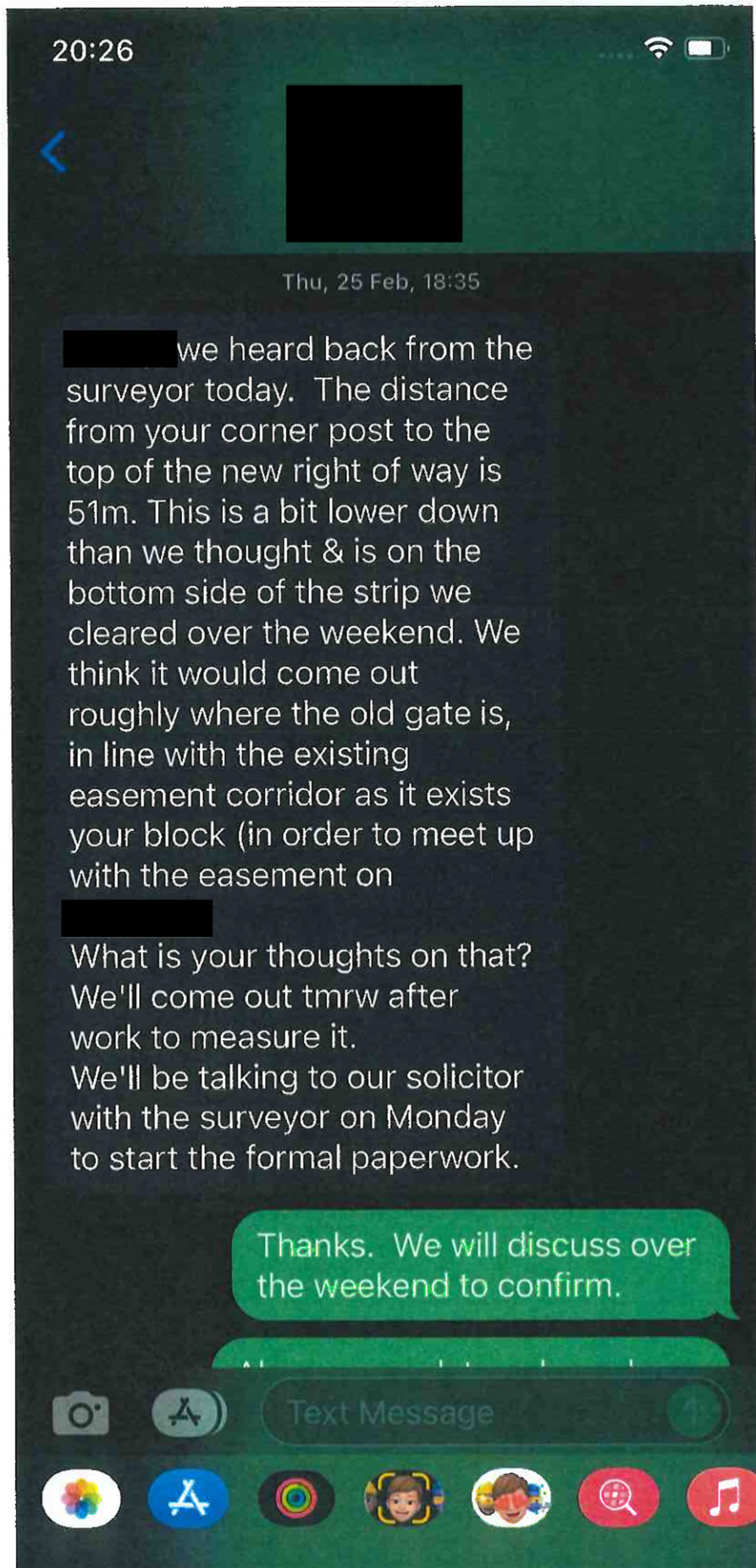




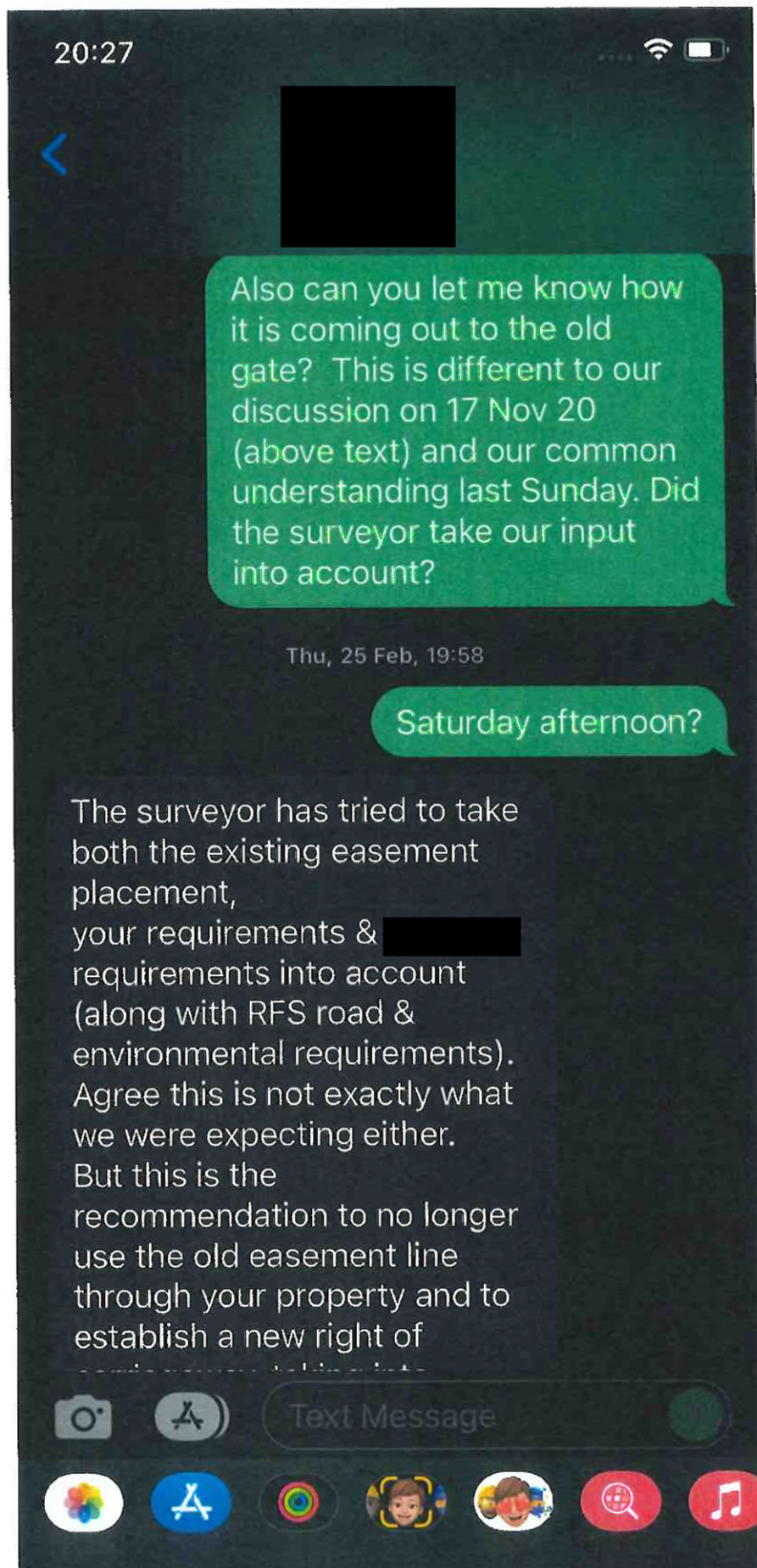




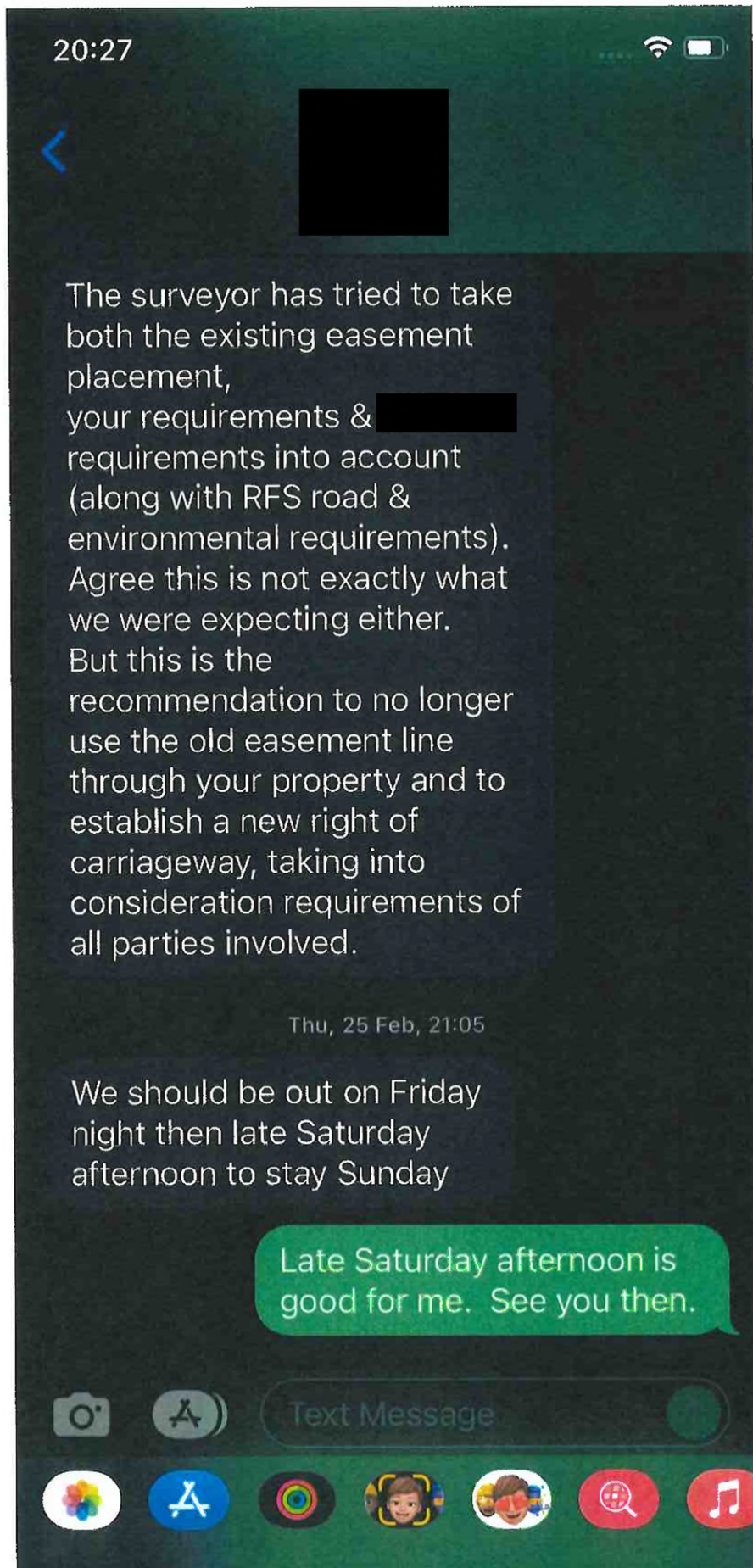




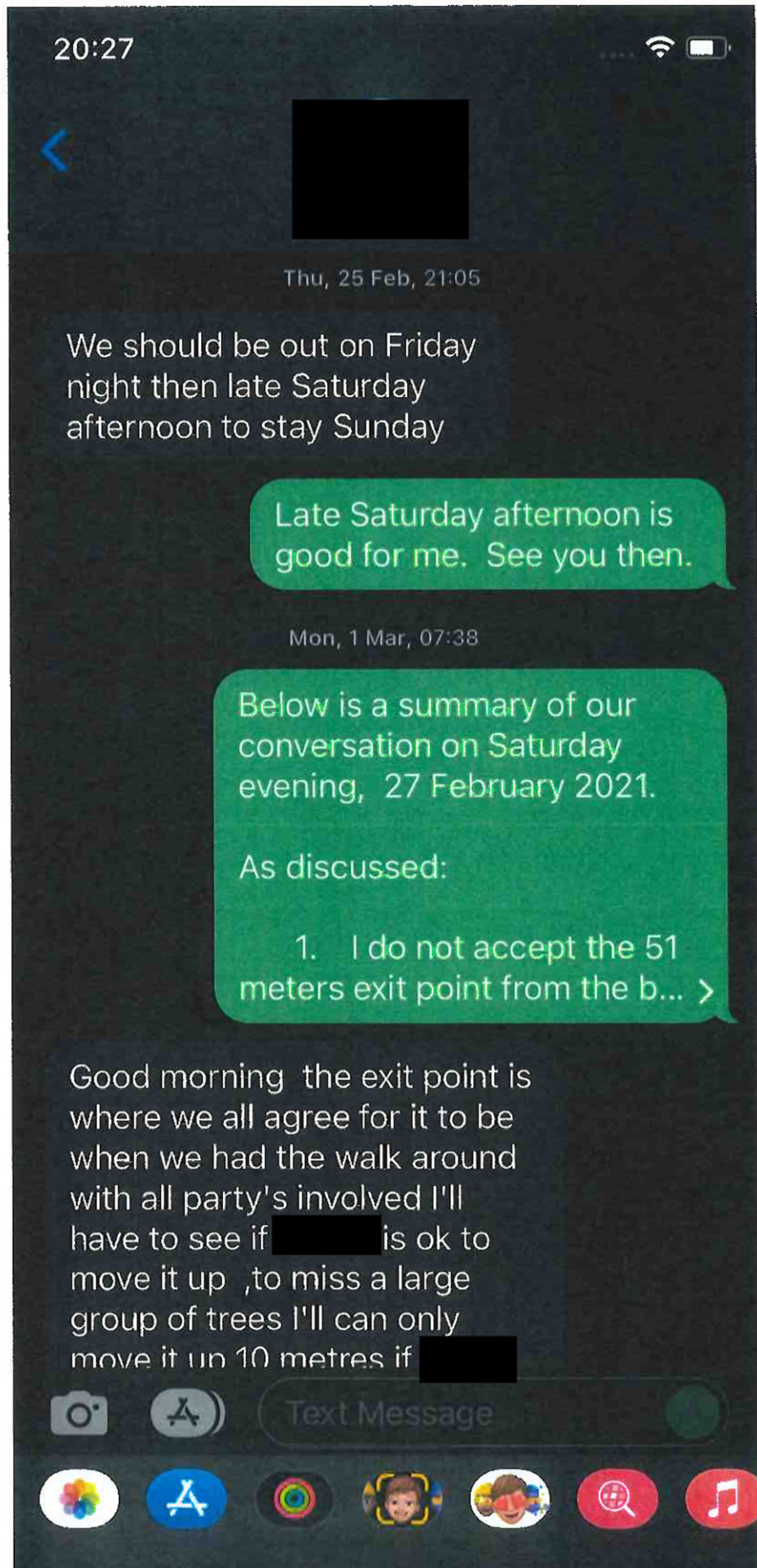














Below is a summary of our conversation on Saturday evening, 27 February 2021.

As discussed:

A

1. I do not accept the 51 meters exit point from the boundary corner (the corner of [REDACTED] road and along my property line), presented to me on the evening of 25 February 2021.
2. Your surveyor did not take into the account of my requirement to moving the exit of the road up from the existing old gate, closer to the existing road. The requirement was presented to you in writing (text message on 17 November 2020), prior to your meeting with your surveyor.
3. When we met on Sunday, 21 February 2021, I asked for the exact location for the exit point to be provided, as [REDACTED] and I did not have the proposed measurement. However we agreed that the exit point was to be up from the gate closer to the old fence and is cleared from [REDACTED] trees in front of the exit.
4. I understand that your solicitor/conveyancer and your surveyor are meeting on Monday 01 March 2021. Please inform them that I do not agree to what is proposed, and that my requirements must be taken into account and addressed.
5. I request that the location of the exit and all other measurements/specifications be clarified and presented back for consideration - see below.

My requirements - clarified and reiterated from our previous discussions:

1. By my measurement taken on Sunday 28 February 2021, and consistent with our discussion on 21 February 2021 (see above), the proposed new road (lower edge) must not exceed 36 meters from the corner post.
2. The entry of the road is adjacent to [REDACTED] gate. (Previously agreed)
3. Fencing to both sides of the road be installed as the part of the new road construction. (Previously agreed)
4. Fencing to the boundary be put back as the part of the new road construction.. (Previously agreed)
5. No gates will be erected on to the road. (Previously agreed to not have a gate at the beginning of the road. [REDACTED] said on Sunday, 21 February 2021 that there will not be a gate at the exit of the road.)
6. The width, entry and exit of the road, any passing bay (on the high side as previously agreed) be clearly specified.
7. Please detail the relevant rules and regulations from the authorities (Council, Environment, RFS..etc) concerned, leading to the proposed design, the time frame and the steps required to sign off.

Going forward, and until we have an agreed specification and an agreement in place:

1

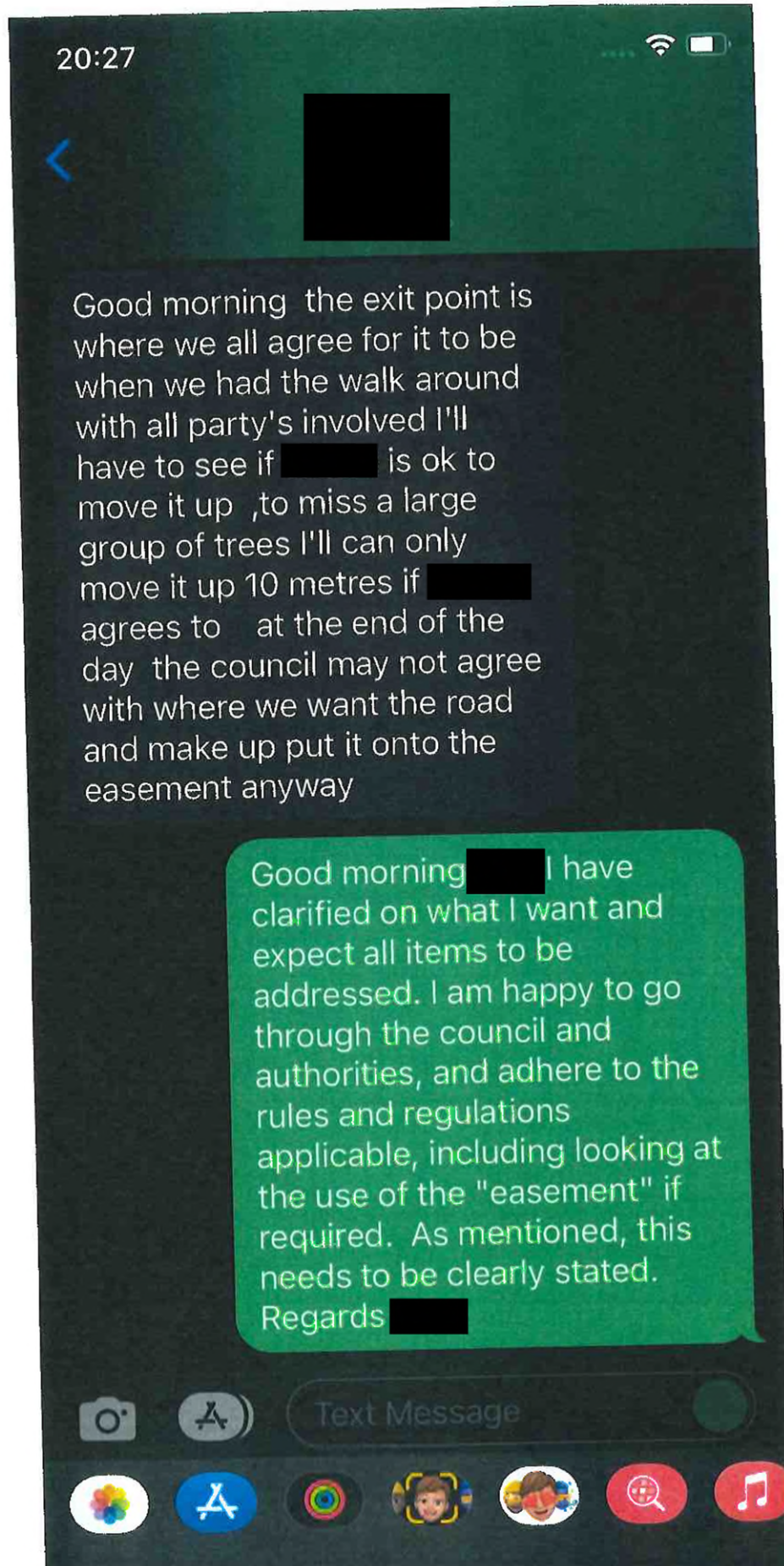
1. Please stop clearing any trees and scrubs.
2. Please continue to use only the existing road, and not on any other land adjacent to the existing road, cleared or otherwise.
3. Please provide any other information in writing, to ensure we are all on the same page.



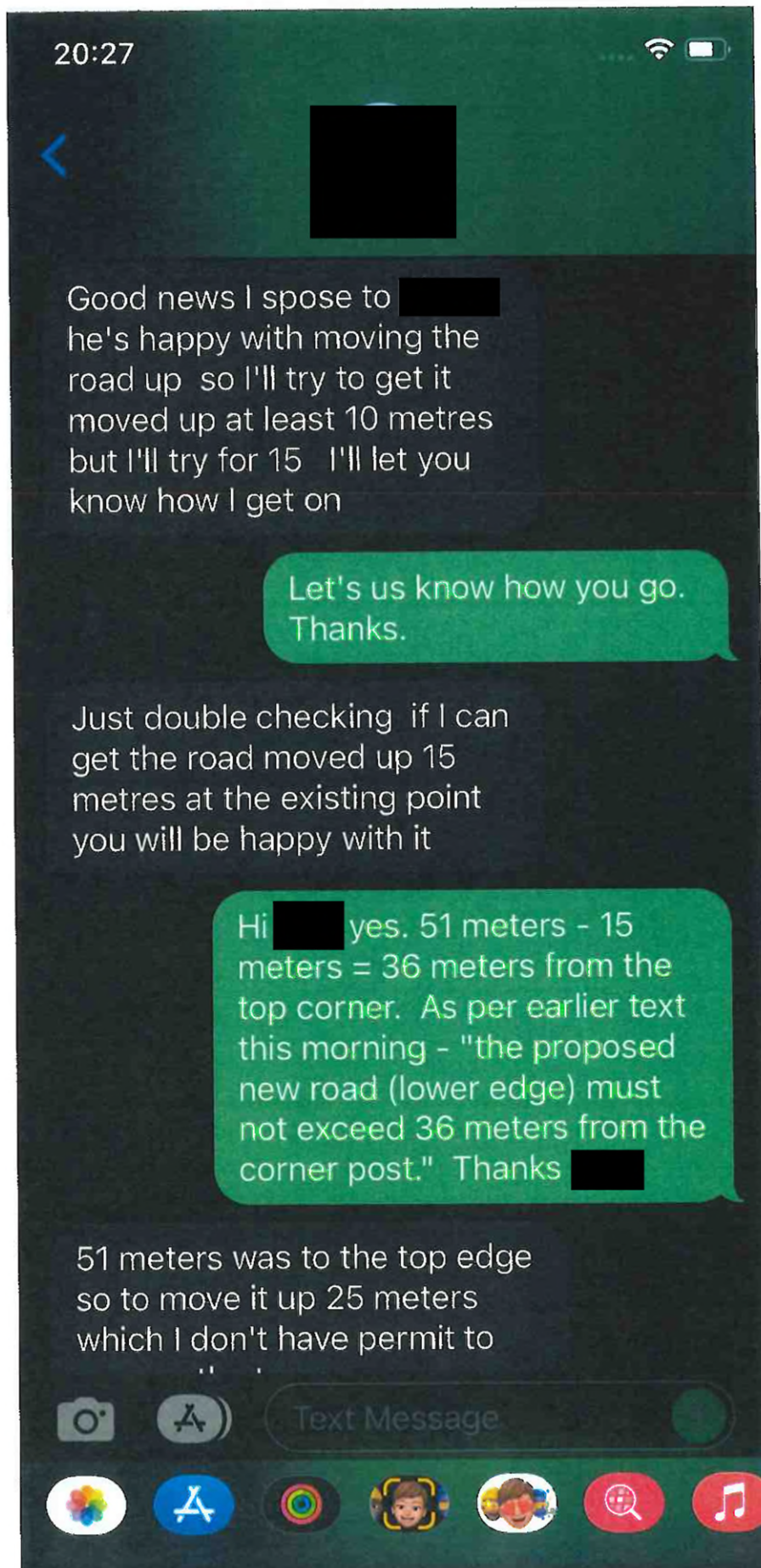
Regards





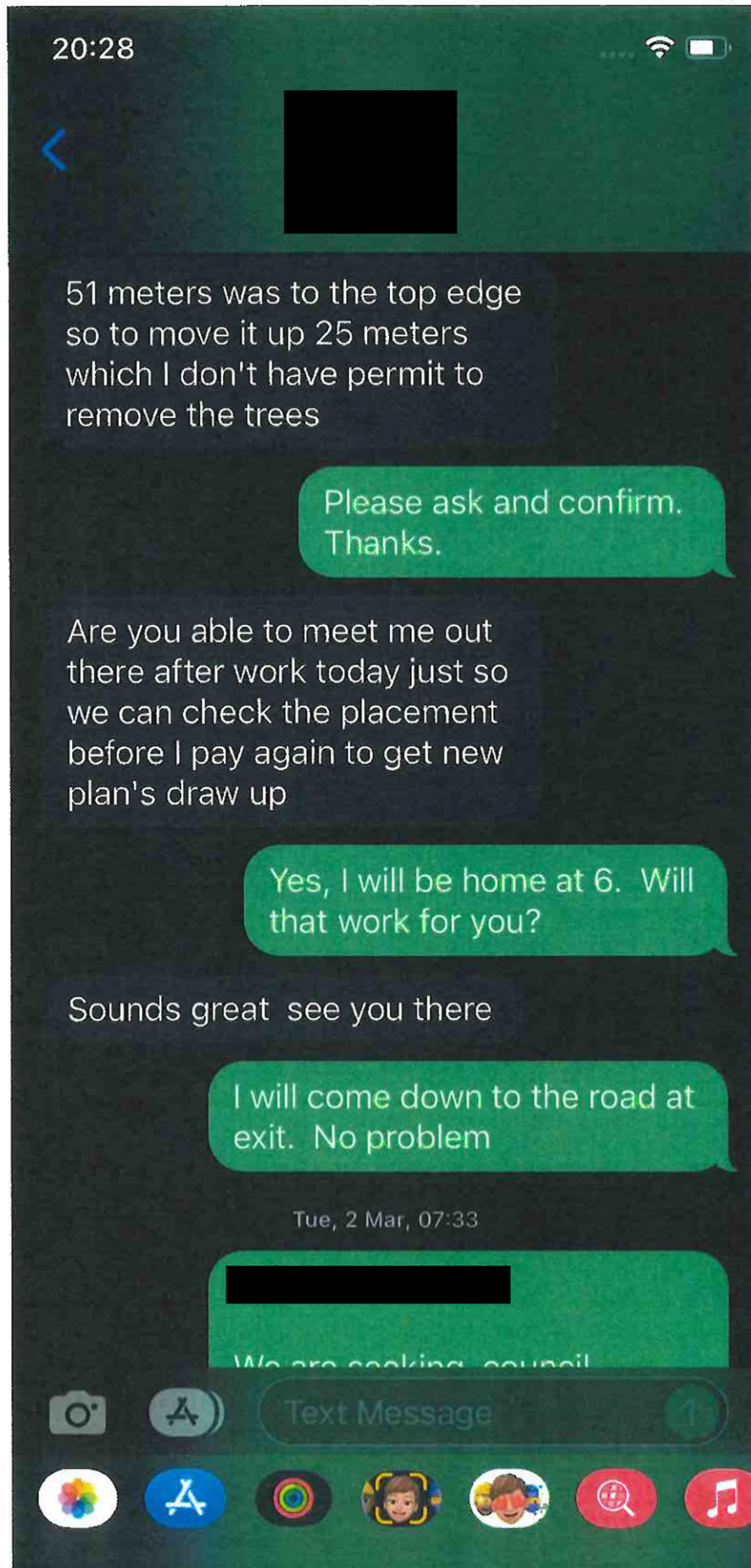




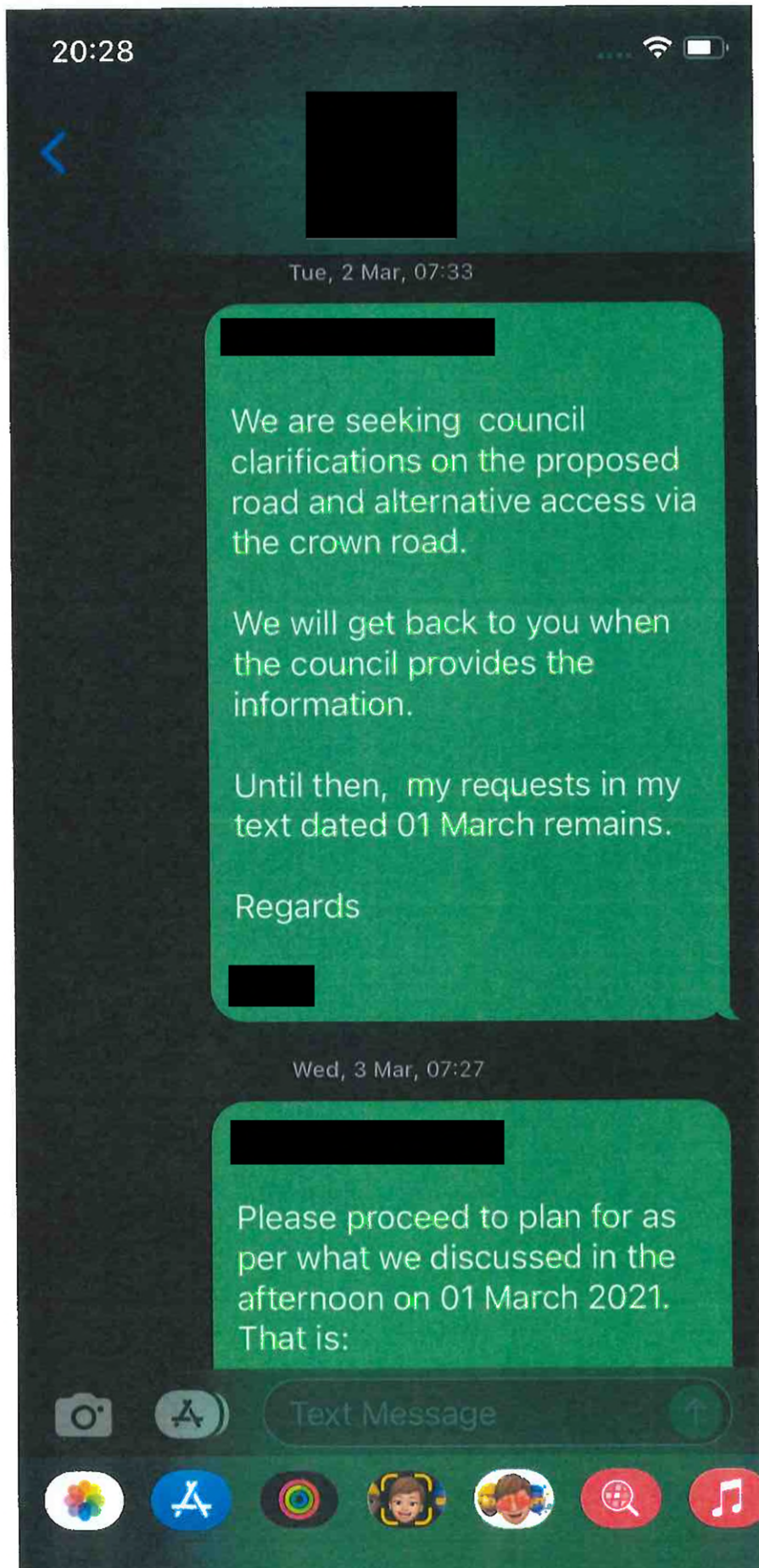


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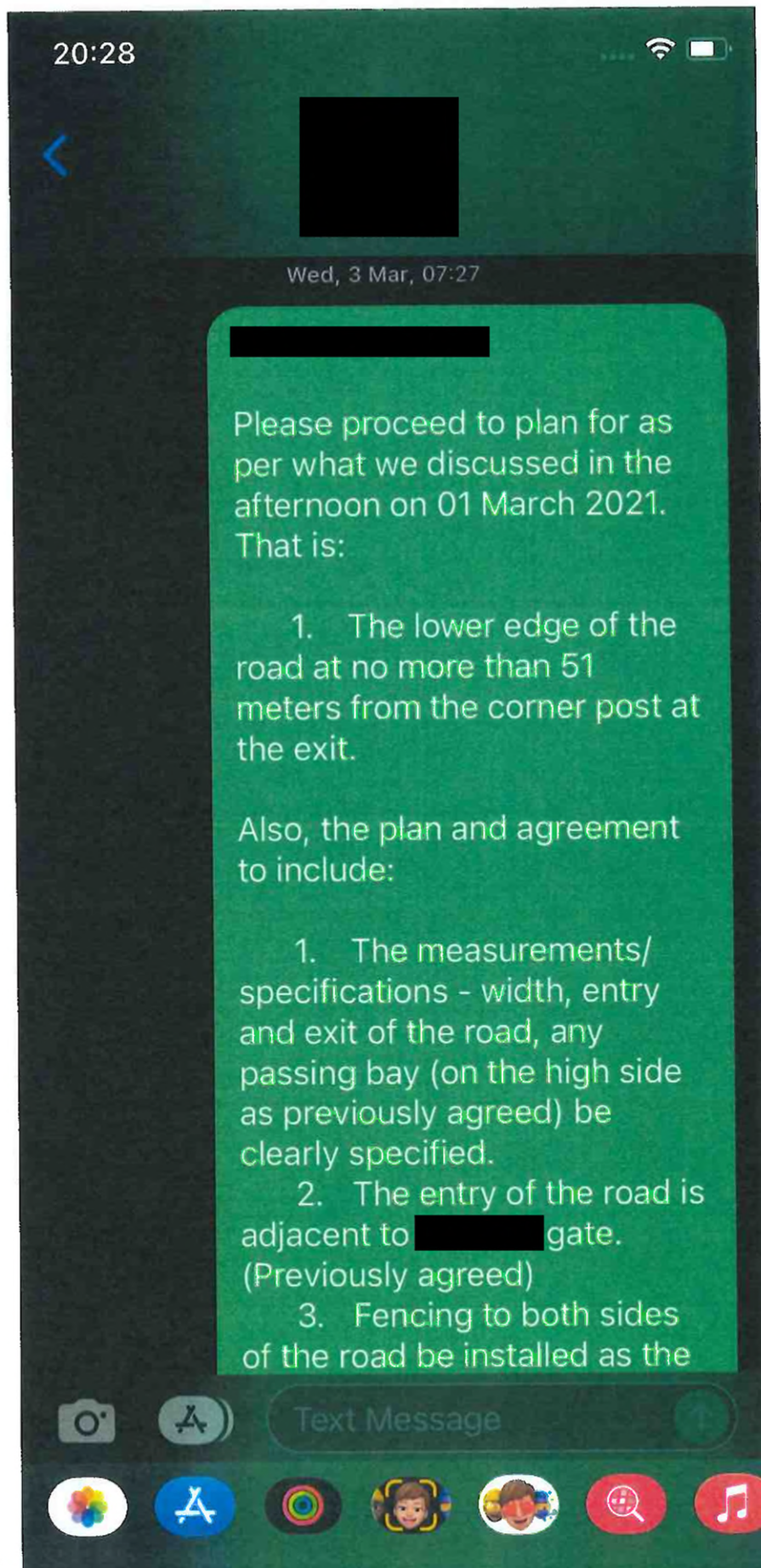




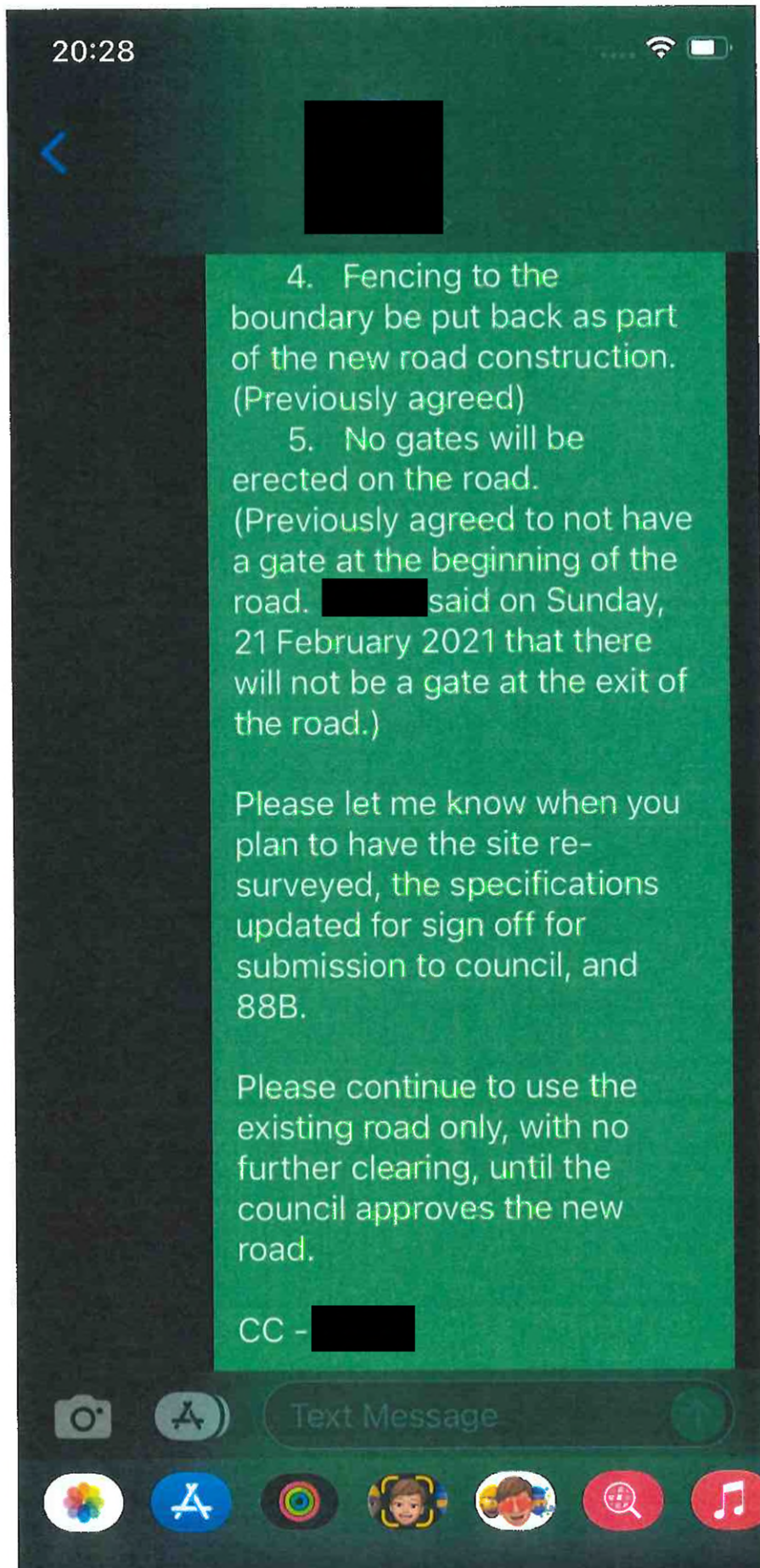








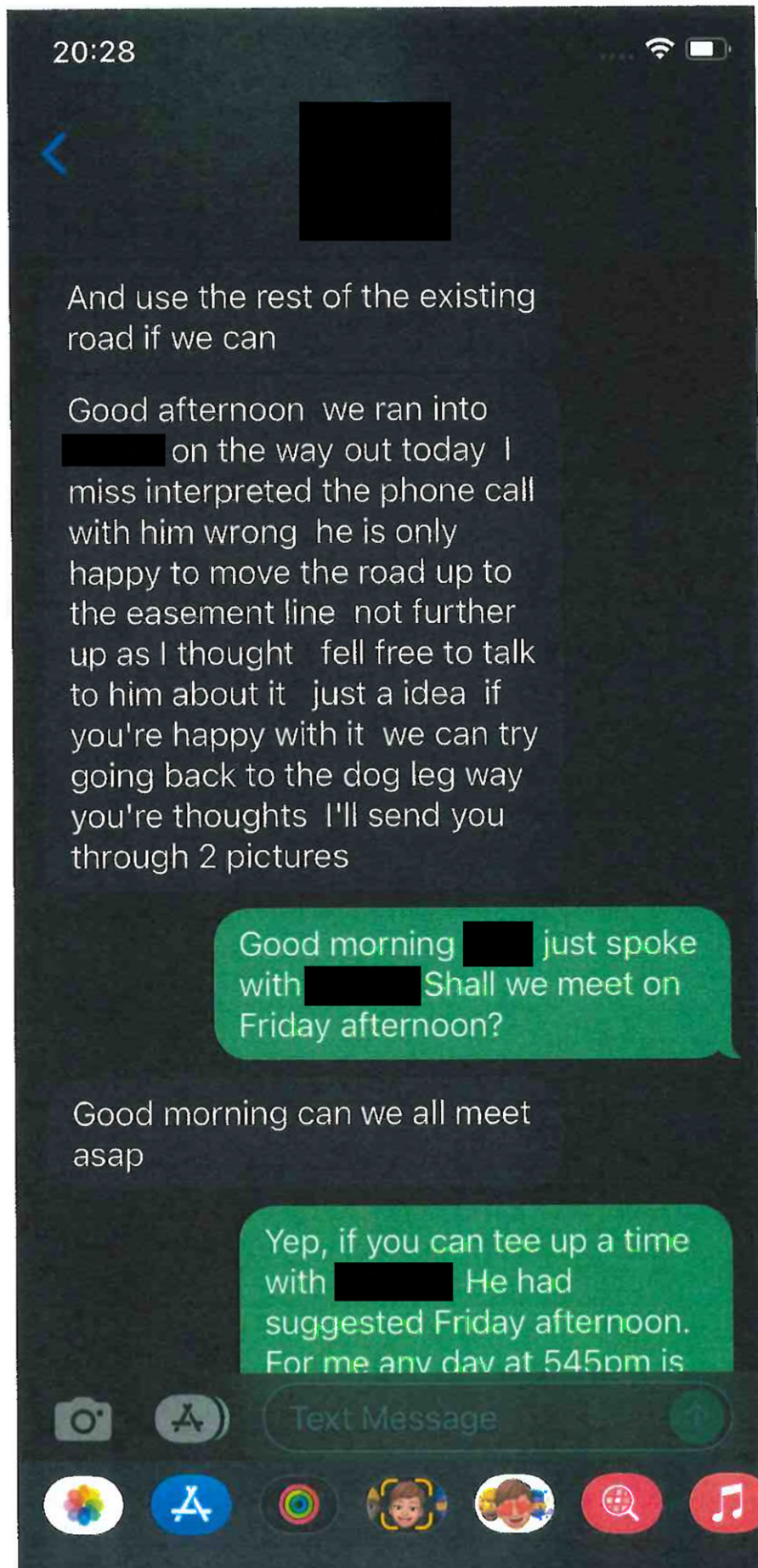




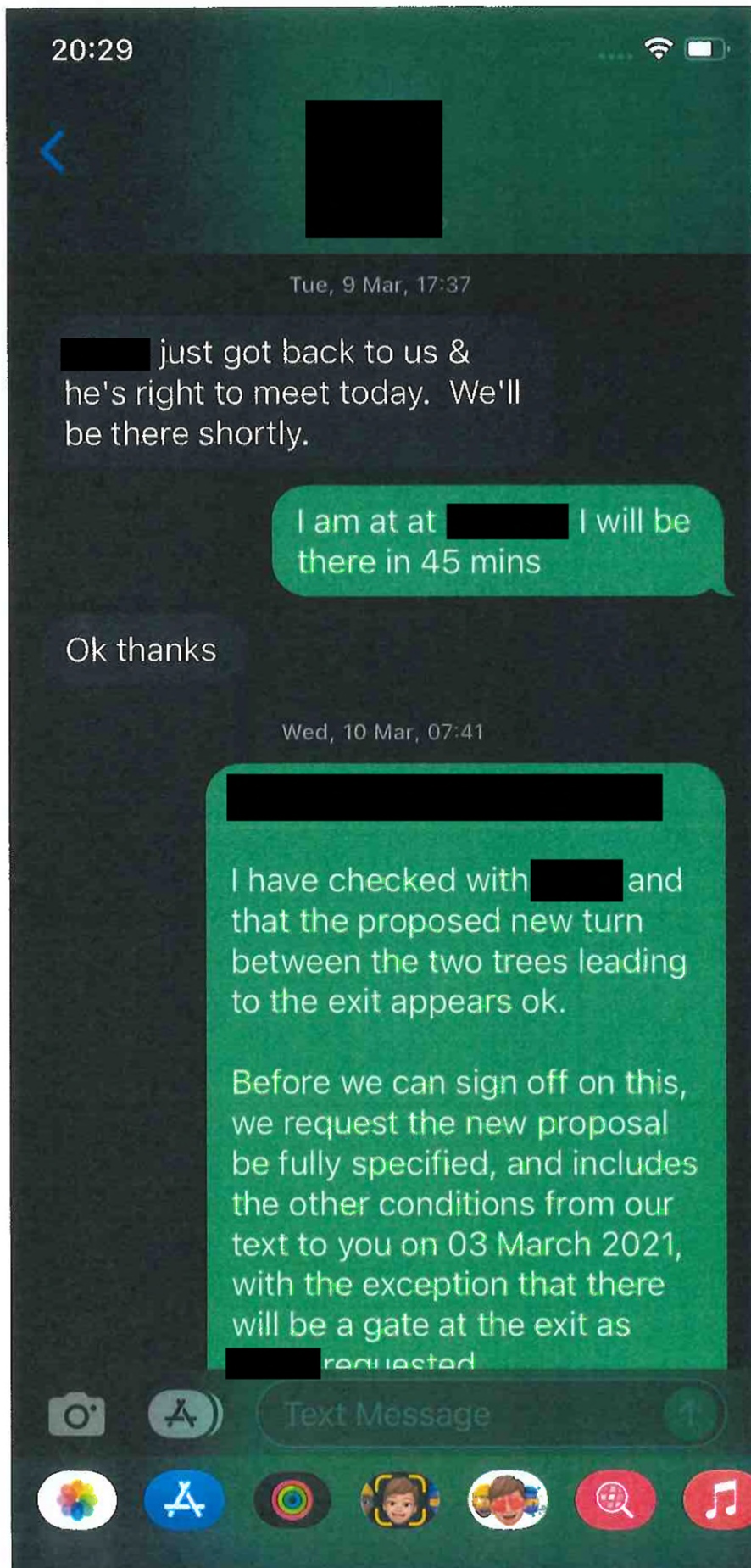




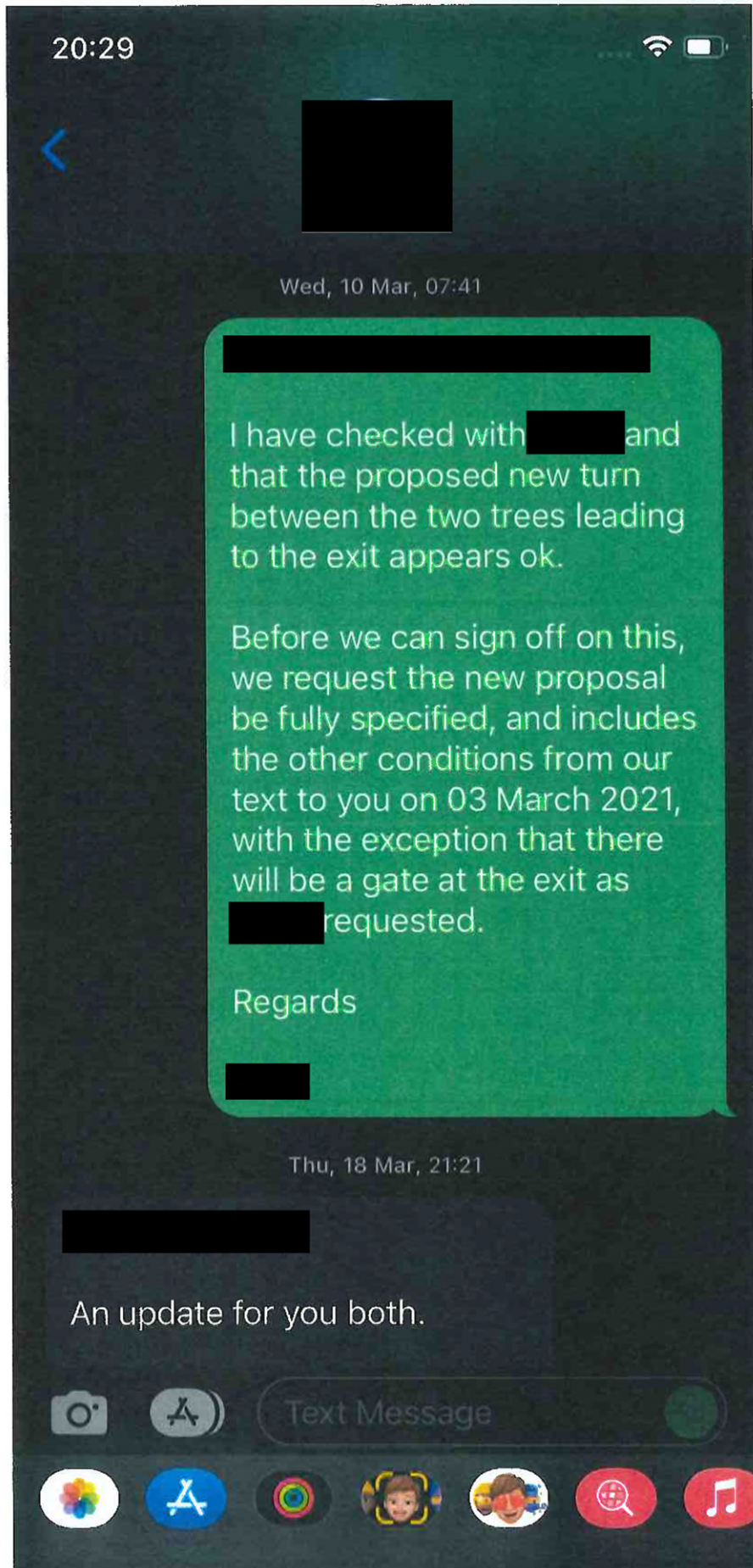




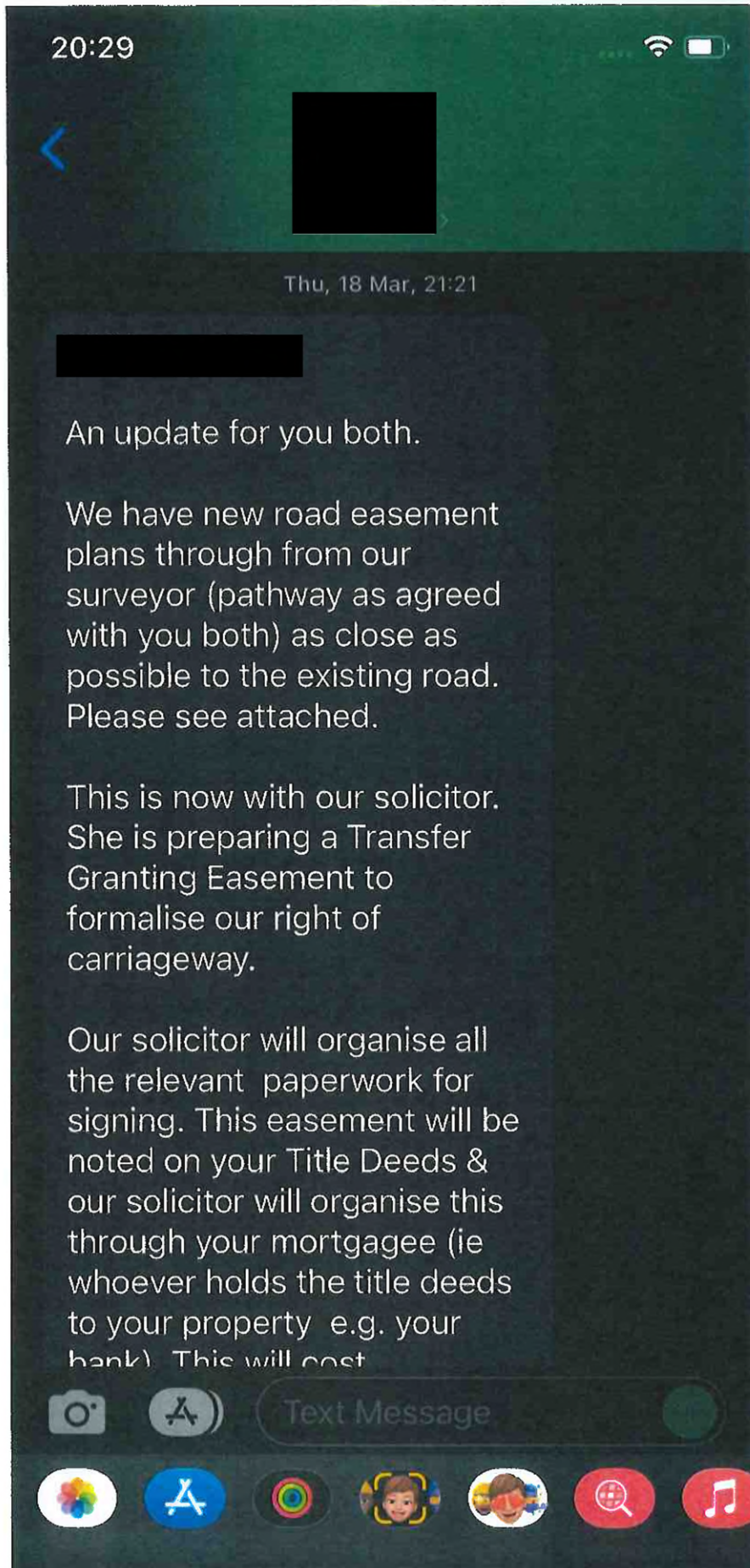




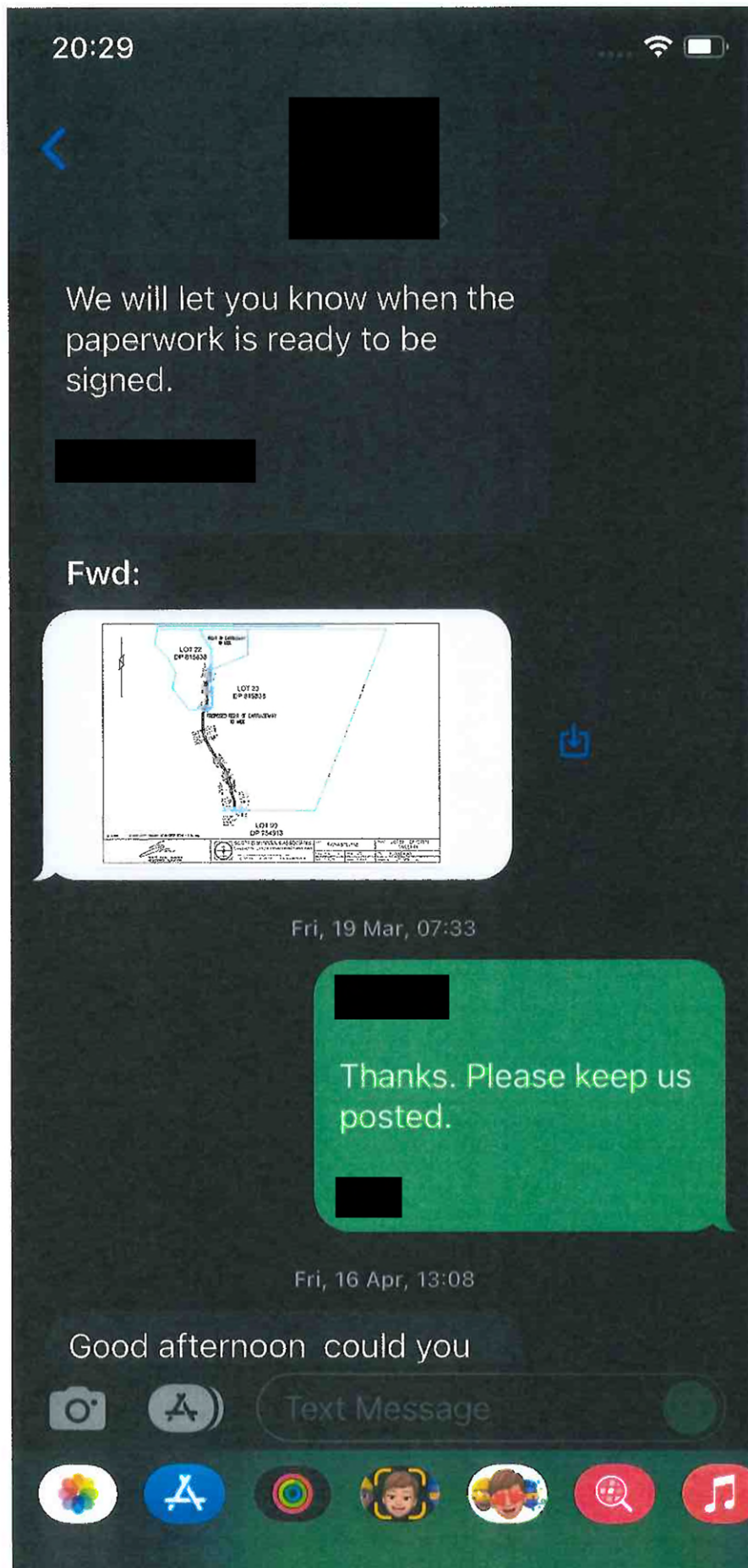




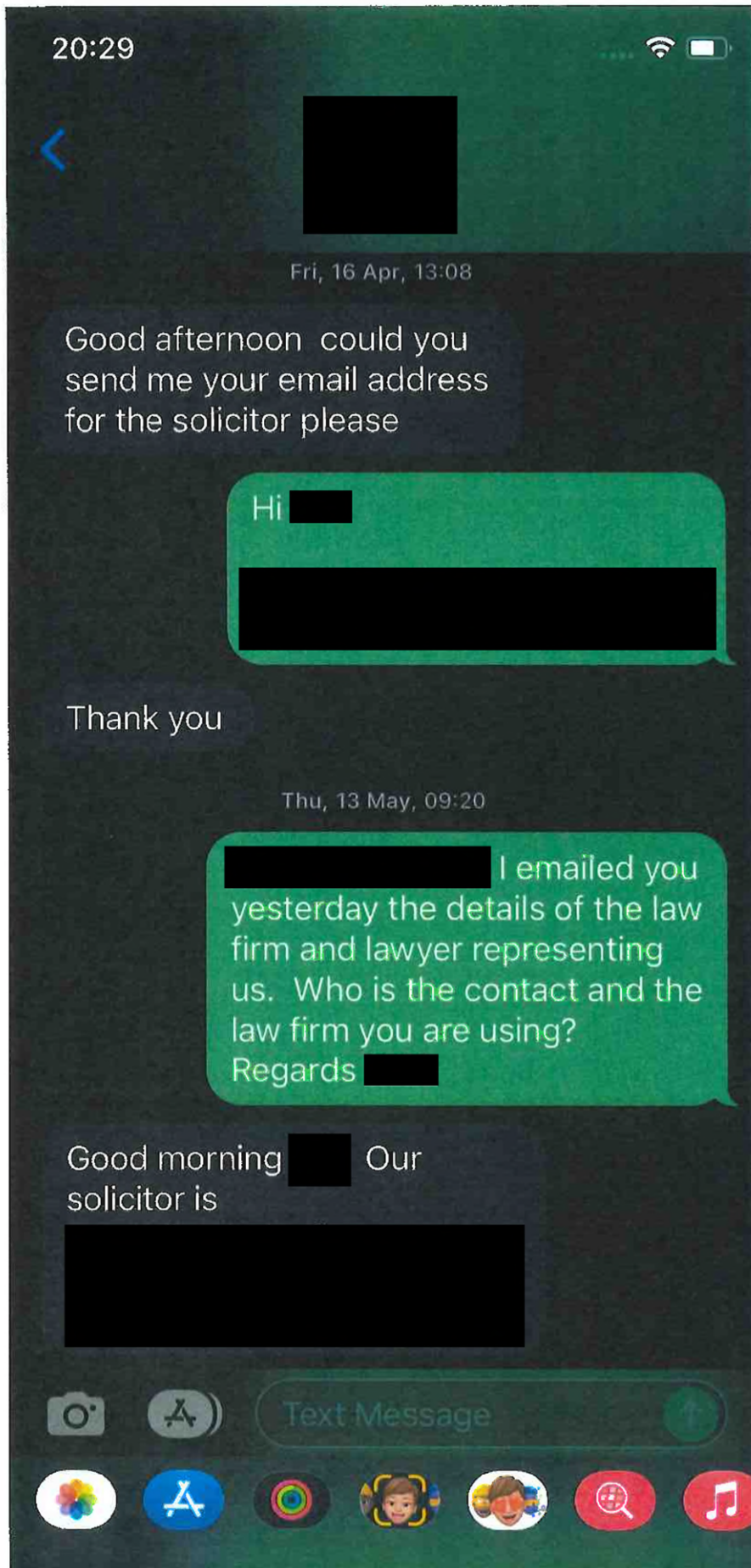




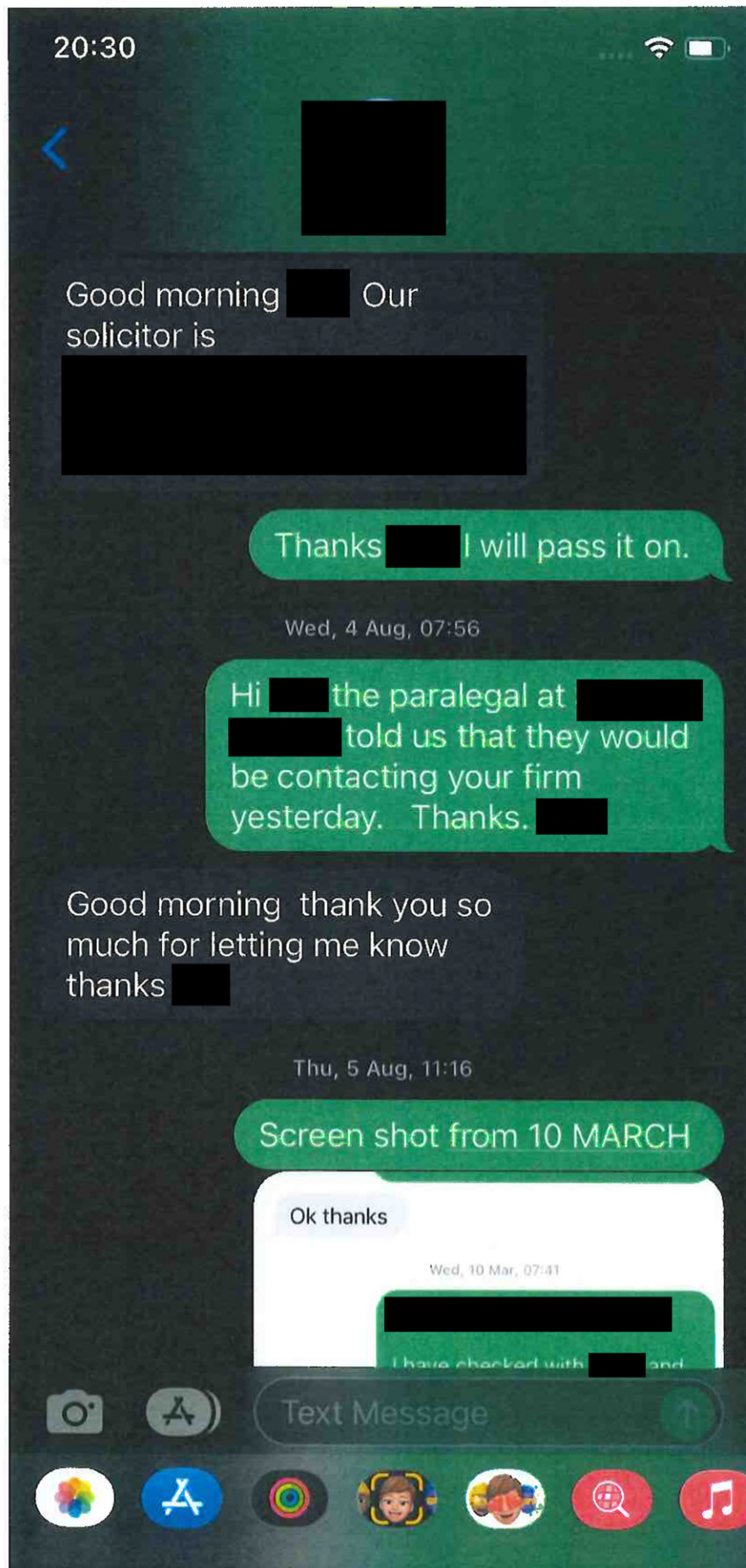




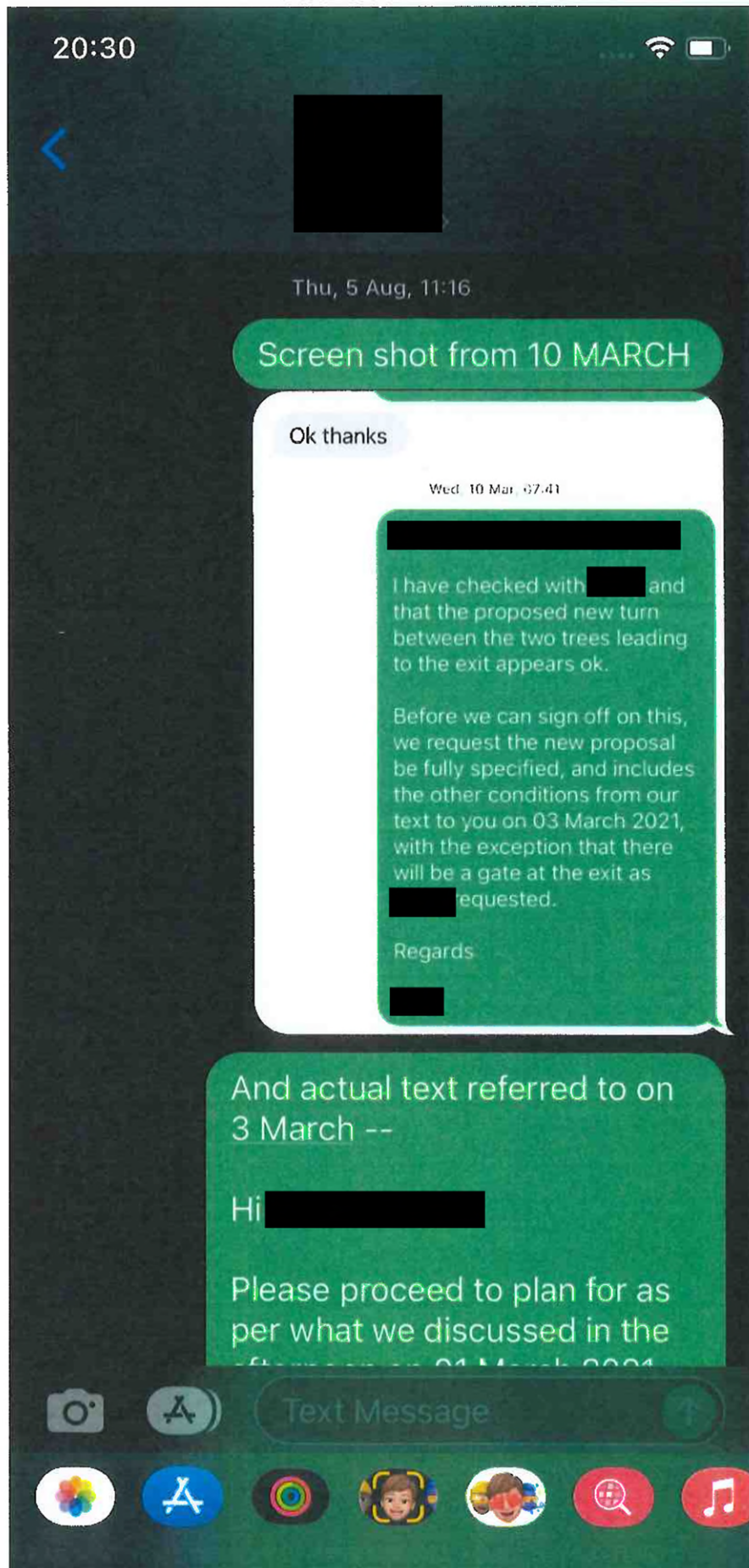




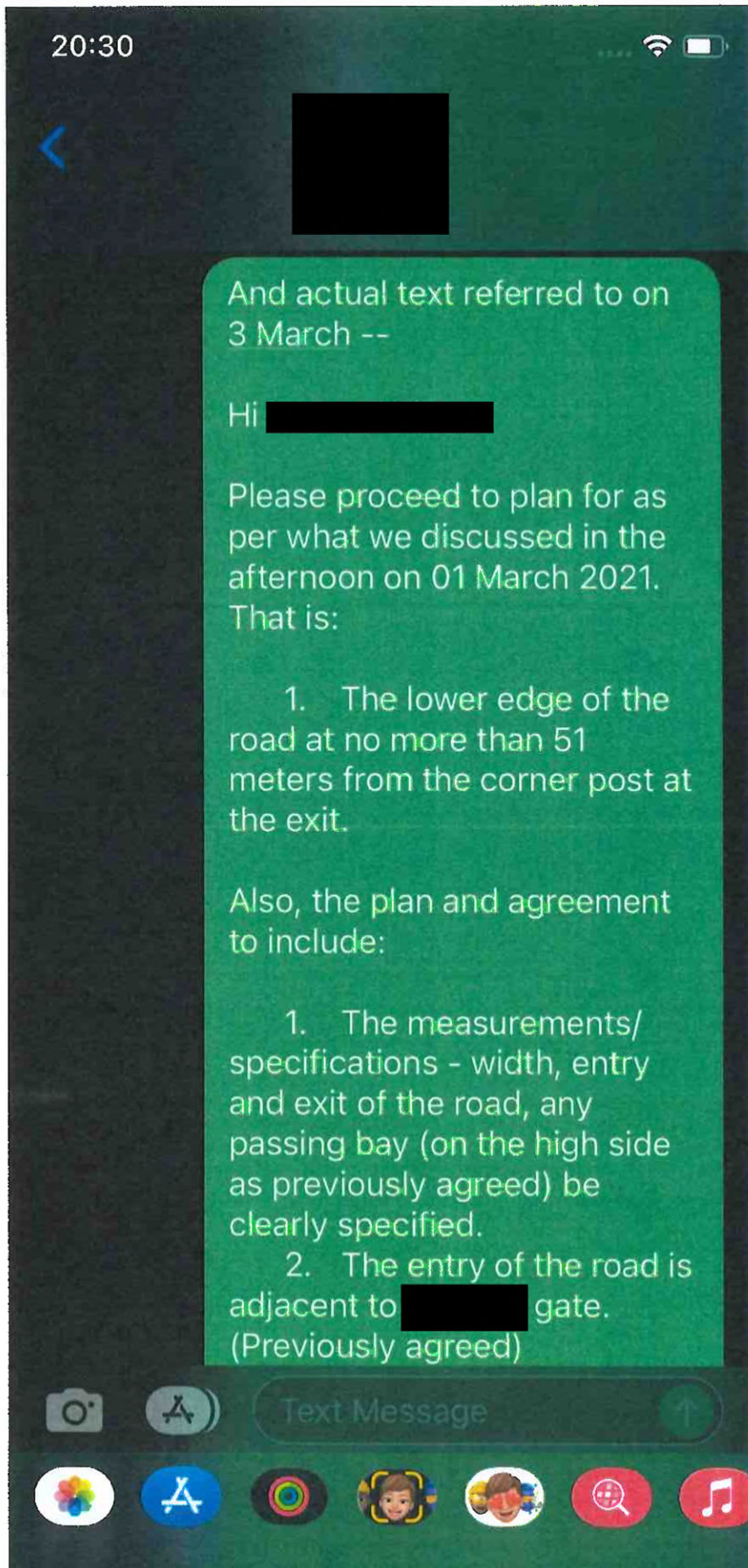




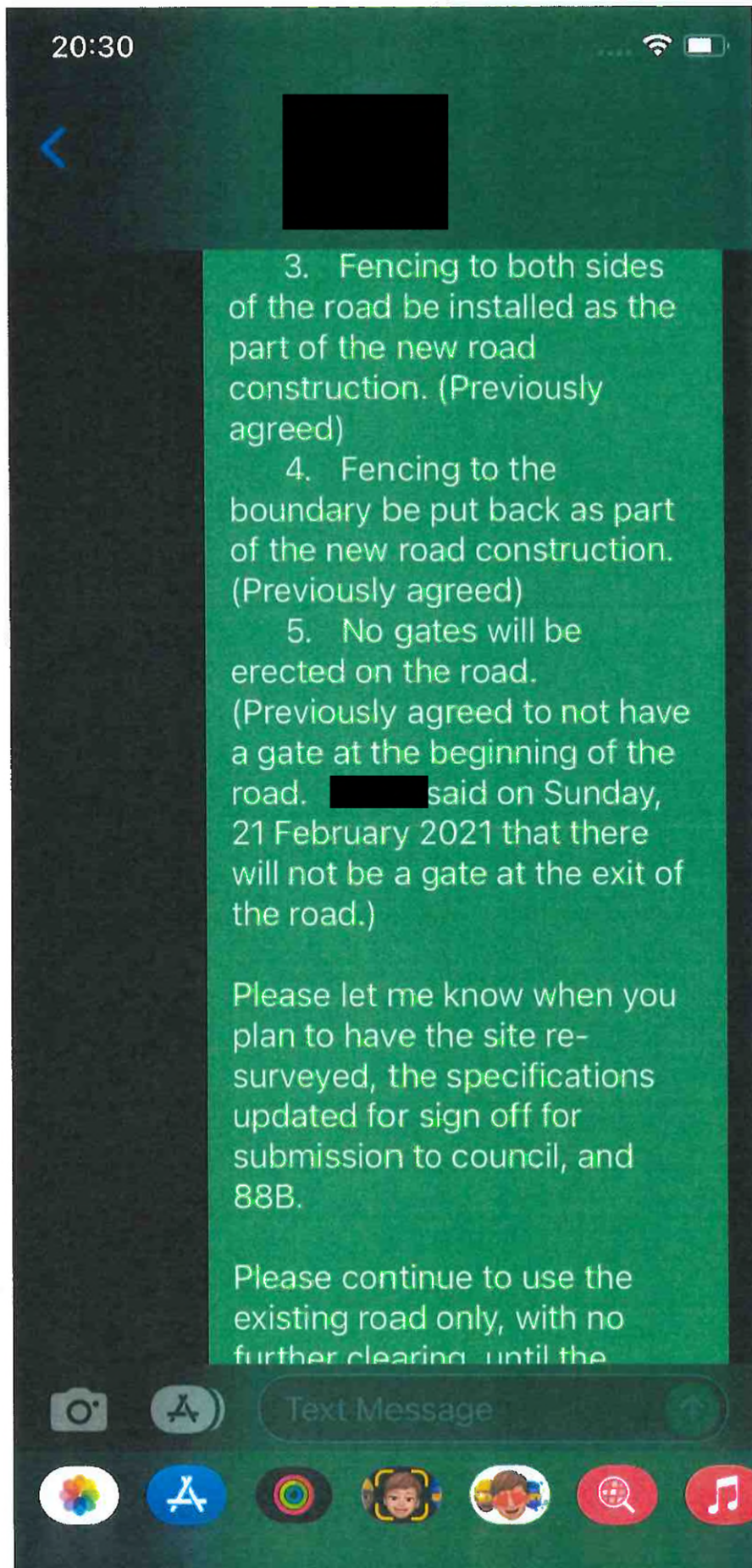














Objection to the Formation of a Crown Road across [REDACTED]

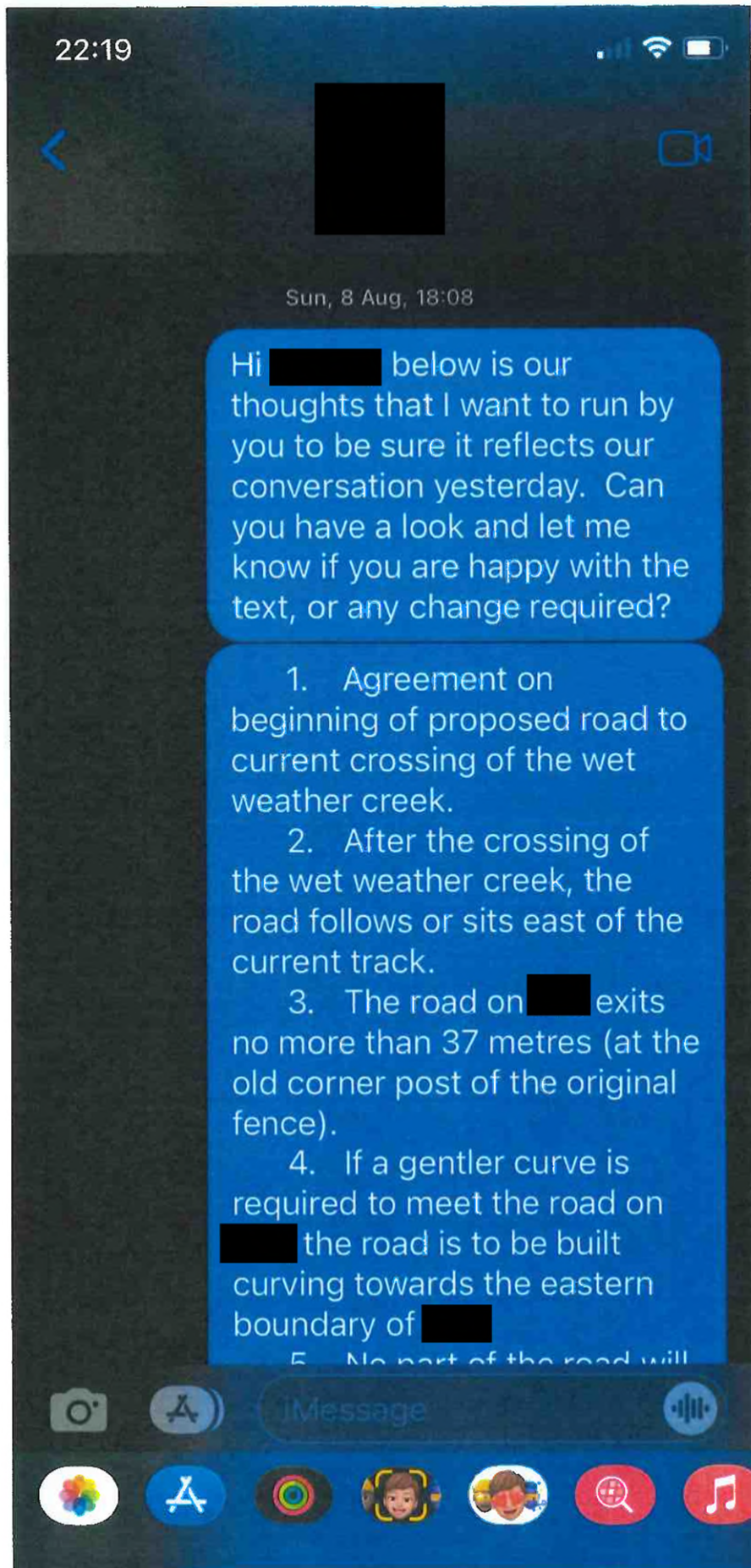
## **Appendix D – Text Messages between the owners of [REDACTED] and the owner of [REDACTED]**

Printout of text messages between [REDACTED]

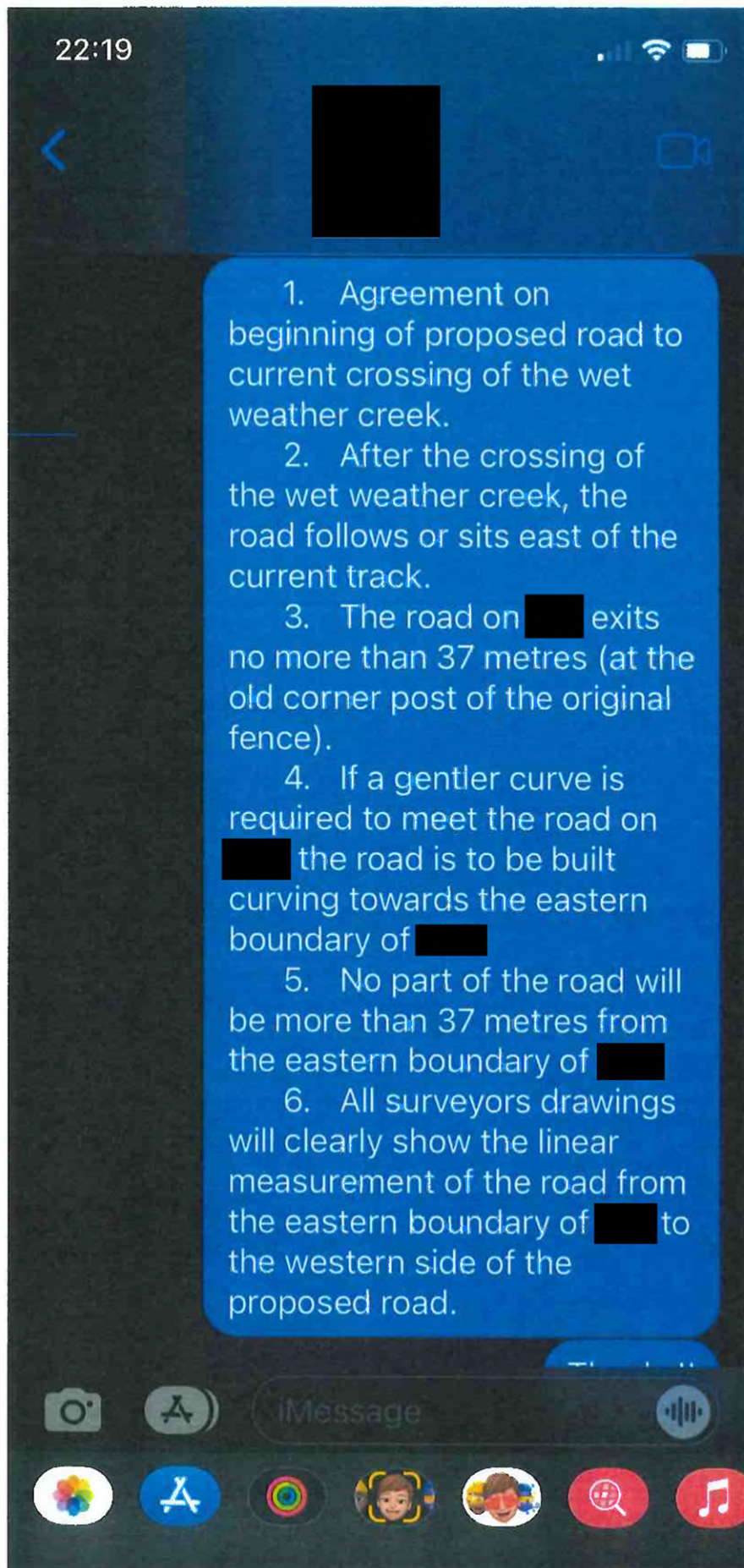
[REDACTED] Determining parties from the Crown Roads Authority are  
welcome to read through messages on [REDACTED] phone if needed.

[REDACTED]

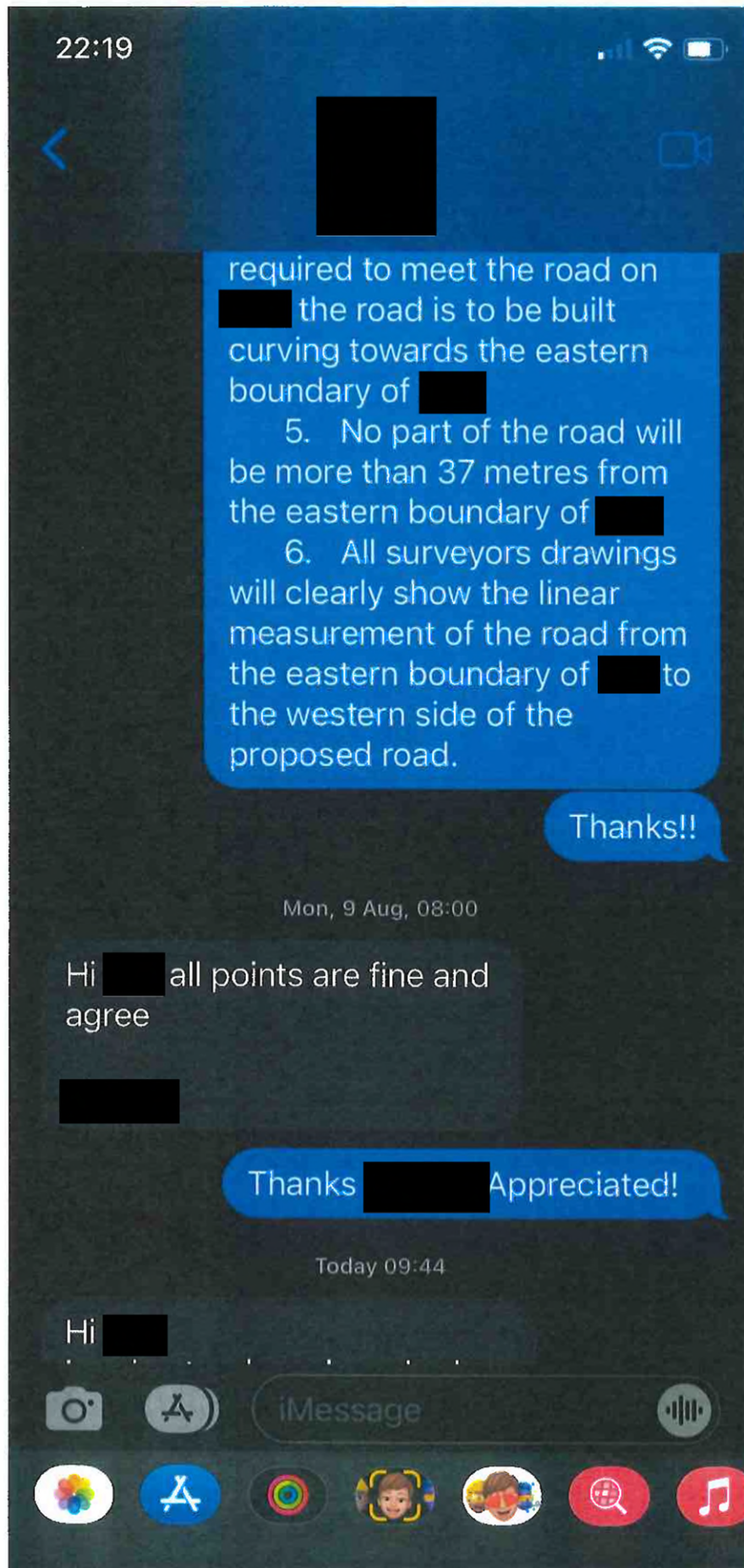














Objection to the Formation of a Crown Road across [REDACTED]

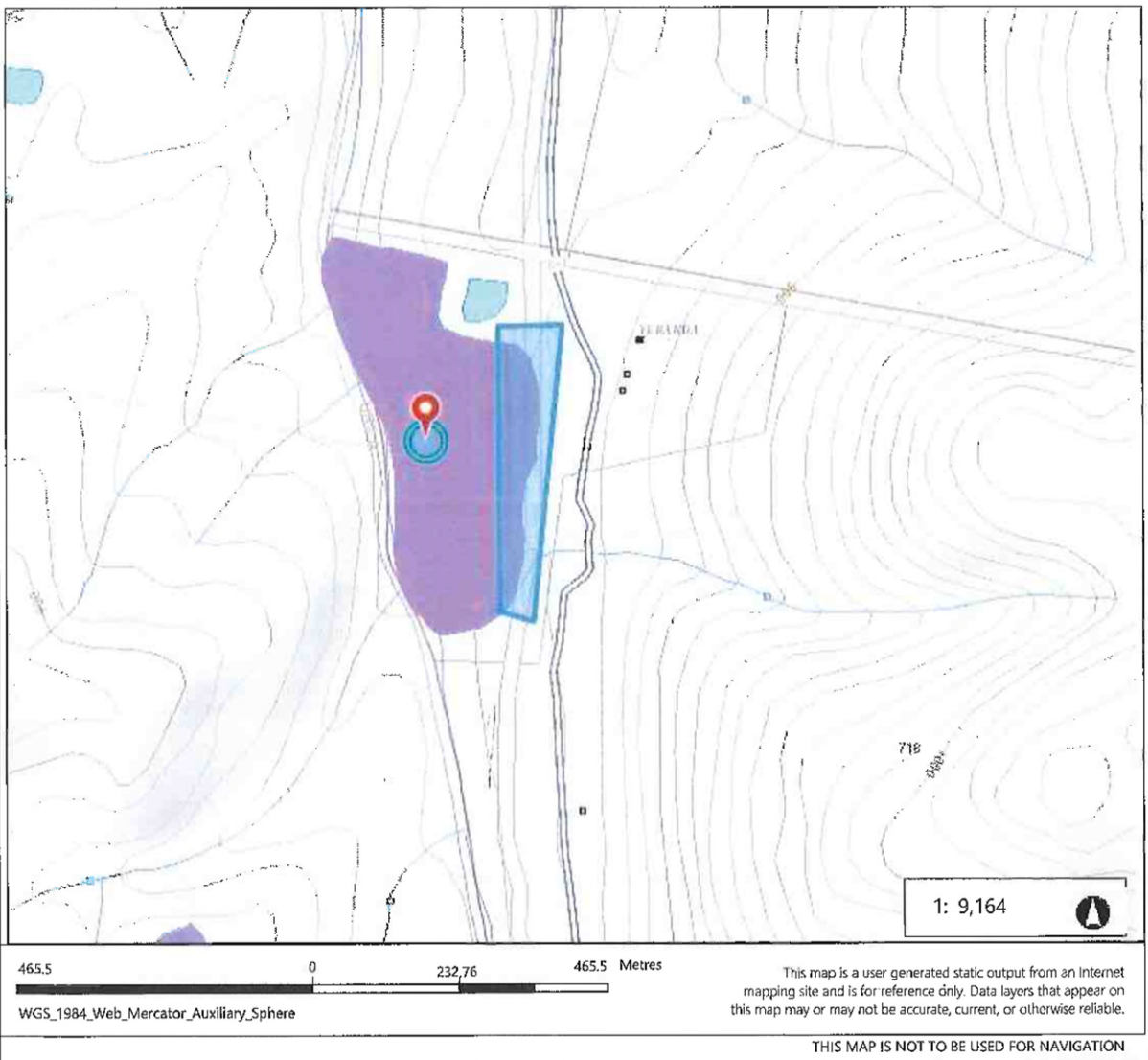
**Appendix E – Biodiversity Values Map & Threshold  
Report and QPRC decision making chart for  
“Vegetation Approvals in Environmental & Rural  
Zones (... RU1 <40Ha)**

[REDACTED]





Biodiversity Offset Scheme (BOS) Entry Threshold Map



Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

Notes

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Objection to the Formation of a Crown Road across [REDACTED]

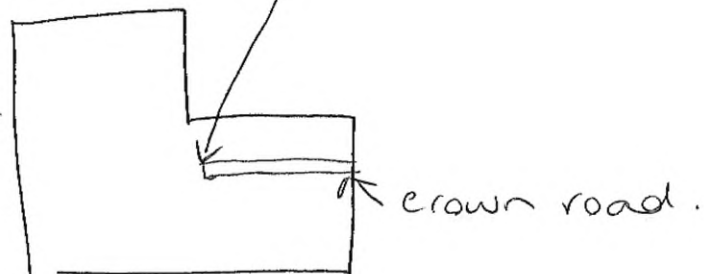
## **Appendix F – Images of land currently surveyed as the Crown road covering [REDACTED]**

[REDACTED]





From top of track.







Further down track, towards  
Creek crossing.





creek crossing.



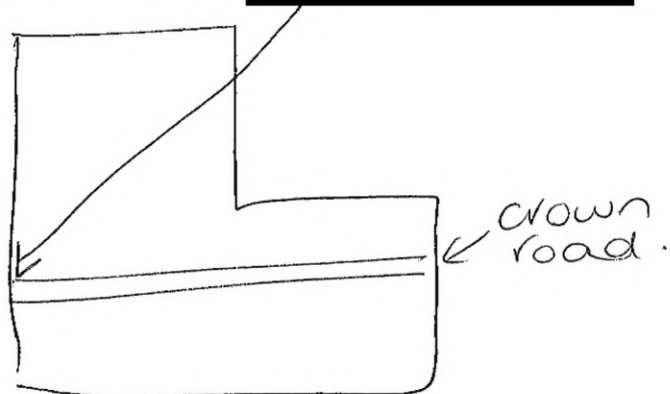


Looking up track towards  
front of property.





view towards entrance of crown  
road on [REDACTED]





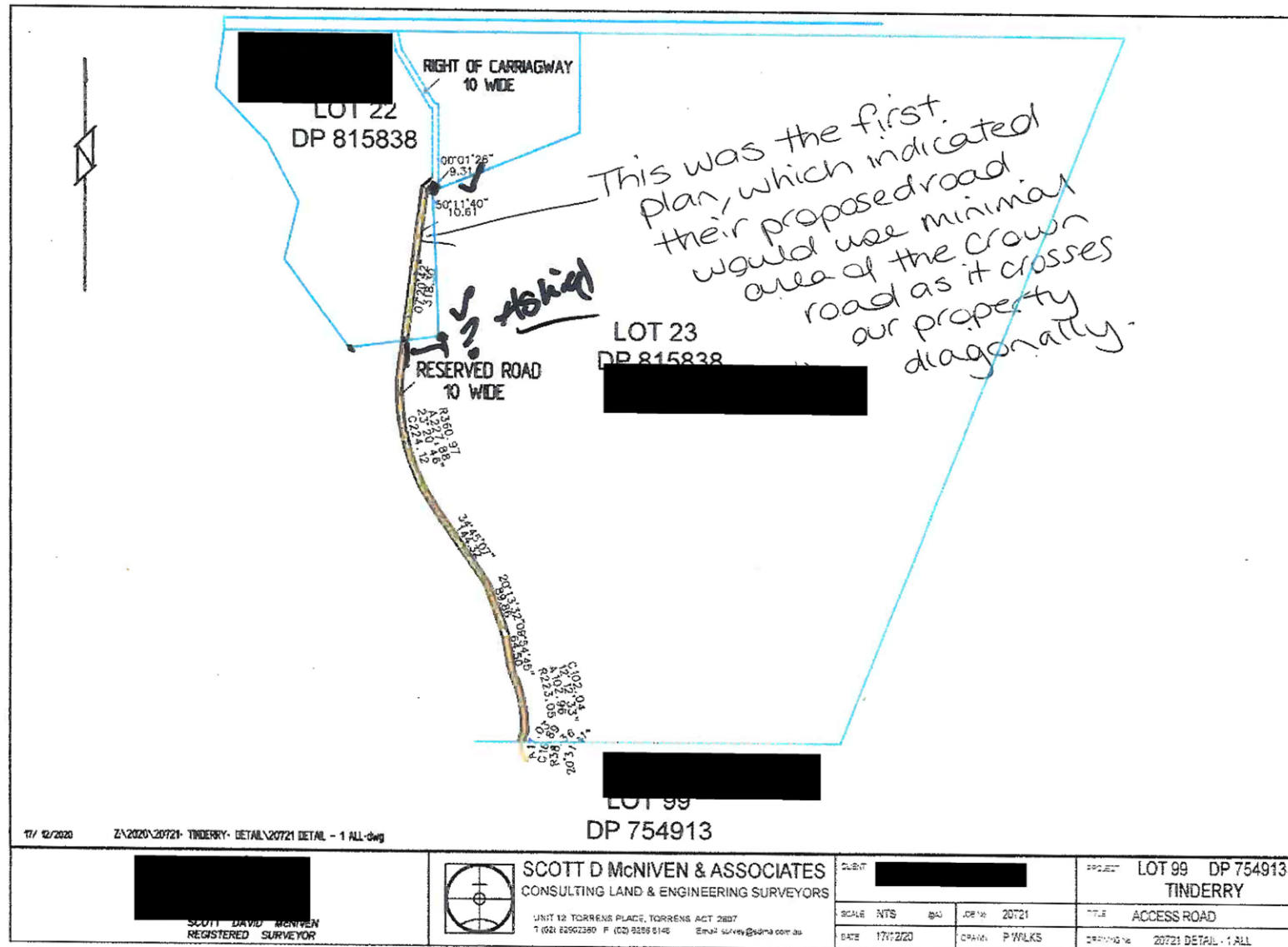
Objection to the Formation of a Crown Road across [REDACTED]

### **Appendix G - Plans given to us by 720 Urila road for their proposed development of a road at the end of our property.**

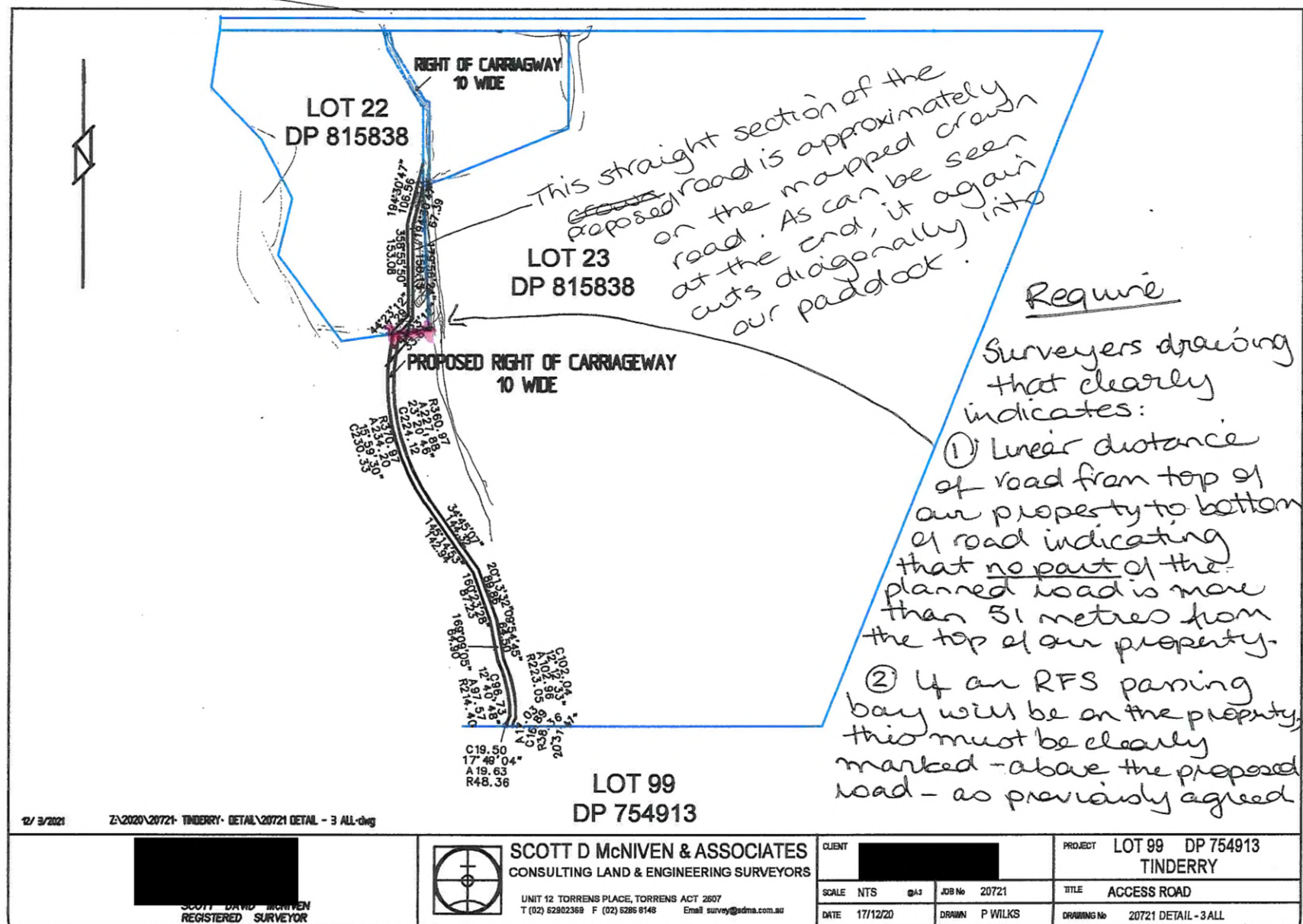
As these don't provide the linear distance from the western boundary of our property - a piece of information we have been asking for since February - I can not give a definitive distance of this road. However, in previous conversation with the owners of 720, and based on the natural features that they were trying to line up with on [REDACTED] I would approximate that these plans have a road exiting our property 65 metres from our western boundary. This is considerably further than the far side of the Crown road, which is 37 metres from our western boundary.

[REDACTED]











Att: Belinda McManus  
Natural & Built Character Section  
Queanbeyan-Palerang Regional Council  
256 Crawford Street  
Queanbeyan NSW 2620

13 April 2022

**DEVELOPMENT APPLICATION NUMBER DA.2022.1104  
LOT 99 DP 754913  
720 URILA ROAD TINDERRY NSW 2620**

I, [REDACTED] wish to object to the abovementioned Development Application based on the following grounds:

1. there is an 'existing road' in place for two wheel drive access to the 720 Urila Road property;
2. the proposed 20.115 wide Reserved Road would require the removal 70-100 mature and immature existing native trees;
3. the creation of the proposed 20.115 wide Reserved Road would cause damage to the existing environment and impact native wildlife and their habitat;
4. the width of the proposed Reserve Road is excessive at 20.115 wide for one single dwelling, the high-quality gravel two-wheel drive section of the Urila Road does not meet this requirement in some sections;
5. the Development Application does not state which party will fund the ongoing maintenance of the proposed 'unmaintained council road';
5. the Development Application is unclear on the need for overhead powerlines to supply electricity to 720 Urila Road;
6. there is a wet weather creek at the [REDACTED] end of [REDACTED] which would require a bridge or causeway to be constructed, this is contrary to Bushfire Compliance Report recommendation;
7. the close proximity of the proposed 20.115 wide Reserved Road to the current dwelling at [REDACTED];
8. the proposed dwelling is situated on an RU1 Primary Production Zone and the lot size in the Development Application (16.7Ha) is significantly smaller than the required minimum lot size of 80Ha in this zone.

**Existing Road**

In December 2020, I came to a mutual agreement with the owners of 720 Urila Road regarding the 'existing road'. As there is an existing road in place that both parties have previously agreed to use and maintain I view the need to create a further proposed 20.115 wide Reserved Road as redundant. The crown road is under the jurisdiction of Crown Lands. In considering this application, Council should have regard to that Departments policy on improving Crown Roads.

**Removal of existing mature trees**

The proposed 20.115 wide Reserved Road would require the removal of 70-100 mature and immature native trees on my property. My primary concern is that these native trees provide essential habitat for



countless native animals in the area and they are fundamental in stopping soil erosion into the wet weather creek that runs along the [REDACTED] boundary of [REDACTED]

**Damage to the environment**

The removal of 70-100 mature and immature native trees to create the proposed 20.115 wide Reserved Road for one single dwelling is contrary to the objectives of the Palerang Development Control Plan (2015) or the PLEP (2014) as it would destroy native habitat for the many native animals in the area.

**Maintenance of the proposed 'unmaintained council road'**

The Statement of Environmental Effects, Section D, of the proposed Development Application states that *'The proposed will have new site access via the road reserve. Refer to LCA crown lands (which includes proposed transfer of road to council as an unmaintained council road)'*. My main concern is which party will be required to fund and maintain the proposed 20.115 wide Reserved Road if it is an 'unmaintained council road'. Recent wet weather events have proven that all roads require maintenance to the 'high-quality gravel two-wheel drive' road standard that is required in the Bushfire Assessment Report in the Development Application.

**Overhead power supply**

The Development Application is unclear regarding the need for overhead powerlines to supply electricity to the proposed dwelling at 720 Urila Road. On no account would I approve of above ground electricity power poles to extend any further than their current location across my property.

**Wet weather creek**

At [REDACTED] running parallel with the 720 Urila Road boundary there is a wet weather creek. There is a very basic causeway crossing this creek to provide access to property during heavy rain. Attachment A of the Bushfire Compliance Report states that *'the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.'* In order to create a 20.115 wide Reserved Road across this section of wet weather creek it would require a bridge or causeway to be constructed which is contrary to the Bushfire Compliance Report recommendation of *'bridges / causeways are not proposed'*. During the recent wet weather events a 23 tonne firefighting vehicle would not be able to cross this causeway safely.

**Reserved road proximity**

I am very concerned that the circa [REDACTED] proximity of the proposed 20.115 wide Reserved Road [REDACTED] will create excessive noise and dust pollution during the construction phase to create the proposed 20.115 wide Reserved Road and during the construction phase of the dwelling at 720 Urila Road as well as ongoing general comings and goings once the dwelling is complete.

Yours sincerely,

[REDACTED]