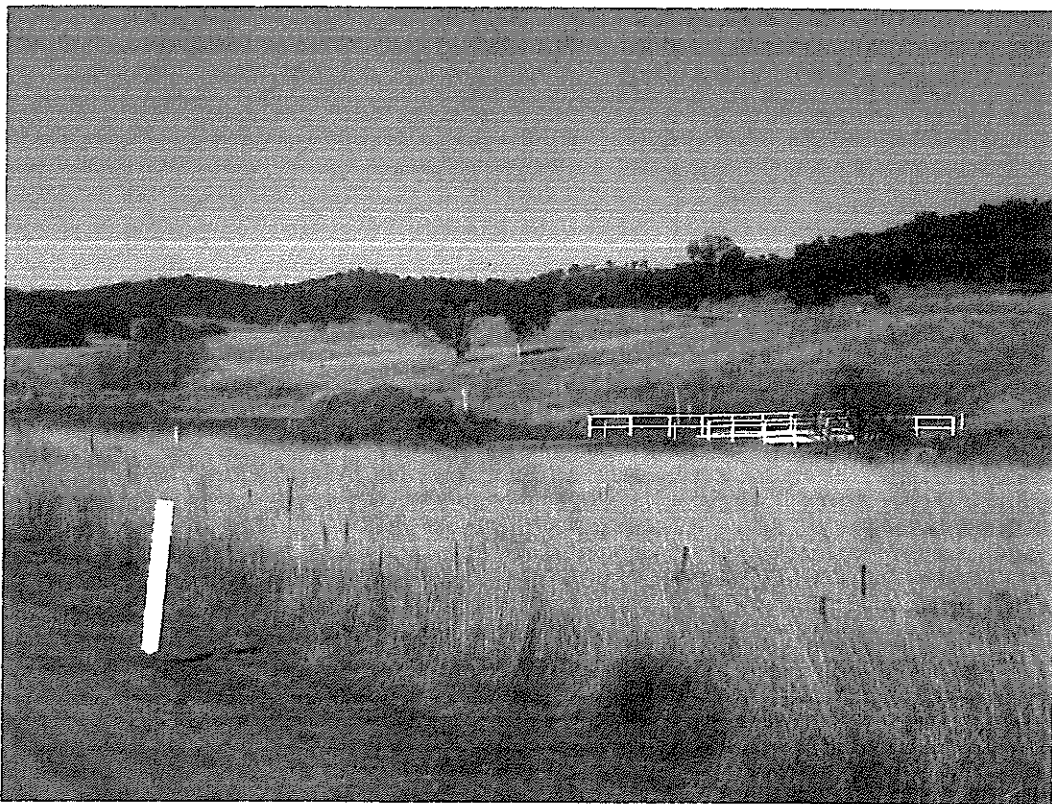


Land planning solutions

**REZONING APPLICATION
Lot 30 DP754889
1760 Burra Road**

PLANNING REPORT

August 2011



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**PLANNING PROPOSAL
REZONING OF Lot 30 DP 754889
1760 Burra Road**

PLANNING SUBMISSION

THE PROPOSAL

Application is made seeking the rezoning of Lot 30 DP754889, 1760 Burra Road so as to allow for the creation of two rural residential allotments.

As shown at Figure 2 Lot 30 DP 754889, [16.19ha] consists of four parts as a result of the existing crown road reserves and current alignment of Burra Road

The subject lot facilitates the legal access from Burra Road to the recently approved adjoining rural residential subdivision "Mount Burra Estate" held under the one ownership, Robfam P/L [refer to figure 1]

The proposal for Councils consideration allows for the creation of two rural residential allotments, [as shown at Figure 2] coupled with the closing of redundant crown roads and the creation of a road reserve over the upgraded Burra Road existing alignment as required under Notice of Determination to I78/09/DA.

It is proposed lot 1 take in Area A, approximately 4.4ha; lot 2 to take in Area B and C, 12.2ha; a practical location for a building precinct on both Area A and Area B is identified at Figure 2

A photo overlay of Lot 30 DP754889 is shown at Figure 3

Two lots only are proposed having regard to the environmental constraints related to Burra Creek and its tributaries affecting area C; the riparian rights status of Lot 30 will not alter.

The proposed subdivision will facilitate best use of the three portions to Lot 30 brought about by the fragmentation of Lot 30 as a result of the development of "Mount Burra Estate"

1.0 OBJECTIVE

The objective of this planning proposal is to zone Lot 39 DP754889, 1760 Burra Road so as to create two rural residential allotments each having a building entitlement.

The subject land is currently zoned, Zone No 1(a) (General Rural Zone) under Yarrowlumla Local Environmental Plan 2002; the development standard applying to the subdivision of land within Zone 1(a) prevents the subdivision of Lot 30.

To achieve the stated objective it is necessary the existing zoning "map" be amended to include Lot 30 DP754889 within the Zone 1(d) (Rural Residential Zone) applying under the provisions of Yarrowlumla Local Environmental Plan 2002.

2.0 LOCATION

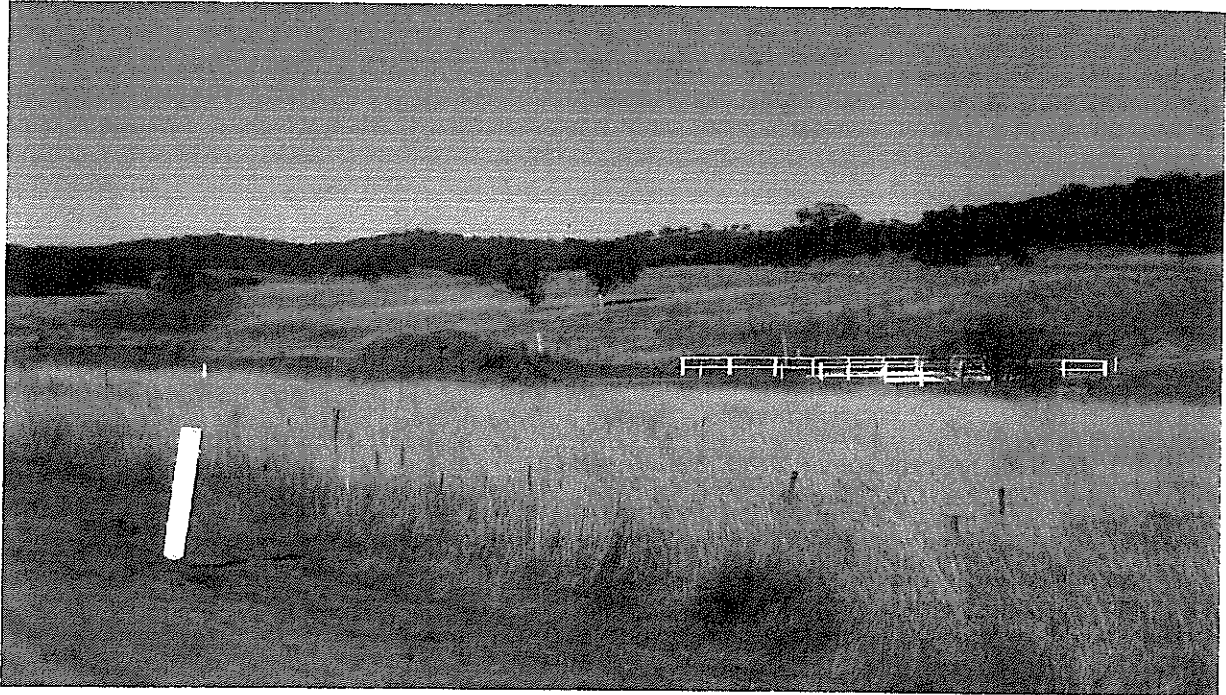


Photo 1 Eastern portion of Lot 30 DP 754889 beyond Burra Creek Bridge

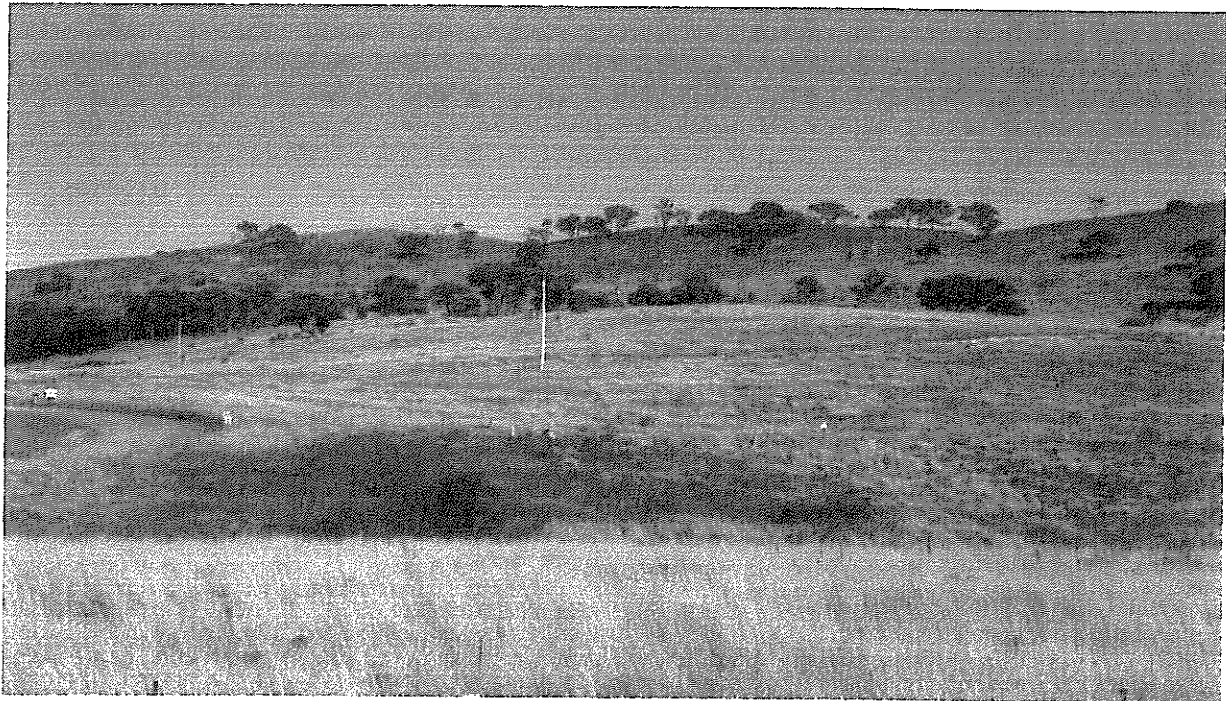
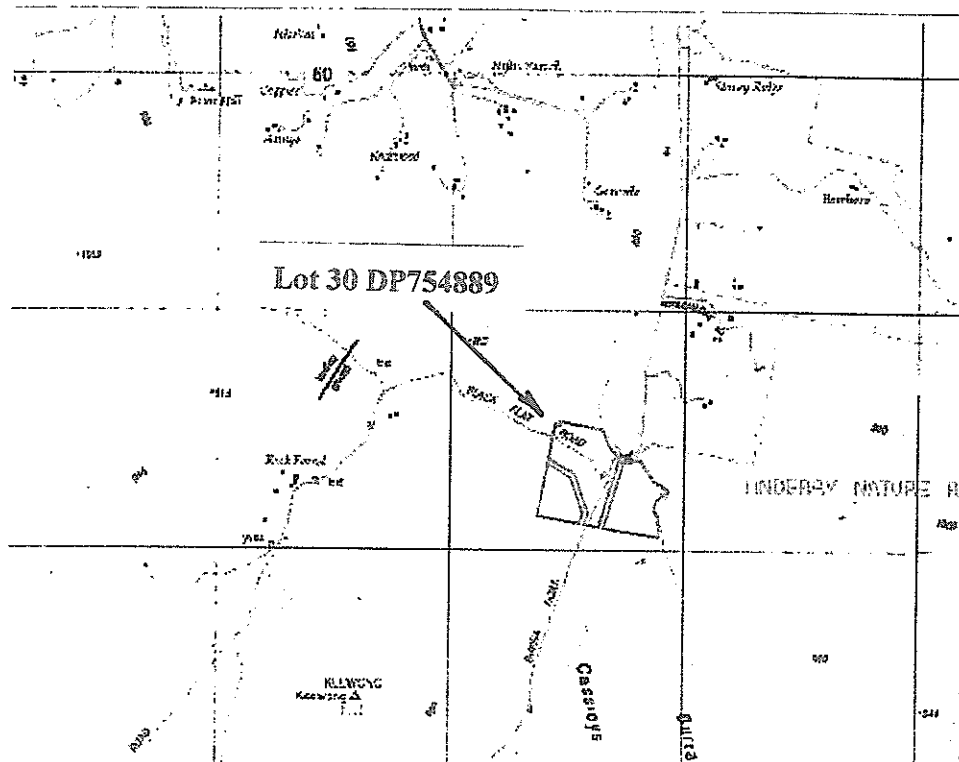


Photo 2 Western portion of Lot 30 DP754889 looking to South

Existing access road centre of photo

The physical attributes of Lot 30 DP 754889 are shown at Photos 1 and 2

Lot 30 DP 754889 as shown at Map 1 is located approximately 18 km South of Queanbeyan bordering the Burra Valley rural residential zone which takes in some 400 residential lots.



Map 1 Location of Lot 30 DP754889

3.0 JUSTIFICATION

3.1 Background

Lot 30 DP754889 an area of 16.19ha is a parcel of land purchased by Robfam for the sole purpose of providing coinciding physical and legal access from Burra Road to the recently approved subdivision "Mount Burra Estate "immediately adjoining and to the West of Lot 30.

With reference to the Notice of Determination, development application 178/09/DA, applying to the subdivision of the adjoining land, condition 16 (a) (b) prohibits the erection of a dwelling on Lot 30 DP754889.

At the time of purchase Lot 30 formed part of a "1995 holding" having an area of approximately 710 ha and owned by Harold G McTernan; in accordance with

Clause 19, YLEP 2002 the McTernan holding as a "1995 holding" could then and can now be subdivided so as to create eight allotments, (the 1995 holding being 710ha) having an average area of 80ha, five of which can have a minimum area of 8ha.

The excision of Lot 30, an area of 16.19ha, from the "1995 holding" July 2006 by default subdivided the "1995 holding" in accordance Clause 19 YLEP 2002.

It follows Lot 30 DP754889 currently enjoys a building entitlement; to remove this building entitlement as a condition of consent to the subdivision of the adjoining land is in conflict with the planning provisions of YLEP 2002.

The removal of the existing building entitlement is unjust; further it is considered premature for the long term use of lot 30 DP754889 to be determined as an adjunct to the development of Mount Burra Estate prior to Councils consideration of this planning proposal.

4.0 Environmental Constraints.

Preliminary environmental studies only have been undertaken at this time, however based on the findings as to studies undertaken of the adjoining land taken in by Mount Burra Estate it is evident both Area A and Area B have the land capability and are suited to rural residential development.

4.1 Flora and Fauna

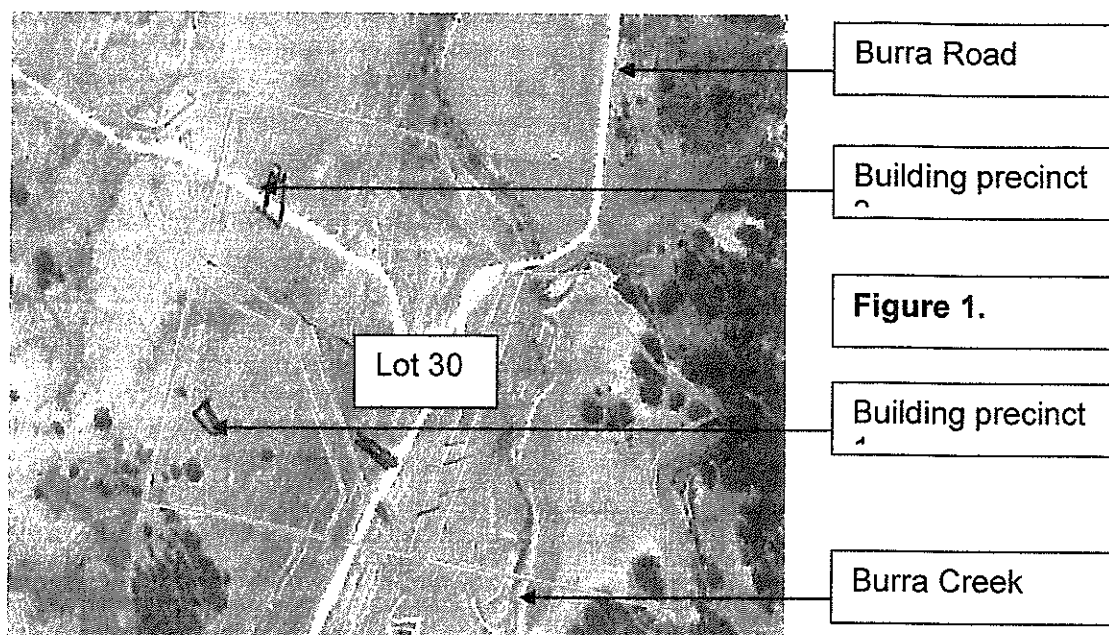
Roger Good of Good Environmental Systems undertook a preliminary Flora and Fauna survey of Lot 30 on the 14th July 2011. [refer to Attachment A]

Having particular regard to Area A and Area B Good provided the following assessment.

"The preliminary flora and fauna assessment of two blocks was undertaken by way of randomly located 50 metre transects across the two blocks of Lot 30 in which proposed building precincts occur (fig 1). Specific inspections and surveys were made of the two proposed building precincts located approximately at grid references:) 55H 0701328, UTM 6058085 and 55H 0701365, UTM 6058279.

Lot 30 adjoins Lot 25 and Lot 1 of the previously approved Mount Burra Estate subdivision, for which a full flora and fauna survey was undertaken by G. Butler and Associates in 2003.

Lot 30 has a general east-northeast aspect on the western side adjoining the previously approved subdivision blocks. These two blocks slope down to Burra Road which traverses and divides Lot 30. The block to the east of the road is traversed by Burra creek, which flows south to north, crossing Burra Road at the northern boundary of the Lot (fig 1). No building precinct is proposed for this block, so a preliminary flora and fauna survey was not undertaken on this block.



On the two western blocks, small areas of floating granite rock and small boulder outcrops occur on the upper slope and ridgeline. These potentially provide some habitat for primary grassland skinks and lizards, but being winter none were observed. As the rock outcrop areas are only small and widely distributed it is predicted that the potential occurrence of threatened small reptile species would be minimal. Any potential habitat could be avoided by minor adjustments to the proposed building precincts.

The general vegetation is a mixed native grass and exotic herbaceous grassland, the dominant native species being *Austrostipa*, *Bothriochloa*, and *Themeda* and *Austrodanthonia* species. There are areas of near natural grassland while other areas are infested with exotic weed species e.g. Saffron Thistle. Only a few remnant trees of the original dry sclerophyll woodland exist on the western two blocks of Lot 30, these trees being senescent and in a poor condition providing little or no habitat for any avifauna and arboreal mammals. Only a few single specimen shrubs (*Leptospermum* sp) were recorded. The eastern block also has few trees but adjoins a large area of native dry sclerophyll woodland, that would provide habitat for woodland birds and other native animals including the threatened Brown Tree Creeper *Climacteris picumnus* and Hooded Robin *Melanodryas cucullata*.

All birds observed during this preliminary flora and fauna survey were species common to the local area and the woodlands of the wider Tablelands region. No threatened native mammals were observed or indicators of their presence noted e.g. scats. As the grasslands of Lot 30 and the other adjoining Lots previously approved by Cooma Monaro Shire, support a mix of native and exotic herbaceous species and have been grazed for many years, it was expected that few, if any native fauna species would be observed or located within the Lot. This was the case, with only the Eastern Grey Kangaroos being numerous in numbers in the general area.

No free-standing water exists on the part of Lot 30 west of Burra Road, so no habitat from aquatic and amphibian animals exists in this part of Lot 30 that will include the two building precincts.

At the proposed building precinct sites, specific searches were made for regionally threatened plant species, particularly Small Purple Pea *Swainsona recta*, Button Wrinklewort *Rutidosia leptorhynchoides*, Leek Orchid *Prasophyllum petilum*, Mauve Burr Daisy *Calotis glandulosa* and Austral Toadflax *Thesium australe*. No threatened plant species were located and hence it can be predicted that no threatened native plant species will be impacted by the subdivision of Lot 30 and the development on the two proposed building precinct areas.

As a detailed flora and fauna survey was undertaken over the much larger area of Mount Burra Estate by Butler and Associates in 2003, it is considered that a further detailed survey of Lot 30 is not required. If required it would preferably be undertaken in springtime."

4.2 Cultural Heritage

Archaeological Heritage Surveys have provided preliminary archaeological advice with regard to Lot 30 DP754889. [refer to Attachment B]

A basis online search of the Aboriginal Heritage Information management System (AHIMS) held by the NSW Office of Environment and Heritage (Office of Premier and Cabinet) was carried out on 22nd August 2011 and revealed no previously recorded Aboriginal archaeological sites on Lot 30 DP754889 (AHIMS search#49649). However eight Aboriginal sites have been recorded within the 3km x 1km area bounded by GDA coordinates 701000 – 702000E and 6057000 which includes the proposed subdivision (Williamsdale 1; 25000 topographic map 8726-N 2nd ed. 2002)

The sites comprise three small low density stone artefact scatters and five isolated artefacts (Kuskie et al. 1995; Saunders 2003). One of the artifacts scatters (AHIMS #57-5-0248) is located just north of the northern boundary of Area B (refer to figure 1) and may extend into Area B. It is also only about 100m from the proposed building precinct in Area A. Another artefact scatter (AHIMS #57-5-0247) is located approximately 150m southwest of the proposed building precinct in Area A.

While Lot 30 DP754889 has not been subject to a comprehensive Aboriginal archaeological survey, the Duke Energy natural gas pipeline easement, which crosses the lower eastern slopes of Area A and B west of the existing Burra Road, was archaeological monitored during pipeline construction in 1999 (Australian Archaeological Survey Consultants, no report) and no Aboriginal artefacts were recorded. However Aboriginal stone artifacts not recorded during the 1999 monitoring program have subsequently been found within the pipeline easement to the south of the proposed subdivision (Saunders 2006) and there remains the possibility that previously unrecorded artefacts may occur within the pipeline easement and elsewhere on Lot 30 DP754889, particularly given its proximity to Burra Creek and Cassidy's Creek. DECCW's (2010) Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales identifies any land with 200m of a water

source as being archaeological sensitive and requiring archaeological investigation, water being defined as "the whole or any part of any river, stream, lake, lagoon, swamp, wetlands, natural watercourse" (DECCW 2010:12)

4.3 Non-potable Water Supply

Soil and Land Conservation Consulting have provided the following preliminary advice having regard to the provision of a non potable water supply to proposed new lots {refer to Attachment C]

A non-potable water supply of .75MI is required for each lot, either a suitable dam site on a minimum 8ha catchments or a bore. The site has no surface water catchments suitable for dam sites. In relation to groundwater, the NSW Office of Water would license a sustainable yield of 1.05MI per annum, inadequate for .75MI yield to each lot. A practical option would be to utilize the non potable supply on the adjacent subdivision where the original proposal for 27 lots was reduced to 25 lots. The particular lots were to be supplied from the community bore, so there is both proven capacity and "sustainable yield" under NSW OW controls to provide groundwater, to two additional lots. The proximity of the lots to the subdivision means there is a practical option. .

4.4 On site effluent management.

Soil and Land Conservation Consulting have provided the following preliminary advice having regard to on site effluent management {refer to Attachment C]

SLCC have assessed 30% of the subject land is suitable for irrigation of secondary treated effluent; as shown at the map, the proposed building precincts are located within the identified area.

CONCLUSION

The subject land is classified as Class (iv) (v) agricultural land and is currently used for the grazing of animals in conjunction with adjoining land soon to be developed as a rural residential estate.

As a separate entity Lot 30 DP 754889 is not a viable agricultural parcel of land having particular regard to;

- the area of land, 16.19ha
- the fragmentation of the parcel into three parts severed by Burra Road and the new subdivision access road
- the agricultural classification of the land.

Lot 30 DP754889 by default will, as a result of the development of Mount Burra Estate, be subdivided into three separate parts.

The zoning of Lot 30 DP754889 for rural residential use is a natural extension of Mount Burra Estate compatible with the rural residential land use pattern adjoining and to the North, across the Burra Valley.

***David Rouse
Land Planning Solutions
August 2011***

PROPOSED NEW ROAD ALIGNMENT
(Subject to Survey)

EXISTING ALIGNMENT OF BURRA ROAD

Area B
Approx 5.3ha

Area C
Approx 6.9 ha

Area A
Approx. 4.4ha

PROPOSED LOCATION
OF BUILDING PRECINCTS

EXISTING CROWN ROAD RESERVES

CONCEPT PLAN
PROPOSED SUBDIVISION
OF
Lot 30 DP754889
Figure 2

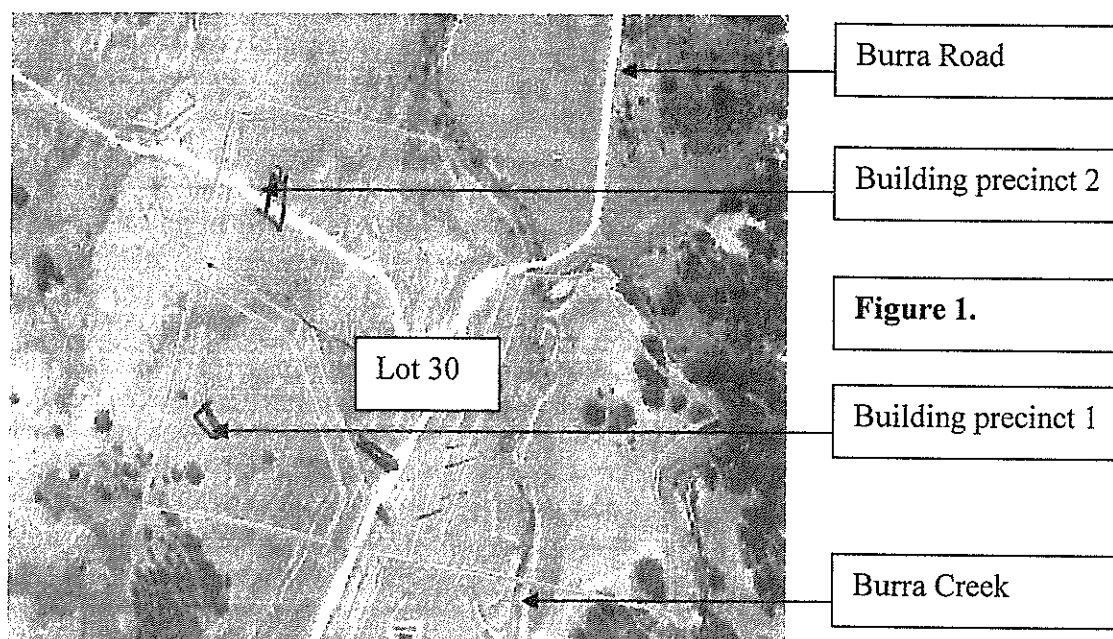
Scale 1 : 4000 Approx.

Mr David Rouse
Land Planning Solutions

**Re: Subdivision of Lot 30, DP 754889 'Robfarm' Burra Road -
Keewong - Cooma Monaro Council.**

On the 14th July 2011 a site inspection at 'Robfarm', Burra Road, Keewong, was made to undertake a preliminary flora and fauna survey of Lot 30 DP 754889 planned for subdivision into three blocks. To provide for this it is proposed to lodge a rezoning application.

The preliminary flora and fauna assessment of two blocks was undertaken by way of randomly located 50 metre transects across the two blocks of Lot 30 in which proposed building precincts occur (fig 1). Specific inspections and surveys were made of the two proposed building precincts located approximately at grid references:) 55H 0701328, UTM 6058085 and 55H 0701365, UTM 6058279.



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habitat for primary grassland skinks and lizards, but being winter none were observed. As the rock outcrop areas are only small and widely distributed it is predicted that the potential occurrence of threatened small reptile species would be minimal. Any potential habitat could be avoided by minor adjustments to the proposed building precincts.

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As a detailed flora and fauna survey was undertaken over the much larger area of Mount Burra Estate by Butler and Associates in 2003, it is considered that a further detailed survey of Lot 30 is not required. If required it would preferably be undertaken in springtime.

Roger Good
Good Environmental Systems
1178 Bungendore Road
Bungendore 2621



archaeological heritage surveys

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Mr David Rouse
Land Planning Solutions
PO Box 348
QUEANBEYAN NSW 2620

Dear Mr Rouse

**Proposed two lot subdivision of Lot 30 DP754889,
Parish of Keewong – Preliminary Aboriginal archaeological advice**

A basic online search of the Aboriginal Heritage Information Management System (AHIMS) held by the NSW Office of Environment and Heritage (Office of Premier and Cabinet) was carried out on 22 August 2011 and revealed no previously recorded Aboriginal archaeological sites on Lot 30 DP754889 (AHIMS search # 49649). However, eight Aboriginal sites have been recorded within the 3km x 1km area bounded by GDA coordinates 701000-702000E and 6057000-6060000N which includes the proposed subdivision (Williamsdale 1:25,000 topographic map 8726-N 2nd ed. 2002). The sites comprise three small low density stone artefact scatters and five isolated artefacts (Kuskie et al. 1995; Saunders 2003). One of the artefact scatters (AHIMS #57-5-0248) is located just north of the northern boundary of Area B (refer Fig. 1) and may extend into this Area. It is also only about 100m from the proposed building precinct in Area B. Another artefact scatter (AHIMS #57-5-0247) is located approximately 150m southwest of the proposed building precinct in Area A.

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August 18, 2011

Soil and Land Conservation Consulting

**Water supply and
effluent management,
two lot subdivision of
lot 30, DP754889
1760 Burra Rd, Burra**

The above land is proposed for subdivision into two lots. The non potable water supply and on site effluent management requirements are defined in Yarrowlumla LEP 2002 and are the basis for the points below.

Non potable water

A non potable water supply of .75ML is required for each lot, either a suitable dam site on a minimum 8ha catchment or a bore. The site has no surface catchments suitable for dam sites. In relation to groundwater, the NSW Office of Water would licence a sustainable yield of 1.05ML per annum, inadequate for .75ML to each lot. A practical option would be to utilise the non potable supply on the adjacent subdivision where the original proposal for 27 lots was reduced by council to 25 lots. The particular lots were to be supplied from the community bore, so there is both the proven capacity and "sustainable yield" under NSW OW controls to provide groundwater to two additional lots. The proximity of the lots to the subdivision means that this is a practical option.

On site effluent management

The attached map shows the land capability for irrigation of secondary treated effluent. It has been developed by applying the site and soil limitation assessment procedure from the "Silver Book" (tables 4 and 6). The land capability map excludes land in excess of 15% slope (red), and land within 100m of the creeks (hatched). The remaining land is situated clear of the drainage buffer on the creeks, and has a slope grade less than 15%. It also has an adequate soil cover, around 50cm or greater, and can therefore absorb effluent by irrigation, and minimise the risk of contaminated runoff draining to water courses. The map shows that there is a large area, approximately 30% of the site which is suitable for irrigation of secondary treated effluent.

Peter Fogarty



Peter Fogarty BA, Dip Nat Res, Certified Professional Soil Scientist

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Soil survey and assessment for forestry, agriculture, urban development; land degradation assessment; catchment planning; soil conservation advice and planning; farm planning; land capability mapping
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