

**JOINT REGIONAL PLANNING PANEL**

**(Southern Region)**

**SUPPLEMENTARY REPORT**

<b>JRPP No.</b>	JRPP Reference Number 2014STH004
<b>DA Number</b>	263-2013
<b>Local Government Area</b>	Queanbeyan City Council
<b>Proposed Development</b>	Staged development for the conceptual development of South Tralee urban release area involving five stages, the road hierarchy and master plan for future subdivision for 1,348 dwellings (approx), commercial and community facilities, open space and recreation areas, and associated servicing.
<b>Street Address</b>	360A and 360B Lanyon Road, Tralee NSW 2620, 508 Lanyon Drive, Jerrabomberra NSW 2619 and part of Territory Parade and Boundary Road
<b>Applicant/Owner</b>	Canberra Estates Consortium No. 4 / Village Building Company, John Bernard Morrison, Therese Mary Hansen, and Queanbeyan City Council
<b>Number of Submissions</b>	Amended Proposal – Nil  Original Proposal - Four submissions made during the period of public notification and one late submission from the ACT Government
<b>Recommendation</b>	Conditional Approval
<b>Report by</b>	Chelsea Newman, Queanbeyan City Council

## Supplementary Assessment Report and Recommendation

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### Introduction

The subject concept development application and Queanbeyan City Council's Assessment Report and Recommendation were considered by the Joint Regional Planning Panel ("the Panel") at a meeting held in Queanbeyan on 15 December 2014. A decision was deferred pending the resolution of several issues and preparation of this Supplementary Report.

The original Assessment Report recommended that the proposal be granted conditional approval except for a specified part of Stage 2 due to concerns about proposed extensive earthworks and the piping and filling of a steeply incised gully.

The Panel resolved that Development Application 263-2013 (2014STH004) be deferred pending resolution of the following issues;

1. That the applicant submits to Council additional information on a range of alternative options to the filling of the gully in Stage 2 that reflect its drainage function.
2. That Council prepare a further report for consideration by the Panel that addresses the following:
  - a. Assessment of the additional information;
  - b. The development of a set of design guidelines that address the areas of inconsistency with the draft DCP;
  - c. That similar provisions to Clause 7.5 (South Tralee LEP 2012) given the realignment of Dunns Creek Road be included in any design guidelines;
  - d. A specific list of local infrastructure requirements to be provided as part of this development;
  - e. Provides an update on finalisation on the Aboriginal Cultural Heritage Assessment Report; and
  - f. A revised set of conditions.
3. That any concept plans include the retention of the woolshed.
4. That the Panel reconvene as a matter of urgency when the above report is available to the Panel.

As required by the Panel, subsequent to the December determination meeting the applicant submitted three draft alternative options to the filling of the gully in Stage 2 that reflect its drainage function. These are listed below as described by the applicant.

#### Option 1:

*This scheme adopted a series of north-south streets imposed on the original Urban Concept rectilinear grid and roughly following the path of the erosion gully. It allows an unchanged yield and retention of the dominant north-south orientation of blocks. However, it results in increased road lengths and a less legible road pattern. Also, the stormwater flow path is not desirable from an engineering perspective due to the large number of changes of direction of flow and the substantial pit structures associated with*

*this drainage pattern. As such, we do not believe there is any merit in further development of this option.*

Option 2:

*This plan excised the erosion gully from the proposed subdivision and created road boundaries along each side of it. The redesign of the adjacent road network better follows the existing landform, but slightly increases road length. More importantly, it results in a loss of 39 blocks and as such, it is not a financially viable option. There is also the question as to whether QCC [Council] is willing to accept possession of the gully with the ongoing costs of long term maintenance and public safety issues.*

Option 3:

*This plan takes account of the existing landform to a greater extent than the other options in that it creates a central spine road that follows the path of the erosion gully, and hence will allow a less complex piped stormwater system to be built in the road reserve and to utilize the road as the overland land flow path in extreme rainfall events. Adjacent areas would also be collected in this system with minimum hard engineering works. The plan results in the loss of 15 blocks, but to balance this loss, it also reduces road length by approximately 175 metres and requires substantially less earthworks in reshaping the overall topography than other alternatives under consideration. It provides strong legibility for both vehicle users and pedestrians. Importantly, it does not destroy project financial viability.*

The applicant's preference remains to maintain the original proposed design. However, they are willing to adopt Option 3 above should Council and the Panel determine that it results in a "better planning outcome". Council agreed to further consider Option 3 and amended plans and engineering drawings that reflect this Option were submitted to Council for assessment on 30 January 2015.

The amendments to the application within Stage 2 of the proposed concept development are summarised below:

1. The Stage 2 layout south of Dunn's Creek Road (Road 5) has been reconfigured. While it is still proposed to pipe and fill the gully, a collector street (Road 40) is now aligned with the creek line to produce a road layout that limits the extent of fill and which will also result in future residential allotments being positioned outside of the fill; and
2. Piped drainage in streets (Roads 4 and 40) will cater for low stormwater flows and the streets will now act as the overland flow path for large storm events, (in keeping with the intent of Council's stormwater drainage specification), and removing the potential need for stormwater mains to be located in residential lots.

The amended concept plans also now clearly show the retention of woolshed and shearer's quarters in Stage 1 as required by the Panel.

Other work that has been done in response to the Panel's resolution includes:

1. A set of amended design guidelines (South Tralee Development Guidelines – March 2015) that address the areas of inconsistencies with the Draft South Jerrabomberra Development Control Plan (DCP) has been prepared by Council and is provided in Schedule 2 of the recommended consent conditions (under separate cover). These include similar provisions to Clause 7.5 of the Queanbeyan Local Environmental Plan (South Tralee) 2012 (refer to *Clause 3.69*

– *Potential Dunn's Creek Road Extension (Local sub-arterial road of the South Tralee Development Guidelines)*;

2. A revised set of conditions have been prepared;
3. A specific list of local infrastructure requirements has been prepared and is provided in separate Attachment 1 to this Report; and
4. The applicant has submitted an updated Aboriginal Cultural Heritage Assessment Report (ACHAR) which has been assessed by the Office of Environment and Heritage (OEH) as requiring some further minor amendments.

### **The Amended Application**

As a result of the Panel's Resolution the proposed concept development has been amended, however, the broad detail of the proposal remains unchanged from that listed on pages 18 – 21 in the original Assessment Report. Specific details of the amendments are outlined below.

#### *Amendments to Design of Stage 2*

As part of the amended application the following changes have been made to the part of the concept development of South Tralee identified as being within Stage 2 (South of Dunn's Creek Road) on the submitted Staging Plan.

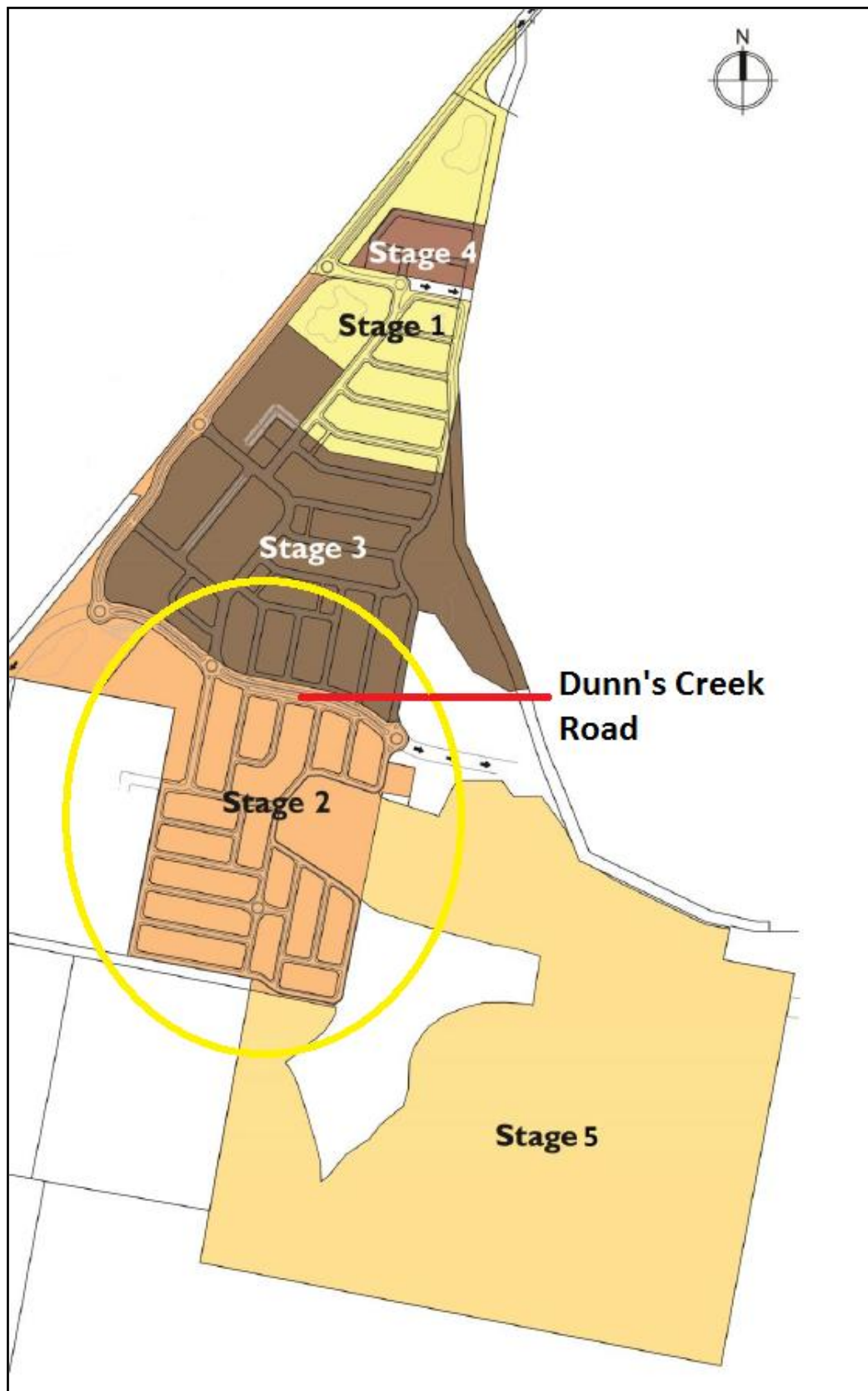
1. Road Layout – Stage 2 (South of Dunn's Creek Road)
  - a. Road 40 now extends south-east from Road 4 in alignment with the incised gully (creek line) and connecting to the southern perimeter road (Road 27);
  - b. Streets in the south-west corner of Stage 2 have been reconfigured to match the proposed new alignment of Road 40;
  - c. Roads 27 and 36-39 provide for connection to the land to the west of Stage 2 identified for future residential development; and
  - d. Roads 28-31 have been reconfigured to terminate as cul-de-sacs near Road 5 (Dunn's Creek Road). Pedestrian, cycle, utility and stormwater overland flow links have been provided from the cul-de-sacs to Road 5. The reconfiguration of lots in this area has negated the need for a service road on the south side of Road 5, hence this has been removed.
2. Earthworks – Stage 2 (South of Dunn's Creek Road)
  - a. It is still proposed to fill the gully, however, the amended road layout will limit the extent of fill by having Road 40 aligned with the creek line and subdivision areas falling towards the road.
3. Drainage - Stage 2 (South of Dunn's Creek Road)
 

The original proposal diverted stormwater runoff in Stage 2 from the creek line to the west along Road 27, then north along Road 34 to a point where the road intersected the same creek line. Stormwater discharge to the creek line was then to be effected up to the pre-development flow rate, with excess flow piped further north through proposed lots and the future school site.

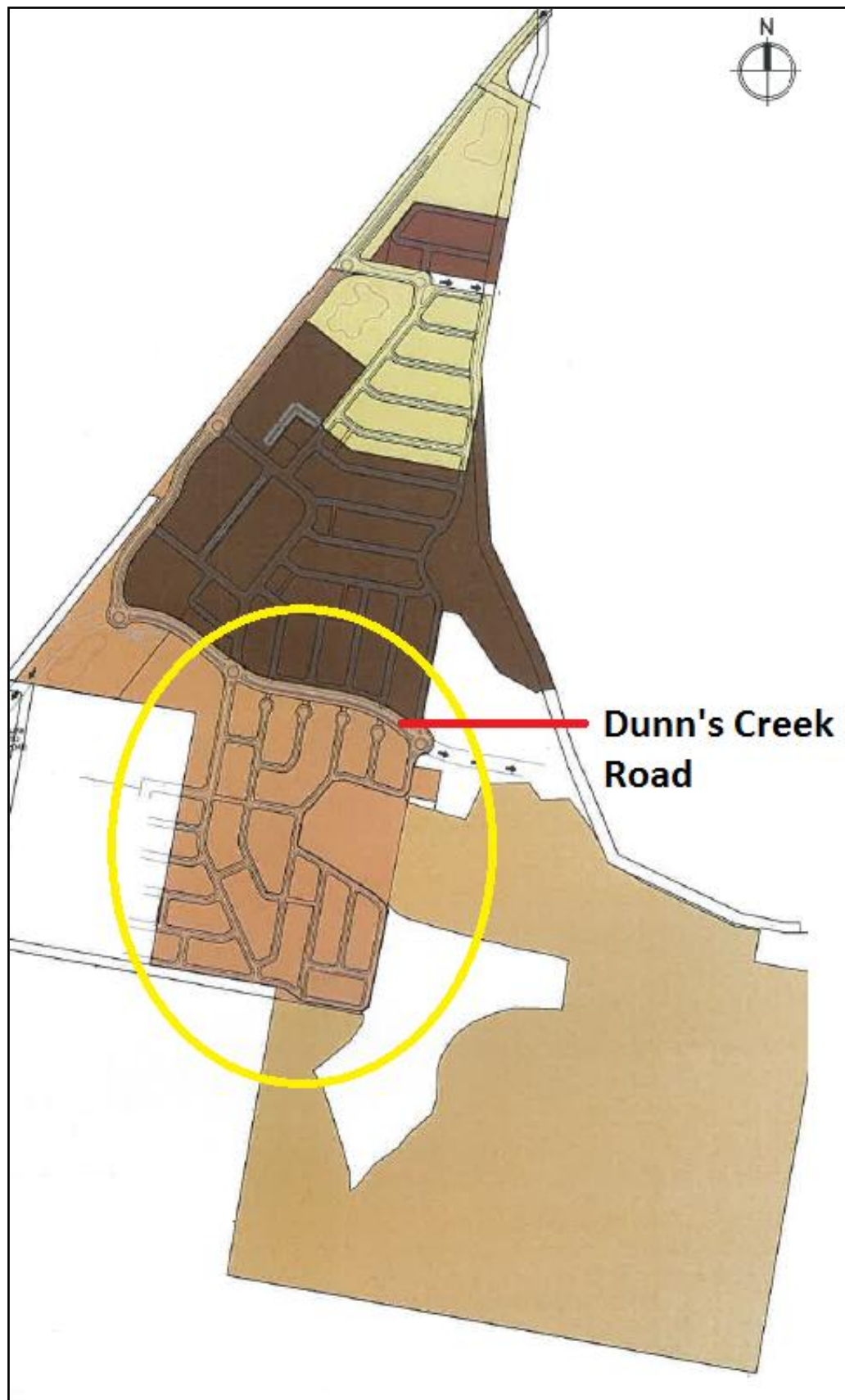
  - a. Piped drainage in Roads 4 and 40 will now cater for low stormwater flows and streets will act as the overland flow path for large storm events.

Figures 1 and 2 below show the original and amended road layout within Stage 2.

*Figure 1 - Original Road Hierarchy Plan*



*Figure 2 - Amended Road Hierarchy Plan*



**The following reports have accompanied the amended development application and were used throughout the supplementary planning assessment:**

- Master Plan and associated Development Structure Plans prepared by Knight Frank Town Planning (January 2015).
- Engineering Concept Design Drawings and prepared by Browns Smart Consulting (November 2014 and January 2015).

### **Statutory Assessment of Amended Application**

A detailed statutory assessment of the originally submitted Development Application was undertaken—refer to the Assessment Report considered by the Panel at its meeting held on 15 December 2014—in accordance with the *Environmental Planning and Assessment Act 1979* (“the Act”), as amended. This Report should be referred to for background information and statutory assessment of aspects of the application not affected by the subject amendments.

The amended Development Application addresses the contentious and non-compliant aspects of the originally proposed development as identified in the original Assessment Report. The following statutory assessment is therefore limited in scope only to the aspects that are relevant to the amended application, specifically:

- a) Section 5 – Objects;
- b) Section 79C – Evaluation; and
- c) Section 91 – What is “Integrated Development?”



### ***Section 5 – Objects***

The originally proposed development was considered to be inconsistent with the objects of the Act listed at sub-clauses (a)(i) and (a)(ii) due to the part identified as Stage 2 involving the modification of an environmentally sensitive area and prominent landscape features through extensive earthworks and the piping and filling of a steeply incised gully. This was considered not to represent or encourage the proper management, development and conservation of natural areas and water for the purpose of promoting the social and economic welfare of the community and a better environment.

Amendments made to the application result in a road alignment and future subdivision pattern that better responds to the topography and natural features of the site, resulting in a reduction in the amount of earthworks and the appropriate disposal of stormwater. Therefore, the application is now considered to be generally consistent with the objects of the Act.

***Section 79C – Evaluation******Clause (1)(a)(i) – Any Environmental Planning Instrument***

The following environmental planning instruments have been considered in the planning assessment of the amended Development Application:

- a) State Environmental Planning Policy (Infrastructure) 2007.
- b) Queanbeyan Local Environmental Plan (South Tralee) 2012 (as amended).
- c) Queanbeyan Local Environmental Plan 1998 (as amended).

***State Environmental Planning Policy (Infrastructure) 2007***

Clause 104 – Traffic generating development of the Policy is relevant to the amended application.

Pursuant to sub-clause 104 (3), before determining the development application the consent authority must take into consideration:

1. *Any submission that the RMS provides in response to the notification;*

The original development application was referred to NSW Roads and Maritime Services (RMS) as traffic generating development requiring notification to the RMS. The response from the RMS focussed mostly on the external road linkages to South Tralee from Jerrabomberra and into the ACT and how they will be funded. The changes to the road layout contained in the amended development application do not affect external road linkages, therefore, the RMS were not re-notified of the amended application.

2. *The accessibility of the site concerned, including:*
  - a. *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
  - b. *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
3. *Any potential traffic safety, road congestion or parking implications of the development.*

Council's Senior Engineer – Development has assessed the proposed amended development in relation to the above considerations and provides the following comments specific to those amendments:

*The Stage 2 layout south of Dunns Creek Road has been totally reconfigured to address concerns raised in regard to filling of the creek line and future dwelling lots being located there over. Similarly to the original proposal considered by the Panel, the proposed amended development provides for efficient movement of traffic and allows for future additional external road linkages and duplication required to prevent congestions and intersection failure subject to further negotiations with Council, the ACT Government and adjoining land owners. Any traffic safety and parking implications will be considered in detail during subsequent Stage DAs.*

### ***Queanbeyan Local Environmental Plan (South Tralee) 2012***

The Queanbeyan Local Environmental Plan (South Tralee) 2012 (“the South Tralee LEP”) applies to the majority of the site, including almost all of the part of the site identified as being within Stage 2. Only a portion of perimeter Road 27 in the south-east section of Stage 2 is zoned under the Queanbeyan Local Environmental Plan 1998.

Clauses relevant to the amended development application are discussed below.

### **Part 1 – Preliminary**

#### *Clause 1.2 – Aims of Plan*

The originally proposed development was considered to be inconsistent with the following aims of the Plan:

*To identify, protect and manage environmentally and culturally sensitive areas within South Tralee; and*

*To provide appropriate residential densities and a range of housing opportunities consistent with the environmental capacity of the land.*

As the proposed amended development application includes a more appropriate road alignment and future subdivision pattern that better responds to the topography and natural features of a sensitive area of the site, resulting in a reduction in the amount of earthworks and the appropriate disposal of stormwater, the proposal is now considered to be generally consistent with the aims of the Plan.

### **Part 4 – Principal development standards**

#### *Clause 4.1 – Minimum subdivision lot size*

Although this concept DA does not include the actual subdivision of land, the future subdivision layout of South Tralee is represented broadly in numerous ways, including:

1. The proposed road configuration shows the length, breadth and orientation of future residential blocks;
2. The submitted ‘Lot Size Plan’ and ‘Lot Orientation Mix’ plan and reflect the proposed density of residential development through minimum lot sizes, and the orientation of residential lots;
3. The submitted ‘Master Plan’ shows the location of future superlots for specific and non-specific land uses; and
4. The submitted ‘Design Contours’ plan shows the proposed finished slopes of residential land in the steeper parts of South Tralee after the completion of earthworks associated with subdivision works.

Given the above, and because if a concept development application is approved subsequent staged applications cannot be inconsistent with the approval, the objectives of this clause relating to the subdivision of land were relevant considerations in the assessment of the original proposal and in this amended application.

The originally proposed development was considered to be inconsistent with the following objectives of this clause:

*To ensure that lots created are sensitive to land, heritage and environmental characteristics (including water quality, native fauna and flora and places or items of Aboriginal or European heritage value); and*

*To provide lots with areas and dimensions that enable the appropriate siting and construction of a building and associated works to minimise and avoid the threat of natural hazards (including bush fire, soil instability and flooding) and to protect significant vegetation and prominent or significant landscape qualities,*

The proposed amended development application includes a more appropriate road alignment and future subdivision pattern that better responds to the topography and natural features of a sensitive area of the site, resulting in a reduction in the amount of earthworks and the appropriate disposal of stormwater. Specifically, the potential for stormwater mains to be located within residential lots is now avoided and future residential lots will now be located outside of the area of fill (incised gully). The amendments do result in a small overall increase to the amount of future residential allotments that will have a non-preferred solar orientation. However, given that the minimum lot size in this area is 600m<sup>2</sup>, it is considered that these lots will still be able to have adequate solar access, albeit they may need to be larger than the minimum lot size.

The proposed concept development as amended is now considered to be generally consistent with the objectives of this clause.

#### *Clause 5.10 - Heritage conservation*

At the time of the Panel's original consideration of the proposal matters pertaining to Aboriginal cultural heritage had not yet been resolved and the NSW Office of Environment and Heritage (OEH) had yet to issue their General Terms of Approval (GTAs) for impacts on known Aboriginal objects under the *National Parks and Wildlife Act 1974* — refer to detailed discussion in the original Assessment Report.

The Panel may recall that it was recommended that although the original development application was correctly referred to the Office of Environment and Heritage as Integrated Development for the issuing of any **required** General Terms of Approval pursuant to Section 91(2)(a) of the Act, the issuing of GTAs were not actually required for the conceptual proposed development to be lawfully carried out as it does not propose any actual works. Therefore, the Panel was not required to refuse the application as any impacts to Aboriginal objects from subdivision and construction works will need to have GTAs issued from the OEH prior to the determination of subsequent applications in the staged development of the South Tralee urban release area.

At the Panel's determination meeting held on 15 December 2015 the Panel generally concurred with the above recommendation, however, it was resolved that this Supplementary Assessment Report would provide an update on the finalisation of the Aboriginal Cultural Heritage Assessment Report (ACHAR) and the OEH's assessment thereof.

#### Update on Aboriginal Cultural Heritage Matters

Between the Panel's determination meeting held in December 2014 and the preparation of this Supplementary Report, the following progress has been made in

resolving the issues relating to Aboriginal cultural heritage identified in the original Assessment Report.

1. A final Aboriginal Cultural Heritage Assessment Report (ACHAR) – (Version 9) for the South Tralee urban release area and the Northern Entry Road was submitted to Council. This contained the final results of the required notification and consultation process with the Aboriginal community. This ACHAR was forwarded to the OEH for their assessment.
2. Following comments on the ACHAR (Version 9) from the OEH the applicant submitted an amended ACHAR (Version 10). This was forwarded to the OEH for their assessment.
3. At the time of writing the OEH had provided draft comments to Council from their assessment of the latest ACHAR and a meeting had been held between Council, the applicant and OEH staff. While there remain several matters for the applicant to address, the completion of the consultation with the Aboriginal community subsequent to the Panel's December meeting did not raise any new issues and it is anticipated that the applicant will satisfactorily address the remaining issues shortly.

#### *Clause 6.3 - Development control plan*

Development consent must not be granted for development on land in an urban release area unless a development control plan (DCP) that provides a list of prescribed matters has been prepared for the land.

When this application was originally lodged there was no DCP applicable to South Tralee. However, at the time of preparing the original Assessment Report (December 2014), the Draft South Jerrabomberra DCP 2014 was on public exhibition in accordance with Section 18 of the *Environmental Planning and Assessment Regulation 2000*. This Draft DCP had been prepared in accordance with Clause 6.3 and included South Tralee.

Pursuant to *Section 83C – Staged development applications as alternative to DCP required by environmental planning instruments*, of the *Environmental Planning and Assessment Act 1979* this staged application was able to be lodged prior to the adoption of a DCP for South Tralee, provided that the application included the information required to be included in the development control plan by the LEP.

The applicant satisfied this requirement by the submission of a set of Development Guidelines, 'South Tralee Release Area Development Guidelines (January 2014)', and supporting plans/documents for the development of South Tralee that contain the required information, however, Council did not support the inclusion of the specific content of the Development Guidelines as part of a development consent, mainly due to their being numerous specific development controls relating to subdivision and residential development that Council did not support, but also due to the imminent adoption of the Draft South Jerrabomberra DCP 2014 by Council which represented the current policy position of Council in relation to South Tralee.

The Panel did not agree with Council's recommendation to not include the specific content of the applicant's Development Guidelines in the development consent and instead required Council to resolve the inconsistencies between the Development Guidelines and the exhibited Draft South Jerrabomberra DCP 2014. Since the Panel's

determination meeting in December 2015 there has been substantial progress in resolving this issue as outlined below.

1. Council's Strategic Development section received and considered several submissions in relation to the exhibited Draft South Jerrabomberra DCP 2014, including from the applicant for this development application. Most issues raised related to residential development controls for South Tralee.
2. At its Ordinary Meeting held on 11 February 2015, Council considered a report on the submissions made in relation to the Draft South Jerrabomberra DCP 2014 which included some recommended changes to the DCP.

Council resolved to adopt the proposed Draft South Jerrabomberra DCP as recommended. This DCP came into force on 6 March 2015. It clearly states that for any development included in the Staged DA for South Tralee (263-2013) the approved Development Guidelines prevail. Furthermore, the approved plans for this application will be put into the South Jerrabomberra DCP as the Neighbourhood Structure Plan for South Tralee.

3. A detailed comparison of the applicant's Development Guidelines and the South Jerrabomberra DCP resolved to be adopted by Council was undertaken by Council staff and a revised set of Development Guidelines prepared. The Development Guidelines (as amended) are not inconsistent with the South Jerrabomberra DCP.

The applicant was forwarded a copy of the amended South Tralee Development Guidelines and provided comment to Council. Subsequent further minor amendments were made and the applicant does not dispute any of the content in the amended South Tralee Development Guidelines (March 2015).

## **Part 7 – Additional local provisions**

### *Clause 7.1 – Earthworks*

This concept application does not include any actual physical earthworks at the site. Separate DAs and Subdivision Construction Certificates will be required that will include specific details of the earthworks required to facilitate the development of South Tralee. However, the broad extent and nature of earthworks proposed to facilitate the subsequent Stages of the development of South Tralee can be ascertained from the conceptual plans, therefore, consideration of this clause was warranted for the original application and the amended application the subject of this Supplementary Report.

### Existing Landform – Land Zoned for Development

The site's landform consists of gently sloped terrain in the north and north-west of the site with moderate and steeply sloped terrain in the eastern and southern parts. At its extreme, the variation in elevation across the site from the northernmost tip to the southernmost part of land zoned for residential development is approximately 105m. As discussed in detail in the original Assessment Report, there is also an incised gully and steeply sided rocky tor in the southernmost part of the site zoned for residential development (within Stage 2). This gully runs diagonally from south-east to north-west over this part of the site, beginning to flatten out as it crosses into adjoining land (Morrison) before it ends at the far south-west of the subject site (still within Stage 2).

### Summary of Proposed Earthworks

As with the development of any urban release area earthworks will be necessary for the development of South Tralee to facilitate drainage and to achieve suitable landforms for residential allotments, roads et cetera. The proposal originally considered by the Panel included extensive cut and fill up to 5m in depth to achieve the required grades for roads and future residential allotments, particularly adjacent to the incised gully (creek line).

The originally proposed development was considered to be inconsistent with the objective of this clause:

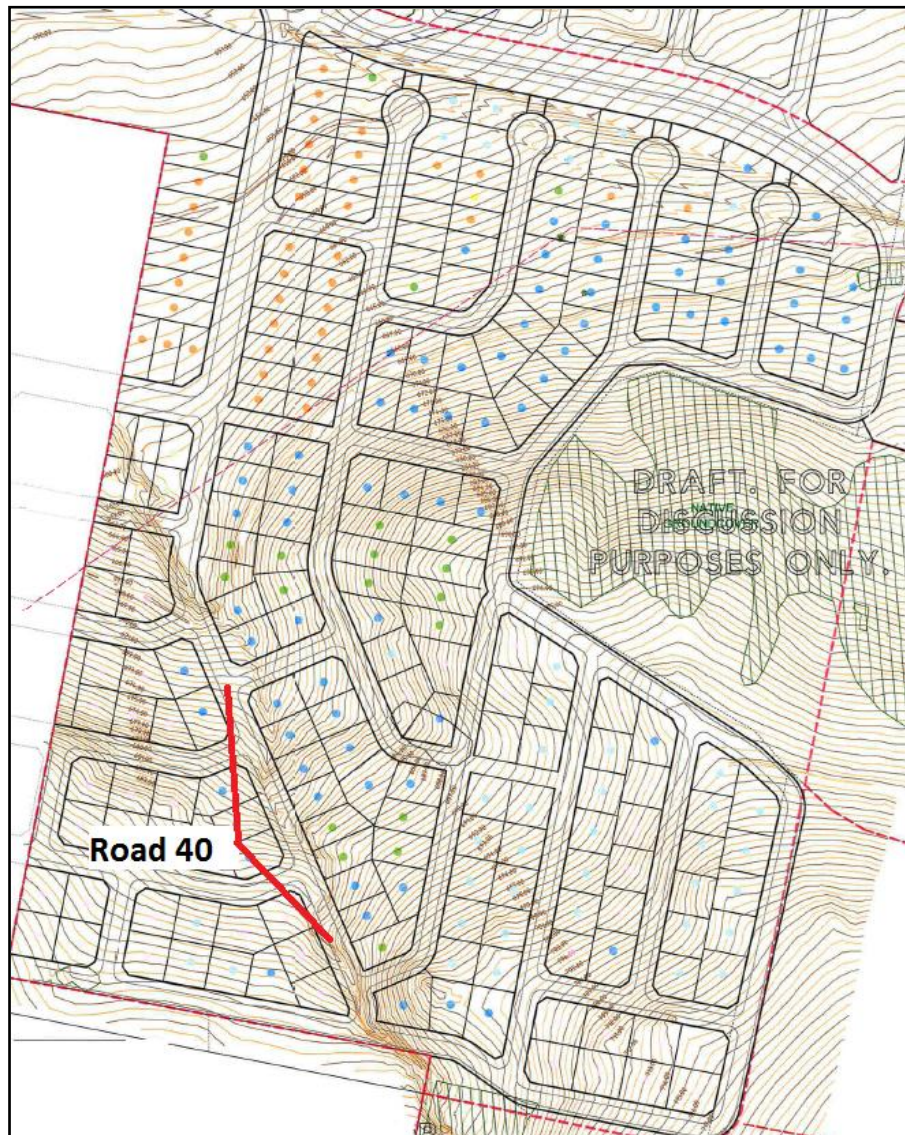
*To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

This was because the proposal was considered to involve a detrimental impact on an environmental function (drainage) of the land through extensive earthworks. Also, some of the matters listed for consideration under this clause raised concerns.

The amended proposal has reduced the amount of earthworks required adjacent to the incised gully and better reflects the drainage function of the land by allowing stormwater to flow along roads aligned with the gully, specifically new Road 40 – refer to Figure 3 below.



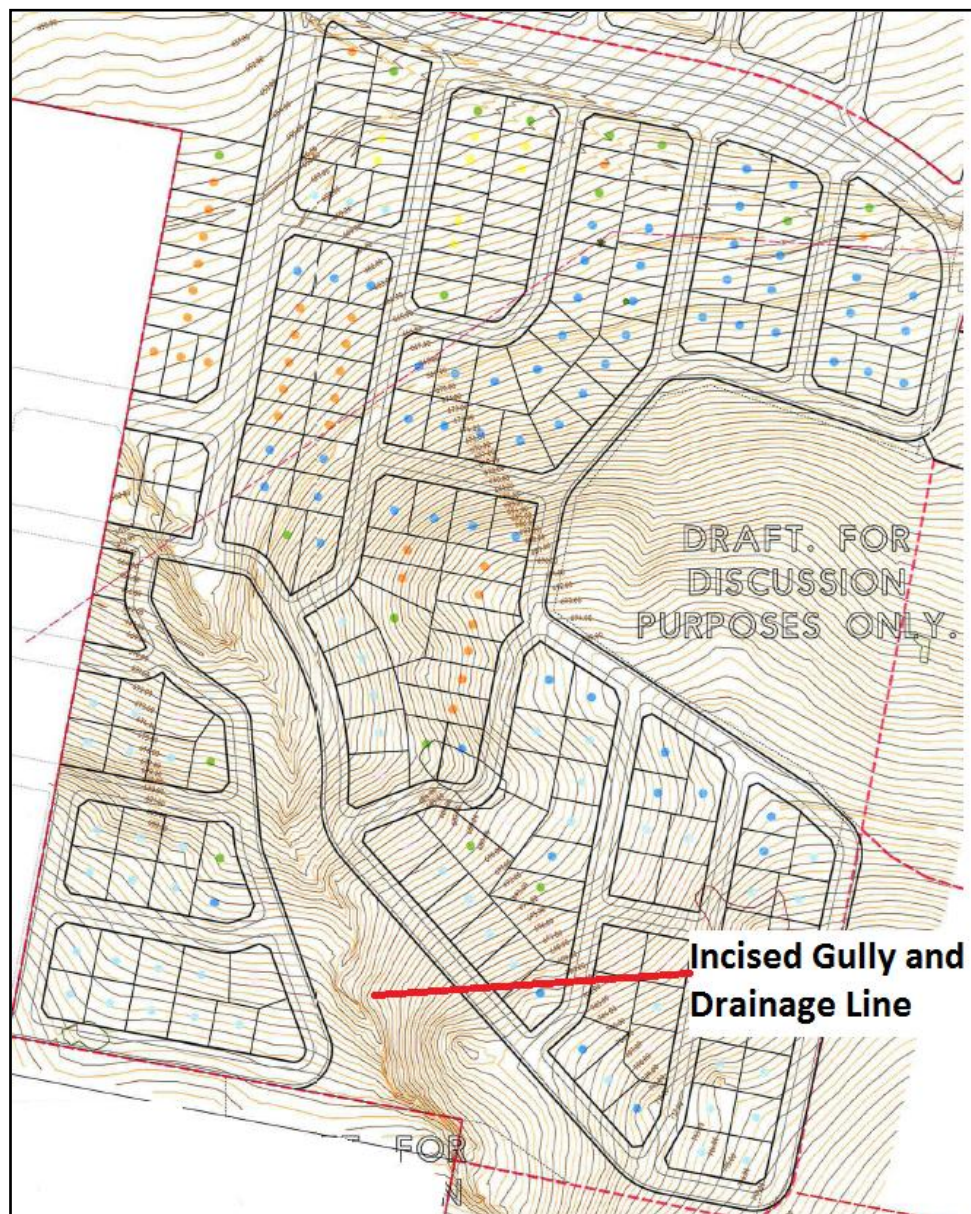
*Figure 3 - Amended Plan*





The option of completely excising the gully from the concept subdivision by creating road boundaries along either side of it has been considered by both the applicant and Council. The applicant argued against pursuing this option due to it resulting in the loss of 39 future residential allotments making the development financially unviable, as well as the issue of ongoing costs of long term maintenance and public safety of leaving the steeply incised gully in-situ. A map of this option is provided in Figure 4 below.

**Figure 4 – Alternative Design**



The advantages of the above option are that the existing topography and drainage function of the gully is largely maintained, a clump of native vegetation and trees is maintained, and the amount of earthworks required is substantially reduced. However, it does remove a substantial amount of residential zoned land from being developed for future residential allotments and still results in an increase to the amount of lots which will have a non-preferred solar orientation.

Council's Senior Engineer – Development has assessed the amended proposed design contours for the part of Stage 2 that was originally recommended to be excluded.

*The revised design in this area [gully] is still a totally engineered product, however, the revised layout does produce a road pattern that limits the extent of fill by having Road 40 aligned with the creek line with the subdivision areas falling towards the road. Residential lots are thereby positioned outside the fill area. The Stage 2 design plans will need to provide detail of the proposed means of stabilising and filling the creek line.*

*The lot size map in the Stage 2 area provides for a minimum lot size of 600 m<sup>2</sup>. The topography in the area suggests that a number of lots will require larger lot sizes to provide for minimisation of site cuts for building platforms and to provide suitable driveway gradients. Further details in this regard should be provided with the Stage 2 DA design.*

It is considered that the amended proposal is generally consistent with the objective of this clause in that it no longer results in a detrimental impact on an environmental function (drainage) of the land through extensive earthworks.

Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

*(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Drainage patterns and soil stability of land in the locality of the South Tralee site are unlikely to be disrupted or detrimentally effected by the development should the earthworks envisioned in the amended application be implemented.

The stormwater management plan has been designed to detain post development flows within the site so that discharge across the railway line and into the ACT is kept to predevelopment flow rates at existing discharge locations. The overland flows to adjoining grazing properties in general will not be reduced, thus protecting in-flows to dams and the like. A part of the existing overland flow of stormwater over the Morrison land that adjoins the south-west border of the development site is proposed to be diverted and piped through the site.

The amended proposal still involves the filling and piping of the creek line (incised gully), however, piping from roads that are now aligned with the gully will cater for low stormwater flows and will act as the overland flow path for large storm events. This is in keeping with the intent of Council's stormwater drainage specification and provides a better stormwater solution than the original proposal, particularly as it avoids the potential need for stormwater mains to be located in residential lots.

Any impacts on the soil stability of land in the locality of the site will be able to be more accurately ascertained when detailed geotechnical investigations are carried out for each Stage and applications are made for Subdivision Construction Certificates. Appropriate conditions relating to the management of subdivision works will also be placed on any subsequent Stage approvals.

*(b) the effect of the development on the likely future use or redevelopment of the land,*

The proposed development of the South Tralee urban release area as outlined in this amended application, and the earthworks required to facilitate it, are considered to be generally in accordance with the desired future character and use of the site as envisioned in the South Tralee LEP and various strategic planning policies.

*(d) the effect of the development on the existing and likely amenity of adjoining properties,*

While the development of South Tralee as an urban area will obviously result in a greatly altered landscape when viewed from adjoining properties, the proposed development of the South Tralee urban release area as outlined in the amended application, and the earthworks required to facilitate it, should not adversely affect their existing and likely amenity.

Access to adjoining properties through the site will be maintained at all times during subdivision and infrastructure works, and the drainage patterns of adjoining properties will remain largely unaltered.

*(e) the source of any fill material and the destination of any excavated material,*

This provision will be considered during subsequent applications for the separate Stages of the development of South Tralee.

*(f) the likelihood of disturbing relics,*

The impacts on relics of the proposed development of the South Tralee urban release area and the earthworks required to facilitate it, have been considered previously in the original Assessment Report in relation to European and Aboriginal heritage. The amendments outlined in this Supplementary Report do not alter this assessment.

Appropriate conditions relating to the management of any relics discovered during subdivision works will be placed on any subsequent Stage approvals.

*(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*

It is accepted that the development of rural land for urban development will necessarily change the existing landform to facilitate the construction of roads, infrastructure and suitable allotments for residential and other urban uses. The part of Stage 2 that contains the upper parts of the incised gully is not an identified in the South Tralee LEP as an environmentally sensitive area, however, this part of the site is located within a the boundaries of a mapped regional bio-link and also contains a clump of native trees that have been identified in the Ecological Assessment submitted with the original application as being of high value that should be retained if possible.

In the amended application the earthworks for this specific area of Stage 2 will still result in impacts. The trees will be removed and the gully will be filled, albeit with lower amounts of fill required and a much better drainage outcome. While the alternative option of completely excising the gully from the concept subdivision by creating road boundaries along either side would result in much reduced impacts, on balance, the environmental value of this area is not considered to be high enough to

warrant the pursuit of this option. The option outlined in the amended application is considered to be a sensible response to Council's concerns regarding the original proposal which can be supported.

*(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Details of appropriate measures to avoid, minimise or mitigate the impacts of earthworks will be required to be shown in development applications for subsequent Stages and Subdivision Construction Certificates.

#### *Clause 7.5 - Land in vicinity of proposed Dunn's Creek Road*

The proposed amended application does not involve any changes to the proposed location of Dunn's Creek Road, (refer to detailed discussion of this issue in the original Assessment Report), and remains satisfactory in relation to the objectives and prescribed considerations of this clause.

The original application's road hierarchy included a service road running parallel and to the south of Dunn's Creek Road to ensure that future residential allotments would not have direct access to Dunn's Creek Road. The amended application has removed the service road and the four streets there linked to this service road now terminate as cul-de-sacs. Appropriate pedestrian, cycle, utility and stormwater overland flow path links have been provided from the cul-de-sacs.

At the determination meeting held on 15 December 2014 the Panel resolved (in part) as follows:

- 1. That similar provisions to Clause 7.5 (South Tralee LEP 2012) given the realignment of Dunns Creek Road be included in any design guidelines.*

The South Tralee Development Guidelines have been amended by Council and now include similar provisions to Clause 7.5 of the Queanbeyan Local Environmental Plan (South Tralee) 2012. Refer to *Clause 3.69 – Potential Dunn's Creek Road Extension (Local sub-arterial road)* of the South Tralee Development Guidelines (March 2015). These are contained in Schedule 2 of the recommended consent conditions (under separate cover).

***Queanbeyan Local Environmental Plan 1998***

The Queanbeyan Local Environmental Plan 1998 (“the Queanbeyan LEP”) applies to part of the subject site, specifically the areas deferred during the rezoning process for South Tralee. Of the part of the site identified as being within Stage 2, only a portion of perimeter Road 27 on the south-eastern border of Stage 2 is zoned under the Queanbeyan Local Environmental Plan 1998.

The proposed amended application does not include any changes to the part of the site zoned under the Queanbeyan LEP and does not introduce any additional considerations. The proposed development as amended remains satisfactory with the relevant provisions of the LEP.

## ***Section 79C – Evaluation (cont)***

### ***Clause (1)(a)(iii) – Any Development Control Plan***

The originally submitted development application was assessed in detail against all of the relevant parts of the Queanbeyan Development Control Plan (QDCP) 2012 (applicable to land zoned under the Queanbeyan LEP 1998). The proposed amended application does not include any changes to the part of the site subject to the QDCP 2012 and remains satisfactory with the relevant provisions. It does not introduce any additional considerations except for whether the application should be re-notified.

Pursuant to *Part 1.8 - Public Notification of a Development Application*, the amended application was not required to be publicly re-notified as it addresses aspects of the original application that were not supported by Council or the Panel and does not introduce any additional impacts on adjoining properties. Furthermore, the amendments do not directly involve any changes that relate to the issues raised in the four submissions received for the originally submitted application.

The remainder of the site that is zoned under the South Tralee LEP is not subject to a DCP. Subsequent development applications will, however, be subject to the South Tralee Development Guidelines as amended by Council (refer to *Clause 1.3 – Land Covered by this DCP* of the recently adopted South Jerrabomberra Development Control Plan).

### ***Clause (1)(a)(iiia) – Any Planning Agreement***

The subject site is not subject to any planning agreements although it is anticipated that a Local Voluntary Planning Agreement (VPA) will be negotiated between the developer of South Tralee and Queanbeyan City Council. As required by the Panel, a list of future infrastructure and facilities that are to be provided for the South Tralee urban release area and included in any Local Voluntary Planning Agreement is provided in separate Attachment 1 to this Report. This list is contained in a letter from the applicant dated 24 March 2015 which also offers to commence negotiations with Council for a VPA. Note: The list is an amended Annexure A to Appendix 16 submitted with the original development application.

The recommended conditions of consent include a condition requiring the infrastructure and facilities listed in the letter to be provided for the development of South Tralee (condition no. A5). Note: While the applicant and Council agree on the items listed in Attachment 1 that will be included in the VPA, there remains some disagreement with the methodology for how some contributions will be calculated. These issues will be finalised as part of the negotiations before the VPA is signed.

### ***Clause (1)(a)(iv) – The Regulations***

No matters prescribed in the Regulation were relevant in the consideration of the original application and no matters are relevant to the amended application.

### ***Clause (1)(b) – The Likely Impacts of the Development***

The likely impacts of the originally proposed development were considered in terms of: context and setting; access, transport and traffic; public domain; utilities; heritage; other land resources; soils; water; air and microclimate; flora and fauna; waste; hazards; social and economic impact in the locality; energy; noise and vibration; safety, security and crime prevention; site design; construction; and cumulative impacts.

In relation to the above matters the original application was considered to involve the inappropriate treatment to a landscape feature of the site and locality and the inappropriate piping and filling of a natural drainage gully in part of the site identified as being within Stage 2 of urban release area. It was concluded that this part of the conceptual design of the site for urban development was not sensitive to environmental conditions and site attributes and would likely result in adverse cumulative impacts relating to building and servicing individual residential allotments.

As outlined throughout this Supplementary Report, the amendments made to the original application result in a proposed concept development that satisfactorily resolves the above issues.

*Clause (1)(c) – The Suitability of the Site for the Development*

There are no significant constraints to the proposed development from adjacent land. The proposed development will not give rise to unmanageable transport demands, adequate recreational opportunities will be provided and utility services available.

The site attributes are generally conducive to development, with the most environmentally sensitive areas protected by a conservation zoning that greatly restricts development. The amended conceptual design has generally taken into account the physical, heritage and flora and fauna constraints of the site.

*Clause (1)(d) – Any Submissions made in relation to the Development*

External Referrals

The originally proposed development was referred to the NSW Department Planning and Infrastructure, John Holland Rail, NSW Roads and Maritime Services, NSW Rural Fire Service and NSW Office of Environment and Heritage (OEH). Further comment on the amended application was required from the OEH and provided. (Refer to assessment under Clause 5.10 – Heritage conservation of the South Tralee LEP earlier in this Report).

Internal Referrals

The originally proposed development was referred to Council's Building Surveyor, Development Engineer, Environmental Health Officer and Parks and Recreation section. Council's Heritage Advisor and Heritage Advisory Committee also considered the original application. Further comment on the amended application was required from the Development Engineer and comments provided. Council's Senior Engineer – Development has assessed the amended application and has raised no objections subject to the imposition of additional recommended conditions and changes to some of the originally recommended conditions.

Community Consultation

The original development application was publicly notified and exhibited as integrated development from 29 January 2014 to 27 February 2014 and adjoining property owners and occupiers were notified by mail. Four written public submissions were received during this period and one late submission was made by the ACT government. The issues raised in these submissions were summarised and discussed in detail in the original Assessment Report. The amended application was



not required to be re-notified and does not impact on any of the issues raised in the submissions.

*Clause (1)(e) – The Public Interest*

The originally proposed development was not considered to be in the public interest for the reasons outlined in the original Assessment Report relating to the consideration of the principles of subdivision design contained in the then Draft South Jerrabomberra DCP. The proposed amended development application includes a more appropriate road alignment and future subdivision pattern that better responds to the topography and natural features of a sensitive area of the site, resulting in a reduction in the amount of earthworks and the appropriate disposal of stormwater. Specifically, the potential for stormwater mains to be located within residential lots is now avoided and future residential lots will now be located outside of the area of fill (incised gully).

The proposed development is now considered to be in the public interest to support.

### ***Section 91 – What is “Integrated Development”?***

The originally proposed development required referral as Integrated Development to the NSW Rural Fire Service (RFS) under Section 100B of the *Rural Fires Act 1997* as the site is partially shown as being bushfire prone on the Queanbeyan Bushfire Prone Land Map.

The RFS have issued a Bushfire Safety Authority (BSA) for the development which contains numerous conditions that will need to be complied with where relevant during future construction Stages of the development. Some recommendations regarding future dwellings on the site may need to be imposed via the creation of a Section 88B Instrument under the *Conveyancing Act 1919*. Should development consent be granted the terms of the BSA are to be included as Schedule 1 to the consent and conditioned to be complied with, and that prior to the determination of any subsequent Stage DA the applicant is to submit details of how the development complies with the terms of the BSA that are relevant to that Stage.

The amended application does not impact on the matters of relevance under the *Rural Fires Act 1997*, therefore, it was not referred to the RFS.

The originally proposed development also required referral as Integrated Development to the NSW Office of Environment and Heritage (OEH) under Section 90 of the *National Parks and Wildlife Act 1974* as the site contains known Aboriginal objects. While the amended application does not impact on matters of relevance under the *National Parks and Wildlife Act 1974*, as previously outlined in this Report at the time of the Panel’s original consideration of the proposal matters pertaining to Aboriginal cultural heritage had not yet been resolved and the OEH had yet to issue their General Terms of Approval (GTAs) for impacts on known Aboriginal objects.

The OEH’s assessment of the final Aboriginal Cultural Heritage Report (ACHAR) is ongoing. At the time of writing the OEH had provided draft comments to Council from their assessment. While there remain several matters for the applicant to address, this is not an impediment to the application being determined by the Panel — refer to detailed discussion of this matter in the original Assessment Report.

## **Conclusion**

Integrated Development Application 263-2013 (as amended) has been nominated by the applicant as a staged development application in accordance with section 83B of the *Environmental Planning and Assessment Act 1979* for the conceptual development of the South Tralee urban release area. The amended concept development generally satisfies all of the relevant statutory and local planning controls. It will have an acceptable impact on the site, local environment and neighbouring properties and there are no significant public interest concerns resulting from the development.

The amended development generally satisfies the provisions of these instruments as outlined in the original Assessment Report considered by the Panel and in this Supplementary Assessment Report.

The proposed development, as amended, is recommended for conditional approval.

**Recommendations**

1. That Development Application 263-2013, as amended, be granted consent subject to the conditions listed below.
2. That those persons who lodged a submission on the application be advised in writing of the determination of the application.
3. That the NSW Office of Environment and Heritage and NSW Rural Fire Service be advised in writing of the determination of the application pursuant to Section 91A(6) of the *Environmental Planning and Assessment Act 1979*.

## Conditions

### A. GENERAL CONDITIONS

#### A1. CONSENT RELATES TO CONCEPT PLAN ONLY

**This consent does not permit the construction of any works associated with the development of the South Tralee urban release area and portion of Territory Parade and Boundary Road that form part of the land the subject of this development consent.**

REASON: To ensure that appropriate consideration is given to the construction of the individual stages of South Tralee.

#### A2. INDIVIDUAL APPLICATIONS REQUIRED FOR STAGED WORKS

**This consent does not authorise the carrying out of development on any part of the site concerned unless consent is subsequently granted to carry out development on that part of the site following a further Development Application in respect of that part of the site.**

**A separate Development Application is required to be lodged for each of the five individual Stages of the development of South Tralee as shown on the Staging Plan approved under this development consent.**

REASON: To ensure appropriate consideration is given to the construction works associated with the development.

#### A3. IN ACCORDANCE WITH THE APPROVED PLANS

**The development must be carried out generally in accordance with the documents accompanying the Development Application (including those specified in the list below) and with the plans bearing the Queanbeyan City Council approval stamp (including those specified in the list below), and any amended plans approved under subsequent modification(s) to the development consent, except where varied by notations made in red ink or conditions of approval.**

##### Plans

- South Tralee Site Location Plan prepared by Knight Frank Town Planning (27 January 2015: 257819.09-001).
- South Tralee LEP Zone Boundaries prepared by Knight Frank Town Planning (27 January 2015: 257819.09-002).
- South Tralee Visual and Acoustic Buffer prepared by Knight Frank Town Planning (27 January 2015: 257819.09-003).
- South Tralee Staging Plan prepared by Knight Frank Town Planning (27 January 2015: 257819.09-004).
- South Tralee Lot Size Plan prepared by Knight Frank Town Planning (27 January 2015: 257819.09-005).
- South Tralee Lot Orientation Mix prepared by Knight Frank Town Planning (27 January 2015: 257819.09-006).

- South Tralee Master Plan prepared by Knight Frank Town Planning (27 January 2015: 257819.09-007).
- South Tralee Walkable Neighbourhood prepared by Knight Frank Town Planning (27 January 2015: 257819.09-008).
- South Tralee Pedestrian / Cycle Network prepared by Knight Frank Town Planning (27 January 2015: 257819.09-009).
- South Tralee Site Constraints Plan prepared by Knight Frank Town Planning (27 January 2015: 257819.09-010).
- Street Hierarchy & Typical Cross Section Locations prepared by Brown Smart Consulting (27 January 2015: C13085-D020+, Amendment F).
- Typical Cross Section Sub-Arterial Road Sections 1 & 2 prepared by Brown Smart Consulting (19 November 2014: C13085-D021, Amendment B).
- Typical Cross Section Sub-Arterials & Collector Sections 3, 4 & 5 prepared by Brown Smart Consulting (27 January 2015: C13085-D022, Amendment D).
- Typical Cross Section Local Street Sections 6, 7, 8 & 9 prepared by Brown Smart Consulting (19 November 2014: C13085-D023, Amendment B).
- Typical Cross Section Access Street & Edge Street Sections 10, 11, 12 & 13 prepared by Brown Smart Consulting (19 November 2014: C13085-D024, Amendment D).
- Typical Cross Section Laneway Sections 14, 16, 17 and 18 prepared by Brown Smart Consulting (19 November 2014: C13085-D025, Amendment C).
- Stormwater Concept Plan prepared by Brown Smart Consulting (27 January 2015: C13085-D162+, Amendment E).
- Clearing and Grubbing Plan prepared by Brown Smart Consulting (27 January 2015: C13086-241+, Amendment D).

#### **Documents**

- Bushfire Protection Assessment for the South Tralee Urban Release Area prepared by Australian Bushfire Protection Planners Pty Limited (November 2013: Assessment No. B131950-1).
- Site Contamination Summary Report – South Tralee Development Site prepared by SMEC (December 2013: Revision No. 3).
- Landscape and Open Space Strategy prepared by Redbox Landscape Architects (December 2013: Final).
- Geotechnical Assessment Report prepared by Douglas Partners (August 2013: Project 46162.01, Document No. 2, Revision 0).

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**REASON:** To ensure the development is completed in accordance with the approved plans and the development consent.

#### A4. DEVELOPMENT GUIDELINES

**Any subsequent development application for any of the five individual stages referred to in Condition A2 must be generally consistent with the South Tralee Development Guidelines contained in Schedule 2 of this Development Consent (the Development Guidelines). The Council may approve a departure from the Development Guidelines if it is satisfied that the departure is of a minor nature only or the applicant has demonstrated that the underlying objective of the particular guideline will be satisfied notwithstanding the departure and will result in a better, more logical, design outcome.**

REASON: To ensure that subsequent Stages of development at South Tralee are considered subject to the provisions South Tralee Development Guidelines.

#### A5. INFRASTRUCTURE

**The infrastructure and facilities listed in the letter from the applicant offering to commence negotiations for a Voluntary Local Planning Agreement (December 2013) as amended by the applicants letter of 24 March 2015, and any additional infrastructure included in any Local Planning Agreement negotiated and executed between Council and the Applicant, are to be provided for the development.**

REASON: To provide essential infrastructure and facilities to meet the needs of the urban development.

#### A6. TIMBER FROM FELLED NATIVE TREES TO BE RETAINED ON SITE

**Timber from the approved felling of any native trees during the course of the development of South Tralee is to be salvaged and moved to land in South Tralee zoned E2 – Environmental Conservation.**

REASON: To provide habitat for native fauna as recommended by the NSW Office of Environment and Heritage.

#### A7. TREE PLANTING IN PART OF STAGE 3

**The planting of trees in the open space area in Stage 3 adjacent to Road 15 and in the vicinity of the detention basin that is characterised by wetland grasses may not be appropriate due to this area being naturally treeless. Any detailed landscaping plans for this area must demonstrate how this has been taken into account in the design.**

REASON: To ensure that the natural characteristics of the land are taken into account during the landscaping of open space areas and as recommended by the NSW Office of Environment and Heritage.

#### A8. TREE PLANTING IN PUBLIC OPEN SPACES

**The detailed landscaping plans for public open spaces must demonstrate how the incorporation of native trees indigenous to the area has been considered.**

**REASON:** To provide for suitable native tree plantings and as recommended by the NSW Office of Environment and Heritage.

#### A9. ECOLOGIST TO CONSULT

**Any works proposed in future Stage Development Applications to the large southern portion of the site zoned E2 – Environmental Conservation must demonstrate that a suitably qualified ecologist has been consulted in the design.**

**REASON:** To ensure that the areas of the site that have high conservation values are taken into account and protected during the design of any development.

#### A10. DETAILED CONTAMINATED SITE INVESTIGATION REQUIRED

**A detailed environmental investigation to characterise the nature and extent of contamination associated with the areas of environmental concern (AEC's) identified in the *SMEC Site Contamination Summary Report* dated December 2013 is to be carried out. The results of the investigation shall be provided in a report consistent with the Stage 2 Detailed Site Investigation requirements set down in the NSW Office of Environment and Heritage's *Guidelines for Consultants Reporting on Contaminated Sites*. The report must be submitted to Council with the development application for each stage of the future subdivision covering the AEC's located within the land covered by the relevant staged development application.**

**The investigation report is to include a statement which describes whether the site is suitable for the proposed development or if remediation is necessary to make sure the site is suitable for the proposed use. If remediation is required, the report should list the remediation options available to remediate the site.**

**REASON:** To ensure that the potentially contaminated sites identified in the preliminary contamination report are investigated and reported on so that Council can assess the environmental impacts of contamination on any future staged development.



## **B. PRIOR TO THE DETERMINATION OF DEVELOPMENT APPLICATIONS FOR ANY STAGE OF THE DEVELOPMENT**

### **B1. SUBMIT DETAILS ON RAIL CORRIDOR FENCING**

**Prior to the determination of any Development Application for any Stage of the development of South Tralee details about how the border of the rail corridor will be suitably fenced must be submitted to Queanbeyan City Council for assessment.**

REASON: To ensure that the boundary between the development site and the rail corridor is suitable fenced and as requested by the Rail Authority.

### **B2. SUBMIT GEOTECHNICAL ASSESSMENT**

**Prior to the determination of any Development Application for any Stage of the development of South Tralee a detailed Geotechnical Assessment prepared by suitably qualified person(s) must be submitted to Queanbeyan City Council for assessment.**

REASON: To ensure that appropriate geotechnical investigations are carried out to inform the detailed design of subdivision works.

### **B3. BUSHFIRE SAFETY AUTHORITY**

**The development must be carried out generally in accordance with the terms of the Bushfire Safety Authority (BSA) issued by the NSW Rural Fire Service as shown in Schedule 1. Prior to the determination of any Development Application for any Stage of the development of South Tralee details about how the development complies with the terms of the BSA which are relevant to that Stage must be submitted to Queanbeyan City Council.**

REASON: To ensure compliance with the Bushfire Safety Authority issued by the NSW Rural Fire Service.

### **B4. PROVIDE SUITABLE ACCESS TO ADJOINING LAND**

**Where any stage of development at South Tralee will result in the existing access arrangements to adjoining lands being changed, the applicant must submit details of how it proposes to provide for continuous access to those adjoining lands (both during and following construction of the new subdivision works) with the development application for that Stage.**

REASON: To ensure that access to adjoining properties is maintained.

## **C. PRIOR TO THE DETERMINATION OF DEVELOPMENT APPLICATION FOR STAGE 1**

### **C1. SUBMIT DETAILS ON TIMBER RETENTION**

**Prior to the determination of any Development Application for Stage 1 of the development of South Tralee as identified on the approved Staging Plan, details about how timber from the felling of any native trees during the course of the development of South Tralee is to be salvaged and moved to land in South Tralee zoned E2 – Environmental Conservation for use as habitat must be submitted to, and endorsed by, Queanbeyan City Council.**

REASON: To provide habitat for native fauna as recommended by the NSW Office of Environment and Heritage.

## **D PRIOR TO THE DETERMINATION OF DEVELOPMENT APPLICATION FOR STAGE 2**

### **D1. SUBMIT MANAGEMENT PLAN FOR CONSERVATION LAND**

**Prior to the determination of any Development Application for Stage 2 of the development of South Tralee as identified on the approved Staging Plan, a detailed Management Plan for the ongoing management and conservation of the lands zoned E2 – Environmental Conservation in South Tralee (not including the small triangular northern portion of E2 zoned land), must be submitted to, and endorsed by, Queanbeyan City Council.**

**If, due to subsequent modifications, the staging of the development is altered, the Management Plan must be submitted to, and endorsed by, Queanbeyan City Council prior to the determination of any development application for the development of South Tralee that includes the E2 zoned land described.**

**REASON:** To ensure the potential impacts of the development on environmentally sensitive land are satisfactorily addressed and mitigated through the implementation of an on-going Management Plan.

### **D2. DUNNS CREEK ROAD ALIGNMENT**

**The location of Dunn’s Creek Road approved by this consent differs from that in the Queanbeyan Local Environmental Plan (South Tralee) 2012 as in force at the date of this consent. Any application for development in the vicinity of the new location of Dunn’s Creek Road must:**

- (a) minimise any visual or acoustic impacts on development proposed in the vicinity of the road;**
- (b) ensure that development proposed in the vicinity of the land required for the road will not compromise, restrict or otherwise prevent the future use of that land as a road; and**
- (c) be accompanied by information sufficient to enable the consent authority to assess:**
  - i. the impact of noise, vibrations and other emissions from any future construction and the ongoing use of that land as a road,**
  - ii. if the proposed development is subdivision, whether or not the development would prejudice or otherwise restrict the future construction (including the provision of any public utility infrastructure) and operation of the proposed road.**

**REASON:** To ensure consistency between the approved location of Dunn’s Creek Road and the Queanbeyan Local Environmental Plan (South Tralee) 2012.

#### D3. BUS INTERCHANGE AND SCHOOL SITE SET DOWN AREA

**Prior to the determination of any Development Application for Stage 2 of the development of South Tralee as identified on the approved Staging Plan, details about the how the indicative bus interchange off Road 5 and the parking and set down area for the potential school site off Road 4 will function must be submitted to Queanbeyan City Council for assessment.**

**REASON:** To ensure that the suitability of these conceptual parking treatments is able to be fully assessed.

#### D4. STABILISATION AND FILLING CREEKLINE

**Prior to the determination of any Development Application for Stage 2 of the development of South Tralee as identified on the approved Staging Plan, details about the proposed means of stabilising and filling the creek line in the proximity of Road 40 must be submitted to Queanbeyan City Council for assessment.**

**REASON:** To ensure that the suitability of the filling and stabilisation arrangements is able to be fully assessed.

#### D5. FUTURE LOT DESIGN

**Prior to the determination of any Development Application for Stage 2 of the development of South Tralee as identified on the approved Staging Plan, details about how any subdivision provides lot sizes and designs that account for the topography in the area to minimise site cuts for building platforms and to provide suitable driveway gradients must be submitted to Queanbeyan City Council for assessment.**

**REASON:** To ensure that the suitability of the subdivision design is able to be fully assessed.

## **E. PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE (SUBDIVISION)**

### **E1. SITE AUDIT STATEMENT**

**Prior to the issue of a Construction Certificate (Subdivision) for any stage of the proposal a Site Audit Statement (SAS) and Site Audit Report (SAR) must be prepared by an accredited site auditor and be submitted to Queanbeyan City Council. The SAS must state that the site has been remediated and validated to permit the use of the site for its designated landuse.**

**Any recommendations or conditions contained within the SAS must be implemented and evidence of their implementation must be submitted to Queanbeyan City Council prior to the issue of a Construction Certificate (Subdivision). Any ongoing management conditions will become enforceable under this consent.**

**Where any proposed remediation works are required to be carried out in conjunction with preparatory site works (i.e. after a Construction Certificate (Subdivision) is issued) an interim SAS confirming the suitability of the methodology to remediate the site is acceptable. In such a case the full SAS must be received prior to the issue of the subdivision certificate for the stage involved.**

**REASON:** To ensure construction works only proceed after a Site Audit Statement has been received confirming that the site is capable of being remediated for its future designated use.

**ADVISORY NOTE:** *Although the site audit is a separate process from the investigation and remediation, it is recommended that the site auditor is engaged as soon as possible before the methodology for the next stage of the detailed investigation is developed. Communication between the applicant's environmental consultant and the site auditor from an early stage should ensure that the consultant does sufficient work to satisfy the site auditor and therefore minimise potential delays for the applicant.*

## **F PRIOR TO COMMENCEMENT OF WORKS FOR ANY STAGE**

- F1. Submission of an application for a Compliance Certificate under Section 307 of the Water Management Act 2000 for each subdivision stage to the Water and Sewer Authority (Queanbeyan City Council). The application must be accompanied by the relevant fee and four copies of the Civil Engineering plans for the design of the water reticulation and sewerage systems, for assessment and approval by Council.**

**Upon approval of the hydraulic design a Compliance Certificate in accordance with section 307 of the Water Management Act 2000, will be issued by Council. The Compliance Certificate must be obtained prior to the issue of a Construction Certificate (Subdivision).**

**REASON:** To ensure that hydraulic design is in accordance with Council requirements.

- F2. A Construction Certificate (Subdivision) and accompanying engineering design plans and Certification Report shall be submitted to Council prior to the commencement of any works for a subdivision stage. Works associated with the subdivision stage shall subsequently be carried out in accordance with the detailed design drawings and specifications the subject of the Construction Certificate (Subdivision). The engineering plans shall include the following where applicable to a subdivision stage –**

- **Design of a stormwater network, including a major/minor street stormwater system, any required interallotment drainage lines, any required detention basins, water quality ponds and/or gross pollutant traps and Water Sensitive Urban Design devices;**
- **Design of a potable water supply network linking to infrastructure to be constructed external to the site;**
- **Design of a sewerage network linking to infrastructure to be constructed external to the site;**
- **Design of the roads in the subdivision in accordance with Plan Series C13085 prepared by Brown Consulting and dated January 2015 as listed below –**

<b>Drawing</b>	<b>Issue</b>	<b>Title</b>
D000+		Cover Sheet
D020+	F	Street Hierarchy & Typical Cross Section Locations
D021	B	Typical Cross Section, Sub-Arterial Road, Sections 1 & 2
D022	D	Typical Cross Section, Sub-Arterial & Collector, Sections 3,4 & 5
D023	B	Typical Cross Section, Local Street, Sections 6, 7, 8 & 9
D024	D	Typical Cross Section, Access Street & Edge Street, Sections 10, 11, 12 & 13
D025	C	Typical Cross Section, Laneway, Sections 14, 16, 17 & 18

- **Road pavements designed as flexible pavements with a primer seal plus Asphaltic Concrete (AC10) nominated as the wearing surface;**
- **Roundabouts designed with a rigid concrete pavement;**
- **Driveways designed as rigid concrete pavements;**
- **Where barrier kerb is used the location of vehicle kerb crossings must be indicated;**
- **Provision of a bus route with bus stops;**

- Provision of a path network in accordance with the plan entitled *South Tralee Pedestrian/Cycle Network* prepared by Knight Frank (Town Planning) – Plan 257819.09-009 (Rev B) dated 27/01/15;
- Design of any retaining walls greater than 1.0 metres in height;
- Landscape plan for reserves and street tree planting;
- Irrigation supply (permanent and temporary);
- Site works including bulk earthworks, dams water quality ponds and retarding basin construction;
- Vegetation management plan;
- Soil and water management plans including erosion control measures;
- Construction compound and site amenities;
- Street and public open space lighting to current best practice energy efficiency standards; and
- A Traffic Control Devices (TCD) Plan that includes line-marking, sign-posting and Local Area Traffic Management

REASON: To provide design certification of the subdivision works.

- F3. A Notice to Commence Subdivision Works must be submitted to Council two (2) days prior to commencing work on each subdivision stage.

REASON: To ensure the provisions of the *Environmental Planning and Assessment Act 1979* are satisfied.

- F4. Council must be appointed as the Principal Certifying Authority for each stage of the subdivision works, with such appointment to be made prior to the commencement of the subdivision stage works. Please contact Council for a Notice to Commence Subdivision works form to complete to comply with these requirements. Alternatively the form is available from Council or downloadable from [www.qcc.nsw.gov.au](http://www.qcc.nsw.gov.au).

NOTE: A quotation for Council to perform the duties of Principal Certifying Authority for the subdivision works will be provided upon submission of the Construction Certificate (Subdivision) to Council.

REASON: To provide for supervision of the subdivision works.

- F5. A sign must be erected in a prominent position on the work site prior to the commencement of works:
- a) stating that unauthorised entry to the work site is prohibited,
  - b) showing the name of the person in charge of the work site, and
  - c) advising telephone numbers at which that person may be contacted during work hours and outside work hours
  - d) showing the name of the principal certifying authority and contact details.

The sign is to be removed when the work has been completed.

REASON: To provide notification of the work site and site supervisor to the general public in emergency situations.

- F6. Toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.

Each toilet provided:

- (a) must be a standard flushing toilet, and

**(b) must be connected:**

- (i) to a public sewer, or**
- (ii) if connection to a public sewer is not practicable, to an accredited sewage treatment facility approved by Council, or**
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by Council.**

**The provision of toilet facilities in accordance with this clause must be completed prior to commencement of any work on the site.**

REASON: To provide adequate and hygienic amenities for people working on the site.

#### **F7. LOCAL PLANNING AGREEMENT**

**The applicant shall comply with any Local Planning Agreement entered into for the provision of infrastructure, facilities and services.**

REASON: To ensure satisfactory provision of services, amenities, works and monetary contributions for the development.



## **G. DURING CONSTRUCTION FOR ANY STAGE**

### **G1. ABORIGINAL HERITAGE**

**All earthmoving contractors and operators must be instructed that, in the event of any bone or stone artefacts, or discrete distributions of shell being unearthed during earthmoving, work should cease immediately in the affected area and the Ngambri Local Aboriginal Land Council and officers of the Office of Environment and Heritage (Queanbeyan Office), informed of the discovery. Work must not recommence until the material has been inspected by those officials and permission has been given to proceed. Those failing to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the *National Parks and Wildlife Act 1974*, as amended.**

**REASON:** To ensure adequate procedures are in place should significant items of Aboriginal Heritage be discovered.

**G2. In the event that object(s) which are suspected of being Aboriginal object(s) or relic(s) are encountered during development works, then the following protocol will be followed:**

- (a) Cease any further excavation or ground disturbance, in the area of the find(s).**
  - (i) The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be temporarily halted, and**
  - (ii) The site supervisor and the Principal will be informed of the find(s).**
- (b) Do not remove any find(s) or unnecessarily disturb the area of the find(s).**
- (c) Ensure that the area of the find(s) is adequately marked as a no-go area for machinery or further disturbance, and that the potential for accidental impact is avoided.**
- (d) Note the location and nature of the find(s) and report the find(s) to:**
  - (i) Relevant project personnel responsible for project and construction direction and management;**
  - (ii) With regard to suspected Aboriginal objects, report the find to the Office of Environment and Heritage, and**
  - (iii) With regard to suspected (non-Aboriginal) relics the Office of Environment and Heritage.**
- (e) Where feasible, ensure that any excavation remains open so that the finds can be recorded and verified. An excavation may be backfilled if this is necessary to comply with work safety requirements and where this action has been approved by The Office of Environment and Heritage. An excavation that remains open should only be left unattended if it is safe and adequate protective fencing is installed around it.**
- (f) Following consultation with the relevant statutory authority (Office of Environment and Heritage) and where advised, any other relevant stakeholder groups, the significance of the finds should be assessed and an appropriate management strategy followed. Depending on project resources and the nature of the find(s), this process may require input from a consulting heritage specialist.**

- (g) **Development works in the area of the find(s) may recommence with approval of the relevant statutory authority.**

REASON: To ensure adequate procedures are in place should significant items of Aboriginal Heritage be discovered.

### G3. CONSTRUCTION MANAGEMENT

**Any works associated with the construction and/or establishment of this development must ONLY be carried out between the following hours:**

<b>Weekdays:</b>	<b>7.00am to 6.00pm</b>
<b>Saturdays:</b>	<b>8.00am to 4.00pm</b>
<b>Sundays/Public Holidays</b>	<b>NO WORK</b>

**The applicant is responsible to instruct and control subcontractors regarding hours of work.**

*Note: To undertake works involving the use of equipment which creates an offensive noise is a breach of the provisions of the Protection of the Environment Operations Act 1997 and Regulations thereunder.*

REASON: To ensure a noise problem does not result from the development and the impact on the local amenity is minimised.

- G4. The applicant must ensure that noise generated by the development does not exceed the criteria set by the Office of Environment and Heritage. This is generally a level of 5dB above background noise level.**

**This is measured by monitoring the level of noise from any activity within the development represent by the  $L_{aeq}$  descriptor, measured over a 15 minute period. This measurement must not exceed the background level at that time of day by more than 5dB.**

REASON: To minimise the impact of noise generated by the development on surrounding residential areas.

### G5. ENVIRONMENTAL MANAGEMENT

#### *Waste Disposal*

**Unless otherwise approved by Council in a separate Construction Waste Management Plan construction wastes shall not be stored or stockpiled on the site and must be disposed of to an approved waste facility.**

#### *Land Contamination*

**Clean up equipment including suitable absorbent material shall be available on site to effectively deal with liquid contaminates such as oils and chemical spills.**

### *Revegetation of disturbed areas*

All disturbed and exposed areas shall be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.

### *Dust Suppression*

Adequate measures shall be taken to prevent dust from affecting the amenity of the surrounding rural neighbourhood.

A water tank designed to suppress dust from exposed surfaces and access roads shall be available on the site or in the immediate vicinity during construction works. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation until such time that construction is completed and areas have been revegetated. All disturbed areas shall be revegetated immediately after completion of works.

### *Air Pollution*

No burning of cleared vegetation or other waste material shall occur on this site prior to or during the construction phase of the development.

All vegetation material, other than that referred to in Condition A6, is to be chipped and used in landscaping unless it is not possible due to size, non suitability of the material or some other limitation, in which case the material will be disposed of at an approved landfill site.

### *Excavation*

Materials resulting from excavation of the site must be stored wholly within the property boundaries unless written authority from adjoining property owner/s is first obtained for the storage of the excavation material on the adjoining site subject to erosion controls being put in place. All excess excavation material must be removed from the site and disposed of at an approved landfill site. The site is also to be rehabilitated to existing surface levels and regrassed.

### *Construction Access*

Any construction access to the site shall have a shake down grid(s) or equivalent installed to minimise transportation of material onto the road network via vehicular movements from the site.

REASON: To prevent and/or minimise potential environmental harm to the environment that may result from the construction and rehabilitation works.

- G6. **Run-off and erosion and sediment controls must be installed onsite to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:-**
- (a) diverting uncontaminated run-off around cleared or disturbed areas;
  - (b) erecting silt fencing in accordance with the requirements in place at the time of making the application;
  - (c) preventing tracking of sediment by vehicles onto roads;
  - (d) stockpiling topsoil, excavated material, construction and landscaping supplies and debris within the site;
  - (e) where any material is stockpiled onsite erosion control and siltation fencing must be installed adjacent to the toe of the mound;
  - (f) removal or disturbance of vegetation and top soil is confined to within 3m of each area under construction; and

- (g) the erosion and sediment control measures must be maintained in a good order until the excess excavation materials have been removed from the site.

REASON: To prevent soil erosion and water pollution.

#### G7. CIVIL REQUIREMENTS

**In the event of any damage being caused to any existing Council infrastructure (such as road pavement, kerb, guttering, stormwater pit, footpath trees and/or footpath) during construction, the applicant must repair or reimburse Council for the full cost of restoration.**

REASON: To prevent damage to Council's public footway area and require payment to Council where damage occurs.

#### G8. SERVICES

**The Subdivider shall adhere to the following guidelines with respect to the provision of services within the development.**

- (a) **Preliminary Design:-** In planning the subdivision layout the Subdivider shall examine all utility master plans to ascertain the impact of the proposed development on each Utility Authority's existing and future infrastructure.
- (b) **Liaison with Utility Authorities:-** The Subdivider shall confirm with each Utility Authority for water, sewer, electricity, gas and telecommunications services, of their individual requirements for the provision of servicing of the subdivision layout. Each utility shall be provided underground.
  - (i) Confirmation for the provision of installation of the following is required:
    - street lighting;
    - electricity reticulation;
    - water reticulation;
    - sewer reticulation;
    - gas reticulation;
    - telecommunications reticulation; and
    - under road conduits.
  - (ii) The Subdivider shall confirm design and construction phase requirements in order to enable an agreed development program to be established between each Utility Authority and the Subdivider prior to construction.
- (c) **Construction Program: -** The Subdivider shall liaise with each Utility Authority to confirm the following construction program:
  - (i) Project scope;
    - Construction sequences and timing;
    - Responsibilities of all parties involved;
    - Project contact officers and principal contractors;
    - Site servicing requirements (including construction documentation and commissioning requirements);
    - Standards, specification and procedures applicable to the project; and
    - Utility resource availability and response times.

- (d) **Access by Others:** - The Subdivider shall permit access to the site by each Utility Authority for the purpose of carrying out works additional to that required to be undertaken by the Subdivider.

REASON: To ensure services have been provided in accordance with Council and Utility Authority requirements.

#### G9. INSPECTIONS

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

- (a) immediately prior to connection of new sewer pipes to existing sewerage infrastructure;
- (b) immediately prior to connection of new water pipes to the existing water reticulation; and
- (c) immediately prior to the backfilling of sewer drainage trenches.

**Council's Infrastructure Group must be given 24 hours notice of the need for these inspections.**

NOTE: Any inspections carried out by Council do not imply Council approval or acceptance of the works, and do not relieve the Developer from the requirements to provide a Project Quality Plan in accordance with Council's South Jerrabomberra Development Construction Specification, Part CQS and a Work-as-Executed Certification Report in accordance with Council's South Jerrabomberra Development Construction Specification, Part C101.

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

- G10. **Certification of the completed water reticulation and sewerage system works within each subdivision stage and works as executed documentation for the subdivision stage must be included in a Project Quality Plan and submitted to Council.**

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

- G11. **The Subdivider will be responsible for all public utilities and services in the area of work and as such must notify all relevant Authorities and bear all costs associated with any repairs and/or adjustments as those Authorities deem necessary.**

REASON: To ensure compliance with Utility Authorities' requirements.

- G12. **Lighting, fencing, traffic control advanced warning signs must be provided for the protection of works and for the safety and convenience of the public. Traffic movement in both directions on public roads and vehicular access to private properties must be maintained at all times, during the currency of the works.**

REASON: To ensure an adequate level of public safety and convenience during construction.

- G13. Land dedicated to Council for public recreation purposes is to meet the requirements of any Voluntary Planning Agreement agreed to by the parties.**

REASON: To ensure areas to be handed over to Council for public recreation are functional and in a reasonable state.

- G14. All fill imported on to the site must be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site must also be compatible with the existing soil characteristic for site drainage purposes.**

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site shall be validated by either one or both of the following methods during remediation works:

- Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material or the known past history of the site where the material is obtained; and/or
- Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

REASON: To ensure fill material is within acceptable standards.

- G15. Filling must be undertaken in accordance with the approved plans and in such a manner that the new drainage pattern does not environmentally affect adjoining properties. Those filled and/or regraded allotments must be compacted to 95% maximum modified dry density. The applicant's Geotechnical Engineer must supervise the placement of fill material and certify with test results that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS3798-1990.**

REASON: To ensure satisfactory compaction of fill to standards.

- G16. Certification from a suitably qualified and practising Geotechnical Engineer must be submitted for each subdivision stage verifying that the works detailed and recommended in the geotechnical report have been undertaken under supervision, that satisfactory completion to standards has been achieved and that the assumptions relating to site conditions made in the report were validated during construction.**

REASON: To ensure works are undertaken in accordance with geotechnical recommendations.

## **H. PRIOR TO RELEASE OF SUBDIVISION CERTIFICATE FOR ANY STAGE**

### **H1. APPLICATION FOR SUBDIVISION CERTIFICATE**

**A completed Subdivision Certificate application form accompanied by final plans of subdivision for each stage and a Schedule of Compliance detailing how each condition of consent has been complied with, together with the requisite processing fee, payment of contribution charges, any Council bonds and authorities from other service agencies that their requirements have been satisfied shall be submitted to Council for approval at each Stage. This application shall not be lodged until all consent conditions pertaining to the Stage have been complied with.**

REASON: To comply with the *Environmental Planning and Assessment Act 1979*.

### **H2. An application to obtain a Subdivision Certificate from Council must be supported with the following documentation:**

**A final survey plan of subdivision and six copies including an electronic copy in the format of digital vector to the projection of MGA (GDA 94) with boundaries and other line work to be insitu to projection. This should be accompanied with an application for a subdivision certificate to be submitted to Council. Where approved drawings provide survey coordinates of structures, the final survey plan should include a schedule of the set out centreline coordinates of all listed structures as constructed in accordance with approved plans. The schedule should include type of structure, finished cover & invert levels of structures.**

*Note: Marks are available from Crown lands Office.*

REASON: To ensure works are completed in accordance with the requirements of the Council, statutory bodies and the true location of assets supplied are appropriately coordinated and documented and to comply with Section 109 of the *Environmental Planning and Assessment Act 1979*.

### **H3. COMMISSIONING OF WATER AND SEWER INFRASTRUCTURE**

**No subdivision certificate for any residential allotment approved by this consent shall be issued until such time as Council is satisfied that the off site (lead-in) water supply and sewerage infrastructure is capable of being commissioned for operation within three months of the date of issue of the subdivision certificate (or such other time as agreed to by Council in writing).**

REASON: To ensure that adequate provision is made for the servicing of residential allotments prior to the issue of a subdivision certificate and subsequent erection of buildings.

### **H4. CIVIL REQUIREMENTS**

**Submission to the Principal Certifying Authority of a statement prepared by a registered surveyor, stating that all water, sewer and stormwater pipelines constructed within proposed lots or other privately owned land are completely located within proposed easements indicated on the plan of subdivision or existing easements.**

**The statement must be submitted upon completion of the subdivision works and prior to the issue of the Subdivision Certificate for each subdivision stage.**

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

- H5. Submission of an application for a Final Compliance Certificate under Section 307 of the Water Management Act 2000 for each subdivision stage prior to the issue of a Subdivision Certificate for that subdivision stage.**

REASON: To ensure compliance with the statutory requirements of the Environmental Planning and Assessment Act 1979.

- H6. A geotechnical report must be submitted to Council detailing the classification of soil type generally found within each subdivision stage. A general classification for each lot within the subdivision stage must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council prior to the release of the Subdivision Certificate for that subdivision stage.**

REASON: To ensure works are undertaken in accordance with geotechnical recommendations.

- H7. Written evidence from the relevant service authority or a suitably certified or accredited person that satisfactory arrangements have been made for the supply of reticulated electricity, telephone services and natural gas to each lot shall be submitted to Council. All services are to be provided underground.**

REASON: To satisfy relevant utility authority requirements.

- H8. Provision of a separate sewer connection, stormwater drainage connection, water service, electricity supply, gas and communication service to each residential, school and open space allotment within the subdivision stage at the Subdivider's expense.**

REASON: To provide access to services for each allotment.

- H9. The completed subdivision works within a subdivision stage is subject to a defects liability period of six (6) months after the date of the issue of the Subdivision Certificate for that stage by Council.**

**The subdivider must lodge a cash bond, bank guarantee or insurance bond with regard to such defects liability in an amount as calculated from fees set by Council's Management Plan and current at the time of issue of each Subdivision Certificate.**

**The subdivider must provide Council with written authorisation, that in the event of any defect work not being rectified to the required standards specified and within the period specified, to enter upon the subject land and undertake such remedial work as necessary to comply with the required standards and to deduct the cost thereof from such Bond monies held by Council and to refund the balance, if any, to the subdivider.**

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



#### H10. TRAFFIC CONTROL DEVICES

**Traffic Control Devices (TCD) for each subdivision stage that includes line-marking, sign-posting and Local Area Traffic Management works, as approved by the Local Traffic Committee, shall be installed prior to release of the Subdivision Certificate.**

**REASON:** To provide traffic facilities.

#### H11. ROAD NAMING

**Submission to Council for approval of street names for the proposed subdivision roads, with the names as approved to be indicated on the subdivision survey plan and provided on road name plates to be installed at the road intersections.**

**NOTE: Council has a list of approved names for subdivision roads which can be obtained by contacting Council's Sustainability and Better Living Section. Any other names will require a written submission to be lodged with Council detailing the origin of the name and the reasons for selection. Proposed names must also comply with the document New South Wales Road Naming Policy prepared by the Geographical Names Board and dated 24 October 2013.**

**REASON:** To provide street addressing.

#### H12. PUBLIC TRANSPORT PLANNING

**Prior to the issue of a Subdivision Certificate for Stage 1 of the development, or any part thereof, the applicant is to submit evidence of consultation with NSW Transport regarding the provision of public transport services to service the development.**

**The applicant shall prepare '*Travel Access Guide*' (TAG) to be provided to all new residents to inform them of their transport options.**

**REASON:** To satisfy the requirements of NSW Transport.

#### H13. EASEMENTS AND RESTRICTIONS

**Pursuant to Section 88B of the *Conveyancing Act 1919* easements and restrictions as to use shall be created to achieve the following purposes:**

- easements to drain water, including inter-allotment drainage;
- easements to drain sewer;
- easements for water supply;
- easements for irrigation water supply
- easements which Council may require to provide or maintain other services.

**All easements specified above and contained in the subdivision must benefit Council as well as particular lots.**

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

#### H14. DEDICATION OF DRAINAGE RESERVES

**Dedication to Council, free of cost on the survey plans, all drainage reserves.**

REASON: To permit Council to adequately manage drainage and utility services.

#### H15. DEDICATION OF SUBDIVISION ROADS

**The subdivision roads for each subdivision stage are to be dedicated as public roads on the subdivision linen plan. Each subdivision stage must provide dedicated public road access to all lots within the subdivision stage.**

**NOTE:** No subdivision certificate for any residential allotment approved by this consent shall be issued until such time as Council is satisfied that the off-site (lead-in) road (referred to as the Northern Access Road) is constructed and dedicated as a public road.

REASON: To provide legal access to all lots within the subdivision.

## **I. ADVISORY NOTES**

### **I1. IMPOSITION OF DEVELOPER CONTRIBUTIONS**

**The imposition of developer contributions under a local voluntary planning agreement or under a Section 94 Contributions Plan for the development of South Tralee will be considered at the time a voluntary planning agreement is negotiated.**

### **I2. SUBDIVISION OF LAND**

**Any future proposal for the subdivision of land the subject of this consent must meet the objectives of Clause 4.1 and 4.1A of the Queanbeyan Local Environmental Plan (South Tralee) 2012. In this regard, simply complying with the prescribed minimum lot size does not mean that the consent authority must approve the proposal.**

## **SCHEDULE 1**

### **Bushfire Safety Authority (issued by the NSW Rural Fire Service)**

*All communications to be addressed to:*

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

Batemans Bay  
Customer Service Centre  
NSW Rural Fire Service  
Unit 2, 63 Cranbrook Road  
BATEMANS BAY NSW 2536

Telephone: 1300 679 737  
e-mail: CSC@rfs.nsw.gov.au

Facsimile: (02) 4472 0690



The General Manager  
Queanbeyan City Council  
PO Box 90  
QUEANBEYAN NSW 2620

CC Lake George District  
Bush Fire Management Committee  
PO Box 2234  
Queanbeyan NSW 2620

Your Ref: 263-2013  
Our Ref: D14/0302  
DA14020590844 MD

**ATTENTION:** Chelsea Newman

10 December 2014

Dear Chelsea

**Integrated Development - Concept Plan Only - for 360A & B, Lanyon Road Tralee & 508 Lanyon Drive Jerrabomberra NSW (South Tralee Urban Release Area).**

I refer to your letter dated 8 December 2014 seeking general terms of approval for the above Integrated Development in accordance with Clause 55(1) of the Environmental Planning and Assessment Regulation 2000.

#### **General**

1. The development proposal is to generally comply with the layout identified on the drawing prepared by Knight Frank Town Planning, titled South Tralee Masterplan, Reference 257819.09-007, Dated 21/11/2014 "A", except where modified by any conditions of this Bush Fire Safety Authority below.

#### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Future water, electricity and gas to service the Masterplan Concept proposal are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. All public roads approved under this Masterplan Concept shall comply with section 4.1.3 (1) Public Roads of 'Planning for Bush Fire Protection 2006'.

**Note** - The proposed public road widths shown in the plan titled 'Street Hierarchy and Typical Cross Section Locations' is NOT currently consistent with the minimum widths specified within section 4.1.3 (1) Public Roads of 'Planning for Bush Fire Protection 2006'.

### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. If the existing homestead shall be inhabited at any stage in the future (or any other existing structure on the site is to be inhabited) such structures are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

### **Recommendations from the Bushfire Protection Assessment adopted as part of this Bush Fire Safety Authority**

5. The following recommendations of the submitted Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd, reference number B131950-1 dated 13/11/2013 and copied below are adopted as part of this Bush Fire Safety Authority and will be relevant to future development applications relating to the Masterplan Concept proposal :



***Asset Protection Zones:***

The future dwellings erected on the lots adjacent to unmanaged woodland vegetation within the E2 Conservation zoned land shall have a minimum 16 metre separation between the hazard and the building.

The future dwellings erected on lots adjacent to unmanaged grassland vegetation shall have a minimum 9 metre separation between the hazard and the building.

Should the proposed Primary School be erected before the adjacent land is developed, a temporary Asset Protection Zone of 20 metre width shall be established either within the school site or on the adjoining land.

***Management of the vegetation within the future lots:***

A temporary 88B covenant shall be applied to each of the residual lots created within the staged development to ensure that this land is managed by slashing/grazing to maintain a maximum grass height of 150mm during the designated Bushfire Danger Period [1<sup>st</sup> October – 31<sup>st</sup> March or as prescribed].

***Construction Standards to future dwellings:***

The width of Asset Protection Zones to those dwellings located adjacent to unmanaged woodland and grassland vegetation shall be determined in order to establish the maximum level of construction future dwellings to BAL 29, pursuant to A.S. 3959 – 2009 – '*Construction of Buildings in Bushfire Prone Areas*'.

***Fire-fighting access provisions:***

Fire trail access, where required in the provision of temporary perimeter access to the development stages, shall be designed and constructed to comply with the deemed-to-satisfy provisions of Section 4.1.3(3) of *Planning for Bushfire Protection 2006*, with a minimum width of 4.0 metres located in a 6.0 metre wide managed corridor.

Temporary "T" turning heads shall be provided at the terminus of 'dead-end' roads created in the construction of the individual development stages. The turning heads shall be designed to provide 11 metres long x 4 metre wide 'legs', measured from the centre of the approaching leg. Internal corners shall have a radius of 6 metres.

**General Advice – consent authority to note**

- This approval is for the Masterplan Concept proposal of the land only. Any further development applications on bush fire prone land may be subject to separate application under section 100B/79BA of the EP & A Act and shall address the requirements of '*Planning for Bush Fire Protection 2006*'.

- This assessment has been based upon the advice contained within the submitted documentation that the proposal does not include any subdivision component.
- Council should be aware that the introduction of Amendment II of the Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas on 1 May 2011 includes grasslands as a hazardous vegetation category. Any future development will need to consider this at the design and construction stage under the provisions of the Building Code of Australia. Please note that where land is not mapped as bushfire prone, any bushfire threat to a development should be considered under 79C of the EPA Act.
- The RFS has provided a copy of this Bush Fire Safety Authority to the Lake George Bush Fire Management Committee (BFMC) for their information in preparing/reviewing the Bush Fire Risk Management Plan (BFRMP) for this district.

**NOTE:** This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 11 March 2014.

For any queries regarding this correspondence please contact Martha Dotter on 1300 NSW RFS.

Yours sincerely



Amanda Moylan

**Team Leader Development Assessment & Planning**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.

**SCHEDULE 2 (Under Separate Cover)**

- **South Tralee Development Guidelines – March 2015 (as amended by Queanbeyan City Council)**



**ATTACHMENT 1 (Under Separate Cover)**

- **Infrastructure and Facilities for South Tralee**