

Jacinta Tonner  
Town Planner  
Queanbeyan-Palerang Regional Council  
Email: [Jacinta.Tonner@qprc.nsw.gov.au](mailto:Jacinta.Tonner@qprc.nsw.gov.au)

Dear Ms Tonner

**GENERAL TERMS OF APPROVAL  
INTEGRATED DEVELOPMENT APPLICATION  
NATIONAL PARKS AND WILDLIFE ACT 1974**

**Address:** Lot 5 DP 1199045 – 28 Lonergan Drive, Greenleigh  
**Proposal:** Proposed 218 lot residential subdivision  
**IDA application no:** DA 109-2019

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This letter contains our general terms of approval (GTAs) for the above integrated development application for those known Aboriginal sites which would require an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

The then Biodiversity Conservation Division (BCD) in the Department of Planning, Industry and Environment (DPIE) received a referral on 10 July 2019 seeking GTAs for a proposed 96.43ha 219 lot residential subdivision located at 28 Lonergan Drive, Greenleigh (Jumping Creek) to be constructed by PEET Pty Ltd. Following is a summary of the project's complex history:

- BCD issued a 'stop the clock' letter on 6 August 2019 because the application did not provide enough information to address the *National Parks and Wildlife Act 1974* Section 90K factors of consideration required to determine an AHIP.
- Two responses from the applicant were received on the 11th and 27th of February 2020. However, a second stop the clock letter was issued on 6 March 2020 because the responses did not provide the requested information.
- A response to the letter was received on 31st March 2020, but a third stop the clock letter was issued on 24 April 2020 because the response did not provide the requested information.
- On 1 July 2020, the Aboriginal cultural heritage regulation function was transferred from DPIE to Heritage NSW in the Department of Premier and Cabinet. The decision on whether to issue GTAs for Jumping Creek is now the responsibility of Heritage NSW.
- A response to the letter was received on 5th June 2020, but a fourth stop the clock letter was issued on 17 September 2020 because the response did not provide the requested information.
- The applicant requested a meeting to try to resolve the issues. Heritage NSW staff attended a meeting on 13 October 2020 with the archaeological consultant, developer, and Queanbeyan-Palerang Regional Council staff.
- As a result of the meeting, an anthropologist was engaged to undertake additional consultation and prepare a cultural values assessment report.

- A response to the letter, including a cultural values assessment, was received on 10 November 2020. Heritage NSW sent a letter to Council on 1 December 2020 advising that the clock remained stopped because the response did not provide the requested information. A table advising of the issues was sent to the applicant via Council.
- Heritage NSW assessed that the Aboriginal Cultural Heritage Assessment Report (ACHAR) still did not address the s90K factors of consideration and issued a Notice of Intention to Refuse Application for General Terms of Approval on 5 March 2021.
- Due to the length of time for the development application to be considered, the Delivery Planning Unit of DPIE arranged a meeting between Heritage NSW, the Applicant, and Council staff where Heritage NSW's Notice of Intention to Refuse would be discussed.
- An onsite meeting was held on 13 April 2021 where a development footprint and conservation outcome agreeable to all parties was discussed.
- A revised ACHAR incorporating the conservation outcome was referred to Heritage NSW on 22 June 2021.

Heritage NSW have now reviewed this report, dated 20 June 2021, prepared by Navin Officer Heritage Consultants. The report has identified that 21 of the 25 identified Aboriginal objects within the project area will be impacted by the proposed development. Ten of these sites will be totally harmed, and 11 will be subject to limited harm.

Considering the above, and in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

#### **APPROVED DEVELOPMENT**

1. Development must be in accordance with:
  - a. Navin Officer 2021, *Jumping Creek: Aboriginal Cultural Heritage Assessment*, Report prepared for SPACELAB Studio Pty Ltd, V 9.9 dated 20 June 2021.
  - b. Spire 2021, *Civil Engineering Drawings: Jumping Creek Subdivision Development Application*, Rev A dated 25 June 2021.
  - c. Spire 2021, *Landscape Master Plan: Jumping Creek Estate Development*, Rev A dated 25 June 2021.
  - d. Spacelab 2021, *Statement of Environmental Effects: Lot 5 DP 1199045 28 Logan Drive, Greenleigh*, Prepared for PEET Jumping Creek Pty Ltd, Rev B dated 29 June 2021.

Please note that any modification of the above development that will result in impacts to Aboriginal cultural heritage must be referred to us to determine whether changes to these general terms of approval are required.

**EXCEPT AS AMENDED** by the following general terms of approval:

2. A s.90 [Aboriginal Heritage Impact Permit \(AHIP\)](#) for the proposed works must be sought and granted prior to the commencement of works.
3. The AHIP application must be accompanied by appropriate documentation and mapping as outlined in [Applying for an Aboriginal Heritage Impact Permit: Guide for applicants](#) (2011).
4. Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the [Aboriginal cultural heritage consultation requirements for proponents 2010](#) (2010). The updated Aboriginal Cultural Heritage Assessment Report, associated appendices and relevant management plans must be provided to all

Registered Aboriginal Parties for an additional minimum 28 day review period prior to AHIP submission and any feedback appropriately responded to and addressed in the relevant document.

5. The AHIP application must be completed with reference to the requirements of the [Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW](#) (2011).
6. The AHIP application must include complete records satisfying the requirements of the [Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales](#) (2010).
7. Long term management of Aboriginal objects must be considered as part of the AHIP application.
8. The AHIP application must include an updated salvage excavation and surface collection methodology that references the updated site numbers.
9. The AHIP application must be accompanied by an Aboriginal Heritage Management Plan/Land Management Plan detailing how Aboriginal objects and the conservation areas will be managed for the life of the development.
10. An *Aboriginal Communities Engagement and Access Strategy* must be included in the application to demonstrate how Aboriginal community feedback has been adopted and addressed and demonstrate commitments for Aboriginal access and use of the conservation areas and management trails.

#### **Advice**

Prior to submitting an AHIP application we require the AHIP applicant to address the following issues:

- Ensure the site card updates and amalgamation of the Aboriginal Heritage Information Management System (AHIMS) sites has occurred. A new extensive AHIMS search reflecting these changes should be included in the ACHAR.
- Consider the area to which the AHIP application will relate and whether separate AHIPs may be appropriate for the development and areas where conservation actions are occurring or for where land is to be transferred following construction. Heritage NSW are happy to discuss the logistical options further prior to AHIP submission.
- Heritage NSW also note that the ACHAR contains a number of typographical errors. Please correct these before the report is resubmitted.

We would appreciate Council's assistance in providing this information to the applicant.

#### **Aboriginal community consultation must be maintained**

Consultation with the Registered Aboriginal Parties (RAPs) must be maintained. We recommend updates on the project are provided to the RAPs every 6 months to ensure the consultation is continuous.

If you have any questions regarding these general terms of approval, please contact Emily Dillon, Archaeologist, Aboriginal Cultural Heritage Regulation – South, at Heritage NSW, on 02 6229 7189 or [emily.dillon@environment.nsw.gov.au](mailto:emily.dillon@environment.nsw.gov.au).

Yours sincerely



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**Jackie Taylor**

**Senior Team Leader, Aboriginal Cultural Heritage Regulation - South  
Heritage NSW  
Department of Premier and Cabinet  
13 July 2021**



## General Terms of Approval

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

**Reference Number:** IDAS1118482

**Issue date of GTA:** 06 November 2019

**Type of Approval:** Controlled Activity

**Description:** Subdivision for 219 residential lots, 1 residue lot for open space and associated infrastructure and open space

**Location of work/activity:** 28 Lonergan Drive GREENLEIGH NSW 2620

**DA Number:** DA109/2019

**LGA:** Queanbeyan Palerang Regional Council

**Water Sharing Plan Area:** Murrumbidgee Unregulated and Alluvial Water Sources

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

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
<b>Erosion and sediment controls</b>	
GT0006-00003	The following plan(s): - Erosion and Sediment Control Plan; Storm Water Management Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00002	The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.
GT0022-00005	During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Natural Resources Access Regulator, such as: A. machinery must not enter the water course at anytime, B. there must be a minimum flow in the water course.
<b>Plans, standards and guidelines</b>	
GT0001-00001	A. The application for a controlled activity approval must include the document(s) listed in Schedule 1. B. The document(s) must be prepared by a suitably qualified person.

### Rehabilitation and maintenance



## General Terms of Approval

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GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

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### Reporting requirements

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

## **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA109/2019 as provided by Council:

- DA, SEE, VMP, Biodiversity Report, Detailed designs



## NSW RURAL FIRE SERVICE

Queanbeyan-Palerang Regional Council  
PO Box 90  
QUEANBEYAN NSW 2620

Your reference: (CNR-12652) 109-2019  
Our reference: DA-2019-02513-S4.55-1

**ATTENTION:** Luke Perkins

Date: Thursday 27 May 2021

Dear Sir/Madam,

**Development Application**  
**s100B – Subdivision – Torrens Title Subdivision**  
**28 Lonergan drive GREENLEIGH NSW 2620 AUS, 1//DP1249543**

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 23/09/2020.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, is now issued **subject to the following conditions being achieved to Council's satisfaction as endorsed by Queanbeyan-Palerang Regional Council 27 May 2021:**

**1.** A Bushfire Planning & Design (BPAD) Accredited Practitioner must prepare and endorse a revised Asset Protection Zone (APZ) Plan. The APZ Plan must demonstrate that adequate APZs are provided to ensure potential building footprints in future residential lots are not exposed to radiant heat levels exceeding 29kW/m<sup>2</sup>.

- A Method 2 assessment must be used to determine APZ requirements on slopes greater than 20 degrees; taking into consideration the modelled flame length;
- The Council must be satisfied that the fuel loads relied upon to support the APZ Plan are consistent with the Plant Community Types (PCTs) detailed in the Vegetation Management Plan (i.e. woodlands) and the Open Space Landscape Plan (i.e. Low threat vegetation and grasslands).
- The Council must be satisfied that PCTs and associated fuel load detailed in the APZ Plan will be managed for the life of the development.
- Where there are effective slopes in excess of 18 degrees, it must be demonstrated that management can occur. An APZ Management Plan must be submitted with the DA to provide details on how the APZ will be implemented and maintained for the life of the development to the Councils satisfaction. The management plan should include, but not be limited to:
  - The mechanical means necessary to complete the management required;
  - A schedule for maintenance to occur to ensure the APZ is regularly managed; and
  - The relevant body responsible for maintaining the APZ.

**2.** Where the APZs detailed in the APZ Plan extend into residential lots, a suitably worded legal mechanism must be created on the lots which:

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

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

**T** (02) 8741 5555  
**F** (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



- Prohibits the construction of a Class 1a building within the minimum BAL 29 APZ; and
- Requires future Class 1a buildings and associated buildings to be constructed in accordance with section 3 and 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant BAL29 requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015)*. All new construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

3. Where the APZs detailed in the APZ Plan extend into non-residential lots and land being dedicated to Council, a suitably worded legal mechanism must be created to ensure all APZs are managed to APZ standards for the life of the development.

4. The Plan of Subdivision must be amended to incorporate a public perimeter road around the outer rural residential lots identified as Lots 264, 265, 266, 267, 450, and 451 on the Revised Lot Layout plan prepared by Spiire Australia Pty Ltd with drawing reference number 307257SK580.

5. The Council must be satisfied that there is a suitable worded legal mechanism in place that ensures the area of land within the Open Space Landscape Plan is managed for the life of the development. The Plan must incorporate all land within the central precinct of the proposed development as detailed in Figure 1, and Appendix 1 of the Vegetation Management Plan prepared by Franklin Consulting Australia Pty Ltd dated 18 January 2021 Version 05, and extend a suitable distance around public road pinch points and bridges to mitigate potential access blockages from falling trees. The Plan must provide for a level of management consistent with the low threat vegetation exclusions detailed in section A1.10 of *Planning for Bush Fire Protection 2019*.

#### **Low threat vegetation:**

- Single areas of vegetation less than 1 hectare in area and greater than 100 metres separation from other areas of Category 1 or 2 vegetation.
- Multiple areas of vegetation less than 0.25 hectares in area and not within 20m of the site, or each other or of other areas of vegetation being classified vegetation.
- Strips of vegetation less than 20 metres in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20m of the site or 2 each other, or other areas of vegetation being Category 1, 2 or 3 vegetation.
- Vegetation regarded as a low threat due to factors such as flammability, moisture content or fuel load, including grassland managed in a minimal fuel condition, mangroves and other saline wetlands, maintained lawns, golf courses such as playing areas and fairways, maintained public reserves and parklands, sporting fields, vineyards, orchards, banana plantations, market gardens and other non-curing crops, cultivated gardens, arboretums, commercial nurseries, nature strips and windbreaks.
- Existing areas of managed gardens and lawns within the curtilage of buildings.
- Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.

#### **Asset Protection Zones**

**The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:**

6. Prior to the issue of a subdivision certificate and in perpetuity to ensure ongoing protection from the impact of bush fires, all proposed residential lots, road reserves, and the area of land within the public perimeter road around the outer rural residential lots 264, 265, 266, 267, 450, and 451 must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an IPA, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;



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

#### **Access – Public Roads**

**The intent of measures 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:**

7. All public access roads must comply with Table 5.3b of *Planning for Bush Fire Protection 2019*.
8. Prior to the commencement of works within Stages 3a and 3b, Road 001 and Road 013 as detailed on the Revised Lot Layout plan prepared by Spiire Australia Pty Ltd with drawing reference number 307257SK580 must be completed.

#### **Access – Property Access**

**The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:**

9. All property access roads must comply with Table 5.3b of *Planning for Bush Fire Protection 2019*.

#### **Water and Utility Services**

**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:**

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

#### **Landscaping Assessment**

**The intent of measures is for landscaping. To achieve this, the following conditions shall apply:**

11. All landscaping within the site must comply with Table 5.3a of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

Anna Jones

**Supervisor Development Assessment & Plan  
Built & Natural Environment**

Our ref: STH08/02271/05  
Contact: Sarah Cross 4221 2481  
Your ref: DA109/2019

11 February 2020

Luke Perkins  
Queanbeyan-Palerang Regional Council  
BY EMAIL: council@qprc.nsw.gov.au

## **DEVELOPMENT APPLICATION 109/2019 – 28 LONERGAN DRIVE, GREENLEIGH, 219 RESIDENTIAL LOT SUBDIVISION**

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Dear Luke

Transport for NSW (TfNSW, formerly Roads and Maritime Services) refers to your correspondence dated 18 December 2019 regarding the above development application (DA).

TfNSW has completed an assessment of the DA, based on the information provided and focussing on the impact to the State road network. For this development TfNSW notes the following:

- Council is seeking advice to assist in its assessment under Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*;
- The key state roads are the Kings Highway, Lanyon Drive, Canberra Avenue and Yass Road;
- The development would generate additional traffic. The impact of this traffic needs to be considered and adequately mitigated;
- Ellerton Drive is intended to be an arterial road with a higher movement function; and
- Council have confirmed that while there is no access management strategy for Ellerton Drive, the proposed subdivision and its associated proposed access arrangements are consistent with Council's expectations.

Having regard for the above TfNSW does not believe the development will have a significant impact on the state road network and on this basis, does not object to the DA.

If you have any questions please contact Sarah Cross on 4221 2481.

Please ensure that any further email correspondence is sent to [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).

Yours faithfully



Andrew Lissenden  
A/Manager, Land Use Southern  
Regional and Outer Metro