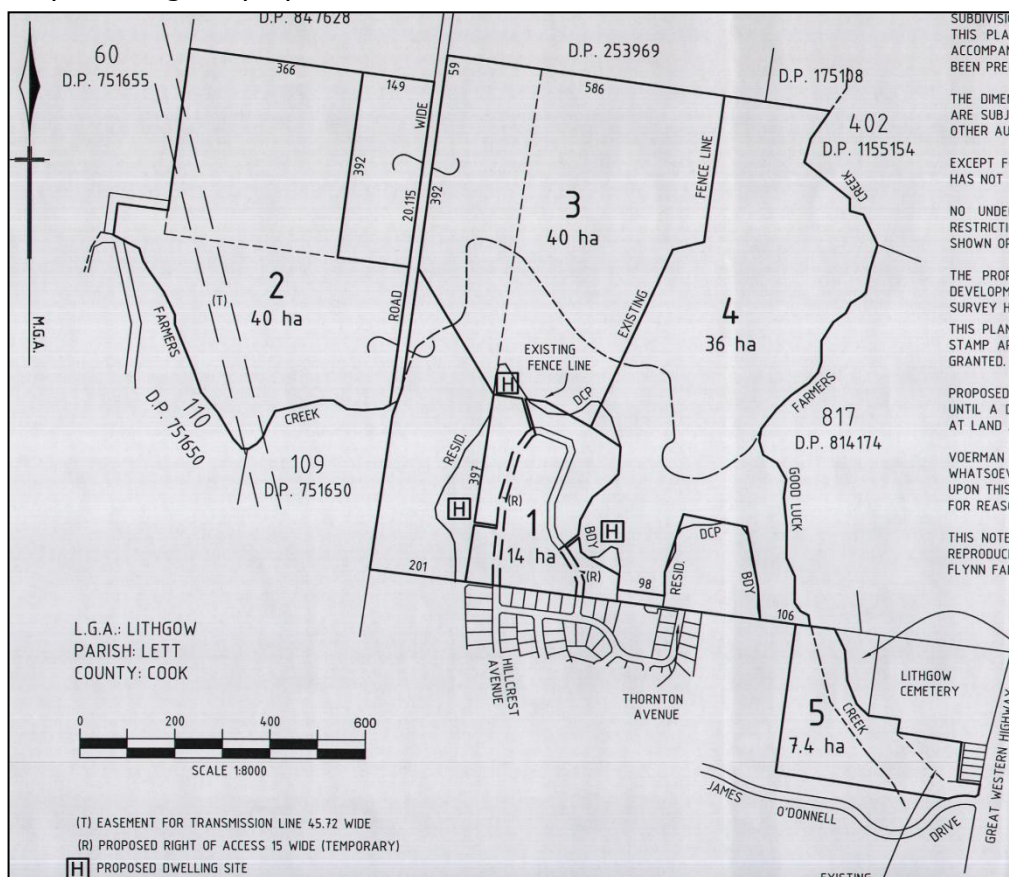


DEVELOPMENT ASSESSMENT REPORT - DA128/14 - PROPOSED 5 LOTS INTO 5 SUBDIVISION, HILLCREST GREAT WESTERN HIGHWAY BOWENFELS NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application DA128/14 for a 5 lot into 5 subdivision on land known as Lot 1 DP 178938, Lot 3 DP 1049398, Lot 82 & 83 DP751655 and Lot 100 DP825296, 'Hillcrest' Great Western Highway Bowenfels NSW 2790.

The proposal seeks to separate the residential zoning from the rural zonings and provide 3 additional entitlements in order to build on the property, with the below map showing the proposed subdivision.



The property contains undulating hills, scattered vegetation and a dwelling on Lot 100 that accesses via the Great Western Highway.

| Current Lot & DP | Current Size | Proposed Lot No. | Proposed Size |
|------------------|--------------------|------------------|---------------|
| Lot 1 DP 178938 | 22ha | 1 | 14ha |
| Lot 3 DP 1049398 | 77.76ha | 2 | 40ha |
| Lot 82 DP751655 | 20.19ha | 3 | 40ha |
| 83 DP751655 | 16.27ha | 4 | 36ha |
| Lot 100 DP825296 | 6712m ² | 5 | 7.4ha |

2. SUMMARY

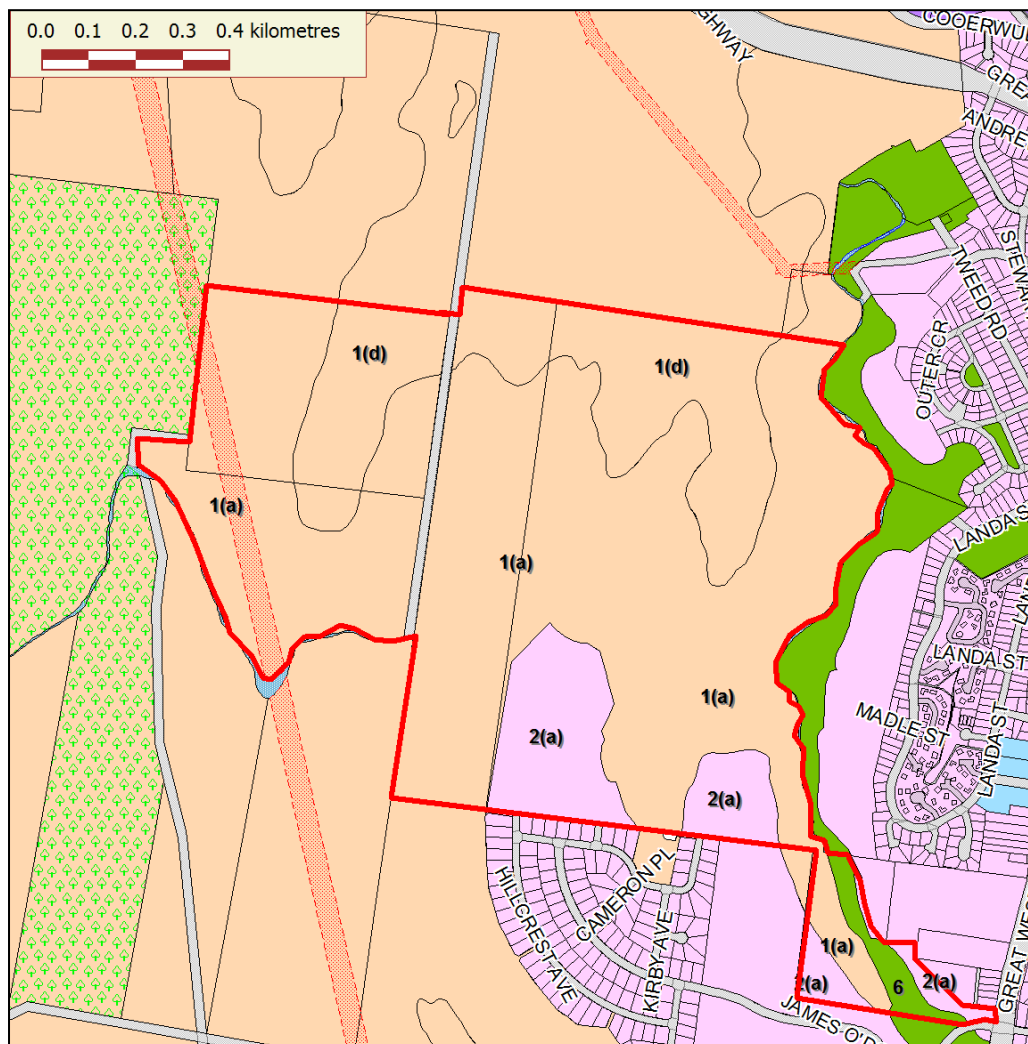
To assess and recommend determination of DA128/14. Recommendation will be for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 DP 178938, Lot 3 DP 1049398, Lot 82 & 83 DP751655 and Lot 100 DP825296

Property Address : 'HILLCREST' GREAT WESTERN HIGHWAY BOWENFELS NSW 2790

4. ZONING: The land has a mixed zoning of 1(a) Rural (General), 1(d) Rural (Future Urban), 2(a) Residential and 6 Open Space in accordance with Lithgow City Local Environmental Plan (LEP) 1994. See mapping below:



5. PERMISSIBILITY:

The development is considered not permissible under Lithgow City Council's Local Environmental Plan 1994 Clause 12, as it does not meet the minimum allotment size of 40ha for 1(a) Rural (General).

The development will not meet the Minimum Lot Size (MLS) development standard for subdivision under Clause 12(2) below:

12 Subdivision in Zone No 1 (a)

(2) Creation of "40 hectare allotments"

The Council may consent to a subdivision of land within Zone No 1 (a) if each allotment to be created by the subdivision will have an area of not less than 40 hectares.

There are three lots which will not meet the MLS requirement as described below in the following table:

| Lot No. | Proposed Size | Zonings | Variation % to 40ha | Comments |
|----------------|----------------------|---|----------------------------|---|
| 1 | 14ha | 1(a) Rural (General) & 2(a) Residential | 65% | Majority of the allotment is zoned 2(a) with no MLS, but contains 1(a) as well, which would not meet the MLS of 40ha. |
| 2 | 40ha | 1(a) Rural (General) & 1(d) Rural (Future Urban) | - | Meets requirements of MLS even with dual zoning. |
| 3 | 40ha | 1(a) Rural (General) & 1(d) Rural (Future Urban) | - | Meets requirements of MLS even with dual zoning. |
| 4 | 36ha | 1(a) Rural (General) & 1(d) Rural (Future Urban) | 10% | Is dual zoned, but does not meet the MSL of 40ha for 1(a). The variation of change from the MLS is within 10%. |
| 5 | 7.4ha | 1(a) Rural (General), 2(a) Residential & 6 Open Space | 81.5% | Contains existing house with more than one zoning. Majority of the allotment is zoned 2(a) or 6 with no MLS's, but contains 1(a) as well, which would not meet the MLS of 40ha. |

The applicant has provided an objection to the MLS standard under State Environmental Planning Policy No.1 (SEPP 1) – Development Standards. The application requires the concurrence of the NSW Department of Planning & Infrastructure (DoPI).

The applicant has provided the following justification for the SEPP 1 Objection:

- The proposal is to allow the separation of the rural zonings proposed Lots 2, 3, & 4 from the residential zonings, proposed Lots 1 & 5;
- No additional lots are being created;
- Proposal will more evenly distribute the rural zoned lots into suitable lots for permissible agricultural uses;
- The development will provide dwelling locations closer to suitable access and existing residential areas with easy evacuation from a bushfire threat;
- The development will help the existing vegetation, waterways and geology from unnecessary development;

The development is also considered to be in keeping with the objectives of the zones and will allow for appropriate adjoining land uses with minimal land use conflicts. The development will help maintain the area of land by distributing the sizes into 5 lots more evenly. Further, each allotment is dual zoned bringing complications in relation to building entitlements and location of those dwellings.

This development proposes to further develop the land in a positive way which will have the least impact to the environment and surrounding land uses.

The Planning and Infrastructure Varying Development Standards Guidelines August 2011, states:

Concurrence of the Director-General to vary development standards

Councils may assume the Director-General's concurrence under SEPP 1 in relation to these applications but only if:

(i)

(ii) That allotment has an area equal to or greater than 90 percent of the minimum area specified in the development standard.

Therefore, the development requires referral to the Department of Planning for concurrence given three lots are undersized with a variation on average overall of approximately 47%, once a recommendation is made by Council.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Nil.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Section 94A Contributions are not applicable to this development as it is for a subdivision only. When the proposal has been finalised Council may receive contributions as a result of further development (dwellings) on each site.

All fees associated with the referral to the Department of Planning will be at the cost of the applicant.

5.3 LEGAL IMPLICATIONS

Conveyancing Act 1919

A Right of Carriageway will be required to be created under this Act as part of the subdivision certificate release. It is considered that if the plans are developed by a solicitor and Registered Surveyor that the proposal will meet the requirements of this Act.

Environmental Protection and Biodiversity Conservation Act 1991

No federally listed Threatened Species or Endangered Ecological Community is required to be cleared as a result of this application. Accordingly, there are no legal implications of this Act on the proposed development.

Local Government Act 1993

There are no implications of this Act to be assessed as part of this Development Application.

Native Vegetation Act 2003

No native vegetation is required to be cleared as a result of this application. Accordingly, there are no legal implications of this Act on the proposed development.

Rural Fires Act 1997

The development is considered to be integrated under this Act (via Section 91 of the EP & A Act 1979). Accordingly the approval of the Rural Fire Service is required prior to Council being in a position to determine the application. The application was referred to the Rural Fire Service, who supports the application subject to conditions of consent. It is considered that with these requirements the proposal will comply with the provisions of this Act.

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow City Local Environmental Plan 1994

| LEP 1994 – Compliance Check | | |
|-----------------------------|---|-------------------|
| | Clause | Compliance |
| 9 | 1(a) zoning table | Yes |
| 9 | 1(d) zoning table | Yes |
| 9 | 2(a) zoning table | Yes |
| 9 | 6 zoning table | No |
| 11 | General Considerations for development in rural zones | Yes |
| 12 | Subdivision in Zone 1(a) | No |
| 15 | Development in Zone No 1(d) | Yes |
| 28 | Environmentally sensitive land | Yes |
| 30 | Land subject to bushfire hazards | Yes |

Comment: The property has 4 different zonings, being rural, residential and open space. The residential zoning allows the subdivision and the development is consistent with its aims and objectives. Additionally, it is considered that the development will be positive in relation to the objectives of the rural zones as it will allow for better management of the site in many aspects such as access, effluent disposal and land management. The proposal will not impact the viability to use the site for agricultural pursuits and is considered to be compatible in the zone. It is considered that the Open Space is principally for the riparian zone, with no subdivision allowed within this zoning. However, the proposal does not involve any change to the existing area of land zoned 6 Open Space. Therefore the prohibition of subdivision in Open Space is considered irrelevant.

In relation to Clause 12, the development will not meet the MLS for 3 lots of the development and therefore requires a SEPP1 Objection for Council to consider the proposal.

The land known to be environmentally sensitive will form part of one of the allotments, however is not considered to be impacted as part of this proposal. The development has also been considered in relation to bushfire risks, by a referral and subsequent approval subject to conditions of consent from the Rural Fire Service.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

| SEPP(Sydney Drinking Water Catchment) 2011 – Compliance Check | | |
|---|--|------------|
| | Clause | Compliance |
| 10 | Development consent cannot be granted unless neutral or beneficial effect on water quality | Yes |
| 11 | Development that needs concurrence of the Chief Executive | Yes |

Comment: The proposal is for development that cannot be assessed by Council using the NorBE Tool and therefore was forwarded to the SCA for assessment. From this referral the SCA have supported the development subject to conditions of consent which will ensure a neutral or beneficial effect on water quality. It is considered with the implementation of conditions of consent this proposal will comply with the provisions of the SEPP.

State Environmental Planning Policy (Rural Lands) 2008

| SEPP (Rural Lands) 2008 – Compliance Check | | |
|--|--|------------|
| | Clause | Compliance |
| 8 | Rural Subdivision Principles | Yes |
| 9 | Rural Subdivision for Agricultural Purposes | Yes |
| 10 | Matters to be considered in determining development applications for rural subdivisions or rural dwellings | Yes |

Comment: The development is considered to help maintain agricultural land by reducing fragmentation and increasing most allotments to a more even distribution of land. This will promote better managed land in conjunction with residential pursuits without impacting on the agricultural uses of the land. The proposal will comply with the provisions of the SEPP.

State Environmental Planning Policy 44 – Koala Habitat Protection

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies.

Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

Comment: Given that no trees are to be removed as part of the development, and the section of the subject site relevant to the application has minimal native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

State Environmental Planning Policy No 1

SEPP 1 provides that:

Where development could, but for any development standard, be carried out under the Act the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standard is unreasonable or

unnecessary in the circumstances of the case, and specifying the grounds of that objection.

Comment: The applicant's SEPP 1 Objection has been discussed above and is supported. The objection is well founded and granting of consent to the development application is consistent with the aims of the SEPP.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Lithgow City Draft Local Environmental Plan 2013

The exhibited draft plan seeks to rezone the majority of the site to E4 – Environmental Living with a minimum lot size of 40ha. The E4 area generally replaces the current 1(a) and 1(d) zoned areas. The existing 2(a) Residential zoned areas to the north of the Hillcrest Estate area are to be rezoned R2 and for a relatively small portion of the land towards the Great Western Highway to R1. The draft LEP essentially maintains the current LEP provisions in relation to subdivision standards however would increase the minimum lot sizes for the 2(a) and 1(d) zones currently having no minimum size and 10ha. These will increase to 800m² and 40ha respectively. The application generally complies with the draft LEP however the lots that are relying on a SEPP 1 variation would remain the same in the draft zones i.e. the same variation to the standard would be sought. Under the current LEP the applicant could apply for more lots than has been sought in this application in the 2(a) and the 1(d) zones. The applicant has however addressed the intent of the draft LEP subdivision provisions and the application is a logical approach to subdividing the land to follow the zone boundaries and to allow appropriate rural entitlements in a new and logical lot layout. The proposed lot boundaries do not precisely follow the land use zone boundaries however this is considered not to be crucial as proposed Clause 5.3 – *Development near zone boundaries* could be utilised in some instances for future development applications.

5.3.3 Any Development Control Plan

The South Bowenfels DCP – Residential Development applies to part of this land being the areas zoned 2(a) Residential. The subdivision application has regard to the provisions of the DCP with regard to Map 2 – *Conceptual Road Layout* and Map 5 – *Slope Analysis*. As mentioned above, the proposed lot layout attempts to better follow the topography of the land for an improved configuration and also to follow mapped zone boundaries which will allow for a more straight forward subdivision application when it comes time that the owner wishes to subdivide the 2(a) zoned portions of the land. As the proposal complies with the intent of the DCP, no objection is raised in this regard.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

Nil.

5.3.5 Any matters prescribed by the regulations that apply to the land

There are no demolition works, rebuilding or extension of the building is proposed as part of this application.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Adjoining Land use:

Surrounding development is urban to the south and east and rural to the east and north. The subject land contains split zonings and comprises this interface between zones. The proposal seeks to better balance this interface with an improved lot configuration. It is considered the adjoining land uses will not be impacted as a result of this proposal.

Services:

The rural lots rely on on-site waste water treatment systems that have been reviewed by the SCA as detailed below. The rural sites will be serviced by rainwater tanks, however provisions for connection to reticulated water supplies may become available with future residential development in proposed Lot 1. Provision for telephone and electricity supply would be a condition of any consent.

Context and Setting:

The proposed development will be located within an established rural general area and will have no major impact on the context and setting of the area.

Access, Transport and Traffic:

Council's Operations Department has reviewed the proposal and have raised no objection subject to standard consent conditions.

Public Domain:

The development will not impact on the public domain.

Heritage:

There is no known heritage item located on or in the vicinity of the site.

Other Land Resources:

The development will not impact on the value of the land in terms of agricultural potential, mining etc.

Water:

There will be no significant impact on water resources.

Soils:

The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems.

Air and Microclimate:

There will be no significant impact on air or microclimate.

Flora and Fauna:

As the proposal is essentially for the reconfiguration of lots only at this stage, with some minor access works involved, no detailed assessment of flora and fauna is warranted. There is minimal to nil land clearing required for this proposed development and it is considered that the development will have minimal impacts on the flora and fauna of the site or surroundings.

Waste:

Effluent disposal has been addressed previously.

Natural Hazards:

The site is within the bushfire prone area as per Council mapping, therefore the application was referred to the Rural Fire Service to assess and it is considered that this has been adequately addressed through appropriate conditions of consent.

Noise and Vibration:

There are no nearby sources of noise or vibration that would impact detrimentally on residents of the proposed lots.

Effluent Disposal:

See Part 5.3.8 of this Report below. It is considered that effluent disposal can be provided adequately for each proposed allotment.

Social and Economic Impact:

As the proposed development will be generally in keeping with the provisions of the planning instruments and is compatible with other similar development in the locality, it is expected to have minimal social and economic impact. Indeed, the proposal is considered to result in an improved lot configuration.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for rural or residential pursuits. Therefore, the size and nature of the development will be consistent with those in the surrounding area.

There are no natural or man made hazards, other than those identified.

Hence, the site is considered to be suitable for the proposed development. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding residential amenity.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to the Rural Fire Service (RFS), The Sydney Catchment Authority (SCA) and Council's Engineers for commenting with recommendations outlined below. The proposal was also sent to adjoining neighbours and placed on public display in Councils Administration Building for a period of 14 days with no submissions received.

RURAL FIRE SERVICE

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Access

The intent of measures for property access 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:

1. Property access roads for lots 2, 3 & 4 shall comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
 - At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road.
 - Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
 - Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
 - A minimum carriageway width of 4 metres for rural residential areas, rural landholdings or urban areas with a distance of greater than 70 metres from the nearest hydrant point to the most external part of a proposed building (or footprint).
 - Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
 - In forest, woodland and heath situations, rural property access roads have passing bays every 200 metres that are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
 - A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
 - Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius.
 - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
 - The minimum distance between the inner and outer curves is 6 metres.
 - The cross fall is not to exceed 10 degrees.
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
 - Access to a development comprising more than three dwellings have formalised access by dedication of a public road and not by right of way (ROW).
 - Access to a development comprising more than three dwellings shall comply with the width specification of section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

SYDNEY CATCHMENT AUTHORITY

The following documents have been considered in the assessment of this application:

- Statement of Environmental Effects and Subdivision Plans prepared by Voerman & Ratsep Land Surveyors (dated 13 June 2014)

- Effluent Disposal Report (dated 11 June 2014) and Plan of Effluent Disposal Details (dated 13 August 2014) prepared by Calare Civil Consulting Engineers.

Based on the SCA's site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

The Chief Executive would therefore concur with Council granting consent to the application, subject to the following conditions:

General

1. The lot layout and staging shall be as shown on the proposed Plan of Subdivision prepared by Voerman & Ratsep Land Surveyors (Dwg Ref 14105 Rev 1, dated 13 June 2014). No revised lot layout or staging of the subdivision that will impact on water quality, shall be permitted without the agreement of the Sydney Catchment Authority.

Reason for Condition 1 - The Sydney Catchment Authority has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the subdivision.

Access Ways to Dwelling Sites

2. Access ways to dwelling sites shall be constructed with compacted roadbase (aggregate) as a minimum, and shall be located so as to minimise watercourse or drainage depression crossings, minimise cut and fill, minimise length, and avoid the need for vegetation clearing. The access ways shall not exceed 10 percent slope, unless they are sealed or armoured and zigzagged up the slope.
3. Any access way crossing of a watercourse or drainage depression shall be a properly engineered concrete causeway, pipe or box culvert crossing consistent with the guidelines *Environmental Practice Manual of Rural Sealed and Unsealed Roads* (ARRB Transport Research Ltd., 2002).
4. All access driveways shall have vegetated swales on both sides of their entire length with appropriately spaced level spreaders, sills and mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation. Where outlets of swales discharge near drainage depressions or watercourses they shall be stabilised by an energy dissipater.
5. All swales, batters and verges associated with the access ways to the lots shall be vegetated and stabilised with bitumen and jute matting or similar as soon as possible after construction. In the steeper areas where the slope is in excess of 10 percent, the swales shall be armoured with boulders and cobbles.

Reason for Conditions 3 to 5 - To ensure the subdivision road, right-of-way and access ways to dwelling sites and associated drainage works and water quality control measures are appropriately managed and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

Construction Activities

6. Effective erosion and sediment controls are to be installed prior to any construction activity including earthworks for site access, and shall prevent

sediment or polluted water leaving the construction site or entering any drainage depression or watercourse. The controls shall be regularly maintained and retained until works have been completed and groundcover established.

Reason for Condition 6 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

Subsequent Development Applications

Any subsequent applications for dwellings and/or other developments on the proposed lots will be subject to the provisions of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP) and will need to be assessed according to the Neutral or Beneficial Effects test (NorBE) in relation to the potential effect of the development on water quality.

Under Clause 11 of the SEPP, Council must provide the SCA with a copy of its determination of the application within 10 days of the determination. The SCA also requests that Council provide it with a copy of the final approved Plan of Subdivision.

COUNCIL ENGINEERS

The proposed Rights of carriageway are acceptable. Construction should be in accordance with 'The Guide to Subdivision'. Details can be resolved when the CC is issued regarding technical specifications.

Comments:

It is considered from the abovementioned comments that the following conditions of consent be implemented:

- That the right of carriageway be constructed in accordance with the Guidelines for Civil Engineering Design and Construction prior to subdivision certificate release.
- That a Construction Certificate be sought prior to any subdivision works for the Right of Carriageway constructions.

5.3.9 The public interest

There have been no issues raised from the public.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA128/14 is approved subject to conditions set out in Schedule A.

Report prepared by: Jessica Heath

Supervisor: Paul Cashel

Signed:..... Signed:.....

Dated:..... Dated:.....

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. That a Subdivision Certificate Application be lodged to Council for approval with the associated subdivision release fee.
3. That the subdivision release fee, Registered Surveyors Plans (original & 11 copies) along with associated 88B instrument if applicable, be submitted to Council for finalisation following the compliance with all conditions of this consent.

Amenity

4. The Council's Environment and Development Department should be contacted to arrange the appropriate rural address numbers to be allocated to the subdivision.

Utilities

5. The applicant shall consult with an Authorised Telecommunications and Electricity Authorities for the provision of telephone and electricity services to each allotment. Notification of Arrangement from each authority, for each allotment is to be lodged with Lithgow City Council prior to the release of a final 'Subdivision Certificate'.

Environmental Protection

6. Prior to the issue of the Subdivision Certificate, Council is to be provided with a report from the Upper Macquarie County Council indicating:
 - Noxious plants are under adequate management; or
 - Noxious plant management has been undertaken and adequate control measures are in place; or
 - Noxious plants are not a concern for the property.

Engineering Requirements

7. That the right of carriageway be constructed in accordance with the Guidelines for Civil Engineering Design and Construction prior to subdivision certificate release.
8. That a Construction Certificate be lodged and approved prior to any subdivision works for the Right of Carriageway construction.

RURAL FIRE SERVICE REQUIREMENTS

Access

9. Property access roads for lots 2, 3 & 4 shall comply with the following requirements of section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.
- At least one alternative property access road is provided for individual dwellings (or groups of dwellings) that are located more than 200 metres from a public through road.
 - Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
 - Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
 - A minimum carriageway width of 4 metres for rural residential areas, rural landholdings or urban areas with a distance of greater than 70 metres from the nearest hydrant point to the most external part of a proposed building (or footprint).
 - Any carriageway constriction along the property access road shall be no less than 3.5 metres in width and for a distance of no greater than 30m.
 - In forest, woodland and heath situations, rural property access roads have passing bays every 200 metres that are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
 - A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
 - Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius.
 - Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
 - The minimum distance between the inner and outer curves is 6 metres.
 - The crossfall is not to exceed 10 degrees.
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
 - Access to a development comprising more than three dwellings have formalised access by dedication of a public road and not by right of way (ROW).
 - Access to a development comprising more than three dwellings shall comply with the width specification of section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

SYDNEY CATCHMENT AUTHORITY REQUIREMENTS

General

10. The lot layout and staging shall be as shown on the proposed Plan of Subdivision prepared by Voerman & Ratsep Land Surveyors (Dwg Ref 14105 Rev 1, dated 13 June 2014). No revised lot layout or staging of the subdivision that will impact on water quality, shall be permitted without the agreement of the Sydney Catchment Authority.

Access Ways to Dwelling Sites

11. Access ways to dwelling sites shall be constructed with compacted roadbase (aggregate) as a minimum, and shall be located so as to minimise watercourse or drainage depression crossings, minimise cut and fill, minimise length, and avoid the need for vegetation clearing. The access ways shall not exceed 10 percent slope, unless they are sealed or armoured and zigzagged up the slope.

12. Any access way crossing of a watercourse or drainage depression shall be a properly engineered concrete causeway, pipe or box culvert crossing consistent with the guidelines *Environmental Practice Manual of Rural Sealed and Unsealed Roads* (ARRB Transport Research Ltd., 2002).
13. All access driveways shall have vegetated swales on both sides of their entire length with appropriately spaced level spreaders, sills and mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation. Where outlets of swales discharge near drainage depressions or watercourses they shall be stabilised by an energy dissipater.
14. All swales, batters and verges associated with the access ways to the lots shall be vegetated and stabilised with bitumen and jute matting or similar as soon as possible after construction. In the steeper areas where the slope is in excess of 10 percent, the swales shall be armoured with boulders and cobbles.

Construction Activities

15. Effective erosion and sediment controls are to be installed prior to any construction activity including earthworks for site access, and shall prevent sediment or polluted water leaving the construction site or entering any drainage depression or watercourse. The controls shall be regularly maintained and retained until works have been completed and groundcover established.

ADVISORY NOTES

Construction Certificate

- AN1. A Construction Certificate is to be sought prior to any subdivision works.

Sydney Catchment Authority Approvals

- AN2. Any subsequent applications for dwellings and/or other developments on the proposed lots will be subject to the provisions of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP) and will need to be assessed according to the Neutral or Beneficial Effects test (NorBE) in relation to the potential effect of the development on water quality.

Threatened Species

- AN3. No Threatened Species or Endangered Ecological Community listed under the Threatened Species Conservation Act 1995, the Environment Protection and Biodiversity Conservation Act 1999 or the associated Regulations are to be cleared as result of this Approval. This includes for fencing or accessways

Rural Fire Service Further Approvals

- AN4. This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.