

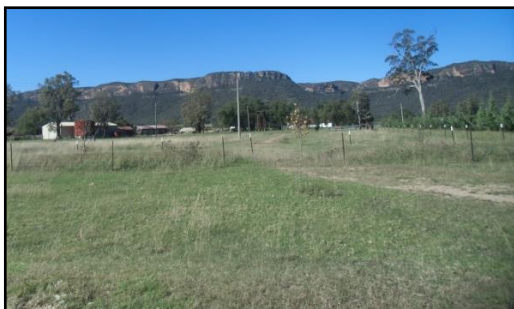
DEVELOPMENT ASSESSMENT REPORT - DA228/14 - PROPOSED SUBDIVISION - 5 LOTS INTO 26, "EURELLA" 602 UPPER NILE ROAD GLEN ALICE NSW 2849

1. PROPOSAL

Council is in receipt of a Development Application DA228/14 for a SUBDIVISION - 5 LOTS INTO 26 on land known as Lot 5 DP 136719, Lots 3, 4, 11 and 12 DP 755796, "EURELLA" 602 UPPER NILE ROAD, GLEN ALICE NSW 2849.

The proposal is for a 26 lot subdivision being:

- Lot 1 to contain an area of 62ha with access from the western side of Upper Nile Road,
- Lot 2 to contain an area of 67ha with access from the western side of Upper Nile Road,
- Lot 3 to contain an area of 73ha with access from the western side of Upper Nile Road,
- Lot 4 to contain an area of 78ha with access from the western side of Upper Nile Road,
- Lot 5 to contain an area of 81ha with access from the western side of Upper Nile Road,
- Lot 6 to contain an area of 41ha with access from the western side of Upper Nile Road,
- Lot 7 to contain an area of 48ha with access from the western side of Upper Nile Road,
- Lot 8 to contain an area of 82ha with access from the eastern side of Upper Nile Road,
- Lot 9 to contain an area of 41ha with access from the eastern side of Upper Nile Road,
- Lot 10 to contain an area of 72ha with access from the eastern side of Upper Nile Road. Lot 10 also contains an existing cottage being the "Eurella" homestead. The cottage is shown in the picture below:



- Lot 11 to contain an area of 42ha with access from the eastern side of Upper Nile Road,
- Lot 12 to contain an area of 126ha with access from the eastern side of Upper Nile Road,
- Lots 13 to 24 is proposed to contain an area of 41ha each and to have access from Jamieson Road,
- Lot 25 to contain an area of 47ha with access from Jamieson Road, and

- Lot 26 to contain an area of 46ha with access from Jamieson Road. The lot currently contains outbuildings and a wool shed.

Part of Jamieson Road is currently formed and maintained by Council. Refer to the photo below showing Jamieson Road and proposed Lots 13 and 26:



Jamieson Road is proposed to be upgraded as part of the application with the whole road to be transferred to Council.

The Nile Creek runs directly through the middle of lots 8 to 12 and lots 20 to 26. These lots are generally flat along the creek and are prone to some flooding. A photo of the area is shown below:



The western, and parts of the northern boundary contains sandstone escarpment and steep timbered slopes. A large portion of the property is relatively cleared with scattered eucalypts, and native pastures. Refer to the photo below:



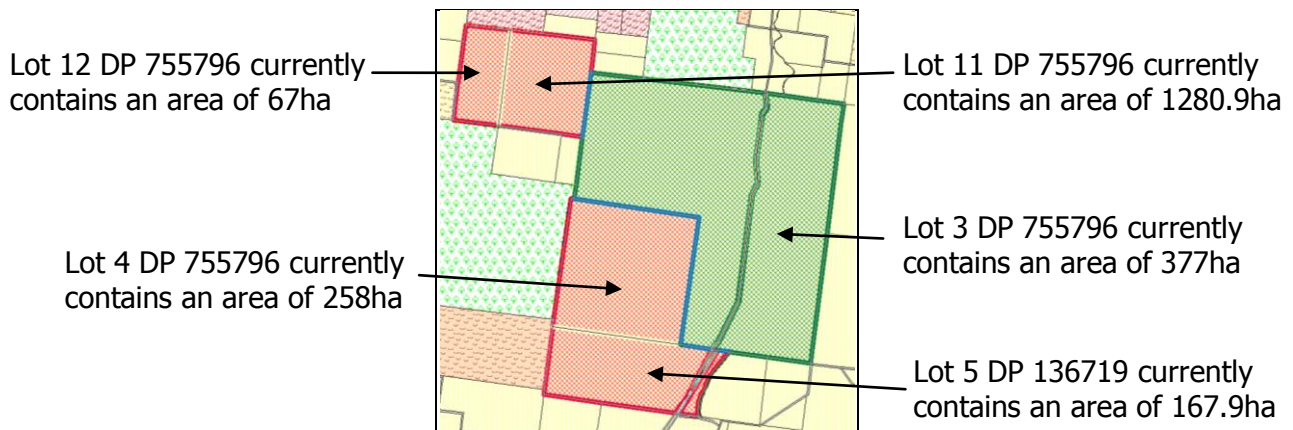
The subdivision is proposed to be undertaken in 3 stages being:

Stage 1: Lots 1 to 6 plus the residue

Stage 2: Lots 13 to 26 plus the residue, with the formation of Jamieson Road

Stage 3: Lots 7 to 12

The property currently consists of 5 lots, as shown in the map below:



2. SUMMARY

To assess and recommend determination of DA228/14. Recommendation will be for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description: Lot 5 DP 136719, Lots 3, 4, 11 and 12 DP 755796
 Property Address: "EURELLA" 602 UPPER NILE ROAD GLEN ALICE NSW 2849

4. ZONING: The land is zoned 1(a) (General Rural) in accordance with the Rylstone Local Environmental Plan (LEP) 1996.

5. PERMISSIBILITY: The development is considered permissible under Rylstone Local Environmental Plan 1996 Clause 13, subject to development consent.

Clause 13 states:

13 Subdivision for the purposes of dwellings within Zone No 1 (a)

(1) *The Council may consent to the subdivision of land within Zone No 1 (a) if the Council is satisfied that each of the allotments to be created by the subdivision is intended to be used for the purpose of a dwelling, but only if each allotment:*

- (a) has an area of not less than 40 hectares, and*
- (b) is unlikely adversely to affect the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for other agricultural purposes, and*
- (c) does not comprise prime crop and pasture land.*

Each proposed lot would contain an area of over 40 hectares. Council has resolved that the property is not identified as being "prime crop and pasture" land. This is discussed in more detail in the next section of this Report.

The development is classed as being 'Integrated Development' with the Rural Fire Service. The development is permissible under the Rural Fires Act 1997.

Although the development was submitted under the Rylstone LEP 1996, Lithgow Council's Draft Local Environmental Plan 2013 is also taken into consideration in determining this application. The property is located within 'Area 1' of the Lot Size Map. Council's Draft LEP 2013 states that Area 1 cannot be further subdivided.

Clause 1.8A under Council's Draft LEP 2013 states:

1.8A Savings provision relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The savings clause above allows the development to be determined under the Rylstone LEP 1996, however Council's Draft LEP 2013 is detailed further in this report.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Rylstone LEP 1996

The Rylstone Local Environmental Plan (LEP) 1996 states:

Prime Crop or pasture land means land within an area identified, on a map dated May 1982, prepared by or on behalf of the Department Agriculture, and which is deposited in the office of the Council, as Class 1, Class 2 or Class 3, but does not include land which the Council has from time to time determined by resolution as not being prime crop or pasture land for the purposes of this plan.

A report was presented to Council for a resolution relating to the above definition under the Rylstone LEP 1996. At Council's Ordinary Meeting held 11 May 2015 it was resolved that:

15-100 RESOLVED

THAT:

1. Council resolve that Lot 1 DP 651340, Lot 1 and Lot 21 DP 753780 for DA 238/14 are not prime crop or pasture land for the purposes of the Rylstone Local Environmental Plan 1996.
2. Council resolve that Lot 5 DP 136719, Lots 3, 4, 11 and 12 DP 755796 for DA 228/14 are not prime crop or pasture land for the purposes of the Rylstone Local Environmental Plan 1996.
3. A **DIVISION** be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

MOVED: Councillor F Inzitari **SECONDED:** Councillor R Higlett.

A **DIVISION** was called in accordance with Section 375A(3) of the Local Government Act, 1993.

Division -

FOR

Councillor R Higlett
Councillor C Hunter
Councillor F Inzitari
Councillor M Statham
Councillor R Thompson

AGAINST

Councillor M F Ticehurst

Councillor J J McGinnes

Policy 7.7 “Calling in of Applications by Councillors”

This application has been called in pursuant to Policy 7.7 “Calling in of Applications by Councillors” Item 3 that states:

Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:

- *Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been “called in”; and*
- *Reported to an Ordinary Meeting of Council for determination.*

This application is reported pursuant to the second dot point.

Policy 7.5 – Notification of Development Applications

2. Applications for which notification will not be given under this policy

- *Subdivision creating less than 5 new lots on land zoned RU1 or RU2.*
- *Any other development of a minor nature that, in the opinion of the assessing officer, does not have the potential to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise.*

Comment: The development was neighbour notified as it does not fall under the notification exemptions under Council’s Policy sated above. The development is also located within Area 1 of Council’s Draft Local Environmental Plan 2013. Council’s Draft LEP 2013 identifies properties within an Area 1 zone (former Rylstone area) that are prohibited to be further subdivided. Due to the prohibition of subdivision under Council’s Draft LEP 2013, the development was referred to adjoining neighbours and placed on public display for a period of 14 days. During the notification period no submissions were received.

Policy 7.10 – Planning Agreements

The Policy provides procedures for reporting Voluntary Planning Agreements, outlines the circumstances when Planning Agreements would be entered into, the form of development contributions and the public benefits of Planning Agreements.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Council’s Section 94A Contributions Plan 2012

Council’s Section 94A Contributions plan does not apply to subdivisions.

Planning Agreement

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to the subdivision proposal. The developer has agreed to make a contribution of \$85,800 (\$3,300 per lot) for the proposed 26 lots to go towards upgrading of Upper Nile Road and Glen Alice Road.

Council's Engineers have assessed the roads immediately surrounding the proposed subdivision and considers that the contribution is suitable for Upper Nile Road and Glen Alice Road.

Additionally, Council's Section 94A Development Contribution Plan 2015 will be applicable to the construction of dwellings on each proposed lot in the future.

It is considered appropriate that if the application is approved, the following condition is imposed on the consent:

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act the draft Planning Agreement that relates to the Development Application, the subject of this consent must be finalised and paid prior to the issue of the Subdivision Certificate for each stage.

5.3 LEGAL IMPLICATIONS

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.

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. Approval from the Rural Fire Service has been obtained and is discussed later in this report under "submissions made in accordance with the act".

Threatened Species Conservation Act 1995

No state 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.

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:

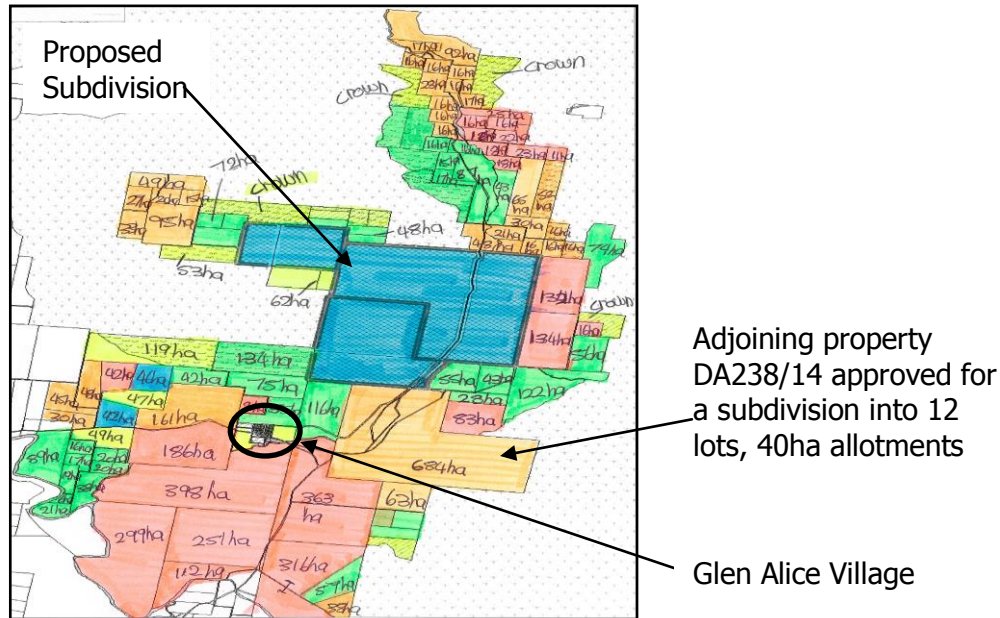
5.3.1 Any Environmental Planning Instruments

Rylstone Local Environmental Plan 1996

Rylstone LEP 1996 – Compliance Check		
	Clause	Compliance
9	1(a) zoning table	Yes
10	General Considerations for development in rural zones	Yes
11	Subdivision of land generally	Yes
13	Subdivision for the purposes of dwellings within Zone No 1(a)	No
29	Land subject to bushfire hazards	Yes

Comment: The development is considered to comply with the objectives of the 1(a) zone under LEP 1996.

The land ownerships is grouped and colour coded in the map below as well as the size of the surrounding allotments.



The development is located within proximity to the Glen Alice Village, where a school and fire shed is located. Many of the surrounding properties contain existing dwellings as well as being utilised for agricultural purposes.

The property is located within the bushfire prone area. A bushfire report has been submitted with the application and indicates that the property contains managed grassland for grazing purposes. The development is classed as being 'Integrated Development' and was referred to the Rural Fire Service (RFS) for commenting. These comments are found later in this report. It is considered that the development complies with the Rural Fire Service requirements.

The land is deemed suitable for the proposal; a geotechnical report has been submitted to Council and determined that disposal of domestic waste water is feasible within the boundaries of each allotment.

The objectives of Clause 13 are:

13 Subdivision for the purposes of dwellings within Zone No 1(a)

- (1) *The Council may consent to the subdivision of land within Zone No 1(a) if the Council is satisfied that each of the allotments to be created by the subdivision is intended to be used for the purpose of a dwelling, but only if each allotment:*
 - (a) *Has an area of not less than 40 hectares, and*
 - (b) *Is unlikely adversely to affect the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for other agricultural purposes, and*
 - (c) *Does not comprise prime crop and pasture land.*

Prime Crop or pasture land means land within an area identified, on a map dated May 1982, prepared by or on behalf of the Department Agriculture, and which is deposited in the office of the Council, as Class 1, Class 2 or Class 3, but does not include land which the Council has from time to time determined by resolution as not being prime crop or pasture land for the purposes of this plan.

This property is mapped as 'Class 3' land on the agricultural land classification map. Class 3 land is defined as Prime Crop or Pasture Land and cannot be subdivided unless a resolution from Council is in place

The applicant has requested that Council considers an agronomist report and a soil classification report as being acceptable to change the agricultural land classification from Class 3 to Class 4 for the proposed subdivision development.

The Rural Land Evaluation Manual describes Class 3 as being:

Class 3

Grazing land or land well suited to pasture improvements. It may be cultivated or cropped in rotation with pasture. The overall production level is moderate because of edaphic or environmental constraints. Erosion hazard, soil structural breakdown or other factors including climate may limit the capacity for cultivation and soil conservation or drainage works may be required.

The matter was referred to the Department of Primary Industries (Agriculture) last year for advice. The following comments were received in reply:

"Our advice to the Lithgow City Council and also to the Mid Western Regional Council (in the past 7 years) when it also had to deal with such applications has been that the Department of Primary Industries sees no case for reviewing land currently mapped as prime agricultural land in the former Rylstone area. It would set a precedent and if it was to occur the Department would need to be satisfied that reclassification of small localised parts of the map would not contribute to significant risk of conflict with adjoining land use. In this case we would consider it to be appropriate for this continue unless detailed and informed land assessments take place to be considered otherwise."

Following the submission of the additional reports, these were referred to the Department on 14 April 2015 for additional assessment. No response has been received. It is considered that the Department will not change their view based on various telephone conversations with the Department.

Two agricultural land classification reports were submitted for the development by independent consultancies in March 2015. The reports identify the property as being Class 4 or 5 under the agricultural classification map rather than a Class 3.

The conclusion from the reports state that:

- *17 soil tests were undertaken on the property and indicated a PH range that is strong ion acid soils.*
- *Plant growth in acid soils can experience aluminium and manganese toxicity.*
- *A number of the soil tests indicated a problem with slaking, this is where the soil particles disintegrate and crumble when exposed to moisture. The process has been identified in the reports as leading to erosion if the area is not flat or vegetated.*

The report submitted by PB Ag Consulting Pty Ltd states that that in regard to soil type and structure, slope and steepness, mountain areas along with rocky sections and past cropping failures, the land is only suitable for grazing and not cultivation.

Another property within the former Rylstone Council area and within proximity to the subject, was subdivided as per 310/04DA for a 15 lot subdivision (identified within the lot size map above). The DA was approved on 5 September 2000 by Rylstone Shire Council and amended for staging purposes by Lithgow City Council on 12 October 2014. At the time of the original assessment of the subdivision the Department of Agriculture classified the land as a 'Class 3' with the property described as not being 'prime crop and pasture land'. The Department of Agriculture recommended that the property is more suited for grazing purposes. 310/04DA was approved at Rylstone's Extra-Ordinary Meeting held on 22 August 2000.

More recently, Council approved a 12 lot subdivision on the adjoining property (DA238/14) and a 3 lot subdivision on Genowlan Road, Glen Alice (DA184/14).

Council officers inspected the site on 31 March 2015. The inspection allowed the findings of the additional reports, mentioned above, to be confirmed. The land in question does not contain the characteristics of Class 3.

State Environmental Planning Policy (Rural Lands) 2008

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

Comment: The subdivision is not expected to adversely impact any large farming properties that adjoins the land.

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 is devoid of native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

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

Draft Lithgow Local Environmental Plan 2013

Draft Lithgow LEP 2013 – Compliance Check		
	Clause	Compliance
Part 2	RU1 Primary Production	Yes
	Area 1 –Class 1 to 3 Agricultural Land	No
Part 4.2	Rural Subdivision	Yes
Part 7.4	Riparian lands and waterways	Yes

Part 7.5	Groundwater vulnerability	Yes
Part 7.6	Terrestrial Biodiversity	Yes
Part 7.7	Sensitive Land	Yes

Comment: The proposed subdivision complies with the objectives of the RU1 Primary Production Zone as:

- *The natural resource base would be maintained and enhanced as no building structures are proposed.*
- *The landform will be maintained and not impacted.*
- *Surrounding landuses are of similar nature in that conflicts between landuses would be minimal.*
- *The visual impact on the rural landscape would not be affected by the subdivision.*
- *The water quality in the vicinity would be maintained as geotechnical reports have been submitted indicating that the septic systems are compatible with the property.*

4.2 Minimum subdivision lot sizes

(5) Despite any other provision of this clause, land shown as “Area 1” and “Area 2” on the Lot Size Map may not be further subdivided.

Although the development is located within Area 1 under Council’s Draft LEP 2013, as it was at the time of DA lodgement in October 2014, the application is therefore assessed under the Rylstone LEP 1996.

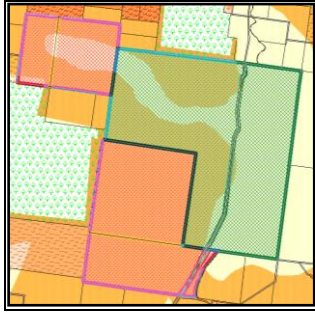
Council is currently undertaking a Rural Lands Study to investigate Areas 1 and 2. This study is expected to be on exhibition early 2017.

The property is identified as containing Biodiversity under the Draft LEP. The proposed subdivision is not expected to have any adverse impact on ecological value or significant flora and fauna on the property. Biodiversity is scattered over the large allotment as shown on the map below:



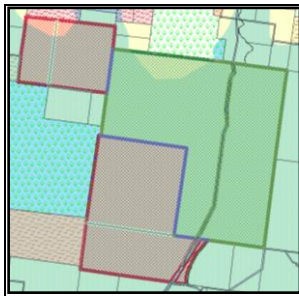
No clearing of the property is proposed as part of this application and the land form would not be impacted upon. The proposed lot layout indicates that dwellings and associated structures such as farm buildings and the like could occur on each lot without the need for any clearing,

Part of the property is identified as being sensitive land. The land has a slope less than 25%. The land is not subject to high erosion potential, salinity, impede drainage or expected to be subject to regular or permanent inundation. The development is designed, sited and will be managed to avoid significant adverse environmental impact. The sensitive land map is shown below:



The property is identified as containing ground water vulnerability. Geotechnical reports have been submitted with the application along with soil tests which identifies the impact on groundwater will be minimal.

Groundwater dependent ecosystems would not be impacted upon by the development as the landscape of the property is proposed to remain. The development is designed, sited and will be managed to avoid any significant adverse environmental impact. Water vulnerability is mapped below:



Therefore, the development generally complies with the provisions of the DLEP2013 with the exception of the minimum subdivision lot size. However, given the application was lodged under the Rylstone LEP 1996, the development may be given determinative weight in this instance under Rylstone LEP1996.

5.3.3 Any Development Control Plan

None.

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?

Planning Agreement

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to the subdivision proposal. The developer has agreed to make a contribution of \$85,800 (\$3,300 per lot) for the proposed 26 lots to go towards the upgrade of Upper Nile Road and Glen Alice Road.

Finalisation of the VPA would be conditioned on the consent.

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

Not applicable.

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

Context and Setting: The proposed development will be located within an established General Rural Zone and will have no major impact on the context and setting.

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.

Social and Economic Impact: The development would have a positive economic impact as it would allow future dwellings to be erected.

As the proposed development will be generally in keeping with the provisions of the planning instruments and is reasonably compatible with other similar development in the locality, it is expected to have minimal social and economic impact.

Bushfire: The property is located within the bushfire prone area. A bushfire report has been submitted with the application and indicates that the property contains managed grassland for grazing purposes. The development is classed as being 'Integrated Development' and was referred to the Rural Fire Service (RFS) for commenting. These comments are found later in this report. It is considered that the development complies with the Rural Fire Service requirements.

Noise and Vibration: There are no nearby sources of noise or vibration that would impact detrimentally on the development. The proposal will further not cause any noise issues except during the construction of the road.

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.

Flora and Fauna:

A fauna and flora report was submitted with the application. The report states that proposed lots 1 to 5 have fragmented pockets of disturbed grassy woodland with cleared agricultural lands with forest community occurring on the high slopes.

Proposed lots 8 to 12 is located on the eastern side of Upper Nile Road contain low lying cleared land due to the topography.

Proposed lots 6, 7 and 12 to 26 (along Jamisons Road) are primarily cleared lands with fragmented grassy woodland and forest communities occurring on the higher slopes.

No areas of woodland are required to be cleared for the development and all Endangered Ecological Communities (EEC's) would be contained within the proposed lots.

The development does not require any clearing and will not cause any additional habitat connectivity barriers. The report states that clearing for access driveways and fencing will be limited to grassland and low shrubs.

The report provides mitigation measures to ensure that biodiversity values of the land are protected and maintained, these include:

- *Building envelopes and associated infrastructure should be placed outside the mapped Endangered Ecological Communities.*
- *A threatened species impact assessment should be undertaken for all future clearing activities on the property.*
- *Limit unnecessary disturbance and avoid the removal of tall vegetation. For example avoiding soil disturbance in or near remnants for dwelling sites or fences, roads, avoiding the use of fertilisers in or near remnants and weed management and control.*

Some other mitigation strategies could include:

- Minimising clearing so that it is limited to the minimum area needed for the construction site and the movement of machinery. This also includes clearing for bushfire protection.
- Garden plantings should be comprised of local endemic species.
- Fences are to be friendly to fauna to minimise impacts to the movement of fauna.
- The removal of debris (timber) and bushrock is restricted.
- The treatment of introduced and noxious weed species. Noxious weed infestations should be identified and treated prior to commencement of works.

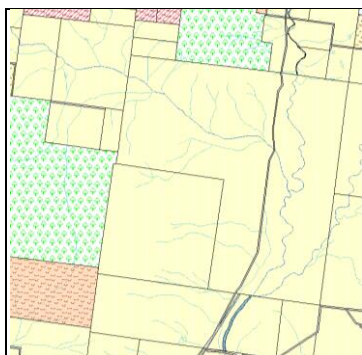
A condition would be placed on the consent stating that the development is to comply with the mitigation strategies identified in the report.

Council has undertaken a site inspection of the property and is satisfied that the development would not impact flora and fauna in the vicinity and that no further assessment is required for the development.

The development is expected to have minimal impact to flora or fauna.

Air and Microclimate: There will be no significant impact on air or microclimate.

Water Resources: There are a number of non-perennial water courses and dams on the property with Nile Creek running through the middle in a north-south direction of proposed lots 23, 24 and 25. Refer to the riparian corridors shown on the map below:



Services: Electricity and telephone services exist within the vicinity and they are connected to the existing dwelling.

The applicant submitted the following for Council's consideration:

“We would like to advise that we desire for our subdivision to be considered as a passive, environmentally conscious plan and want to have Stage One to be off the grid with solar being the source of power for all residents.

Stage Two has mains power already on a couple of the blocks and would therefore not qualify for the same consideration, however some of the remoter blocks could also qualify, so perhaps the latitude could be permitted for the purchaser of the land to make the choice for the source of power they preferred.

With superior solar systems now available and the Global Warming issues constantly being debated in Government, I feel it is reasonable to allow residents the option to utilise environmentally conscious alternatives to mains power and I feel it is attractive to the future development, demonstrating an awareness for our global issues.”

It is considered that future owners of the lots should have the option of connecting to power in the vicinity or utilise solar. Therefore the following condition would be placed on the consent:

The applicant shall consult with authorised telecommunications and electricity authorities for the provision of telephone and electricity to each allotment. Confirmation of connection to each allotment, a ‘Notification of Arrangement’, or similar (i.e. commercial agreement), shall be lodged with Council prior to the issue of a Subdivision Certificate for each stage.

Council may consider solar power for future dwellings, if electricity is unavailable to certain lots within the subdivision. For Council to consider solar, a letter from the electricity authority is to be provided to Council indicating that power cannot be connected to these lots. If power is unavailable, the lots identified are to be detailed on an 88B Restrictive Covenant for future owners to be made aware of the fact.

Domestic water is obtained via water tanks for the dwellings on the property. A Water tank would be required when a dwelling is proposed on the lots. Water for agricultural use is from numerous dams that are scattered throughout the property.

Adjoining Landuse: The surrounding properties consist of a mixture of residential and agricultural uses. Vegetation in the area is cleared farmland with some bushland to the north and west.

The size and purpose of the subdivision is similar to the surrounding lot sizes and adjoining land uses.

The development is considered to have minimal impacts on adjoining neighbours in terms of overshadowing and visual impacts.

The development is expected to increase traffic in the vicinity when future dwellings are proposed. As access to the proposed lots are scattered along Upper Nile Road and a Jamieson Road it is unlikely that the increase in traffic would impact adjoining residents.

Access, Transport and Traffic: Access to the lots are described below:

- Lots 1 to 7 is proposed to have new access driveways from the western side of Upper Nile Road,
- Lots 8 to 12 is proposed to have new access driveways (except for Lot 10 that contains the existing homestead) from the eastern side of Upper Nile Road,

- Lots 13 to 26 is proposed to have new access driveways from Jamieson Road,

It would be conditioned on the consent that each access is to comply with Council's Engineering standards.

Part of Jamieson Road is currently formed and maintained by Council. It is proposed to be upgraded as part of the application with the whole road to be transferred to Council.

Traffic is expected to increase with the proposed additional allotments. Due to the increase in traffic, Council and the applicant have entered into a Voluntary Planning Agreement for the upgrade of Upper Nile Road and the surrounding road network such as Glen Alice Road.

Upper Nile Road is a formed road as shown in the photo below:



The development was referred to Council's Engineers whose comments are found later in this report.

Effluent Disposal: geotechnical reports have been provided for the development which suggests that any proposed residential development is able to provide effective onsite effluent disposal for all of the proposed lots.

Council's Building Surveyor assessed the geotechnical reports and determined that each allotment can reasonably facilitate the construction of a dwelling and required on site sewer management system in a flood free location.

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

5.3.7 The Suitability of the site for the development

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

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 amenity.

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

The proposal was sent to the Department of Primary Industries (DPI), Rural Fire Service (RFS), Council's Engineers, Building Surveyors and Environmental Officer

for commenting. The proposal was also sent to adjoining neighbours and placed on public display in Council's Administration Building for a period of 14 days.

NEIGHBOUR NOTIFICATION

During the notification period no submissions were received.

DEPARTMENT OF PRIMARY INDUSTRIES (DPI)

Council has requested comment from the Department of Primary Industries on a number of occasions seeking their advice on the application, including additional information that the Department required.

The Department response was unfavourable and required additional information to be submitted involving reports and studies indentifying that the property is not prime crop and pasture land.

Through telephone calls with the Department it was stated that it would be up to Council to make the final determination.

To date Council has not received final written comment from the Department.

RURAL FIRE SERVICE (RFS)

Reference is made to your letter dated 15 August 2016 seeking general terms of approval for the Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

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:

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:

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 10, to a distance of 50 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

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. Water and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006' for the existing dwelling upon proposed Lot 10.

- In recognition that no reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes.

- A 65mm metal Storz outlet with a gate or ball valve shall be provided.
- The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
- All associated fittings to the tank shall be noncombustible.
- A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
- An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
 - a) Markers must be fixed in a suitable location so as to be highly visible; and
 - b) Markers should be positioned adjacent to the most appropriate access for the static water supply.
- Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used

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. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006' except for the provision of providing a perimeter road.

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. The existing dwelling on proposed Lot 10 is 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.

COUNCIL'S BUILDING SURVEYOR

Reference is made to the development application in regard to Council's Planner's referral dated 15 August 2016.

Please be advised of the following:

"I have inspected the proposed subdivision development site, reviewed the proposed sub-division layout, bushfire report and geotechnical report provided for comment.

I am satisfied that each allotment can reasonably facilitate the construction of a dwelling and required on site sewer management system in a flood free location."

Therefore, there is no objection to the proposal.

COUNCIL'S ENGINEER'S

Reference is made to the Development Application in regard to Council's Planner's referral dated 16 August 2016.

It is suggested that the following conditions be placed on any Development Consent:

- The proposed access driveways for all proposed lots are to provide a minimum entry splay of 6.0 metres in width, tapering back into a minimum 4.0 metre wide internal access road. The access driveways shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface from the edge of the road to the Property boundary. The access driveways off the sealed section of the road are to be (2) two-coat bitumen sealed (14/7mm pre-coated aggregate) from the edge of the road to the property boundary or alternatively concreted. Any accesses constructed to an unsealed road standard are to be upgraded to a sealed standard once the frontage road is sealed.
- Construction Certificates will be required to be lodged to Council prior to any civil works during all stages of development. Survey plans and geotechnical reports are to accompany the Construction Certificate Applications.
- All road and right of carriageway construction is to be to the standard specified in Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
- Prior to the release of the Stage 2 Subdivision Certificate Upper Nile Road is to be upgraded for the whole of the subdivision frontage to the following standard:
 - 2 coat bitumen seal
 - 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface, and
 - A 7m wide pavement & culverts where required.
- The extension/construction of Jamisons Road is to be to a two coat bitumen seal standard prior to the release of the Stage 3 Subdivision Certificate. The extension/construction shall be consistent with the guidelines 'Environmental Practice Manual of Rural Sealed and Unsealed Roads' (ARB Transport Research Ltd, 2002) and shall incorporate the following stormwater management requirements:
 - Have table drains, as appropriate, for their entire length with appropriately spaced cross drains, 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 the outlets of swales discharge near drainage depressions or watercourses they shall be stabilised by an energy dissipater,
 - All table drains, batters and verges associated with the extension of Jamieson Road shall be vegetated and stabilised with bitumen and jute matting or equivalent as soon as possible after the construction. In steeper areas where the slope is in excess of 10 percent, the swales shall be armoured with boulders and cobbles,
 - All drainage works associated with the proposed subdivision road must be wholly constructed within the road reserve or have suitably defined easements.
- A minimum 300mm diameter pipe is to be installed at the new access driveways, with headwalls attached on each side of the piped culverts in order to drain stormwater. The pipes are to be of a reinforced concrete standard with precast headwalls, with a minimum cover of 300mm (class 4). The pipes and headwalls are

to be formed in such a way as to not obstruct the flow of water through roadside drainage features.

- A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Upper Nile Road and Jamisons Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on Upper Nile Road and Jamisons Road. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.

- The access driveways shall have a minimum 110m sight distance in both directions along intersecting public roads.

- All road, drainage, kerb and gutter, water and sewerage reticulation works associated with a development will be inspected by Council's Operations Department. The developer shall at all times give uninterrupted access and afford every facility for the examination for any works and materials requested by the Group Manager of Operations or his authorised delegate.

- Works as Executed (WAE) Plans detailing all services and infrastructure are to be prepared by a registered surveyor or professional engineer, and submitted to Council. The WAE plans shall be lodged prior to the release of the linen plan. The applicant is required to submit three complete sets of hard copy plans (one A1-sized, two A3-sized) and one set of electronic plans in AUTOCAD format.

- All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

- A maintenance bond of 5% of final construction cost is to be paid to Council upon final inspection and approval of all civil works. The value of the maintenance bond shall be approved by Council after witnessing a certified copy of the contract documentation showing all civil construction costs. The maintenance period will start from the date of the final inspection for a period of 12 months. At the conclusion of the 12 month period a final inspection is to be undertaken by Council at the request of the Developer to determine if any defects have arisen during the time. All deficiencies are to be rectified by the Developer, should outstanding works remain Council reserves the right to expend bond monies on rectified works.

- The applicant shall provide suitable road signage, line marking and furniture as required by Council's Development Engineer and at full cost to the applicant.

- Council is to be notified to undertake an inspection of the road once the upgrade works are complete.

- A Geotechnical Report is to be provided for all proposed roads, including subgrade design prior to a Construction Certificate being issued.

5.3.9 The public interest

There has been no issues raised from the public regarding planning issues.

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 DA 228/14 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Acting Group Manager Environment and
Development: Jim Nichols

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

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

Supervisor: Paul Cashel

Signed:.....

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 access, parking and loading arrangements will be made to satisfy the demands created by the development.
- 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)

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

-Applies to all stages of the subdivision.
2. The subdivision is to be undertaken in 3 stages that being:

Stage 1: Lots 1 to 6 plus the residue
Stage 2: Lots 13 to 26 plus the residue, with the formation of Jamieson Road
Stage 3: Lots 7 to 12
3. No dwelling has been approved as part of this subdivision application. A separate development application is required to be lodge with Council for any future development or demolish of dwellings.

-Applies to all stages of the subdivision.
4. That a Subdivision Certificate Application is to be lodged to Council for approval for each stage of the subdivision.

-Applies to all stages of the subdivision.
5. 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 for each stage of the subdivision.

-Applies to all stages of the subdivision.
6. The Council's Environment and Development Department should be contacted to arrange the appropriate rural address numbers to be allocated to the subdivision.

-Applies to all stages of the subdivision.
7. The development is to comply with the mitigation strategies identified in the Flora and Fauna Report undertaken by Atlas Environment and Planning dated 7 August2016.

Some mitigation strategies include:
 - Building envelopes and associated infrastructure should be placed outside the mapped Endangered Ecological Communities.
 - A threatened species impact assessment should be undertaken for all future clearing activities on the property.
 - Limit unnecessary disturbance and avoid the removal of tall vegetation. For example avoiding soil disturbance in or near remnants for dwelling sites or fences, roads, avoiding the use of fertilisers in or near remnants and weed management and control.
 - Minimising clearing so that it is limited to the minimum area needed for the construction site

and the movement of machinery. This also includes clearing for bushfire protection.

- Garden Plantings should be comprised of local endemic species.
- Fences are to be friendly to fauna to minimise impacts to the movement of fauna.
- The removal of debris (timber) and bushrock is restricted.
- The treatment of introduced and noxious weed species. Noxious weed infestations should be identified and treated prior to commencement of works.

-Applies to all stages of the subdivision.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Planning Agreement

8. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act the draft Planning Agreement that relates to the Development Application, the subject of this consent must be finalised and paid prior to the issue of the Subdivision Certificate for each stage.

-Applies to all stages of the subdivision.

Utilities

9. The applicant shall consult with an authorised telecommunications and electricity authorities for the provision of telephone and electricity to each allotment. Confirmation of connection to each allotment, a 'Notification of Arrangement', or similar (i.e. commercial agreement), shall be lodged with Council prior to the issue of a Subdivision Certificate for each stage.

Council may consider solar for future dwellings, if electricity is unavailable to certain lots within the subdivision. For Council to consider solar, a letter from the electricity authority is to be provided to Council indicating that power cannot be connected to these lots. If power is unavailable, the lots identified are to be detailed on an 88B Restrictive Covenant for future owners to be made aware of.

-Applies to all stages of the subdivision.

Environmental Protection

10. 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.

-Applies to all stages of the subdivision.

11. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.

-Applies to all stages of the subdivision.

Engineering Requirements

12. The proposed access driveways for all proposed lots are to provide a minimum entry splay of 6.0 metres in width, tapering back into a minimum 4.0 metre wide internal access road. The access driveways shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface from the edge of the road to the Property boundary. The access driveways off the sealed section of the road are to be (2) two-coat bitumen sealed (14/7mm pre-coated aggregate) from the edge of the road to the property boundary or alternatively concreted. Any accesses constructed to an unsealed road standard

are to be upgraded to a sealed standard once the frontage road is sealed.

-Applies to all stages of the subdivision.

13. Construction Certificates will be required to be lodged to Council prior to any civil works during all stages of development. Survey plans and geotechnical reports are to accompany the Construction Certificate Applications.

-Applies to all stages of the subdivision.

14. Prior to the release of the Stage 3 Subdivision Certificate Upper Nile Road is to be upgraded for the whole of the subdivision frontage to the following standard:
- 2 coat bitumen seal
 - 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface, and
 - A 7m wide pavement & culverts where required.

-Applies to all stage 3 of the subdivision.

15. All road and right of carriageway construction is to be to the standard specified in Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.

-Applies to all stages of the subdivision.

16. Effective erosion and sediment controls shall be installed prior to any road construction activity and shall meet the requirements outlined in Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual the "Blue Book". The construction works shall ensure that:
- Clean run-off is managed separately from polluted runoff;
 - Sediment or polluted water shall not leave the construction area or enter any drainage depression or watercourse; and
 - Controls shall be regularly maintained and retained until works have been completed and groundwater established.

-Applies to all stages of the subdivision.

17. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.

-Applies to all stages of the subdivision.

18. The extension/construction of Jamisons Road is to be to a two coat bitumen seal standard prior to the release of the Stage 2 Subdivision Certificate. The extension/construction shall be consistent with the guidelines 'Environmental Practice Manual of Rural Sealed and Unsealed Roads' (ARB Transport Research Ltd, 2002) and shall incorporate the following stormwater management requirements:

- Have table drains, as appropriate, for their entire length with appropriately spaced cross drains, 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 the outlets of swales discharge near drainage depressions or watercourses they shall be stabilised by an energy dissipater,
- All table drains, batters and verges associated with the extension of Jamieson Road

shall be vegetated and stabilised with bitumen and jute matting or equivalent as soon as possible after the construction. In steeper areas where the slope is in excess of 10 percent, the swales shall be armoured with boulders and cobbles,

- All drainage works associated with the proposed subdivision road must be wholly constructed within the road reserve or have suitably defined easements.

-Applies to stage 2 of the subdivision.

19. A minimum 300mm diameter pipe is to be installed at the new access driveways, with headwalls attached on each side of the piped culverts in order to drain stormwater. The pipes are to be of a reinforced concrete standard with precast headwalls, with a minimum cover of 300mm (class 4). The pipes and headwalls are to be formed in such a way as to not obstruct the flow of water through roadside drainage features.

-Applies to all stages of the subdivision.

20. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Upper Nile Road and Jamisons Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on Upper Nile Road and Jamisons Road. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.

-Applies to all stages of the subdivision.

21. The access driveways shall have a minimum 110m sight distance in both directions along intersecting public roads.

-Applies to all stages of the subdivision.

22. All road, drainage, kerb and guttering, water and sewerage reticulation works associated with the development will be inspected by Council's Operations Department. The developer shall at all times give uninterrupted access and afford every facility for the examination for any works and materials requested by the Group Manager of Operations or by authorised delegation.

-Applies to all stages of the subdivision.

23. Works as Executed (WAE) Plans detailing all services and infrastructure are to be prepared by a registered surveyor or professional engineer, and submitted to Council. The WAE plans shall be lodged prior to the release of the Linen Plan. The applicant is required to submit three complete sets of hard copy plans (one A1-sized, two A3-sized) and one set of electronic plans in AUTOCAD format.

-Applies to all stages of the subdivision.

24. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

-Applies to all stages of the subdivision.

25. A maintenance bond of 5% of final construction cost is to be paid to Council upon final inspection and approval of all civil works. The value of the maintenance bond shall be approved by Council after witnessing a certified copy of the contract documentation showing all civil construction costs. The maintenance period will start from the date of the final inspection for a

period of 12 months. At the conclusion of the 12 month period a final inspection is to be undertaken by Council at the request of the Developer to determine if any defects have arisen during the time. All deficiencies are to be rectified by the Developer, should outstanding works remain Council reserves the right to expend bond monies on rectified works.

-Applies to stage 2 and 3 of the subdivision.

26. The applicant shall provide suitable road signage, line marking and furniture as required by Council's Development Engineer and at full cost to the applicant.

-Applies to stage 2 and 3 of the subdivision.

27. Council is to be notified to undertake an inspection of the road once the upgrade works are complete.

-Applies to stage 2 and 3 of the subdivision.

28. A Geotechnical Report is to be provided for all proposed roads, including subgrade design prior to a Construction Certificate being issued.

-Applies to stage 2 and 3 of the subdivision.

Utilities

29. The applicant shall consult with an Authorised Telecommunications and Electricity Authorities for the provision of telephone and electricity services to each allotment. Confirmation of connection to each allotment and a plan is to be lodged with Lithgow City Council prior to the release of a final 'Subdivision Certificate'.

-Applies to all stages of the subdivision.

RURAL FIRE SERVICE (RFS)

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:

30. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 10, to a distance of 50 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

-Applies to stage 3 of the subdivision.

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:

31. Water and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006' for the existing dwelling upon proposed Lot 10.
- In recognition that no reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.

- All associated fittings to the tank shall be noncombustible.
- A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
- An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
 - a) Markers must be fixed in a suitable location so as to be highly visible; and
 - b) Markers should be positioned adjacent to the most appropriate access for the static water supply.
- Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used

-Applies to all stages of the subdivision.

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:

32. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006' except for the provision of providing a perimeter road.

-Applies to all stages of the subdivision.

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:

33. The existing dwelling on proposed Lot 10 is 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.

-Applies to stage 3 of the subdivision.

ADVISORY NOTES

Catchment Management Authority Clearing Approvals

- AN1. That any proposed clearing of native vegetation may require approval from the Catchment Management Authority. Prior to the removal of any native vegetation it is suggested that you contact the Catchment management Authority for advice.

Flooding

- AN2. Any future dwellings on proposed lots 8 to 12 and lots 20 to 26 are to be located within the recommended building envelope. Any variation to the building envelope may require a flood study to be undertaken.

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.

Water Courses

AN4. Any access or future developments that are located within the proximity of a water course such as Nile Creek, may need a separate approval from the NSW Office of Water.