



## **LATE REPORTS TO COUNCIL**

**22 August 2017**

**Late Reports to Council**

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### REPORT TO COUNCIL

<b>Department:</b>	<b>Infrastructure &amp; Regulation</b>
<b>Submitted by:</b>	Director of Infrastructure & Regulation
<b>Reference/Subject::</b>	Late Report - Development Application 25/2017 – M Smith & L Ducat – Staged Development – 4 Rocklea Road, Invergowrie

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#### LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

<b>Goal:</b>	2.1	An attractive environment for business, tourism and industry
<b>Strategy:</b>	2.1.4	Implement tools to simplify development processes and encourage quality commercial, industrial, and residential
<b>Principal Activities:</b>	2.1.4.1	Process building and development application

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#### SUMMARY:

An application has been made for subdivision and a dwelling under Clause 4.6 (Exceptions to development standards) of the *Uralla Local Environmental Plan 2012* (LEP). The exception is the minimum lot size for a dwelling entitlement. Part of the subdivision relates to land in a split zone (E4 and R5), whereby an amendment to the *Uralla Local Environmental Plan 2012* (Uralla LEP) will be required to complete Stage 2.

For Council to approve the section in this application relating to the construction of the dwelling on the E4 land (ultimately Lot 2), consent is required from the Director General of the NSW Office of Planning & Environment (DG) for this component only.

Prior to requesting support from the DG, Council needs to consider the application, including one submission.

#### OFFICER'S RECOMMENDATION:

That Council:

- a) **Support the Clause 4.6 Development Application 25/2017 being for a variation of minimum lot size on land known as 4 Rocklea Road, Invergowrie being Lot 13 DP 875212, under the ownership of PJ & CM Ducat subject to conditions.**
- b) **Request concurrence from the Director General of the NSW Office of Planning & Environment.**

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c) Upon receipt of concurrence from the Director General of the NSW Office of Planning & Environment, delegation be given to the General Manager to approve Development Application 25/2017 submitted by M Smith and L Ducat for a staged development being:

- Stage One – Subdivision of two lots being Lots 3 and 4 with building envelopes, and the construction of a dwelling in the E4 zoned land
- Stage 2 – Subdivision of two lots being Lot 1 and 2 along the zone boundary with a building envelope on Lot 2

on land known as 4 Rocklea Road, Invergowrie, being Lot 13 DP 875212 subject to the following conditions:

### **PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)**

#### ***Compliance with National Construction Code & insurance requirements under the Home Building Act 1989***

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *National Construction Code*.

#### ***Erection of signs***

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the site is prohibited.
5. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

#### ***Notification of Home Building Act 1989 requirements***

6. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

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- a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the relevant owner-builder permit.
7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

### 136D Fulfilment of BASIX commitments

8. This clause applies to the following development:
  - a) BASIX affected development,
  - b) any BASIX optional development in relation to which a person has made an application for a complying development certificate that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 4A of Schedule 1 for it to be so accompanied).
9. A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

### GENERAL CONDITIONS

10. The development must take place in accordance with the approved plans (bearing the Uralla Council approval stamp) and documents submitted with the application, and subject to the conditions below to ensure the development is consistent with Council's consent.
11. Approval is being given for Stage 1 being;
  - Lot 3 & 4 and building envelopes
  - Construction of a dwelling on Lot 1 in the E4 zoneApproval is being given for Stage 2 being;
  - Lot 1 & 2 being subdivided along the zone boundary
  - Building envelope on Lot 2
12. Stage 2 is not to commence until such time as an amendment to the *Uralla Local Environmental Plan 2012* has taken place:
  - Adjusting the zone boundary between the E4 and R5 zone to being 50 metres away from the working edge of both quarries, and
  - Altering Clause 4.1A to enable the subdivision
13. All Engineering works to be designed by an appropriately qualified person and

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carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.

14. Prior to the issue of a Subdivision Certificate the applicants shall provide written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of a telecommunications and electricity services.
15. Prior to the issue of a Subdivision Certificate, an Application for a Subdivision Certificate is to be submitted to Council with three (3) copies of the Title Plan and appropriate fees. The applicant/developer is to ensure that a summary of compliance with all conditions of consent is completed and lodged with the application.
16. Prior to the issue of a Subdivision Certificate, the applicants shall provide evidence to the effect that all utility services, i.e. water, sewer, electricity, telecommunications, connected to or used in each of the buildings within the development site is wholly contained within each of the proposed allotments. That is, no internal servicing of the sites is permitted to be wholly or partially on the adjoining allotment.
17. Each new driveway is to display a rural addressing number. The rural address number for each lot will be Lot 1 – 1489 Bundarra Road, Lot 2 – 4 Rocklea Road, Lot 3 – 6 Rocklea Road and Lot 4 – 8 Rocklea Road. The current fee for the 2017/2018 year is \$68.00 per number, which includes installation.

### Stage One Only

#### **GENERAL CONDITIONS**

18. A Construction Certificate must be obtained from a Certifying Authority before work commences, in accordance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.
19. \*The dwelling is to be inspected at the following stages of construction:
  - before the pouring of footings\*\*
  - before covering drainage (under hydrostatic test)
  - before pouring any reinforced concrete structure \*\*
  - before covering the framework for any wall, roof or other building element \*\*
  - before covering waterproofing in any wet area\*\*
  - before covering any stormwater drainage connections
  - when the building work is completed and all conditions of consent have been addressed\*\*
  - in the case of a swimming pool, after the construction of the swimming pool is completed and the barrier (if one is required under the [Swimming Pools Act 1992](#)) has been erected and before the pool is filled with water,

**\*\* denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot**

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*be issued for a \*development where a critical stage or other nominated inspection has not been carried out.*

*Applicants should give at least 24 hours notice to guarantee an inspection.*

*\*All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer*

20. The following are requirements to be undertaken for compliance of a dwelling to a Bushfire Attack Level of BAL12.5 under the *Planning for Bushfire 2006* and Addendum 3.
- a) **External Walls:** Non-combustible material. Parts less than 400mm above ground or decks to be of non-combustible material, 6mm fibre cement cladding or bushfire resistant / naturally resistant timber.
  - b) **Joints:** Joints to be covered and sealed to prevent gaps greater than 3mm or sarking to be applied to frame.
  - c) **Vents and Weep holes:** Vents and Weepholes shall be screened with mesh with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium except where they are less than 3mm.
  - d) **External Windows:** Protected by bushfire shutter, or screened with mesh with a max aperture of 2mm made of corrosion resistant steel, bronze or aluminium mesh or 4mm grade A safety glass or glass blocks within 400mm of ground, deck etc. Operable portion metal screened with frame of metal or metal reinforced PVC-U or bushfire resisting timber.
  - e) **Sliding Doors:** Protected by bushfire shutter or screened with mesh with a max aperture of 2mm made from corrosion resistant steel, bronze or aluminium or A grade safety glass.
  - f) **External Door:** Protected by bushfire shutter or screened with steel, bronze or aluminium mesh or glazed with 5mm toughened glass, non-combustible or 35mm solid timber for 400mm above ground, decking etc. Tight fitting with weather strips at base.
  - g) **Garage Door / Doors:** Vehicle access doors within 400mm of the ground when the door is closed to be non-combustible material or bushfire resistant material or 6mm fibre cement sheet. Panel lift doors to be fitted with weather strips or draught excluders with maximum gap of 3mm, Roller doors to have guide tracks with maximum gap of 3mm and fitted with nylon brush, no ventilation slots allowable.
  - h) **Roofs:** Non-combustible covering. Roof / Wall junction sealed to prevent openings greater than 3mm. Openings fitted with non-combustible ember guards. Roof ventilation openings be fitted with ember guards with maximum aperture of 2mm.
  - i) **Gutters and Downpipes:** If installed, gutter and valley leaf guards shall be non-combustible.
  - j) **Roof Penetrations:** Roof penetrations shall be sealed at the roof to prevent gaps greater than 3mm. Flashing to be non-combustible. Overhead glazing to be A grade safety glass. Evaporative cooling units to be fitted with butterfly closers at ceiling level with a maximum aperture of 2mm, made from corrosion resistant steel, bronze or aluminium.
  - k) **Eaves:** Eaves penetrations to be protected the same as for roof penetrations,

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see clause 5.6.5. Eave ventilation openings greater than 3mm shall be fitted with ember guards made of non-combustible material or mesh with maximum aperture of 2mm.

- l) Verandas, Patios and Decks etc.: Enclosed subfloor space- no special requirements for materials except within 400mm of ground. No special requirements for supports or framing. Decking to be non-combustible or bushfire resistant with in 300mm horizontally and 400mm vertically from a glazed element.
- m) Water and Gas Supply lines: Above ground, exposed water and gas supply pipes shall be metal.

### **CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

21. The plans and specifications accompanying the Construction Certificate are to demonstrate compliance with the requirements of the deemed-to-satisfy provisions of the National Construction Code for a Class 1(a) building.

Amended plans are to be submitted to the Principal Certifying Authority for authentication of NCC compliance and issue of a Construction Certificate.

Should the external configuration of the building be modified as a result of achieving NCC compliance, the plans accompanying this development consent must also be modified.

22. For all construction work required on Council land (e.g. storm water, footpaths, kerb and gutter etc.) the applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority. The Application must be approved prior to the issue of a Construction Certificate, to ensure pedestrian and vehicular safety during construction.

### **CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION COMMENCING**

23. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with clause 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent.

24. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- divert contaminated run-off away from disturbed areas,
- erect silt fencing along the downhill side of the property boundary,
- prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
- stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.



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### **CONDITIONS TO BE COMPLETED DURING CONSTRUCTION**

25. Any building work must be carried out between 7.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.
26. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
27. Materials must not be burned on site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
28. Effective dust control measures are to be maintained during construction to maintain public safety/amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.
29. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
30. Construction of an internal all-weather access road from the property boundary to the dwelling is to be undertaken in order to minimise soil erosion with suitable profiling and drainage to reduce surface water run off volumes and velocity with relation to the slope of the land.

The intersection of the access to the land with the public road is to be located such that a 100 kilometre per hour safe intersection sight distance requirement is satisfied in both approach directions.

A vehicular entrance must be provided in accordance with Council's standards, incorporating a 375 mm diameter stormwater pipe and concrete headwalls and minimum 150mm road base. Alternately where sufficient depth is not available, a 6m long by 1.5m wide reinforced concrete slab dish drain shall be constructed to provide access to the property. Where the property entrance abuts a sealed road, the driveway between the edge of the existing seal and the property boundary shall also be sealed with a minimum 2 coat bitumen or emulsion seal.

All Engineering works to be designed by a competent person e.g. Professional Engineer and carried out in accordance with Councils Engineering Code unless otherwise indicated, to ensure that these works are of a sustainable and safe standard

### **CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING**

31. An Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning and Assessment Act and to ensure

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the health and safety of the building's occupants.

*ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).*

32. Approval must be obtained from the Council as the Local Water Supply and Sewer Authority for any potable water supply, sewerage or on-site waste water system serving the site, pursuant to Chapter 7 of the Local Government Act 1993 with all relevant work completed in accordance with such approval.
33. The Principal Certifying Authority is to contact Council to ensure all the Section 68 conditions of approval have been completed prior to the issue of an Occupation Certificate.
34. Storage tank overflow, roof and surface stormwater from paved and impervious areas is to be directed away from the building and any on site waste disposal system to protect the site and adjoining property from the effects of flooding. Such work must be completed prior to the use and/or occupation of the premises commencing.
35. Provision of not less than 90,000 litres of domestic water storage. However, where the property has an additional water source or storage, e.g. dams, bores, streams or swimming pool, not less than 45,000 litres of domestic water storage will be required.

Although not specifically required by Council, it is recommended that landowners consider providing a greater storage capacity where an additional water source or storage is not available.

The minimum quantities of water storage required above, are to include at least 10,000 litres reserved for fire fighting purposes. A suitable connection for Rural Fire Service purposes must be made available. In general a 65mm Storz outlet with a Gate or Ball valve should be provided. Underground tanks with an access hole of 200mm will allow bushfire fighting tankers to refill direct from the tank. Any underground tanks shall be fitted with a childproof access hole of 200mm x 200mm will allow bushfire fighting tankers to refill direct from the tank. Tanks for fire fighting water must be constructed of Metal or Concrete unless screening is provided and must incorporate a 65mm storz fitting.

36. Signage must be provided to the Front Gate and the location of the Storz valve connection with a Static Water Supply (SWS) sign.
37. Stormwater tanks to also to be provided with first flush disposal device to prevent the potential pollution of the potable water supply by contaminants contained in the roof gutter drainage system.
38. The access to the dwelling is to be constructed including a concrete pipe culvert with headwalls, and a bitumen seal from Bundarra Road to the property boundary. This is to be designed by an appropriately qualified engineer and constructed to a standard approved by the Director of Infrastructure & Regulation and is at the expense of the developer.

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### CONDITIONS RELATING TO ONGOING OPERATIONS

39. The construction of the dwelling, vegetation maintenance, landscaping and Asset Protection Zones are to comply with the NSW Rural Fire Service publication *Planning for Bushfire Protection 2006*.

### CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

40. The access to the Lots 3 and 4 are to be designed by an appropriately qualified engineer and constructed including a concrete pipe culvert with headwalls, and gravel from Rocklea Road to the property boundary. This is to be constructed to a standard approved by the Director of Infrastructure & Regulation and is at the expense of the developer.
41. The access to the gravel pit is to be relocated along Rocklea Road, designed by an appropriately qualified engineer and constructed including a concrete pipe culvert with headwalls. This is to be constructed to a standard approved by the Director of Infrastructure & Regulation and is at the expense of the developer.
42. Prior to the issue of a Subdivision Certificate the applicants shall pay to Council contribution toward public amenities and services for which Council is satisfied that the proposed development is likely to create a demand (as detailed in the attached schedule) is to be made prior to the issue of the Construction/Subdivision Certificate. Such charges are listed below and are subject to CPI increases if not paid in the year of issue of this consent.

*The Section 94 Contribution is currently \$3,619.00 in the 2017/18 financial year for each applicable lot. This is applicable for Lots 3 and 4.*

#### Stage Two Only

### CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

43. Prior to the issue of a Subdivision Certificate the applicants shall pay to Council contribution toward public amenities and services for which Council is satisfied that the proposed development is likely to create a demand (as detailed in the attached schedule) is to be made prior to the issue of the Construction/Subdivision Certificate. Such charges are listed below and are subject to CPI increases if not paid in the year of issue of this consent.

*The Section 94 Contribution is currently \$3,619.00 in the 2017/18 financial year for each applicable lot. The applicable lot is Lot 1.*

### INTEGRATED GENERAL TERMS OF APPROVAL AS PART OF THIS CONSENT

*These conditions are in accordance with Section 91 of the Environmental Planning & Assessment Act 1979 by the NSW Rural Fire Service.*

44. The proposed development is to comply with the plan submitted in Council referral dated 17 May 2017, except where modified by conditions of this Bush Fire Safety Authority.

#### Asset Protection Zones

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*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:*

45. At the commencement of building works and in perpetuity the property around the proposed dwelling on proposed Lot 1 shall be managed as follows:
- Northwest for a distance of 20 metres as an Inner Protection Area.
  - Northeast for a distance of 29 metres as an Inner Protection Area.
  - Southeast for a distance of 14 metres as an Inner Protection Area.
  - Southwest for a distance of 29 metres as an Inner Protection Area.

Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

*Addition to Condition by Uralla Shire Council.*

A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on the lot to ensure perpetuity.

### 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:*

46. a) Fire fighting water supply may be provided by a tank, a swimming pool or a dam that shall be located not less than 5 metres and not more than 20 metres from the approved structure.
- b) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply.
- c) New above ground fire fighting water supply storages are to be manufactured using non-combustible material (concrete, metal, etc.). Where existing fire fighting water supply storages are constructed of combustible (polycarbonate, plastic, fibreglass, etc.) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
- d) Non-combustible materials (concrete, metal, etc.) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.
- e) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and accessible for a fire fighting truck.
- f) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- g) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
- h) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fibreglass, etc.) materials shall be shielded from the impact of radiant heat and direct flame contact.
- i) Any fire fighting water supply tank(s) located below ground shall be clearly

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delineated to prevent vehicles being driven over the tank.

- j) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
- k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
- l) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
  - 1. Markers must be fixed in a suitable location so as to be highly visible; and
  - 2. Markers should be positioned adjacent to the most appropriate access for the water supply.

**Note:** *The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.*

### 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:*

- 47. Property access roads shall comply with the following requirements of section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.
  - a) 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.
  - b) Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
  - c) Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
  - d) A minimum carriageway width of 4 metres.
  - e) 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.
  - f) Property access roads shall have passing bays every 200 metres and where the view is restricted, for example on corners and crests, which are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
  - g) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
  - h) Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius.
  - i) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
  - j) The minimum distance between the inner and outer curves is 6 metres.
  - k) The crossfall is not to exceed 10 degrees.

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- l) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

*The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:*

48. Fire trails shall comply with section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'.

### Design and Construction

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

49. New construction of the proposed dwelling on proposed Lot 1 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

### d) The Uralla Local Environmental Plan 2012 be amended:

- To alter the zone boundary on Lot 13 DP 875212 between the E4 and R5 zone to be 50 metres from the edge of the working face of the quarry, and
- Amend Clause 4.1A by modifying the wording to reflect the current model clause and one that would better suit the subdivision of split zoned land circumstance and be clearer in its intent.

### BACKGROUND:

An application has been submitted for a staged development being :

#### Stage 1;

- Lot 3 (2.05ha ) & Lot 4 (4.86ha) and building envelopes
- Construction of a dwelling on Lot 1 in the E4 zone under Clause 4.6 of the Uralla LEP

#### Stage 2;

- Lot 1 (24.89ha) & Lot 2 (8.511 ha) being subdivided along the zone boundary
- Building envelope on Lot 2

When councils prepare local environmental plans, they include rules to control the scale of future development. These rules are known as 'development standards'. Local environmental plans frequently include development standards that prescribe the minimum for a development.

Under *Environmental Planning & Assessment Act*, applicants for development consent can apply to vary the application of certain development standards to their proposal under the State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) or under Clause 4.6 of the Standard Instrument (Uralla LEP 2012). These policies allow some flexibility in the application of development standards if the variation is justified by the specific characteristics of the proposal.

In response to the findings of the Independent Commission Against Corruption investigation into corruption allegations affecting Wollongong City Council, all development applications with SEPP 1 or clause 4.6 applications with variations greater than 10% must be reported to council meetings for consideration and referred to the NSW Office of Planning & Environment for consent from the Director General (DG). This is referred to as a concurrence application.

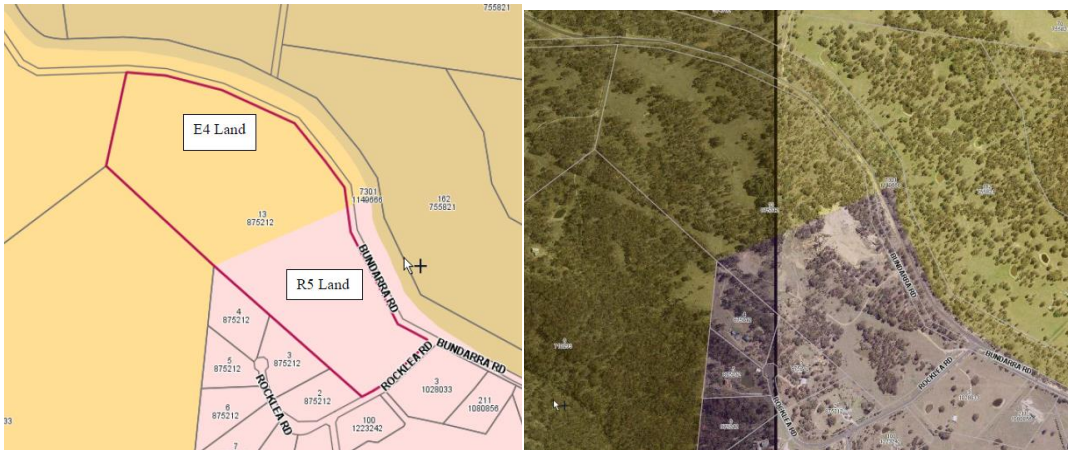
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## REPORT:

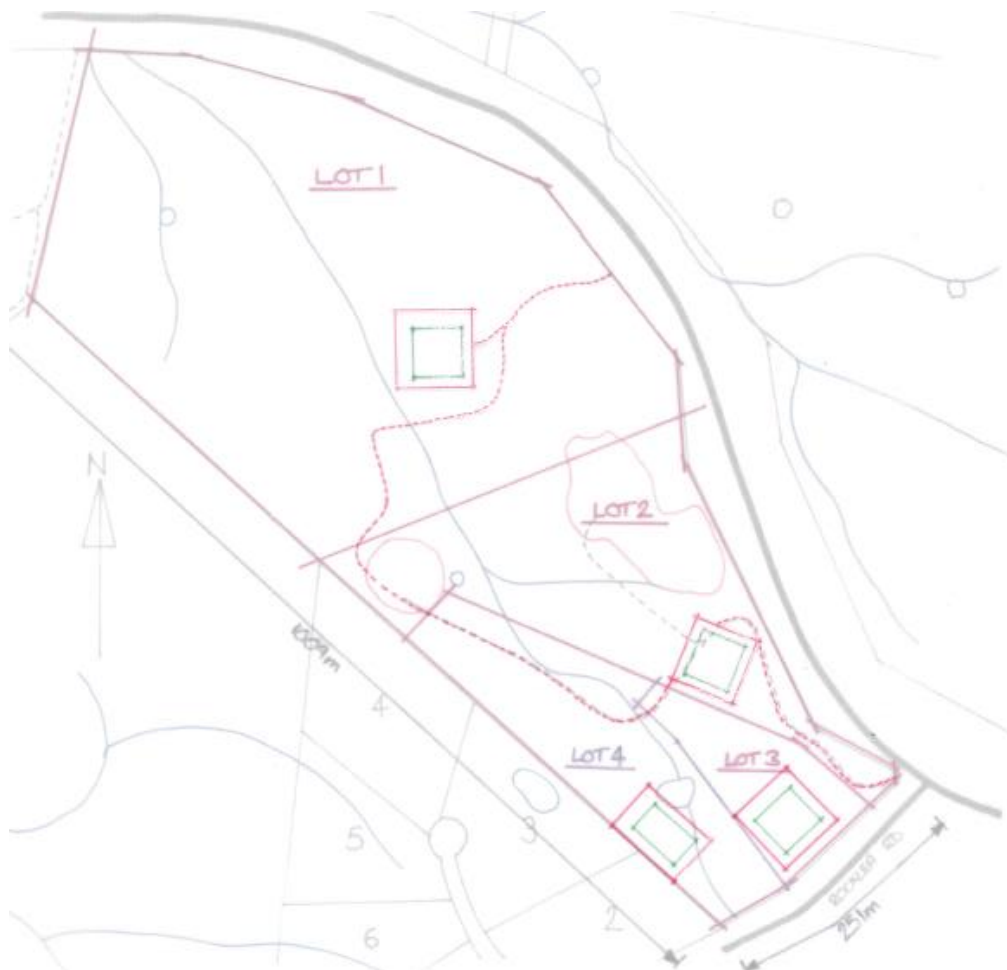
The application is to complete a staged 4 lot subdivision over a split zoned lot and a clause 4.6 application whereby the development standard to be varied is the minimum lot size for Lot 1 to erect a dwelling, being on the land zoned E4.

There is an existing quarry on the land which would be on Lot 2 of the proposed development. This is an approved quarry and seems to be operating within its approved footprint. A survey would need to be undertaken to ascertain the exact extraction location in relation to the approved footprint.

A full assessment has been undertaken and is attached to this report.



Source: USC GIS – Split zoning (note black line on aerial is the joining of two photos)



### Source: Development Application

The subdivision of the R5 land meets all of the necessary requirements and is similar to others in the area.

The lot configuration relates to the geographic features of the land and again is similar to other in the area.



Source: USC GIS – Lot Configurations in the Vicinity.

To enable the subdivision under stage 2, the zone boundary needs to be adjusted so that it does not cross either of the two quarries contained within Lot 2. As such it is proposed a condition of development consent be the requirement that the zone to be adjusted to 50 metre west of the working edge of the existing pits and, that the amendment to the Uralla LEP be completed before Stage 2 can commence. This will also require adjustment to Clause 4.1A. This Clause reads;

#### **4.1A Minimum subdivision lot size for certain split zone lots**

- (1) *The objectives of this clause are:*
  - a) *to provide for the subdivision of lots that are within more **than one zone but cannot be subdivided under clause 4.1**, and*
  - b) *to ensure that the subdivision occurs in a manner that promotes suitable land use and development.*
- (2) *This clause applies to each lot (an **original lot**) that contains:*
  - a) *land in a residential, business or industrial zone, and*
  - b) *land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E3 Environmental Management or **Zone E4 Environmental Living**.*
- (3) *Despite clause 4.1, **development consent may be granted to subdivide** an original lot to create other lots (the **resulting lots**) if:*
  - a) ***one of the resulting lots will contain:***
    - i. *land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and*



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- ii. **all of the land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E3 Environmental Management or Zone E4 Environmental Living that was in the original lot, and**
- b) *all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.*

Discussion with NSW Planning & Environment resulted in the advice that this clause is open to interpretation and strictly speaking this subdivision would not apply under this clause, as this clause was developed specifically for Tamworth Regional Council, and does not reflect the intention of this development accurately. The wording is considered to be misleading and open to interpretation and not clear in its use. Therefore it was advised by NSW Planning & Environment that Council include a change to this clause in a housekeeping Planning Proposal and modify the wording to reflect the current model clause and one that would better suit our circumstance and be clearer in its intent, even if this development does not proceed.

The exact wording change would be prepared by Parliamentary Counsel, with Council providing only the intent. This would be completed after a gateway certificate had been issued and public consultation had taken place.

Part of this application is for the erection of a dwelling on the land zoned E4 under Clause 4.6 of the Uralla LEP 2012. This clause sets out where an exception to a development standard (for example minimum subdivision lot size, height of buildings and floor space ratio) may be requested. This clause replaced the SEPP 1 provisions that were in place prior to the conversion template LEP (Uralla LEP 2012).

The clause requires the concurrence of the Director General (of NSW Planning & Environment) to be obtained prior to the granting of consent for development that contravenes a development standard. Prior to granting concurrence, consideration must be given to whether contravention of the development standard raises any matter of significance for state or regional environmental planning and the public benefit of complying with the standard.

Clause 4.6 cannot be used to allow subdivision of land that will result in two or more lots less than the minimum area specified for such lots by a development standard, or the subdivision of land that will result in any lot less than 90% of the minimum area specified for such lots by a development standard in most Rural Zones (RU1, RU2, RU3, RU4, RU6), Large Lot Residential Zone R5, and Environment Protection Zones E2, E3 and E4.

The clause also cannot be used to vary standards in relation to complying with BASIX or controls established under *Clause 5.4 Controls relating to miscellaneous permissible uses*.

The clause reads:

### **4.6 Exceptions to development standards**

- (1) *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

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- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
  - (c) clause 5.4.

The requested clause variation is to Clause 4.2A of the Uralla LEP 2012 (in particular (3)(a)). It reads:

### **4.2A Erection of dwelling houses on land in certain rural and environmental protection zones**

- (1) The objectives of this clause are as follows:
  - (a) to minimise unplanned rural residential development,
  - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.
- (2) This clause applies to land in the following zones:
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU2 Rural Landscape,
  - (c) Zone E2 Environmental Conservation,

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- (d) Zone E3 Environmental Management,  
(e) Zone E4 Environmental Living.
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is:
- (a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or  
(b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or  
(c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or  
(d) an existing holding.
- Note.** A dwelling cannot be erected on a lot created under clause 4.2.
- (4) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if:
- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or  
(b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by:
- (i) a minor realignment of its boundaries that did not create an additional lot, or  
(ii) a subdivision creating or widening a public road or public reserve or for another public purpose.
- (5) In this clause:  
**existing holding** means any lot including any adjoining land held in the same ownership, even if separated by a road or railway, that:
- (a) existed on 8 August 1975, and  
(b) exists at the time the application for development consent referred to in subclause (3) is lodged,  
whether or not there has been a change in the ownership of the holding since 8 August 1975.
- Note.** The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

The objectives of the E4 Environmental Living Zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

Currently the land holding is not able to meet any of these objectives due to the minimum lot size (MLS) being 400 ha for the E4 land. The land holding has an area of approximately 25 ha (subject to survey), and there is no dwelling on the land. Allowing a dwelling to be erected within the E4 area would better reflect the intent of the zone objectives. Points made by the applicant that are agreed to are:

- Access to the services of road, electricity and garbage is available.
- The lot size is generally consistent with lots in the area.
- The E4 land will eventually (Stage 2) be contained within a single lot.
- The land zoned E4 is currently well below the MLS.
- The land would be better maintained with an owner onsite rather than leaving the land unoccupied.

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- The application meets the objective of the zone in that the placement of the building envelope in the E4 zoned land is deliberate to reduce impact to being minimal.

The applicant argues that the erection of a dwelling on the E4 land would meet the objectives of this zone and the MLS for a dwelling entitlement is unreasonable due to the current size of the holding, the location, adjoining R5 Large Lot Residential Zoning, the fact that the land zoned R5 can be subdivided into lots with a MLS of 2 ha and, that the land cannot be considered as being a viable agricultural holding. It is argued that precedent should be taken into account with other holdings in the area being of a similar size of the resulting lots. The applicant has adequately addressed the above criteria. The Clause 4.6 application relates to the construction of a dwelling on land that does not meet the MLS criteria of 400ha. It does not relate to the subdivision.

There is no reason that a dwelling could not be constructed in the E4 zoning of the land. The land does not meet the MLS of 400ha, but is similar in size to other lots with a MLS of 20 and 25 ha on the eastern side of the Invergowrie area, which is zoned R5. The building envelope is approximately 2500m<sup>2</sup>.

Technically, the current land holding zoned E4 and R5 would be considered to be a smallholding and would not be big enough to sustain primary production. Therefore, the E4 zoned land is considered to be a lifestyle lot only.

There is no reason as to why the proposed dwelling location could not be supported, as the size of Lot 1 will eventually be 24.8 ha and Lot 2 would be 8.5 ha after stage 2 has been completed.

A copy of the Statement of Environmental Effects, including a Site Plan is attached to this Report, along with the required supporting information to vary the development standard.

This application was notified as per the provisions of the *Uralla Development Control Plan 2011*. There was one submission received.

Submission Maker	L Warner & S Plowman
<p><b>Issues:</b></p> <ul style="list-style-type: none"><li>• Asset Protection Zone for Lot 4 is on their boundary which would create privacy issues for their dwelling.</li><li>• Wish for architectural plans to be drawn for the proposed dwellings on each lot.</li><li>• Internal road will create dust and request seal for internal roads accessing Rocklea Road.</li></ul>	
<p><b>Comment:</b> The APZ is considered to be necessary as the land is within the bushfire prone area. This is the best suited location for a future dwelling in relation to bushfire safety. If another location was selected trees would have to be removed and the BAL would rise from 12.5 to 19.0. Thus the APZ would have to be increased in area that that proposed by the applicant.</p> <p>In regards to privacy, I do not believe this will be affected. The photo below is from the centre of the building envelope looking towards the submission maker's dwelling. It is approximately 42 metres from the submission maker's building infrastructure edge to the boundary point of the closest edge of the APZ for Lot 4.</p>	

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There are no plans at this point in time for any dwelling except for that on Lot 1. It is only building envelopes that are being approved at this time. Each building envelope's location has been chosen taking into account the bushfire risk rating.

Rocklea Road is a gravel road. Combined with the dust from Rocklea Road and the quarry, it is considered that the internal roads will add minimal adverse impact. A proportion of the Section 94 contribution paid by the applicant will go towards the future sealing of Rocklea Road.

### KEY ISSUES:

- *This is a staged application for a 4 lot subdivision and the erection of a dwelling.*
- *Application made under Clause 4.6 of the Uralla LEP 2012 for the dwelling.*
- *To complete Stage 2 a zone boundary adjustment is required and amendment to the wording of Clause 4.1A.*
- *There was one submission received with the main point of contention being the Building envelope location for Lot 4 and dust generation.*
- *NSW Rural Fire Service have issued a General Terms of Approval for the subdivision.*

### CONCLUSION:

If Council chooses to support this application the next step is to gain the concurrence of the DG from the NSW Office of Planning & Environment. If gained, Council will then be able to issue a notice of consent.

This application should be supported for the following reasons:

- The land is already a non-viable agricultural holding in that it is not capable of producing an agricultural income. Fragmentation between the R5 and E4 zoned land is not going to further degrade any agricultural viability.
- There are precedents of lots with dwelling permissibility in the immediate vicinity that are below the 400 hectare Minimum Lot Size as required by the Uralla LEP 2012.
- The lot size for all 4 lots are generally consistent with lots in the area.
- There erection of a dwelling on the E4 zoned land will not impact on the environmental nature of the land and will result in having an owner onsite to care for the land, instead of an absentee owner.

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### COUNCIL IMPLICATIONS:

**1. Community Engagement/ Communication (per engagement strategy)**

Nil

**2. Policy and Regulation**

*Uralla Local Environmental Plan 2012*

*Uralla Development Control Plan 2011*

*Local Government Act 1993*

*Environmental Planning & Assessment Act 1979*

*Roads Act 1993*

**3. Financial (LTFP)**

Nil

**4. Asset Management (AMS)**

Nil

**5. Workforce (WMS)**

Nil

**6. Legal and Risk Management**

Nil

**7. Performance Measures**

Nil

**8. Project Management**

Nil

**Andrew Hopkins**  
**General Manager**

Prepared by staff member:

Libby Cumming, Contract Planner

TRIM Reference Number:

Approved/Reviewed by Manager:

Terry Seymour

Department:

Director of Regulation & infrastructure

Attachments:

Assessment Report

Plan

Staging Detail Confirmation Letter dated 11 August

Statement of Environmental Effects & Appendixes

House Elevations

Bushfire Reports

Submission

# Development Assessment Report

**DA Number:** DA-25-2017 **Council:** Uralla Shire Council  
**Location:** 4 Rocklea Road INVERGOWRIE  
**Development Description:** Staged 4 Lot Subdivision & Dwelling Under Clause 4.6  
**Title Details:** Lot: 13 DP: 875212

## Proposal Overview

The application is to complete a 4 lot subdivision over a split zoned lot and a clause 4.6 application whereby the development standard to be varied is the minimum lot size for Lot 1 to erect a dwelling, being the land zoned E4.

There is an existing quarry on the land which would be on Lot 2 of the proposed development. This is an approved quarry and seems to be operating within its approved footprint. A survey would need to be undertaken to ascertain the exact extraction location in relation to the approved footprint.

## Property Details/History

	Checked	Comments
<b>File History</b>	Yes	
<b>Title Plan</b>	Yes	
<b>Check Ownership</b>	Yes	

## Application Type

**Is this application an Integrated Development Application?** No  
**Is this application a Designated Development Application?** No  
**Is this application for Concurrence Development?** Yes  
**Is this application submitted by/on behalf of a Public Authority?** No  
**Is this application a staged Development?** Yes  
**Details of Staging:** Stage 1 - Lots 3 and 4 will be excised, and a dwelling erected on Lot 1 as and Stage 2 - subdivision of the residue for Lots 1 and 2.  
**Is this application a section 96 amendment?** No

## Concurrence/Referral

*Section 79b – EP & A Act*

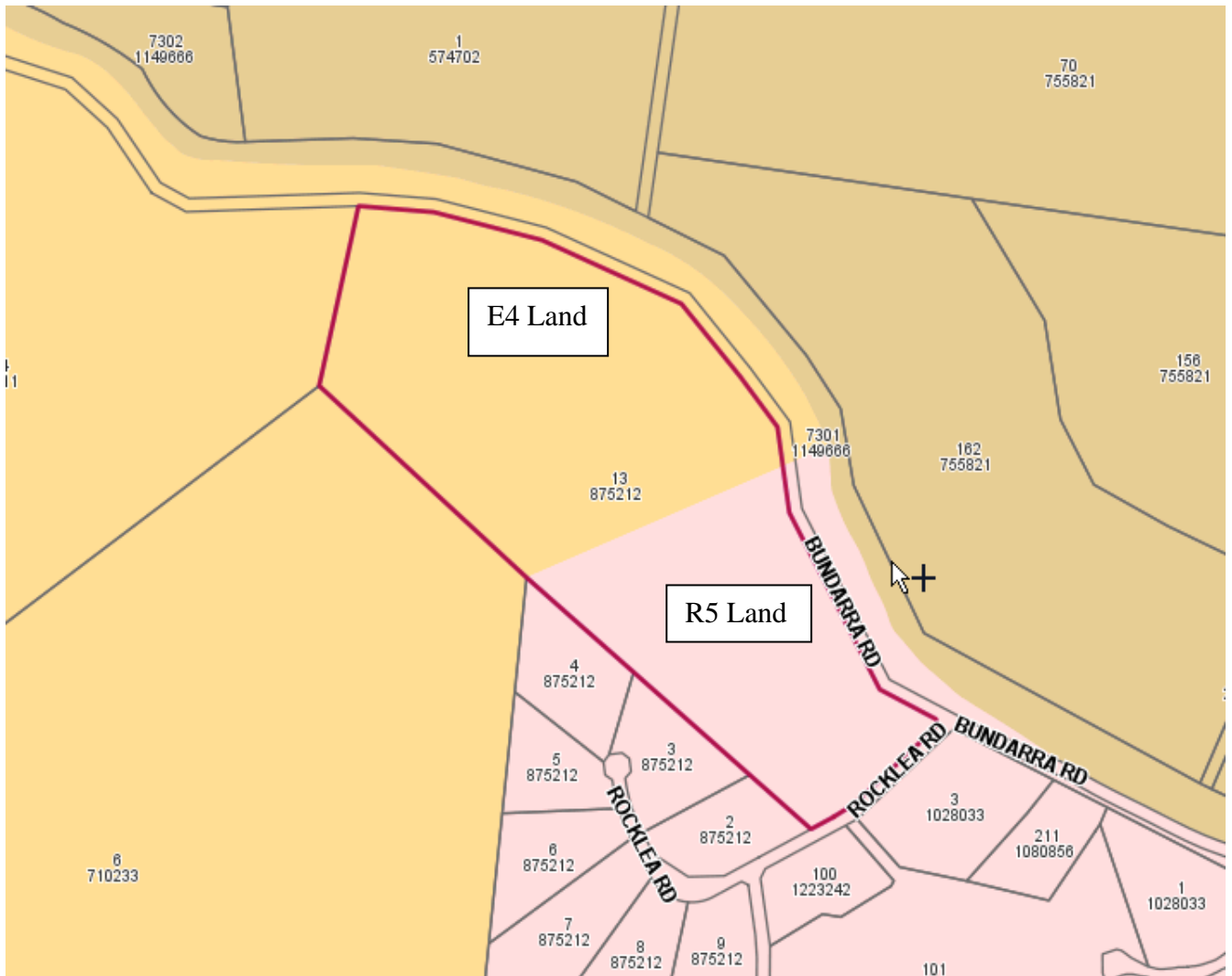
**Does this application require concurrence referral?** Yes  
**Does this application require courtesy comment?** No  
**Does this application require referral for decision by Council?** Yes

Department	Referral	Response Received	Comments/Issues Raised
<b>NSW Rural Fire Service</b>	Yes	Yes	A General Terms of Approval were issued on 28 June 2017 with conditions. These have been Transposed into the proposed development consent conditions.

<b>NSW Planning &amp; Infrastructure</b>	Yes	No	There concurrence will be required for the Clause 4.6 variation, after the matter has been presented to Council and only if Council considers it to be an appropriate variation.
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**Local Environmental Plan**  
Section 79c(1)(a)(i) – EP & A Act


**This land is zoned: R5 – Large Lot Residential and E4 – Environmental Living**



<b>List the relevant clause/clauses applicable under the LEP</b>		
<b>Clause</b>	<b>Compliance</b>	<b>Comment</b>
Land Use Table R5	Yes	The development as proposed for the R5 land is permissible
Land Use Table E4	Yes	The development as proposed for the E4 land is permissible for the subdivision, but not for construction of the dwelling due to the MLS requirements.



MLS R5 Cl.4.1	Yes	The minimum Lot size for the R5 land is 2ha. Lot 2 – 8.5ha, Lot 3 - 2.05ha and Lot 4 - 4.86ha.
MLS E4 Cl.4.1	No	The minimum lot size is 400ha.
Cl.4.1A	Undetermined	<p><b>4.1A Minimum subdivision lot size for certain split zone lots</b></p> <p>(1) <i>The objectives of this clause are:</i></p> <p>a) <i>to provide for the subdivision of lots that are within more <b>than one zone but cannot be subdivided under clause 4.1</b>, and</i></p> <p>b) <i>to ensure that the subdivision occurs in a manner that promotes suitable land use and development.</i></p> <p>(2) <i>This clause applies to each lot (an <b>original lot</b>) that contains:</i></p> <p>a) <i>land in a residential, business or industrial zone, and</i></p> <p>b) <i>land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E3 Environmental Management or <b>Zone E4 Environmental Living</b>.</i></p> <p>(3) <i>Despite clause 4.1, <b>development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:</b></i></p> <p>a) <b>one of the resulting lots will contain:</b></p> <p>i. <i>land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land, and</i></p> <p>ii. <b>all of the land in</b> <i>Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E3 Environmental Management or <b>Zone E4 Environmental Living that was in the original lot, and</b></i></p> <p>b) <i>(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to that land.</i></p> <p>Discussion with the Department of Planning resulted in the advice that strictly this subdivision would not apply under this clause, as this clause was developed specifically for Tamworth Regional Council, and does not reflect the intention of this development accurately. The wording can be considered misleading and open to interpretation. Therefore it was suggested by the Department of Planning, Council include this in a housekeeping Planning Proposal and modify the wording to reflect the current model clause and one that would better suit our circumstance and be clearer in its intent.</p>

		
Cl.4.6	Yes	<p><b>4.6 Exceptions to development standards</b></p> <p>(1) <i>The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"> <li><b>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</b></li> <li><b>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</b></li> </ul> <p>(2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p> <p>(3) <i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</i></p> <ul style="list-style-type: none"> <li><b>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</b></li> <li><b>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</b></li> </ul> <p>(4) <i>Development consent must not be granted for development that contravenes a development standard unless:</i></p> <ul style="list-style-type: none"> <li><i>(a) the consent authority is satisfied that:</i> <ul style="list-style-type: none"> <li><b>(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and</b></li> <li><b>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</b></li> </ul> </li> <li><b>(b) the concurrence of the Secretary has been obtained.</b></li> </ul> <p>(5) <i>In deciding whether to grant concurrence, the Secretary must consider:</i></p> <ul style="list-style-type: none"> <li><i>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</i></li> <li><i>(b) the public benefit of maintaining the development standard, and</i></li> <li><i>(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.</i></li> </ul> <p>(6) <i>Development consent must not be granted under this clause for a</i></p>

		<p><i>subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or <b>Zone E4 Environmental Living</b> if:</i></p> <p><i>(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</i></p> <p><i>(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</i></p> <p><i>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant’s written request referred to in subclause (3).</i></p> <p><i>(8) This clause does not allow development consent to be granted for development that would contravene any of the following:</i></p> <p><i>(a) a development standard for complying development,</i></p> <p><i>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <a href="#">State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</a> applies or for the land on which such a building is situated,</i></p> <p><i>(c) clause 5.4.</i></p> <p>I believe the applicant has adequately addressed the above criteria. The Clause 4.6 application relates to the construction of a dwelling on land that does not meet the MLS criteria of 400ha. It does not relate to the subdivision.</p> <p>There is no reason that a dwelling could not be constructed in the E4 zoning of the land. The land does not meet the MLS of 400ha, but is similar in size to other MLS minimum of 20 and 25 ha on the eastern side of the Invergowrie area which is zoned R5. Each building envelope is approximately 2500m<sup>2</sup>.</p> <p>Technically the land zoned E4 once subdivided would be considered to be a smallholding and would not be big enough to sustain primary production. Therefore it would be considered to be a lifestyle lot only.</p> <p>Points made by the applicant that are agreed to are:</p> <ul style="list-style-type: none"> <li>• Access to the services of road, electricity and garbage service is available.</li> <li>• The lot size is generally consistent with lots in the area.</li> <li>• The E4 land will eventually (Stage 2) be contained within a single lot.</li> <li>• The land zoned E4 is currently well below the MLS.</li> <li>• The land would be better maintained with an owner onsite rather than leaving the land unoccupied.</li> <li>• Meets the objective of the zone in that the placement of the building envelope in the E4 zoned land is deliberate to reduce impact to being minimal.</li> </ul> <p>There is no reason as to why the proposed dwelling location could not be supported, as the size of the Lot 1 will eventually be 24.8 ha and Lot 2 8.5ha.</p>
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**Is there a draft LEP or draft LEP amendment which may affect this proposal?**

No

**Do ‘existing use’ provisions apply to this development?**

No

## Development Control Plan

Section 79c(1)(a)(iii) – EP & A Act

Does Uralla DCP 2011 apply to this land/proposal?

Yes

### List the relevant chapter/clause under the Uralla DCP

Chapter	Clause	Compliance	Comment
4	Biodiversity	Yes	The land does not consist of core koala habitat.
	Bushfire	Yes	RFS have issued GTA with conditions. House rated at BAL 12.5.
	Access	Yes	Adequate access can be constructed to all lots. The access to the quarry is to be relocated long Rocklea Road.
	Dwellings	Yes	Complies with objectives.
13	Notification	Yes	1 submission received.

Is there a draft DCP which may affect this proposal?

No

## Regional Environmental Plan

There is no REP applicable to this area.

## State Environmental Planning Policy

Is this proposal affected by a SEPP?

Yes

### List all relevant SEPPs

SEPP	Compliance	Comment
SEPP 44	Yes	Not core koala habitat.
Basix	Yes	Certificate submitted.

## Planning Agreement

Section 93F (10) – EP & A Act

Is there a Planning Agreement in force under section 93F of the EP&A Act?

No

Has a Planning Agreement been offered under this development?

No

## Planning Strategies/Local Policy

Section 79c(1)(b) – EP & A Act

Is there a Planning Strategy or Local Policy that requires notation?

No

Has the applicant submitted any supporting planning assessments?

Yes

**Comment:** Bushfire Assessment, Koala Assessment and Statement of Environmental Effects.

## Subdivision

Is this application for subdivision?

Yes

How many new lots are being created?

3

**Comment:** Stage 1, being Lots 3 and 4 complies with all requirements. The subdivision along the zone line is not a good outcome at the moment as the zone line cuts through the working quarry. It should be conditioned that Stage 2, being the subdivision of Lot 1 and 2 only, proceed only if a planning proposal has been submitted and completed to ensure the quarry is fully contained with a setback of 50 metres from the working quarry face within the R5 zone. The boundary of the lots would then become the line of the zone boundary.

## Environmental Impacts

*Section 79c(1)(b) – EP & A Act*

**Does this proposal have any potential impact on?**

	Impact	Comment
<b>Social</b>	No	
<b>Economical</b>	No	
<b>Siting &amp; Configuration</b>	Yes	The dwelling sites on Lots 3 and 4 are close to the working quarry. The marketing of this location would be up to the developer as the quarry has been in existence for some time with formal approval being given in 1995 as part of the NSW government state extractive industries reforms under SEPP 37. The quarry seems to have remained within the approved footprint.
<b>Setbacks</b>	Yes	
<b>Privacy</b>	Minimal	See submission maker response.
<b>Overshadowing</b>	No	
<b>Solar Access</b>	No	
<b>Visual</b>	Minimal	You will be able to see any newly constructed dwelling on proposed Lots 3 and 4 from Rocklea Road. You will not be able to see any newly constructed dwelling on Lot 3 or 4.
<b>Significant Views</b>	No	
<b>Amenity</b>	No	
<b>Water</b>	No	
<b>Air</b>	No	
<b>Noise</b>	No	
<b>Land Degradation</b>	No	
<b>Tree Loss</b>	Minimal	There will be minimal tree loss from the house construction on Lot 4 and for the internal access construction to this dwelling. No trees that will be removed will be koala feed trees. There will be no tree loss for the dwelling envelopes on Lots 2, 3 and 4.
<b>Flora</b>	Minimal	As per above.
<b>Fauna</b>	Minimal	As per above.

## Environmental Impacts – Threatened Species

Section 79c(1)(b) – EP & A Act

Has a Threatened Species Impact Assessment been prepared? No

**Comment:** It is not considered to be required for this subdivision or for the construction of the dwellings.

## Environmental Impacts – Heritage

Section 79c(1)(b) – EP & A Act

Does this proposal have any potential impact on?

Heritage	Impact	Comment
European	No	
Aboriginal	No	AHMS Search provided.

Is this land classified as containing an item of environmental heritage? No

Is there an impact on and adjoining or in close vicinity to an item of environmental heritage? No

Is this proposal in a heritage conservation Zone? No

Is this proposal in an adjoining or in close vicinity to a conservation zone? No

Has a Heritage Impact Statement been prepared for this proposal? No

Has an Archaeological Survey been prepared for this proposal? No

## Flooding

Section 79c(1)(b) – EP & A Act

Is this property flood affected? No

## Bush Fire Prone Land

Section 79c(1)(b) – EP & A Act

Is this property bush fire prone as per the Bush Fire Prone Map? Yes

**Category:** Category 1 & Buffer.

**Comment:** RFS have issued a GTA with condition which are in the proposed conditions of consent. Each building envelope has been identified as having a BAL of 12.5.

## Contaminated Land

Section 79c(1)(b) – EP & A Act

Has this land been identified as being contaminated land by Council? No

Is it a possibility this land may be contaminated? No

Has a Contaminated Land Site Investigation been completed? No

Is this land in the close vicinity or adjoining a known contaminated site? No

## Infrastructure

Has an engineering assessment been completed? No

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	No	
Water	No	
Drainage	No	
Access	Yes	An access needs to be constructed to Lots 1, 3 & 4 with pipe and headwalls, with the access to Lot 1 being bitumen sealed from the edge of Bundarra Road to the boundary.  The access to the quarry is considered to be a dangerous location and will be required to be relocated along the frontage of Rocklea Road.
Kerb & Gutter	N/A	
Upgrade Existing Road	No	
Road Network	No	
Existing Easements	No	
Electricity	No	
Telecommunications	No	
Pedestrian Access	No	
Loading & Unloading	N/A	
Parking	No	
Energy Conservation	No	

Does the development require any new easements? No

Has an Erosion and Soil Control Plan been submitted? No

Was there any outstanding issues requiring attention? No

### Construction Assessment

Is a construction assessment required? No

Was a construction certificate application submitted with this application? No

Is a Construction Certificate Required? Yes

### Section 68 Assessment

*Section 68 – LGA Act*

Is a section 68 assessment required? No

### Developer Contributions

*Section 94 – EP & A Act*

Does this proposal require any Developer Contribution? Yes

Is the contribution for a subdivision? Yes

Is the contribution for a special purpose relating only to this proposal?

No

List Contributions

Contribution Plan	Levy (per Lot created)	Rate (\$)
Invergowrie	Sealing Main Traffic Routes	\$1,759.00
	Provision of Community Buildings	\$646.00
	Recoupment of Study & Investigation Costs Relating to Development	\$234.00
	Provision of Fire Fighting Equipment	\$798.00
	Recoupment of a Type "B" Intersection on Bundarra Road	\$182.00
	<b>Total for 17/18 Financial Year</b>	<b>\$3,619.00</b>

Does this proposal require signage?

No

**Notification**

*Section 79c(1)(d) – EP & A Act*

Is this application an advertised development application?

Yes

Was this application advertised as per the provisions of?

DCP

Was this application notified as per the provisions of Council's Notification Policy?

Yes

Were there any written submissions received?

Yes

If Yes, what was the number of submissions received?

1

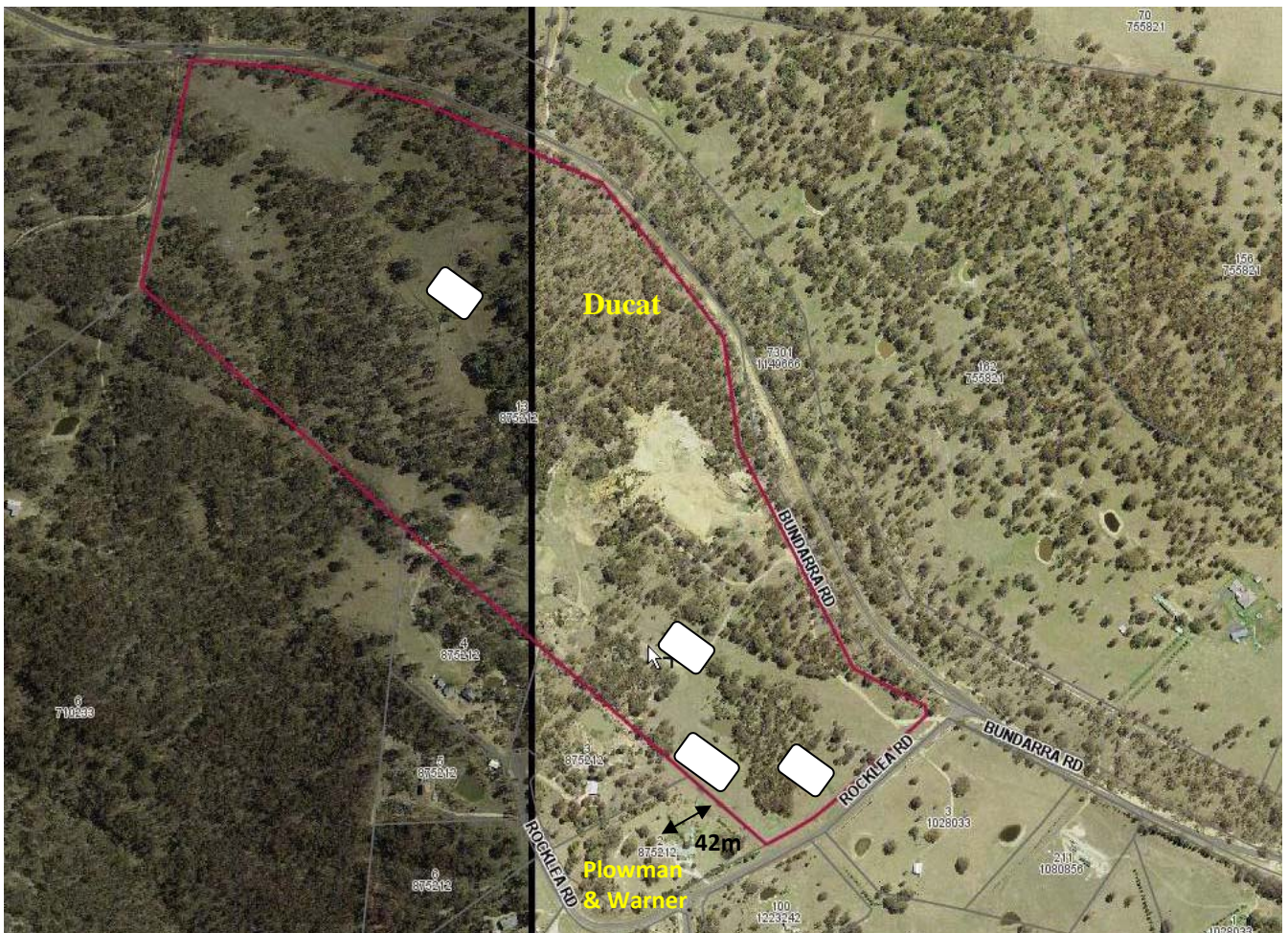
Submission Maker	L Warner & S Plowman
<p><b>Issues:</b></p> <ul style="list-style-type: none"><li>• APZ for Lot 4 is on their boundary which would create privacy issues for their dwelling.</li><li>• Wish for architectural plans to be drawn for the proposed dwellings on each lot.</li><li>• Internal road will create dust and request seal for internal roads accessing Rocklea Road.</li></ul>	
<p><b>Comment:</b> The APZ is considered to be necessary as the land is within the bushfire prone area. This is the best suited location for a future dwelling in relation to bushfire safety. If another location was selected trees would have to be removed and the BAL would rise from 12.5 to 19.0. Thus the APZ would have to be a larger APZ than that proposed by the applicant.</p> <p>In regards to privacy, I do not believe this will be affected. The photo below is from the centre of the building envelope looking towards the submission makers dwelling. It is approximately 42 metres from the submission makers building infrastructure edge to the boundary point of the closest edge of the APZ for Lot 4.</p>	





There are no plans at this point in time for any dwelling except for that on Lot 1. It is only building envelopes that are being approved at this time. Each building envelope's location has been chosen taking into account the bushfire risk rating.

Rocklea Road is a gravel road. Combined with the dust from Rocklea Road and the quarry, it is considered that the internal roads will add minimal adverse impact. A proportion of the Section 94 contribution paid by the applicant will go towards the future sealing of Rocklea Road.



## Section 88b Instrument

Does Council require a Section 88b instrument to be prepared? Yes

Comment: Maintenance of the APZ in perpetuity.

### Public Interest

Section 79c(1)(e) – EP & A Act

Does this proposal have any construction or safety issues? No

Is there any public health issues? No

Are there any other public interest issues? No

### Site Suitability

Section 79c(1)(c) – EP & A Act

Is this a suitable site for this proposal Yes

### Assessing Officer General Comment

**Comment:** The subdivision of Lots 3 and 4, they meet all of the regulatory requirements, a RFS GTA has been issued and there are no issues that cannot be dealt with by the use of appropriate conditioning.

The Clause 4.6 application for the construction of the a dwelling within the E4 zone should be supported. Due to the size of the land, it is considered to be a lifestyle lot, and having an owner onsite, would be better cared for environmentally, rather than an absentee owner.

The biggest issue relating to this development is the split zoning, and the location of the gravel pit. The zone runs through the edge of both the larger and the smaller quarry. It is not workable to subdivided along this line, but if the zone boundary was relocated to be 50 metres away from the working edge of the quarries and Clause 4.1A modified along the lines of the newer model clause relating to split zones, subdivision would be permissible. As such this should be stage two. There is no reason that if after a planning proposal has been completed and the Uralla LEP amended, that this subdivision should not proceed, with a building envelope being located as marked on Lot 2.

### Recommendation

This development application be approved subject to the concurrence of the Department of Planning & Environment for the dwelling and be subject to the following conditions.

#### ***PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)***

##### ***Compliance with National Construction Code & insurance requirements under the Home Building Act 1989***

**Please Note:** A reference to the National Construction Code is a reference to that Code as in force on the date the application is made for the relevant:

- a) development consent, in the case of a temporary structure that is an entertainment venue, or
- b) construction certificate, in every other case.

1. The work must be carried out in accordance with the requirements of the *National Construction Code*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *National Construction Code*.

## **Erection of signs**

**Please Note:** *This does not apply in relation to:*

- a) *building work, subdivision work or demolition work that is carried out inside an existing building, which does not affect the external walls of the building development consent, in the case of a temporary structure that is an entertainment venue, or*
- b) *Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.*
- c) *a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.*

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c) stating that unauthorised entry to the site is prohibited.
5. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**Please Note:** *Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

## **Notification of Home Building Act 1989 requirements**

**Please Note:** *This does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.*

6. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the relevant owner-builder permit.
7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

## **136D Fulfilment of BASIX commitments**

8. This clause applies to the following development:
  - a) BASIX affected development,
  - b) any BASIX optional development in relation to which a person has made an application for a complying development certificate that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 4A of Schedule 1 for it to be so accompanied).

9. A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

**ADVISING:** Certifications from appropriate manufacturers and installers confirming each BASIX commitment are to be provided prior to the issue of an Occupation Certificate. These may be in the form of an invoice or a simple written statement by the tradesman, including their details and signature.

## ***GENERAL CONDITIONS***

10. The development must take place in accordance with the approved plans (bearing the Uralla Council approval stamp) and documents submitted with the application, and subject to the conditions below to ensure the development is consistent with Council's consent.
11. Approval is being given for Stage 1 being;
- Lot 3 & 4 and building envelopes
  - Construction of a dwelling on Lot 1 in the E4 zone
- Approval is being given for Stage 2 being;
- Lot 1 & 2 being subdivided along the zone boundary
  - Building envelope on Lot 2
12. Stage 2 is not to commence until such time as an amendment to the *Uralla Local Environmental Plan 2012* has taken place:
- Adjusting the zone boundary between the E4 and R5 zone to being 50 metres away from the working edge of both quarries, and
  - Altering Clause 4.1A to enable the subdivision
13. All Engineering works to be designed by an appropriately qualified person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
14. Prior to the issue of a Subdivision Certificate the applicants shall provide written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of a telecommunications and electricity services.
15. Prior to the issue of a Subdivision Certificate, an Application for a Subdivision Certificate is to be submitted to Council with three (3) copies of the Title Plan and appropriate fees. The applicant/developer is to ensure that a summary of compliance with all conditions of consent is completed and lodged with the application.
16. Prior to the issue of a Subdivision Certificate, the applicants shall provide evidence to the effect that all utility services, i.e. water, sewer, electricity, telecommunications, connected to or used in each of the buildings within the development site is wholly contained within each of the proposed allotments. That is, no internal servicing of the sites is permitted to be wholly or partially on the adjoining allotment.
17. Each new driveway is to display a rural addressing number. The rural address number for each lot will be Lot 1 – 1489 Bundarra Road, Lot 2 – 4 Rocklea Road, Lot 3 – 6 Rocklea Road and Lot 4 – 8 Rocklea Road. The current fee for the 2017/2018 year is \$68.00 per number, which includes installation.

## Stage One Only

### **GENERAL CONDITIONS**

18. A Construction Certificate must be obtained from a Certifying Authority before work commences, in accordance with Cl.146 of the Environmental Planning and Assessment Regulation 2000.
19. \*The dwelling is to be inspected at the following stages of construction:
- before the pouring of footings\*\*
  - before covering drainage (under hydrostatic test)
  - before pouring any reinforced concrete structure \*\*
  - before covering the framework for any wall, roof or other building element \*\*
  - before covering waterproofing in any wet area\*\*
  - before covering any stormwater drainage connections
  - when the building work is completed and all conditions of consent have been addressed\*\*
  - in the case of a swimming pool, after the construction of the swimming pool is completed and the barrier (if one is required under the [Swimming Pools Act 1992](#)) has been erected and before the pool is filled with water,

*\*\* denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a \*development where a critical stage or other nominated inspection has not been carried out.*

*Applicants should give at least 24 hours notice to guarantee an inspection.*

*\*All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer*

20. The following are requirements to be undertaken for compliance of a dwelling to a Bushfire Attack Level of BAL12.5 under the *Planning for Bushfire 2006* and Addendum 3.
- a) **External Walls:** Non-combustible material. Parts less than 400mm above ground or decks to be of non-combustible material, 6mm fibre cement cladding or bushfire resistant / naturally resistant timber.
  - b) **Joints:** Joints to be covered and sealed to prevent gaps greater than 3mm or sarking to be applied to frame.
  - c) **Vents and Weep holes:** Vents and Weepholes shall be screened with mesh with a maximum aperture of 2mm, made of corrosion-resistant steel, bronze or aluminium except where they are less than 3mm.
  - d) **External Windows:** Protected by bushfire shutter, or screened with mesh with a max aperture of 2mm made of corrosion resistant steel, bronze or aluminium mesh or 4mm grade A safety glass or glass blocks within 400mm of ground, deck etc. Operable portion metal screened with frame of metal or metal reinforced PVC-U or bushfire resisting timber.
  - e) **Sliding Doors:** Protected by bushfire shutter or screened with mesh with a max aperture of 2mm made from corrosion resistant steel, bronze or aluminium or A grade safety glass.
  - f) **External Door:** Protected by bushfire shutter or screened with steel, bronze or aluminium mesh or glazed with 5mm toughened glass, non-combustible or 35mm solid timber for 400mm above ground, decking etc. Tight fitting with weather strips at base.
  - g) **Garage Door / Doors:** Vehicle access doors within 400mm of the ground when the door is closed to be non-combustible material or bushfire resistant material or 6mm fibre cement sheet. Panel lift doors to be fitted with weather strips or draught excluders with maximum gap of 3mm, Roller doors to have guide tracks with maximum gap of 3mm and fitted with nylon brush, no ventilation slots allowable.
  - h) **Roofs:** Non-combustible covering. Roof / Wall junction sealed to prevent openings greater than 3mm. Openings fitted with non-combustible ember guards. Roof ventilation openings be fitted with ember guards with maximum aperture of 2mm.
  - i) **Gutters and Downpipes:** If installed, gutter and valley leaf guards shall be non-combustible.

- j) **Roof Penetrations:** Roof penetrations shall be sealed at the roof to prevent gaps greater than 3mm. Flashing to be non-combustible. Overhead glazing to be A grade safety glass. Evaporative cooling units to be fitted with butterfly closers at ceiling level with a maximum aperture of 2mm, made from corrosion resistant steel, bronze or aluminium.
- k) **Eaves:** Eaves penetrations to be protected the same as for roof penetrations, see clause 5.6.5. Eave ventilation openings greater than 3mm shall be fitted with ember guards made of non-combustible material or mesh with maximum aperture of 2mm.
- l) **Verandas, Patios and Decks etc.:** Enclosed subfloor space- no special requirements for materials except within 400mm of ground. No special requirements for supports or framing. Decking to be non-combustible or bushfire resistant with in 300mm horizontally and 400mm vertically from a glazed element.
- m) **Water and Gas Supply lines:** Above ground, exposed water and gas supply pipes shall be metal.

### ***CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE***

- 21. The plans and specifications accompanying the Construction Certificate are to demonstrate compliance with the requirements of the deemed-to-satisfy provisions of the National Construction Code for a Class 1(a) building.  
  
Amended plans are to be submitted to the Principal Certifying Authority for authentication of NCC compliance and issue of a Construction Certificate.  
  
Should the external configuration of the building be modified as a result of achieving NCC compliance, the plans accompanying this development consent must also be modified.
- 22. For all construction work required on Council land (e.g. storm water, footpaths, kerb and gutter etc.) the applicant is to submit an Application to Conduct Work on Land to Which Council is the Regulatory Authority. The Application must be approved prior to the issue of a Construction Certificate, to ensure pedestrian and vehicular safety during construction.

### ***CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION COMMENCING***

- 23. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with clause 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent.
- 24. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert contaminated run-off away from disturbed areas,
  - erect silt fencing along the downhill side of the property boundary,
  - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
  - stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

### ***CONDITIONS TO BE COMPLETED DURING CONSTRUCTION***

- 25. Any building work must be carried out between 7.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.

26. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
27. Materials must not be burned on site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
28. Effective dust control measures are to be maintained during construction to maintain public safety/amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.
29. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
30. Construction of an internal all-weather access road from the property boundary to the dwelling is to be undertaken in order to minimise soil erosion with suitable profiling and drainage to reduce surface water run off volumes and velocity with relation to the slope of the land.

The intersection of the access to the land with the public road is to be located such that a 100 kilometre per hour safe intersection sight distance requirement is satisfied in both approach directions.

A vehicular entrance must be provided in accordance with Council's standards, incorporating a 375 mm diameter stormwater pipe and concrete headwalls and minimum 150mm road base. Alternately where sufficient depth is not available, a 6m long by 1.5m wide reinforced concrete slab dish drain shall be constructed to provide access to the property. Where the property entrance abuts a sealed road, the driveway between the edge of the existing seal and the property boundary shall also be sealed with a minimum 2 coat bitumen or emulsion seal.

All Engineering works to be designed by a competent person e.g. Professional Engineer and carried out in accordance with Councils Engineering Code unless otherwise indicated, to ensure that these works are of a sustainable and safe standard

### ***CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING***

31. An Occupation Certificate must be obtained before the approved use commences, in accordance with the Environmental Planning and Assessment Act and to ensure the health and safety of the building's occupants.  
*ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).*
32. Approval must be obtained from the Council as the Local Water Supply and Sewer Authority for any potable water supply, sewerage or on-site waste water system serving the site, pursuant to Chapter 7 of the Local Government Act 1993 with all relevant work completed in accordance with such approval.
33. The Principal Certifying Authority is to contact Council to ensure all the Section 68 conditions of approval have been completed prior to the issue of an Occupation Certificate.
34. Storage tank overflow, roof and surface stormwater from paved and impervious areas is to be directed away from the building and any on site waste disposal system to protect the site and adjoining property from the effects of flooding. Such work must be completed prior to the use and/or occupation of the premises commencing.

35. Provision of not less than 90,000 litres of domestic water storage. However, where the property has an additional water source or storage, e.g. dams, bores, streams or swimming pool, not less than 45,000 litres of domestic water storage will be required.

Although not specifically required by Council, it is recommended that landowners consider providing a greater storage capacity where an additional water source or storage is not available.

The minimum quantities of water storage required above, are to include at least 10,000 litres reserved for fire fighting purposes. A suitable connection for Rural Fire Service purposes must be made available. In general a 65mm Storz outlet with a Gate or Ball valve should be provided. Underground tanks with an access hole of 200mm will allow bushfire fighting tankers to refill direct from the tank. Any underground tanks shall be fitted with a childproof access hole of 200mm x 200mm will allow bushfire fighting tankers to refill direct from the tank. Tanks for fire fighting water must be constructed of Metal or Concrete unless screening is provided and must incorporate a 65mm storz fitting.

36. Signage must be provided to the Front Gate and the location of the Storz valve connection with a Static Water Supply (SWS) sign.
37. Stormwater tanks to also to be provided with first flush disposal device to prevent the potential pollution of the potable water supply by contaminants contained in the roof gutter drainage system.
38. The access to the dwelling is to be designed by an appropriately qualified engineer and constructed including a concrete pipe culvert with headwalls, and a bitumen seal from Bundarra Road to the property boundary. This is to be constructed to a standard approved by the Director of Infrastructure & Regulation and is at the expense of the developer.

### ***CONDITIONS RELATING TO ONGOING OPERATIONS***

39. The construction of the dwelling, vegetation maintenance, landscaping and Asset Protection Zones are to comply with the NSW Rural Fire Service publication *Planning for Bushfire Protection 2006*.

### ***CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE***

40. The access to the Lots 3 and 4 are to be designed by an appropriately qualified engineer and constructed including a concrete pipe culvert with headwalls, and gravel from Rocklea Road to the property boundary. This is to be constructed to a standard approved by the Director of Infrastructure & Regulation and is at the expense of the developer.
41. The access to the gravel pit is to be relocated along Rocklea Road, designed by an appropriately qualified engineer and constructed including a concrete pipe culvert with headwalls. This is to be constructed to a standard approved by the Director of Infrastructure & Regulation and is at the expense of the developer.
42. Prior to the issue of a Subdivision Certificate the applicants shall pay to Council contribution toward public amenities and services for which Council is satisfied that the proposed development is likely to create a demand (as detailed in the attached schedule) is to be made prior to the issue of the Construction/Subdivision Certificate. Such charges are listed below and are subject to CPI increases if not paid in the year of issue of this consent.

*The Section 94 Contribution is currently \$3,619.00 in the 2017/18 financial year for each applicable lot. This is applicable for Lots 3 and 4.*



## **Stage Two Only**

### ***CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE***

43. Prior to the issue of a Subdivision Certificate the applicants shall pay to Council contribution toward public amenities and services for which Council is satisfied that the proposed development is likely to create a demand (as detailed in the attached schedule) is to be made prior to the issue of the Construction/Subdivision Certificate. Such charges are listed below and are subject to CPI increases if not paid in the year of issue of this consent.

*The Section 94 Contribution is currently \$3,619.00 in the 2017/18 financial year for each applicable lot. The applicable lot is Lot 1.*

### ***INTEGRATED GENERAL TERMS OF APPROVAL AS PART OF THIS CONSENT***

***These conditions are in accordance with Section 91 of the Environmental Planning & Assessment Act 1979 by the NSW Rural Fire Service.***

44. The proposed development is to comply with the plan submitted in Council referral dated 17 May 2017, except where modified by conditions of this Bush Fire Safety Authority.

#### **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:*

45. At the commencement of building works and in perpetuity the property around the proposed dwelling on proposed Lot 1 shall be managed as follows:
- Northwest for a distance of 20 metres as an Inner Protection Area.
  - Northeast for a distance of 29 metres as an Inner Protection Area.
  - Southeast for a distance of 14 metres as an Inner Protection Area.
  - Southwest for a distance of 29 metres as an Inner Protection Area.

Requirements for an Inner Protection Area are outlined within section 4.1.3 and appendix 5 of 'Planning for Bush Fire Protection 2006' (PBP) and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

*Addition to Condition by Uralla Shire Council.*

A restriction to the land use pursuant to section 88B of the Conveyancing Act 1919 shall be placed on the lot to ensure perpetuity.

#### **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:*

- 46.
- a) Fire fighting water supply may be provided by a tank, a swimming pool or a dam that shall be located not less than 5 metres and not more than 20 metres from the approved structure.
  - b) A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply.
  - c) New above ground fire fighting water supply storages are to be manufactured using non-combustible material (concrete, metal, etc.). Where existing fire fighting water supply storages are constructed of combustible (polycarbonate, plastic, fibreglass, etc.) materials, they shall be shielded from the impact of radiant heat and direct flame contact.
  - d) Non-combustible materials (concrete, metal, etc.) will only be used to elevate or raise fire fighting water supply tank(s) above the natural ground level.

- e) A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any fire fighting water supply tank(s) and accessible for a fire fighting truck.
- f) The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.
- g) All associated fittings to the fire fighting water supply tank(s) shall be non-combustible.
- h) Any below ground fire fighting water supply tank(s) constructed of combustible (polycarbonate, plastic, fiberglass, etc.) materials shall be shielded from the impact of radiant heat and direct flame contact.
- i) Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.
- j) All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.
- k) Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.
- l) A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
  - 1. Markers must be fixed in a suitable location so as to be highly visible; and
  - 2. Markers should be positioned adjacent to the most appropriate access for the water supply.

**Note:** *The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.*

## **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:*

- 47. Property access roads shall comply with the following requirements of section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.
  - a) 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.
  - b) Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
  - c) Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
  - d) A minimum carriageway width of 4 metres.
  - e) 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.
  - f) Property access roads shall have passing bays every 200 metres and where the view is restricted, for example on corners and crests, which are 20 metres long by 2 metres wide, making a minimum trafficable width of 6 metres at the passing bay.
  - g) A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches.
  - h) Internal roads provide a loop road around any dwelling or incorporate a turning circle with a minimum 12 metre outer radius.
  - i) Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
  - j) The minimum distance between the inner and outer curves is 6 metres.
  - k) The crossfall is not to exceed 10 degrees.

- l) Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

*The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:*

48. Fire trails shall comply with section 4.1.3(3) of 'Planning for Bush Fire Protection 2006'.

### **Design and Construction**

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

49. New construction of the proposed dwelling on proposed Lot 1 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

## **COUNCIL ADVICE ONLY**

50. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under the Exempt and Complying Development State Environmental Planning Policy).

51. **Compliance with the National Construction Code:** All building work must be carried out in the following manner to ensure compliance with the National Construction Code (Volume 2: Housing Provisions):-

**Drainage of surface water surrounding the building:** Finished ground or paving level must be at least 150mm below the level of any floor. Such finished ground level is measured not more than one (1) metre from external walls with the ground surface graded to allow effective drainage of surface water away from the building (in accordance with AS 2870).

**Tempering valves:** Hot water units are to deliver hot water at the outlet of the closest sanitary fixture at a maximum temperature of 50 degrees Celsius (Part 4, National Plumbing and Drainage Code AS 3500), to restrict the temperature of the hot water supply to sanitary fixtures such as baths, showers and hand basins to limit the potential risk of scalding to the occupants of the building.

**Covenant/s:** The applicant/owner has the responsibility of being aware of any covenant which may affect the proposal.

**Rainwater Tanks:** Council requires rainwater tanks to be installed in accordance with the State Environmental Planning Policy No 4. Direct connection between the rainwater tank and reticulated potable water supply will not be permitted; however, the reticulated potable supply may be used to top up the tank via a physical air gap. Maintenance of the tank or tanks should be in accordance with the guidelines from the New South Wales Department of Health for the use and maintenance of rainwater tanks.

**Greywater Disposal:** Greywater disposal must be carried out below surface level (i.e. porous piping – not sprinklers) and must not impact on adjoining properties.

**\*Sewer & Sanitary Water Supply Work:** a separate approval must be obtained from the Council as the Local Water Supply and Sewer Authority pursuant to Chapter 7 of the Local Government Act 1993 for any activity associated with water supply, sewer or on-site waste water systems serving the site.

53. **Dial Before You Dig:** Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.
54. **Telecommunications Act 1997 (Commonwealth):** Telstra (and its authorized contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

## Conclusion


I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Additional Notes Attached:

No

Signed: .....



Date: 16 August 2017

BUNDARRA ROAD



LOT 1

LOT 2

LOT 3

LOT 4



600m

ROCKLED RD  
251m

LOT 1	24.88ha	29m ACROSS	APZ
		14m UPSLOPE	
LOT 2	8.51ha	17m FLAT	APZ
LOT 3	2.05ha	20m DOWNSLOPE	APZ
		17m FLAT	
LOT 4	4.86ha	17m DOWNSLOPE	APZ
		17m UPSLOPE	

LOT 13, DP875 212

# Milo Smith & Lucy Ducat

5 Burgess St, Armidale, NSW 2350  
Phone: 04977 92902

E-Mail: smith.milo@gmail.com

Date: 11/08/2017

Libby Cummings, Uralla Shire Town Planner

Dear Libby,

Im writing to you with regards to our proposed 4 lot subdivision on Rocklea Rd, Invergowrie.

Further to our conversation we would like to go forward with the 2 stage subdivision, staged in the order as illustrated here:

## **Stage 1 – Lots 3 and 4**

- Both of the lots are located directly off Rocklea Rd

## **Stage 2 – Lots 1 and 2**

- Lot 1 is E4 zoned land to the North of the block
- Lot 2 is the Quarry off to the East

As outlined in the original 'Statement of Environmental Effects' we would still require dwelling entitlement on each lot as well as the construction of a dwelling house on proposed Lot 4.

Please take this letter as confirmation as our willingness to move forward with the amended proposal.

Best regards,

Milo Smith & Lucy Ducat

# Statement of Environmental Effects

Proposed Subdivision of Lot 13, DP 875 212

4 Rocklea Rd, Invergowrie, NSW

Submission to: Uralla Shire Council, PO Box 106, Uralla, NSW, 2350

Statement prepared: April 2017

# Overview

This document has been produced to highlight and outline the effects of a proposed four lot subdivision of lot 13, DP 875 212. This lot is situated off Rocklea Rd, Invergowrie.

The lot is currently a registered and functioning open cut quarry pit, which is located on the easterly side of the site. There is currently no dwellings, outbuildings or sheds located on the site.

The primary goal of the Development Application is to separate the quarry pit from the rest of the lot and split the remainder in-to 3 lots large lots with **dwelling entitlement** on each lot. As well as the construction of a dwelling house on proposed Lot 1. The Section 68 application and Building Certificate will follow this application at a later date. They will provide clarity and specifics to the building services and the building itself.

**The land is partly zoned R5 Large Lot Residential and part E4 Environmental Living under the Uralla Local Environmental Plan 2012 (LEP)**

*The subdivision will be conducted in two stages, as follows:*

## **Stage 1 – Lots 1, 2 and 3**

- The site will be divided into 3 lots (*see Appendix A*):

**Lot 1**- E4 Zoned land to the North (already substantially undersized lot size)

**Lot 2** - Quarry lot off to the east - zoned R5 of 8.51ha

**Lot 3** - Lot directly off Rocklea Rd to the south – zoned R5 of 6.91ha

- Lots 2 & 3 directly comply with the minimum lot size as defined in the Uralla LEP 2012 for the R5 Large Lot Residential zone of 2ha (*see Appendix B*)

Lot 1 zoned as E4 Environmental Living, however is fundamentally not large enough to comply with the required size of 400ha under the LEP as the proposed lot is in the region of 23ha (*see Appendix B*)

A variation to the minimum lot size required of 400ha for lot 1 is sought under the provisions of Clause: *4.6 Exceptions to development standards* in the Uralla LEP 2012 listed below. This would allow a **dwelling entitlement** to be granted on Lot 1 as it is below the required size



- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

**Please see below section "Uralla LEP 2012' which further addresses the variation under clause 4.6**

- The ongoing operation and functioning of the open cut quarry will not be impeded by the subdivision.
- A new access and egress point onto the Bundarra Rd shall be installed for Lot 1.
- A new all weather driveways shall be installed to Lot 1.
- A dwelling is proposed on Lot 1 and this application will demonstrate that it will have minimal environmental impact.
- Building envelopes are proposed on lots 2-4 and asset protection zones. Registration of Asset Protection Zones around the building envelopes is proposed as per *Planning For Bushfire 2006*.

**Stage 2 – Lots 3 and 4**

- Lot 3 will be subdivided into proposed lots 3 and 4. Lot 3 is proposed to be 2.05 ha and lot 4 is 4.80 ha in area.
- Lots 3 & 4 comply with the minimum lot size of 2 ha as prescribed by the Uralla LEP 2012 for the R5 Large Lot Residential Zoning.
- A new joint access and egress point will be installed onto the Rocklea Rd, allowing access to both lots 3 and 4.
- A new all weather driveway shall be installed from Rocklea Rd to both proposed lots.

- Onsite waste water treatment for both proposed lots.
- Underground electricity supply to be installed for both proposed lots.
- Creation of building envelopes on both lots to minimize environmental impacts.
- Registration of Asset Protection Zones around each building envelope as per *Planning for Bushfire Protection 2006*.

### **Statement of Environmental Effects – Scope**

This SEE has been created to outline all the considerations to be covered by council and to add clarity to the attached Development Application. It has been written with reference to matters mentioned in Section 79C of the Environmental Planning and Assessment Act 1979.

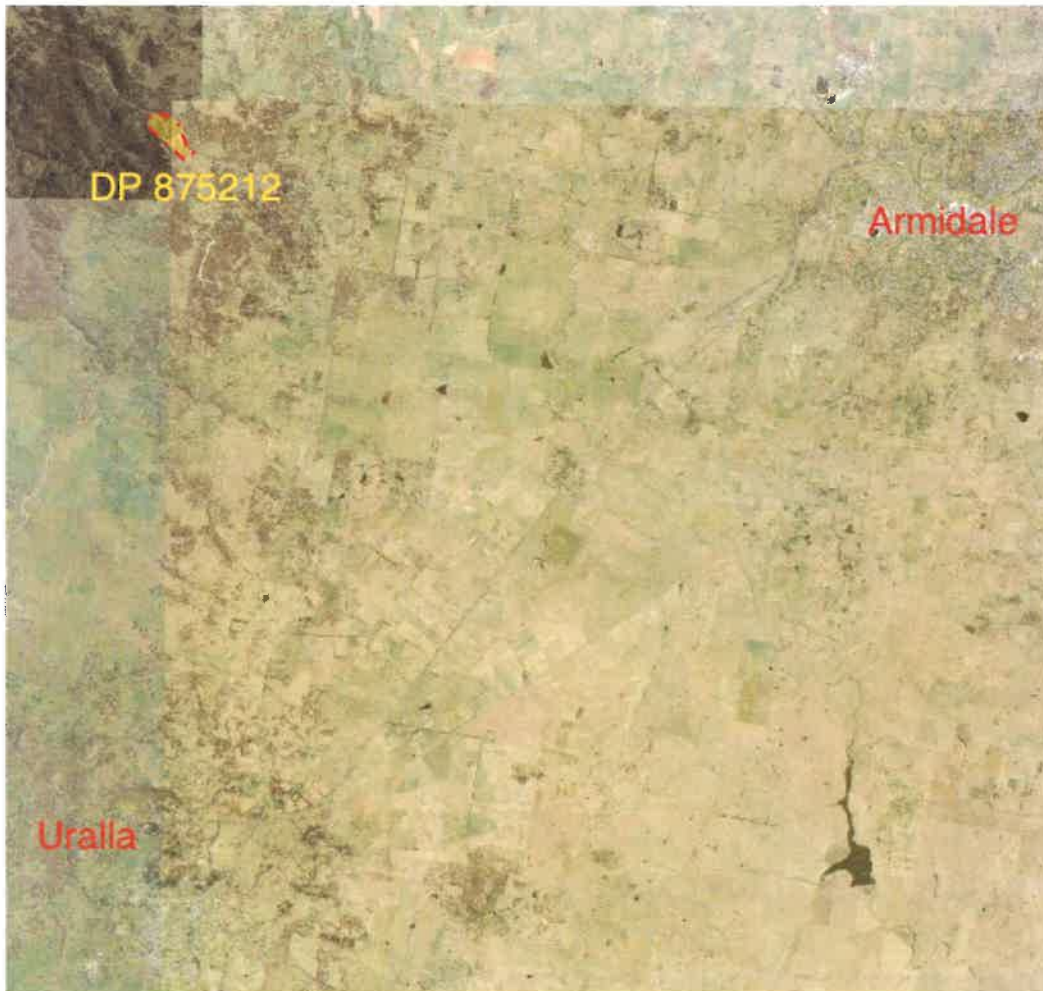
#### **SEE Targets:**

- Provide clarity to the DA, with regards to the land directly affected and the surrounding area.
- Guidance to the salient points on which the DA will be assessed.
- Outline the proposed development.

## Site and Location

The site is located to the West of Invergowrie, 16kms West of Armidale CBD and 15kms North of Uralla CBD.

Images showing the dwelling site at each proposed lot along with access and egress, can be seen in Appendix C



## Heritage

Investigation of Uralla Shire's heritage maps as a site visit have determined that there are no items of heritage significance. An AHIIMS search revealed there are no known Aboriginal sites or places declared in or near the subject site. See copy of results attached.

## Zoning

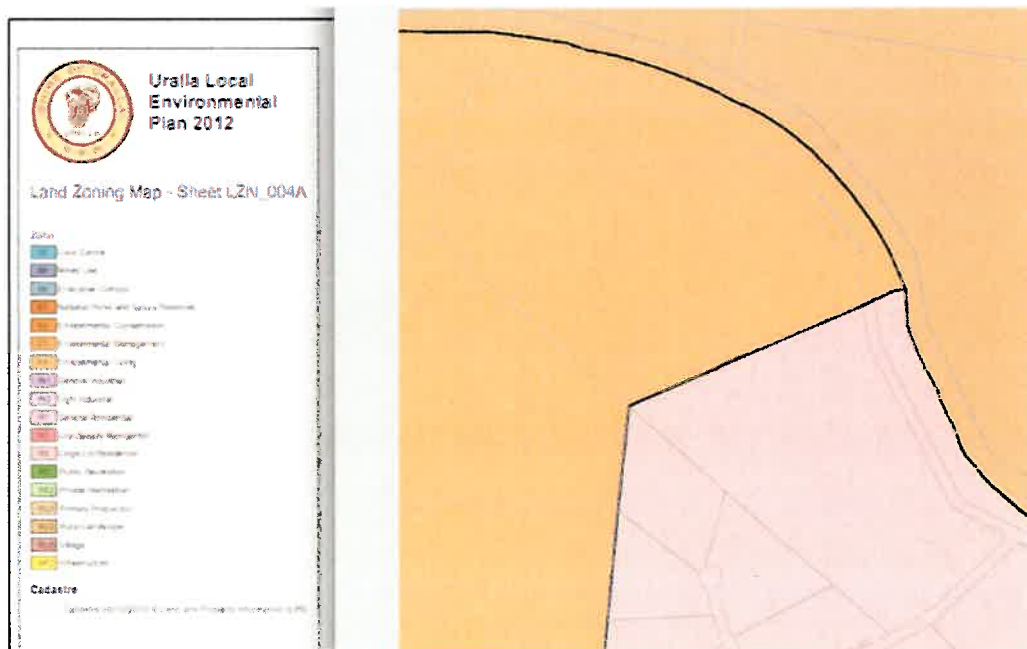
The site is dissected almost through the middle with E4 Environmental Living to the North-West and R5 Large Lot Rural Residential to the South-East.

The E4 zoning strikes through the middle of the Northern open cut of the quarry (see Appendix B)

Separating and subdividing off the quarry is the primary objective of the DA proposal, along with obtaining a dwelling entitlement for each of the proposed lots. A dwelling house is also proposed to be constructed on proposed lot 1 under this application.

In order to achieve this, the subdivision will result in the portion zoned as E4 Environmental Living will be a significantly undersized lot in regards to the LEP 2012.

Under this proposal, in accordance to Uralla LEP 2012, we would reference *Clause 4.6 Exceptions to development standards (6a)* in that this subdivision would not result in 2 or more lots of less than then minimum area specified for such lots by the development standards.



## Area and Frontages

**Total site area:** 40ha

**Site Perimeter:** 2.85km

**Rocklea Rd frontage:** 270m

**Bundarra Rd frontage:** 1.3km

**Private Road frontage:** 280

## **Topography, Flora and Fauna and Flooding**

The quarry and surrounds are characterized by moderate slopes, which in the area of the quarry have become steeper due to extraction.

The lot as a whole has gentle slopes and outcrop is widespread. Previous extraction has taken place on either side of a small NW flowing ephemeral creek and a number of small test pits are scattered around the main excavations.

The quarry is sited on a NW trending low ridge that is defined by a resistant NW trending "aplite" dyke which in turn defines the north eastern extent of the quarry.

Stock water dams are present on the lot and abandoned excavations have been converted to water storage.

The surrounding country has been significantly modified in the past by clearing for grazing, excavation and now abandoned electricity transmission right of way. Patches of woodland Eucalyptus and understory still exist, however the understory has been modified slightly by grazing pressures. Despite this, completed areas of the excavations have naturally vegetated with native plants. The Lot is predominantly woodland and grassland classification.

Small contour banks have been constructed to alleviate any possibility of erosion and divert runoff to either the main creek or excavations acting as dams.

The site isn't identified as flood prone in accordance with Uralla Shire's flood mapping.

A small creek with a catchment of around 10ha passes through the centre with rural dams above and below. The dams slow down any run off and catch any disturbed sediment.

Fauna on the site generally consists of Eastern Grey Kangaroos and numerous bird species.

A koala assessment under SEPP 44 (*see Appendix F*) has been conducted to the site and it has concluded that the area is deemed as 'Not Core' habitat. Only two feed trees were found throughout the whole lot. Koalas have been visually detected on properties approximately 5km South of the development and koala at the site is considered to be transient at best, with no residing population assessed.

## **Surrounding Area**

The Bundarra Rd encompasses the entire North-Eastern boundary and the Rocklea Rd covers the South-Eastern boundary.

There are smaller lifestyle blocks immediately to the South-Eastern boundary and woodland to the West.

## **Proposed Development**

### **Access**

Entry and egress to Lot 1 shall be made from a new entry point onto the Bundarra Rd (*see Appendix A*).

This proposed access:

- 120m line of sight North-West
- 130m line of sight South-East
- Constructed to Uralla Shire Council standards
- Bitumen seal within road reserve and all weather driveway within lot

The existing all weather gravel driveway shall make entry and egress to Lot 2.

Entry and egress to Lots 3 and 4 shall be made by a joint entrance located off the Rocklea Rd (*see Appendix A*)

This proposed access:

- Line of sight to Bundarra Rd in the North-east direction
- 100m line of sight South-West
- Constructed to Uralla Shire Council standards
- Bitumen seal within the road reserve and all weather driveway within the lots

Reciprocal right of carriageway over the access point will ensure that the owners of the proposed lots can share the facility. Conditions of the right of carriageway will stipulate that both owners are liable for cost of maintenance, repairs and insurance.

### **Traffic**

This proposal will result in a slight increase in local traffic however the local road network has ample capacity for the additional traffic.

### **Telecommunications and Electricity**

Telecommunication services and overhead electricity services are located on the Rocklea Rd these will cover the requirements for Lots 2, 3 and 4.

Due to the location of Lot 1 it is proposed to run an 'Off Grid' system, comprising primarily of solar panels, battery storage and efficient building design.

Providing reticulated power to lot 1 is not economically feasible and will have unnecessary environmental impacts.

Telecommunications and Internet will be provided by the *NBN Fixed Wireless Network*

### **Potable Water**

The site as a whole will not be connected to reticulated potable water as it is not available to the land. All new dwellings on the site will be required to install onsite potable water tanks as per Uralla Shire Councils requirements.

## **Onsite Waste Water Management**

The site will not be connected to Uralla Councils sewer network, this requires that all new dwellings will be required to install on site waste water treatment system in line with Uralla Councils requirements.

## **Building Envelope**

Building envelopes of 2500m<sup>2</sup> have been allocated to the lots. These building envelopes have been positioned so as to reduce environmental impact, bushfire hazard but also increase solar access.

The Bushfire Assessment and SEE both conclude that the dwellings are appropriately sited.

A dwelling house is also proposed be constructed on lot 1 as part of this application within the designated building envelope. The dwelling plans are contained in Appendix D

## **Bushfire**

A bushfire assessment has been completed and a management plan has been produced to reduce the hazard on all the lots.

The assessment recommends a suitable asset protection zone around each building envelope and 20 000L of on site water for each dwelling specifically for the purpose of fire fighting.

The Asset Protection Zone will be established through the registration of covenants and restrictions on the use of the land as per the outlined recommendations in *Planning for Bushfire Protection 2006*.

## **Tree Clearing**

Predominantly cleared areas have been selected for the building envelopes to minimize environmental impacts. However, there will be a small amount of tree clearing required to achieve the Asset Protection Zones on Lots 1 and 3 (*see Appendix A*)

The proposed access and subsequent driveway to Lot 1 will require some trees to be removed in order to allow safe access and egress in the event of a bushfire scenario.

These tree species have been assessed and are common species to the area

## **Conclusion**

This document has been produced to highlight and outline the effects of a four lot proposed subdivision of lot 13, DP 875 212. This lot is situated off Rocklea Rd, Invergowrie.

The lot is currently a registered and functioning open cut quarry pit, which is located on the easterly side of the site. There is currently no dwellings, outbuildings or sheds located on the site.

The primary goal of the Development Application is to segregate the quarry pit from the rest of the land and split the remainder in-to 3 lots, with all four lots gaining a building entitlement.

This proposal complies with the relevant provisions of the Uralla DCP 2011 and LEP 2012. The proposal is considered to have no significant adverse environmental, social or economic impacts and is in keeping with the locality.

## Uralla LEP 2012

### The relevant sections of the Uralla LEP have been addressed below

#### 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

As previously mentioned, the E4 Environmental Living zone proposed to be wholly contained in lot 1, in its current state, is fundamentally not large enough to comply with the required minimum lot size of 400ha required under clause 4.1(3) of the LEP 2012, being only 23ha in size. A variation to the minimum lot size is requested in accordance with clause 4.6 of the LEP.

In justifying the proposal to create this lot and obtain a dwelling entitlement on this lot, with reference to the above clause, and as demonstrated in the zoning subheading, the proposed subdivision will not have any significant detrimental effects on the immediate and surrounding areas, and complies with the E4 zoning objectives. The variation should be supported on the following grounds:

- The E4 zone on this lot is adjoining residential zoning and thus has suitable access to services and facilities, such as road access. Making it suitable for the purpose of a dwelling, providing a gradual transition from residential to environmental zoning.



- The lot size is generally consistent with the existing settlement pattern of the locality.
- All of the E4 zoned land will be wholly contained in one lot.
- The part of the lot zoned E4 is currently below the minimum lot size, as such it is not physically possible to comply with the minimum lot size for the land.
- It has been demonstrated the land is suitable to support a dwelling house.
- The E4 zoned land can be better managed and protected through granting dwelling entitlement on this land, as without an entitlement the land may be left unmaintained.
- The development is considered to comply with the objective of the E4 zoning.

## **Zone E4 Environmental Living**

### **1 Objectives of zone**

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

As the development:

- Takes in to consideration placement of the building envelope and dwelling house to reduce environmental impacts by minimizing clearing, providing off grid facilities, and proposing an environmentally sustainable building design and active advancement of local ecosystem and regeneration of natural flora, fauna and habitat
- Approval of the application is not considered to have significant environmental or planning implications

### **5.11 Bush fire hazard reduction**

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

*Note.* The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

Registration of asset protection zones around each building envelope maintains bushfire safety for dwellings and occupants. Zones will be maintained in perpetuity.

#### 6.4 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road access.

- (a) Rain water will be collected on each lot, the quantity will meet Uralla Shire Council Requirements. A minimum 20 000 litre storage capacity for bushfire fighting will also be present on each lot.
- (b) Lots 2,3 and 4 will be supplied with a grid connection sited on Rocklea rd Lot 1 will be 'Off-Grid' a system designed and specified will be implemented to cater for all electrical requirements. This option has been chosen to minimize disruption to environment and habitats of the surrounding area. The nearest electrical service to the E4 Lot would require extensive trenches to be dug or the implementation of numerous power poles to facilitate an overhead supply. All lots will be provided with suitable provisions for electricity.
- (c) Sewerage and waste water will be dealt with an appropriately designed and specified system for each lot. Most likely on site septic tanks or composting. The specifics of which will follow with the Section 68 application and Construction Certificate at a later date.
- (d) Rain water and storm water will be managed and utilized on each site to be used around the home or garden.
- (e) All lots will have all weather access as per council specifications as a minimum.

## **Appendices**

Appx A – Satellite images, Site map, Lot boundaries, APZ and fire trail map

Appx B – Uralla Shire Council land zoning and lot size

Appx C – Site Photographs

Appx D – Building Plans

Appx E – Heritage Search

Appx F – Koala Assessment – SEP44

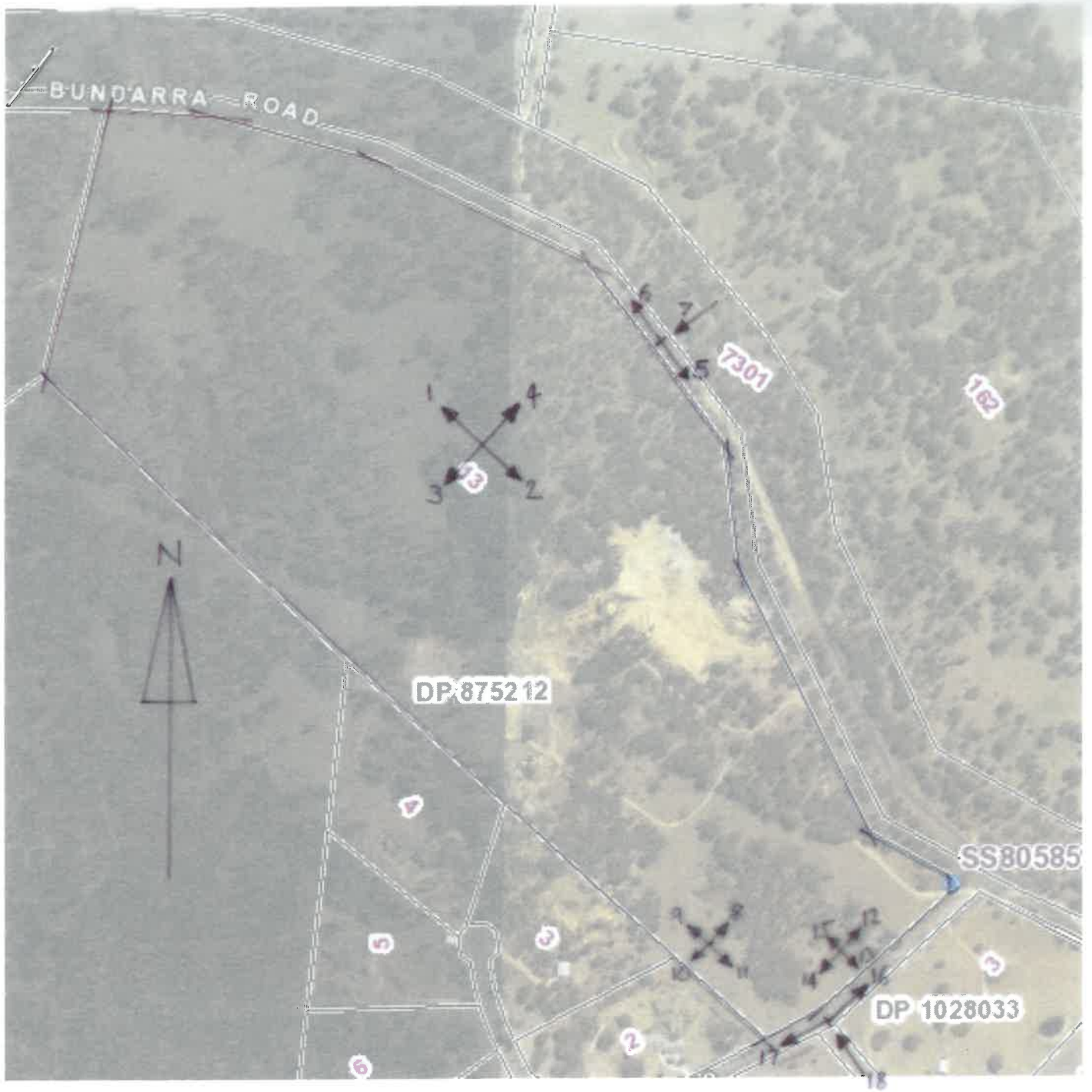




LOT 13, DP875 212

- GRASSY WOODLAND
- WOODLAND
- DRY SCLEBONHILL FOREST









Appendix A



Image 1 – Lot 1 (*Dwelling/Downslope, North-West*)



Image 2 – Lot 1 (*Dwelling/Upslope, South-East*)



Image 3 – Lot 1 (*Dwelling/South-West*)



Image 4 – Lot 1 (*Dwelling/North-East*)



Image 5 – Lot 1 (*Road Access*)



Image 6 – Lot 1 (*Road Access*)



**Image 7 – Lot 1 (*Road Access*)**



**Image 8 – Lot 4 (*Dwelling/North-East*)**



Image 9 – Lot 4 (*Dwelling/North-West*)



Image 10 – Lot 4 (*Dwelling/South-West*)



Image 11 – Lot 4 (*Dwelling/South-East*)



Image 12 – Lot 3 (*Dwelling/North-East*)



Image 13 – Lot 3 (*Dwelling/South-East*)



Image 14 – Lot 3 (*Dwelling/South-West*)



Image 15 – Lot 3 (*Dwelling/North-West*)



Image 16 – Lot 3+4 (*Joint Road Access*)





Image 17 – Lot 3+4 (*Joint Road Access*)



Image 18q – Lot 3+4 (*Joint Road Access*)



Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 13, DP:DP875212 with a Buffer of 200 meters, conducted by Sarah Sozou on 09 May 2017.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<b>0</b>	<b>Aboriginal sites are recorded in or near the above location.</b>
<b>0</b>	<b>Aboriginal places have been declared in or near the above location. *</b>

### **If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

### **Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



The Armidale Tree Group Inc.  
80 Mann Street  
ARMIDALE 22350  
6771 1620

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**DP875212 Bundarra Road**

**SEPP 44 Assessment – Koala Habitat**

**The area is not core koala habitat.**

No koalas were sighted in the trees examined. Only two old examples of claw marks were seen on smooth barked trees. No koala scats were seen under any of the trees examined. This is probably an area through which koalas move rather than permanent habitat for them.

The area is, at best, marginal koala habitat. The broader area of Invergowrie is well known as an area where koalas are regularly sighted. These observations are a function of the large number of landholders in the area and the number of koalas moving through the area.

The vegetation on the block ranges from grassland in a broad valley, up a slope with reasonable soil depth through to a rocky ridge with a shrubby understory.

The trees in the area are predominantly Stringybark (*Eucalyptus caliginosa*) with scattered Rough-barked Apple (*Angophora floribunda*). There are scattered koala food trees present, namely, Yellow Box (*Eucalyptus melliodora*) and Blakely's Redgum (*Eucalyptus blakelyi*). The other local koala food trees, namely, Ribbon Gum (*Eucalyptus viminalis*) and Narrow-leaved Peppermint (*Eucalyptus nicholii*) are not present on this property.

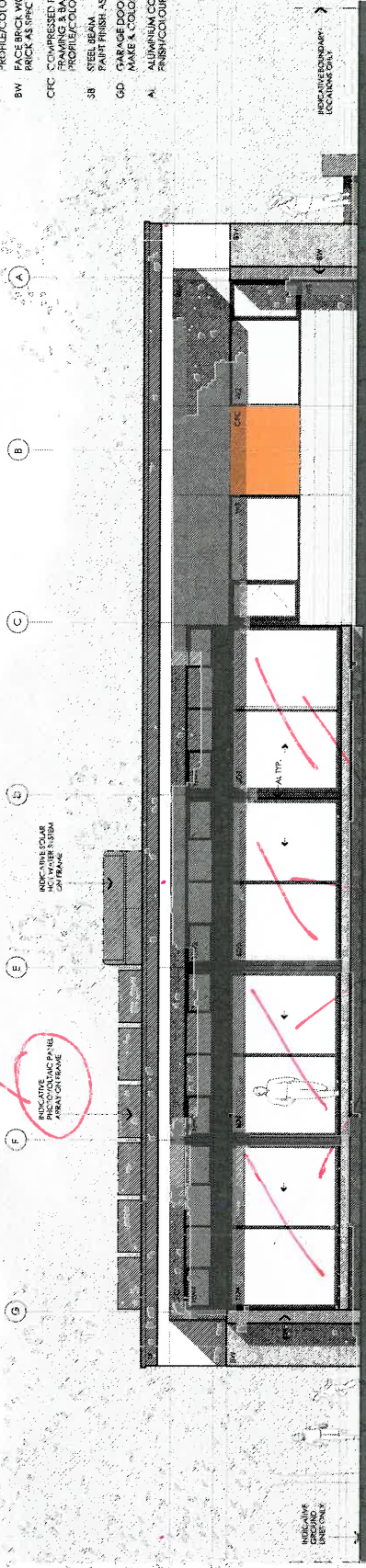
The planned house site will only require a small number trees to be removed for fire protection but these are not koala food trees. The soil and topography around the proposed house site will allow koala food trees to be planted as part of the landscaping.

Yours Faithfully

Peter Metcalfe  
Environmental Consultant  
Armidale Tree Group

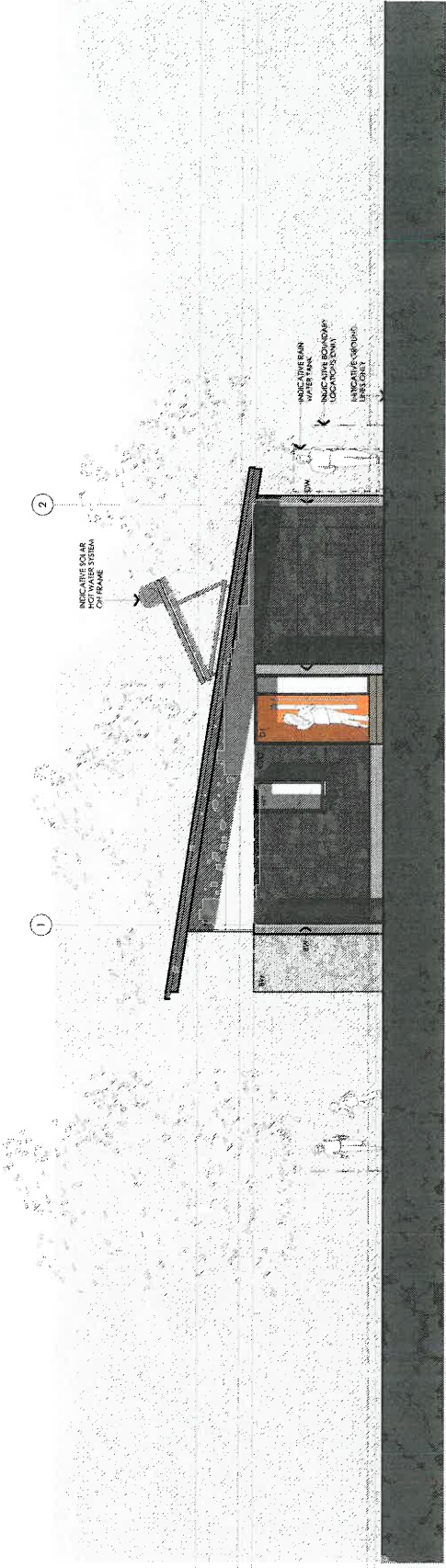
20 KW PEAK.

- LEGEND
- IF TIMBER FASCIA
  - IF PROFILE/COLOUR AS SPEC
  - W6 WEST TIER BOARD LINING ON TIMBER
  - FRAMING & BATTENS
  - PROFILE/COLOUR AS SPEC
  - BW FACE BRICK WORK
  - BRICK AS SPEC
  - CFC COMPRESSED FC CLADDING ON TIMBER
  - FRAMING & BATTENS
  - PROFILE/COLOUR AS SPEC
  - S8 STEEL BEAM
  - PAINT FINISH AS SPEC
  - GD GARAGE DOOR
  - MAKE & COLOUR AS SPEC
  - A1 ALUMINIUM COVER PANEL - FOLDED FINISH/COLOUR TO MATCH WINDOW FRAMES



01 NORTH ELEVATION  
1A201.2 | 1:100

SLIDING DOORS REMOVED.  
REPLACED WITH HW1, 2, 3, 4 AT A LOWER LEVEL.



02 WEST ELEVATION  
1A201.2 | 1:100

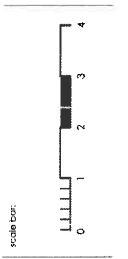
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drawing title: OPTION 1A  
TYPE 2  
ELEVATIONS  
SHEET 1

project stage: PRELIMINARY  
SKETCH PLANS



project: DESIGN FOR PLACE



amendment	date

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# Bushfire Report

Lot 13, DP 875 212

4 Rocklea Rd, Invergowrie

*(Previously known as: Portion 183, 'Mallane', Parish of Elton,  
Bundarra Rd, Invergowrie)*

Survey Date: April 2017

# **Bushfire Attack Assessment**

## **Part A: The Property And Type Of Development**

**Name:** M.Smith / L.Ducat

**Postal Address:** 5 Burgess St, Amridale, NSW, 2350

**Street or Property:** 'Mallane' 4 Rocklea Rd

**Town:** Invergowrie      **Postcode:** 2350

**Local Government Area:** Uralla Shire Council

**Lot/DP:** Lot 13 DP 875 212

**Type Of Development:** Subdivision

The site was surveyed in April 2017, a plan showing the whole site and proposed subdivision is provided as Appendix A, photos of each lot can be seen in Appendix D

This site Bushfire Attack Assessment is based upon and referenced to information contained in the following publications:

- *Planning for Bushfire Protection (2006) and Addendum: Appendix 3 –Planning for Bushfire Protection (2010)(Rural Fire Service NSW)*
- *BAL Risk Assessment Application Kit 2012 (Rural Fire Service NSW)*
- *AS 3959-2009 Construction of Buildings In bushfire-prone areas*

Any fuel loads and hazards derived from these loads are based on the publication; Overall Fuel Hazard Assessment Guide (2010), Department of Sustainability and Environment; Frances Hines, Kevin G Tolhurst, Andrew AG Wilson and Gregory J McCarthy

## Part B: Site Bushfire Attack Assessment

### Summary

**Any dwellings to be constructed on the proposed lots shall be constructed to the requirements of *Section 3 and Section 5 of AS 3959-2009*.**

### Introduction

A 4 lot subdivision has been proposed to Lot 13; DP 875 212 which is currently used as a registered open cut quarry pit.

A Bushfire assessment is required for the new lots. The assessment shall determine the Bushfire Attack Level for the proposed building envelopes located on these lots excluding the quarry pit.

This Bushfire Assessment has been compiled as the proposed subdivision is designated as 'Bushfire Prone Land' within the Uralla Shire Council and Rural Fire Service online facility.

***Planning for Bushfire Protection 2006* requires that an assessment be undertaken of the slope of the land over a distance of at least 100m from any existing or proposed structure and the predominant vegetation class within 140m from any existing or proposed building.**

### Data Collection

Information, data and measurements were all collected directly from site. NSW Spatial Services: SIX Maps provided aerial images.

### Topography

The lot as a whole is on a gentle gradient with vast flat areas interspersing the slope. Proposed building envelopes are flat or a gentle gradient.

### Vegetation Classes

The Natural vegetation on this site is a mixture of dry sclerophyll forests, grassy woodlands and grasslands (*see Appendix A*)



## Proposed Lot 1 (E4 Block)

### **Vegetation formation in relation to proposed building envelope**

#### **North-West (*Downslope*)**

#### **20m APZ**

40m< Low level Grassland, generally below 10cm in height with some sporadic clumps of taller grass.

140m< Low level Grassland, generally below 10cm in height with some sporadic clumps of taller grass.

#### **South-West (*Across the slope*)**

#### **29m APZ**

40m< Low level grassland leading to a batch of dry sclerophyll forest, then back to grassland at the 40m mark.

140m< Low level grassland

#### **South-East (*Upslope*)**

#### **14m APZ**

40m< Low level grassland leading to woodland

140m< Woodland

#### **North-East (*Across the slope*)**

#### **29m APZ**

40m< Low level grassland leading to woodland

140m< Woodland to the lot boundary

### **Effective slope from proposed dwelling**

North-West	4 Degrees Downslope
South-West	0 Degrees Across slope
South-East	3 Degrees Upslope
North-East	0 Degrees Across slope

### **Relevant FDI**

New England: 80

### **Required APZ for proposed lot as per AS 3959-2009 (*see Appendix C*)**

The APZ will be implemented as outlined above in each direction from the proposed dwelling and will be maintained in perpetuity. These figures represent worst case and go beyond requirements (*Table A2.5, Appx C*)

### **Determined Bushfire Attack Level for proposed dwelling on proposed lot**

**North-West BAL-12.5**

**South-West BAL-12.5**

**South-East BAL-12.5**

**North-East BAL-12.5**

### **Constructions Requirements**

**Any dwellings constructed on proposed block shall be constructed to the requirements of Section 3 + 5 of AS 3959-2009**

## Proposed Lot 4, off Rocklea Rd

### **Vegetation formation in relation to proposed building envelope**

#### **North-West (*Downslope*)**

**20m APZ**

40m< Grassland, generally below 10cm in height with some sporadic clumps of taller grass.

140m< Grassland leading to woodland.

#### **South-West (*Upslope*)**

**17m APZ**

40m< Grassland leading the boundary.

140m< Adjacent property.

#### **South-East (*Upslope*)**

**17m APZ**

40m< Low level grassland leading to woodland

140m< Woodland

#### **North-East (*Downslope*)**

**17m APZ**

40m< Grassland leading to 30m dam.

140m< Woodland followed by grassland to lot boundary.

### **Effective slope from proposed dwelling**

North-West 2 Degrees Downslope

South-West 1 Degrees Upslope

South-East 2 Degrees Upslope

North-East 2 Degrees Downslope

### **Relevant FDI**

New England: 80

### **Required APZ for proposed lot as per AS 3959-2009 (*see Appendix C*)**

The APZ will be implemented as outlined above in each direction from the proposed dwelling and will be maintained in perpetuity. These figures represent worst case and go beyond requirements (*Table A2.5, Appx C*)

### **Determined Bushfire Attack Level for proposed dwelling on proposed lot**

**North-West BAL-12.5**

**South-West BAL-12.5**

**South-East BAL-12.5**

**North-East BAL-12.5**

### **Constructions Requirements**

**Any dwellings constructed on proposed block shall be constructed to the requirements of Section 3 + 5 of AS 3959-2009**

## Proposed Lot 3, off Rocklea Rd

### **Vegetation formation in relation to proposed building envelope**

- North-West** (*Flat to 40m downslope beyond*) **20m APZ**  
40m< Flat level Grassland, generally below 20cm in height with some sporadic clumps of taller grass.  
140m< Upslope woodland preceded by grassland and gravel road.
- South-West** (*Flat*) **17m APZ**  
40m< Low level grassland to lot boundary.  
140m< Adjacent property.
- South-East** (*Flat*) **17m APZ**  
40m< Low level grassland leading lot boundary onto Rocklea Rd.  
140m< Adjacent property.
- North-East** (*Flat*) **17m APZ**  
40m< Low level grassland leading to lot boundary and subsequent gravel road servicing the quarry.  
140m< Lot boundary, Adjacent lot, gravel road then Bundarra Rd.

### **Effective slope from proposed dwelling**

North-West	0 Degrees Flat to 3 Degree Downslope
South-West	0 Degrees Flat
South-East	0 Degrees Flat
North-East	0 Degrees Flat

### **Relevant FDI**

New England: 80

### **Required APZ for proposed lot as per AS 3959-2009 (see Appendix C)**

The APZ will be implemented as outlined above in each direction from the proposed dwelling and will be maintained in perpetuity. These figures represent worst case and go beyond requirements (*Table A2.5, Appx C*)

### **Determined Bushfire Attack Level for proposed dwelling on proposed lot**

<b>North-West</b>	<b>BAL-12.5</b>
<b>South-West</b>	<b>BAL-12.5</b>
<b>South-East</b>	<b>BAL-12.5</b>
<b>North-East</b>	<b>BAL-12.5</b>

### **Constructions Requirements**

**Any dwellings constructed on proposed block shall be constructed to the requirements of Section 3 + 5 of AS 3959-2009**

## Proposed Lot 2 (Quarry)

### **Vegetation formation in relation to proposed building envelope**

The Natural vegetation on this site is a mixture of dry sclerophyll forests, grassy woodlands and grasslands (*see Appendix A*)

Due to the ongoing use of this lot as an open cut quarry it would prove fruitless to conduct a bushfire assessment here as the landscape will continue to change as the pit expands and the subsequent re vegetation of the area is put into action.

If the land were to resort back to the same nature as the rest of the block it would once again be classified as BAL-12.5.

### **Effective slope from proposed dwelling**

North-West	N/A
South-West	N/A
South-East	N/A
North-East	N/A

### **Relevant FDI**

New England: 80

### **Required APZ for proposed lot as per AS 3959-2009 (*see Appendix C*)**

The APZ will be implemented as outlined in each direction from the proposed dwelling and will be maintained in perpetuity. These figures represent worst case and go beyond requirements (*Table A2.5, Appx C*)

### **Determined Bushfire Attack Level for proposed dwelling on proposed lot**

<b>North-West</b>	<b>BAL-12.5</b>
<b>South-West</b>	<b>BAL-12.5</b>
<b>South-East</b>	<b>BAL-12.5</b>
<b>North-East</b>	<b>BAL-12.5</b>

### **Constructions Requirements**

**Any dwellings constructed on proposed block shall be constructed to the requirements of Section 3 + 5 of AS 3959-2009**

## Access Considerations for the proposed lots

Access and egress for the proposed lots should ideally be no further than 200m from the Bundarra Rd or Rocklea Rd.

This being the case, access will be adequate in the event of a bushfire emergency.

In the event that the dwelling on the E4 Block does happen to be further than 200m from the Bundarra Rd, other solutions may have to be implemented.

These may include but not limited to:

- Water supply and staging area located at the garage near to entrance to the property.
- Sprinkler system incorporated into dwelling building design.
- Proposed addition of a dam downslope of the proposed dwelling.
- Fire trail providing alternative access and egress out of all the lots (see Appendix B)

A selection of these combined with this extract from AS 3959 – 2009 should cover for the direst of circumstances.

<p>(c) Determining Appropriate Fire (Weather) Areas</p> <p>For residential and rural residential subdivisions locate the site in terms of the local council area (see inside rear cover and Table A2.3) where the development is to be located and determine the appropriate fire areas and corresponding FDI rating. For SFPPs see (d) below.</p>	<p>For SFPPs (e.g. SEPP - Seniors Living and Class 3 buildings), Table A2.6 is used. In interpreting the Tables refer to the accompanying notes to these Tables.</p>
<p>(d) Determining Appropriate Asset Protection Zones (APZs)</p> <p>Consult Tables A2.4 and A2.5 (for subdivisions) for each respective vegetation class and appropriate FDI rating. These setbacks are based upon the need to conform to Level 3 (except grasslands) construction (AS 3959 – 1999) for a building of Class 1 or 2 under the BCA.</p> <p>Grasslands of 100 metres from any boundary (subdivision) or buildings (SFPPs) do not require construction requirements in conformity with AS 3959 – 1999 or this document but requires an APZ of 10 metres for slopes &lt;15°.</p> <p>If it is intended to construct to a lower bush fire protection standard (e.g. Level 1 or 2) or to no specific bush fire protection standards, Appendix 3 should be consulted for the appropriate setbacks for individual circumstances.</p>	<p>Location of APZs on slopes greater than 15 degrees is not supported for new developments on wooded vegetation, due to environmental constraints and difficulties in managing vegetation. In addition, vegetation could carry a canopy fire along these steep slopes where an understory would otherwise normally be required to support a sustained crown fire.</p> <p>APZs should be identified on plans for interface allotments by either a building line or building footprint. In some cases building envelopes are identified which include other building constraints. Unless otherwise specified, a building envelope will be taken as the building footprint.</p> <p>Where the predominant vegetation is removed in establishing the required APZ the site should be reassessed and the dimensions of the APZ may be adjusted in the light of the remaining predominant vegetation.</p> <p>Allowable OPAs within an APZs are set out in Table A2.7 for forest vegetation.</p>

## Water supply requirements for proposed lots

As there is not reticulated water supply to the proposed subdivision it will be required that a metal or concrete water tank with a minimum 20 000L capacity be supplied at each lot. Each to be fitted with a 65mm Storz outlet, adequate sized metal piping and appropriate signage.

## **Electricity supply for the proposed lots**

Electricity is supplied to the E4 block via an off grid system  
Electricity is supplied to the other blocks via the overhead system located on Rocklea Rd.

## **Gas Supply**

Bottled gas is installed and maintained in accordance with AS1596 and the requirements of relevant authorities. Metal piping is to be used.

All Fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.

If gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a mechanism to combustion.

Connections to and from gas cylinders are to be metal

## **Special considerations**

There is an existing small to medium sized dam located immediately to the north of the proposed dwelling on Block 4, as well as a larger sized dam located to the West in a neighboring lot.

There is a small to medium sized dam located 200m Westerly from the dwelling on Lot 1.  
*(see Appendix A)*

## **Inner Protection Areas**

The inner protection area shall be maintained in such a manner that:

- Minimal fire fuel that could be set alight by bushfire is present at ground level
- Vegetation does not provide a path for transfer of fire to development
- Trees are a minimum of 5 metres away from any building, measure from the edge of foliage to the roof line or any open balconies
- Bark chips and the like are not present within 5 metres of any building
- Any trees present have a minimum canopy separation of 2 metres
- Any trees present re not species that retain dead material or deposit excessive amounts of ground fuel in a short time

## Assessment Development

As long as the salient points illustrated in the assessment are complied with this proposed development:

- 1. Provides sufficient space and maintains reduced fuel level loads, so as to ensure radiant heat levels at buildings are below critical limits and prevent direct flame contact (see Appendix A)**
- 2. Provides safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate the area.**
- 3. Provides safe access to and from the public road system for firefighters providing property protection during a bushfire and for occupants faced with evacuation.**
- 4. Provides suitable access for fire management purposes Provides adequate services of water for the fire protection of buildings during and after the passage of a bushfire and provides for the location of gas and electricity services so as not to contribute to the risk of fire to a building.**

N.B.

The prescribed APZ's in this document represent worst case scenario and go beyond requirements (Table A2.5, Appx C)

# **Appendices**

Appx A – Satellite Images, Site map, Lot boundaries, APZ and fire trail Map

Appx B – Fire Trail Guidelines

Appx C – Categories of Bushfire Attack Table

Appx D – Site Photographs



**Appendix B**  
**Fire Trail - Planning For Bushfire Protection 2006, section 4.1.13-3**  
**(Fire Trails)**

Due to the E4 block potentially being further than 200m from a council maintained road it may be necessary to construct a fire trail throughout the subdivision. This would primarily allow an alternative access and egress route from the E4 block, but also adding an alternative route for the other lots to be subdivided.

The fire trail shall be constructed as part of the subdivision, the individual lot owners shall maintain the portion of fire trail that falls within their lot boundaries.

The fire trail shall be constructed to the following standard as required by the document planning for Bushfire protection 2006:

- A minimum reserve width of 6 metres consisting of a 4 metre all weather trafficable area and a metre either side of the trail clear of bushes and long grass is provided.
- Maximum grades for a sealed trail do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches.
- The crossfall is not more than 10 degrees.
- The fire trail has passing bays every 200m that are 20m long by 3m wide, making a minimum trafficable width of 7m at the passing bay.
- The fire trail is accessible to firefighters and maintained in a serviceable condition by the owner of the property.
- Appropriate drainage and erosion controls are provided
- The fire Trail does not traverse a wetland or any other land potentially subject to periodic inundation (other than flood or storm surge)
- Gates for the fire trail are provided and locked with a key/lock system authorized by the RFS.
- Bridges clearly indicate load rating and pavements and bridges are capable of carrying 15 tonne loads.
- Fire trail design does not adversely impact on natural hydrological flows.
- The fire trail acts as an effective barrier to the spread of weeds and nutrients.
- The fire trail construction does not expose acid-sulphate soils.

## Appendix C RFS Dwelling Development Application – AS 3959-2009

Table 5. - FDI 80

Vegetation Formation (class)	Categories of Bush Fire Attack (AS 3959-2009)				
	BAL-F2	BAL-40	BAL-29	BAL-19	BAL-12.5
	Distance (m) of the site from the predominant vegetation class				
All upslopes and flat land (0 degrees)					
Forests	<16	16-21	21-21	31-42	4-100
Woodlands	<10	10-14	14-20	20-29	29-100
Shrubland	<7	7-9	9-13	13-19	19-100
Scrub	<10	10-13	13-19	19-27	27-100
Mallee/Mulga	<8	8-9	9-12	12-17	17-100
Rainforest	<8	8-9	9-13	13-19	19-100
Grassland	<6	6-8	8-12	12-17	17-50
Downslope > 0 to 5 degrees					
Forests	<20	20-27	27-27	37-50	50-100
Woodlands	<13	13-17	17-25	25-36	36-100
Shrubland	<7	7-10	10-14	15-22	22-100
Scrub	<11	11-15	15-22	22-31	31-100
Mallee/Mulga	<7	7-9	9-13	13-20	20-100
Rainforest	<8	8-11	11-17	20-24	24-100
Grassland	<7	7-9	9-14	14-20	20-50
Downslope > 5 to 10 degrees					
Forests	<26	26-33	33-46	46-61	61-100
Woodlands	<20	20-26	26-37	37-49	49-100
Shrubland	<9	9-11	11-17	17-25	25-100
Scrub	<12	12-17	17-24	24-35	35-100
Mallee/Mulga	<7	7-10	10-15	15-23	23-100
Rainforest	<11	11-15	15-22	22-31	31-100
Grassland	<8	8-10	10-16	16-23	23-50
Downslope > 10 to 15 degrees					
Forests	<33	33-42	42-56	56-73	73-100
Woodlands	<21	21-28	28-39	39-53	53-100
Shrubland	<9	9-13	13-19	19-30	30-100
Scrub	<14	14-19	19-28	28-39	39-100
Mallee/Mulga	<8	8-11	11-16	16-25	25-100
Rainforest	<14	14-19	19-28	28-39	39-100
Grassland	<9	9-13	13-19	19-28	28-50
Downslope > 15 to 20 degrees					
Forests	<42	42-52	52-68	68-87	87-100
Woodlands	<27	27-36	36-48	48-64	64-100
Shrubland	<10	10-15	15-22	22-31	31-100
Scrub	<15	15-21	21-31	31-43	43-100
Mallee/Mulga	<9	9-13	13-20	20-29	29-100
Rainforest	<16	16-21	21-30	30-40	40-100
Grassland	<10	10-14	14-21	21-30	30-50

Note: "Forests" refers to wet sclerophyll forest, dry sclerophyll forest and plantation forest (including pine plantations).

Vegetation Formation	Effective Slopes				
	Upslope/Flat	>0°-5°	>5°-10°	>10°-15°	>15°-19°
Rainforests	10	10	15	15	20
Forests	20	20	30	40	45
Woodland	10	15	15	20	25
Plantations (Pine)	15	20	25	35	40
Tall Heath (Scrub)	15	15	20	20	20
Short Heath (Open Scrub)	10	10	10	15	15
Freshwater Wetlands	10	10	10	15	15
Forested Wetlands	15	20	30	30	35
Semi-Arid (Woodland)	10	10	10	10	15
Arid Shrubland	10	10	10	15	15

## SECTION TWO - BUSH FIRE ASSESSMENT REPORT (Attach to DA)

### PART A Property Details

Applicants Name: M. SMITH / L. DUCAT

Contact Phone Number; (H): [.....] (M): 0497 792 902

Council: URALLA SHIRE COUNCIL Council Reference (if known): .....

Lot: 13 DP: 875212

Address to be developed: PROPOSED LOT 1

My property is on Bush Fire Prone Land:  Yes

### PART B Type of Proposal

Type of Proposal:

- |                                                                       |                                            |
|-----------------------------------------------------------------------|--------------------------------------------|
| <input checked="" type="checkbox"/> New Building                      | <input type="checkbox"/> Urban             |
| <input type="checkbox"/> Dual Occupancy                               | <input type="checkbox"/> Rural Residential |
| <input type="checkbox"/> Alteration/Additions to an existing building | <input type="checkbox"/> Isolated Rural    |

Proposal Description: *e.g. two storey house with attached garage* .....

Copy of plans attached  Yes

### PART C Bush Fire Attack and Level of Construction

**Step 1: Assess the vegetation about the proposed building in all directions and convert from Keith to AUSLIG (1990) using Table1**

CATEGORY	NORTH	EAST	SOUTH	WEST
Converted vegetation	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest
	<input checked="" type="checkbox"/> Woodland	<input checked="" type="checkbox"/> Woodland	<input checked="" type="checkbox"/> Woodland	<input checked="" type="checkbox"/> Woodland
	<input type="checkbox"/> Shrubland	<input type="checkbox"/> Shrubland	<input type="checkbox"/> Shrubland	<input type="checkbox"/> Shrubland
	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub
	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga
	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest
	<input type="checkbox"/> Tussock	<input type="checkbox"/> Tussock	<input type="checkbox"/> Tussock	<input type="checkbox"/> Tussock
	<input type="checkbox"/> Moorland	<input type="checkbox"/> Moorland	<input type="checkbox"/> Moorland	<input type="checkbox"/> Moorland
	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land

Copy of any relevant photos attached  Yes

GRASSLAND.

**Step 2: Determine the distance from asset to boundary line**

ASPECT	NORTH	EAST	SOUTH	WEST
Distance	230 m	250 m	150 m	390 m

**Step 3: Determine the distance from the building line to the vegetation in each direction as above**

ASPECT	NORTH	EAST	SOUTH	WEST
Distance	30 m	30 m	30 m	100 m

**Step 4: Determine the effective slope that will influence bush fire behaviour in each direction**

CATEGORY	NORTH	EAST	SOUTH	WEST
Slope under the hazard (over 100m) [in degrees]	<input type="checkbox"/> upslope / flat	<input type="checkbox"/> upslope / flat	<input type="checkbox"/> upslope / flat	<input type="checkbox"/> upslope / flat
	<input type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5	<input type="checkbox"/> >0 to 5	<input checked="" type="checkbox"/> >0 to 5
	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10	<input type="checkbox"/> >5 to 10
	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15	<input type="checkbox"/> >10 to 15
	<input type="checkbox"/> >15 to 18	<input type="checkbox"/> >15 to 18	<input type="checkbox"/> >15 to 18	<input type="checkbox"/> >15 to 18

**Step 5: Determine the Fire Danger Index (FDI) that applies to your local government area (see page 9). Circle the relevant FDI below**

FDI  100  80  50

**Step 6: Match the relevant FDI, vegetation, distance and slope to determine the required APZ and Construction level**

FDI  100 (see Table 4, page 11)  80 (see Table 5, page 12)  50 (see Table 6, page 13)

Identify the bush fire attack level for each direction, select the highest level for the entire building and record below. Note BAL-12.5 is the lowest construction level within the scope of AS3959.

**Bush Fire Attack Level**

- |                                  |                                              |
|----------------------------------|----------------------------------------------|
| <input type="checkbox"/> BAL- FZ | <input type="checkbox"/> BAL- 19             |
| <input type="checkbox"/> BAL- 40 | <input checked="" type="checkbox"/> BAL-12.5 |
| <input type="checkbox"/> BAL- 29 | <input type="checkbox"/> No requirement      |

Does your proposal meet the required construction level  YES  NO

**PART D**

**Flame Zone**

**Provide details and evidence of an alternative solution.**

*If you determine your house is located in the flame zone you may wish to seek the advice of a specialist bush fire consultant.*

**PART E Water Supplies**

Does your property have a reticulated (piped) water supply?; If so, please provide details on the distance to the nearest fire hydrant on your site plan.

Reticulated (piped) water supply is available

Yes  No Distance ..... (m) to hydrant from house.

Do you have or do you plan to have a dedicated water supply for firefighting purposes?

Yes  No

Development Type	Water Requirement	Planned	Existing
Residential Lots (<1,000m <sup>2</sup> )	5,000 l/lot		
Rural-residential Lots (1,000–10,000m <sup>2</sup> )	10,000 l/lot		
Large Rural/Lifestyle Lots (>10,000m <sup>2</sup> )	20,000 l/lot	/	
Dual Occupancy	2,500 l/unit		
Townhouse/Unit Style (e.g. Flats)	5,000 l/unit up to 20,000l maximum		

Do you have or do you plan to have a static water supply (e.g. pool, tank or dam). Include approx. size in litres and also include tank material if using a tank:

Water supply type	Capacity	Construction material	Planned	Existing
e.g. pool	50,000l	Above ground rolled steel with plastic liner		

NOTE: Check with your local council concerning their Local Environmental Plan (LEP) or their Development Control Plan (DCP) as this may dictate the type and size of tank.

**PART F Gas Supplies**

**GAS**

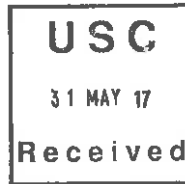
Do you have reticulated (piped) or bottled gas?

**TYPE OF GAS**

Reticulated gas  Yes  No  
 Bottled gas  Yes  No



**NOTE:** When attaching development plans please ensure they clearly show location and details of electricity and gas (where relevant) on your property.



38 Rocklea Road,  
INVERGOWRIE 2350  
31 May 2017.

Mr. Terry Seymour,  
Director Infrastructure & Regulation,  
Uralla Shire Council  
Council Chambers and Administration Centre  
32 Salisbury Street  
URALLA NSW 2358

Dear Mr. Seymour,

**APPLICATION NO. DA-25-2017**

**PROPOSED ACTIVITY: STAGED 4 LOT SUBDIVISION & DWELLING UNDER CLAUSE 4.6**

**ADDRESS: 4 ROCKLEA ROAD, INVERGOWRIE LOT 13-875212**

**APPLICANT: MR. M. SMITH & MS. L. DUCAT**

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Thank you for the documentation outlining the Residential Development proposed at 4 Rocklea Road Invergowrie (refer attached).

Following our discussion with Scott, your representative, it was agreed that the plan provided was neither current nor provided sufficient information for consideration of this proposal. It would therefore, be appreciated if you would arrange for the applicant to provide a plan, that clearly represents the position of the proposed dwellings and the distance from the external boundaries of our respective properties. We would also ask that the entrances and access roads to the proposed residences be denoted on that plan.

Our main concern relates to the positioning of the proposed building envelope and asset protection zone of Lot 4 as it adjoins our boundary fence and we believe this to be a privacy and amenities issue for our existing home. We would respectfully request that it be relocated, more central of the Lot and further from our boundary, enabling privacy screening to be planted.

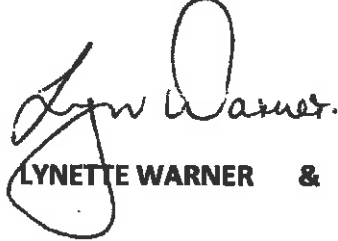
In addition, as also agreed at our discussion, the plans for the proposed dwellings are inadequate for an informed consideration and we would request that appropriate architectural plans be provided prior to determination of this application.

We elected to relocate to Invergowrie with our parents, because it offered a quiet rural lifestyle and we chose our current home because of its rural setting and we understood that it bordered on an undeveloped quarry site. Whilst the right of a property owner to develop their land is acknowledged, the location of the residential dwelling of Lot 4 adjoining our property we believe to be a cause for concern.

Regarding access roads, our experience has been that these can generate significant dust during dry times thereby, dirtying washing, vehicles and the dwelling on our land parcel. We would therefore request that some sort of seal be supplied to access roads if these are to be located at the eastern end of the property exiting to Rocklea Road.

Thank you for your consideration of our concerns and we would appreciate your support in your further determination of this application. Should you have any questions please contact us on our respective mobiles 0422 854 012 or 0434 211 194 or on our landline 02 6775 2321.

Yours sincerely,



LYNETTE WARNER



SHIRLEY PLOWMAN.



### REPORT TO COUNCIL

<b>Department:</b>	<b>Community and Governance</b>
<b>Submitted by:</b>	<i>Kim Hastings</i>
<b>Reference/Subject:</b>	Response to Question from Cr Toomey

#### **OFFICER'S RECOMMENDATION:**

**That Council note the response to the Councillor's question from the previous meeting**

#### **QUESTION:**

1. *How does New England High Country relate to, or fit with, Destination NSW?*

#### **RESPONSE:**

For a number of years several New England Councils worked cooperatively as members of the former Regional Tourism Organisation (RTO) known as New England North West.

The Councils of Armidale, Guyra, Uralla, and Walcha have also worked collaboratively, where appropriate, to achieve their own improved tourism related program outcomes, particularly with the development and production of a common visitor guide. Through these collaborations, in recognition that visitors tend to be attracted to regions, the "New England High Country" (NEHC) brand and collaboration was established.

Destination NSW (DNSW) initiated the development of Destination Management Plans (DMPs) in 2013 with the intention of uncovering regions of common interest with the potential to be marketed as visitor destinations. The inclusion of Glen Innes, Tenterfield and Inverell with the existing four southern New England Councils to form the current collaboration of New England High Country Councils was the outcome of the DNSW DMP process. These collaborating New England Councils operate under a Memorandum of Understanding (MoU).

Destination NSW has approved the "New England High Country" destination and its name, thereby recognising it as a destination tourism brand. The adoption of the destination name was supported by consumer research demonstrating the established consumer recall of New England. "High Country" recognises one of the destination's points of difference – altitude, which determines the destination's unique character.

All NSW Tourism projects need to be submitted to DNSW for approval, via the newly created regional board network, and are aware of the New England High Country Brand and are supportive of the region.

Prepared by staff member: Kim Hastings  
TRIM Reference Number:  
Approved/Reviewed by Manager: Trish Kirkland  
Department: Community and Governance  
Attachments: Nil



## LATE REPORTS TO COUNCIL

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### CONFIDENTIAL BUSINESS

**END OF LATE REPORTS**