



Report of Development Application

Pursuant to Section 4.15 of the Environmental Planning and Assessment Act
1979

APPLICATION DETAILS

Type of Application	Development Application
Application No.	DA29/24
Modification No.	Not Applicable
Council File No.	00311-28760000-000
Date of Lodgement	27/11/2023
Applicant	Bernadette Taylor
Proposal	Subdivision of Two (2) Lots into Six (6) Lots
Description of Modification	Not Applicable
BCA Classification	N/A
Development Cost	\$30,000.00
Other Approvals	S68 required for sewerage main works and s138 required for property access works
Concurrence Required	RFS – General Terms of Approval issued on 19/12/2023 and will be discussed further in the assessment report.
Referrals	As above and internally to Council's Director of Engineering and Environment.
Adjoining Owners Notification	Notification from 6/12/2023 until 21/12/2023. One (1) submission received and will be discussed further in the assessment report.
Advertising	As above
Determination Body	Council
Reason	Submission received throughout notification period.
Meeting Date	19/02/2024
Assessment Officer	Jesse Rapley

SITE DETAILS

Subject Land	Lots 102 and 103 DP754543 50 Emily Street, The Rock NSW
Owner	Bernadette Taylor
Owner's Consent Provided	Yes
Location	As above

PLANNING CONTROLS / STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument	Lockhart Local Environmental Plan 2012
Zoning	RU5 Village
Land Use Definition	Subdivision
Statement of Permissibility	Permitted with Consent

Description of Development

The application seeks approval for the subdivision of two (2) allotments into six (6) allotments for residential purposes. The proposed areas of the allotments are listed below:

- Lot 1 – 6305m²
- Lot 2 – 4383m²
- Lot 3 – 3600m²
- Lot 4 – 3171m²
- Lot 5 – 2887m²
- Lot 6 – 2694m²

The allotments will be fully serviced with water, electricity, sewer and telecommunications. It is proposed that three (3) metre wide access points will be installed to service each allotment.

The Site and Locality

The site is located on RU5 zoned (Village) land. Lot 102 comprises of approximately 1.12 Ha in land area, was previously used as a nursery and contains an existing dwelling house and shed structures. Lot 103 comprises approximately 1.22 Ha in land area, was previously utilised as a nursery and contains existing shed structures. The existing dwelling and outbuildings will be retained as part of this application. The lots are adjoined by RU5 zoned land.

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 4.15**Section 4.15 (1) – The provisions of any environmental planning instrument (EPI)****Lockhart Local Environmental Plan 2012**

Proposed development complies with the provisions of the Lockhart Local Environmental Plan 2012 as follows:

Part 2 Permitted or prohibited development Land Use

The land is located in the RU5 zone under the LLEP 2012.

RU5 village

1 Objectives of zone

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Centre-based child care facilities; Community facilities; Dwelling houses; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Cellar door premises; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Hazardous storage establishments; Heavy industries; Livestock processing industries; Mooring pens; Offensive storage establishments; Open cut mining; Rural workers' dwellings; Waste disposal facilities

Comment: It is considered that the subject development complies with the abovementioned RU5 Zone Objective. The proposed subdivision will create additional residential allotments and once developed will enable more housing opportunities.

Part 3 Exempt & Complying Development

Comment: The proposed development is not Exempt or Complying Development. The applicant is seeking consent.

Part 4 Principal development standards

Comment: Clause 4.1 is applicable and the development complies with the clause as each of the proposed allotments are greater than the minimum lot size of 2000m².

Part 5 Miscellaneous provisions

Comment: No Applicable Miscellaneous Provisions.

Part 6 Additional Local Provisions

Comment: Clause 6.5 'Essential Services' of the LLEP is relevant to this application and provides:

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 vehicular access.

Council is satisfied that the development meets all the above required services. Water and electricity will be required to be provided to each allotment prior to the issuing of a Subdivision Certificate. Low pressure sewer is located in the vicinity and the applicant will be required to provide a connection for each allotment. Stormwater drainage will be assessed individually once dwellings are built on the allotments and adequate site area is available for the on-site disposal of stormwater. No stormwater mains are required to be provided as part of the subdivision. The applicant proposes to install three (3) metre wide access points to each of the allotments and these will be required to be installed in accordance with Council's Engineering requirements.

The above will all be conditioned via conditions of development consent.

State Environmental Planning Policies (SEPPs)

N/A

Section 4.15(1)(a)(ii) – the provisions of any draft environmental planning instrument

No relevant planning instrument under this clause is currently the subject of public exhibition or comment.

Section 4.15(1)(a)(iii) – The provisions of any development control plan

Lockhart Shire Development Control Plan 2016

Proposed development complies with the development standards of the Lockhart Development Control Plan 2016 as follows:

Section C – Development Controls

Activities in Public Places

Comment: Not applicable.

Bushfire Prone Land

Comment: The development site is identified as being bushfire prone land. The application was referred to the NSW RFS and General Terms of Approval was issued on 19 December 2023 with the following general conditions:

1. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.
 - The plan titled “Proposed subdivision layout, Drawn by Taylor Mech, Project: Emily St, Drawing No: 23-093-04, Rev: P4, Dated 9/11/2023”
 - The bush fire assessment prepared by “CAF – Building & Town Planning Consulting, Bush Fire Assessment Report – 38 Emily Street, The Rock, NSW 2655 Lots 102 and 103, DP 754543, Dated: 13/11/2023.
2. Prior to the issue of a subdivision certificate, a suitably worded legal mechanism (such as an instrument created pursuant of section 88B of the *Conveyancing Act 1919*) shall be created on proposed Lot 6 to:
 - Prevent dwelling development and class 10 buildings within 6m of a dwelling within 9m of the entire length of the proposed southern boundary.

Asset Protection Zones

The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

3. At the issue of a subdivision certificate and in perpetuity, the entire area of proposed Lots 2-6 must be managed as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.
At the issue of a subdivision certificate, and in perpetuity, the site around the existing building within proposed Lot 1 must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019* as follows:
 - North, south, & west for a distance of 22 metres; and,
 - East to the boundary.

When establishing and maintaining an inner protection area, the following requirements apply:

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2m above the ground;
- Tree canopies should be separated by 2 to 5m;
- Preference should be given to smooth-barked and evergreen trees;
- Large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- Grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed regularly.

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. The existing dwelling must be upgraded to improve ember protection (where not already constructed to the following), by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

Access -Property Access

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. New and existing property access roads must comply with the requirements for property access in Table 5.3c of *Planning for Bush Fire Protection 2019*:
 - Property access roads are two-wheel drive, all-weather roads;
 - The capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways clearly, indicate load rating.
 - There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
 - Minimum 4m carriageway width;
 - A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - Property access must provide a suitable turning area in accordance with Appendix 3;

- Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- The minimum distance between inner and outer curves is 6m;
- The cross fall is not more than 10 degrees;
- Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Water and Utility Services

The intent of measure 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.

6. Any new provisions of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:
 - Reticulated water is to be provided to the development where available;
 - Fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2021;
 - Hydrants are not located within any road carriageway;
 - Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
 - Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
 - All above-ground water service pipes are metal, including and up to any taps;
 - Where practicable, electrical transmission lines are underground;
 - Where overhead, electrical transmission lines are proposed as follows:
 - Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
 - Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
 - Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 – The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used.
 - All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - Connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
 - Above-ground gas service pipes are metal, including and up to any outlets.

Note: Where future dwellings are located greater than 70 metres from Emily Street, static water supply for fire fighting purpose will be a consideration at dwelling development stage.

General Advice

- This approval is for the subdivision of land only. Any further development application for class 1,2 & 3 buildings as identified by the *National Construction Code* may be subject to separate application under section 4.14 of the *Environmental Planning and Assessment Act 1979* and address the requirements of *Planning for Bush Fire Protection 2019*.

The above conditions from the RFS General Terms of Approval will be added onto the Notice of Determination.

Commercial Development

Comment: Not applicable. The development is for a residential subdivision.

Contaminated Land

Comment: Not applicable. The development site is not identified as being contaminated.

Dwelling Houses (Second Hand)

Comment: Not applicable.

Engineering Standards

Comment: Property access points are required to be installed to service each of the allotments. The access points will need to be designed by a Hydraulic Engineer and a Section 138 application will be required to be submitted and approved prior to any access works commencing. This will form a condition of consent.

The low-pressure sewer mains network is available at the development site and as such the development will be required to connect into this. The applicant will be required to pay the headworks charge and pay for the E-One system for each of the allotments. Additionally, the applicant will be required to provide connection points for each of the allotments. A sewerage design by a hydraulics engineer will be required and a S138 application will be required prior to any works commencing. This will form a condition of development consent.

Reticulated water will be required to be provided to service each allotment and this will form a condition of consent.

Environmentally Sensitive Areas

Comment: Not applicable. The development site is not located in an Environmentally Sensitive Area.

Erosion and Sediment Control

Comment: Appropriate measures will be taken on the site and there is likely to be minimal impacts as part of the development.

Flood Prone Land

Comment: Not applicable. The development site is not located on flood prone land.

Food Premises Fit Out and Construction

Comment: Not applicable.

Heritage and Conservation

Comment: Not applicable. The development site is not located in a Heritage and Conservation Area.

Industrial Development

Comment: Not applicable. The development is residential.

Large Lot Residential Development

Comment: Not applicable. The development site is located on RU5 Village zoned land.

Notification of Development Applications

Comment: The development was notified from 6/12/23 until 21/12/23. One (1) submission was received throughout the notification period. Issues were raised in the submission regarding drainage and the existing road.

To minimise the potential increase to street drainage along Emily Street, Council can condition the Development Consent to require the applicant to insert a covenant under the applicable Section 88B Instrument for the subdivided lots requiring that any future dwellings constructed on the allotments will be required to be provided with a minimum 20,000L on-site rainwater tank, with the overflow from the rainwater tank(s) being discharged into on-site absorption trenches.

The proposed new property access points to be installed to service the development will be required to be designed by a Hydraulic Engineer and approved by Council via the issuing of a Section 138 Road Opening Permit prior to any access works commencing. Furthermore, these access points will be required to be installed at full cost to the applicant.

The existing road seal along Emily Street is five metres wide which allows one lane each way. The impact of the potential additional traffic will be consistent with a residential area and there is no history of any accidents on Emily Street. The road pavement is designed to accommodate vehicles associated with the proposed lots.

Residential and Village Development

Comment: The development site is located in the RU5 Village zone and there are no new buildings proposed as part of the development.

Rural Development

Comment: Not applicable as the development is residential.

Sewage Management

Comment: The low-pressure sewer mains network is available at the development site and as such the development will be required to connect into this. The applicant will be required to pay the headworks charge and pay for the E-One system for each of the allotments. Additionally, the applicant will be required to provide connection points for each of the allotments. A sewerage design by a hydraulics engineer will be required and a S138 application will be required prior to any works commencing. This will form a condition of development consent.

Signage
Comment: No new signage proposed as part of the development.

Subdivision
Comment: The subdivision layout is acceptable and is considered with other allotment layouts in the vicinity. No battle axe allotments are proposed as part of the development.

Sewer, water, electricity, and telecommunications will all have to be provided to service each of the allotments and this will form a condition of consent.

Temporary Occupation of Land
Comment: Not applicable.

Section 4.15(1)(a)(iiia) – Planning Agreements
 Nil

Section 4.15(1)(a)(iv) - any matters prescribed by the regulations
 Nil

Section 4.15(1)(b) - likely impacts of that development				
	Satisfactory	Not Satisfactory	Not Relevant	Comment
Context & Setting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is considered to be appropriate within the RU5 Zone and the development is considered appropriate for its location.
Streetscape	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not affect the streetscape in a negative way. The proposed subdivision layout is consistent with other allotment layouts in the vicinity and no new buildings are proposed as part of the development.
Traffic, access and parking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development is residential. New property access to be installed in accordance with Council Engineering Standards.
Public Domain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impacts will occur to the public domain as a result of this development.
Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water, electricity, sewer and telecommunications to be provided to service each of the allotments.
Heritage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable.
Other land Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory.
Water Quality & Stormwater	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater will be disposed of on-site and this will be addressed via a condition of consent.

Soils, soil erosion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not create any adverse impacts on soils or contribute to soil erosion.
Air and microclimate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not create any adverse impacts on the air or micro climate.
Flora and Fauna Trees	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No trees or vegetation required to be removed as part of the development.
Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will utilise appropriate waste management practices and is serviced by a waste collection service.
Energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not create any adverse impacts or demands on energy.
Noise & vibration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not create any adverse impacts with regards to noise and vibration.
Hours of operation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A – Residential development.
Natural hazards - Flooding - Bushfire Prone Area Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development site is identified as bush fire prone land. The application was referred to NSW RFS and an approval was provided with conditions. This is discussed in more detail earlier in the assessment.
Technological Hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not promote any technological hazards.
Safety, security and crime prevention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not create or contribute to any adverse safety, security or crime prevention issues.
Social impact in locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development will not adversely affect the social fabric of the community. The development will not change the way that people conduct their daily lives etc.
Economic Impact in Locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that the development may contribute positively to the local economy by virtue of economic flow on effects.
Site design and internal design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Considered satisfactory.
Overlooking - overshadowing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No problems with overlooking or overshadowing.
Landscaping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing and changes required in line with RFS requirements.
Construction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory.
Private open space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory.
Cumulative Impacts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Considered acceptable and positive.
Disabled access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A – Residential Development
Signage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A – Residential Development
Setbacks, Building Envelopes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing setbacks will remain and no new buildings are proposed as part of the development.

Section 4.15(1)(c) - the suitability of the site for the development

The subject land located at 38-50 Emily Street, The Rock is considered to be suitable for the proposed development.

Section 4.15(1)(d) - any submissions made in accordance with the Act or the regulation

The development was notified, and one (1) submission was received. The submission had concerns regarding drainage and the road.

- To minimise the potential increase to street drainage along Emily Street, Council can condition the Development Consent to require a suitably worded legal mechanism (such as an instrument created pursuant of section 88B of the *Conveyancing Act 1919*) be created requiring that any future dwellings constructed on the allotments be provided with a minimum 20,000L on-site rainwater tank, with the overflow from the rainwater tank(s) being discharged into on-site absorption trenches.
- The proposed new property access points to be installed to service the development will be required to be designed by a Hydraulic Engineer and approved by Council via the issuing of a Section 138 Road Opening Permit prior to any access works commencing. Furthermore, these access points will be required to be installed at full cost to the applicant.
- The existing road seal along Emily Street is five metres wide which allows one lane each way. The impact of the potential additional traffic will be consistent with a residential area and there is no history of any accidents on Emily Street. The road pavement is designed to accommodate vehicles associated with the proposed lots.

Section 4.15(1)(e) - the public interest

The public interest is a broad consideration relating to many issues and is not limited to the efficient development of the land. Taking into account the full range of matters for consideration under Section 4.15 of the Environmental Planning and Assessment 1979 (as discussed within this report) it is considered that approval of the application is consistent with the public interest.

Other Legislative Requirements

Biodiversity Conservation Act 2016

Is the clearing of native vegetation proposed? No

Does clearing exceed clearing criteria identified in Biodiversity Conservation Regulations? N/A

Is the land identified on OEHs Biodiversity Values Maps? N/A

For all proposals below the thresholds a 'test of significance' is required. If this test indicates significant impact then Biodiversity Assessment Method Must be applied.

Section 7.3 of the Biodiversity Conservation Act 2016

5 Part Test (threatened species or ecological communities, or their habitats)

The following factors must be taken into account in making a determination under this section:

- a) In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,
- b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
 - (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
 - (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
- c) in relation to the habitat of a threatened species or ecological community:

- (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
 - (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
 - (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,
- d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly,
- e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

Comment:

Is vegetation proposed to be cleared, native vegetation? No
If yes - then does DCP require a permit? N/A

If yes, is clearing associated with development that requires consent? N/A
Does it exceed offset scheme threshold or test of significance? If yes Biodiversity Assessment Method applies and Biodiversity Assessment Report from accredited persons is required? N/A

Note: If serious and irreversible impacts are identified then the application must be refused.

Developer Contributions Plans

Section 7.12 Development Contributions Plan for the Council of Lockhart Shire 2020
The development is valued at less than \$100,001 and therefore no contributions are required in accordance with the Contribution Plan.

REFERRALS:

Engineer: Application referred to Director of Engineering. Comments were provided regarding access and sewer for the development.

The proposed new property access points to be installed to service the development will be required to be designed by a Hydraulic Engineer and approved by Council via the issuing of a Section 138 Road Opening Permit prior to any access works commencing. Furthermore, these access points will be required to be installed at full cost to the applicant.

The existing road seal along Emily Street is five metres wide which allows one lane each way. The impact of the potential additional traffic will be consistent with a residential area and there is no history of any accidents on Emily Street. The road pavement is designed to accommodate vehicles associated with the proposed lots.

The low pressure sewer main will need to be installed to provide a connection point for each of the proposed allotments. The applicant will also be required to pay the \$7,822.00 Sewerage Headworks Charge which includes the on site pump unit supply for each additional sewerage connection.

CONCLUSION:

This assessment has given consideration to the matters listed where relevant. This assessment was undertaken in accordance with section 4.15 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION

It is recommended that Development Application 29/24 for the subdivision of two (2) allotments into six (6) allotments for residential purposes, be approved, subject to the following conditions:-

CONDITIONS

Approved Plans and Documentation

The development must be carried out in accordance with the stamped approved plans and specifications.

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Prior to Commencement of Works

VEHICULAR CROSSING

The proposed new property access points to provide access to each of the allotments are required to be designed by a Hydraulic Engineer and approved by Council via the issuing of a Section 138 permit prior to any access works commencing. The vehicular crossing being required to enable satisfactory access shall be constructed at full expense of the applicant. The access is to be maintained by applicant to the satisfaction of Council.

PLUMBING AND DRAINAGE WORK

Prior to commencement of plumbing and drainage work, the applicant shall apply for and gain approval from Council under Section 68 of the Local Government Act 1993 for sanitary plumbing, sewerage and stormwater drainage. Applications shall be supported by business and license details of the selected licenced plumbing contractor engaged as part of the development.

NOTICE OF COMMENCEMENT OF WORKS

At least two (2) days prior to the commencement of any works, notice of commencement of building or subdivision works is to be provided to Council and, in the event of a private certifier, the principal certifier.

ROAD OPENING PERMIT

The applicant must obtain a Road Opening Permit from Council prior to commencing any works on the road reserve.

General

SUBDIVISION CERTIFICATE REQUIRED

A Subdivision Certificate, pursuant to Section 6.4 of the Environmental Planning and Assessment Act 1979, must be obtained from Council prior to its lodgement with NSW Land Registry Services.

The Final Survey Plan must be submitted to Council along with the application for Subdivision Certificate and associated checklist.

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fees paid.

REASON: to comply with requirements of Section 6.4 of the EP&A Act 1979.

PROVISION OF SERVICES

Sewerage, water, telephone and electricity services shall be made available to each new allotment, at full cost to the developer.

- a) Reticulated water supply shall be constructed in accordance with the requirements of Riverina Water.
- b) Reticulated power shall be provided in accordance with designs approved by Essential Energy.
- c) The installation of a new sewer spur shall be undertaken in accordance with Council requirements.
- d) Communications infrastructure shall be provided in accordance with requirements of Telstra.

PROTECTION TO COUNCILS' ASSETS

The applicant shall ensure that suitable protection is given to the Council's assets, including paving, to ensure no damage is incurred during activities on the site. The applicant shall be responsible for any re-instatement costs incurred.

Prior to Release of Subdivision Certificate

PROVISION OF SEWER CONNECTION POINTS

A new sewer connection point is required to be installed to service each allotment. The installation of the sewer connection points is required to be undertaken at full cost to the applicant and in compliance with Council requirements. Prior to any works commencing on the installation of the sewer connection points a S68 and S138 application is required to be lodged with associated plans on method of connection from existing low pressure sewerage line.

SEWERAGE HEADWORKS CHARGE

Prior to the issuing of the Subdivision Certificate the applicant is required to pay the \$7,822.00 Sewerage Headworks charge per additional sewerage connection point. Five (5) new sewerage connection points are required to be provided as part of the development and this results in a total of \$39,110.00 required to be paid to Council prior to the release of the Subdivision Certificate.

REASON: It is in the public interest that Council maintain the ability to provide adequate sewer reticulation services to service the development.

PROVISION OF ON-SITE DRAINAGE

Prior to the issue of a subdivision certificate, a suitably worded legal mechanism (such as an instrument created pursuant of section 88B of the *Conveyancing Act 1919*) shall be created on proposed lots requiring that:

- All future dwelling developments be accompanied by a minimum 20,000L on-site rainwater tank and that all overflows from the rainwater tanks be discharged into on-site absorption trenches.

CONSENT FROM SERVICE PROVIDERS

Prior to the issue of the Subdivision Certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:-

- i) Essential Energy: Notice of Arrangement
- ii) Riverina Water: Certificate of Compliance;
- iii) Certification from an approved telecommunications provider.

WORKS AS EXECUTED PLANS

Prior to the release of the Subdivision Certificate, the applicant must lodge Works as Executed Plans for works carried out as part of the Development Consent, including for any works regarding extension to the sewer main.

SECTION 88B INSTRUMENT

Where any easement, right-of-way or restrictions are intended to be created pursuant to Section 88B of the Conveyancing Act, 1919, the subject 88B Instrument shall be submitted to Council for approval prior to release of the original plan of subdivision and Subdivision Certificate.

NSW RURAL FIRE SERVICE CONDITIONS

7. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.
 - The plan titled “Proposed subdivision layout, Drawn by Taylor Mech, Project: Emily St, Drawing No: 23-093-04, Rev: P4, Dated 9/11/2023”
 - The bush fire assessment prepared by “CAF – Building & Town Planning Consulting, Bush Fire Assessment Report – 38 Emily Street, The Rock, NSW 2655 Lots 102 and 103, DP 754543, Dated: 13/11/2023.
8. Prior to the issue of a subdivision certificate, a suitably worded legal mechanism (such as an instrument created pursuant of section 88B of the *Conveyancing Act 1919*) shall be created on proposed Lot 6 to:
 - Prevent dwelling development and class 10 buildings within 6m of a dwelling within 9m of the entire length of the proposed southern boundary.

Asset Protection Zones

The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

9. At the issue of a subdivision certificate and in perpetuity, the entire area of proposed Lots 2-6 must be managed as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.
At the issue of a subdivision certificate, and in perpetuity, the site around the existing building within proposed Lot 1 must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019* as follows:
 - North, south, & west for a distance of 22 metres; and,
 - East to the boundary.

When establishing and maintaining an inner protection area, the following requirements apply:

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

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

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

10. The existing dwelling must be upgraded to improve ember protection (where not already constructed to the following), by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

Access -Property Access

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

11. New and existing property access roads must comply with the requirements for property access in Table 5.3c of *Planning for Bush Fire Protection 2019*:
 - Property access roads are two-wheel drive, all-weather roads;
 - The capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways clearly, indicate load rating.
 - There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
 - Minimum 4m carriageway width;
 - A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - Property access must provide a suitable turning area in accordance with Appendix 3;
 - Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - The minimum distance between inner and outer curves is 6m;
 - The cross fall is not more than 10 degrees;
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Water and Utility Services



The intent of measure 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.

12. Any new provisions of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:
- Reticulated water is to be provided to the development where available;
 - Fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2021;
 - Hydrants are not located within any road carriageway;
 - Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
 - Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
 - All above-ground water service pipes are metal, including and up to any taps;
 - Where practicable, electrical transmission lines are underground;
 - Where overhead, electrical transmission lines are proposed as follows:
 - Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
 - Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
 - Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 – The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used.
 - All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
 - Connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
 - Above-ground gas service pipes are metal, including and up to any outlets.

Note: Where future dwellings are located greater than 70 metres from Emily Street, static water supply for fire fighting purpose will be a consideration at dwelling development stage.

General Advice

- This approval is for the subdivision of land only. Any further development application for class 1,2 & 3 buildings as identified by the *National Construction Code* may be subject to separate application under section 4.14 of the *Environmental Planning and Assessment Act 1979* and address the requirements of *Planning for Bush Fire Protection 2019*.

<p>Report by:</p> <p> _____</p> <p>Jesse Rapley Manager Planning and Environment</p> <p>Date: 22 January 2024</p>	<p>Report Approved by:</p> <p></p> <p>Jesse Rapley Manager Planning and Environment</p> <p>Date: 22 January 2024</p>
---	--