



# **Ordinary Meeting of Council**

**26 February 2025**

**UNDER SEPARATE COVER  
ATTACHMENTS**

**ITEM 9.1**

**QUEANBEYAN-PALERANG REGIONAL COUNCIL  
ORDINARY MEETING OF COUNCIL**

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# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

26 FEBRUARY 2025

ITEM 9.1 REV.2024.0001 FOR DA.2022.1658, CHANGE OF USE OF  
FARM SHED TO RURAL INDUSTRY, LOT 3 DP 79065,  
316 SAWYERS RIDGE ROAD REIDSDALE

ATTACHMENT 1 APPLICATION REVIEW BY UPSIDE PLANNING



# Section 8.3 Application for Review

# Use of Shed for Rural Industry

316 Sawyers Ridge Road, Reidsdale NSW

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Prepared for  
**Tom Clarke**

Date  
**29 May 2024**  
**V1.0**

Prepared by  
**Cameron Judson**



## 1 Introduction

This application is a request to review the Determination of Development Application DA.2022.1658 under Section 8.3 of the Environmental Planning and Assessment Act, 1979, for the use of an existing farm shed for rural industry.

There is a robust case for the Council to review the decision, in particular:

- Rural industry is Permitted with consent within the RUI Primary Production Zone.
- Development consents are concerned with the use of land, not what the user did in the past.
- The proposal would involve minimal impact on both the environment and adjacent land uses.

The reason for requesting this review is that the Council's assessment has no regard for the above, and the reasons for refusal are therefore not sound.

## 2 Proposal

Review of the decision to refuse DA.2022.1658, which sought approval for the use of a shed for "rural industry" as defined by the Queanbeyan Palerang Regional Local Environmental Plan 2022 (QPRLEP 2022).

Within the definition of "rural industry", the proposal seeks development consent for the use of a shed to repair plant or equipment used for the purposes of rural enterprises.

## 3 Background

### DA.2021.1527

On 13 September 2021, a development application was lodged on behalf of the landowner.

On 14 January 2022, the Council wrote to the proponent's consultant requesting additional information, primarily regarding the business's operation as required by the Palerang Development Control Plan 2015. Clarification was also sought on the matter of setbacks.

Unfortunately, unbeknown to the proponent and landowner (Mr Tom Clarke), the consultant acting on his behalf did not respond to this request for additional information and was not able to be contacted by the Council.

On 22 June 2022, the Council refused the development application for the following reasons:

1. *"The development was found to be inconsistent with the relevant provisions of the Palerang Local Environmental Plan 2014.*
2. *The development is inconsistent with the relevant provisions of the Palerang Development Control Plan 2015.*
3. *The development was found to be likely to result in adverse environmental, social or economic impacts in the locality.*
4. *The subject site was found to be unsuitable for the proposed development.*
5. *The development was found to be not in the public interest."*



With regard to the first reason for refusal, the Council took the view that the proposal is prohibited as, based on the information available, metal fabrication “*is best defined as a general industry that is a prohibited use in PLEP 2014.*” This was because it appeared that “*the business undertakes a wide range of metal fabrication works that is not regular servicing or repairing of plant or equipment used for the purpose of a rural enterprise.*”

The council erred in arriving at this position. It decided to assess the landowner rather than the development application's proposal.

**DA.2022.1658**

This development application responded to the information requested by the Council and addressed the reasons for refusal. In doing so, it clarified the nature of the proposed use and addressed the issues raised by objectors.

Again, the Council refused the development application. The Council continued to apply the proponent's past activities when he operated from town rather than taking the correct approach of assessing the proposal, as sought by the development application.

In addition to taking the legally unsound view that the proposal is prohibited, the Council also added ten additional reasons for refusal.

**4 Review of reasons for refusal**

Table 1 below provides a summary response for the reasons for refusal.

Table 1: summary response to reasons for refusal

Reason for Refusal	Response
1. Pursuant to s4.15 (1)(a)(i), insufficient information has been provided to enable full and detailed assessment under relevant State Environmental Planning Policy (Biodiversity and Conservation) 2021 to ensure protection of the biodiversity values across this site which is mapped as having both Biodiversity Values at State and Local level	No request for additional information was made by the Council. If a request was made, the applicant would have responded.  Additional information was provided to the Biodiversity and Conservation Division of the Department of Planning and Environment (DPE).  As set out in the development application and in the additional information provided to DPE, there is no native vegetation in the riparian zone mapped Biodiversity Values and Terrestrial Biodiversity.  The Council was copied into communications with DPE.
2. Pursuant to s4.15 (1)(a)(i), insufficient information has been provided to enable full and detailed assessment under relevant State Environmental Planning Policy (Biodiversity and Conservation) 2021 to ensure protection of the water quality across the site in regard to the	No request for additional information was made by the Council. If a request was made, the applicant would have responded.  The development application addresses the majority of these matters.



<p>site being located within the Sydney Drinking Water Catchment.</p>	<p>The subject rural industry does not use water in its operations.</p> <p>The subject rural industry does not require the storage of chemicals.</p>
<p>3. Pursuant to s4.15 (1)(a)(i), the proposed and existing prohibited use to this site is inconsistent with the aims of QPRLEP 2022 insofar as the proposal does not protect water quality (Sydney Water Drinking Catchment and Creek) across the site and may be causing pollution of the water values across the site. The use is not considered to be orderly and economic use of this rural land with regard to ecological sustainability principles because this issue has not been addressed by the application.</p>	<p>The subject rural industry does not use water in its operations.</p> <p>The subject rural industry does not require the storage of chemicals.</p>
<p>4. Pursuant to s4.15 (1)(a)(i), the proposed and existing prohibited use to this site is not consistent with the objectives of the RU1 Primary Production zone because it does not minimise the impact of the development on the natural environment. The scope of use is more than a rural industry and the commercial use of the site establishes an undesirable precedent and is contrary to the objectives of the RU1 Primary Production Zone.</p>	<p>The development application has explained the nature of the <u>proposed use</u> and provided context for the business operations.</p> <p><u>The proposed use</u> is permitted with consent.</p>
<p>5. Pursuant to s4.15 (1)(a)(i), the use proposed and existing to this site and the unapproved building (shed) that are the subject of this application is not found to be consistent with the definition for Rural Industry insofar as the permissibility outlined in the Queanbeyan Palerang Local Environmental Plan 2022 (QLEP 2022) because:</p> <p>(a) The building is being used for metal fabrication that is considered to comprise a use under the Standard LEP definition of "general industry." General Industry comprises a prohibited use zone RU1 under QLEP 2022.</p> <p>(b) The extent of fabrication works being undertaken at the subject property without consent and associated business known as 'Braidwood Fabrication Pty Ltd' comprises a wide range of metal fabrication work considered to exceed the enabling part of the definition provided under rural industry as relied upon for this application which states "...the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise".</p>	<p>Development consents are concerned with the proposed use of land, not the user's identity.</p> <p>As the Council should be aware, development consents are concerned with the use of land, not the user's identity (see the references in Jonah Pty Limited v Pittwater Council).</p> <p>The applicant has ceased using the shed as a rural industry in accordance with the Council's enforcement notice (ON.2021.0103). The purpose of the development application is to remedy the matter and operate in accordance with an approval.</p> <p>The application cannot be assessed on the assumption of a future breach. The Council has many avenues available to enforce compliance with the conditions of development consents. With this in mind, the related reasons for refusal do not hold up under critical examination.</p>
<p>6. Pursuant to s4.15 (1)(a)(iii), the proposal contravenes the objectives and controls of the Palerang DCP 2015 for a rural industry due to the following reasons:</p> <p>(i) Unreasonable noise impact in the surrounding rural setting.</p>	<p>These matters are addressed in the development application.</p> <p>It is evident that the Council has not read the statement of effects. For example, Table 1 on page 8 shows that there is one employee, and daily vehicle movements average three movements a day.</p>



<p>(ii) Unspecified daily vehicle movements and the impact on the rural setting.                  (iii) It is not clear how the proposed use complies with the management of waste and wastewater.                  (iv) The application does not include the source and amount of water to be used for the proposed use.                  (v) The application does not address the full and detailed extent of clearing proposed to the site and its impacts.                  (vi) The use is found to comprise industry which is prohibited in the RU1 Primary Production zone.</p>	
<p>7. Pursuant to s4.15 (1)(a)(iv) insufficient information has been provided further to a request from Council under Clause 36 of the Regulation and accordingly the proposal is refused.</p>	<p>This is false. No request for information was made.</p>
<p>8. Pursuant to s4.15 (1)(a)(iv) under the Regulation, the use of the existing unauthorised shed for the purpose of a general industrial use would classify it as a Class 8 building under the BCA which required the submission of a fire safety report to address among other things: access, evacuation, water supply, hazardous materials etc. Further, a bushfire report prepared by a BPAD accredited practitioner has not been provided as a part of this application.</p>	<p>As the Council Building Officer put it, <i>"given the size of the shed and its location, only portable fire extinguishers would be required."</i></p> <p>There are portable extinguishers, and these are shown in the updated plans.</p> <p>A bushfire report is not required to be prepared by a BPAD-accredited practitioner for a development application of this nature.</p>
<p>9. Pursuant to s4.15 (1)(b) insufficient information has been provided to enable council to ascertain the potential environmental impacts of the existing/proposed prohibited use to the site. Site inspections have revealed pollution to the site and continues to be concerned regarding likely negative environmental impacts from the existing/proposed use.</p>	<p>The Council has sufficient information to understand the absence of impact.</p> <p>The council's enforcement officer has visited the site and suggested improving the management of the landowners' hobbies.</p> <p>The Council has misunderstood the nature of the proposal and the related absence of material impact.</p>
<p>10. Pursuant to s4.15 (1)(c) the site is not considered suitable for the proposed use because it is highly constrained being bushfire prone, Sydney water drinking catchment land with a creek running through it and the high value vegetation and associated biodiversity values mapped by both local and state government sources.</p>	<p>As set out in the development application, the predictive modelling regarding native vegetation is not reflected on the ground.</p> <p>This can easily be ascertained by a site visit.</p> <p>Aside from the creek itself, which is unaffected, the site is not constrained.</p> <p>A bushfire report supported the development application.</p>
<p>11. Pursuant to s4.15 (1)(d) objections to the proposed/existing use raise serious concerns regarding localised environmental impacts which are substantiated through the assessment process and ongoing compliance issues to the site.</p>	<p>The objection raises issues that are not grounded in the permissibility of the proposal, the nature of the proposal and an understanding of the RU1 'Primary Production' zoning.</p>





	<p>Most of the issues raised do not relate to the proposed use.</p> <p>The source of the objection is from a dwelling over 300 metres away.</p> <p>The development application contains supporting letters from locals who understand the essential service that the landowner would provide, understand how rural enterprises function and appreciate that rural enterprises require sheds to operate from and involve vehicle movements.</p>
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## 5 Conclusion

The development application addressed Section 4.15 of the Environmental Planning and Assessment Act 1979.

The development application responded to the reasons for the 2021 application being refused.

The proposed use fits squarely within the definition of “rural industry” and is permitted with consent in the zone. Indeed, it is a use that is expected within the zone and is of scale and nature that would not have an adverse impact.

The proposal is consistent with the relevant environmental planning instruments, including the QPRLEP 2022.

The reasons for refusing the development application are not sound, and therefore, the review should be received favourably by the Council.

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

26 FEBRUARY 2025

ITEM 9.1 REV.2024.0001 FOR DA.2022.1658, CHANGE OF USE OF  
FARM SHED TO RURAL INDUSTRY, LOT 3 DP 79065,  
316 SAWYERS RIDGE ROAD REIDSDALE

ATTACHMENT 2 NOTICE OF DETERMINATION DA.2022.1658



Application Number: DA.2022.1658  
PAN-285715

7 December 2023

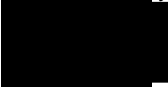
Thomas W Clarke  
316 Sawyers Ridge Road  
REIDSDALE NSW 2622

Dear Sir

Council hereby advises that your Development Application DA.2022.1658 relating to Lot 3 DP 79065, No. 316 Sawyers Ridge Road REIDSDALE NSW 2622 has been **refused**. The 'Notice of Determination' is attached.

Should you have any further enquiries please contact Council's Development and Environment Section on 6285 6244.

Yours faithfully



**Ruth Ormella**  
Director  
Development and Environment

Per.....G. Harlor.....

**OFFICES**

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ABN 95 933 070 982



**Notice of Determination of Development Application**

*Issued under Section 4.18 of the Environmental Planning and Assessment Act 1979*

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Development Application No.	<b>DA.2022.1658 PAN-285715</b>
Land subject to this application	<b>Lot 3 DP 79065 316 Sawyers Ridge Road REIDSDALE NSW 2622</b>
Description of Proposed development	<b>Change of use of farm shed to rural industry</b>
Applicant's Details	<b>Thomas W Clarke 316 Sawyers Ridge Road REIDSDALE NSW 2622</b>
Determination	<b>Refused</b>
Date of Determination	<b>7 December 2023</b>

**Signed by Consent Authority**

**Date of this Notice: 7 December 2003**



**Ruth Ormella**  
Director  
Development and Environment

Per.....G. Harlor.....

### REASONS FOR REFUSAL

1. Pursuant to s4.15 (1)(a)(i), insufficient information has been provided to enable full and detailed assessment under relevant State Environmental Planning Policy (Biodiversity and Conservation) 2021 to ensure protection of the biodiversity values across this site which is mapped as having both Biodiversity Values at State and Local level;
2. Pursuant to s4.15 (1)(a)(i), insufficient information has been provided to enable full and detailed assessment under relevant State Environmental Planning Policy (Biodiversity and Conservation) 2021 to ensure protection of the water quality across the site in regard to the site being located within the Sydney Drinking Water Catchment.
3. Pursuant to s4.15 (1)(a)(i), the proposed and existing prohibited use to this site is inconsistent with the aims of QPRLEP 2022 insofar as the proposal does not protect water quality (Sydney Water Drinking Catchment and Creek) across the site and may be causing pollution of the water values across the site. The use is not considered to be orderly and economic use of this rural land with regard to ecological sustainability principles because this issue has not been addressed by the application.
4. Pursuant to s4.15 (1)(a)(i), the proposed and existing prohibited use to this site is not consistent with the objectives of the RU1 Primary Production zone because it does not minimise the impact of the development on the natural environment. The scope of use is more than a rural industry and the commercial use of the site establishes an undesirable precedent and is contrary to the objectives of the RU1 Primary Production Zone.
5. Pursuant to s4.15 (1)(a)(i), the use proposed and existing to this site and the unapproved building (shed) that are the subject of this application is not found to be consistent with the definition for Rural Industry insofar as the permissibility outlined in the Queanbeyan Palerang Local Environmental Plan 2022 (QLEP 2022) because:
  - (a) The building is being used for metal fabrication that is considered to comprise a use under the Standard LEP definition of '*general industry*'. '*General Industry*' comprises a prohibited use within zone RU1 under QLEP 2022.
  - (b) The extent of fabrication works being undertaken at the subject property without consent and associated business known as 'Braidwood Fabrication Pty Ltd' comprises a wide range of metal fabrication work considered to exceed the enabling part of the definition provided under rural industry as relied upon for this application which states '*... (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*'

6. Pursuant to s4.15 (1)(a)(iii), the proposal contravenes the objectives and controls of the Palerang DCP 2015 for a rural industry due to the following reasons:
  - (i) Unreasonable noise impact in the surrounding rural setting.
  - (ii) Unspecified daily vehicle movements and the impact on the rural setting.
  - (iii) It is not clear how the proposed use complies with the management of waste and wastewater.
  - (iv) The application does not include the source and amount of water to be used for the proposed use.
  - (v) The application does not address the full and detailed extent of clearing proposed to the site and its impacts.
  - (vi) The use is found to comprise industry which is prohibited in the RU1 – Primary Production zone.
7. Pursuant to s4.15 (1)(a)(iv) insufficient information has been provided further to a request from council under Clause 36 of the Regulation and accordingly the proposal is refused;
8. Pursuant to s4.15 (1)(a)(iv) under the Regulation, the use of the existing unauthorised shed for the purpose of a general industrial use would classify it as a Class 8 building under the BCA which required the submission of a fire safety report to address among other things: access, evacuation, water supply, hazardous materials etc. Further, a bushfire report prepared by a BPAD accredited practitioner has not been provided as a part of this application.
9. Pursuant to s4.15 (1)(b) insufficient information has been provided to enable council to ascertain the potential environmental impacts of the existing / proposed prohibited use to the site. Site inspections have revealed pollution to the site and continues to be concerned regarding likely negative environmental impacts from the existing / proposed use.
10. Pursuant to s4.15 (1)(c) the site is not considered suitable for the proposed use because it is highly constrained being bushfire prone, Sydney water drinking catchment land with a creek running through it and the high value vegetation and associated biodiversity vales mapped by both local and state government sources.
11. Pursuant to s4.15 (1)(d) objections to the proposed/existing use raise serious concerns regarding localised environmental impacts which are substantiated through the assessment process and ongoing compliance issues to the site.

12. Pursuant to s4.15 (1)(e) council considers there to be no overriding public interest in favour of granting consent for the proposed development.
13. Development consent was sought for the use of the shed not the shed itself. The shed was built without consent and a building information certificate shall be sought for its retention according to EP & A Act 1979, Division 6.7.

#### **RIGHT OF APPEAL BY APPLICANT**

If you are dissatisfied with this decision Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the NSW Land and Environment Court within six (6) months after the date on which you receive this notice in accordance with the regulations.

*\* Section 8.7 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.*

#### **REQUEST FOR REVIEW OF DETERMINATION BY APPLICANT**

Division 8.2 of the *Environmental Planning and Assessment Act 1979* provides that an applicant may request the Council to review a determination of their application. A request for review must be received within six (6) months of the date of determination. In reviewing the determination Council may confirm or change its determination. A fee applies to all applications for review. Review provisions do not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or
- (c) a determination in respect of integrated development, or
- (d) a determination made by the Council under Division 4 in respect of an application by the Crown.

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

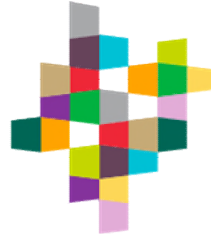
26 FEBRUARY 2025

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FARM SHED TO RURAL INDUSTRY, LOT 3 DP 79065,  
316 SAWYERS RIDGE ROAD REIDSDALE

ATTACHMENT 3 SECTION 4.15 ASSESSMENT



# QPRC



## S8.2 REVIEW REPORT - DA.2022.1658

### SUMMARY

<b>Proposal:</b>	Review of Determination: Change of use of farm shed to rural industry
<b>Address:</b>	316 Sawyers Ridge Road REIDSDALE NSW 2622
<b>Property description:</b>	Lot 3 DP 79065
<b>Applicant:</b>	Upside Planning
<b>Owner:</b>	Thomas William Clarke
<b>Date of lodgement:</b>	15/6/24
<b>Notification period:</b>	27 June 2024 to 16 July 2024 and 18 July 2024 to 5 August 2024 (The notification period for the application was extended due to a technical issue with document availability during the previous notification period).
<b>Submissions received:</b>	Three (3)
<b>Zoning:</b>	RU1 Rural Production
<b>Heritage:</b>	Not applicable
<b>Flood affected:</b>	<b>Not applicable</b>
<b>Bushfire prone:</b>	<b>Yes</b>

### EXECUTIVE SUMMARY

This application is a request for a review of the determination of DA.2022.1658, which was a refusal for a change of use from a farm shed to a rural industry.

The application was notified in accordance with the QPRC Community Engagement and Participation Plan 2019. Three (3) submissions were received (a fourth was received from one of these 3 objectors). All three (3) object to the proposal for reasons considered in this report.

Principal issues that were the reasons for refusal include permissibility, inconsistent with the objectives of the RU1 zone, insufficient information regarding the protection of water quality, the environmental impacts of the proposal and the proposal was not in the public interest.

### BACKGROUND

#### Site Application / Council action history

DA.2021.1527 - Continued use of a shed for the purposes of a rural industry (metal fabrication and welding) - refused 22 June 2022

ON.2021.0103 -Unauthorised industrial activity at a rural block - (Stop Use Order issued 13/09/22) to cease use as a Metal Fabrication);

ON.2022.0156 – Unauthorised shed- (Demolition Order issued 13/09/22);

Penalty Notice to be issued for 'Development Without Consent' to Braidwood Fabrication on 13/09/22.

HB.2023.1020 – BIC lodged (not yet decided) for a review of unauthorised work.

The site contains an existing dwelling house and two sheds. One of the two sheds is relied upon for the use as part of this application.

On site sewer management with registration number OSSM00399 was approved on 02/06/2009.

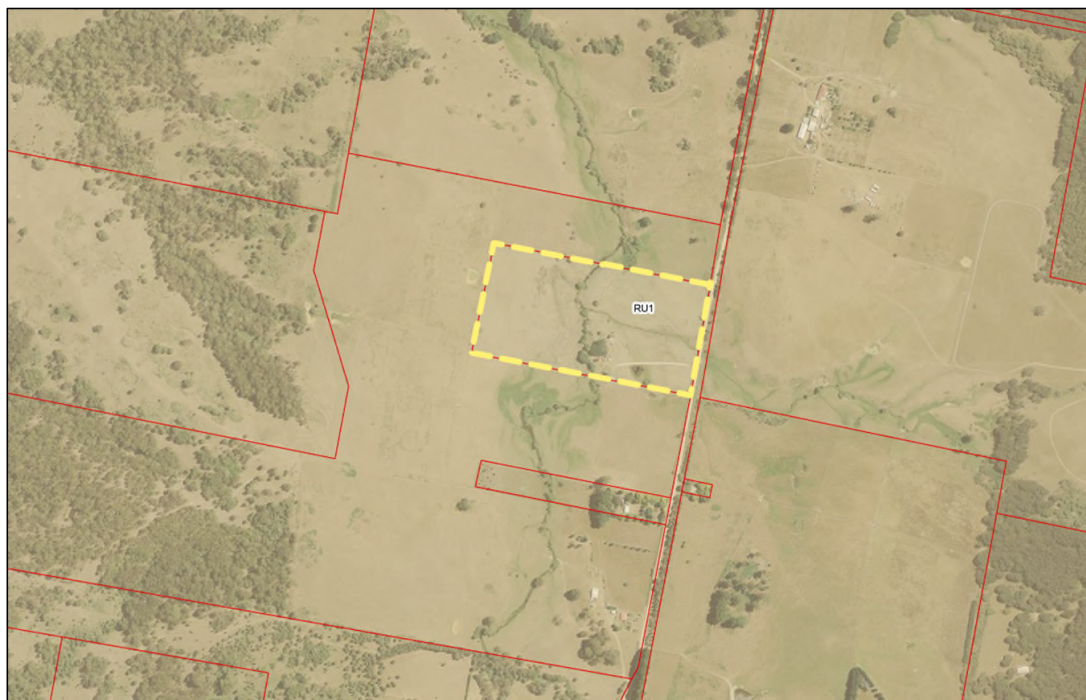
Council holds no record of other buildings or uses on the site.

#### **DESCRIPTION OF THE SITE AND LOCALITY**

The subject site is legally described as Lot 3 DP 79065 and is commonly known as 316 Sawyers Ridge Road REIDSDALE, NSW, 2622. The site is located on the western side of Sawyers Ridge Road and has an area of 10.95 ha.

The subject site includes undulating topography, with the development area generally flat and with minimal vegetation. Reidsdale Creek bisects the property running north- south through the middle and a small dam is located on the southeast corner of the site to the left-hand side of the driveway access.

Existing development on the site comprises of a dwelling house and two sheds. Vehicular access is provided to the site via an existing driveway from Sawyers Ridge Road. Existing development within the locality consists of a range of rural agricultural uses.



**Figure 1: Locality plan**



**Figure 2: Aerial Photo**



**Figure 3: View of access into the property**



Figure 4: View of turning area adjoining shed

### PROPERTY BURDENS AND CONSTRAINTS

#### LEGAL BURDENS

There are no easements or burdens on the land which could affect, or be affected by, the proposed development and none that would specifically preclude the development as proposed.

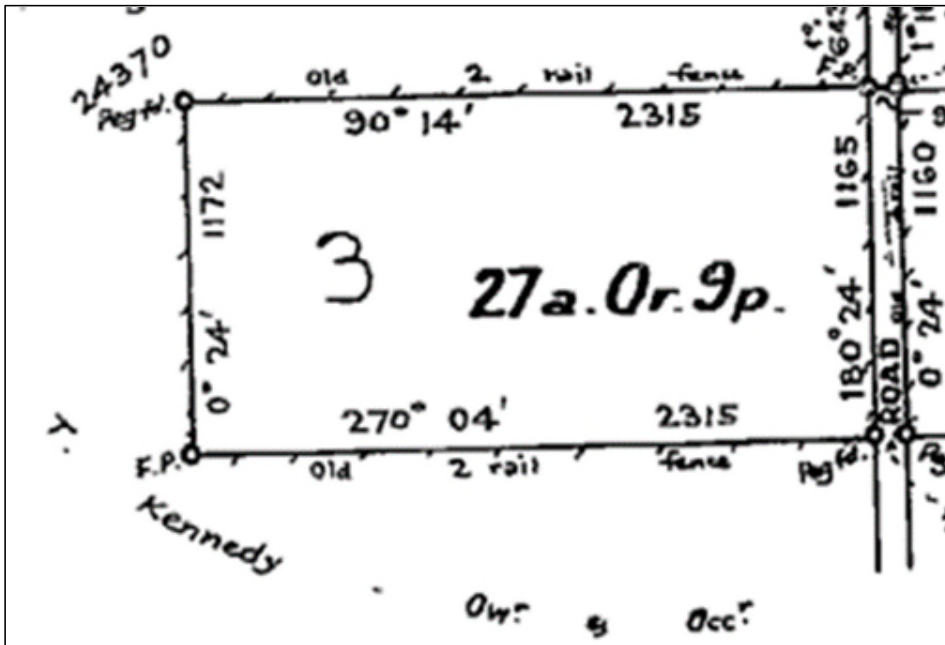


Figure 4: Extract from Deposited plan

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Section 8.2 Review is seeking Council's reconsideration of DA.2022.1658 for change of use from farm shed to Rural Industry. The report provided in support of the application provided the following reasons for the Council to review the decision, in particular:

- Rural industry is Permitted with consent within the RUI Primary Production Zone.
- Development consents are concerned with the use of land, not what the user did in the past.
- The proposal would involve minimal impact on both the environment and adjacent land uses.

The specific elements of the proposal sought by the Applicant are:

- Change of use from existing shed to rural industry;
- Use of existing 12m x 18m metal shed with folding and sliding doors with attached 6m x 6m area (refer to plan extracts below) – shed plan states 'workshop' to its main area;
- Proposed hours of operation are 7.30am to 6pm Monday to Saturday
- Employees of the proposed business are one – owner/operator.

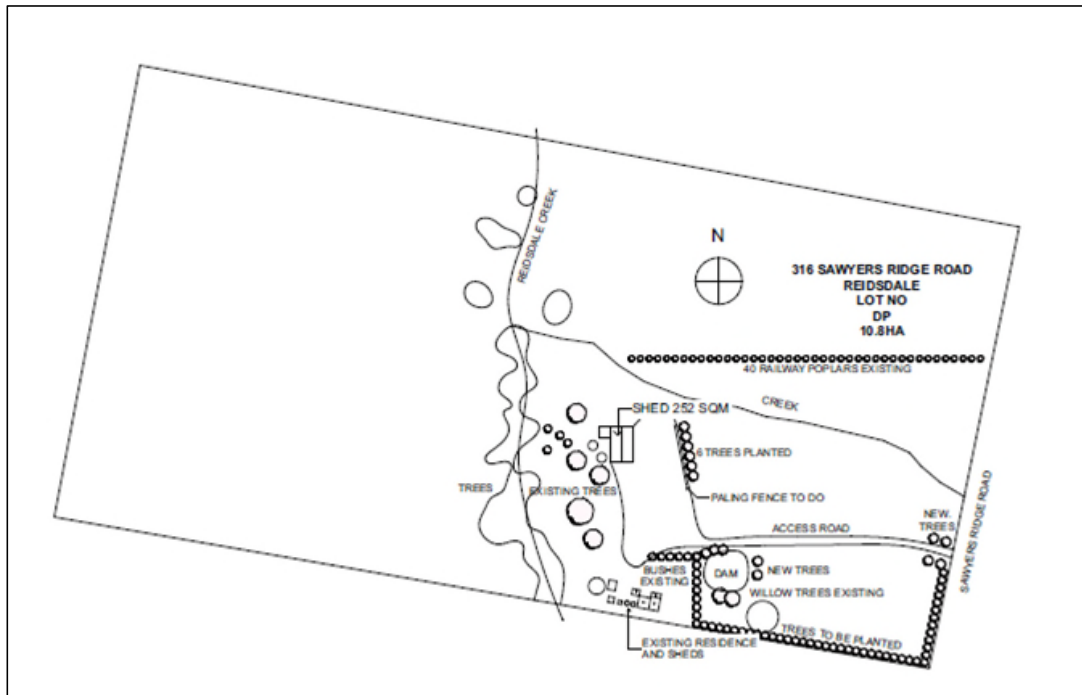


Figure 5: Site Plan provided with application

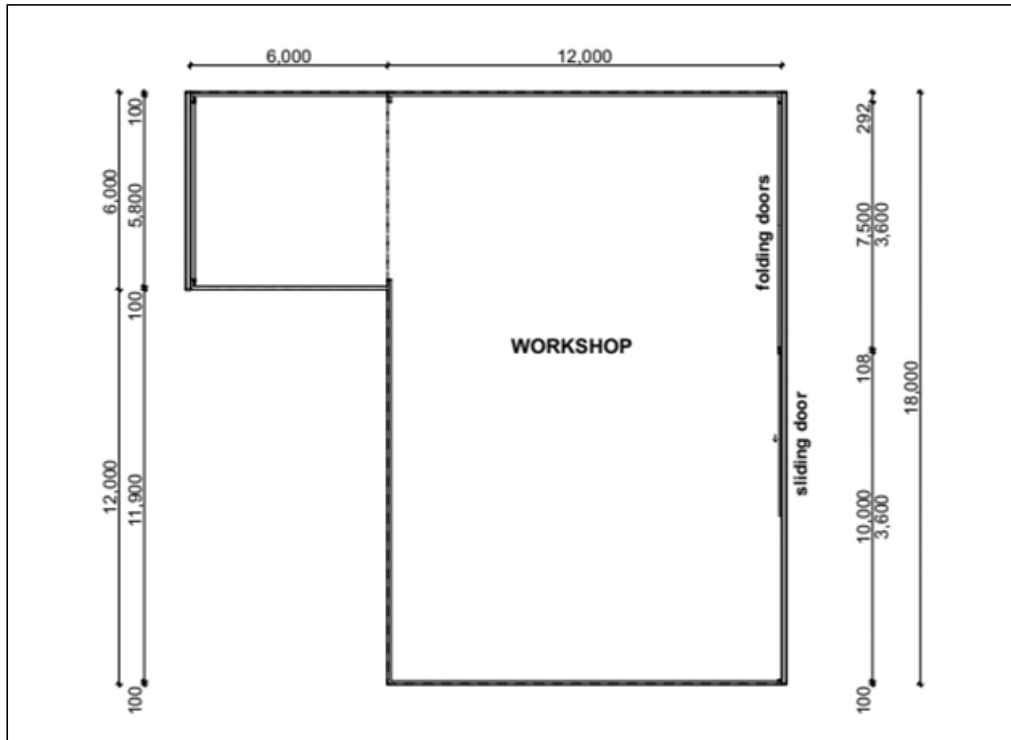


Figure 6: Extract from plans submitted with application

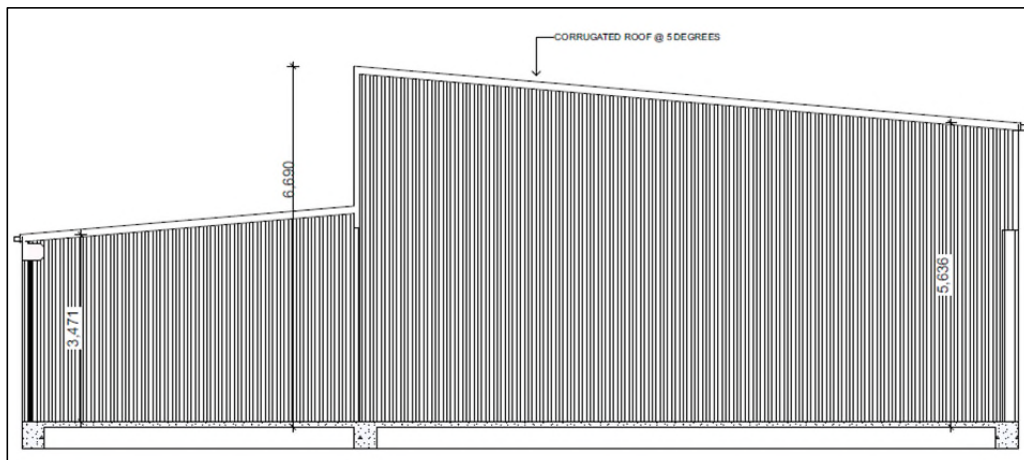


Figure 7: Extract from plans submitted with application

**CONSENT AUTHORITY**

In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) the proposal is considered to be local development and Council is the Consent Authority.

**SECTION 4.10 DESIGNATED DEVELOPMENT – EP&A Act, 1979**

The proposal is not designated development.

**SECTION 4.47 INTEGRATED DEVELOPMENT – EP&A Act, 1979**

The proposal is NOT integrated development.

Fisheries Management Act 1994	No	Heritage Act 1977	No
Mine Subsidence Compensation Act 1961	No	National Parks & Wildlife Act 1974	No
Protection of the Environment Operations Act 1997 (POEA 1997)	Yes	Roads Act 1993	No
Rural Fires Act 1997	No	Water Management Act 2000	No
DPI – Environment and Heritage	No		

The previous assessment provided that under the POEO Act 1997, the metal fabrication activity being undertaken was considered to be a *Scheduled Activity* because it was considered to comprise *Metallurgical activity* as defined therein. As such, the activity, not only requires a development application to be approved for the current use, it also required a Licence from the EPA.

The above is incorrect as the POEO Act 1997 requirements are that the business has the capacity to process more than 10,000 tonnes of metal per year. This business does not have this capacity.

Previous assessment concluded that under the Water Management Act 2000 (WMA 2000), proximity to any watercourse must be considered where the use is proposed within 40m of a watercourse (Creek).

The previous application was not referred to WaterNSW, therefore the comment that an approval under the WMA 2000 is required, was never tested with the relevant state agency. No works are proposed within 40m of the high bank of the creek, therefore a Controlled Activity Approval under the WMA 2000 is not required.

This 8.2 Review was referred to WaterNSW who have provided their concurrence, subject to conditions of consent being included in any approval issued. These conditions are included in the recommended conditions of consent.

The previous assessment concluded that the proposal required an integrated approval from Environment and Heritage. A review of the application has determined that this is not required. No vegetation clearing is required for this application and the site where the shed is located is NOT mapped as having high biodiversity values (see extract of Biodiversity Values Map below).



Figure 8 – Biodiversity Values Map of the site that clearly shows that the shed is not mapped.

## REFERRALS

### INTERNAL REFERRALS

#### Engineering Comments

Council's Development Engineer has commented on the original proposal and provided recommended conditions of consent. Comments are as follows:

#### Proposal:

The development application is for the use of a shed for the purposes of a rural industry. Referring to SEE prepared by Upside Planning, the current application follows the refusal of a development application (DA.2021.1527) for a similar purpose.

The site has a total area of 11 Ha with a farm shed and related infrastructure that is proposed to be changed to a metal fabrication and welding business with a majority of work involving repair of plant, equipment and related infrastructure.

#### Water:

There is no provision of council water service at this place. Two water tanks of 22,000 litres each are connected to a shed to collect the rainwater.

#### Sewer:

There is no council sewer service available at this location. The proposed development will need to rely on an on-site effluent disposal system. No on-site effluent disposal system details have been submitted as part of the DA application.

#### Stormwater:

There is no provision for a council stormwater system at this location. Two water tanks are available at the site and will be used to collect rainwater. Any overflow from any rainwater storage tank must be discharged into an absorption trench or through a stormwater outlet device with scour protection into an overland flow path, at least 3 metres clear of any building and the site's boundaries. As the proposed development will not increase impervious areas, an on-site detention storage system will not be required.



**Access and Parking:**

The proposed development proposes to utilise the existing access from Sayers Ridge Road. While SEE states that all access and parking spaces are compliant, no details have been provided.

Palerang DCP 2015 stipulates the parking requirements to comply with the RMS Guide for Traffic Generating Developments. Two parking spaces will suffice for the proposed developments based on the floor area of approximately 300 m<sup>2</sup>. Two parking spaces are available on the site, with a turning bay in front of the proposed shed.



**Existing Vehicle access**



**Vehicle Turning Bay and Parking arrangement**

**Flooding: n/a**

Council's Development Engineer offered no objections to the proposal, subject to the imposition of recommended conditions of consent.

#### **Building Officer Comments**

Council's Building Officer has commented on the proposal as follows:

- "The BIC resulted from Compliance action and is being held in abeyance pending a decision of the development application.
- A bushfire report has been submitted with the application and has categorised the site as grasslands. There is only a small band of trees on the site and as such, no trees would need to be removed to create an APZ.
- The change of use under the BCA would be from class 10a to class 7/8, which does bring in extra fire safety and amenity requirements. Given the size of the shed and its location, only portable fire extinguishers would be required.

The change of use to a class 8 building is acceptable as the site already provides for accessible paths of travel to and within the building. The business employs only the land owner, therefore the existing facilities within the dwelling are suitable for use in conjunction with the rural industry.

#### **Environmental Health Comments**

Council's Health Officer has commented on the proposal as follows:

Recommended comments received from Water NSW will be set as conditions as they directly relate to ensuring a neutral or beneficial outcome for the waterway.

#### **EXTERNAL REFERRALS**

The subject site is located within the Sydney Drinking Water Catchment. As such, the proposed development requires the concurrence of Water NSW under State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Comments were received from Water NSW in a letter dated 4 September 2024 who advised that as *"The original (DA.2021.1527) and subsequent (DA.2022.1658) applications were not referred to Water NSW for concurrence. As such, Water NSW can only provide comment on this application which technically falls within a Module 5 development."*

Conditions received from Water NSW will be included in the recommended conditions of consent.

#### **CONSIDERATION OF THREATENED SPECIES**

Council is required under Section 4.15 of the Environmental Planning and Assessment Act 1979 to make an assessment of whether the proposed development will have a significant impact on any threatened species, populations, or ecological communities, or their habitats. Such threatened species in NSW may be protected under the NSW Biodiversity Conservation Act 2016 or under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The assessment process under the EPBC Act can occur outside the NSW planning system and requires input from the Federal Department of Environment. Any EPBC Act requirements associated with this proposal are discussed later in this section.

Section 7.3 of the Biodiversity Conservation Act 2016 sets out what must be considered in determining whether a proposed development will have a significant impact. Section 7.3 requires the consideration of the following:

- any assessment guidelines applicable to the species, population, or ecological communities, or their habitats, and
- the application of the 'test of significance' described in the Section.

The site is predicted to contain grasslands with a few native trees under Council's predictive native vegetation mapping.

A section of the site along Reidsdale Creek is located within the biodiversity values map, however the shed has not been included in this mapping. There is also no need for vegetation clearing to establish the APZ for this building.

#### **Test of significance – excerpt from section 7.3 of the Biodiversity Conservation Act**

The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

*'(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),*

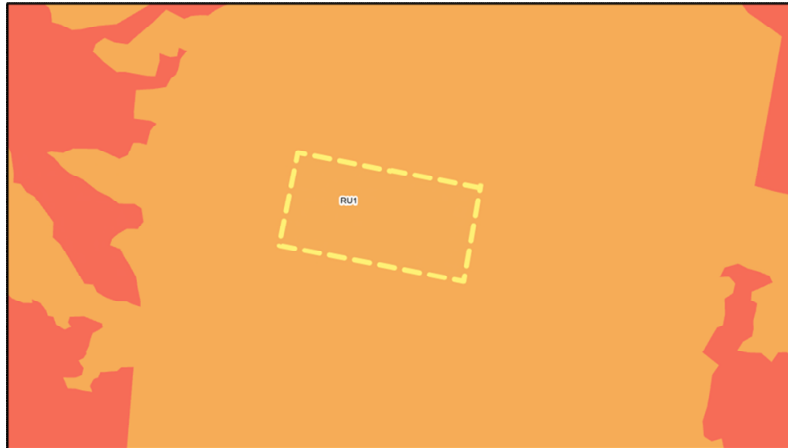
*(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.'*

**Comment:** The application has demonstrated that there is no removal of the vegetation proposed as part of this application.

#### **SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT – CERTAIN BUSHFIRE PRONE LAND – EP&A ACT, 1979**

Section 4.14 of the EP&A Act requires an assessment to be made of the proposal against the requirements of the Rural Fire Service document '*Planning for Bushfire Protection (PBP)*'. The Act allows this assessment to be made by the Council or the RFS. Assessments under Section 4.14 against the PBP need to be made for most development on bushfire prone land which does not require an approval under the Rural Fires Act 1997 as integrated development.

The land is bushfire prone (Vegetation Category 3):



In this case, a bushfire report was submitted with the application as follows:

Bushfire Assessment (Grassland Deeming provisions under PBP 2019 prepared by Dabyn Planning dated 30/09/22). The recommendations are shown in a table included below:

**Checklist:**

Bushfire Prone Land: Nb: See Attachment A	Yes <input checked="" type="checkbox"/> Category 3:  <i>Vegetation Category 3 is considered to be medium bush fire risk vegetation. This category consists of: ) Grasslands, freshwater wetlands, semi-arid woodlands, alpine complex and arid shrublands.</i>
Predominant Vegetation Classification (Within 140m of the development, based on Keith, 2004): Nb: See Attachment B for Mapping Nb: See Attachment C for Photos	Grasslands
Minimum APZ achievable by managing grassland vegetation in all directions:  Nb: See Attachment D for Site Plan	50m to the west 50m to the north 160m to the east 65m to the south
Additional Bushfire Protection Measures:	Not Applicable <input checked="" type="checkbox"/> in accordance with Section 7.9 of PBP, 2019
Recommended Condition/s for Council	<i>➤ All grassland vegetation within 50m (in all directions) of the development is to be managed by the grass kept mown (no higher than 100mm) and all leaves and vegetation debris removed.</i>

As the proposal is for change of use from a class 10(a) to Class 8, the National Construction Code does not provide for any bush fire specific performance requirements. The following objectives have been applied in relation to access, water supply and services and emergency and evacuation planning:

- to provide safe access to/from the public road system for firefighters providing property protection during a bush fire and for occupant egress for evacuation;
- to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the development;
- to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building; and
- provide for the storage of hazardous materials away from the hazard wherever possible.

There is adequate access to /from the public road system, there is adequate water supply for the protection of buildings and the site is easily evacuated.

The recommended conditions of consent include conditions to address bushfire requirements for the site.

#### **SECTION 4.15 CONSIDERATIONS – EP&A Act, 1979**

In determining a development application, the consent authority is to take into consideration the following matters of consideration contained within section 4.15 of the Environmental Planning and Assessment Act, 1979 as relevant to the development application:

##### **4.15(1)(a) the provisions of:**

##### **(i) any environmental planning instrument**

#### **STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY & CONSERVATION) 2021**

##### **Chapter 2- Vegetation in non-rural areas**

The proposal required no vegetation clearing.

##### **Chapter 4 - Koala Habitat protection 2021**

No vegetation is proposed to be removed.

#### **STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021**

Clause 4.6(1) prescribes that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated it is satisfied that the land is suitable for the proposed use.

The historical land use of the subject has been determined as low impact rural residential, a land use activity that is not identified as a contaminating activity in the absence of the presence of obvious triggers that would be suggestive of land contaminating activities.

As the proposed use is non-residential, it is considered that the land is suitable for the proposed use of rural industry. Conditions of consent have been recommended to ensure protection of the natural environment.

#### **STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION) 2021**

The proposal complies with this SEPP as the modest scale of the proposed development does not involve any significant change to the existing use of the land. It does not adversely affect the use of the site for agricultural purposes. The proposed business supports primary production.

#### **QUEANBEYAN-PALERANG REGIONAL LOCAL ENVIRONMENTAL PLAN 2022**

##### **(QPRLEP 2022)**

##### **Permissibility**

The subject site is Zoned RU1 Primary Production zone under QPRLEP 2022.

Development for the purposes of a Rural Industry such as is proposed is permissible within the zone with consent and is defined under PLEP 2014 as follows:

*'rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—*

- (a) agricultural produce industries,*
- (b) livestock processing industries,*

- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**Note—**

Rural industries are not a type of **industry**—see the definition of that term in this Dictionary’

The proposed development involves metal fabrication to assist in the regular servicing or repairing of plant or equipment used for the purposes of rural enterprise, therefore meets the definition of a “rural industry”.

**Zone Objectives**

An assessment of the proposal against the objectives of the RU1 Primary Production zone is included below:

<b>Objectives</b>	<b>Complies</b>
➤ To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	<b>N/A</b>
➤ To encourage diversity in primary industry enterprises and systems appropriate for the area.	<b>Yes</b>
➤ To minimise the fragmentation and alienation of resource lands.	<b>Yes</b>
➤ To minimise conflict between land uses within this zone and land uses within adjoining zones.	<b>Yes</b>
➤ To minimise the impact of any development on the natural environment.	<b>Yes</b>
➤ To ensure that development does not unreasonably increase the demand for public services or facilities.	<b>n/a</b>

**Comments:** The proposal is for a use that is permissible in the zone and supports primary production within the region. The proposal encourages the diversity of industry enterprises and the land is not considered to be resource land therefore does not fragment or alienate this resource. Conditions of consent have been included to minimise the conflict between land uses within the zone, and to ensure that the proposal has minimal impact on the natural environment.

<b>PART 4—PRINCIPAL DEVELOPMENT STANDARDS</b>		
<b>Clause</b>	<b>Relevant?</b>	<b>Comment</b>
<b>4.1 Minimum lot size for subdivision:</b> <ul style="list-style-type: none"> <li>• The assessment must ensure the proposed development meets the relevant Objectives.</li> </ul>	No	n/a
<b>Minimum lot size for:</b> N/A	No	The proposal does not include subdivision.
<b>4.2A Erection of dwelling houses on land in certain rural, residential, mixed use and conservation zones</b>	No	
<b>4.3 Height of Buildings:</b> <ul style="list-style-type: none"> <li>• Max height in zone in zone is (K) 10m.</li> </ul>	No	
<b>4.4 Floor space ratio</b> <ul style="list-style-type: none"> <li>• QPLEP designates the maximum building area to site area (floor space ratio) that the consent authority can approve on some land.</li> <li>• Floor space ratio is defined and excludes some areas of a building.</li> </ul>	No	
<b>4.5 Calculation of floor space ratio and site area</b>	No	There are no floor space ratio controls for land in rural zones.
<b>4.6 Exceptions to development standards:</b>	N/A	n/a

<ul style="list-style-type: none"> <li>• Council can consider varying a development standard in Part 4 (except some subdivision) of the QPLEP at the written request of the applicant.</li> <li>• Applicant to demonstrate that compliance is unreasonable, unnecessary and there are sufficient environmental planning grounds to justify the contraception.</li> </ul>		
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**Part 5: Miscellaneous Provisions**

The relevant provisions contained within Part 5 of the QPRLEP 2022 are addressed below as part of this assessment:

PART 5—MISCELLANEOUS PROVISIONS		
Clause	Relevant?	Comment
<b>5.1 Relevant acquisition authority:</b> <ul style="list-style-type: none"> <li>• Clause looks at who can acquire certain land.</li> <li>• Clause does not change the level of assessment. Land use table applies.</li> </ul>	No	.
<b>5.2 Classification and reclassification of public land:</b> <ul style="list-style-type: none"> <li>• Clause allows Council to classify land as 'operational land' or 'community land'.</li> <li>• Clause does not change the level of assessment. Land use table applies.</li> </ul>	No	No change of land classification.
<b>5.3 Development near zone boundaries:</b> <ul style="list-style-type: none"> <li>• This Clause allows Council to use the objectives of an adjoining zone and permitted uses from the land use table of that adjoining zone to permit a use on the subject site that is currently prohibited. Adjoining zone being relied upon must be within 20m of the subject site.</li> </ul>	No	Not near zone boundary.
<b>5.4 Controls relating to miscellaneous permissible uses:</b> <ul style="list-style-type: none"> <li>• Specific additional controls for some uses. These are statutory controls that cannot be varied and must be complied with or the use is prohibited.</li> </ul>	N/A	N/A
<b>5.5 Controls relating to secondary dwellings on land in a rural zone:</b> <ul style="list-style-type: none"> <li>• Clause limits the internal floor area of a secondary dwelling. If exceeded, the proposed development cannot be approved.</li> </ul>	N/A	n/a
<b>5.7 Development below mean high water mark:</b>	N/A	n/a
<b>5.8 Conversion of fire alarms:</b> <ul style="list-style-type: none"> <li>• Clause applies to converting fire alarm systems that require consent.</li> </ul>	N/A	n/a
<b>5.9 Dwelling house or secondary dwelling affected by natural disaster:</b> <ul style="list-style-type: none"> <li>• Clause provides for the repair or replacement of a lawfully erected dwelling or secondary dwelling damaged or destroyed by a natural disaster.</li> </ul>	N/A	n/a

<b>5.10 Heritage conservation:</b>	Yes	No impact to heritage and unexpected finds condition imposed to mitigate against any such impacts through excavation.
<b>5.11 Bush fire hazard reduction:</b> <ul style="list-style-type: none"> <li>Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.</li> </ul>	N/A	Bushfire hazard reduction works are not part of this application.
<b>5.12 Infrastructure development and use of existing buildings of the Crown</b>	N/A	n/a
<b>5.13 Eco-tourist facilities:</b> <ul style="list-style-type: none"> <li>Clause applies to development for an eco-tourist facility. Facility must have a demonstrated connection with the ecological, environmental, and cultural values of the area which will be enhanced by the proposal.</li> </ul>	N/A	n/a
<b>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones:</b> <ul style="list-style-type: none"> <li>Clause seeks to minimise potential land use conflicts.</li> <li>Clause requires consideration of adjoining land uses or existing or approved uses of land in the vicinity of the development.</li> <li>Clause applies to residential subdivision or for a dwelling.</li> </ul>	N/A	n/a
<b>5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations:</b>	N/A	n/a
<b>5.18 Intensive livestock agriculture:</b>	N/A	n/a
<b>5.19 Pond-based, tank-based and oyster aquaculture:</b>	N/A	n/a
<b>5.21 Flood planning:</b>	No	The subject land is not subject to flooding

**Part 6: Urban release areas**

Not applicable

<b>PART 7—ADDITIONAL LOCAL PROVISIONS</b>		
<b>Clause</b>	<b>Relevant?</b>	<b>Comment</b>
<b>7.1 Earthworks:</b> <ul style="list-style-type: none"> <li>Clause applies to earthworks that is not exempt.</li> <li>Earthworks assessable for a heritage item or in a heritage conservation area except wholly in the back yard).</li> </ul>	No	n/a nothing proposed.
<b>7.2 Terrestrial biodiversity:</b> <ul style="list-style-type: none"> <li>This clause primarily seeks to protect native flora and fauna.</li> </ul>	Yes	Whilst the site is mapped as having Terrestrial Biodiversity, no vegetation is proposed to be removed as part of this application.
<b>7.3 Drinking water catchments:</b> <ul style="list-style-type: none"> <li>This clause primarily seeks to protect drinking water supplies by maintaining water quality.</li> </ul>	Yes	Concurrence has been provided by WaterNSW.



<p><b>7.4 Riparian land and watercourses:</b></p> <ul style="list-style-type: none"> <li>This clause primarily seeks to protect and maintain water quality in waterways, the stability of beds &amp; banks and aquatic &amp; riparian habitats.</li> </ul>	Yes	The site is mapped as riparian land and includes a watercourse (bisected by Reidsdale Creek). No vegetation is proposed to be removed as part of this application.
<p><b>7.5 Salinity:</b></p> <ul style="list-style-type: none"> <li>This clause seeks to ensure land that is impacted by salinity or where the site is prone to erosion is managed.</li> </ul>	No	The site is not mapped as having elevated levels of salinity.
<p><b>7.6 Highly erodible soils:</b></p> <ul style="list-style-type: none"> <li>This clause seeks to protect highly erodible soils.</li> </ul>	No	The site is not mapped as highly erodible soils.
<p><b>7.7 Slopes over 18 degrees:</b></p> <ul style="list-style-type: none"> <li>This clause seeks to manage the impact of development on steep slopes.</li> </ul>	No	The site is not mapped as having slopes over 18°.
<p><b>7.8 Airspace operations:</b></p> <ul style="list-style-type: none"> <li>This clause seeks to manage the potential impact of development that penetrates the Airport Obstacle Limitation Surface.</li> <li>The clause may be triggered by the existing height of the land or the height of the land plus the height of the building.</li> </ul>	No	n/a
<p><b>7.9 Development in areas subject to aircraft noise:</b></p> <ul style="list-style-type: none"> <li>The clause seeks to prevent the impact of noise from the airport or under flight paths.</li> </ul>	No	The site is not mapped within ANEF contour of 20 or greater.
<p><b>7.10 Aircraft noise—development in the South Jerrabomberra Urban Release Area:</b></p> <ul style="list-style-type: none"> <li>This clause applies to noise sensitive development (residential or community use) in South Jerrabomberra Urban Release Area.</li> </ul>	No	n/a
<p><b>7.11 Development in areas adjoining national parks and nature reserves:</b></p> <ul style="list-style-type: none"> <li>This clause seeks to protect values of national parks and nature reserves.</li> <li>It applies to land adjoining a national park or nature reserve.</li> </ul>	No	The site is not mapped as adjoining national parks or nature reserves.
<p><b>7.12 Essential services:</b></p> <ul style="list-style-type: none"> <li>This clause seeks to ensure all relevant essential services are available to the development.</li> </ul>	Yes	Application referred to development engineers who have provided conditions of consent.
<p><b>7.13 Location of sex services premises:</b></p> <ul style="list-style-type: none"> <li>This clause seeks to minimise potential land use conflicts associated with sex services premises.</li> </ul>	No	n/a

<b>7.14 Scenic protection:</b> <ul style="list-style-type: none"> <li>This clause seeks to protect scenic amenity and ensure development does not impact on it.</li> </ul>	No	n/a
<b>7.15 Active street frontages:</b> <ul style="list-style-type: none"> <li>This clause applies to development mapped on land as an active street frontage in the B3 Commercial Core. It seeks to promote uses that attract pedestrian traffic to ground floor street frontages. Clause applies to new buildings and change of use applications.</li> </ul>	No	The development is not mapped on active street frontage maps.
<b>7.20 Animal boarding or training establishments</b>	No	n/a
<b>7.21 Restaurants, cafes or function centres in Zone C4</b>	No	n/a
<b>7.22 Erection of rural worker's dwellings on land in Zones RU1 and C3</b>	No	None proposed.
<b>7.23 Replacement of Lawfully erected dwelling houses in Zones B2 and IN2</b>	No	n/a
<b>Development at/on:</b> <b>7.24 202 Goolabri Drive, Sutton</b>	No	n/a

**4.15(1)(a)(ii) any draft environmental planning instruments**

There were no draft planning instruments applicable to this assessment.

**4.15(1)(a)(iii) any development control plan**

**Palerang DCP 2015**

The proposed development is consistent with the purpose of the DCP. There are no unreasonable impacts on public services and facilities and the development does not detract from primary industry and commerce. The development is consistent with the principles of ecologically sustainable development and the location of the shed presents minimal impacts on native flora and fauna and water quality.

Section	Controls	Comments/compliance/conditions
B3 Flora, Fauna, Soil and Watercourses	The management of assets such as native flora and fauna, soil and watercourses is important as they are the key to ensuring quality air and water and high levels of biodiversity which in turn means lower levels of pest and weed species and productive soils which provide opportunities for agriculture. The QPRLEP2022 contains clauses relating to terrestrial biodiversity, soil erosion and salinity, and watercourses. Additionally, there is State (and in some instances Commonwealth) legislation relating to each of these. Before commencing any works that involve	The primary response to one of the Objects of the Act referred to in the SEE states:  <i>'No wastewater is produced from the fabrication and repair processes.'</i>  <i>No vegetation removal is required.'</i>

	the disturbance of these assets it is necessary to check what approvals are required.	
B3.1 Terrestrial Biodiversity	The section of the DCP is considered relevant to the proposed development as the site is identified as "Biodiversity" on the Terrestrial Biodiversity Map.	No vegetation removal is required for this application.
B4 Bushfire prone land	This clause is considered relevant to the proposed development as the site is identified as "Bushfire prone land" on the relevant Mapping system.	Bushfire report has been provided with the application.
B7 Engineering requirements	Refer to internal referrals section of this report for more comments	Council's Engineer offered no objection to the proposed development, subject to the imposition of recommended conditions of consent.
B8 Erosion and sediment control	Standard conditions relating to site management will be imposed should development consent be granted.	Included in the recommended conditions of consent.
B10.2 Aboriginal heritage	An AHIMS search was carried out for the site.	The AHIMS report states that there are no sites recorded to this property.
B14 Potentially contaminated land	Refer to SEPP (Resilience and Hazards) 2021 for more comments	As the proposal is for non-residential use and is for a rural industry, the proposal complies with these requirements.
B15 Waste management	To ensure that waste is minimised through design, material selection and best building practices. A waste management plan for industrial and commercial development is to be submitted.	Conditions have been included in the recommended conditions of consent to ensure waste is managed appropriately..

### Part C – Development Specific Provisions

Section	Controls	Comments/compliance/conditions
C25 Rural Industry	<p>1) Buildings are to be designed and sited so as to not to have a significant impact on the rural landscape, amenity and agricultural productivity of rural areas</p> <p>2) Setbacks are to be in accordance with the table 23. Note: Setbacks may need to be increased in order to address potential environmental or amenity impacts of the proposed development</p>	<p>1)The building does not exceed the height limit and has a footprint of 252sqm.</p> <p>2) Setbacks to existing shed are as follows: Side Setback (south) is 34m North setback (side) is 180m Front setback is 187m from road Rear setback is 250m These setbacks comply.</p> <p>3) The shed is a metal shed – constructed of non-reflective materials.</p> <p>4) Conditions have been recommend in the conditions of consent to ensure that the outdoor areas are screened</p>

Table 23 Setbacks for rural industry buildings and storage areas			Minimum required IN2 Light Industrial (metres)
Setbacks for rural industry buildings and storage areas	Minimum required RU1 Primary Production and zone (metres)		
Primary road frontage	50		5
Side and rear setback	<4 hectares	15	5
	4ha- 80 hectares	25	-
	> 80 hectares	50	-
Watercourse	100		100
National park	100		-

3) Building colours are to be neutral or earth tones and of non-reflective material  
 4) Outdoor storage yards are to be screened from roadways and neighbouring dwellings

from roadways and neighbouring dwellings.

**4.15(1)(a)(iia) any planning agreement or draft planning agreement**

No planning agreement has been entered into under section 7.4 of the *Environmental Planning and Assessment Act 1979*.

**4.15(1)(a)(iv) matters prescribed by the regulations**

There are no particular matters that are prescribed by the regulations that are a consideration for this application.

**4.15(1)(a)(v) any coastal zone management plan**

Council is not subject to a coastal zone management plan.

**4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Please refer to table below:

Likely Impacts to:	Comment on:				
Aboriginal Cultural Heritage	<p>The Aboriginal Cultural Heritage Due Diligence process was followed as part of the assessment. An AHIMS document was generated by the assessing officer which found that:</p> <p>A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:</p> <table border="1"> <tr> <td>0</td> <td>Aboriginal sites are recorded in or near the above location.</td> </tr> <tr> <td>0</td> <td>Aboriginal places have been declared in or near the above location. *</td> </tr> </table>	0	Aboriginal sites are recorded in or near the above location.	0	Aboriginal places have been declared in or near the above location. *
0	Aboriginal sites are recorded in or near the above location.				
0	Aboriginal places have been declared in or near the above location. *				
Context and Setting	The development has had a negative impact on the scenic qualities and features of the landscape including views and vistas and is not compatible with the established character of the locality. Noise impact have been raised by submitters in the local area.				
Access, Transport and Traffic	These matters have been addressed by Council's Engineering Officer's referral and the proposal is found to be acceptable subject to the imposition of conditions as recommended.				

Likely Impacts to:	Comment on:
Public Domain	The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space.
Utilities	These matters have been addressed under the assessment of Part 7 of the QPRLEP.
Heritage	These matters have been addressed under the assessment of Part 5 of the QPRLEP. The site is not heritage listed nor located within a heritage conservation area or within the vicinity of any items.
Other Land Resources	The proposed use of the land takes up a very small area and therefore does not negatively impact on other land resources.
Water	The proposal has demonstrated that it satisfied the neutral and/or beneficial effect test and concurrence has been provided from WaterNSW.
Soils	The proposed development will have minimal adverse impact on soil conservation.
Air and Microclimate	The potential environmental impacts of this use have been addressed through appropriate conditions in the recommended conditions of consent.
Flora and Fauna	No native vegetations is required to be removed as part of this application.
Waste	Conditions of consent have been included to ensure waste is managed effectively and the site does not pollute.
Noise and Vibration	The proposed development is unlikely to cause an adverse ongoing impact from noise and / or vibration as the nearest dwelling to the site is over 300m from the shed.
Natural Hazards	These matters have been addressed under the assessment of Part 4.14 of the EP&A Act and Part 5 of the QPRLEP.
Technological Hazards	No technological hazards are known to affect the site.
Social Impact in the Locality	The social impacts of the proposal are anticipated to be minimal.
Economic Impact in the Locality	There are no perceivable negative long-term impacts in terms of economic impact. The development will provide additional small scale appropriate development within the rural area of Reidsdale and provide for a business that is essential to the rural enterprise activities occurring in the area
Site Design and Internal Design	n/a
Construction	None proposed.

Likely Impacts to:	Comment on:
Cumulative Impacts	The anticipated increase in vehicle movements as a result of this development can be catered for by the existing road network, and it is considered that there will be no unacceptable negative impact on the surrounding locality.

**4.15(1)(c) the suitability of the site for the development**

The proposed rural industry provides an important service to the local rural economy in a location that aligns with zone objectives and the aims of QPR LEP 2022. The proposed development is therefore an expected use in this location and consistent with surrounding land uses. The modest scale of the proposed development, similar to many other rural businesses located throughout the district means that real impacts are minimal.

The site is not subject to natural hazards, such as subsidence, slip, mass movement or flooding. The soil characteristics are appropriate for the development and there are no critical habitats, or threatened species, populations, ecological communities or habitats which will be affected by the proposed development.

**4.15(1)(d) any submissions made in accordance with this Act or the regulations**

The application was notified in accordance with Part E of the PDCP 2015, with **three (3)** submissions received, raising the following concerns:

1. *Suitability of the site for the proposed use*

**Assessing officer’s comments:** This assessment of the proposal has determined that subject to conditions of consent, the site is suitable for the proposed development. The proposed rural industry provides an important service to the local rural economy in a location that aligns with zone objectives and the aims of QPR LEP 2022. The proposed development is therefore an expected use in this location and consistent with surrounding land uses. The modest scale of the proposed development, similar to many other rural businesses located throughout the district means that real impacts are minimal.

2. *Illegal use and prohibited use*

**Assessing officer’s comments:** The proposed use of the site for the purposes of a rural industry is permissible with consent in the RU1 zone. An assessment of the proposed use of the land has concluded that it meets the definition of a rural industry, and therefore is permissible.

3. *Incorrect location for use – should be in industrial area*

**Assessing officer’s comments:** Rural Industry is permitted in the RU1 zone.

4. *Use is not considered to be orderly and economic use of the land with regard to ESD principles.*

**Assessing officer’s comments:** The assessment of the application has taken into consideration relevant economic, environmental and social consideration in the assessment of this application. The proposal is supported, with appropriate conditions to ensure that the development will not have an adverse impact on the natural and built environment.

5. *Inconsistent with QPRLEP 2022*

**Assessing officer’s comments:** The assessment has concluded that the proposal; is not inconsistent with the QPRLEP22 and this has been demonstrated within the body of this report.

6. *Inconsistent with DCP requirements*

**Assessing officer’s comments:** The assessment concludes that the proposal is consistent with the requirements of the relevant DCP.

7. *Concern regarding unauthorised dwellings to site*

**Assessing officer's comments:** This is not a consideration in the assessment of this application as the dwelling is not part of the proposal.

*8. Bushfire Concerns*

**Assessing officer's comments:** An appropriate bushfire report has been provided with the application that addresses the requirements of "Planning for Bushfire Protection" 2019. Conditions of consent have been included to ensure bushfire requirements are provided to the site.

*9. Noise and night time use*

**Assessing officer's comments:** Conditions of consent have been included in the recommended conditions to limit the hours of operation for the business. Operating hours of the business is proposed from 7.30am to 6.00pm Monday to Saturday.

*10. Water Management concerns*

**Assessing officer's comments:** The proposal was referred to WaterNSW who have provided their concurrence and determined that the development will have a neutral and/or beneficial effect on water quality, subject to conditions of consent. These conditions are included in the recommended conditions.

*11. Waste Management concerns (OSSD & other Waste)*

**Assessing officer's comments:** The safe management of waste materials from this site has been conditioned in the recommended conditions of consent. Onsite stormwater detention was considered by WaterNSW and considered satisfactory subject to conditions of consent.

*12. Rainwater Management concerns*

**Assessing officer's comments:** WaterNSW has required two 22,000 litre tanks to receive the stormwater from the shed. Conditions will also be included to direct overflow away from the creek.

*13. Property only 11 hectares and shed exceeds the size permissible on this property*

**Assessing officer's comments:** There is no maximum size for a shed in the RU1 zone.

*14. There is an illegal Onsite Sewage Management System (OSSM) on the site.*

**Assessing officer's comments:** The existing OSSM on the property is licensed by Council and was last inspected on the 4/9/23 where a five year approval was issued.

The issues raised in the submissions are able to be addressed through conditions of consent and are not considered to be insurmountable which would therefore require a refusal of the proposal.

**4.15(1)(e) the public interest**

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation and consideration of any submissions received relating to it by Council. There are no issues identified within the site analysis that has been undertaken within this report that should preclude Council's ability to support the proposed development with appropriate conditions of consent. Approval of the proposed development would not be contrary to the public interest.

**SECTION 64 CONTRIBUTIONS**

Section 64 of the Local Government Act 1993 allows contributions to be levied towards the provision of water, sewerage and stormwater infrastructure.

Section 64 Contributions are not applicable to the proposed development.

**SECTION 7.11 CONTRIBUTIONS**

Section 7.11 of the *Environmental Planning & Assessment Act 1979* permits councils to require as a condition of development consent, the reasonable dedication of land or the payment of monies, or both, for development that is likely to require the provision of or increase the demand for public amenities and public services within the area.

Section 7.11 Contributions have been determined as applicable by Council's Development Engineers. A contributions schedule has been included in the recommended conditions of consent.

### **CONCLUSION**

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, and is considered to be satisfactory and recommended for approval.



# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

26 FEBRUARY 2025

ITEM 9.1 REV.2024.0001 FOR DA.2022.1658, CHANGE OF USE OF  
FARM SHED TO RURAL INDUSTRY, LOT 3 DP 79065,  
316 SAWYERS RIDGE ROAD REIDSDALE

ATTACHMENT 4 RECOMMENDED CONDITIONS OF CONSENT



**RECOMMENDED CONDITIONS – REV.2024.0001 – 316 Sawyers Ridge Rd REIDSDALE**

**APPROVED DEVELOPMENT AND PLANS**

**1. Plans and documents**

The development referred to in the application is to be carried out in accordance with the approved plans and documents including the following:

<b>Title / Description</b>	<b>Prepared by</b>	<b>Issue/Revision &amp; Date</b>
Site Plan	Blue Sky Homes	15.11.2022
Floor plan & elevations	Blue Sky Homes	15.11.2022
Section 1	Blue Sky Homes	15.11.2022

except as modified by any of the following conditions of consent.

*Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.*

**SPECIAL CONDITIONS**

**2. Approved Development**

The development must comply with the definition of 'rural industry' as outlined within the Queanbeyan Palerang Regional Local Environmental Plan (QPRLEP) 2022. Under the QPRLEP 2022:

**rural industry** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

*Note— Rural industries are not a type of industry—see the definition of that term in this Dictionary.*

No other use is permitted unless prior consent by Council is obtained.

All relevant Australian Standards must be complied with throughout the life of the development.

*Reason: To ensure the development is carried out as assessed.*

**3. Operation**

The development must not process more than 10,000 tonnes of metal per year. Any increase to this amount requires the consent of Council and may trigger approval with NSW EPA.

*Reason: To ensure appropriate approvals are obtained.*

#### **4. Hours of business operation**

The hours of operation for the rural industry are:

- a) 7.30am to 6.00pm Monday to Saturday.

*Reason: To ensure the amenity of the locality is protected.*

#### **5. Essential Fire Safety Measures**

In granting this consent, Council requires the essential fire safety measures, as provided in the attached Fire Safety Schedule to be installed and maintained to comply with the requirements of the Building Code of Australia.

Prior to the use of the building for a rural industry, the owner must cause the Council to be given a fire safety certificate. The fire safety certificate must state in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated:

- a) The measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so; and
- b) As at the date of the assessment the measure was found to be capable of functioning at a standard not less than required by the Schedule attached to the Construction Certificate.

Note: Annual Fire Safety Statements must be submitted to Council within each twelve- month period certifying the maintenance standard of the Essential Fire Safety Measure installed on the property.

*Reason: To comply with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

#### **6. Outdoor Lighting**

Outdoor lighting, where provided, must be designed, baffled and located so as to prevent any direct light being emitted outside the boundaries of the subject land.

*Reason: To protect the amenity of the local area.*

### **COMPLIANCE WITH GOVERNMENT DEPARTMENT CONDITIONS OF CONSENT**

#### **7. WaterNSW**

The applicant must comply with all WaterNSW comments and conditions, dated 4 September 2024 and attached to this Development Consent as Appendix 1.

*Reason: To ensure the development has a neutral or beneficial effect on water quality..*

### **CONDITIONS TO BE SATISFIED PRIOR TO THE USE OF THE BUILDING FOR THE PURPOSE OF A RURAL INDUSTRY**

#### **8. Unauthorised Use of Public Land**

No materials are to be stored or construction activities undertaken on public or adjoining land without prior written approval from Council.

*Reason: To prevent unnecessary disturbance to public land.*

## 9. Waste Management Plan

Prior to the use of the building for a rural industry, a waste management plan for the development must be provided to Council. The plan must be prepared

a) in accordance with

i) the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and

b) include the following information—

- i) the name and contact details of who is responsible for the plan and management of the waste onsite,
- ii) the name and contact details of the person(s) removing waste,
- iii) a description of each different waste type and an estimate of the and quantity of each waste type expected to be produced,
- iv) how each waste type will be managed onsite and offsite, including whether the waste is expected to be reused, recycled or sent to landfill,
- v) where any onsite management of waste will occur, such as for consolidation and collection.

A copy of the waste management plan must be kept on-site at all times.

*Reason: To ensure resource recovery is promoted and local amenity protected.*

## 10. Work on Adjoining Land is limited

The verge and other adjoining lands must not be used for storage of materials, trade/construction vehicle parking or disturbed by any activities associated with the rural industry.

*Reason: To minimise interference with the verge and its accessibility by pedestrians.*

## 11. Colours and Material Finishes

The building is to be finished in materials that have a low reflectivity. Colours are to incorporate the use of muted, natural colours that will blend with, rather than stand out from, the landscape for major features such as walls, roof and fencing.

*Reason: The building is not visually intrusive in the landscape and does not cause glare.*

## 12. Stormwater Management - Rural

Roof water that is not connected to a rain water storage tank, and any overflow from any storage tank, must be discharged into an absorption trench or through a stormwater outlet device with scour protection into an overland flow path, at least three (3) metres clear of any building and the boundaries of the site, and directed away from Reidsdale Creek.

*Reason: Stormwater disposal does not impact on the building and the natural environment.*

## 13. Vehicle and Goods Storage Confined to the Site

All loading and unloading activities in connection with the development must be carried out wholly within the site and all goods and vehicles associated with the development must be accommodated wholly within the site.

*Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge.*

#### **14. Surface Water**

Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.

*Reason: To ensure surface water is managed appropriately.*

#### **15. Landscaping Buffer**

All landscaping shown on the site plan, prepared by Blue Sky Homes Pty Ltd and dated 15.11.22 is to be planted prior to the use of the building for a rural industry.

*Reason: To ensure that landscaping as proposed is established prior to the use of the building.*

#### **16. Vegetation Removal**

There is no approval for the removal of any native vegetation on the site.

*Reason: To protect existing native vegetation.*

#### **17. Bushfire Protection - Asset Protection Zones**

At the commencement of building works and in perpetuity the property around the building shall be managed as follows as outlined within section 3.2 and Appendix 4 of *Planning for Bush Fire Protection* 2019 and the NSW Rural Fire Service's document *Standards for asset protection zones*:

- North for a distance of **50** metres as an asset protection zone;
- South for a distance of **65** metres as an asset protection zone;
- East for a distance of **160** metres as an asset protection zone; and
- West for a distance of **50** metres as an asset protection zone (APZ).

*Reason: 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.*

#### **18. Development Contributions to be Paid**

Prior to the use of the building as a Rural Industry, the contributions specified in Schedule 1 of this consent must be paid to Council under the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979*.

*Reason: To provide for the funding of augmentation and provision of services and community facilities.*

### **CONDITIONS TO BE SATISFIED DURING THE ONGOING USE OF THE PREMISES**

#### **19. Dust Management**

Immediately undertake all measures as appropriate, and/or respond to any Council direction to provide dust suppression on roads leading to, adjacent to and within the site in the event that weather conditions, construction activities and associated traffic to and from the site are giving rise to abnormal generation of dust.

*Reason: To ensure that local residents and activities are not disadvantaged by dust during hours of operation.*

#### **20. Plant and Equipment Noise**

The noise level emanating from plant and equipment installed on the premises must not exceed a level of 5dB(A) above background level when measured for a LAeq 15 minute period during the day, evening or night.

*Reason: To reduce the noise nuisance to residents and adjacent neighbours, also to comply with the Protection of the Environment Operations Act 1997 and Regulations.*

#### **21. Maintain Car Parking Areas and Driveway Seals**

All surfaces car parking areas, loading bays, manoeuvring areas and driveways must be maintained in a trafficable condition.

*Reason: To ensure car park areas are useable.*

#### **22. Vehicle and Goods Storage Confined to the Site**

All loading and unloading activities in connection with the development must be carried out wholly within the site and all goods and vehicles associated with the development must be accommodated wholly within the site.

*Reason: To ensure free flow of vehicular and pedestrian traffic on the road and the verge.*

#### **23. Car Parking Spaces to Be Kept Free At All Times**

All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times. The operator of the development must ensure that all vehicles associated with the development are parked within the site in the approved car parking area as line marked.

*Reason: To ensure such areas are available for occupants and visitors of the site.*

**QUEANBEYAN-PALERANG REGIONAL COUNCIL  
CONTRIBUTION TO PROVISION OF ACCESS ROADS UNDER  
TALLAGANDA SECTION 7.11 (94) PLAN No. 3**

FILE No: DA.2022.1658

APPLICANT: Thomas William Clarke

OWNER: Thomas William Clarke

LOCATION: Lot 3 DP 79065 – 316 Sayers Ridge Road, REIDSDALE NSW 2622

ACTIVITY: Change of use of farm shed to rural industry

ROAD: Sawyers Ridge Road

CONTRIBUTION:

Base Contribution	\$14,784.00
Reduction (>10km)	\$2,971.58
Contribution per Lot/E.T less reduction (unindexed)	\$11,812.42
CPI Adjustment (for 2023/24)	+68.12%
Contribution (indexed)	\$19,859.00
Applicable Number of Lots/E.T.	1.0
Ledger	42145
Code	TSC P3 SAWRI
<b>Total Payment Due:</b>	<b>\$19,859</b>

(Adjusted to for 2022/23, CPI Canberra All Groups – March 2023)

(The contribution amount is subject to adjustment in keeping with the Consumer Price Index – All Groups - Canberra at the start of each financial year. The amount payable will be determined at the time of payment.)

Contributions are required to be paid prior to the use of the building as a Rural Industry.

**QUEANBEYAN-PALERANG REGIONAL COUNCIL  
CONTRIBUTION TO BUSHFIRE SUPPRESSION AND CONTROL  
UNDER  
TALLAGANDA SECTION 7.11 (94) PLAN No. 4**

FILE No: **DA.2022.1658**

APPLICANT: **Thomas William Clarke**

OWNER: **Thomas William Clarke**

LOCATION: **Lot 3 DP 79065 – 316 Sayers Ridge Road, REIDSDALE NSW 2622**

ACTIVITY: **Change of use of farm shed to rural industry**

CATCHMENT: **Sawyers Ridge Road**

CONTRIBUTION:

<b>Project</b>	<b>Ledger</b>	<b>Code</b>	<b>Base Contribution</b>	<b>Indexation</b>	<b>Lots</b>	<b>Amount</b>
Bushfire Facilities – Southern-Araluen	42128	TSC P4 S ARAL	\$364	+68.12%	1	<b>\$612</b>

(Adjusted for 2022/23, CPI Canberra All Groups – March 2023)

(The contribution amount is subject to adjustment in keeping with the Consumer Price Index – All Groups - Canberra at the start of each financial year. The amount payable will be determined at the time of payment.)

Contributions are required to be paid prior to the use of the building as a Rural Industry.





PO Box 398, Parramatta NSW 2124  
Level 14, 169 Macquarie Street  
Parramatta NSW 2150  
www.watnsw.com.au  
ABN 21 147 934 787

4 September 2024

Water NSW Ref: DAR 24076-a1  
Your Ref: REV.2024.0001

General Manager  
Queanbeyan-Palerang Regional Council  
PO Box 90  
QUEANBEYAN NSW 2620

Attention: Belinda McManus

Dear Ms McManus,

**Subject: Part 6.5 of SEPP (Biodiversity and Conservation) 2021  
REV.2024.0001; Lot 3 DP 79065; 316 Sawyers Ridge Road, Reidsdale**

I refer to the NSW Planning Portal referral received 23 July 2024 requesting the concurrence of Water NSW under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the SEPP)* with a Section 8.3 application for review of determination for a proposal to change the use of a previously constructed farm shed for rural industry. The proposal was previously assessed and refused by Council (DA.2021.1527, refused 22 June 2022 and DA.2022.1658, refused 7 December 2023).

The original (DA.2021.1527) and subsequent (DA.2022.1658) applications were not referred to Water NSW for concurrence. As such, Water NSW can only provide comment on this application which technically falls within a Module 5 development.

The subject property is located within the Shoalhaven Catchment which forms part of Sydney's water supply.

Water NSW considered the following documents in its assessment of the application:

- Section 8.3 Application for review (dated 29 May 2024) and original Statement of Environmental Effects (dated 21 November 2022) prepared by Upside Planning
- Bushfire Assessment prepared by Dabyne Planning (dated 30 September 2022), and
- Site Plans prepared by Blue Sky Homes Pty Ltd (dated 15 November 2022).

Water NSW notes the following from its assessment:

- The shed and associated hardstand area are already constructed. This DA seeks approval for use of the shed for rural industry. Any further works on site should ensure appropriate sediment and erosion controls are installed prior to works commencing
- Council undertook a NorBE assessment within the NorBE Tool for the original DA (DA.2021.1527) on 16 May 2022. The assessment considered the development proposed no water quality impact, which may not reflect the nature of the development particularly given the proximity to Reidsdale Creek.
- Discussions with the applicant confirmed the shed has no water or toilet facilities and no wastewater will be generated within the shed. They also noted waste generated during the metal fabrication on-site is either taken off-site to be recycled or stored on site and reused or 'up-cycled'
- The existing site has no formal drainage for its (historic and existing) uses. Given the fall of the land and close proximity to Reidsdale Creek, the development should be

consistent with any requirements for Controlled Activity Approval under the *Water Management Act 2000* issued by the Department of Climate Change, Energy, the Environment and Water (DCCEEW)

- Two new water tanks, each 22,000 litres, are proposed to receive stormwater from the shed.

Based on the information provided, Water NSW considers this application can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

If Council approves this application, it may consider the following conditions in the consent:

1. The existing driveway and unsealed hardstand areas shall divert run-off away from Reidsdale Creek, onto a stable surface capable of accepting concentrated water flow and providing efficient sediment trapping and energy dissipation.
2. The rainwater collection system for the building roof shall be installed that:
  - includes rainwater tank/s with a minimum total capacity of 44,000 litres
  - ensures roofs and gutters are designed to maximise the capture of rainwater in the tank/s
  - ensures that the tank/s are plumbed for non-potable use including landscape watering, and
  - ensures that all rainwater tank overflow is directed away from Reidsdale Creek to a stable surface capable of accepting concentrated water flow and providing efficient sediment trapping and energy dissipation.
3. No further construction works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

Water NSW would appreciate receiving a copy of Council's determination of the application.

If you wish to discuss this matter further, please contact Nicole Wallwood via email at [environmental.assessments@waternsw.com.au](mailto:environmental.assessments@waternsw.com.au).

Yours sincerely



**JURI JUNG**  
**Catchment Protection Manager**

# Fire Safety Schedule



Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

**Please note:**

- A fire safety schedule must deal with the whole of the building not just part of the building.
- Please complete all sections in full using CAPITAL LETTERS.
- Information to assist to complete each section is provided at the end of this document.

**Section 1: Location of the building**

Address (Street No., Street Name, Suburb and Postcode)

316 SAWYERS RIDGE ROAD REIDSDALE NSW 2622

Lot No. (if known) CP/DP/SP No. (if known) Building name (if applicable)

LOT 3 DP 79065 INDUSTRIAL SHED

**Section 2: Reissue of Fire Safety Schedule (Section 80A of the Regulation)**

- Not applicable – Fire Safety Schedule is not being re-issued.
- Reissued Fire Safety Schedule (please state reason below)

Reason for Reissue of Schedule

- Original Schedule Lost or Destroyed
- Correction of errors or omissions.

**Section 3: Reference Details (Section 78 of the Regulation)**

Reference Type Reference Number (if known)

DEVELOPMENT CONSENT REV.2024.001

**Section 4: Fire Safety Measures for the building – excluding Critical Fire Safety Measures (Section 79 of the Regulation)**

Item No. Fire safety measure Current (Existing) Minimum standard of performance

NIL

Proposed (New or Modified including section 84(6) of the Regulation)

1 PORTABLE FIRE EXTINGUISHERS AS2444-2001

**Details of Fire Safety Building Code of Australia (BCA) Performance Solution Report(s)**

(Ref No./Title of report/Author/Date) BCA Performance Requirement(s) BCA Dts Provision(s) and details of non-compliance

NIL

**Section 5: Critical Fire Safety Measures – where applicable to the building (Section 79 of the Regulation)**

Note: A critical fire safety measure is one where the performance is verified at intervals of less than 12 months through the submission of a supplementary fire safety statement.

Item No. Fire safety measure Current (Existing) Minimum standard of performance

NIL

Proposed (New or Modified)

NIL

## Fire Safety Schedule



Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

### Section 6: Details of approved exemptions from compliance with BCA standards for a relevant fire safety system (Section 74 of the Regulation)

Item No.	Relevant fire safety measure	Description of exemption
	NIL	

### Section 7: Name of authority or registered certifier issuing this schedule

Name	Organisation (Business or Council Name)
MELINDA COREY	QUEANBEYAN PALERANG REGIONAL COUNCIL

Business Address (Street No., Street Name, Suburb and Postcode)  
257 CRAWFORD ST QUEANBEYAN NSW 2620

Registration Number (Where Applicable)  
BDC1758

Date of Issue  
19/02/2025

# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

26 FEBRUARY 2025

ITEM 9.1 REV.2024.0001 FOR DA.2022.1658, CHANGE OF USE OF  
FARM SHED TO RURAL INDUSTRY, LOT 3 DP 79065,  
316 SAWYERS RIDGE ROAD REIDSDALE

ATTACHMENT 5 REDACTED SUBMISSIONS

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Monday, 5 August 2024 7:51 PM  
**To:** Council Mail  
**Subject:** review of determination-da.rev2024.0001 316 sawyers ridge rd reidsdale

**Categories:** [REDACTED]

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

**[EXTERNAL]** This email originated from outside of the organisation. Please do not click links or open attachments unless you recognise the sender and know that the content is safe.

Dear Belinda

I wish to state my support for [REDACTED] statements in regard to the above mentioned review

Regards

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Monday, 5 August 2024 2:54 PM  
**To:** Council Mail  
**Cc:** Rebecca Ryan; [REDACTED] Ruth Ormella; Belinda McManus  
**Subject:** Objection to Plans/Documentation DA No Rev.2024.0001  
**Attachments:** Sawyers\_Ridge\_Rev3 (2).pdf

[EXTERNAL] This email originated from outside of the organisation. Please do not click links or open attachments unless you recognise the sender and know that the content is safe.

Dear Ms Ormella & Ms McManus,

I refer to my email to council of 10 July and also Council's letter dated 18 July 2024. I would also like to note this objection should be read in conjunction with an independent professional report prepared by Ben Pogson of Restore AG, dated 21 March, 2022 and lodged in previous submissions to Council. The subject report is still relevant to the facts of this DA and is attached for your easy reference.

The matter in question has a very long history dating back well over 3 years when I first brought Council's attention to illegal building works that were being undertaken at the subject property. Despite Council being made aware of such works there was no effort made at that stage or subsequently when council was formally notified of further separate illegal building works being undertaken by the Applicant, including a habitable residential structure that has been converted to a permanent abode. The newer structure no doubt incorporates a septic based toilet system within close proximity (approx 50 metres) to the Reidsdale Creek which was surprisingly built while a stop work order had been imposed by Council on the former shed structure. Further I assume the habitable abode has not been granted a Building Occupation Certificate by Council ?

One can only wonder why such illegal works continued and were allowed to be completed [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] At no stage has he ever attempted to consult any of his closest neighbours in regards what he has proposed, particularly given the fact the adjacent properties have been held in the same family hands for over 100 years (and 300 metres via direct sight and earshot in a rural setting is still considered a very short distance).

The property in question comprises only some 27 acres or some 11 hectares and falls well short of meeting the minimum requirements for a shed of the size that has been illegally erected - and in fact the shed actually exceeds the size permitted for a 40 hectare property. There is no precedent for a structure anywhere near the size of this shed in Reidsdale and even for that matter in Braidwood.

You would have to ask yourself the question why a shed of the size erected is required to service a maximum of 2 or 3 'commercial' farmers in the Reidsdale region and who would unlikely own machinery of any significant size and scale ? Such 'repairs and maintenance' work would normally be carried out remotely or at least in a shed less than a quarter of the size erected at 316 Sawyers Ridge Rd [REDACTED] It would also not make commercial sense to erect and operate such a structure for the repairs and maintenance of just 2 to 3 farmers in Reidsdale without the support of other far more substantive business.

Of note the 'supporting letters' from local farmers are small operators who would be unlikely to operate anything more than a smaller to medium size tractor and ancillary equipment. [REDACTED]

[REDACTED] None of the supporters properties are either in eyesight of earshot of the Sawyers Ridge Rd property so they are not impacted by its amenity.

Upside Planning suggest there is a 'Robust Case' for council to review the owners submission. I fail to comprehend how this could be argued when the applicant has undertaken not one but numerous illegal structures without seeking council approval. Further, not only has the Applicant cleared significant vegetation including within the Riparian Zone [REDACTED] he undertook significant cut and fill earthworks using a large bulldozer [REDACTED] and compounding the issue was the clients flagrant disregard for the environment by undertaking building works within stipulated sensitive vegetation areas (riparian zones) and pristine waterways . Abandoned cars still remain littered along the Reidsdale Creek behind the subject structure despite also being brought to councils attention. No doubt satellite photography can confirm the razing of the land.

Upside has indicated industrial works have ceased at the subject property which does not appear to be the case given large vehicles, including a bus have been parked on site for some time and others come and go. And if the Applicant has in fact ceased works at the subject property by reason one could rightly infer that the Applicant can continue and conduct his business without the use of the shed.

[REDACTED]

There is no disputing the subject structure is a total eyesore, it well and truly exceeds the footprint allowed for a rural parcel of land of 11 hectares, it sits within the riparian zone and is within stipulated distance of a Sydney Water Catchment tributary. Upside have tried to argue that the application cannot be assessed on the assumption of a future breach' [REDACTED]

[REDACTED] Likewise as already noted he has shown a total disregard for his immediate neighbours quiet enjoyment of their rural surrounds.

As I have argued on a number of occasions over the last 3 years, Reidsdale valley is a pristine rural environment that has existed without major development for over 200 years. The subject structure and other illegal non conforming buildings do not in any way compliment the beautiful vistas and the owner should be made to either remove the offending structure or minimise its impact and fully comply with council zoning, building, environmental, bushfire and waste requirements.



I remain committed to the fight for Reidsdale Valley to remain a rural only rural setting and register my strong objection to any review by Council that leads to the Applicant to carry on a 'business' out of the subject shed.






5 August 2024

Attention: Ms Belinda McManus, Assessing Officer

Queanbeyan-Palerang Regional Council  
PO Box 90  
Queanbeyan NSW 2023

RE: OBJECTION TO DEVELOPMENT APPLICATION NO. REV.2024.0001  
USE OF SHED FOR RURAL INDUSTRY

Dear Ms McManus

The writer wishes to respond to the further proposal and appeal dated 29 May 2024 by Upside Planning on behalf of the owner of 

On 22 June 2022 Council refused the application for 5 reasons. The applicant now claims to have responded to the information requested by Council and addressed the issues raised by objectors. Something I think both Council and I have yet to discover in both submissions.

Upside claims that there is a robust case to review the decision highlighting 3 reasons in particular, despite offering no further information or conformity since the original application.

- The shed has never been approved and its size exceeds that **not** requiring approval for the size of land on which it is erected. The applicant now has the audacity to seek permission to carry on an industry in a shed that was illegally erected and may not even comply with Council building and Bush Fire Codes.
- Upside's statement that council decided to assess the landowner rather than the applications proposal is invalid. Their statement that 'Council continued to apply the proponents past activities when he operated from town' is quite simply fanciful as he had photos of the said shed and his industrial scale work published on his Facebook page whilst the application was being considered.

Upside refers to *Jonah Pty Ltd v Pittwater Council (2006)* **Preston CJ held that whilst past unlawful use is not relevant of itself in determining an application, it could be relevant in evaluating likely impacts and their acceptability and required mitigation measures.**

- Claims that the proposal would involve minimal impact on the environment and adjacent land uses has not changed.  
Again, nothing has changed on the site since the photos submitted by Upside Planning in November 2022 and those by Restor AG in March 2022 where it is clear that the site is an eyesore and completely out of character with the surrounding countryside.

I would like to directly respond to the Reasons for Refusal as outlined in their submission dated 29 May 2024.

#### Reasons for Refusal

1. Constant excuses/claims that requests for information were not received is not a legitimate reason to consider reversal of a decision particularly when no subsequent efforts were made to address said requests.
2. Again excuses/claims that requests for information were not received and to claim that water and chemicals are not used to 'repair farm machinery' is simply not feasible. Does farm machinery not consume oil, fuel, water?
3. 'The use is not considered to be orderly and economic use of this rural land with regard to ecological sustainability principles because this issue has not been addressed by the application' – the applicant simply responds with – we don't use water and we don't '**store**' chemicals.
4. The applicant has not addressed how he will 'minimise the impact of the development on the natural environment or acknowledge that the application is contrary to the objectives of the RU1 Primary Production Zone'. He has not provided any detail to further explain the proposed use – other than a blanket statement - 'to repair farm machinery'.
5. 'Pursuant to s4.15 (1)(a)(i), the use **proposed and existing to this site and the unapproved building (shed)** that are the subject of this application is not found to be consistent with the definition for Rural Industry insofar as the permissibility outlined in the Queanbeyan Palerang Local Environmental Plan 2022 (QLEP 2022) because:
  - A) The building is being used for metal fabrication
  - B) 'The extent of fabrication works being undertaken at the subject property without consent ... comprises a wide range of metal fabrication work considered to exceed the enabling part of the definition'

Upside's response to the above, is simply that -  
'The Council has many avenues available to enforce compliance' – which is exactly what it is now doing, in my opinion, by refusing the application.

As the applicant's past performance, certainly demonstrates his lack of accountability and compliance by brazenly building not only an oversized shed but also a mini village without consent. In fact, contrary to Upsides statement, I believe, that the reasons for refusal **DO** hold up under critical examination.

6. I failed to see the matters raised in this point being addressed in the development application, apart from simple denial.
7. Another denial of request for information the applicant claims to have not received.
8. Bush fire – it would seem there is a point of contention relating to bush fire. How several fire extinguishers could be expected to extinguish a bush fire on a shed that size is quite simply 'laughable'. In addition, I would have thought there would be some concern regarding the suitability of the unapproved shed – as per Council's requirement that 'All new construction subject to bush fire must comply with the current version of AS3959 Construction of Buildings in Bush Fire Prone Areas'. Does this shed comply with these requirements?
9. 'Site inspections have revealed pollution to the site and continues to be concerned regarding likely negative environmental impacts from the exiting/proposed use'.

To simply state – 'council has sufficient information to understand the absence of impact' and to suggest that the clutters of various buildings, rubbish and machinery covering a substantial part of the site relates to the owner's hobbies is not a reason to excuse. Or that 'Council has misunderstood the nature of the proposal and the related absence of material impact' is quite frankly, I would have thought, insulting.

10. The bushfire report presented was not applicable to the zoning and did not support the development application.  
The creek is most definitely affected by littered parts and I would suspect oils, fuels leeching into the soil nearby.  
Predicted modelling regarding native vegetation – how has this been implemented?
11. Serious concerns regarding localised environmental impacts ... ongoing compliance issues to the site.

I hope Council will indulge me in reiterating some previous objections I made regarding this application. Tom Clarke has continued to demonstrate no regard or acknowledgment of the peace, quiet and beauty of the hamlet of Reidsdale. I am sure that Council will agree that the development has reached a point where it is now far from 'in keeping with the character of the locality' nor does it 'promote the orderly and economic use and development of land or promote good design and amenity of the built environment', it does in fact contravene the aforementioned.

The applicant can simply not be relied upon to provide clarity or detailed information when, or as requested. I return to my previous concern regarding his planning submission where he states 'as the business evolves over time' – is this not an indication of future plans for expansion/diversification?

I thank you again for the opportunity to provide feedback and comment on the issues which remain unaddressed or simply passed over, regarding this application. I once again hope that Council maintains its previous decision to refuse the DA on this property for 'Change of Use'.

Kind regards



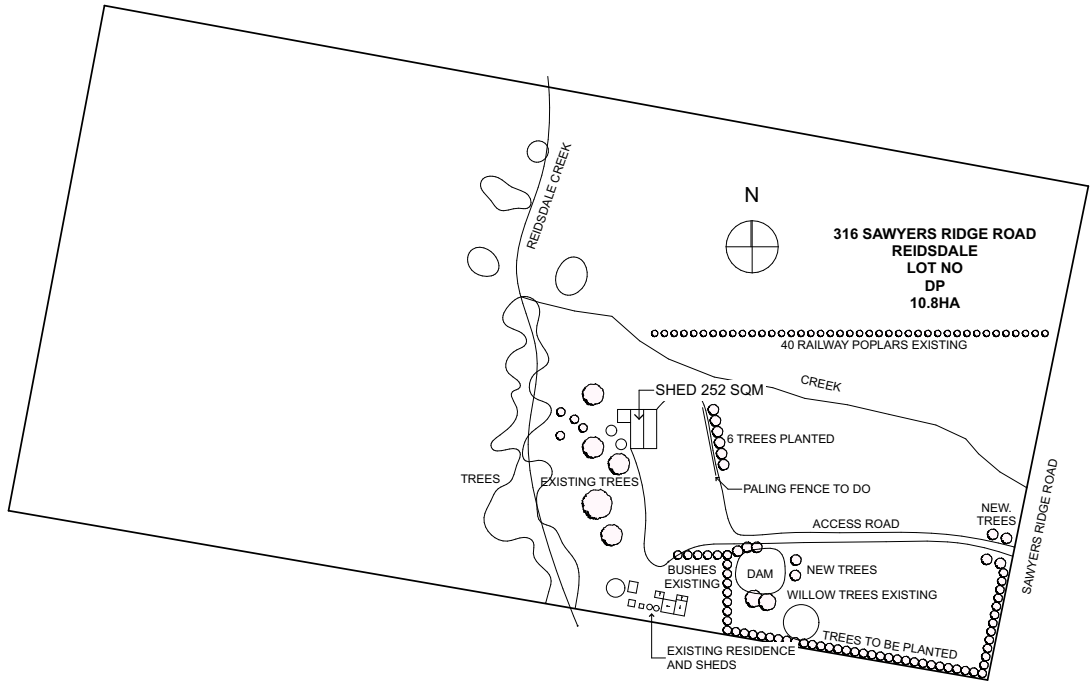
# QUEANBEYAN-PALERANG REGIONAL COUNCIL

## Council Meeting Attachment

26 FEBRUARY 2025

ITEM 9.1 REV.2024.0001 FOR DA.2022.1658, CHANGE OF USE OF  
FARM SHED TO RURAL INDUSTRY, LOT 3 DP 79065,  
316 SAWYERS RIDGE ROAD REIDSDALE

ATTACHMENT 6 PROPOSED PLANS



SITE PLAN 1:2000



**BLUE SKY HOMES Pty Ltd**  
 ABN 19 108 158 783  
 ADDRESS: PO Box 201 BRAIDWOOD  
 P 0407 701 786  
 Web brucecondelldesign.com.au

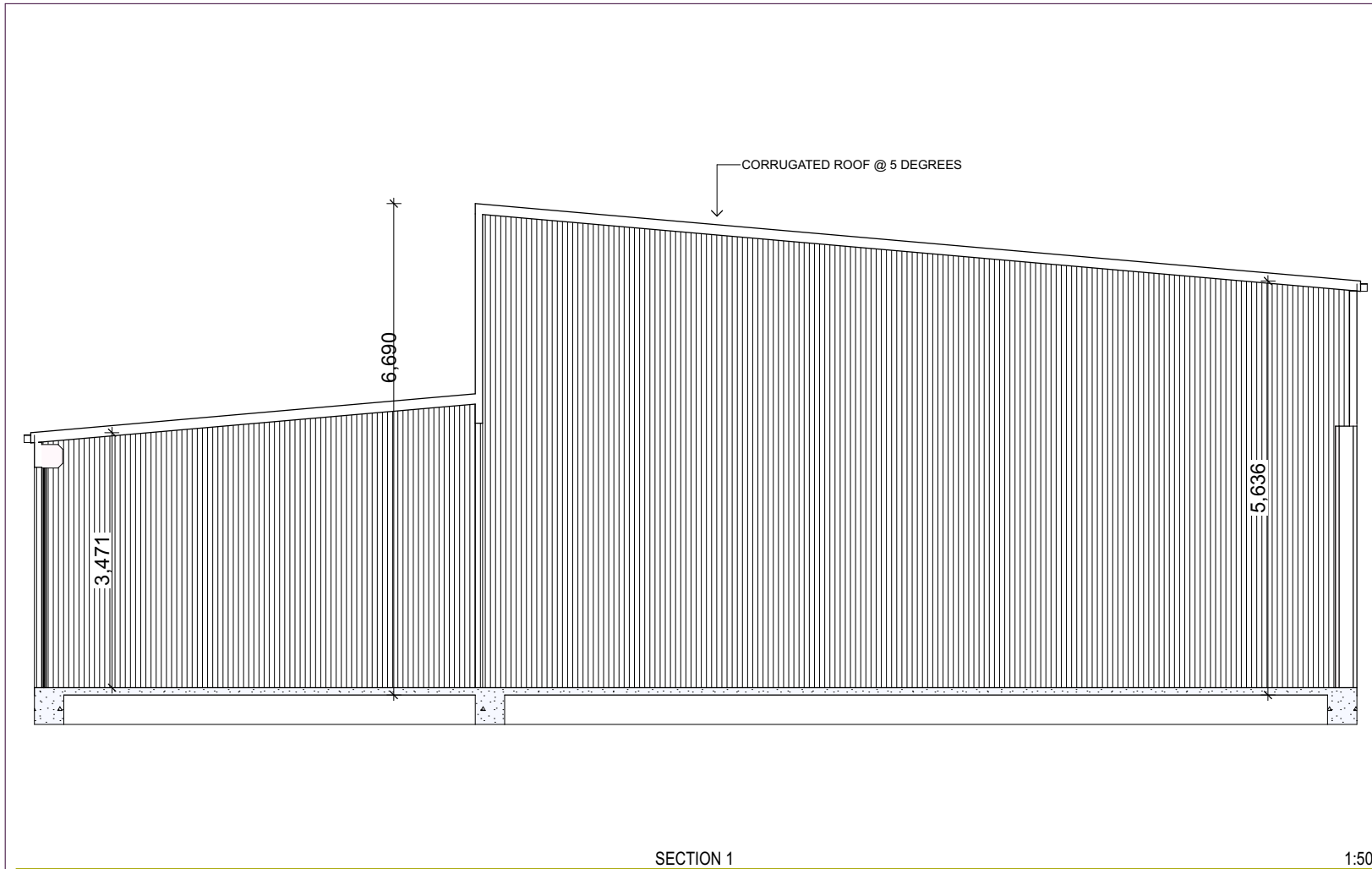
**General Notes**  
 The Builder shall check all dimensions and levels on site prior to construction.  
 Notify any errors, discrepancies or omissions to the designer.  
 Drawings shall not be used for construction purposes until issued for construction.  
 Do not scale drawings.  
 All boundaries and contours subject to survey


**PROJECT NAME :**  
 WORKSHOP  
**CLIENT :**  
 TOM CLARKE

**SITE :**  
 316 SAWYERS RIDGE RD,  
 REIDSDALE. 2622  
**DRAWING TITLE :**  
 SITE PLAN

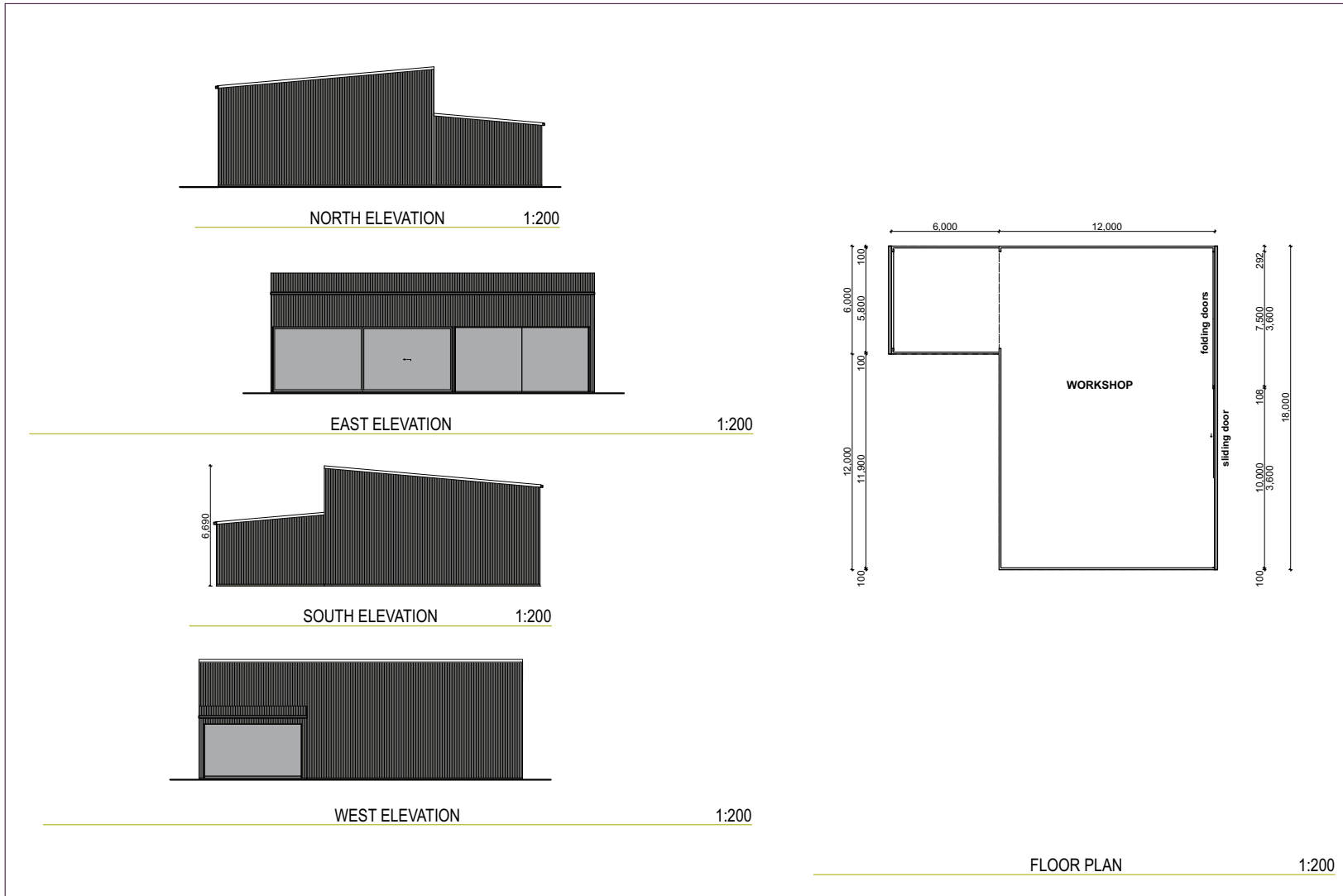
**ISSUE. A**  
 15.11.22  
**DRAWING NO.**  
 1 OF 3


**DRAWN BY :**  
 Bruce Condell  
**PROJECT NO.**  
 2029



 <p><b>BUILDING DESIGNERS AUSTRALIA</b></p>	<p><b>BLUE SKY HOMES Pty Ltd</b>                  ABN 19 108 158 783                  ADDRESS: PO Box 201 BRAIDWOOD                  P 0407 701 788                  Web brucecondelldesign.com.au</p>	<p><b>General Notes</b>                  The Builder shall check all dimensions and levels on site prior to construction.                  Notify any errors, discrepancies or omissions to the designer.                  Drawings shall not be used for construction purposes until issued for construction.                  Do not scale drawings.                  All boundaries and contours subject to survey</p>	<p><b>PROJECT NAME :</b>                  WORKSHOP  <b>CLIENT :</b>                  TOM CLARKE</p>	<p><b>SITE :</b>                  316 SAWYERS RIDGE RD,                  REIDSDALE. 2622  <b>DRAWING TITLE :</b>                  SECTION 1</p>	<p><b>ISSUE. A</b>                  15.11.22  <b>DRAWING NO.</b>                  3 OF 3</p>	<p><b>DRAWN BY :</b>                  Bruce Condell  <b>PROJECT NO.</b>                  2029</p>
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 <p><b>BUILDING DESIGNERS AUSTRALIA</b></p>	<p><b>BLUE SKY HOMES Pty Ltd</b>                  ABN 19 108 158 783                  ADDRESS: PO Box 201 BRAIDWOOD                  P 0407 701 788                  Web brucecondelldesign.com.au</p>	<p><b>General Notes</b>                  The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the designer.                  Drawings shall not be used for construction purposes until issued for construction.                  Do not scale drawings.                  All boundaries and contours subject to survey</p>	<p><b>PROJECT NAME :</b>  <b>WORKSHOP</b>  <b>CLIENT :</b>  <b>TOM CLARKE</b></p>	<p><b>SITE :</b>  <b>316 SAWYERS RIDGE RD,</b>  <b>REIDSDALE. 2622</b>  <b>DRAWING TITLE :</b>  <b>FLOOR PLAN, ELEVATIONS</b></p>	<p><b>ISSUE. A</b>  <b>15.11.22</b>  <b>DRAWING NO.</b>  <b>2 OF 3</b></p>	<p><b>DRAWN BY :</b>                  Bruce Condell  <b>PROJECT NO.</b>  <b>2029</b></p>
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