



Ordinary Meeting of Council

27 September 2017

**UNDER SEPARATE COVER
ATTACHMENTS**

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

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QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

27 SEPTEMBER 2017

ITEM 7.1 RESCHS CREEK CAUSEWAY, ROSSI

ATTACHMENT 1 PHOTO - RESCHS CREEK CAUSEWAY



QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

27 SEPTEMBER 2017

ITEM 8.1	DEVELOPMENT APPLICATION 248-2017 - 14 KAVANAGH CLOSE - ERECTION OF A THREE STOREY DWELLING HOUSE
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ATTACHMENT 1	14 KAVANAGH STREET - SECTION 79C(1) MATTERS FOR CONSIDERATION - DA 248-2017
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ATTACHMENT - SECTION 79C(1) TABLE – Matters For Consideration

This application has been assessed under Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and the following matters are of relevance to **Development Application No 248-2017**

EP&A Act 1979 COMMENTS	COMPLIES (Yes/No)
<i>Environmental Planning and Assessment Act 1979, Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats</i>	
<p>(2) <i>The following factors must be taken into account in making a determination under this section:</i></p> <p>(a) <i>in the case of a threatened species, whether the action proposed 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,</i></p> <p>No threatened species have been identified as being on the subject site.</p> <p>(b) <i>in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,</i></p> <p>(c) <i>in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:</i></p> <p>(i) <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</i></p> <p>(ii) <i>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,</i></p> <p>No Endangered Ecological Communities have been identified on the subject site.</p> <p>(d) <i>in relation to the habitat of a threatened species, population or ecological community:</i></p> <p>(i) <i>the extent to which habitat is likely to be removed or modified as a result of the action proposed, and</i></p> <p>(ii) <i>whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and</i></p> <p>(iii) <i>the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,</i></p> <p>No threatened species, populations or ecological communities have been identified on the subject site.</p> <p>(e) <i>whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),</i></p> <p>(f) <i>whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,</i></p> <p>(g) <i>whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.</i></p>	<p>Yes</p>

EP&A Act 1979 COMMENTS	COMPLIES (Yes/No)
<p>The subject site was researched as part of the Fauna Assessment Report for Land Rezoning Proposal, North Terrace Stage 5 and Jerrabomberra Heights Stage 5 within the original Subdivision Development Application 460-2002. The findings for this showed that the site does contain a <i>Eucalyptus sp.</i> tree that has been identified as high quality. This tree is proposed to be retained and will form a part of the landscaping for the dwelling.</p> <p>The subject site was also identified as a residential use with high conservation value and contained dry forest vegetation in the Queanbeyan Biodiversity Study 2008. The study; however, did not identify any Endangered Ecological Communities. Due to this it is unlikely that the site will have any adverse effects on the life cycle of any endangered species, endangered ecological communities, habitats of threatened species or any critical habitat.</p>	

State Environmental Planning Policies

The proposed development has been assessed in accordance with the requirements of the relevant State Environmental Planning Policies (SEPPs) including any draft SEPPs and a summary is provided in the following table:

SEPP COMMENTS	COMPLIES (Yes/No)
State Environmental Planning Policy No 55 - Remediation of Land	
<p>Clause 7(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. There are no records of the site being previously used for any potentially contaminating purposes.</p>	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	
<p>Under this policy, a BASIX certificate must be obtained, and this certificate must be consistent with the plans submitted. A BASIX Certificate was submitted that includes measures that will achieve the required energy and water efficiency targets. The information provided within the submitted certificate and the plans are consistent, therefore, compliance with this SEPP has been achieved.</p>	Yes
State Environmental Planning Policy (Infrastructure) 2007	
<p>The provisions of this Policy have been considered in the assessment of the application. The site is not located in or adjacent to road corridor nor does it have a frontage to a classified road. The site is not located within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. No development is proposed within 5m of an overhead powerline and no ground penetrating work is proposed within 2m of any underground electricity services.</p>	Yes


Local Environmental Plans

The proposed development has been assessed in accordance with the relevant requirements of the *Queanbeyan Local Environmental Plan 2012* and no relevant draft LEPs apply to the land. A summary is provided as follows:

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Part 1 Preliminary	
Clause 1.2 Aims of Plan	
<p>The relevant aims of the Plan to the proposed development are as follows:</p> <ul style="list-style-type: none"> a) <i>to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles;</i> b) <i>to provide for a diversity of housing throughout Queanbeyan;</i> c) <i>to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community;</i> d) <i>to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;</i> e) <i>to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra; and</i> f) <i>to maintain the unique identity and country character of Queanbeyan.</i> <p>The proposed development is consistent with the aims of the Queanbeyan Local Environmental Plan 2012. Specifically, the proposed development does contribute to housing diversity within Jerrabomberra and the general Queanbeyan area. The proposed dwelling is over the height control, however has been setback a large distance from the front setback to levitate any potential bulkiness.</p>	Yes
Clause 1.4 Definitions	
<p>The proposed development is defined as a dwelling house means a building containing only one dwelling. This is permissible with consent in the zone.</p>	Yes
Clause 1.9A Suspension of Covenants, Agreements and Instruments	
<p>A Section 88B Instrument burdens the lot with the following restrictions:</p> <p>Fourthly</p> <ul style="list-style-type: none"> • <i>The roof must be either shingles, tiles, slate or Colorbond™.</i> <p>The proposed roof will be Colorbond™.</p> <ul style="list-style-type: none"> • <i>External walls must be brick, stone or have a rendered finish.</i> <p>The external walls are proposed to be concrete with a rendered finish.</p> <ul style="list-style-type: none"> • <i>The dwelling must have a floor area of at least 165m².</i> <p>The proposed floor area is over 500m².</p> <ul style="list-style-type: none"> • <i>No prefabricated carport is permissible on site.</i> <p>This is not proposed.</p>	Yes

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<ul style="list-style-type: none"> <i>No detached garage, carport or garden shed is permitted on site.</i> <p>This is not proposed.</p> <ul style="list-style-type: none"> <i>No goods (boats, trailer etc.) may be placed on the lot</i> <i>No incinerator may be placed or used on the lot</i> <i>No commercial vehicle may be parked on the lot unless it is within an approved garage or carport.</i> <p>This is not proposed.</p> <ul style="list-style-type: none"> <i>Fencing is to be timber lapped and capped.</i> <p>Colorbond™ fencing is proposed and is acceptable in this case. The surrounding dwelling all have this material and as such this will give consistency to the streetscape.</p> <p>Fifthly This restriction refers to the fencing proposed on the side of the public pathway leading to Mount Jerrabomberra. It restricts fencing types to timber lapped and capped, Colorbond™ and chain mesh. The adjoining property has erected Colorbond™ and as discussed in the above restriction the applicant has proposed the same. This is supported for the same above reasoning.</p> <p>Sixthly This restriction refers to two trees located to the rear of the block and the retention of them. The applicant has proposed to retain these trees.</p>	
Part 2 Permitted or Prohibited Development	
Clause 2.1 Land Use Zones	
The subject site is zoned R2 Low Density Residential. The proposal is permitted with consent in the zone.	Yes
Clause 2.3 Zone Objectives and Land Use Tables	
<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a low density residential environment.</i> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <i>To encourage development that considers the low density amenity of existing and future residents.</i> <i>To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimize the impact of urban development, particularly on the edge of the urban area.</i> <p>It is considered that the proposed development does satisfies the objectives of the zone specifically as the design has incorporated neutral colours and tones to conform to the bushland character of the area.</p>	Yes
Clause 2.7 Demolition requires development consent	
The proposal does not involve demolition of an existing structure.	NA

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
Part 4 Principal Development Standards	
Clause 4.3 Height of buildings	
<p>The maximum building height permitted on the subject site is 8.5 metres.</p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) <i>to ensure that the height of buildings complement the streetscape or the historic character of the area in which the buildings are located,</i> (b) <i>to protect the heritage character of Queanbeyan and the significance of heritage buildings and heritage items,</i> (c) <i>to nominate heights that will provide a transition in built form between varying land use intensities.</i> <p>The proposed maximum height is partially 8.8 metres and does not comply with this Clause. The streetscape contains two storey dwelling houses and split level dwelling houses with a height of no more than 8.5 metres. However, the design is not uncomplimentary to the area. This is as there are surrounding dwelling houses, such as the one at 6 Guise Place, with a similar three storey design.</p> <p>The subject site is also a neighbour of Mount Jerrabomberra which is a heritage item. Council's Heritage Advisor has assessed the proposal and argued that due to the dwelling house is in keeping with the character of the streetscape and will not compromise the significance of Mount Jerrabomberra.</p> <p>The surrounding land use is also urban residential and the proposed height is slightly higher than the surrounding blocks. It is also only for a small portion of the dwelling (See Figure 2 below).</p> <div data-bbox="236 1211 1145 1637" data-label="Figure"> </div> <p style="text-align: center;"><i>Figure 2 – Extent of 8.8 metre height</i></p> <p>As Figure 3 depicts below, the majority of the dwelling has a height of approximately 7.8 metres. The higher point is a design element only.</p>	<p>No - Variation</p>

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
 <p data-bbox="375 716 1021 750">Figure 3 – 7.8 metre height of the dwelling house</p> <p data-bbox="87 784 1284 851">Please refer to Clause 4.6 of the LEP for the applicants reasoning and officer’s assessment and conclusion for this variation.</p>	
<p>Clause 4.4 Floor space ratio</p>	
<p>A Floor Space Ratio does not apply to the subject site.</p>	<p>NA</p>
<p>Clause 4.6 Exceptions to development standards</p>	
<p>(1) <i>The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"> (a) <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i> (b) <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i> <p>(2) <i>Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i></p> <p>(3) <i>Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</i></p> <ul style="list-style-type: none"> (a) <i>that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i> (b) <i>that there are sufficient environmental planning grounds to justify contravening the development standard.</i> <p>The proposed dwelling house has a partial maximum height of 9.2 metres with a permissibility of 8.5 metre for the site. The applicant has applied for a variation to Clause 4.3 of the QLEP2012 for the 700mm height variance.</p> <p>Applicants reasoning The proposed height allows the occupier to utilise the views to Mount Ainslie and Black Mountain. The contours of the block have made it difficult to site the dwelling and the proposal has mitigated excavation. The top storey is also where majority of the living areas are. They are orientated to the north and together with the proposed height achieve sustainable solar access. The dwelling conforms to the amenity of the area through the use</p>	<p>Yes</p>

QUEANBEYAN LOCAL ENVIRONMENTAL PLAN 2012 COMMENTS	COMPLIES (Yes/No)
<p>of colours, materials and reduced bulk through the design. The height does not create privacy or overshadowing impacts onto adjoining neighbours. The variation to the height is also only for a small portion of the dwelling house.</p> <p>The applicant has argued that the slope of the site does not take into consideration horizontal floors which is unreasonable when determining height. The applicant has also argued the need for a lift for the owners as this will be a retirement home. If the dwelling was split level a lift would not be able to be used.</p> <p>Officer's assessment and recommendation</p> <p>In terms of views as an argument for the height control being unreasonable, this is not a valid planning concern for a raised height. It is agreed however that the increased height will achieve energy efficiency for solar access to the living area located on the second storey.</p> <p>The applicant has also mentioned the need for a lift for the retired owner's and that if a split level design was proposed instead, a lift would not be possible. This Clause allows certain degree of flexibility of controls and this is a reasonable argument.</p> <p>The section of the dwelling house at the highest point is a design element that forms a part of the roof as previously shown in Figure 2. The relative level of the roof is 671 metres (AHD) and measured from the existing natural ground level the maximum height of the bulk of the dwelling house will be approximately 8.3 metres. Of the entire roof approximately 25% of it will be over 8.5 metres, this equates to about 6.5 metres.</p> <p>This portion of the roof is located in the centre of the dwelling. As such overshadowing is highly unlikely to occur onto adjoining properties due to the design. The architect has also taken great consideration into privacy impacts onto adjoining properties. This has been addressed further in Part 3a of this report, however is important to note. Many two storey dwelling designs require privacy mitigation measures however through the assessment of this dwelling, it has been located and designed to ensure living areas do not face into neighbour POS or living areas. The decks have been setback far enough to also levitate any overlooking into POS areas.</p> <p>Finally, the proposal meets the objectives of Clause 4.3 – Height of buildings. It will conform to the streetscape which contains two storey dwellings on high blocks and is modern in design. The reasoning to not support this variation is much less than the reasoning to support it.</p>	
Part 5 Miscellaneous Provisions	
Clause 5.9 Preservation of trees or vegetation	
<p>This clause requires that development consent is obtained for the removal of trees and/or vegetation as prescribed in the Queanbeyan Development Control Plan (QDCP) 2012. The proposed development does require the removal of some vegetation. This vegetation lays more to the centre of the site where the dwelling is proposed to go. The vegetation here is young growth that has sprouted due to the site being vacant for a number of years. The applicant has proposed to retain large significant trees to the rear and as such this Clause is satisfied.</p>	Yes

Clause 5.10 Heritage conservation	
<p>The site is a neighbour of a heritage item being Mount Jerrabomberra. It is local item I6 on Schedule 5 Environmental heritage in the Queanbeyan Local Environmental Plan 2012. The proposal was not sent to Council's Heritage Advisor by following the Heritage Assessment Flow Chart.</p> <p>The site is not identified as containing any Aboriginal object or being an Aboriginal place of heritage significance.</p> <p>The erection of a dwelling house on one of the remaining vacant residential lots within the locality is unlikely to have any adverse impacts on the heritage values of Mount Jerrabomberra. The proposed height has raised concern that the dwelling will detract from the mountain. As such the application was referred to Council's Heritage Advisor who provided the following advice:</p> <p><i>There don't seem to be any heritage issues regarding this development. It is unlikely to have an adverse impact on the reserve and is in proximity to several other fairly large dwellings so is not out of character with its context.</i></p> <p>Under subclause (5) it was determined a heritage management document was not needed through Council's Heritage Assessment Flowchart.</p>	Yes
Clause 5.11 Bush fire hazard reduction	
The application does not involve any bush fire hazard reduction works.	NA
Part 7 Additional Local Provisions	
Clause 7.1 Earthworks	
<p>Earthworks associated with the development are proposed and form part of this application. The objectives of the clause are as follows:</p> <p>(3) <i>Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:</i></p> <ul style="list-style-type: none"> (a) <i>the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</i> (b) <i>the effect of the development on the likely future use or redevelopment of the land,</i> (c) <i>the quality of the fill or the soil to be excavated, or both,</i> (d) <i>the effect of the development on the existing and likely amenity of adjoining properties,</i> (e) <i>the source of any fill material and the destination of any excavated material,</i> (f) <i>the likelihood of disturbing relics,</i> (g) <i>the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</i> (h) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</i> (i) <i>the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</i> <p>The earthworks associated with the subject site are required to be carried out to be able to site the dwelling. The cut proposed is approximately 1.6 metres and fill proposed is approximately 1.5 metres. The cut and fill will not negatively impact the drainage patterns and soil stability of the subject site and the applicant has proposed sediment and erosion controls to ensure this. The sediment and erosion controls provide security on neighbouring properties and minimise any potential effects. The earthworks are unlikely to effect the heritage values of Mount Jerrabomberra.</p>	Yes

<p>There are no waterways or relics within the vicinity of the proposed subject site. This is further discussed under the DCP section of this report.</p>	
<p>Clause 7.2 Flood Planning</p>	
<p>The site is not identified as a 'flood planning area'.</p>	<p>NA</p>
<p>Clause 7.3 Terrestrial biodiversity</p>	
<p>The subject site was researched as part of the Fauna Assessment Report for Land Rezoning Proposal, North Terrace Stage 5 and Jerrabomberra Heights Stage 5 within the original Subdivision Development Application 460-2002. The findings for this showed that the site does contain a <i>Eucalyptus sp.</i> tree that have been identified as high quality. This is proposed to be retained.</p> <p>The applicant proposes to remove three of the five trees on the subject site. These have grown on the site due to it being vacant and are required for removal to site the dwelling-house.</p> <p>The subject site was also identified as a residential use with high conservation value and contained dry forest vegetation in the Queanbeyan Biodiversity Study 2008. The study; however, did not identify any Endangered Ecological Communities.</p>	<p>Yes</p>
<p>Clause 7.4 Riparian land and watercourses</p>	
<p>This clause is not considered relevant to the proposed development as the site is not identified as "Watercourse" on the Riparian Land and Watercourses Map".</p>	<p>NA</p>
<p>Clause 7.5 Scenic protection</p>	
<p>The subject site has been identified as scenic protection. Council must not grant development consent unless:</p> <p>(a) <i>measures will be taken, including in relation to the location and design of the proposed development, to minimise the visual impact of the development on the natural and visual environment of the land, and</i></p> <p>(b) <i>the development will incorporate conservation and rehabilitation measures to preserve the scenic qualities of the land.</i></p> <p>The proposed three storey dwelling house has been designed to sit within the existing landscape. The colours proposed consist of neutral tones including greys and off whites which are in keeping with the bushland character of the area.</p> <p>The dwelling has been sited to ensure its location is best suited to the constraints of the site and has a large front setback of 16.941 metres. Due to the increased front setback the visual impact onto the locality is unlikely to be adverse. The surrounding dwellings have a maximum height of 8.5 metres and the proposed a partial height of 8.8 metres.</p> <p>Three <i>Eucalyptus</i> trees are proposed to be removed however, retention of vegetation and one high quality <i>Eucalyptus</i> tree is shown on proposed landscape plan and tree retention plan.</p>	<p>Yes</p>

Clause 7.6 <i>Airspace operations</i>	
The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. The OLS is 700 for the subject site. Therefore the application was not required to be referred to the relevant Commonwealth body for comment.	NA
Clause 7.7 <i>Development in areas subject to aircraft noise</i>	
This clause is not considered relevant to the proposed development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater.	NA
Clause 7.8 <i>Active street frontages</i>	
This clause is not considered relevant to the proposed development as the site is not identified as "Active street frontage" on the Active Street Frontages Map".	NA
Clause 7.9 <i>Essential services</i>	
Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required: <ul style="list-style-type: none"> (a) <i>the supply of water,</i> (b) <i>the supply of electricity,</i> (c) <i>the disposal and management of sewage,</i> (d) <i>stormwater drainage or on-site conservation,</i> (e) <i>suitable vehicular access.</i> <p>Council's Development Engineer has assessed the proposed development and confirmed that adequate services can be made available to the proposed development. Vehicle access is provided by an existing Vehicle Kerb Crossing and proposed driveway.</p>	Yes
Clause 7.10 <i>Development near Cooma Road Quarry</i>	
This clause is not considered relevant to the proposed development as the site is not identified as "Buffer Area" on the Quarry Buffer Area Map".	NA
Clause 7.11 <i>Development near HMAS Harman</i>	
This clause is not considered relevant to the proposed development as the site is not located within 2 kilometres of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.	NA

Development Control Plan

The Queanbeyan Development Control Plan (DCP) 2012 applies to the development and a summary of the relevant provisions is provided in the following table.

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
<i>Part 1 About This Development Control Plan</i>	
1.8 <i>Public Notification Of A Development Application</i> The development application was notified to adjoining owners and no submissions were received.	Yes

QUEANBEYAN DCP 2012 COMMENTS	COMPLIES (Yes/No)
Part 2 All Zones	
<p>2.2 Car Parking This clause requires dwelling-houses to have 2 car parking spaces. Which have proposed in an attached double garage in accordance with these requirements. The application has been referred to Councils Development Engineer who has found the parking arrangements including access and manoeuvring areas to be satisfactory in this instance.</p>	Yes
<p>2.3 Environmental Management A BASIX and naTHERS certificate have been submitted and the relevant commitments shown on the submitted plans. The proposed development will not result in any significant environmental impacts and is not located within the vicinity of arterial roads, entertainment venues or the like.</p>	Yes
<p>2.4 Contaminated Land Management Refer to SEPP 55 assessment.</p>	Yes
<p>2.5 Flood Management The subject site is not within a flood prone area.</p>	Yes
<p>2.6 Landscaping A landscaping plan prepared by Strine Design was required to be submitted with the application. This is further discussed under Part 5 of this report.</p>	Yes
<p>2.7 Soil, Water and Vegetation Management Plan (SWVM Plans) Standard conditions relating to site management will be imposed should development consent be granted. A soil and erosion plan was submitted as part of this application.</p>	Yes
<p>2.8 Guidelines for Bushfire Prone Areas The site is identified as Bushfire Prone Land. Council's Building Surveyor has assessed this application and determined the site is BAL29 and has imposed conditions for the on-going bushfire management of the site. Submitted plans have also been red amended to reflect that the dwelling must be constructed to BAL29 requirements. Therefore, this control has been satisfied.</p>	Yes - Conditions
<p>2.9 Safe Design The proposed development presents a safe and low risk environment which will reduce the potential for accidents or criminal activity. The dwelling is located on a block facing the primary road on Kavanagh Street. The design of the dwelling has ensured there is exposure by placing large glass windows from living areas facing onto the streetscape allowing passive surveillance from the occupiers. Vegetation surrounding the property is proposed to be removed which will also enhance passive surveillance.</p>	Yes

<p>2.11 Height of Buildings Refer to LEP assessment (Clause 4.3).</p>	<p>Yes</p>
<p>2.13 Preservation of Trees and Vegetation The proposed development does require the removal of native trees. This has been assessed and is discussed in more detail under Clause 5.9 of the QLEP 2012 in this report.</p>	<p>Yes</p>
<p>Part 3A Urban Residential Development</p>	
<p>3.3.1 Vehicular Access and Car Parking</p> <p>Objective</p> <p>1) <i>To ensure adequate car parking and access arrangements appropriate for residential development.</i></p> <p>The proposed dwelling satisfies the objectives of this Clause.</p> <p>Relevant Controls</p> <p>b) <i>Driveways are to be set back sufficiently from side boundaries to allow for effective screen planting along the boundary.</i></p> <p>c) <i>The driveway width itself is to be at least 2.5m wide, with adequate turning area provided to allow for ease of access to garages.</i></p> <p>d) <i>Driveways may need to be splayed, depending on volume and speed of traffic and footpath width. The grade of a driveway is not to exceed 1:5 within the property boundary, with a suitable transition provided to the public road.</i></p> <p>Note: <i>The design of driveways shall comply with the Queanbeyan City Council Engineering standards and specifications.</i></p> <p>Council's Development Engineer has assessed the proposed car parking and access arrangements. The proposed driveway will be constructed of concrete with design elements within it. The design elements have not been specified but this will be marked in red on the site plan and landscape plan to ensure this happens if development consent is granted. Council's Development Engineer has advised that the access and car parking is satisfactory subject to standard conditions of development consent.</p>	<p>Yes</p>
<p>3.5 Consideration of views, shadowing and privacy</p> <p>Objective</p> <p>1) <i>To ensure quality residential development by considering any impacts on views, shadowing and privacy of residents and neighbours.</i></p> <p>The proposed dwelling satisfies the objectives of this Clause.</p> <p>Controls for privacy and noise</p> <p>a) <i>New dwellings should be designed to safeguard privacy and minimise the extent of impact on the outlook of existing or potential dwellings in the proximity.</i></p> <p>b) <i>Direct overlooking of internal living areas of neighbouring dwellings is to be minimised by building layout, location and design of windows and balconies, provision of screening devices and landscaping.</i></p>	<p>Yes</p>

- c) *Two storey dwellings will include design features to minimise potential impacts on privacy and loss of natural light to existing adjoining development*
- e) *The proximity of dwellings to each other and the design of dwellings in terms of their layout, bulk, height and position of openings may have an impact on amenity. Privacy considerations are to be addressed through the careful layout of buildings and the activity which occurs in and around them, e.g. windows/decks to be elevated living areas may cause overlooking and be a source of noise nuisance.*
- f) *Where two storey development creates a privacy intrusion on adjoining single storey development, appropriate measures must be installed to minimise the impact. The measures can include obscured glazing or screening, but there are unlimited options.*

The site adjoins two existing dwellings being 12 and 15 Kavanagh Street.

15 Kavanagh Street



Figure 3: Location of 15 Kavanagh Street

The proposed dwelling on the subject site will have a distance of approximately 10 metres between it and the site at 15 Kavanagh Street. It is important to note that 8 metres of this distance includes a public laneway. The two dwellings will have approximately 20 metres distance between them.

The proposed finished floor level (FFL) of the basement floor of the proposal is 662.6 metres (AHD), the second storey 665.3 metres (AHD) and the third storey 668.2 metres (AHD). The highest FFL of 15 Kavanagh Street 662.89 metres (AHD). This point is also the side that adjoins the proposal. This means that the third storey of the proposal will be approximately 5 metres higher, the second storey will be 2 metres higher and the basement level will be 200mm below the second storey of 15 Kavanagh Street.

The proposal will be setback 8 metres further than 15 Kavanagh Street and the proposed balcony will align with the dining room of 15 Kavanagh Street.

Even so, due to the combination of the height and large distance between the two dwellings, it is unlikely that the proposal will look into dining room of 15 Kavanagh Street and will instead look onto its roof.

The Planning Principal of Sydney City vs Meriton gives a 9 metre minimum distance for direct overlooking. As the two properties will be approximately 20 metres away from each other it is highly unlikely that direct overlooking will be possible.

12 Kavanagh Street



Figure 4: Location of 12 Kavanagh Street

The proposed dwelling on the subject site will have a distance of 2.951 metres between it and the site at 12 Kavanagh Street. The two dwellings will have approximately 9 metres distance between them.

There are no high activity rooms on this side of 12 Kavanagh Street, only a driveway and garage and as such direct overlooking from habitable areas in neighbouring habitable areas is unlikely.

Controls for overshadowing

- d) *Shadow diagrams will be required for all two storey development when necessary showing its impact at 9am, 12 noon and 3pm on 21 June (winter solstice). A minimum of 3 hours of natural light to the private open space and north facing living room windows of adjoining properties is required to be maintained between these hours.*

Shadow diagrams were provided as part of this application. They depict that 15 Kavanagh will not be overshadowed due to the large distance between the two properties and 12 Kavanagh will experience overshadowing at 9am on the winter solstice but this will clear by 12pm.

The proposed dwelling has been designed and sited to ensure that any privacy issues have been minimised. The Meriton vs. Sydney City Council Planning Principle was used in this assessment for the privacy aspect which recommends at least a distance of 9 metres between dwellings which the applicant has achieved.

The architect has also designed the dwelling with bedrooms along the edge of the building and living areas in the centre. This means that living areas do not have the opportunity to look into other living areas of adjoining neighbours.

The level of the site is much higher than the neighbouring property at 15 Kavanagh Street and at a similar level to that at 12 Kavanagh Street. Overshadowing is minimal due to the siting of the proposed dwelling and therefore this control has been satisfied.

Part 4 Heritage and Conservation	
<p>4.6.2 New buildings in the Vicinity of a Heritage Item and/or the Vicinity of a Conservation Area</p> <p>Objectives</p> <p>1) <i>To ensure that new buildings are designed and sited so that they do not have an adverse impact on the heritage item and/or the Conservation Area.</i></p> <p>The proposed dwelling satisfies the objective of this Clause.</p> <p>Relevant Controls</p> <p>a) <i>Development in the vicinity of a heritage item and/or in the vicinity of a conservation area should be preceded by a detailed analysis demonstrating how character, scale, height, form, siting, materials, colour and detailing of the new building have been sympathetically addressed.</i></p> <p>The proposed dwelling will not dominate Mount Jerrabomberra due to the other large dwellings in the area. As such the proposal will not intensify this. The dwelling sits into the landscape and is constructed of natural materials that will complement Mount Jerrabomberra.</p>	Yes
<p>4.6.3 Scale, Proportion and Bulk of New Buildings</p> <p>Objectives</p> <p>1) <i>To ensure that the scale and bulk of new buildings does not adversely impact on a heritage item, park, open space or Conservation Area.</i></p> <p>2) <i>To ensure that the scale and bulk of new buildings does not adversely impact on a heritage item, park, open space or Conservation Area.</i></p> <p>The proposed dwelling satisfies the objectives of this Clause.</p> <p>Relevant Controls</p> <p>a) <i>A new building in the vicinity of a heritage item and/or Conservation Area must not dominate the heritage item by virtue of its height, scale, bulk or proximity and in general will be of a similar height or less than the neighbouring heritage item.</i></p> <p>c) <i>New external brick walls shall show an appropriate change or banding at ground floor and first floor level, or alternatively at approximately window sill height, to assist in reducing the apparent scale of a proposal. Similar changes may be necessary for other surface materials.</i></p> <p>As the heritage item is not structural the proposed dwelling will not exceed the mountains height. The dwelling has been setback more than required and the external façade has been designed to have change in materials from the basement to the ground level.</p>	Yes
<p>4.6.4 Setbacks of New Buildings</p> <p><i>In managing streetscapes it is generally acknowledged that the heritage item should remain the dominant item in the streetscape and that in most instances new buildings should have a greater set back to achieve this goal.</i></p> <p>Objectives</p> <p>1) <i>Ensure the heritage item/s remain the predominant building in the streetscape.</i></p>	

<p>2) <i>Ensure the height, scale or bulk of new buildings does not dominate a heritage item.</i> 3) <i>Retain historic and consistent setback patterns where relevant, such as in certain commercial areas.</i></p> <p>The proposed dwelling satisfies the objectives of this Clause.</p> <p>Controls</p> <p>a) <i>New buildings shall not obstruct important views or vistas to buildings and places of historic and aesthetic significance.</i> b) <i>In residential areas the front setback of the new building should be greater than the adjacent heritage building so that the heritage building remains prominent within the streetscape.</i> c) <i>Side, front and rear setbacks of new buildings shall be increased where new development is higher than the heritage place or likely to have an adverse impact on its character, amenity or setting by virtue of its height, scale or bulk (Figures 20 and 21).</i></p> <p>The proposed dwelling will not obstruct the mountain or its significance. The front setback exceeds its requirements and the side and rear setbacks have been assessed and do not have an adverse impact on the character of the item.</p>	
Part 5 Local Area Provisions	
<p>5.5.1 Clearing of Land</p> <p>Objective</p> <p>1) <i>To minimise the loss of trees and encourage replacement to contribute to the natural tree setting of the area.</i></p> <p>The proposed dwelling satisfies the objectives of this Clause.</p> <p>Controls</p> <p>a) <i>As far as possible trees located to the front and to the rear of a site should be retained and buildings should be located to retain these trees.</i> b) <i>For every tree removed from a site for the construction of a building it should be replaced with either a tree of similar species, or an indigenous plant species which is better suited to the changed circumstances of the site.</i></p> <p>Two Eucalyptus trees in total are proposed to be removed with one to the rear of the site and one towards the front of the site. These trees are relatively young in age and have grown on the site only as it has remained vacant for a number of years. A tree to the rear of the site has been identified as significant as part of the Fauna Assessment Report for Land Rezoning Proposal, North Terrace Stage 5 and Jerrabomberra Heights Stage 5 within the original Subdivision Development Application 460-2002. The applicant has proposed to retain this tree.</p>	Yes
<p>5.5.2 Excavation and Fill, Batters and Retaining Walls</p> <p>Objectives</p> <p>1) <i>To minimise excavation and fill.</i> 2) <i>To encourage building designs on sloping sites that minimise the building footprint and allows the building mass to step down the slope.</i> 3) <i>To minimise the need for retaining walls.</i> 4) <i>To minimise the height of any retaining walls external to the main building(s) on site.</i></p>	Variation

<p>5) <i>To ensure that batters can be maintained and to limit the potential for soil erosion.</i></p> <p>The proposed dwelling satisfies the objectives of this Clause.</p> <p>Controls</p> <p>a) <i>Excavation and fill shall be limited to a maximum of 1.5m. Greater depths may be considered provided they are contained within the building, suitably retained and/or stabilised and are not highly visible from the street. Excavation and fill shall be shown on the development application plans.</i></p> <p>b) <i>Batters are to be limited to a maximum gradient of 1 vertical: 4 horizontal.</i></p> <p>This control has been varied as the site will need 1.6 metres of cut to adequately design the dwelling to fit into the existing landscape. The site was not cut as part of the original subdivision and has been left natural for many years. It is important to note that the neighbouring properties did have more than 1.5 metres of cut which is similar to the cut for the subject site. Due to this the cut of up to 1.6 metres should be supported for the following reasons:</p> <p>Limitation on the control: As the control allows a maximum cut of 1.5 metres this puts constraints on what the design of the dwelling could be. It would be difficult to enable a dwelling to be put on site without the proposed 1.6 metres of cut due to the existing slope and gradient.</p> <p>North Terrace Character: North Terrace is an established residential area with a large proportion of two storey dwellings. Many of the adjoining sites have had similar cut and fill to ensure the dwelling sits within the site. Restricting the cut may mean that the applicant cannot put a two storey dwelling on the site and a single storey dwelling is likely to look out of character for this street.</p> <p>Recommendation: The proposed variation is supported for the following reasons:</p> <ul style="list-style-type: none"> The cut enables a dwelling to be developed on the site, encouraging low density, two storey development in the area and utilising the site. The proposed cut also achieves the objectives of this Clause by ensuring retaining wall heights have been minimised and that the dwelling has been designed to sit within the slope of the site. <p>The greater cut depth has been considered as part of this assessment and is recommended to be supported as per the above reasoning.</p>	
<p>5.5.3 Building Setbacks</p> <p>Objectives</p> <p>1) <i>Ensure the front setback of development is consistent with the existing streetscape.</i></p> <p>2) <i>Provide areas for trees and vegetation to enhance the streetscape and provide privacy.</i></p> <p>The proposed dwelling satisfies the objectives of this Clause.</p> <p>Controls</p> <p>a) <i>Buildings and development to comply with setbacks in following table and figures.</i></p> <p>Front setback: 6.0 metres single storey and pools and 7.5 metres for double storey</p> <p>Rear setback: 4.0 metres for dwelling and no rear setback for outbuildings and pools</p>	<p>Variation</p>

Proposed dwelling

Front setback: 16.914 metres
Rear setback: 3.002 metres – Variation

The proposed front setback meets the requirements of this control.

Applicants Justification: As the rear setback does not run parallel to the front boundary it makes the space difficult to utilise. The dwelling addresses the street frontage due to the placement on the site and northern orientation for the living spaces. The rear site also does not contain a dwelling ensuring there is minimal impact from this variation. The property has been setback as close to the rear as possible to also levitate the dominating impact from the dwelling.

Variation: Due to the shape of the site it has made it difficult to address the rear setback control, this can also be seen by the neighbouring properties who have also varied the rear setback. The applicant has maintained enough private open space and has not created an overdevelopment on the subject site due to this variation. The section of the dwelling encroaching into the rear setback has a length of 2 metres which is 4% of the rear boundary. It is also important to note that the rear neighbour is not a dwelling but is Mount Jerrabomberra ensuring this will not create any overshadowing impacts onto an adjoining dwelling.



Figure 5: Proposed rear setback

Overall the dwelling has been sited as best as possible with the odd shaped block. The variation does not have a negative impact on the rear boundary due to the fact that the encroachment is only 4% of the length of the boundary and is not an encroachment of the whole dwelling.

5.5.4 Height and Bulk

Objectives

- 1) *To limit the height and bulk of buildings so that they do not dominate the streetscape, skyline or landscape.*
- 2) *To ensure that architectural relief is provided for high and large areas of walls.*

The proposed dwelling satisfies the objectives of this Clause.

Controls

Yes

- a) *Foundation height is to be limited to a maximum of 1.5m unless otherwise approved by Council.*
- b) *Any wall in a single vertical plane should not exceed 4m.*
- c) *Designs should demonstrate appropriate composition of building elements, textures, materials, colours and landscaping.*

The foundation height will be similar to the cut mentioned earlier in this report and will be approximately 1 metre in places across the site.

There are no single vertical panes that exceed 4 metres and the design of the dwelling has been done so that it demonstrates suitable building elements, materials and colours (See proposed colours in Clause 5.5.5 below).

5.5.5 Colours

Objectives

- 1) *To encourage the use of tones, colours and materials for buildings compatible with the natural scenic qualities of the locality.*

The proposed dwelling satisfies the objective of this Clause.

Control

- a) *For development within scenic protection areas (or where any part of a site is within a scenic protection area), colours and tones of the external walls and roof of each building are to be in accordance with Council’s approved colour chart. The chart can be viewed at the Sustainability and Better Living Section of Council.*

The proposed colours have been chosen to suit the scenic protection area and surrounding bushland character of Jerrabomberra Heights. The proposed colours are on Council’s approved colour chart for the dwelling and are shown below:

Yes



Figure 6: Proposed colours

<p>5.5.7 Building Site Coverage in Scenic Protection Areas</p> <p>Objectives</p> <ol style="list-style-type: none"> 1) <i>To provide a degree of consistency for existing residents as to the size and bulk of potential buildings in their neighbourhood.</i> 2) <i>To allow buildings of sufficient scale to satisfy the needs of residents while preventing development of sites beyond community expectations and the environmental capacity of the zone.</i> <p>The proposed dwelling satisfies the objective of this Clause.</p> <p>Controls</p> <ol style="list-style-type: none"> a) <i>The maximum site coverage permitted is:</i> <ol style="list-style-type: none"> i) <i>800m² on allotments greater than 3000m²</i> ii) <i>600m² where the site is between 1200m² and 3000m²</i> iii) <i>50% of the site area on allotments less than 1200m²</i> <p>The subject site is 1146m² and therefore the site coverage can be no more than 50% of the site area which equates to 573m². The site coverage for the proposed dwelling is 254m²; or 45% of the site, therefore, this control has been satisfied.</p>	<p>Yes</p>
<p>5.5.8 Landscaping in Scenic Protection Area</p> <p>Objectives</p> <ol style="list-style-type: none"> 1) <i>To ensure opportunities for significant tree retention and native tree planting to preserve and enhance the tree canopy of scenic areas.</i> 2) <i>To ensure that unbuilt upon areas balance the built form.</i> 3) <i>To contain urban runoff flows by minimising the impervious areas on residential development sites.</i> <p>The proposed dwelling generally satisfies the objectives of this objectives.</p> <p>Controls</p> <ol style="list-style-type: none"> a) <i>The minimum area of private landscaped open space is 65% of the site area except on allotments of an area less than 2,500m² where the minimum landscaped open space is 50% of the site area.</i> b) <i>To measure an area of private landscaped open space:</i> <ol style="list-style-type: none"> i) <i>impervious surfaces such as driveways, roofed areas, the area of tennis court hardstand areas in excess of 545m², car parking, stormwater structures, decks and the like are excluded from the landscaped open space area;</i> ii) <i>the water surface of uncovered swimming pools and impervious surfaces which occur naturally such as rock outcrops are included in the landscaped open space area; and</i> iii) <i>landscaped open space must be at ground level.</i> <p>The landscaped area of the subject site is required to be 50% of the area. The proposed landscaping has an area of 901m² and is 78% of the site area with the driveway as it is 169m² which meets control b. i; therefore this control has been met.</p>	<p>Yes</p>

Additional Planning Considerations

The following additional planning matters apply to the development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
Environmental Planning and Assessment Act Regulation 2000	
<p><i>The provisions of any matters prescribed by the Regulations, which apply to the land to which the development application relates, must be considered.</i></p> <p><i>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures).</i> <i>Clause 93 - Fire Safety Considerations (change of use of an existing building).</i> <i>Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building).</i> <i>Clause 94A Fire Safety Considerations (temporary structures).</i></p>	Yes
The Likely Impacts of the Development	
<p><i>Context and Setting</i> - The development will have a minimal impact on the scenic qualities and features of the landscape including views and vistas and is compatible with the surrounding residential character and amenity of the locality. There will be minimal impact on adjacent properties in relation to overshadowing and privacy.</p>	Yes
<p><i>Access, Transport and Traffic</i> - The proposed development's impact in relation to access, transport and traffic is considered to be acceptable. The matters relating to parking and access have been previously addressed under Part 2 of the QDCP 2012.</p>	Yes
<p><i>Public Domain</i> - The proposed development will not adversely impact on public recreational opportunities, pedestrian links or access to public space.</p>	Yes
<p><i>Utilities</i> - The site is able to be serviced with water, sewer, electricity and telecommunication services.</p>	Yes
<p><i>Heritage</i> - The proposed development will have a minimal impact in relation to heritage. The site is adjacent to a heritage item and this has been addressed under Queanbeyan Local Environmental Plan 2012 and Part 4 of the Queanbeyan Development Control Plan 2012 in this report.</p>	Yes
<p><i>Other Land Resources</i> - The proposed development will not affect the future use or conservation of valuable land resources such as: productive agricultural land; mineral and extractive resources; and water supply catchments.</p>	Yes
<p><i>Water</i> - The proposed development will have minimal impact on the conservation of water resources and the water cycle.</p>	Yes
	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Soils</i> - The proposed development will have minimal adverse impact on soil conservation. The soils are suitable for the development.	
<i>Air and Microclimate</i> - The proposed development will have minimal impact on air quality and microclimatic conditions and will be conditions to prevent air pollution such as dust where required.	Yes
<i>Flora and Fauna</i> - 8 point test from Threatened Species Act to be completed where relevant) The proposed development will have a minimal impact in relation to the maintenance of biodiversity in the area. There are no known listings of critical habitat, threatened or endangered species, populations, ecological communities or their habitats on or in close proximity to the site.	Yes
<i>Waste</i> - adequate waste facilities are available for the proposed development.	Yes
<i>Energy</i> - a BASIX certificate has been submitted with the proposal.	Yes
<i>Noise and Vibration</i> - The proposed development is not likely to cause any adverse ongoing impact from noise or vibration.	Yes
<i>Natural Hazards</i> – Bushfire management has been addressed under Part 2 of the QDCP 2012.	Yes
<i>Technological Hazards</i> - No technological hazards are known to affect the site.	Yes
<i>Safety, Security and Crime Prevention</i> - The proposed development complies with the relevant section of the QDCP 2012 on crime prevention through environmental design.	Yes
<i>Social Impact in the Locality</i> - The social impacts of the proposal are anticipated to be minimal.	Yes
<i>Economic Impact in the Locality</i> - The economic impacts of the proposal are anticipated to be minimal.	Yes
<i>Site Design and Internal Design</i> - The site design and internal design of the development has been assessed under the QDCP 2012. The proposed design is considered to be satisfactory.	Yes
<i>Construction</i> - The construction stage of the proposed development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval will be conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and their occupants and the environment by way of noise, erosion and the like. These conditions are standard Council conditions of development consent.	Yes

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Cumulative Impacts</i> - Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered unlikely that the proposed development will result in adverse cumulative impact.	Yes
<i>The Suitability of the Site for the Development</i>	
<i>Does the proposal fit in the locality?</i> - The proposal is considered to be compatible with its site and general locality.	Yes
<i>Are the site attributes conducive to development?</i> – Site attributes such as configuration, size and slope, are considered to be generally conducive to the proposed development.	Yes
<i>Have any submissions been made in accordance with the Act or the Regulations?</i>	
<i>Public Submissions</i> - The application was required to be notified. No submissions were received during the notification period.	Yes
<i>Submissions from Public Authorities</i> - No referrals to public authorities were required for the subject application.	Yes
<i>The Public Interest</i>	
It is considered that the public interest will not be adversely affected by the proposed development. Standard conditions will be imposed to ensure minimal impacts to surrounding properties.	Yes
<i>Government and Community Interests</i>	
It is considered that government and community interests will not be adversely affected by the proposed development.	Yes
<i>Section 94 Development Contributions</i>	
<i>Section 94 & 64 Contributions</i> Not applicable.	NA

QUEANBEYAN-PALERANG REGIONAL COUNCIL

Council Meeting Attachment

27 SEPTEMBER 2017

ITEM 8.1 DEVELOPMENT APPLICATION 248-2017 - 14 KAVANAGH
 CLOSE - ERECTION OF A THREE STOREY DWELLING
 HOUSE

ATTACHMENT 3 14 KAVANAGH STREET - DRAFT CONDITIONS - DA 248-2017

PRIOR TO COMMENCEMENT

1. CONSTRUCTION CERTIFICATE (BUILDING) TO BE ISSUED
The erection of a building in accordance with the development consent must not be commenced until a Construction Certificate has been issued by Council or an Accredited Certifier.

REASON: To satisfy the requirements of Section 81A of the Environmental Planning and Assessment Act 1979. **(57.03)**

2. SUBMIT NOTICE OF COMMENCEMENT OF BUILDING WORK
A Principal Certifying Authority for the building work must be appointed and the Principal Certifying Authority must, no later than two days before the building works commences, notify Council of his or her appointment.

REASON: To satisfy the requirements of Section 81A of the Environmental Planning and Assessment Act 1979. **(57.04)**

3. ERECT A SIGN FOR ANY DEVELOPMENT WORKS
A sign must be erected and maintained in a prominent position on any site on which building work is being carried out;
 - (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work.**
 - (b) Showing the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours.**
 - (c) Stating that unauthorised entry to the work site is prohibited.**

REASON: To satisfy the provisions of Clause 136B and 227A of the Environmental Planning and Assessment Regulation 2000. **(57.08)**

4. PROVIDE WORKERS TOILET FACILITIES
Adequate toilet facilities for workers must be provided at or in the vicinity of the work site.

REASON: To provide suitable and hygienic toilet facilities for use by people visiting or working on the site. **(57.09)**

SITE MANAGEMENT DURING DEMOLITION AND CONSTRUCTION

5. PROVIDE WASTE STORAGE RECEPTACLE
A waste receptacle must be placed on the site for the storage of waste materials.

REASON: To prevent pollution of surrounding areas. **(58.02)**

6. INSTALL EROSION AND SEDIMENT CONTROLS
Erosion and sediment controls must be installed on the site and maintained during the construction period.

REASON: To prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land. **(58.03)**

7. HOURS OF OPERATION FOR WORKS

All works associated with the construction of this development must be carried out between the following hours:

Weekdays:	7.00am to 6.00pm
Saturdays:	8.00am to 4.00pm
Sundays and Public Holidays:	NIL

REASON: To reduce the chance of offensive noise being created and to minimise the impacts of the development in its locality. **(58.04)**

8. WORK ON ADJOINING LAND IS LIMITED

The verge and other adjoining lands must not be used for storage of materials or disturbed by construction activities except for:

- (a) Installation of a temporary, stabilised construction access across the verge.**
- (b) Installation of services.**
- (c) Construction of an approved permanent verge crossing.**

REASON: To minimise interference with the verge and its accessibility by pedestrians. **(58.05)**

9. REPAIR DAMAGED PUBLIC PROPERTY

All damage caused to public property during the establishment of the development must be repaired or reinstated prior to the issue of any Occupation Certificate.

REASON: To ensure that all public property in the vicinity of the development is maintained in its pre-development condition. **(58.06)**

10. TEMPORARY VEHICLE ACCESS

Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.

REASON: To minimise transfer of soil from the site onto the road pavement. **(58.08)**

GENERAL CONDITIONS

11. IN ACCORDANCE WITH THE APPROVED PLANS

The development must be carried out generally in accordance with all of the documents accompanying the development application and with the plans

bearing the Council approval stamp, and any amended plans approved under subsequent modification(s) to the development consent, except where varied by notations made in red ink by Council or conditions of approval.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

REASON: To ensure the development is completed in accordance with the approved plans and the development consent. **(59.02)**

BUILDING

12. **COMPLY WITH THE BUILDING CODE OF AUSTRALIA**
All building work must be carried out in accordance with the requirements of the Building Code of Australia.

REASON: This is a prescribed condition under the provisions of clause 98 of the Environmental Planning and Assessment Regulation 2000. **(60.02)**

13. **HOME BUILDING ACT REQUIRMENTS**
Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the council) has given Council written notice of the following information:
- (a) In the case of work for which a principal contractor is required to be appointed:**
 - (i) The name and licence number of the principal contractor.**
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act.**
 - (b) In the case of work to be done by an owner-builder:**
 - (i) The name of the owner-builder.**
 - (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.**

REASON: This is a prescribed condition under the provisions of clause 98B of the Environmental Planning and Assessment Regulation 2000. **(60.03)**

14. **PROTECT NEIGHBOURS FROM DAMAGE DUE TO EXCAVATION**
When any excavation involved in this development extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of this development consent must, at the person's own expense;
- (a) Protect and support the adjoining premises from possible damage from the excavation.**
 - (b) Where necessary, underpin the adjoining premises to prevent such damage.**

REASON: This is a prescribed condition under the provisions of clause 98E of the Environmental Planning and Assessment Regulation 2000. **(60.04)**

15. SUBMIT SURVEY PLAN SHOWING BOUNDARY SETBACKS AND FLOOR LEVELS
The building must be set out by a Registered Surveyor in accordance with the datum shown on the approved plans. A survey plan that identifies the location of the building in relation to the allotment boundaries and the height of the finished ground floor must be prepared by a Registered Surveyor upon completion of the ground floor and then submitted to the Principal Certifying Authority.

REASON: To ensure the building is sited and constructed in accordance with the approved plans. **(60.09)**

16. RETAINING WALL/S
All excavations, backfilling and other activities associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. Excavations or fill extending to within 1 metre of boundary must be supported by retaining wall/s.

Retaining wall/s that exceed 1 metre in height are required to be certified by a structural engineer.

Note: If a retaining wall will exceed 1.5 metres in height or will be located within an easement a separate development consent must be obtained prior to construction.

REASON: To ensure that excavated areas are adequately retained. **(60.17)**

17. BUSHFIRE CONSTRUCTION REQUIREMENTS FOR EXTERNAL TIMBER
All external timber used in the development must be bushfire-resisting timber species as identified within AS3959-2009 Appendix F.

REASON: To ensure that the building is designed and constructed to withstand the potential impacts of bushfire attack. **(60.15)**

18. BUSHFIRE CONSTRUCTION REQUIREMENTS
New construction must comply with the following:
- (a) The new construction to the southern elevation shall comply with Section 3 and 7 (BAL 29) Australian Standard 3959 - 2009 "Construction of Buildings in Bush Fire Prone Areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection and,**
 - (b) The new construction to the northern, eastern and western elevation shall comply with Section 3 and 6 (BAL 19) Australian Standard 3959 - 2009 "Construction of Buildings in Bush Fire Prone Areas" and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection and,**
 - (c) Roller doors, tilt-a-doors and other similar doors must be sealed to prevent the entry of embers into the building and,**
 - (d) Guttering and roof valleys must be screened to prevent the build up of flammable material. Screening materials must be non-combustible.**

REASON: To ensure that the building is designed and constructed to minimise the potential impacts of bushfire attack. **(60.16)**

CARPARKING AND ACCESS

19. DRIVEWAY CONSTRUCTED OVER THE VERGE
The development must include the construction of one (1) residential type driveway over the verge at the location shown on the approved plans.

A driveway application form must be submitted to and approved by Council prior to the commencement of driveway works.

REASON: To ensure satisfactory construction of a driveway over the verge. **(66.02)**

20. DRIVEWAY APPLICATION FORM
A driveway application form must be submitted to and approved by Council prior to commencement of driveway works and construction of the driveway across Council's footway area must be undertaken by a Council approved contractor, at no cost to the Council.

REASON: To ensure the construction of the driveway on public land meets Council's requirements. **(66.10)**

21. DRIVEWAY LOCATION FROM WATER METER
The driveway within the property must maintain a clearance not less than half a metre from the water service or the water service must be relocated by Council at no cost to Council.

REASON: To ensure such service is not damaged by vehicle movements. **(66.12)**

SAFER BY DESIGN

22. STREET NUMBERING
The property must be clearly identified by a street number. The property address is 14 Kavanagh Street.

REASON: To ensure that buildings are clearly identified. **(71.04)**

LANDSCAPING

23. BUSHFIRE LANDSCAPING REQUIREMENTS
Landscaping to the site must comply with the principles of Appendix 5 of *Planning for Bush Fire Protection 2006*.

REASON: To minimise the risk of bushfire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. **(73.10)**

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

24. OBTAIN OCCUPATION CERTIFICATE BEFORE OCCUPATION
Occupation or use of whole or part of the building must not commence unless an Occupation Certificate has been issued in relation to the building or part.

REASON: To satisfy the provisions of Section 109M of the Environmental Planning and Assessment Act 1979. **(78.02)**

25. COMPLY WITH BASIX CERTIFICATE
The development must be constructed in compliance with the NSW BASIX Certificate issued on 16 June 2017 and numbered 828079S.

REASON: To ensure compliance with the requirements of the NSW BASIX certification process. **(78.04)**

26. INSTALLATION OF WATER METERS
Prior to the issue of any Occupation Certificate the 20mm water meter issued to the property shall be installed at no cost to the Council and the completed installation inspected and approved by Council as the Water and Sewer Authority.

The meter must be located in an easily accessible position at or near the property boundary, or other accessible position approved by Council.

REASON: To ensure that an appropriate metered water supply is available for the development and to ensure that the meter can be easily read and maintained by Council. **(78.25)**

PLUMBING AND DRAINAGE

27. PLUMBING AND DRAINAGE INSTALLATION REGULATIONS
Plumbing and drainage work must be carried out in accordance with the requirements of the Local Government (General) Regulation 2005, the Plumbing and Drainage Act 2011 and Regulations under that Act and with the Plumbing Code of Australia. Such work must be carried out by a person licensed by the NSW Department of Fair Trading.

REASON: This is a mandatory condition under the provisions of the Local Government (General) Regulation 2005. **(80.02)**

28. INSPECTION OF PLUMBING AND DRAINAGE
Plumbing and Drainage must be inspected by Council at the relevant stages of construction in accordance with Council's inspection schedule.

REASON: To ensure compliance with the inspection requirements of Plumbing and Drainage Regulation 2012 and Council's inspection schedule. **(80.03)**

29. FLOOR LEVEL TO BE 150mm ABOVE YARD GULLY

The floor level of areas with fixtures connected to sewer must be at least 150mm above overflow level of the yard gully and surface water must be prevented from entering the yard gully.

REASON: To ensure any sewage surcharges occur outside the building and to prevent surface water from entering the sewerage system. **(80.05)**

30. HEATED WATER NOT TO EXCEED 50 DEGREES C
All new heated water installations, must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 50° Celsius.

REASON: To prevent accidental scalding. **(80.07)**

31. STORMWATER DISPOSAL REQUIREMENTS
All stormwater from buildings, hardstand areas and the driveway on the site must be disposed of by a connection to the existing stormwater system.

REASON: To provide a satisfactory standard of stormwater disposal. **(80.11)**

32. INSULATE HEATED AND COLD WATER SERVICE PIPES
Heated and cold water service pipes installed in the following areas of the building must be insulated in accordance with the requirements of AS 3500: Plumbing and Drainage:
- (a) unheated roof spaces**
 - (b) locations near windows, ventilators and external doors where cold draughts are likely to occur**
 - (c) locations in contact with cold surfaces such as metal roof and external metal cladding materials.**

REASON: To prevent the water service being damaged by water freezing within the pipes due to local climatic conditions. **(80.12)**

SOLID FUEL HEATERS

33. INSTALLATION OF HEATER TO COMPLY WITH THE BCA
The heating appliance and its associated components must be installed in accordance with the provisions of Part 3.7.3 of the Building Code of Australia.

REASON: To reduce the likelihood of fire spreading beyond the appliance and of smoke from the appliance entering the building. **(64.02)**

Note:

The Building Code of Australia provides for options for the installation of the heating appliance, hearth and flue including deemed-to-satisfy provisions under the Code and in accordance with testing conducted under AS/NZS 2918 "Domestic solid fuel burning appliances – installation".

34. INSPECT HEATER BEFORE IT IS USED
Council must inspect and approve the installation of the heating appliance and associated components prior to them being used.

REASON: To ensure the heating appliance has been correctly installed before it is lit and used. **(64.04)**

35. PROVIDE RAIN EXCLUDER TO FLUE
The heating appliance flue must terminate with a concentric shroud rain excluder or other approved vertical discharge cowl.

REASON: To ensure the vertical discharge of flue gases so as to minimise smoke nuisance to neighbours, to maintain efficient operation of the appliance and to avoid the build up of dangerous and flammable materials in the flue. **(64.03)**